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For Whom**
Justice B.Sudershan Reddy

Editor :
G. G. Parikh

Managing Editor : Guddi

D-15, Ganesh Prasad,
Naushir Bharucha Marg,
Mumbai - 400 007.

Email : janataweekly@gmail.com
Website: www.janataweekly.org

The Shocking statement by Yogi, the Chief Minister of U.P., namely “I believe that the word “Secular” is the biggest lie since independence”, should result in his immediate dismissal. Would some advisers of Yogi enlighten him that the preamble to our Constitution specifically states that India is a Secular, Socialist State. Would his advisors also enlighten him that the Supreme Court has held that “Secularism” is the basic feature of our Constitution and any state government which fails in upholding this basic feature has no right to continue –in fact in Bommai’s Case, the Supreme Court upheld the dismissal of Nine State governments on this score alone.

May I also remind Yogi and his colleagues that as per article 75(4) of the Constitution of India they took oath before entering upon their offices which requires them to swear in the name of God that they will bear true faith and allegiance to the Constitution of India as by law established. The oath covers the protection of Secularism as mentioned in the Preamble to

the Constitution as existing at the time of taking oath. Anyone suggesting to the contrary would be taking the ludicrous stand that the oath would not oblige the Ministers to follow the mandate of over 100 amendments to constitution made since the original constitution of 1950.

No, Yogi Sahib, unless you accept Secularism as a part of your government as per Bommais case by the Supreme Court, the Central Government is under legal obligation to dismiss U.P. Government.

I hope Yogi Ji would certainly accept that there is no greater exponent of Hinduism than Swami Vivekananda. This is what he said; Therefore, I am firmly persuaded that without the help of practical Islam, theories of Vedantism, however fine and wonderful they may be, are entirely valueless to the vast mass of mankind which ought to be taught that religions are but the varied expression of THE RELIGION, which is Oneness, so that each may choose the path that suits him best.

For our own motherland a junction of the two great systems, Hinduism and Islam, the Vedant brain and Islam body is the only hope. I see in my mind's eye the future perfect India rising out of this chaos and strife, glorious and invincible, with Vedanta brain and Islam body.

Secularism does not signify anti-religion. Secularism signifies giving equal dignity and respect to all religions. Of course it goes without saying that Indian State has no religion of its own, nor for that matter can any religion claim superiority over another religion as by resorting to false premise that a religion in the country is indigenous while others are foreign. This is heresy not permitted by our Constitution which gives equal reverence to all the religions practiced by various communities of India.

Thus inclusive development in India and, for that matter, in any country, alone is the path to prosperity. It is an undeniable truth and needs to be irrevocably accepted by all in India, namely that minorities, Muslims and Christians, are not outsiders. They are an integral part of India. Let me quote what Swami Vivekanand one of the greatest spiritual personality of India has to say of the intimate connection between the spirit of Islam and Hinduism thus, "He also told Hindus not to talk of the superiority of one religion over another. Even toleration of other faiths was not right; it smacked of blasphemy. He pointed out that his guru, Sri Ramakrishna Paramhans had accepted all religions as true. Swami Vivekanand in fact profusely praised Islam and in a letter to his friend Mohammed Sarfraz Hussain (10th June 1898) without any hesitation wrote "therefore I am

firmly persuaded that without the help of practical Islam, theories of vedantism, however fine and wonderful they may be, are entirely valueless to the vast mass of mankind. For our own motherland a junction of the two great systems Hinduism and Islam – Vedanta brain and Islam body - is the only hop...the future perfect India."

Thus inclusive development in the country alone is the path to prosperity. It is an undeniable truth and needs to be irrevocably accepted by all in the country that minorities, Muslims and Christians are not outsiders. They are an integral part of India. There can be no real progress which does not include minorities, Muslims and Christians as equal stakeholders. I can not put it better than what Sir Sayyed Ahmed Khan, one of the greatest leader of our country, had to say over a century back. Gandhiji repeated it in 1921, and also in another prayer meeting at Rajghat on 24th March 1947 thus; "In the words of Sir Sayyed Ahmed Khan...I would say that Hindus and Muslims are the two eyes of mother India just as the trouble in one eye affects the other too, similarly the whole of India suffer when either Hindu or Muslim suffer."

Maulana Abul Kalam Azad's clarion call emphasizes that composite culture is the bed rock of Indian Secularism pervading our country. He said thus;

"Just as a Hindu can say with pride that he is an Indian and follows Hinduism, so also we can say with equal pride that we are Indians and follow Islam. I shall enlarge this orbit still further. The Indian Christian is equally entitled to say with pride that he is an Indian and is following a

religion of India, namely Christianity."

If there are any Hindus amongst us who desire to bring back the Hindu life of a thousand years ago and more, they dream, and such dreams are vain fantasies. So also if there are any Muslims who wish to revive their past civilization and culture, which they brought a thousand years ago from Iran and Central Asia, they dream also and the sooner they wake up the better. These are unnatural fancies which cannot take root in the soil of reality. I am one of those who believe that revival may be a necessity in a religion but in social matters it is a denial of progress."

"I am proud to be a Muslim. Everything bears the stamp of our joint endeavour. Our languages were different, but we grew to use a common language. Our manners and customs were different, but they produced a new synthesis...No fantasy or artificial scheming to separate and divide can break this unity – Islam has now as great a claim on the soil of India as Hinduism, and that is true of Christianity too".

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Challenge before Rahul Gandhi

Kuldip Nayar

POLITICAL parties all over the world have come to be closed shops. What is known as the 'High Command' usually dictates on who will be installed as the president. Rahul Gandhi has been 'elected' as the Congress president. The outgoing chief Sonia Gandhi saw to it that her son would occupy the top party position.

I had seen the change in the Conservative Party of the United Kingdom from close quarters when I was India's High Commissioner at London in the nineties. Mrs Margaret Thatcher was the Prime Minister. But she was asked to step down and she had to abide by the orders of the party.

I asked her directly why she was doing so. Her children were doing business in South Africa and they were not in any way connected with the issue. She said that she had purposely sent them far away lest she should be accused of nepotism. She said that "the men in grey suits decided when the Prime Minister should step down. They would tap the shoulder and you are expected to step down." John Major was her successor.

When there was a clamour for Sonia Gandhi to occupy the position of Prime Minister she declined the offer and instead selected the faithful Manmohan Singh ahead of the most acceptable and experienced Pranab Mukherjee. It was an open secret that the government would be run from 10 Janpath, Sonia Gandhi's residence

and Manmohan Singh fitted into her scheme of things.

The government's secret files would go to her residence where her political secretary Ahmed Patel first vetted them and then sent to Sonia Gandhi for her approval. So much so that Manmohan Singh came to be known as 'Accidental Prime Minister' and a book by his press officer also confirmed the expression. When he was asked to comment on the title given to him, he merely said that the posterity would judge.

Newspaper reports published since then confirmed that he was merely the *mukhota* (mask) and in his name the administration ran from 10 Janpath. In fact, even Rahul Gandhi once denounced the controversial ordinance to negate the Supreme Court verdict on convicted lawmakers as "complete nonsense" and said what "our government has done is wrong." This was a huge embarrassment for the UPA government and Prime Minister Manmohan Singh.

It is another matter that Congress president Sonia Gandhi and other party members stood behind what Manmohan Singh had said. But then the damage had already been done. There were several other occasions when the Prime Minister was ridiculed by the party members, including those who were a part of the inner circle. It is unfortunate that Manmohan Singh himself felt that he was only keeping the chair of Prime Minister warm for Rahul Gandhi to

take over.

The anointment of Rahul Gandhi as party president has not come as a surprise at all. But it does underline the fact that there is no other go for the Congress except depending on the dynasty to give a name which is generally acceptable to the country. Priyanka Vadra could have perhaps been the right choice in the eyes of the Congress stalwarts. But nobody dares Sonia who has decided that her son would take over. This is said to be the practice in Italy where the son inherits the mantle.

But the million dollar question is whether Rahul would fit in the role he is expected to perform? I recall the initial days of Indira Gandhi when after the sudden death of Lal Bahadur Shastri, the then Congress president K. Kamaraj installed her as the Prime Minister. I asked him then why did he choose her? He said that before his death, Jawaharlal Nehru had indicated that his successor would be Shastri. When Kamaraj asked Nehru specifically why not Indira Gandhi, he said: Not now.

Morarji Desai, the claimant, did not agree to the choice of Indira Gandhi and insisted on election. With the party president and other stalwarts opposing him, Morarji Desai lost the race. It is another matter that Kamaraj was subsequently sidelined. I was in the thick of things and asked Kamaraj why he preferred Indira Gandhi over Morarji Desai? His answer was that "Morarji was too rigid and did not believe in principle of consensus."

The timing of Rahul's anointment as party president has come at a time when the Congress has lost the sheen. The party still believes that he would be able to dispel the magic of Prime Minister Narendra Modi in his home state which is going to the polls next month. Understandably, the Congress has struck a seat-adjustment deal with the Patidars to capture power in Gujarat. But it remains to be seen whether Rahul Gandhi will be able to make the turn around which the party is looking for.

In the past, when he was made vice-president and poll campaigner he miserably failed in states like Madhya Pradesh, Haryana and even in Uttar Pradesh where the Congress had a poll alliance with the Samajwadi Party. In other words, he could not make much of a difference to the fortunes of the party. Unfortunately, despite having some stalwarts in the party, the deep-rooted culture of dynasty has come to prevail.

The biggest challenge to Rahul Gandhi is the forthcoming election in Gujarat. In fact, this is a key election for all political parties, including the ruling Bhartiya Janata Party. Apart from Rahul Gandhi, the state assembly polls will also be a litmus test for both Prime Minister Modi and BJP president Amit Shah. They will leave no stone unturned to see that their party wins because what happens in Gujarat would decide the fate of general elections, due two years later. This will also show which way the wind is blowing.

But then two years is too long a period to depend on what happens now. The Congress which is irrelevant now may retrieve the ground because no government can meet the demands of what people want.

Freedom of the Media

The press has been able to consolidate its freedom after several struggles. And today it is generally free from the government pressure. There are still other forces which do not allow it to be completely free. Yet among all the democracies in the world, the Indian press is considered independent.

The electronic media is to a large extent at the mercy of estate owners who earn money through property dealings and spend it on maintaining a channel or two. This cannot be, however, said about the print media with certainty.

When it comes to films, the pressure of government is relentless and visible. Every film has to have censor's certificate. When the freedom of expression has been guaranteed by the Constitution, it has been for all modes and the methods. The requisite of censor's certificate curbs freedom.

Why the film makers have never made it an issue is beyond me. It is still not too late to do so. Sanjay Leela Bhansali's film can be the rallying point. Film director Bhansali, has preferred to face the consequences. He was attacked in Rajasthan where he was shooting the film. Yet he has stuck to guns.

The radical Hindus in Rajasthan, who have organized themselves into the krini brigade, have broken furniture and put it to fire in one of the cinema halls in a Rajasthan town. Most of the liberal voices are conspicuous by their silence. Bhansali must be feeling lonely. Whether the film Padmawati, which he has directed, is based on fiction or fact is not the point at issue. It is

Bhansali's determination to screen it. He gets full marks for his resoluteness.

Not many film directors will emulate his example because of the huge money at stake. The financiers will hesitate to invest. They are interested on returns not the principles which Bhansali has pursued caring little about the fallout. At present, a good film has become a victim of chauvinism.

The worst part is that the whole thing has been politicized. The ruling Bhartiya Janata Party (BJP) is backing the anti-Bhansali elements. For them, the film is an attack on Hindutva and must be stopped from screening. Bhansali has been described as a leader of anti-Hindu group. Nobody is there to explain why he becomes anti-Hindu because of his film and why he would be a proud Hindu if he gives up the effort to produce Padmavati.

It is surprising that the top leadership of BJP is remaining silent and not coming down hard on those people who are carrying out lawless activities by taking stern action against them. It should realize that all the gains of ease of doing business will get dissipated if this type of activity is allowed to go on. Investment in India, which is what the government is desperately seeking, will not take place in light of these actions.

Many years ago, the famous film producer and director Gulzar faced a similar situation. His film Aandhi was drastically censored when it was screened. It gave, however, a message to the people who were against Prime Minister Indira

Gandhi's autocratic rule.

Probably a third force, which is neither communal nor authoritarian, is the answer. It is not yet even on the horizon. Bihar Chief Minister Nitish Kumar is probably the answer to such questions raised. But if he were to leave Bihar, the space comes to be occupied by Laloo Prasad Yadav and his family, not a good choice.

For some reasons, successive governments at the centre have rejected the demand for a press or media commission. Since independence there have been only two commissions. One was soon after the independence and the other following the emergency in 1977. The recommendations of the latter were not even considered because by the time the report was ready, Mrs Gandhi was back in power and refused to look at any step suggested during the post-emergency period. She had returned to power and dealt with her critics with a vengeance.

The most important aspect is the ownership of newspapers, television and radio by the same house or individuals. Even America has some kind of control over cross ownership. But there is no such bar in India where it is like putting up yet another factory.

True, the media has come a long way. Still current annual report of the Press Council of India is helplessly demanding the television channels to come under its purview. The rulers continue to turn a deaf ear to what is asked.

The Council says: "For quite some time an issue has arisen about the

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Sarvanash Bharat Abhiyan

Sandeep Pandey

United Nations Special Rapporteur Leo Heller has criticised India's water and sanitation policies and said its implementation lacks a clear and holistic human rights based approach. According to him Indian government's emphasis on constructing toilets should not overshadow the focus on drinking water provision for all and it should not involuntarily contribute to violating fundamental rights of others, such as those specific caste-affected groups engaged in manual scavenging or those who are marginalised such as ethnic minorities and people living in remote rural areas. The government as expected has rejected his report.

However, there is a real threat to ground water because of the soak pit or leach pit design of toilets being promoted by the government. There should be a gap of two metres between the base of leach pit and the ground water table. But in the tarai belt of north Indian states of Uttar Pradesh, Bihar and even West Bengal at most places the water table is very high. Famous environmentalist and former member secretary, Central Pollution Control Board and Indian Institute of Technology, Kanpur, Professor G.D. Agrawal, now Swami Gyanswaroop Sanand says that UP and Bihar float over water.

Leach pit toilets should also be 15-20 meters away from hand pumps or wells, which may not always be possible in the dense population of these areas. The design given to schools for constructions of

toilets has only one leach pit instead of the standard two, which will create a problem when one pit is full.

The faulty design is likely to pollute the ground water sooner or later. In the mad hurry to build toilets nobody is questioning the appropriateness of design. Considering that areas with non-expansive clays, compact silty loams, compact silty clay loams, porous silty clays, porous silty clay loams, hills, rocky terrain, plateaus and black cotton soil is unfit for this design and hence almost half the country's area is excluded. The cracks in rocks can also let polluted water seep through to the ground water table. That is why IIT, Kanpur, graduate and ferrocement construction expert Dr. Ashok K. Jain calls the Clean India Campaign as 'Sarvnash Bharat Abhiyan' and proposes septic tank design as the alternative.

Considering who'll benefit from the pollution of ground water - the bottled water industry - the problem starts looking more sinister. In India substantial market of bottled water is captured by Pepsi and Coca Cola. The conspiracy of silence of the scientific and technological community in the country on this issue is inexplicable.

How the government completes its target

Nirmal Bharat Abhiyan, launched in 1999 and which ran upto 2012, was called the Total Sanitation Campaign. The objective was to eradicate open defecation by 2017.

It was based on the idea of community involvement so that cultural values of people would change and they would start using the toilets. However, after looking at the construction of toilets in a neighbouring district of Lucknow, the quality of work needs much to be desired and certainly we are quite far away from fulfilling the objective.

In the Gram Panchayat Kaudia, Block Bharawan, District Hardoi, a survey was conducted during 3-5 August, 2016, of the 576 toilets built by the Gram Panchayat. There was discrepancy between the beneficiaries on ground, names mentioned on the toilets built and the list supplied by the Village Panchayat Development Officer. In Village Dehua, all the 32 toilets mentioned in the official list are fake because nothing exists in reality.

Only one sack of cement has been used to construct one toilet as a result the plaster is coming off in all of them. Sub-standard bricks have been used instead of good quality. 10% toilets don't have ceiling. Even the ones which have ceiling, it is made of sheet instead of RCC. Only one soak pit has been constructed in more than half of the constructed toilets and even that has been damaged as it has not been constructed following the standards. The floor of toilets has given in in almost all toilets indicating even that has not been constructed following the standards. In 30% toilets the seat has not been installed, making them practically useless. 50% of them don't have doors and hence cannot be used by females at all. Among the ones constructed hardly 5% toilets are useable, rest 95% are either closed or being used as storage space for wood, cow dung cake, etc. A number of toilets were

found damaged indicating the poor quality of construction.

In village Ramnagar one toilet is fake, in Baraua four toilets are fake, in Kaudia 93 toilets are fake, in Mandauli four toilets are fake, in Kathauni 42 toilets are fake whereas in Veerapur four more toilets have been built than shown on paper. Some beneficiaries have been mentioned twice, the duplication artificially increasing the number of beneficiaries.

Rs. 10,000 was released for each of the 576 toilets. It is estimated that out of Rs. 57,60,000 spent by the government an embezzlement of Rs. 38,57,000 took place. When a complaint was made to the administration during the days of Samajwadi Party government about this corruption, a senior bureaucrat Joint Secretary in the Panchayati Raj Department reported on 1st September 2016 that there was no misuse of funds in the construction of 576 toilets. Another complaint was filed after the Bhartiya Janata Party government came to power on Chief Minister's portal. Authorities reported on 27th October 2017 that only 441 toilets were found on ground. Money for 56 toilets was still in GP account and 79 toilets had disappeared in floods or because of lack of maintenance! It is a wonder how an official had claimed a year earlier that the target was met.

In reality during another survey conducted on 3rd August 2017, only 26 toilets were found to be in use, a low figure of 4.5% of the target. The quality of remaining 380 built is so abysmal that they can't be used. In the government records, of course, there is nothing wrong with them. This is the state of affairs after Swachh Bharat Abhiyan has been

in place for over 3 years now.

In a peculiar rarity above-mentioned corruption is a blessing in disguise because it'll save our ground water.

How Swachh Bharat treats its Sanitation workers

Dr. Ram Manohar Lohia Hospital is a state government hospital in Lucknow. According to the government policy most regular hiring at lower levels is replaced by contractual workers or worse then labour contractors supply the staff. One such agency Apnatech Consultancy Services Pvt. Ltd. was given the contract for supplying ward-boys, ward-ayas (maids), drivers and sanitation workers. Except for the fact that they are paid by the contractor, for practical purposes all these workers work as hospital staff. 24 of these fortunate ones have been accommodated in proper housing on Hospital campus and while other 14, working in similar positions, have to live in temporary makeshift hutments on the campus itself. The contractor, on directions from district administration, has issued a notice to its own workers to vacate the campus soon, otherwise, they have been warned that they will be bulldozed. It is noteworthy that while only one of the 24 accommodated in campus housing is a sanitation worker, 10 out of 14 facing eviction are sanitation workers, all belonging to the Valmiki community, a Scheduled Caste which has traditionally been involved in sanitation and manual scavenging work in India. The elite society, dominated by upper caste, has always treated its manual workers, mostly dalits, like this - the elite extract work from them and when it comes to providing the workers basic

facilities, the elite simply refuse to take any responsibility. With the district administration, hospital administration and the contractor not willing to take any responsibility for these workers, they face an uncertain future. They don't know whether they'll have their hutments and their work for very long.

Children of these workers, including the sanitation workers, study in schools which are near the Hospital and if the families are expelled from the campus the studies of children will be affected. If the parents are forced to move quite far away from the campus, the children will not be admitted to any new school at this advanced stage of the academic year. They may even have to drop their year or studies. In such a scenario some of them may have to return to their traditional occupation rather than dream of doing something else to break the vicious cycle of manual work, which is more of a humiliation, even after the Prime Minister is running a high profile campaign focussed on it. The plight of these workers has never been highlighted in the Clean India campaign and the current situation shows the even after this campaign India will continue to treat its sanitation workers the way they have been always treated, read humiliated.

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India: Rising Asian Power !

D. K. Giri

India's rise as a formidable Asian Power was confirmed around ASEAN and East Asian Summits held last week. Major countries engaged in the region reckon and back India as a potential countervailing force to China's aggressive and expansionist policies in the region. The only impediment to India's march is its domestic determinants such as the economy and social harmony. The economy has to grow at least at 8 per cent for a decade or so to meet her commitments at home and the objectives abroad. Because it is only the economic might of China India should be wary of.

India is unique in Asia in many respects: in political democracy, the only one in Asia that has sustained for 70 years since its independence in 1947; in social pluralism, it is the most diverse country in the world, with 22 official languages, 6 major religions, hundreds of castes, it holds together without falling apart unlike the Soviet Union or Yugoslavia, the so-called developed countries; and in civilisational resilience, it has a 6000-year-old civilisation that has withstood several invasions, yet survived and thrived with its indigenous attributes.

In economy, India's growth has not been as meteoric as that of China, it has been unaffected by the vagaries of the world economy, been reformed democratically, and is steadily growing. India can also pride itself in producing a massive technical human resource which is

contributing to the knowledge economy of the world.

Undoubtedly, India faces the most difficult external challenges from Pakistan and China, says former foreign secretary Kanwal Sibal. But, I have difficulty in accepting his argument that Islamabad has been the spoilsport in India's engagement in Asia. He argues Pakistan has blocked the integration process in SAARC to stem India's growing clout in the region. It has bled India by abating cross-border terrorism in Kashmir, and has used nuclear blackmail to thwart India. Pakistan's open and loud admission of its continued aggression on India is centred on Kashmir. Pakistan would not put the sword back in the sheath until Kashmir imbroglio is resolved.

India needs to address Kashmir issue with a defter diplomacy. For instance, why not India put entire Kashmir—both PoK, and the part in India—on its agenda, and decide if it should remain in India, or jointly be administered with Pakistan. That way, both India and Pakistan would remain partners, or tied as friends around Kashmir. Or alternatively, Pakistan and India settle for their respective possessions of parts of Kashmir, and sign another peace agreement like the one at Shimla, and, not ever stir the hornet's nest any more.

Third, New Delhi and Islamabad, should keep Kashmir aside for a while, Islamabad stops supporting terrorism in India, helps revive the

SAARC process, build closer co-operation leading to eventual integration in various sectors, and then address the Kashmir issue. One perceptive observer said to me in a seminar on Kashmir in University of Hull, UK, “India will not cede an inch of Kashmir even after a bloody war, but Kashmir can be handled in an integrated framework under SAARC, where territorial affinities become less relevant to the growth and development in South Asia”.

Whatever may be a possible scenario ‘New Delhi has to resolve the Kashmir controversy to silence Pakistan forever and resume the bilateral relations in a healthier and friendlier setting. At any rate, New Delhi should be sending positive vibes to Islamabad treating it as a potential friend.

Admittedly, China is the real worry for India. It is run by an authoritarian Communist Party, has built a gigantic economy by exploiting its cheap human resource. Beijing perceives India to be a competitor in Asia. It is buying off India’s friendly neighbours with project finances. Of late, it is propping up Pakistan to contain India strategically. China is the only country in the world that is making territorial claims on all the countries it borders. It is making ‘fantastic’ claims on Indian territory.

Ludicrously, it objects to India’s current president visiting Arunachal Pradesh, one of India’s 29 states. It supports Pakistan on terrorism; blocks India’s entry into UN Security Council as a permanent member, although all other permanent members agree to it, and denies access to Nuclear Supply Group. Beijing, ungratefully, forgets that

Jawaharlal Nehru generously suggested China’s permanent membership in UNSC.

India has to seriously and strategically counter China’s designs in Asia. New Delhi has smartly drawn closer to Japan, another country aggrieved and hurt by China’s geo-politics. India-Japan partnership across the Globe—Asia and Africa — would checkmate China’s moves. The ‘Quad’ conceived and nurtured by Japan, comprising India, Japan, US, and Australia is the perfect instrument to stop China on its tracks.

During the latest ASEAN, and East Asia Summits India’s position in Asian stage was acknowledged by most countries. The nomenclatural change of Asia-Pacific into Indo-Pacific includes India into the equation, acknowledging India’s role, being vital to Asia’s security.

So far, New Delhi has done remarkably well, stitching strategic alliances with Japan, US, Israel, ASEAN and East-Asian countries. India can become an Asian Power, more effective and acceptable than China by being a model of politics and development, at home and abroad. Prime Minister Narendra Modi can no longer ignore the symbiotic link between domestic and foreign policies.

In the current globalised world, the efficacy of a country’s foreign policy is the function of the success in politics and economy at home and vice-e-versa: It seems the mandarins in South Block under leadership of NaMo are yet to learn this fundamental truth of foreign affairs. They will do well to recall the advice by the author of *realpolitik*, Professor Hans

J.Morgenthau, who said, “India cannot promote its laudable foreign policy objectives due to her chronic and widespread poverty”. To be sure, much water has flown down river Yamuna since, but not enough to propel India to the world stage. How is China flexing its muscle, if not for its economic might?

Obviously, NAMO is enjoying his new found status in the world. He is perceived to be one of the effective global leaders. Will he be able to retain this image, at least in Asian context, if he fails to shore up the economy and maintain the social equilibrium? In addition to addressing the domestic challenges, the prospects of India emerging as the Asian power also depend upon how India develops its relations with in neighbours. Modi made a sound start by inviting the heads of the neighbouring countries to his swearing – in ceremony in 2014. Also, he made his first foreign visit as Prime Minister to Bhutan. But China has surreptitiously slipped into India’s neighbourhood. New Delhi seems to have conceded, in advertently or otherwise, some space to China in her neighbourhood.

Modi’s visit to Nepal invited euphoric response, but our subsequent policies like supporting the Madhesi movement provoked anti-India feelings. Nepal has been the most trusted friend of India, but now courts China, supposedly to tap into its surplus money. Similar is the story with other neighbours. Being the largest country, India overawes its smaller neighbours. It must be sensitive to comparative geo-politics, and embark on positive engagement in the South-Asia region. That will be the hallmark of a big power.

Ayodhya Dispute: Supremacy of Constitution or faith?

Irfan Engineer

Babri Masjid is once again in news. Sri Sri Ravi Shankar has taken an initiative to bring all stake holders for negotiating an out of court settlement. Apparently the initiative is in his personal capacity. However, Sri Sri Ravi Sahnkar is well connected with the BJP leaders. When he organized 'World Cultural Festival' on the Yamuna flood plains, the pontoon bridge for crossing over the river bed was constructed by none other than the Indian Army. He could get the Prime Minister of India to inaugurate the event. When the National Green Tribunal imposed Rs 5 crore as an interim environmental compensation on the foundation for the event's impact on the environment, he shirked from doing so and yet could go ahead with the event.

To firm up his initiative on settling the Ramjanmabhoomi – Babri Masjid (RJ-BM) dispute out of court, he met the Home Minister Mr. Rajnath Singh as well as the Chief Minister of UP. All the leaders of the Sangh Parivar and Hindu Supremacist organisations have declared their support to the initiative and expressed their desire to settle the dispute out of court. Even if technically the initiative is not on behalf of the state, it is apparent that it has blessings of the BJP led governments in the State as well as the Centre. However, in case the dispute is not settle, there is a window for both the Governments to dissociate with the initiative.

Earlier, in the month of March, Subramanian Swamy BJP leader and

nominated Rajya Sabha Member had sought an urgent hearing of the appeal against the order of Allahabad High Court dated 30th September 2010 in the RJBM title suit. Subramanian Swamy had no locus standi in the case and was not a party in the Appeal. Yet the Supreme Court exercised its discretion and even asked the BJP leader to talk to all parties to the case and bring them to negotiating table. In a surprise development, the Supreme Court on 21st March 2017 urged the rival parties in the Ram Janamabhoomi – Babri Masjid (RJ-BM) case to negotiate and resolve the dispute in a spirit of give and take. The then Chief Justice of India J. S. Khehar had offered himself to be a mediator should both the parties agree. However, after the Apex Court realized that Subramanian Swamy was not a party to the Appeal, it dismissed his Application for urgent hearing.

Vulnerability of the Muslim community

If RJ-BM dispute is news once again, there must be elections round the corner! And yes elections are round the corner! The civic polls will be held in the state of UP beginning November 22 in three phases. Around 30 million voters would be eligible to exercise their franchise in these polls to be held for over 650 posts, including 438 municipal boards, 202 town areas and 16 corporations, also comprising two newly constituted Ayodhya Nagar Nigam and Mathura-Vrindavan Nagar Nigam. The Chief

Minister Yogi Adityanath had kicked off his campaign from Ayodhya on November 14. The forthcoming State Assembly elections in Gujarat are also increasingly becoming a tough fight for the BJP.

The upcoming municipal polls in UP would be a key test for the CM Yogi Adityanath who is also being projected as one of the important Hindutva icon by the BJP. The outcome of the civic poll would indicate the mood of the voters ahead of the 2019 Lok Sabha elections. In fact the CM Adityanath had organized a grand Diwali celebration in Ayodhya with lighting record number of lamps and announced installation of statue of Lord Ram on the banks of River Saryu with tax payer's money. The programme included grand Aarti and performance of Ramlila by artists from Indonesia and Thailand. All this while hundreds of children suffering from encephalitis and other curable diseases have died in BRD Hospital in Gorakhpur where the CM has his political base. Children's deaths are a result of crumbling infrastructure of the hospital and lack of payment for oxygen supply. The public health expenditure in UP is abysmal for a population of 220 million. The public health budget was in fact reduced from Rs. 17,828 crores in 2016-17 to 15,834 in revised estimate for 2016. The budgeted amount on public health fell from Rs. 17,823 to 17,181 in the 2017-2018 budget.

However, more important reason behind the Hindu supremacist blessed initiative to settle the RJ-BM

dispute out of Court seems to be that the Muslim community is most vulnerable at present. The Hindu Supremacists believe that their combined political might may not be better at any other time. They are in a position to corner the Muslim leadership and coerce them into accepting a solution which favours Hindu Supremacists. The state encouraged sectarian division within the Muslim community in order to weaken them. From nowhere a section of Shia sect of the Muslim community claimed that the disputed land belonged to Shia Central Waqf Board.

Dividing Muslims and uniting Hindus

About 70 years after a local court in Faizabad ruled in favour of the Sunni Waqf claim over Babri Masjid, following a dispute with the Shia Waqf, the Shia Central Waqf Board has decided to challenge the old order and simultaneously suggested an “amicable settlement solution” to the RJ-BM dispute and suggesting the construction of new mosque at a distance from the temple. The Shia Central Waqf Board did not file any application to be impleaded as a party to the proceedings in any court all these years. The BJP has always tried to exploit the sectarian division among the Muslims. During the last General elections, Rajnath Singh met Shia Muslim leaders to divide the Muslim community. The BJP tries to convey that Shias, the Sufis and Muslim women are supporters of the BJP. Subramanian Swamy once said that the BJP needs to unite all Hindus and divide the Muslims.

Shia leaders publicly stated that they were willing to resolve the RJ-BM row and letting the Hindus construct Ram Temple on the land.

Mosque could be constructed elsewhere they said. This was the straw in the wind that the Hindu Supremacists wanted to clutch onto. Now, even a section of Muslims (should we say *sarkari* Muslims?) wanted a Ram Temple constructed on the disputed land and the recalcitrant could be coerced into accepting the terms propounded by Hindu supremacists. The *sarkari* Muslims would be accommodated somewhere on the lower rungs of power structure and indeed, some of them were promptly appointed to the UP Waqf Board.

The will of the Muslim community to resist any coercive attempt and let the institutions of democracy decide the dispute has to be broken. The Hindu Supremacists didn't have faith in the institutions of democracy, particularly the judiciary when they demolished the Babri Mosque and they don't seem to trust the judiciary to favour Hindu Supremacists and privilege faith over the law of the land. That is because the law of the land is clear. Faith of one community has no place in adjudicating disputes between two communities. The Hindu Supremacists seem to be in a hurry to pre-empt judicial adjudication by the Apex Court.

It is not surprising that All India Muslim Personal Law Board leaders have placed its faith on the judiciary and are willing to accept any judicial outcome. They at least stand a chance to argue their case on the basis of their title to the land. All those whom Sri Sri Ravi Shankar has assembled in Ayodhya would not touch the issue of title of the land under dispute with a barged pole. The only issue in Sri Sri Ravi Shankar's *darbar* in Ayodhya would be faith. Sri Sri has already indicated his solution to the dispute by putting

words in the mouth of Muslims. He said, “by and large” Muslims were not opposed to a temple on the site. How did he reach the conclusion when the major stake holder in the dispute – the Sunni Waqf Board has not shown its willingness to come to the negotiating table! To which Muslims he talked to and how did he reach the conclusion about views of ‘Muslims by and large’? Sri Sri is seen by even a section of Hindus who have fought for Ramjanmabhoomi as an outsider to the dispute who is trying to grab fame at the last moment on their hard work! Muslims are apprehensive as he has offered no concrete formula for resolution of the dispute.

There are Hindu Supremacists who want the entire 2.77 acres of land for construction of Ramjanmabhoomi Temple. Others want entire 67 acres of land which has been acquired by the Central Government around the 2.77 acres of land under dispute. Still others say no Mosque should be allowed in the region of *chauriyasi kosi* (84 kos or 168 miles) *parikrama* which would mean much beyond Ayodhya and Faizabad. Muslims in Sri Sri's *darbar* would be able to negotiate whether Mosque should be anywhere at all on the 67 acres of land acquired by the Central Govt. or beyond 67 acres or even beyond *chouryasi kosi parikrama*.

If today Hindu Supremacists are eager to reach a negotiated settlement, they opposed such moves earlier when they were not in a strong position. One out of many attempts was made by the Shankaracharya and religious leaders from Muslim community. Muslim religious leaders had then given favourable statements and nod at the initiative. They were hopeful of the

initiative leading to an amicable settlement with the spirit of give and take. However, the Sangh Parivar opposed the initiative as they then felt that a settlement would be reached without their involvement. Statements were planted in the media that Shankaracharya was a devotee of Shiv rather than Lord Ram. Shankaracharya withdrew from the initiative and the settlement did not materialize. The inhabitants of Ayodhya would have long settled the issue in the spirit of give and take had the dispute been left to them.

The Head Priest of Hanumangarh, the largest temple in Ayodhya, Mahant Gyandas has organized *iftaars* for Muslims inside his temple and repaired Mosque situated on the land owned by his temple with their funds. Muslims have invited Mahant Gyandas, inside their mosques. Such was the amicable relations between Hindus and Muslims of Ayodhya during the peak of Ram temple agitation. The agitators were mobilized from outside.

More than Temple or Mosque, we need to reclaim our democracy and democratic institutions which are being compromised in Sri Sri's initiative and that of the Hindu Supremacists that are gathering around him. A number of win-win solutions have been suggested. However the solutions won't be acceptable to either the Hindu Supremacists or to the Muslim communal leadership. The win-win solutions will succeed only with the marginalisation of both.

Press Release

Socialist Party's statement on Communal Persecution of Minorities in Bangladesh

The Socialist Party believes that it is the duty of every state to fully protect life, property, dignity and business of minority citizens with their religious identity. It is also the responsibility of the state to ensure that the minority population can live freely, enjoying full civil rights without any fear and discrimination. The very concept of modern nation-state and the instructions of the United Nations Organization (UNO) have made this very clear. But Bangladesh's governments have failed to fulfill this responsibility.

Bangladesh is the third country in the world as far as the Hindu population is concerned. Here the largest, about 1.5 crore population of Hindus, are living as citizens, after India and Nepal. But due to frequent attacks of Islamist fundamentalists and the failure of the government, the Hindu population is constantly declining in Bangladesh. According

to the Bangladesh Bureau of Statistics, the reason for this is that the Hindus have been fleeing from Bangladesh. According to statistics, in 1947 there was about 28 percent Hindu population in East Pakistan. In 1971, after the formation of Bangladesh, the first census was held in 1981, in which the Hindu population was 12 percent. After this, according to the 2011 census, there are about 9 percent Hindus left in Bangladesh.

The United Nations, several countries of the world, including India, civil rights organizations and independent researchers have been pressurizing the government of Bangladesh to stop communal violence against Hindus. But the situation is not improving.

In Bangladesh, incidents of communal persecution of minorities, especially Hindus take place frequently. During the Bangladesh

Liberation War in 1971, Pakistani army and Islamist communal elements specifically targeted the Hindus. In 1992, after the demolition of Babri Masjid in Ayodhya, there were communal riots against Hindus in Bangladesh. International Crimes Tribunal (ICT) in 2013 awarded death sentence to Jamaat-e-Islami vice-president Hussain Sayeedi for committing war crimes in the war of 1971 in which millions of civilians, mostly Hindus, were killed. Radical Islamists have accused the Hindus for the punishment given by the ICT and a widespread communal violence against them was witnessed in 20 districts. There were communal attacks on minority Hindus during the 2014 general elections. This series continues in 2015, 2016 and 2017.

The new trend of communal violence against Hindus has been due to pictures and comments

perceived as blasphemy or defamation of Islam, Prophet Muhammad and Quran are uploaded on social site Facebook. This trend started from the year 2012 and its ire came to Bangladeshi Buddhists also. In reaction to a objectionable Facebook post, allegedly uploaded by a Buddhist boy, in 2012, a crowd of about 25,000 destroyed 22 Buddhist monasteries and 50 houses. The latest example is an objectionable post on Facebook that led to the burning of more than 30 Hindu houses in Thakurbadi village of Rangpur district on 10 November 2017. In most such incidents, it is believed that Islamist fundamentalists themselves use Facebook with an intention to make the minorities their easy target.

The present Awami League government, which calls itself secular, often says that the attacks against Hindus made by fundamentalist elements are politically motivated. In the national/international media and other reports, mainly Jamaat-e-Islami (JI), its student organization Islamic Chhatra Shibir (ICS) and Bangladesh Nationalist Party (BNP) are named for organizing and promoting Islamist fundamentalist elements. The name of international terrorist organizations like ISIS also comes in. BNP leader Khaleida Zia formed a coalition government in 2001 with Jamaat-e-Islami. However, Jamaat and BNP both deny their involvement in communal persecution of Hindus.

Experts also point out the economic reasons behind the attacks on minority Hindus in Bangladesh, besides religious and political reasons. According to them, particularly due to 'The Vested Property Act', socially and politically

influential people of the majority keep encouraging radical elements for communal unrest with the intention to grab the lands of Hindus.

Socialist Party urges the ruling Awami League and all opposition political parties, particularly Bangladesh Nationalist Party and Jamaat-e-Islami, to ensure full security of life, property, dignity and business of minority citizens in Bangladesh. So that Hindus, Buddhists and Christians can live freely in their country enjoying full civil rights without any fear and discrimination. At the same time, the party demands that the government should immediately arrest and convict the criminals involved in the incidents of communal persecution.

The Socialist Party would like to warn that the situation in Bangladesh is a lesson for India. The ruling class of India should follow the principle of secularism as outlined in the Indian Constitution. Unfortunately, the leaders of the stature of Prime Minister and Chief Minister in the present UP government, openly show contempt to and ridicule the principle of secularism. This is a very dangerous situation for the country and society. Bangladesh, created in 1971, was declared constitutionally a secular state in 1972. But the military dictator General Irshad made Islam the state religion of Bangladesh in 1988 which was totally contrary to the slogans of Bangladesh's freedom movement - secularism and democracy. Muhammad Ali Jinnah also decided to make Pakistan a secular democratic country. But the situation there is obvious for everyone to see. The Socialist Party believes that democracy cannot run without secularism.

– Dr. Abhijit Vaidya

(Continued from Page 5)

need for qualification for entry into the profession of journalism. Since the media is a fully developed field and has some influence on the lives of the people, the time has now come when some qualification should be prescribed by law."

I do not agree that there should be any remote control. I would have rather an undisciplined press in a democratic set up than a disciplined press in an orderly society. The polity runs by the elected representatives and may look like a rule by mob. It is any time preferable to a disciplined autocratic rule.

–Kuldip Nayar

Books by Surendra Mohan

1. **Vikas Ka Rasta: Nai Arthik Neetiyon ka vishleshan..** Price 600 rupees.
2. **Samajwad, Dharma Nirapekshata aur Samajik Nyaya** Reissued as second edition; Price 500 rupees
- Published by Rajkamal Prakashan, 2a Netaji Subhash Road, New Delhi 11002
3. **Vartaman Rajneeti ki Jwalant Chunautiyan.** Price 400 rupees.
4. **Dr. Ram Manohar Lohia ki Neetiyon:** (This booklet was published late last year.) Price 25 rupees.

Published by Anamika Publishers and Distributors. Ansari Road, New Delhi 110002

Freedom Of Speech For Whom

Some constitutional and philosophical underpinnings

Justice B.Sudershan Reddy

When I was asked, to deliver this Keynote Speech my initial reaction, momentarily, was to politely decline the invitation. The primary impulse was that the pace of events, the intensity of emotions being expressed, and indeed the manner in which they have begun to be expressed presents an immediacy that seems to make careful analysis and considered opinion more difficult. A knee jerk reaction would more often than not be destructive of reasoned and reasonable debate in a world that is necessarily to be viewed from multiple viewpoints, interests and heterodox perspectives.

The sorts of social, political and economic forces and narratives that have arisen and coalitions of them that are being coupled with various identity issues in a vicious cocktail, present only a very hazy picture, and there is a need for a great deal of introspection about where we had begun, with what goals, and what went wrong. The only thing that seems less hazy is the rapid retreat of the normative foundations of forms and purposes of collective action – on the international, national, sub-national and indeed even local levels. It wasn't too long ago many of us could speak of those normative foundations, of tolerance of multiple viewpoints and the power of peaceful discourse and ideas, as being strongly grounded in human cultures. The killing of more than 220 journalists in the past seven years across the world, that was slowly filtering through seemed to indicate

a strong change in the direction of the winds. They implied a great churning.

The killing of Gauri Lankesh, as she was opening the gate of her house, literally rammed that churning into our homes. The murder of Santanu Bhowmik just a few days ago, and following so closely on the killing of Gauri Lankesh, almost seems like a further emphasis of the point of the killings: sporadic protestations do not have any impact on groups, political and cultural organizations that are bent on destroying the liberal spaces of open discourse and dissent. These killings seem to presage a great struggle looming before us.

Yet that momentary disinclination to speak was overcome by the need to speak. This so, not because I believed that what I have to say necessarily holds any magical keys or greater valence than what many other shocked voices have been saying. But, my choice to speak is based on my perception that speech itself is under attack. The very notion that we, as human beings, have a primordial right to express our opinions, describe our circumstances, have a say in how we are organized in various associations that we choose to be a part of at various levels of collective action and what we are organized to achieve, is under attack. That existential threat, increasingly perceived by many reasonable people as being pushed forward by forces of in-

egalitarianism, needs to be fought. Many people realize that those forces undergird the argument that a small number has a social right to usurp most of the benefits of social action, leaving very little for the rest. And in the quest for greater and greater degrees of usurpation, those forces are increasingly attacking the foundations of liberal democracies – that human beings are capable of engaging in reasoned and reasonable debates to set and describe the paths to goals deemed as important for all, and that protection of human dignity of all is a necessary envelope in which those other common goals are to be achieved. Free speech is viewed as necessarily problematic to those who would usurp everything, and hence the destruction of free speech becomes an essential component of imposition of the logic of discipline upon the masses, their opinions and their voices.

I have always said on various platforms that it is important to organize public spaces for exchange of views. This is very important for those of us who specialize in various professions. As experts we tend to become limited in our perspectives by virtue of specialization. I believe that the range of ideas, concepts and structures of events that journalists and lawyers can discuss is vast. Yet, lawyers – with their intimate knowledge of institutional structures of democracy -, and journalists – as the primary purveyors of news and

creators of platforms for public intellectuals – seem to meet more as adversaries rather than as collaborators in the task of taking forward the project of a constitutional democracy. This, I believe, is an unsatisfactory state of affairs, and something that we can attempt to rectify in the future.

Consequently, I suggest that what I say here be viewed as the tentative sharing of certain perspectives and view points, and to learn, in turn, from the ones assembled here, from their perspectives, of where we are as bearers of the right to “free speech” and to what purpose might that speech be used for. Given, the nature of that enterprise – its magnitude and complexity – I would also have to humbly submit that I am honoured to have been asked to contribute. Additionally, I would also like to further add, that I do not view such honour as deserved but only incidental to being given the space to deliberate with such an august gathering of public intellectuals.

The standard content that one would expect a lifelong lawyer to deliver at such a meeting of journalists and media personnel would be about the various constitutional protections, and the constitutional gloss – in the form of various judgements by the Supreme Court of India about the guarantee of “freedom of expression” in Article 19 of the Constitution.¹ Much of the justification of that freedom, which has been interpreted to include the freedom of the press² as being equivalent to that of a citizen, has been premised on the utilitarian and instrumental purposes that such freedom serves in constructing, strengthening and protecting a deliberative democracy, and is to be treated, consequently, as a defining

feature of democracy itself.³ It is now well recognized in the Indian constitutional gloss that democracy as government by the people is vitally dependent on the availability, to citizens, spaces for frank and public discussion⁴ subject only to reasonable restrictions. As observed by the Supreme Court:

“Democracy is Government by the people via open discussion. The democratic form of government itself demands from its citizens an active and intelligent participation..... public discussion with people’s participation is a basic feature and a rational process of democracy which distinguishes it from all other forms of Government.”⁵

The concept of democracy, and the notion of a stake for the citizen—every citizen – in the decision as to who would hold the powers of the collective was itself considered revolutionary for India. Many constitutional experts had opined that - when our founding fathers had elected for universal adult franchise - with vast illiteracy and poverty the experiment with democracy would not survive for long. The danger that the poor and the illiterate would not take their right to vote seriously has been largely belied. As study after study has revealed, it is mostly the poor and the illiterate who turn out to vote in large numbers – or at least in much greater proportion than the well heeled and/or cultural elites. That India has survived, as a popular democracy for nearly seventy years, is largely due to the exercise of that right by the masses and the manner in which institutions of a constitutional democracy were carefully nurtured and built – on larger principles of tolerance, a deep commitment to an ontological assumption of political equality, and

a leadership that was willing to accept and protect the formal trappings of political equality.

While the involvement of the masses, and in fact their consolidation for formation of political groupings to compete thrived, we seemed to have had a greater difficulty in constructing a broader culture of “epistemic justice”. The phrase “epistemic justice” refers to the rights and being repulsed by the consequences of the deprivation of those rights, to be involved and heard in the process of deliberation of who gets elected, what ends and goals are chosen for prioritisation and the methods used to pursue those goals, and how the nation and/or other political and social spaces are constructed and sustained.

M.N. Roy, one of the doyens of Indian Humanism, had very early in his deliberations (in 1946) understood the dangers posed by tendencies in parliamentary democracy to become fascist. His argument had been that charismatic leadership combined with the nature of competitive party politics, and competition for electoral office, could lead to centralization of power. With the review of performance of elected representatives being ultimately bookended only by elections – and the potential tendency of citizenry to attribute legitimacy to all actions by the elected, especially when uninformed about the actions taken by those wielding power and the rationale for the decisions by the elites and their consequences, both to themselves and to others – M.N. Roy was worried that massive injustices could be carried out in the name of the poor and the masses. This was borne out by history, with the emergence of dictatorial and fascist

regimes that used popular mandates, and the platforms of those mandates, to proclaim supreme power to take decisions and make the institutions of the State to undertake any and all actions without the citizenry itself having the rights to raise any questions about them. A plethora of emotive factors were used to sustain such claims: from religion, to ethnicity, from ideology to personality, and from language to skin colour – every possible division had been used to divide citizens into monads, concerned at best with the immediacy of their own circumstances.

In such a setting, the role of the media was essentially conceived and expected to be that of a watch dog; to ensure that it provides the citizenry with the space for news, inter alia, about the decisions being taken and the reasons being asserted by those in power for such decisions and actions, and their consequences, both potential and actual. The primordial function of the media was to ensure that removal of citizenry from the communicative processes regarding state action would not lead to either misuse or of misdirected use of collective power. Democracy, in this sense was not just about voting, but about construction of institutions in the civil society – such as the media – to prevent the abuse of power and epistemic injustice to the citizens.

Consequently, even if one were to begin justifying the right to “free speech” on the instrumental ground that it enhances democratic participation, the right to free speech essentially gets located in the very notion of human dignity, the core minimal content of rights that each and every citizen/human being possesses by virtue of being human. If being “left alone” itself is a

fundamental right as observed by the Supreme Court in the Privacy Case⁶, the source of this right is located in the notion of human dignity. But it goes beyond that. The right to be left alone, at least in certain zones of individual autonomy that ought to be protected as an element of the right to life itself, and pursuit of life’s goals, is also accompanied by the human desire, and necessity in life, of being a part of associations to achieve common goals. The Nation State, and its various sub-levels of political administration, is of course the most prominent and primordial of such associations for collective action. How that association is run, and to have a say in policy making – through raising voices in support or in dissent, to form opinions in favour of the ruling coalitions or in opposition – as well as in what the nation-state protects or does not protect is a vital ingredient, nay an essential component, of human dignity. Individual autonomy is not capable of being sustained in the absence of this aspect of epistemic justice. The citizens ought to have, and our Constitution guarantees, the right of the Citizen to not just be informed, but also to drive the public discourse about the affairs of the state and the public sphere in general.

I would have thought existing constitutional gloss had made this rather clear and hence it was a bit shocking to me to read that the Attorney General had argued, on behalf of the Union of India, that human beings who are poor and/or illiterate have no need for a right to privacy. This was a rather shocking submission to make, as it represented an assault on the very ontological foundations of what we have come to understand “human beings” to be – as embodiments of a substantive core of human dignity. In this regard, the Supreme Court of India very

categorically and strongly, and I might add justifiably, rebuffed such a suggestion. The words of Justice Chandrachud in the recently delivered judgement are worth recounting *in extenso*:

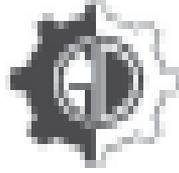
“In our view, the submission that the right to privacy is an elitist construct which stands apart from the needs and aspirations of the large majority constituting the rest of society, is unsustainable. This submission betrays a misunderstanding of the constitutional position. Our Constitution places the individual at the forefront of its focus, guaranteeing civil and political rights in Part III and embodying an aspiration for achieving socio-economic rights in Part IV. The refrain that the poor need no civil and political rights and are concerned only with economic well-being has been utilised through history to wreak the most egregious violations of human rights. Above all, it must be realised that it is the right to question, the right to scrutinize and the right to dissent which enables an informed citizenry to scrutinize the actions of government. Those who are governed are entitled to question those who govern, about the discharge of their constitutional duties including in the provision of socio-economic welfare benefits. The power to scrutinize and to reason enables the citizens of a democratic polity to make informed decisions on basic issues which govern their rights. The theory that civil and political rights are subservient to socio-economic rights has been urged in the past and has been categorically rejected in the course of constitutional adjudication by this Court.”⁷

(To be concluded)

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