

RIGHT TO LIFE AT PERIL IN INDIA

By

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Introduction:

Life is a gift of nature, not commanded by any other living-creature. Right to life enshrined in Article 21, means sometimes more than survival or animal existence. It would include the right to live with human dignity.

This universe to composed of five elements called PANCHANBOOTHAMULU namely soil, water, air, sky and fire. These five elements of not carry any caste or religion since existence to till today. Human-body is also composed of the very five elements. Why caste and religion have been attributed to human body?

Man is a highly evolved intellectual organism in the animal kingdom. Man became civilized and culturally advanced with permanent settlement from wandering Nomadic life. In an uncivilized state, man worshipped natural forces believing them to be the causation factor for rainfall, cold and sunshine. Life Originated for the first time in water and ascended to land for breeding, ANADROMOUS and later descended to water for breeding, CATADROMOUS. The multi cellular complex organisms evolved from simple unicellular organisms during the process of organic evolution as explained by propounders of theories of evolution like Charles Darvin, Oparin, LAMARK, Hugo-Devries *etc.*, Civilizations Originated on the banks of rivers where the water was an essential ingredient for cultivation and human survival.

There is a controversy as to judge whether Greek civilization is the oldest or Indus valley civilization. Nature made the

man and mind to control the activities. Human-body can be generated by stem-cell culture, but human mind cannot be set-up by human-effort. It is a gift of nature. The cosmic energy pervading all the living creature is unique, eternal, boundless and everlasting.

Religion has grown out of human-imagination whereas scientific advancement has resulted by human effort which has proofs. Religion has fragmented human-race into classes, sects, castes and sub-castes. Science never discriminates human-race. It urges the structure, metabolism of all humans are same. Man is a selfish social animal who cultivates religion internally and science externally. There is no consistency between preachings and practices.

India is invaded by the Aryans, Mohammedans and British. Every invader tried to implement strictly his own fundamentalism with Contempt for other religions. Xenophobia was the order of the day. Atheists were beheaded and some were Ostracized during Hindu and Muslim rule in India. Only the British tried to promote religious tolerance in India.

India is a multi-cultural, multi-ethnic, multi-racial, multy-lingual, multi-regional, multi-caseteistic state having unity in diversity. India is a not a nation but a confluence of nations. British declared independence on 15 Aug 1947 to India.

In fact, India is not liberated from oppression and suppression from internal Land-lords and external colonials. Only administrative power was transferred from the hands of White-Lords into the hands of

Black-lords. The father of the Indian nation enunciated that another struggle would have to be launched against social and economic evils to establish social and economic equality among the inhabitants of India.

India adopted constitutional Government to rule its subjects and to bring about economic development which was ruined during British rule by five-year plans. Our constitution is an Amalgamation of essence of many ALIEN constitutions. We have an enacted, written, flexible, Quasi-federal constitution in force. The Architect of the Indian constitution, Dr. B.R. Ambedkar, has said that the constitution is a temple which he constructed in which he tried to install the idol of god. Before he could do it, it is occupied by the devils. In fact, the provisions of the Indian constitution are merely remaining on papers and we have utterly failed in implementing them in practice. The main obstacles for the Implementation of the constitution and its provision are: the theory of Karma; Caste System; Joint-Family; Hero-Worship; Superstitions *etc.*, caste is more powerful than religion in India. It has such a power that it will chase the human-race from womb to the tomb. The slaughtering of Dalits by the uppercastes which occurred in TSUNDURU, KARAMCHEDU in Andhrapradesh; the Genocide on Dalits in Bihar the Genocide on Dalits in MALEGOAN in Maharashtra; the immolation of GRAHAM STANLEY and his children by Hindu fundamentalists in Odisha which are live evidences in independent, patriarchal, caste-ridden India. Absolute literacy besides economic potency is required for majority working classes to acquire the reins of administration in India.

India has 45 crore population when it unfurled tri-color flag from the ramparts of Red-fort on 15 August, 1947. Now the population explosion has crossed 125 crores. India's population along with China's population would constitute half of the world's population. 90% of Indian population

comprised of working classes who are not holding even 10% of assets despite their continuous execution of labor in all walks of lives from dawn to dusk by the expense of their body and mind-power. They couldn't find dry bread and butter unless all the members of the family work for a day whereas 10% of the capitalists, land-lords, industrialists who constitute a fraction of India's population are holding 90% of movable and immovable assets by the execution of mental labor of a single individual while all the other members in a family are eating and mating since times immemorial. The body frame-work of the working classes got degenerated and turned pale due to exposure to cold, rainfall and sun-shine which couldn't fetch them any assets for their future generation whereas the body frame-work of the cream of the society is confined to air-conditioned glass-houses which fetched them innumerable assets at the cost of their skin, muscles *etc.*

The upper castes are deriving their livelihood at the cost of working classes abrogating their rights to life guaranteed by the Indian constitution. The provisions of the Indian constitution and India penal code are not implemented in letter and spirit in India, but MANU'S code is enforced in India by the fanatics. MANU'S tree has got its tentacles stretched into deeper layers of Indian society to such an extent that it is not uprooted even after 63 years of independence.

MANU has made the Indian society in a such a way that a non-Brahmin is not permitted to get educationally enlightened and perform any ritual or ceremony or obsequies without consulting a Brahmin from womb to the tomb. India caste system has no scientific basement and is unobvious and is merely based on imagination of lethargic citizens like Valmiki, Vedavyas (monks) who have contributed fictitious works like Ramayana, Mahabharatha, Puranas, Upanishads, Vedangas and Vedas which are believed by many today to be having hymns

and charms, when recited which could generate energy with which the exponent can control five elements of nature.

In fact, the CLAIROVOYANCE possessed by the lazy monks is beyond proof and the origin of VICE-REGENT is also beyond proof. The rapid progress in science and technology by human efforts brought the whole world into a small room which can be witnessed on INTERNET. The reciting of Mantra, tantra or prayer cannot generate energy as revealed in ancient scriptures and it cannot transform human lives. The world history which has land mark events like contribution of human anatomy by Henry Gray; Theory of evolution by Charles Darwin; Communist manifesto by Karl-Marx paved the way for not description of lives of humans, but for theories and practical methods for transformation of human-lives for better-living upholding human dignity, self-respect and self-reliance.

Article 21 of the Indian constitution guarantees right to life. The citizens should not be denied the opportunity, liberty, environment, education, employment on grounds of caste, creed, religion, language, region, colour. The aggrieved citizen can throng the doors of the guardians, supreme and High Courts, for the re-dressal of his grievance and relief even at mid-night when the right to life is violated either by the executive or its agents.

It is the duty of the state to maintain ecological balance, communal harmony, to enable a citizen to survive in any corner of India or abroad. Indian constitution is a part of public international Law and *vice-versa*. The U.N.O has upheld the right to life in many international conventions. The in-law and out-law have the right to life unless it is kept in suspense by the established law approved by International Humanitarian law. Even the life-convicts have certain rights to undergo transformation during imprisonment to lead respectful life after their release from prison.

Offence against environment is offence against humans. Deforestation, rapid industrialization, urbanization, un-controlled mineral exploration, noise pollution, air pollution, excavation of sand from river-bed, water pollution, radio active pollution, setting up of economic special zones, industrial corridors. Atomic and nuclear power plants would prove to be havoc to human existence. The state is trying to cater to the needs to growing population with out anticipating future disasters which occurred in America, Russia and Japan.

The renewable, non-renewable natural resources are to be preserved for the coming generations by the present human beings by sacrificing the present consumption to maintain ecological balance so as to prevent and control global warming and green-house effect.

Since the Supreme Court is the guardian of the Indian constitution, it has to interpret the constitution in a scientific way on the basis of MARXIST Jurisprudence in order to preserve the right to life, to maintain secular fabric so that justice is not defeated. India is a democracy, welfare state and secular and all the citizens should be represented in all organs of democracy in equal proportion. The reservations should be continued in education, employment politics for under-privileged due to economic equalities which are still existing in India.

The social and economic evils like Untouchablity, Casteism, Nepotism, Red-Rapism, Dowry, Prostitution, Corruption, Fanaticism, Fundamentalism, Chauvinism, Terrorism, Naxalism, Polygamy, Alcholism are prevailing in India even after rapid advancement in science and technology which paved the way for invasion into space, outer space by Astronauts and Cosmonauts. The bridge between the haves and have's and have not's is widened in India even in post-globalization period. 75% of population living in villages have no proper sanitation, electricity

agricultural credit mechanized agricultural inputs, support price for harvest due to which the agrarian folk is moving to cities causing agglomeration so as to find placement in unorganized sectors like Brick-Kiln's industries, construction industries, ceramic, glass industries, hotels and waste paper and scrap gathering occupations.

The new economic polity and structural adjustment programme in Indian economy; the implementation of liberalization, globalization and privatization in India at the behest of world bank and I.M.F have proved to be bane to Indians. The top status of India's organizational hierarchy in economy is occupied by minority upper casts having absolute literacy and economic potency whereas the majority working classes are inhibited from crossing the barrier to reach the upper strata of political and economic system.

The nature promotes mind-power and muscle-power differently in different individuals on the basis of nutrition, environment, customs, traditions, occupations, profession, education, genetic make-up in blood, instruction and physical exercises. The well trained mind cannot mould his muscles and bones to manual labour, and, similarly, the well built muscular body cannot be moulded to education. The physical, moral, sexual exploitation at working places is evident in all periods of world history.

The highly educated intellectuals are paid high remuneration for their white-collared jobs whereas the highly muscular-bodied people are paid low-wages for their manual labour. Mind-power is not equated with muscle-power. However, mind-power cannot exist without any help from muscle-power and *vice-versa i.e.*, inter-dependant. Indian constitution aims at establishment of equality by democratic socialist pattern. Socialism followed by communism alone can nationalize the natural and human resources by the promotion of programmes like family planning, alleviation of poverty, eradication

of illiteracy, exploration of natural resources by human resources, generation of employment, increase in production, maintenance of medical standards like health and hygiene, increase in national and per-capita income by international trade so as to maintain tranquility across the globe to prevent wars and tensions. The dual policy of promotion of scientific investigation and cultivation of fundamentalism should be discontinued. The trillions of rupees granted for investigations in Bio-technology, nanotechnology, genetic-engineering should become a boon to the growing population who are dying of starvation.

The economic development of India should be brought about by the collective participation of majority population by reducing the budget allocation to police and defence. Long-term projects should be launched along with short-term schemes to provide basic amenities to the common man. The under privileged sections like Backward-classes, scheduled castes, scheduled tribes, minorities, who account for 90% of the total population cannot be immediately accommodated in a global competitive capitalist type of market economy unless they undergo rigorous training for a long term to achieve genetic transformation to develop technical and artistic skill to meet the standards expected by the capitalist global economy which is dominated by the cream of the society which account for 10% of total population, who are trying to preserve their clan, blood and assets.

Conclusion:

The economic reforms implemented in India would throw the 70% of population on to the streets for begging. They may turn to extremism to eke out their living at gun-point. Economic development without social justice leads to chaos. Economic growth cannot be achieved and social equality cannot be established unless caste system and religion are abolished. As long as the caste

system, religious fundamentalism, customs, traditions, superstitions exist in India, extremism would be multiplied and the end would justify the things.

Words:

1. Panchabhoothamulu = The term was coined for the first time by a Greek-philosopher democritus
2. Nomadic = Feeding on raw flesh of grazing animals.
3. Anadramous = Sea-living animals ascend to land for re-production.

4. Catadramous = Land living animals descend to water for re-production.
5. Contempt = Hatred, disobey
6. Xenophobia = Hatred toward other religions and customs
7. Behead = To cut head from trunk
8. Ostracize = To banish
9. Confluence = Flowing together
10. Oppression = Slavery
11. Suppression = To inhibit
12. Alien = Foreign
13. Inhabitants = Residents, aborigines

PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT, 2005 — A SIGNIFICANT LEGISLATION IN COMBATING DOMESTIC VIOLENCE

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The family is often equated with sanctuary a place where individuals seek love, safety, security and shelter but the evidence shows otherwise. Women are often in great danger in the place where they should be safest within their families. For many 'home' is the place where they face a regime of terror and violence at the hands of somebody close to them, somebody they should be able to trust. Those victimized suffer physically and psychologically in the hands of an intimate partner and often family members mostly in the invisible form which is known as domestic violence.

Violence against women takes various forms as a result of contradictions created by age old patriarchal values and domestic violence is one of the forms of violence against women. It is one of the most pervasive of human rights violations denying women's right to life and personal liberty, equality, security, dignity, self respect and their right to enjoy fundamental freedoms. The women suffering domestic violence within the shared household where she lives is

obviously left out without any protection till recently and now this vacuum was filled by the Protection of Women from Domestic Violence Act, 2005 a significant legislation in combating domestic violence.

The object of the PWDV Act is to provide for more effective protection of the rights guaranteed under the Constitution to women who are victims of violence of any kind occurring within the family. The Act provides the aggrieved women an alternative avenue whereby she can institute proceedings herself against violence in the family without being deprived of the basic necessities of life and without disintegrating her family.

Definitions under the Act

Under the Act, an aggrieved person or a protection officer appointed under the Act or any other person can present an application to the Magistrate seeking one or more reliefs provided under the Act. The term "aggrieved person" means any women,