# A CRIMINAL ACT

## Critique of the Uttar Pradesh Control of Organised Crime Act, 2017

PEOPLE'S UNION FOR DEMOCRATIC RIGHTS, DELHI
JULY 2018

On 20 December 2017, the Uttar Pradesh Control of Organised Crime Bill (UPCOCB) was introduced in the Uttar Pradesh Vidhan Sabha. A day later it was passed by the lower house through a voice vote amid walkouts by the opposition parties. The next day the Bill was placed before the upper house, the Vidhan Parishad, but could not be passed due to the opposition parties having majority in this house. The same day the Bill was referred to the Select Committee of the house. In the Select Committee agreed to be formed on 22 Dec 2017 by the Council with regard to UPCOC Bill, the nine members (apart from the two persons nominated as ex-officio members being the member who introduced the Act, Leader of Vidhan Parishad Dinesh Singh of the BJP and the Home Minister Yogi Adityanath, also the Chief Minister) included four from Samajwadi Party, one from BJP, BSP, Shikshak Dal, Indian National Congress and Rashtriya Lok Dal. On 17 January 2018, the Select Committee was unable to reach a consensus. The Opposition demanded repeal of the Bill and the government was adamant on not amending its provisions. Despite this, on 6 March the Select Committee approved the Act.

During Vidhan Parishad proceedings on 13 March, SP MLC Naresh Uttam reportedly objected to this approval without a discussion on recommendations made by them. He also stated that the Government was arbitrarily trying to push the Bill. The Bill was rejected by the upper house through a voice vote on the same day. It was then referred back to the Vidhan Sabha and on 27 March, during the zero hour of the last day of the UP Budget Session, it was passed without amendment. The Uttar Pradesh Control of Organised Crime Act, 2017 (UPCOCA) is now law in Uttar Pradesh.

The statement of objects and reasons for the law argues that 'organised crime' has become a widespread and serious threat. That such activities are fueled by illegal wealth. That such power and money corrupt legitimate businesses and incite disaffection towards the government. This law is necessary since criminals are using modern techniques and the existing legal framework of penal provisions, procedures and system of courts is inadequate to deal with the purpose.

This report examines the Act and its provisions in the light of its own statement of objects and reasons.

## What is 'Organised Crime'?

The UPCOCA defines a new crime called 'organised crime' [S.3(1)]. Such a crime needs to be a 'continuing unlawful activity', that is, any cognizable offence under any law that is punishable with a jail term of three years or more and the offence is committed as a member of an 'organised crime syndicate' or on its behalf [S.2(1)(d)]. The 'organised crime syndicate' is a group of two or more persons that indulges in 'organised crime' as part of a syndicate or gang and against whom more than one charge-sheet has been filed in a court in the preceding five years and charges have been framed by the court [S.3(2)].

The reasoning of this definition is definitely circular. An 'organised crime' is one that is committed by an 'organised crime syndicate,' and an 'organised crime syndicate' is one that commits 'organised crimes.' The ambiguity that this creates concerning organised crimes and such syndicates is not merely a dimwitted drafting of a statute, it seems central to the law itself, as can be seen below.

For a crime to be designated as an 'organised crime' the additional requirements in the Act are:

(a) that it involves use or threat of violence, intimidation, coercion, use of bribes or allurement to gain pecuniary benefits or to gain undue economic advantage, or to promote insurgency.

(b) that it leads to causing loss of life or property by use of explosives or firearms or other violent means to spread terror, to overthrow the government by force, to indulge in anti-national or disruptive activities, or hold public authority to ransom on threat of death or destruction.

Additionally, the Act lists out a number of activities that also constitute 'organised crime'. These include abduction, contract killing, preventing parties from bidding in government or private contracts, occupying vacant government or private land or any disputed land or building or to dispossessing a rightful owner, collecting protection money, money laundering, illegal mining or extraction of forest produce or wildlife, human trafficking, manufacture of spurious drugs and illicit liquor, and drug trafficking.

The members of workers' and peasants' organisations or organisations representing the weaker sections of the society or those

protesting real or perceived wrongs have frequently been charged with attempt to murder, or unlawful assembly and rioting particularly with the intention of making the charges non-bailable. In the context of the present Act, these would be sufficient to make these individuals and organisations susceptible to be prosecuted under this law. Further, the inclusion of terror, overthrow of government by force, anti-national and disruptive activities as part of 'organised crime' brings the law into conflict with the UAPA, making it ambiguous as to which law would apply. The fact that the terms 'terror', 'anti-national' and 'disruptive' are not defined in the law leaves it wholly to the discretion of the police as to how these terms are to be interpreted and what activities can be brought into its purview.

The role of the individual in the organised crime further increases the ambit of those who can be potentially charged under his Act. This spans members of the syndicate to those who work on behalf of the syndicate, from those who conspire or attempt to commit to those who advocate, from those who hold property derived from 'organised crime' to those who harbour or conceal. The widest net is cast by including in the purview of the Act all those who abet the criminal act. Abet is meant to include communication or association with any person that facilitates any illegal act if the abettor is aware that the person assists an 'organised crime syndicate.' It also includes passing on or publication of any information, without lawful authority, that is likely to assist an 'organised crime syndicate' or any document or matter obtained from such 'syndicate.' Hence this definition permits a person to be termed an abettor who may have no knowledge or intention of abetting the crime. Take for instance family members of those charged under this law, or even a journalist or a human rights organisation that documents and protests against instances for extra-judicial killings. The injustice incorporated in this definition is starkly revealed in its contrast with the usual definition of abetment or of an abettor in the IPC. In the IPC, abetment involves instigation, engaging in a conspiracy or intentionally aiding a criminal act.

It is fairly clear that all the crimes listed in this Act constitute crimes under Indian Penal Code as well as under special laws promulgated to deal with specific situations. In fact many of the activities listed are already crimes under more than one law. So the real issue with the Act is not

whether a particular action is to be deemed criminal, it revolves around whether a particular group of persons are to be called an 'organised crime syndicate.'

Here, the matters become worse and more ambiguous. There is no provision of a list of groups which are considered to be 'organised crimes syndicates.' Those contemplated to be charged therefore is to forever remain a fluid category, changing upon the whims and fancies of the government in power. And while the additional list of crimes provided in the Act seem to be serious ones, the definition carefully includes all other crimes that carry a maximum sentence of three or more years. And here the Act does not require even one crime to be proved by a court in order to label a group of persons as an 'organised crime syndicate.' Contrast this with the fact that in a vast majority of the cases where the accused are finally found innocent by the courts, the court acquits the accused only after completion of the trial. And the experience of our justice system shows that nearly half of those accused of crimes under the IPC are finally found innocent by the courts (*National Crime Records Bureau, 2016*). Thus the possibility of blatant misuse now becomes real. A group of people can be framed in patently false cases, the cases being brought for trial, the charges framed by the court and the group can be labeled an organised crime syndicate.

On the other hand the Act does not also require that every group of connected persons against whom charges have been framed cumulatively in more than one criminal case in the past five years, are to be designated as an 'organised crime syndicate.' Take for instance, a group of persons jointly indulging in beating and lynching of cattle traders to obtain economic benefits of running gaushalas. Despite satisfying all the conditions to be treated as an 'organised crime syndicate,' the group may still escape the nomenclature. The next set of issues with the Act therefore revolves around what is in store for those labeled as 'organised crime syndicates.'

This area comprises a wide range of provisions. From enhanced punishments to long durations of imprisonment as undertrials amounting to preventive detention, from making jail conditions terrible for those accused to increasing the possibility of innocents being convicted of crimes that they were never a part of.

## Special and Enhanced Punishments

The punishments, under this Act, to be awarded for crimes are greatly enhanced from those contemplated under other existing laws, and in some cases, more than even those listed in special laws. The Act specifies a minimum punishment of death or life imprisonment for one who commits a crime that results in death and, in all other cases, a minimum punishment of seven years and extending to life. For those who conspire, attempt to commit or advocate or even abet any crime under this Act, the minimum punishment is seven years and extending to life. For harbouring and concealing a member of a syndicate, or attempting to do so, the minimum punishment is five years and extending to life. A punishment for a member of an 'organised crime syndicate' is a minimum of five years extending to life and those holding property acquired by such a syndicate or through commission of such offence, the punishment ranges from a minimum of three years to life. Holding of property on behalf of a member of an 'organised crime syndicate' carries a sentence ranging from 3 years to life. A second conviction under this Act carries a still more enhanced sentence that is independent of the seriousness of the second offence: those previously convicted with life get life imprisonment or death; those with five to ten years get life imprisonment; and those with less than five years get five to ten years.

These kinds of penalties raise a number of issues related to the question of crime and punishment. First among these concerns is the proportionality of the offence with the punishment. In normal law, a crime, which carries a maximum punishment of three years, now becomes eligible for a punishment ranging from seven years to life imprisonment. For instance, the charge of unlawful assembly and rioting on a group of persons, opposing displacement or forcible acquisition of their home or livelihood and which results in no injury or loss to property, becomes liable for such harsh punishment once the group is termed as an 'organised crime syndicate.' By this logic, a non-violent and democratic protest can be awarded a sentence more than criminals convicted of heinous crimes like murder or rape.

The above issue becomes more serious in the case of a second offence. It should be noted that repeat offences in the Act do not require the second offence to be committed after conviction and serving sentence in a previous offence. In case a person is charged with two minor offences

simultaneously and the trial of the first offence results in conviction, a second conviction for even the most minor offence can lead to a conviction for life. Quite apart from the fact that such provision can be extremely unjust, the total amount of sentence awarded to those charged and convicted under two cases would additionally depend on the order in which the trial proceeds.

Another troubling issue is that all penal provisions under the Act specify the minimum punishment. This is in direct opposition to normal law where the maximum punishment for a crime is specified. In doing so, the Act denies to the judge the power to judiciously apply its mind to impose punishments in accordance with the circumstances of the individual and the crime and the nature of the role of the accused in the criminal act.

A third issue is that all punishments also carry a minimum monetary fine, which is very heavy – fines are large sums (such as 15 lakh or 25 lakhs) to be levied on those charged under different sections of the Act. Monetary fines carry with them additional jail terms of one month for each Rs. 1 lakh subject to a maximum of two years. Monetary fines bring up serious concerns of what may be the intention for their imposition. In the case of 'organised crime syndicates,' the amounts of monetary fines may not be any serious deterrent. Crime syndicates, as described in the statement of objects and reasons for the Act, seem to be flush with funds, their money being generated through terrorism, contract killing and kidnapping, extortion and smuggling, land grabbing and money laundering. Large fines would primarily affect the poor convicts. Enhancing penalties on the basis of the lower access to monetary resources goes against the grain of the equality before law.

## Preventive Detention through the Back Door

A number of special laws that have come up in our country over the past three decades modify the provisions of the Criminal Procedure Code in connection with the maximum period for judicial remand prior to the filing of charge-sheet. The Code stipulates that this period can extend to a maximum period of 90 days in the case of the most heinous offences and 60 days in other cases. In case the prosecution fails to file the charge-sheet within this period, the accused is to be released on bail once a bail bond is furnished by the accused. This stipulation is considered necessary

so that no person is jailed for an unreasonably long period without a charge. It also puts a restraint on the police and prosecution to keep a person continuously behind bars by not filing the charges for extended periods. Further, the court is permitted to release a person on bail at any stage before or after the start of the trial if it is satisfied that the accused is not likely to commit another offence, threaten witnesses or otherwise destroy evidence, or jump the bail. A law that violates this is considered to be in contravention of the constitutional fundamental right not to be detained without a charge.

However, all elected governments have found it convenient to violate this right in order to incarcerate vocal political dissenters and anybody considered sufficiently embarrassing or problematic for them. Towards this end, various laws such as the Preventive Detention Act, the Defense of India Rules, the Maintenance of Internal Security Act, and the National Security Act were promulgated to allow for preventive detention, a euphemism for detention without a charge. Through this method governments were able to jail people for periods up to one year.

In order to display conformity with the constitutional fundamental right, each of these laws provided some form of a judicial remedy, however frail, to argue that the detention without a charge forms a mere reasonable restraint. With the passage of the TADA in 1985 and followed by the NDPS Act, the law framers found a new way to bypass the constitutional right: extend the maximum time span permitted to the investigation agencies to file a charge-sheet. The alibi offered for this modification was that the crimes being tackled are serious in nature and involve clandestine networks that may even cross national borders, hence greater time duration is required by the investigation.

The outcome of this change was amply clear in the case of TADA. Here, the law stipulated that charge-sheets be filed within six months and extendable by another six months. Within a decade of its operation, over one lakh people had been jailed. Most of these people remained in jail for the one year period which was the maximum period including the extension. In many cases, the investigation failed to file a charge-sheet and the rate of conviction touched an abysmal low. Giving power to the police to jail people for longer period without a charge had given a fillip to corrupt practices by the police and people unconnected with terrorism served one long year in jail only to be declared innocent later.

According to data available from the Home Ministry, 876 people across 9 states had already spent over a year in jail while their cases were still under investigation as of 30 September 1994. Between May 1985 and June 1994, only 1.11% were convicted out of those arrested across the country See "Black Laws, White Lies" PUDR, May 1995.)

The statement of objects and reasons for the present Act does not even prepare a case to suggest why a change in the maximum period for investigation needs to be increased. It could be safely assumed that most organised criminal gangs in the state are based in the state, and the sum total of the changes that it proposes denies bail to those accused under any of its provisions for the entire duration of the trial that may last many years. Section 28(2) doubles the duration from the 90 days stipulated in the Code. The restrictions on bail provided in Sections 28(4) and 28(5) deny the possibility of bail to the accused before the filing of the charge-sheet and even after the charge-sheet unless the judge is satisfied that the accused is innocent. How can the judge decide whether the accused is innocent before completing the trial? And if the judge is so satisfied, the accused needs to be set free and not just made eligible for bail!

Given the experience of TADA cited earlier, it is unlikely that the outcome of the present Act would be significantly different. The Act therefore proposes a situation where even innocent can be booked and kept in jail for very long periods, a situation wholly at variance with the concerns of justice.

## A Mockery of Procedure

The interest of justice in the context of crimes is that those guilty are awarded punishments, that the innocent are acquitted, and that least harm is suffered by the innocent. It is in this context that the Act fails most appallingly. The possibility of innocents or political dissenters being jailed for long periods has been discussed earlier. Here we discuss the greater possibility of the conviction of innocents.

In order that the court is able to convincingly differentiate between innocence and guilt, a number of preconditions are required. Firstly, that the police conducts a thorough and unbiased investigation of the case. Thorough investigations always involve substantial effort. This includes careful questioning, collection of material evidence, its analysis and interpretation, search for witnesses and their convincing, and building a

sequence of events that convincingly reveals the culpability of the accused. Such investigations are time-consuming and difficult to perform under situations of excessive work pressure, access to meager resources and insufficient ability and training. Additionally, there is little incentive for the investigating officer to do so. The alternative with the police investigating officer is to force the accused or co-accused to confess, to rely on stock witnesses who corroborate the police version, to present questionable material evidence and to depict the accused in a bad light on frivolous grounds. This carries substantial incentive, not just lesser work but also a record of a greater number of cases investigated and 'solved' and a better service record. Such a course of action works only through biases, and these arise from existing social divisions – caste, religion, class and social status, and political orientation – and perceptions of associating crimes with communities. Such action also originates from the pressure to condemn the accused once it is declared that a crime is solved and an arrest is made. Hence a greater possibility of the accused being chosen who belong to poorer sections, lower castes and religious minorities.

A second condition is that the judge examining the case rejects all such claims of the investigation that do not follow from the evidence, and rejects all provided 'evidence' that carries the risk of being false. On the basis of the evidence that passes this test, the judge then examines whether the claim of guilt is the only possible conclusion. The judicial authority should also not be subjected to any pressure – to convict or to acquit.

A final condition is that the accused is provided the opportunity before a judge to state any and every argument, present any evidence or witness, to support the claim of innocence and to discredit the story of the prosecution. In doing so, the accused should not face pressure from the prosecution.

The established law attempts to ensure the above through a set of provisions and norms. These include the non-admissibility of confessions taken under duress, cross examination of witnesses, norms for the recording and preserving of material evidence and assumption of innocence of the accused, the freedom to the accused to defend themselves in court, the absence of any coercive pressure when defending themselves, and that the accused is to be declared guilty only when the

incontrovertible evidence is not consistent with the innocence of the accused.

The present Act is an attempt to attack the very core of these provisions. For one, the power of the police to force the accused to incriminate themselves is greatly enhanced. This follows not only from the extended period of police remand stated earlier, but from a uniquely new procedure that forces the accused while in police custody to answer all questions put to them by the police. A recording of the same is to be preserved as admissible evidence [S.29]. Furthermore, if the accused person does not divulge some information, the same would not be admissible in the court at any later stage. This provision not only enables self-incrimination by the accused under duress but it prevents the accused from defending themselves in court.

A second provision enhances this injustice. This is the as yet-unheard-of provision of the endless refining of the charge-sheet by the prosecution [S.30]. The accused is required to divulge to the prosecution whatever possible inconsistencies in the draft charge-sheet that he/she can identify, and inform them of the identities of any potential witnesses that may point to their own innocence – even before the start of the trial. Any inconsistency not thus pointed out by the accused in advance or any possible witness not identified in advance is barred from being stated during the trial. The prosecution is given the advantage of being permitted to revise the charge-sheet on the basis of these inconsistencies. This procedure can apparently be repeated till either the accused has no further defence or the prosecution has no further creative ability. The simple implication of this procedure is to make the charge-sheet wholly unchallengeable during the trial denying the accused the basic right to defend themselves effectively by questioning its inconsistencies.

Thirdly, the Act opens the possibility of the prosecution threatening the accused when the accused is presenting their defence [S.13(2)]. This is done by providing power to the police to take the accused or any of their potential witnesses into custody even as the accused points out to the inconsistencies in the charge-sheet presented by the prosecution. Not only does this enable the police to have an impact on the potential defence by the accused, it could also help the police design a new version of the crime to implicate the accused.

A fourth provision exempts the prosecution from disclosing the identity of their witnesses. This effectively nullifies the right to cross-examine the witness [S.23(3)(b)(d)(e), and S.23(4)]. If the identity of the person making the accusation is unknown, there is really no possibility to ascertain whether the accusation is true or false.

In the fifth provision, the Act permits that the guilt (of the accused) may be assumed in certain cases by the court and the onus shall be on the accused to prove their innocence. [S.22(2) and S.22(3)]. This overturning of the onus from the prosecution to the accused has serious implications. The guilty may prepare alibis to claim innocence, it is innocent people who generally possess no such proof.

A sixth provision prevents the reporting and discussion in public of the happenings in the court [S.23(3)(c), and S.23(5)]. In this manner, any outcomes in the court contrary to the interest of justice, are kept away from public knowledge and to that same extent the possibilities of rectification are denied.

A seventh issue concerns a provision to award punishments even to those found innocent by the court after the trial [S.27]. This is provided for in case an accused fails to appear before the court or Investigating Officer for over 30 days. The Act stipulates that even if the accused are acquitted in the case after trial, and found to be innocent they would be subjected to at least half of the maximum punishment in the crime they are accused of (which could carry a ten-year punishment).

In cases of serious crimes, poor people residing in the vicinity often run away for substantial lengths of time fearing being rounded up and falsely charged for the offence. The Act penalizes such actions by innocent people – they can be implicated in their absence and punished for trying to safeguard their lives and freedom, even if the court finds them to be innocent.

Finally, the Act permits that in case of any previous launching of prosecution under the Act against the accused, any previous bond of good behaviour, or previous detention under a law of preventive detention (even if these pertain to unrelated cases and matters) would serve as evidence that is sufficiently useful to prove guilt in an ongoing trial [S.22]. It should be noted that none of the circumstances listed (bond, detention etc.) amount to a prior establishing of guilt by a judicial court. The sheer injustice and violation of rights mandated by this law stands

exposed as it makes mere allegations and executive actions against a person in a previous case the basis of drawing conclusions about the his/her guilt in a different case.

## Worsened Jail Conditions

Those charged under this Act also face blatantly inhuman conditions while in jail. This concerns their access to medical help and to meet their family members [S.33]. Access to doctors and hospitals as required by a patient is considered a most basic part of the right to life. Deliberately preventing access to medical help amounts to extreme torture, and in case of loss of life, to murder. This is what the Act contemplates for those arrested. It gives power to the District Magistrate to permit or to deny a jailed person to be taken out of jail for special medical treatment despite the recommendation of the Chief Medical Officer. Similarly, a jailed person is disallowed from meeting family members unless the same is permitted by the District Magistrate, and in any case no more than two visitors are allowed in a week.

## Conclusion

The operation of criminal gangs and mafias of one form or another has been documented in our history and exhibited and caricatured widely in our movies. Their role has been seen in the carrying out of communal carnages, in browbeating agrarian struggles and maintaining the rule of the rural elite, in attacking trade unions during industrial disputes, in shaping the outcome in elections to assemblies and the parliament, as well as in conducting collections from businesses, shops and stalls and adding to the crimes in society. Consequently, such gangs have found patronage from one or another of the social, economic or politically powerful groups. Proliferation of such gangs has also been aided by existing caste and religious divisions and discriminations in society. Furthermore, the existence of criminal gangs also found some justification, either as providers of necessary protection for a community or group, or else as a necessary countervailing force against the existing power of another community or group. The greater the failure or bias in the role of the police the greater becomes the justification, the space for and the role of criminal gangs. The state and its functionaries too are responsible for the creation or growth of such gangs, especially in areas

affected by militancy. Here the gangs are propped up to enable illegal and criminal action that state functionaries themselves are prohibited from doing. High levels of unemployment and underemployment coupled with even greater levels of economic inequality and the prevalence of the use of power and other dubious means to amass wealth, all continue to play a role in filling the ranks of such gangs.

Without any reference to the myriad ways in which criminal gangs have come up or the identity of their patrons, the issue of providing a safe and crime-free society became an election plank for the Nitish Kumar government in Bihar. In Uttar Pradesh, in the run up to the elections in 2017, the Bharatiya Janata Party manifesto promised to put down crime with a heavy hand. All criminals out on parole and committing crimes to be brought back to jails in 45 days, FIRs for all citizens to be filed without caste bias and a task force to be set up in every district to tackle different mafias. Upon assuming office, the chief minister promised to end the law and order problems in the state.

The two actions taken in this regard were, first, engaging members of criminal gangs in gunfights that led to the dramatic increase in the number of police encounters and, second, promulgation of the UPCOCA. Both these have invited criticism. A policy by a government to ask the police to shoot to kill is not permitted in law. UPCOCA threatens to overturn the legal norms and procedures that protect civil liberties of citizens and check the powers of governments. The discussion in the UP legislative assembly before the passing of the Act centered around the potential for misuse. Senior members from opposition parties provided personal instances of being jailed under the Goonda Act when they were student activists. Additionally, they expressed fear that given the arbitrariness permitted under the UPCOC Act, the law would become a weapon to attack those in opposition as well as those from economically and socially weaker communities, dalits, backward castes and Muslims. The experience of the recent encounters already shows that these communities comprise a major part of those arrested and killed in encounters. And the experience of the gau rakshaks shows how a new set of criminal gangs is propped that escapes being termed 'organised crime'.

UPCOCA, thus, becomes a means to perpetuate an unequal, oppressive and exploitative order where the marginalized have little hope

of escape from the operations of power. This report argues that while misuse is integrally inbuilt into the UPCOCA, the fear of misuse is not the only fear related to the act. This Act brings into our midst a set of draconian procedures, punishments, and definitions that are so all-encompassing that it threatens to destroy the delicate systems of checks and balances that have evolved with our democratic system to ensure a modicum of justice. We reiterate that addressing the issues of criminality and of criminal gangs requires a greater, and not lesser, insistence upon adherence to democratic norms.

For it is these norms that hold the hope for far-reaching changes: to end discrimination against weaker sections, to give them a life of respect, to work towards an inclusive model of development that creates and not destroys livelihoods, to end the use of coercion in the choosing of our representatives, to prevent the powerful from using force to maintain their unjustified stranglehold on society.

We appeal to all those concerned with bringing forth a world free of organised crime to reject this sham and to demand its repeal.

क्या गज़ब का देश है यह क्या गज़ब का देश है।

बिन अदालत औ मुवक्किल के मुकदमा पेश है।
आँख में दरिया है सबके
दिल में है सबके पहाड़
आदमी भूगोल है जी चाहा नक्शा पेश है।
क्या गज़ब का देश है यह क्या गज़ब का देश है।

हैं सभी माहिर उगाने
में हथेली पर फसल
औ हथेली डोलती दर–दर बनी दरवेश है।
क्या गज़ब का देश है यह क्या गज़ब का देश है।

पेड़ हो या आदमी
कोई फ़रक पड़ता नहीं
लाख काटे जाइए जंगल हमेशा शेष हैं।
क्या गज़ब का देश है यह क्या गज़ब का देश है।

प्रश्न जितने बढ़ रहे
घट रहे उतने जवाब
होश में भी एक पूरा देश यह बेहोश है।
क्या गज़ब का देश है यह क्या गज़ब का देश है।

खूँटियों पर ही टँगा
रह जाएगा क्या आदमी ?
सोचता, उसका नहीं यह खूँटियों का दोष है।
क्या गजब का देश है यह क्या गजब का देश है।

सर्वेश्वर दयाल सक्सेना

---

**Published by:** Secretary, People's Union for Democratic Rights, Delhi
**For Copies:** Dr. Moushumi Basu, A-6/1, Aditi Apartments,
Block D, Janakpuri, New Delhi
**E Mail**: pudr@pudr.org and pudrdelhi@yahoo.com
**Web site:** www.pudr.org
**Suggested Contribution:** Rs. 10