

**[Social Watch Group] Attack on Advocate Prashant Bhushan must be squarely and unequivocally condemned, without using any diluting ‘if’ or ‘but’**

**FROM:** Chitta Behera

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**Attack on Advocate Prashant Bhushan must be squarely and unequivocally condemned, without using any diluting ‘if’ or ‘but’**

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Though most of parties, civil society groups and rights activists have condemned the brutal attack on senior advocate Prashant Bhushan, an overwhelming majority of them including Congress at one extreme and RSS at another have carefully chosen to dilute the tenor of their condemnation by adding an uncalled-for qualifying proviso to their respective statements. The said proviso, though differently worded by different groups, says that Mr.Prashant Bhushan shouldn't have spoken on the Kashmir issue the way he did a few days prior to the tragic incident. It was disturbing to notice that such commentators were overly concerned with the Kashmir issue at the moment, and not with the dirty violence perpetrated on Prashant Bhushan in his chamber in the premises of Supreme Court. It seemed, as if a plebiscite was being undertaken right under their nose in mainland India at that point of time and each of them asked to convey their opinion in the public domain for solving the much tangled Kashmir issue once and for all. On another plane it appeared as if Mr.Prashant Bhushan being the President or Prime Minister of India issued some unacceptable statement which if not shouted down instantly would plunge the whole nation into an irretrievable loss or ignominy. As a matter of fact, nothing of the sort happened. Mr.Bhushan in capacity of a citizen of India expressed certain views on Kashmir, which may not be acceptable to the Government, most political parties or quite many social outfits. But as guaranteed by his fundamental right to freedom of speech and expression under Article 19(1) of the Constitution, Mr.Bhushan or for that matter any citizen of the country is absolutely entitled to air his/her views on any matter if not explicitly subject to reasonable restrictions on the exercise of the said right to freedom as may be required under Article 19 (2) of the Constitution. Has the Government, legislature or judiciary of the country ever imposed any such restriction on the citizens' freedom of expression in respect of Kashmir issue? To our knowledge no and never ever. Then, the moot question arises, as the moment for squarely condemning a physical attack on a citizen's freedom of expression comes, why should one dilute his/her statement of condemnation by issuing an uncalled-for sermon as to what the victim shouldn't have said while exercising the freedom of expression? The real point at issue was whether the violent attack on Mr.Bhushan on the ground of his espousal of certain views on Kashmir was justified at all? Here the question relating to merit or demerit of his views didn't arise at all. Because, the Constitution by virtue of its Article 19(1) has empowered every citizen to speak on the merit or demerit of any position, irrespective of the consideration as to whether it conflicted with or was in sync with the official line or for that matter with any other line. It is a matter of great agony and anguish that even a highly learned veteran of Indian judiciary and the newly inducted Chairman of Press Council Justice Markandey Katzu in course of his recent walk-the-talk interview with Editor Indian

Express did also qualify his condemnation of violence against Prashant Bhushan with an advisory that the latter shouldn't have spoken the way he did on Kashmir issue. Such qualifying remarks by Mr.Katzu against Prashant's observations on Kashmir did certainly dilute the tenor of his condemnation against the physical attack on Prashant Bhushan perpetrated by the goons in the guise of self-appointed patriots allegedly to curb his freedom of speech. It's painful to recall that such dastardly attacks undertaken by the muscle-flexing goons at the instance of fundamentalists on the citizens' freedom of speech around this or that issue, have taken place intermittently in last two decades. Attacks on the house of Arundhati Roy for her out-of-box remarks on Kashmir, on that of MF Hussain for his iconoclastic creations of art and the attack on Binayak Sen for his anti-Salwa Jhudum observations are a few recent instances of vicarious persecution by the civil society goons in connivance with the powers-that-be. The net result of such attacks on the great free thinkers of our country is a slow, but steady erosion of the very legitimacy of the constitutionally guaranteed freedom of speech and expression, on account of which India is slipping off into the murderous clutches of diehard fundamentalist and obscurantist forces. To safeguard India's destiny as a pluralist democracy, what is required at the moment is to give a try to Mr.Prashant Bhushan's proposal to ban and boycott those very outfits which in the name of 'nation' or 'religion' hold to ransom the citizens' freedom of expression, the foundational principle of any democracy worth the name.

Chitta Behera, Cuttack

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