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Dr. Subhankar Ray, Chairman, Indian Renaissance Institute is no more



15 October 1946 – 2 June 2015

Emergency (1975) a permanent scar on the soul of India

Rajindar Sachar

Death by a thousand cuts

Ramachandra Guha

Fooling the Farmer

Dr Bharat Jhunjhunwala

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Vol.79 No. 3 JUNE 2015

Monthly Journal of the Indian Renaissance Institute

Devoted to the development of the Renaissance Movement and for promotion of human rights, scientific temper, rational thinking and a humanist view of life.

Founder Editor:

M.N.Roy

Advisors:

Dr. R.M. Pal
Dr. Narisetti Innaiah

Editor:

Mahi Pal Singh

Editorial Board:

Ramesh Awasthi, Dr. Deepavali Sen,
Vidya Bhushan Rawat, Qurban Ali,
N.D. Pancholi (Ex-officio Member)

Publisher and Printer:

N.D. Pancholi

Send articles and reports to:

Mahi Pal Singh at G-3/617, Shalimar Garden
Extension I, Rose Park, Sahibabad,
Ghaziabad-201005. (U.P.) Ph. 09312206414

or E-mail them to:

theradicalhumanist@gmail.com or
mahipalsinghrh@gmail.com

Please send Subscription/Donation Cheques in favour of

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N.D. Pancholi, G-3/617, Shalimar Garden Extn. I
Rose Park, Sahibabad, Ghaziabad-201005 (U.P.)
Ph. 0120-2648691, (M) 9811099532
E-mail : ndpancholi44@gmail.com

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Obituary: Condolence Messages in Memory of the Veteran Radical Humanist Subhankar Ray, President of IRI

Indian Renaissance Institute is deeply grieved over the sad demise of veteran radical humanist Subhankar Ray who died on the evening of 2nd June 2015 at Kolkata. He was a dedicated radical humanist and one of the main pillars of the radical humanist movement in the country for the last more than five decades. He was a great inspirational personality for the movement. He was a renowned scientist in his professional field. He was unanimously elected President of the Indian

Renaissance Institute in January this year. Indian Renaissance Institute has suffered a heavy loss by his demise. Though he is no more with us, the cause for which he lived and died, will remain with us.

Indian Renaissance Institute pays its homage to the deceased and expresses its sincere condolence to his family.

N.D. Pancholi, Secretary, Indian Renaissance Institute

I regret to convey to you the passing away of our humanist friend Mr Subhankar. He devoted his life to the promotion of humanist movement and participated lifelong in the humanist programs to develop human values.

Personally I lost a good friend. Of course for the Renaissance movement it is shock. He was elected as chairman of the Indian Renaissance Institute in January this year in Kolkata.

Innaiah Narisetti from USA

My condolences. Very sad to lose one more member of the group. - **Sangeeta**

Really sorry. He was a thoroughly gentle person. I cherish the fond memories of meeting him last at Kolkata recently. It certainly is a big loss to the radicals. My condolences to all the family members, relatives and friends. - **Mahi Pal Singh**

It is a great loss to the humanist movement. I remember we met him when we were in Kolkata.

Muralidhar Isanaka

Sorry to know; a great loss. - **Jayanti Patel**

We are shocked to learn the premature death of our beloved Shri Subhankar Ray, Chairman of IRI. He was a stalwart, beckoning light and strong pillar of our Institution IRI. His contribution towards radical humanism is noteworthy and unforgettable and with his loss, the institution has undoubtedly suffered an irreparable loss. We convey our heartfelt sympathy and condolence to his bereaved family. May fortitude and strength be bestowed on his family members to face this irreparable loss. - **N. Vyas**

The passing away of the veteran Radical Humanist Shri Subhankar Ray, Chairman of Indian Renaissance Institute is a great loss to the community of radical humanists and rationalists of India.

In this hour of grief, we at World Focus mourn for his passing away and wish that may his family members have the strength to bear with the loss of this towering personality. We send our sincere condolences to the bereaved family members. - **Bhabani Dikshit**

Andrew Copson Elected President of International Humanist and Ethical Union

On behalf of Indian Renaissance Institute and Indian Radical Humanist Association Congratulations to Mr Andrew Copson, newly elected president of International Humanist and Ethical Union. He succeeds Ms Sonja , the successful chairman of IHEU. In 2005 Andrew Copson started working at the British Humanist Association as director of education and public affairs. In 2010 he became the BHA's youngest ever Chief Executive, a position which he described at the time as "obviously a daunting one", saying that he felt "a huge responsibility to build on the BHA's many successes."

He is also the first Vice-President of the International Humanist and Ethical Union, and was formerly a director of the European Humanist Federation, trustee of the South Place Ethical Society (stepping down at the AGM on 10 November 2013) and chair of the Gay and Lesbian Humanist Association.

Copson is a regular contributor to New Humanist Magazine, has written for The Guardian and New Statesman, and has been interviewed on BBC News for non-religious opinions on topics



Andrew Copson

such as religious symbols in the work place and euthanasia.

Copson has stated scepticism in regards to "atheist churches", denouncing Alain de Botton's idea of an atheist temple, and expressing doubt in regards to future success of The Sunday Assembly.

Innaiah Narisetti

Articles/Reports for The Radical Humanist

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Dear Friends,

Please mail your articles/reports for publication in the RH to:

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— **Mahi Pal Singh**, *Editor, The Radical Humanist*

Emergency (1975) a permanent scar on the soul of India.

Rajindar Sachar

Nations which do not remember their immediate past are in danger of repeating the same tragedy. This thought comes to me when on random questioning of the significance of June 26th 1975 (the Emergency Day) from the age group of 35 and below (who constitute 2/3 population of India) one draws an overwhelming blank look, and not so encouraging even from up to the age of 55. Even newspapers never front-page it - some even do not even carry the information, and a few may just mention it casualty somewhere in the corner of inner pages. Many opposition parties which were the victims of Emergency choose to keep low key. Even though PUCL and other civil liberties organizations, as usual hold protest meetings, but TV and newspapers designedly avoid any mention, overwhelmed as they are with the Government's neo-liberal policies. Or is it a sense of fear because the perpetrator of Emergency was the Ruling party for most of the immediate past period. And yet tragically it was a day when India lost its democracy and the USA President sarcastically boasted that USA was then the largest democracy. It is a different matter that thankfully because of the sacrifices made by Indian people under the inspiring leadership of Jayaprakash Narain (J.P.), the boast of USA President was to end, but only after 18 months.

It is not that there was no resistance to the Emergency. Thousands went to Jail which included Ex-Central Ministers, Ex-Chief Ministers, Governors, lawyers, legislators and a few brave journalists. Many Human Rights activists went underground but there is a limit beyond which unarmed people can fight an intolerant and a near fascist State which India had become those days.

In times of crisis, judiciary is expected to act as bulwark against the excesses by the Executive, like during the Emergency. But to our shame fatal blow to freedom was struck by Supreme Court judgment in ADM Jabalpur holding that right to life does not survive during Emergency - this disgrace will continue to proclaim the pusillanimity of the Supreme Court in refusing to act as a sentinel to safeguarding Human Rights.

Supreme Court Ruling in (ADM Jabalpur case in 1976) which overruled the view of 9 High Courts that the legality of detaining order passed by the governments could still be set aside for illegality - in fact in some cases the High Courts had ordered release of detainees. Had this view been upheld, by the Supreme Court the Emergency would have collapsed. But to our shame the Supreme Court by a majority of 4 judges against one honourable exception (Khanna J.) laid down thus;

"In view of the Presidential Order dated June 27, 1975 no person has any locus standi to move any writ petition under Article 226 before a High Court for habeas corpus or any other writ or order or direction to challenge the legality of an order of detention on the ground that the order is not under or in compliance with the Act or is illegal or is vitiated by mala fides factual or legal or is based on extraneous considerations."

The Supreme Court to its shame accepted Attorney General's argument that if a policeman under orders of his superior was to shoot a person or even arrest a Supreme Court Judge, it would be legal and no relief would be available. Naturally in this situation, no peaceful opposition

to the Emergency could continue. I am shocked how the majority decision could rely on *Liversidge vs. Anderson* given during wartime in 1942 by the House of Lords, (U.K.) but with a memorable dissent (by Lord Atkins) when English Courts subsequently felt so ashamed of that decision that a conscious effort was made to throw that decision into a dung heap.

In 1963 Lord Radcliff (HL) referred dismissively to the very peculiar case in *Liversidge vs. Anderson* and said, "It should be confined apparently to a war time context and that it is already clear that the decision was regarded as an aberration." *Law Quarterly Review* (1970) clearly spelled out how embarrassing the decision in *Liversidge* was becoming for the English judiciary.

Some commentators have ironically described majority in *Liversidge* case as the court's contribution to the war effort of England - similarly many in this country are inclined to describe the majority in *Jabalpur* case as Supreme Court's contribution to the continuance of 1975 Emergency. Had the Supreme Court taken the same view as 9 High Courts, the Emergency would have collapsed immediately, because no court could possibly have upheld the detention of stalwarts and patriots like Jayaprakash Narayan Ji, Morarji Desai, Raj Narain, George Fernandes, Madhu Limaya and

brave journalist Kuldip Nayar and thousands of others on the ground that they were a danger to the security of the country. The inevitable result would have been the immediate release of these leaders leading to overwhelming opposition movement which would have swept away Indira Gandhi Govt. by mid 1976. Alas, how sometimes fate of nations can be influenced by the pusillanimity of a few individuals - in this case embarrassingly by the highest judiciary which it can never live down.

Soon after the change of Government in 1978, Justice Chandrachud and Bhagwati publically expressed regret and conceded that their decisions were wrong and that they should have joined Khanna Ji which would have been the majority. But this crying over their disastrous earlier view is like crying after having deliberately spilt the milk. So much distrust in judiciary had been generated that the Parliament took precaution of passing the 44th Amendment to the Constitution (1978) which has taken away the power of the President to suspend Article 21, but still we must continue to remember that "eternal vigilance is the price a nation must pay for safeguarding the liberties of individuals". And the press should keep reminding the public of this frequently.

Dated: 10/06/2015
New Delhi

Readers' Comments

Dear Editor,

The *Radical Humanist* May 2015 issue is worthy for its choice of wide range of issues both national and international. As a researcher of freedom struggle I found article on *RIN Rising* full of facts which are not known generally. Thanks for adding to my knowledge. Moreover, a philosophical article titled 'What does Supernatural mean Anyway?' by Michael Shermer is worth sharing.

Please continue publishing regularly on different facets of Indian freedom struggle and atheism. Wishing you all the best.

Shamsul Islam

Is India Emergency Proof?

Nandana Reddy

With each passing day I can't help but feel the gnawing sensation that the shadow of authoritarianism is reaching its tentacles deeper and deeper into our lives, eroding our fundamental rights and freedoms and my mind goes back to June 25th 1975.

That day was the last day of shooting of my father, Pattabhirama Reddy's, film 'Wild Wind' [Chanda Marutha]. The 16MM reels were packed in a trunk ready for processing. M Bhaktavatsala, my mother Snehathatha, Ashok Mandanna and Huli Chandru, the main actors in the film and the rest of the cast that included me, heaved a sigh of relief. As it was a 'no budget' film the schedules were gruelling and the theme - the insidious shadow of a dictatorship stretching itself across a nation and gradually enveloping her people - had taken its toll on the actors and the crew. Little did we know that the film was a prediction of things to come!

The signs were all there, but we did not want see them. Could India really become a Dictatorship - a country that had nurtured a Mahatma - one of the oldest and largest democracies in the world? Would 'we the people' allow a Prime Minister to violate all our fundamental rights for returns such as 'trains running on time', 'bureaucrats being disciplined' and 'red tape shortened'?

My parents had chosen to make this film as it showcased the troubled times we were experiencing, the growing corruption, unprecedented price rise and appalling governance. But it was hard to imagine that we would actually be victims of such a regime. JP's Movement was gaining ground and with that the confidence that India would remain free.

On the 26th we awoke to the terrifying headlines in the newspapers 'President Proclaims National Emergency', 'Security of India Threatened by Internal Disturbances'. Other headlines screamed

'Preventive Arrests', 'Thousands Jailed' and 'Press Censorship Imposed'. This was followed by blank editorials. Several political activists and leaders had gone underground including George Fernandes. Others like CGK Reddy of the Hindu were maintaining their cover though drastically opposed to Indira Gandhi's authoritarianism.

I was in my early 20's and because of my political upbringing was raring to join George and contribute to the Underground Movement. I remember my mother asking me to wait outside the house where George was taking refuge while she had a private word with him. Sitting on the compound wall I overheard the conversation. My mother was arguing for non-violence, while George believed that the end justified the means. Finally, it was agreed that only selective violence against symbols of State control [property] would be used provided that it would not harm any living being. Only then did my parents - staunch believers in non-violence - consent to my involvement.

It was an exhilarating experience! The Underground Movement was a massive network all over India and abroad. We edited, printed and distributed underground literature, sheltered fugitives including George, JH Patil and MP Veerandra Kumar and escorted them on their journeys. Once I even disguised myself as a young Sardar, turban and all, to accompany George to Hyderabad who was also dressed the same. I met with religious and political leaders including Dharmastala Veerandra Hegde and Nambudripad to try and enlist their support for the cause. We also planned and executed selective sabotaged and I was in charge of training the southern wing of the movement.

I was recently rereading 'The Anatomy of a Dictatorship' authored by CGK Reddy but circulated under George's name as CGK was still with the Hindu and needed to take it to Europe

to muster International support on the pretext of attending a media conference. It records Indira's actions that led to the declaration and continuance of Emergency and reads like a text book with step by step instructions for a potential dictator. It would appear that Mr. Modi and his backroom boys have studied this and have learnt their lessons well and this time around have managed to usher in a dictatorial regime seemingly within the Constitutional purview and without having to resort to Article 352, which in any case has been made more difficult to use since its amendment in 1978.

MJ Akbar says that "now Indian Democracy is too strong" for another emergency to be declared. This is a surprising statement for him to make when the present Government has undermined every institution and dented every vestige of democracy. But then as a spokesperson of the BJP, I guess he would.

Meanwhile, wooing the masses with empty promises keeps the charade alive. People with newly opened bank accounts wait for Modi to bring back the black money and deposit their share, while Modi travels the world making friends and promoting his 'image'. While millions wait for basic needs like water, housing and sanitation, Modi twitters his elite twitter buddies in cyberspace. While communities are trying to resolve their differences, Modi's ministers spread the RSS ideology banning beef, telling our Muslim brethren to go to Pakistan and spout medieval patriarchal comments against women.

There are many common factors between Mrs. Gandhi and Mr. Modi. The self promotion as a cult figure; 'Indira is India' is now the Modification of India; his wardrobe, his slogans, his international events, a cultism built around catchphrase not actions. The other is the promise of sops. Every household will have a toilet, the Beti Bachao Andolan and the Swacha Bharath Andolan [that has resulted in the biggest garbage disposal crisis we have seen in recent times] all reminiscent of Indira's 20 point programme and 'Garabhi Hatao'. Both these Prime Minister's

hardly attended Parliament and while one muzzled the media; our PM of today just ignores them! One jailed thousands of dissenters, while the other just cuts off their source of funding. Modi has systematically dented the check list that defines a democracy - our right to dissent; freedom of association; freedom of speech including a free press; freedom to practice our religion, speak our language and enjoy our culture.

Manmohan Singh's lament that our 'democratic institutions are under threat', rings true, but we must remember that it was during his tenure that the erosion began and paved the way for the undeclared 'Emergency' we are now experiencing.

Unfortunately, few recognise the signs. The present generation have no knowledge of the Emergency and history has not recorded it. There are only a handful of us left with memories of those dark days. Advani, one of the survivors of the Emergency feels that the 'forces that can crush democracy are stronger' now. He is right, because the environment is weaker. But his hope that having experienced 'Emergency' once, India could have been inoculated against it is wishful thinking. This may have been true 20 years ago, when those who had experienced both the struggle for freedom and the State of Emergency were still alive.

But 'we the people' still do have the power to overturn dictatorships. We have done it in 1977 and we will do it again. But for this we need to first acknowledge the presence of the beast. We also need to study the 'Emergency' of 1975 and learn our lessons. Then we need to empower ourselves, not just by Constitutional provisions, but to know and feel that we hold the fragile heart of a participatory federal republic in our hands. I have faith in India and her people - we the people are the insulation against a dictatorship.

Nandana Reddy is a Social and Political Activist
Email: nandanareddy54@gmail.com

Courts Tilt Towards Rich

Kuldip Nayar

As a law abiding citizen, I have faith in the court to rectify the wrong done to me. I have never been cheated except when the Emergency was declared and I was detained without any rhyme or reason.

The two-judge accepted my wife's habeas corpus petition and released me. The reason for my release was that since I did not belong to any political party and pursued my journalistic work professionally, there was no ground to detain me. Both the judges were, however, punished. The senior judge S. Rangarajan was transferred to Sikkim and Justice R.N. Aggarwal was reverted to the Sessions Court from where he had been elevated. Both the judges were sacrificed at the altar of press freedom.

Never have I suspected influence, pressure or money coming in the way of justice. But the two recent judgments have shaken my faith in law courts. In the first case, actor Salman Khan has been released on bail without spending a minute in jail and, in the second, J. Jayalithaa who had to step down as chief minister of Tamil Nadu, has been exonerated from the charge of having amassed wealth disproportionate to her known income.

Granted the lawyers must have argued well. Both Salman and Jayalithaa can afford the best of legal brains in the country. But the judges, who heard their cases, too have to see that they deliver justice however weak the prosecution is.

I am sorry that this has not happened. It is not because the lawyers had the better of judges, but because other considerations must have come in. My firm conviction is that influence, if not money, worked. These are fit cases for a Special Investigation Team (SIT) to look into under the Supreme Court. It would be a travesty of justice if the verdicts against Salman and Jayalithaa

are accepted and nothing else is done in the matter.

Take the case of Salman. The trial court does come to the conclusion that he was driving the car in a drunken condition and he killed the people sleeping on the pavement. Rightly, a sentence of five years is pronounced because that is the minimum the judge could have awarded under the law.

However, the actor gets an interim bail before the case is taken up for a regular bail in Bombay High Court. There, the judge suspends the sentence pending the hearing of Salman's appeal. True, it is his prerogative. But would he do so in the case of an ordinary citizen? The VIP status of the culprit seems to have been the main criterion for taking a lenient view of the crime.

I wish the judge had taken into consideration the orphaned families of the victims. He even does not recommend more compensation to the Rs. 19 lakh which Salman had himself deposited and which the court had not distributed to the victims for 13-long years, the period for which the case was not complete. Salman's influence or money power came in handy to delay the case as long as possible and the police were a willing partner.

Parliament should take note of it and ensure that the machinery of law does not move slowly and slovenly. There is no politics in it. Only money has mattered. Surely, the system can devise ways to stop the well-to-do from committing a crime and getting away with it. This can happen provided the MPs act according to their conscience, not the party whip which again is politics.

One exception that comes to my mind straightaway is the Sanjeev Nanda's hit-and-run case. Even after a protracted proceedings and inordinate delay, Nanda was convicted and sent

to jail. His father was the former naval chief and still he could not save Sanjeev. On the other hand, Salman uses his influence and escapes jail even though it can be argued that his sentence has been suspended. In the case of another actor, Sanjay Dutt, there were so many furores because he was released on parole many a time.

Coming back to Jayalalitha's exoneration, it is equally amazing. The luxury in which she wallows is not a matter of perception. It can be seen and assessed in terms of buildings and other visible things. The judge is entitled to give a culprit the benefit of the doubt, but closing his eyes to realities amounts to favouritism. Why the concession will be the question asked straightaway?

The judgment stated that the total income of Jayalalithaa was Rs. 34.76 crore. If Rs. 13.50 crore, added by mistake, is deducted the income would come to Rs. 21.26 crore. But the assets of Jayalalitha are Rs. 37.59 crore as accepted by the judge. There is still a difference of Rs. 16.32 crore between the assets and the actual income. But the judge stated that the difference came to

only Rs. 2.82 crore which is 8.12 percent above the income. However, the special public prosecutor said that Rs. 16.32 crore translated to assets 76 percent above known income. Obviously, there was a mistake somewhere that needs to be rectified.

That the judicial system is tilted towards the haves is a fact which cannot be denied. There is no provision of referendum in the constitution and parliament will not be included to interfere because both the main political parties, the Congress and the Bhartiya Janata Party (BJP), will never agree to radical changes. Their real base is the middle class, not prone to anything drastic.

The verdicts in the cases of both Salman and Jayalalithaa may have shaken the nation. The Narendra Modi government has still four years left in its five-year term. Therefore the nation, however handicapped, has to wait for fresh elections, which may be contested on different issues altogether. Still some changes need to be made so that the lower half has also access to remedies to get their due.

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Humanist Ceremonies

Sangeeta Mall*

A good friend's father died of old age recently. Uncle, as we called him, was a Maharashtrian from Pune and, in the early fifties when such matches were still unusual, married a girl from Kerala. While both were Hindu, they brought up their daughters in a secular environment, practicing no religion at home and conducting no rituals. Their daughters continued the tradition after marriage and managed secular households that, though not overtly atheistic, nonetheless followed no particular symbols or markers of any religion. One day, a few of us women friends sat around the dinner table and the conversation drifted to how we got married. My friend recalled her own marriage according to Sanatan Dharma rites, and she ruefully wished that she had had a less clunky and artificial marriage ceremony. After all, the family had always lived in a godless environment. To suddenly put on such a conspicuous display of religiosity felt completely hypocritical.

Unfortunately a few months later when Uncle died, I saw a practical example of this feeling. In the absence of an alternative, he was cremated with full Hindu rites while my friend's family looked on uncomfortably, following the priest's directions from time to time without any sense of exactly why they were what they were doing. One of the most distasteful moments occurred when the priest called out for the son of the dead man, and a long lost nephew was pushed forward to conduct all the rituals while my friend and her sister watched from the sidelines, forbidden by religion from giving their father the send-off he deserved. Later, when things had settled down, I asked my friend if she would have preferred a more dignified funeral for her father, one where his life and achievements were remembered and his life stance respected, and she answered with



a resounding 'Yes'.

There's a barely noticeable shift in Indian society with the growth of media and economic liberalization. As a poor and vast country, our customs were the umbrella against the storm of change and consequent loss of identity. Our poverty was balanced by the pride in our ironclad rituals. Our religion governed every aspect of our life, and its ceremonies in particular, with their intricacies and embellishments, provided a cheerful shelter against the rain clouds of poverty. Fortunately for these rituals, the system of endogamy perpetuated religious customs and ceremonies as each tiny community living in its own cocoon, carried on in the same way for generations.

In the last two decades, two things have upset this narrative. The first, and most important, is economic liberalization and consequent urbanization. As people become more prosperous and move to the cities, their connection with their community is loosening. Urbanization has also brought in its wake an epidemic of exogamous marriages. As people

move up the economic ladder and have more and more external influences in their life, they tend to look for partners further afield.

The second upset has been caused by the flood of television channels, all of which are presenting a world that's a kitschy representation of Indian society. The North-centric, vulgar display of customs as shown on television has come to replace the original rituals of a place or community, perhaps because they are gaudy, cheerful and inclusive and most of the time, far removed from traditional practices.

So diversity in marriage and the dilution of tradition has taken a large swathe of Indians away from customary beliefs. While they may not actively profess atheism, I believe that there's a big opportunity for spreading Humanist thought in our midst.

Let us objectively examine the perception about Humanists from society's eyes. To put it mildly, they are considered odd. There's an aura of rebelliousness around them, and a lot of people find themselves intellectually ill-equipped to join their ranks. While there's a philosophical Great Wall between Humanists and others, there's also a practical barrier between the two groups. One way of breaching this barrier is by offering a 'normal' and proactive agenda, in effect recognizing that while a lot of people might not be actively religious, they have nowhere else to turn to when it comes to rituals and ceremonies. The larger perception of society is that there is no such thing as Humanist ceremonies, there's only Humanist thought and the latter forestalls any development of the former.

Let us acknowledge that tradition is to life as water is to soil. Each tradition attracts its own set of adherents. While abjuring jingoism and superstition, isn't it time that we started taking a serious look at ceremony and symbolism as part of our own development? Shouldn't we, as

Humanists, aspire to a colourful, ornate life imbued with both meaning and substance? Shouldn't we think about the alternative to religious ceremonies? If there can be a Bengali wedding or an Arya Samaj Punjabi funeral, shouldn't Humanists also offer an equivalent filled with meaning, solemnity and ritualism? Shouldn't we gratify the urge to bring meaning and a sense of occasion into our otherwise humdrum lives?

It is a commonly observable truth that nowhere is the propagation of an idea more effective than through a channel of mass communication. While it is important to create a bibliography of Humanist writing, while it is important to address social injustice through a Humanist prism, while the struggle for human rights and civil liberties is crucial for the progress of our country and humanity at large, while the fight against superstition and for nurturing a scientific temper remains vital especially in the face of increasing irrationality and militant atavism, I believe that the gentler face of Humanism can be presented to society at large through ceremonies, created especially for people for whom Humanism is a potential, not current, life stance.

Many young couples, filled with idealism, desire a wedding ceremony devoid of the mumbo jumbo of their respected religions, one that is relevant to present times and not derived from a time when human development was at a nascent stage. There are many couples that have started creating their own ceremonies, exchanging vows in front of friends and family, abjuring a priest without necessarily giving themselves a different life stance label. I'm sure they'd grab the opportunity of having a celebrant take them through the steps of a ceremony, formalizing what they're fumbling through on their own.

Similarly when it comes to end of life, it seems

a pity that we have very little to offer to the multitudes who desire a dignified farewell for their loved ones. I still remember the irony of a Humanist of repute who was sent to his final abode amidst chants from the Gita. Had a Humanist celebrant stepped forth at the time, I'm sure the family of the deceased would have grabbed the opportunity of giving a fitting tribute to a great man.

Ceremonies are a great way of inducting a person into an alien life stance. They also affirm the joy of life and give meaning to the most important events in our life. In my opinion, India

has reached a stage where the Humanist movement can use this avenue to introduce the population to this philosophy. It's high time we gave thought to creating Humanist ceremonies that can then be introduced to anyone who isn't actively looking for a religious ceremony.

* The author is former Managing Editor of the Radical Humanist and former editor of the International Humanist News. A novelist and freelance writer, Sangeeta is at present working on her third novel and writing for some not for profit organisations.

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Indian Renaissance Institute has been receiving regular requests from readers, research scholars, Rationalists and Radical Humanists for complete sets of books written by M.N. Roy. It was not possible to fulfil their demands as most of Roy's writings are out of print. IRI has now decided to publish them but will need financial assistance from friends and well-wishers as the expenses will be enormous running into lakhs. IRI being a non-profit organization will not be able to meet the entire expenses on its own. Initially, following 15 books have ordered for print: New Humanism; Beyond Communism; Politics, Power and Parties; Historical Role of Islam; India's Message; Men I Met; New Orientation; Materialism; Science & Philosophy; Revolution and Counter-revolution in China; India in Transition; Reason, Romanticism and Revolution; Russian Revolution; Selected Works - Four Volumes; Memoirs (Covers period 1915-1923).

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LIMIT-LESS: PM Modi's One Year of Showmanship

Seema Mustafa

NEW DELHI: Prime Minister Narendra Modi and his government are getting ready for the one year in office. The Ministers who are generally reticent are running around giving interviews, and creating the atmospherics for a 'government that works.' And for a 'nationalist' government the prominent face at this stage becomes the Defence Minister who knew little about the Rafale deal when it was re-struck in France by the PM, but is on top of terrorism per se. His interviews to the media now speak of targeting killings---of course of terrorists only--- and of the Army and the government being several steps ahead in containing terrorism.

But it is the Prime Minister who remains the showpiece of this government for it revolves around him. PM Modi personally has come a long way---from a pariah in Gujarat to a rah rah celebrity with adulating Indians outside India salivating around him for selfies, a look, a touch and of course the promises that even if undelivered are not going to impact on them particularly.

PM Modi is a recognised social media whiz. He is a media whiz per se, and had demonstrated this in Gujarat to some extent. But he came into his own during the Lok Sabha elections, with his grand oratory, his vigour, his non-stop campaign, and his sheer showmanship that was lapped up by the cameras and the scribes bored and fed up with the other faces in the fray. His campaign was dramatic and exciting, he himself was the star, and very soon his publicists were able to convert Modi the candidate into Modi the Prime Minister even before the votes were cast.

It was not long before the media started realising that all was not as it seemed. And Prime Minister Modi was not as friendly, in fact was not media

savvy in the way it had been projected. He avoided one on one interviews, and while happily posing for the cameras atop a platform, avoided even brief interactions below. The media was not encouraged to walk into the Prime Minister's Office, with the absence of a media advisor making it more so. And very soon Ministers were told not to entertain the journalists, and give statements unless duly authorised. He stopped carrying media teams with him during his frequent visits abroad---a good thing actually----and ensured that all photographs were taken by his official photographers that were released only after due consideration. The 'unguarded moment' was thus taken care of by simply ensuring it was not there, with the Prime Minister always in pose---with his recent photographs from the Terracotta Warriors Museum in Xi'an being a case in point.

The Prime Minister calibrated his visits to 18 countries in the first year carefully. While the small policy decisions were left to the Ministry of External Affairs and the PMO of course always in close supervision to work out, he was more interested in using the international platforms to establish himself as not just a world leader, but a leader sweeping the world. So his visit to the United States that had denied him a visa because of the Gujarat 2002 communal violence, became a major demonstration of his popularity. Madison Square Garden became the venue for the comeback, as screaming and cheering Indian Americans gave him the legitimacy that he so desired. And from then on there has been no looking back, with multi-lakh suits, an extensive wardrobe enabling frequent changes of clothes during a day adding to the new found confidence of the chai wallah, as he is so fond of describing himself.

No other Minister was in sight abroad. It was PM Modi all the way. Foreign Minister Sushma Swaraj seems to have disappeared from view. And to think of it there would have been no Minister in sight in India as well, had it not been for the fact that many of them placed themselves under the spotlights with controversial comments and hate speech, and of course the requirements of Parliament that cannot have the PM alone in the dock. It is no secret that all big decisions are sent to the PMO for clearance, and as journalist and BJP ideologue Arun Shourie said recently, files are piling up at PM Modi's desk for clearances. No one can speak unless he says, no one can take a decision unless he clears it, and while there is a Cabinet and a Council of Ministers the powers to the incumbents flow directly from the Prime Minister himself. The PMO is this huge swathe of bureaucrats, who work around the clock while National Security Advisor Ajit Doval keeps close watch on friends and foes alike.

PM Modi is this larger than life figure, in his own eyes as well. His speech to the Indian Community as Shanghai gave an indication of how he sees himself as the saviour, who was elected to bring Indians out of the depth of darkness. And that Indians were ashamed to call themselves Indian earlier, but now with his arrival as the Prime Minister all that has changed. And Indians are taking pride in their nation and their nationality. Of course these comments got him into serious trouble at home, for deriding India with the social media abuzz

with tweets and jokes about #ModiInsultsIndia.

In one year, PM Modi has established himself as the sole man in the driving chair---abroad and in India. There is no collective responsibility, and the Cabinet is there to carry out his directions. No one tells the PM what to do, they dare not, with many of his announcements across the world catching his own minions by surprise. The decision to strike a new deal for 36 Rafale aircraft with the French was his announcement that had the officials scrambling to make sense; as was the e-visa in China that clearly the Foreign Secretary knew little about as he had just briefed the media saying no decision had been taken on this issue; and perhaps even the India-US civil nuclear agreement where he directed the officials to achieve a 'breakthrough' regardless of the bottlenecks. The Foreign secretary then announced 'the deal is done' although the details have still not been revealed.

The individual has taken over the collective. The executive now rests in one man, the Prime Minister. Good, bad or indifferent. He says 'good', but given the fact that he is perhaps one of the most polarising personalities to head India, the major opposition parties together insist 'bad'. It is true there are not many ticking the 'indifferent' category. The real assessment will be made in the subsequent years, when the dust settles on the rah rah, and as the second witch in Shakespeare's Macbeth said, "when the hurly burly's done, when the battle's lost and won...."

NEW DELHI: May 24, 2015

(Courtesy: 'The Citizen')

Search for Truth

Truth resides in every human heart, and one has to search for it there, and to be guided by truth as one sees it. But no one has a right to coerce others to act according to his own view of truth.

Mohandas Karamchand Gandhi

Fooling the Farmer

Dr Bharat Jhunjunwala

Farmers' problem is not of weather; they have no cushion to bear a crop loss in the absence of adequate prices for his produce

Farmers lose if the production is more, because the prices collapse as is happening with potato farmers these days. Farmers again lose if the production is less. In this case, they have only straw to sell. As a result, farmers are unable to save money for a bad year and are forced to commit suicide if a single crop fails.

Farmers in the entire North are committing suicide in large numbers. Their crops have been destroyed by untimely rain and storms. They are unable to repay loans taken from banks. The real problem, however, is not of weather. It is that farmers have no cushion to bear a crop loss in the absence of adequate prices for his produce. They lose if the production is more because the prices collapse as is happening with potato farmers these days. The farmers again lose if the production is less. In this case, they have only straw to sell. As a result, farmers are unable to save money for a bad year and are forced to commit suicide if a single crop fails.

Modi's solution is to provide a Soil Health Card to all farmers. The card will indicate the deficiencies in the soil and help the farmers determine which fertilizers to use, and in what quantity. So what? The price in the market will still collapse and farmers will still lose. Modi's second solution is to establish modern mandis. Good. But benefits of a better mandi may accrue to the urban buyer rather than the farmers. The homemaker may pay Rs 8 for a kilo of potato instead of Rs 10 at present, and farmers would still get Rs 3. Modi's third solution is that farmers

must use drip and sprinkler irrigation to save water. But who will pay for these systems? And, once again, if the crops are good, who will ensure that the prices do not collapse? Modi's suggestions are good but these are cosmetic.

Modi announced in Punjab that the government is working on a scheme to provide pension of up to Rs 5,000 per month to farmers under a Public-Private Partnership (PPP) model. Punjab CM Parkash Singh Badal clarified that the PPP model may be like the National Pension Scheme (NPS). Participation in NPS is compulsory for government servants. They contribute 10 per cent of their salaries to the NPS; and the government contributes an equal amount. The NPS is open to private individuals as well, but with a critical difference. The matching government contribution is not available to private participants. They will get pension only from income earned from the money contributed by them. An individual may deposit money in a Time Deposit in a bank and get interest on the deposit after he has attained 60 years of age; or he may deposit with the NPS and get the same pension. The NPS works merely as a money manager for private subscribers. The PPP in NPS is restricted to government money managers getting an additional opportunity to play with private participant's money.

The UPA government had initiated a Swawlamban scheme. A person would make a commitment to pay a premium of Rs 1,000 to Rs 12,000 per year for a minimum 20 years. The government would make a contribution of Rs 1,000 for the first three years in his account. A person contributing Rs 1,000 per month would contribute Rs 20,000 over the 20 years and get

a government subsidy of Rs 3,000. But individuals did not find it attractive to place their hard-earned Rs 20,000 in the hands of bureaucrats to secure a subsidy of Rs 3,000! The scheme was a failure.

Modi has made some changes in the Swawlamban scheme. He has renamed it Atal Pension Yojana. He has removed the requirement of a minimum contribution of Rs 1,000 per year but retained the minimum period of 20 years. The government contribution now would be 50 per cent of the participant's contribution subject to a maximum of Rs 1,000 per year that will now be made for five years. So, an individual contributing, say, Rs 500 per month, for 20 years or total of Rs 10,000 will get a subsidy of Rs 250 per year for five years or Rs 1250. Better, but not enough. The government contribution is still paltry.

Moreover, the loss of income in running after banks and insurance agents and bribes to be paid to get the pension cheques would still be prohibitive. These schemes are designed to create an impression that Modi cares without him having to spend much. It is like Modi meeting a traveler to Mumbai at the Delhi Railway Station. Modi bought him a ticket up to Faridabad and told him to buy the remaining ticket himself! Modi would take the credit for sending him to Mumbai while the poor fellow would bear most of the expenditures thereof! I am absolutely certain that Atal Pension Scheme will follow the footsteps of Swawlamban into failure.

The total agricultural production in the country was Rs 9,07,000crore in 2013-14. A small one per cent increase in the price of agricultural produce would beget the farmer an additional income of Rs 9,070crore. Consider the expenditures to be made by the government for the farmer's pension scheme in relation to this.

The UPA government had made a budget allocation of Rs 100 crore for Swawlamban. Modi may increase this to, say, Rs 200crore. Instead of providing a benefit of Rs 9,070crore by securing an increase of a mere one per cent in the prices, Modi is pretending to be the farmer's friend by spending a paltry Rs 200crore. Good publicity gimmick, maybe; but certainly not a pro-farmer policy.

Modi must take three steps to help the farmer. One, he should push for a change in the World Trade Organization on the question of agricultural subsidies. At the time of signing the WTO treaty, the developed countries had promised to work towards elimination of agricultural subsidies given by them. This has not happened. As a result, developed countries are subsidizing exports of agricultural goods, while the prices in the global and Indian markets are low, and the farmer is suffering. Modi must insist that the developed countries remove all agricultural subsidies and he should impose a hefty import duty on agricultural goods until this is done. That will lead to an increase in prices in the Indian markets and provide relief to the farmer.

Two, the government must establish a "High Value Added Agricultural Export Corporation." This company must help farmers produce customised fruits, vegetables and flowers and export these. That will provide a new avenue for increased incomes to our farmers. Three, Modi must start imports of straw and cow dung instead of potash and phosphate fertilizers. These chemical fertilizers are spoiling the health of the soil. Availability of cheap straw and cow dung will help reduce the cost of production of the farmer and make life easier for him.

The writer is a former Professor of Economics at IIM Bangalore

Land bill amendments: If only farmers were idiots

The transition cannot take place if India's farming-dependant population is given the choice to remain in rural hinterlands and practice agriculture

G. Sampath

Until January 2014, when the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (RFCTLA) came into force, Indian farmers were at the mercy of the colonial era Land Acquisition Act, 1894. Under the older law, the state could forcibly acquire private land under a vaguely defined pretext of public purpose and while the land loser could go to court over rates of compensation, there was no question of her refusing to part with the land under any circumstances, and the law did not leave any scope for democratic consultation with or participation of those whose lands were being taken over.

Most of independent India's big projects were executed under the auspices of this law. Today, nobody can deny the state has failed repeatedly and miserably to rehabilitate the vast majority of those displaced by development projects. Just picking at random: farmers displaced by the Tehri project have still not been rehabilitated; farmers displaced by the Sardar Sarovar Project on the Narmada dam have still not been resettled; farmers displaced by the dozens of special economic zones (SEZs) have still not been resettled.

Acknowledging India's woeful record in rehabilitating project-affected peoples, a December 2013 parliamentary note circulated for the reference of Lok Sabha members said, "Between 60 and 65 million people are estimated to have been displaced in India since Independence, the highest number of people uprooted for development projects in the world."

Yet, there are intelligent people who want farmers to believe the two pillars of any meaningful participation in harnessing land resources for development-informed consent and social impact assessment (SIA)-are no big deal.

In fact, India has already experimented with a model of consent-proof and SIA-proof land acquisition for so-called development: the SEZs. The SEZ Act was passed by the United Progressive Alliance (UPA) regime in 2006 and resulted in a series of mass agitations, from Nandigram in West Bengal to Raigad in Maharashtra, against the forcible acquisition of farm land for industry.

Today, 10 years later, we have evidence of what the land acquisition for SEZs has achieved. Two findings stand out from the SEZ audit carried out by the Comptroller and Auditor General (CAG) of India. One, land acquired for industry for the ostensible purpose of setting up manufacturing facilities and generating jobs were diverted to real estate projects for making a quick buck. Two, private industry mortgaged government land for thousands of crores worth of bank loans. As per the CAG report, most of the SEZs were big flops, failing to meet the projected targets in both export revenue as well as job creation.

Clearly, recycling the same old arguments today that were trotted out for the SEZ Act 10 years ago is unlikely to impress the farmers agitating against the National Democratic Alliance (NDA) government's amendments to the new land acquisition act. Of all the misleading arguments, the most patently ridiculous is the promise of

employment. Batting for industry over agriculture may have other economic benefits, such as increasing the rate of capital accumulation, generating more employment is not one of them.

Let us consider this for a moment.

Right now, agriculture's share in India's gross domestic product (GDP) is only 13.9%. But it accounts for 50% of national employment. Industry, which contributes 21.5% to the GDP, accounts for a mere 20% of employment. The services sector, which, at 65%, is the largest contributor to the GDP, employs only 31% of the workforce.

If we are talking about employment generation, no sector can match agriculture in terms of the people employed per percentage of GDP output. In other words, the argument that farmers should accede to forcible acquisition of their land in exchange for jobs is bunkum. That it is bunkum is also evident from the history of industrial capitalism.

When England, in the early days of the industrial revolution, forcibly evicted farmers from the agricultural commons through the Enclosures Acts, it could absorb only a fraction of the displaced population in its mills and factories, where the erstwhile farmers experienced a dramatic decline in their quality of life from what they were used to. The rest of the dispossessed peasantry was packed off to colonies in Australia, South Africa and North America, where they there found new lands to farm, often at the expense of the natives.

India has no colonial territories where it could dispatch those it wants to wean off the agricultural economy. While the minority of those who actually own farmland may live off the monetary compensation for a time, or start a

small business, the vast majority of the rural workforce would be forced to migrate to urban locations in search of insecure, exploitative, low-end employment, such as construction work, domestic work, as security guards, etc.

I have written elsewhere about how in a capitalist democracy, democracy will be forced to work within the limits imposed by capitalism. The two clauses of the new land acquisition law that are at the heart of the current tussle—the consent clause and SIA requirement—are thus a dangerous excess of democracy that could derail the smooth operation of capital accumulation that the land acquisition process is meant to facilitate.

This brings us to the real reason why this legislation is so critical for investors and has been built up as the litmus test of the new regime's intent on economic reforms. This amendment bill is necessary to facilitate absorption of capital surplus through large-scale urbanization.

If the NDA government sticks to its guns and manages to push through its amendments, India would basically have an updated version of the colonial era land acquisition law of 1894, fully equipped to engineer what the economic geographer David Harvey called accumulation through dispossession. The capital accumulated—through transfer of land assets from the poor many to the rich few—would then be absorbed in the expansion of cities, construction of urban and rural infrastructure, and further concentration of capital in fewer hands before capital finds itself hitting another limit, creating a new crisis that can again be resolved only through another round of creative destruction. The mid-20th century debt-financed sub-urbanization of America is one example of such surplus absorption. A more recent one is the massive urbanization of China, which has come about at

the cost of forcibly displacing more than 250 million people from their land. China is not a democracy and could therefore take over any land by executive fiat, and yet, there were massive protests.

For the past couple of decades, it is China's relentless urbanization that has infused a modicum of stability into a crisis-prone global capitalism. Now, with the China growth story showing signs of stalling, the pressure is mounting on India to step up to the plate.

At a time when people in the developed world are waking up to the importance of food security and the rising threats to food sovereignty posed by climate change and desertification, India's economic mavens are hell-bent on systematically destroying its biggest asset-agriculture and food sovereignty. And they have been succeeding, as the quarter million farmer suicides over the past two decades testify. A law that legalizes forcible dispossession of their lands is the coup de grace of this ongoing war on India's peasantry and food security. And food security, which is another

limit-defining clause (to do with the acquisition of multi-crop farm land) in the existing RFCTLA, is not merely about welfarism for the poor-in the context of climate change; it has strategic and national security implications as well.

To sum up, in the scheme of things envisaged by the advocates of the amended land bill, India should abandon its agrarian roots and rapidly make the transition to a manufacturing and services-based economy where the majority of the population would live in cities.

This transition cannot take place if India's vast farming-dependant population is given the choice to remain in the rural hinterlands and practice agriculture. Such a democratic choice can be granted only under the condition that it is not exercised. So, both the consent clause and the SIA can be a part of the land bill, provided they do not disrupt business as usual. So, while farmers are certainly not idiots, democracy would be more manageable if only they were.

Courtesy Livemint, 03 March 2015

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Death by a Thousand Cuts

A year later, Smriti Irani is by far the most controversial cabinet minister, and with good reason.

Ramachandra Guha

When, a year ago, Smriti Irani was first chosen as the Union minister for human resource development, I did not share in the general scepticism about her appointment. I had seen HRD ministers in UPA governments, with a string of foreign degrees themselves, display a conspicuous lack of interest in their portfolio. Irani seemed energetic and articulate; perhaps keenness and interest would trump lack of formal academic qualifications.

My optimism was misplaced. A year later, Irani is by far the most controversial cabinet minister, and with good reason. Stories of her arrogance and rudeness are legion. Her own senior officials have sought transfers to other ministries because they have found it impossible to work with her. Even more distressing has been her treatment of distinguished academicians such as the directors of the IITs. She has come across as bullying and overbearing, and as interfering in decisions that lie within their domains of expertise.

Irani's lack of respect for intellectual excellence has also been manifest in some key appointments she has made. Early in her term, she appointed a certain Y. Sudershan Rao chairman of the Indian Council of Historical Research. Rao's name was unknown to the community of professional historians; not surprising since he has not published one peer-reviewed paper in his life. While his scholarly pedigree is obscure, Rao has been a longstanding fellow traveller of the RSS. Since taking office, he has assured us that the Vedas are "the best evidence" for reconstructing the past, and that the Mahabharata is the "anchor for the history of Bharat".

The HRD minister's anti-intellectual instincts are also manifest in another of her appointments, this

to the chancellorship of the Maulana Azad Urdu University in Hyderabad. University chancellors are either those holding constitutional posts (such as governors and presidents) or senior scholars of distinction. For instance, the great sociologist André Béteille has been chancellor of the North-Eastern Hill University in Shillong.

The last chancellor of the Maulana Azad University was Syeda Hameed, herself a biographer of Azad and an eminent literary scholar. After the NDA came to power, she was replaced by Zafar Sareshwala, whose contributions to scholarship are even harder to identify than Rao's. Sareshwala is better known as a dealer in luxury cars, and as being very close to Prime Minister Narendra Modi. When his appointment was announced, one senior scholar told the Hindustan Times that "now it seems you just need the right political clout to head reputed institutions".

Over the years, the quality of university education in India has been steadily undermined by political and bureaucratic interference. This has been especially marked in universities under the control of state governments. Forty years ago, Calcutta University, Bombay University, and Baroda's M.S. University still had some excellent departments. This is no longer so. So long as the CPM was in power, all major academic appointments in West Bengal were in the hands of party bosses. The Shiv Sena played the same role in Mumbai, and the BJP in Gujarat. The universities were further damaged by parochial "sons of the soil" policies, whereby scholars from outside the state were discouraged from applying for jobs.

While state universities have visibly deteriorated,

some Central universities have maintained reasonable academic standards. Delhi University has good departments of history, sociology and economics. Some of our finest film-makers are alumni of Jamia Millia Islamia's department of mass communications. Both Jawaharlal Nehru University and Hyderabad University have top quality scientists, as well as social scientists on their faculty.

These departments and universities would be even better were it not for the dead hand of bureaucratic interference. For some years now, the University Grants Commission (UGC) has steadily encroached on the autonomy of Central universities.

A UGC chairman appointed under the UPA introduced a "points-based" promotion scheme that all universities had to adhere to. This gave more weight to organising student extracurricular activities and attending seminars than publishing papers in refereed journals.

One hoped that, when Irani took office, she would work to make our best universities more autonomous in their choice of curricula, students and faculty. For, the world over, it is only when scholars are in charge of scholarship that real intellectual progress takes place. Instead, the new HRD minister has sought to further centralise an already over-centralised system of higher education. Rather than let the best departments in the best universities design their own academic curriculum, the UGC now wants them to adopt a single uniform curriculum, this designed not by scholars but by incompetent (and occasionally malevolent) babus.

Worse may follow. A diabolical scheme is afloat to have a single, centralised cadre of university faculty, whose members can be transferred from place to place at a moment's notice. If implemented, this will seriously damage existing research programmes, which crucially depend on the long-term involvement of the same set of

faculty members.

While uniformity is congenial to bureaucrats, it is deeply antithetical to intellectual work. Scholarship and research depend on innovation and creativity from within. Most academic disciplines change rapidly. New discoveries, new methods, new theories, should all lead to changes in teaching and research. But how can this happen if every change in curriculum, every new addition to the reading list, has to be vetted by an array of babus sitting in the UGC's gloomy office in central Delhi?

The scheme to allow the transfer of professors, on the other hand, is most likely the work of political apparatchiks. Suppose an outstanding physics professor in Delhi University (and there are some) signs, in his capacity as a citizen, a petition chastising the government for its failure to adequately protect minority rights. This may, if the current scheme is implemented, lead to him being transferred to the Central University of Mizoram (which, given how many recalcitrant governors have been sent here, appears to be the NDA's preferred purgatory).

For some 40 years now, I have closely studied the Indian university system. I have seen some of India's best scholars battle cuts in funding, pressure from bureaucrats, populism, parochialism and worse, while bravely continuing to teach well and produce books and papers based on original research.

University teachers in India suffer from hurdles and handicaps foreign to their counterparts in Europe and North America - and even Singapore and China. Past governments and ministers have been indifferent or interfering. But the present government and minister exceed them all in their outright contempt for scholars and scholarship.

The writer, based in Bangalore, has taught at Yale, Stanford, the London School of Economics and the Indian Institute of Science.

Courtesy *The Indian Express*. May 20, 2015.

Ambedkar's Ideology: Religion, Nationalism and Indian Constitution

Ram Puniyani

In order to gain larger legitimacy, RSS has been making claims of sorts. One of that which was made few months back was that Gandhi was impressed by functioning of RSS. Now on the heels of that comes another distortion that Ambedkar believed in Sangh ideology (Feb 15, 2015). This was stated by RSS Sarsanghchalak, Mohan Bhagwat. Recently on the occasion of Ambedkar's 124th anniversary many programs were held by RSS combine giving a pro-Hindutva tilt to presentation of Ambedkar.

There cannot be bigger contrasts between the ideology of Ambedkar and RSS. Ambedkar was for Indian Nationalism, Secularism and social justice while the RSS ideology is based on two major pillars. One is the Brahmanic interpretation of Hinduism and second is the concept of Hindu nationalism, Hindu Rashtra.

Where does Ambedkar stand as for as ideology of Hinduism is concerned? He called Hinduism as Brahminic theology. We also understand that Brahminism has been the dominant tendency within Hinduism. He realized that this prevalent version of Hinduism is essentially a caste system, which is the biggest tormentor of untouchables-dalits. Initially he tried to break the shackles of caste system from within the fold of Hinduism. He led the Chavadar Talab movement (right to access to public drinking water for dalits), Kalaram Mandir agitation (movement for access to temples). He also went on to burn Manu Smriti, the holy Brahmanic- Hindu text saying that it is a symbol of caste and gender hierarchy. His critique of Hinduism, Brahminism was scathing and in due course he came to the

conclusion that he will give up Hinduism. In his book 'Riddles of Hinduism' published by Govt. of Maharashtra (1987) he elaborates his understanding about Hinduism i.e. its Brahmanical version. Introducing his book he writes, "The book is an exposition of the beliefs propounded by what might be called Brahminic theology...I want to make people aware that Hindu religion is not Sanatan (eternal)...the second purpose of the book is to draw the attention of Hindu masses to the devices of Brahmins and make them think for themselves how they have been deceived and misguided by Brahmins" (from Introduction of the book).

Ambedkar had started moving away from Hinduism in 1935 itself when he had publicly declared that he was not going to die as a Hindu. In 1936, he had attended the Sikh Missionary Conference as he had toyed for some time with the idea of embracing Sikhism. In 1936, Ambedkar also wrote and published Annihilation of Caste, his undelivered presidential address to the Jat-Pat-Todak Mandal Conference at Lahore. At the end of his written address, Ambedkar reiterated his resolve to give up Hinduism. (<http://bihar.humanists.net/B.%20R.%20Ambedkar.htm>)

He said "I have decided for myself. My conversion is sure as anything. My conversion is not for any material gain. There is nothing which I cannot achieve by remaining an Untouchable. My conversion is purely out of my spiritual attitude. The Hindu religion does not appeal to my conscience. It does not appeal to my self-respect. However, your conversion will

be both for material as well as for spiritual gains. Some persons mock and laugh at the idea of conversion for material gain. I do not feel hesitant in calling such persons stupid." (http://www.columbia.edu/itc/mealac/pritchett/00ambedkar/txt_ambedkar_salvation.html)

Lord Ram is the major symbol of Cultural Nationalism propounded by RSS. Let's see what Ambedkar has to say about Lord Ram, "The life of Sita simply did not count. What counted was his own personal name and fame. He of course does not take the manly course of stopping this gossip, which as a king he could do and which as husband who was convinced of his wife's innocence he was bound to it." And further, "For 12 years the boys lived in forest in Ashram of Valmiki not far from Ayodhya where Rama continued to rule. Never once in those 12 years this model Husband and living father cared to inquire what has happened to Sita whether she was alive or dead, ...Sita preferred to die rather than return to Ram who had behaved no better than a brute." The signals to the Dalits in Hindutva cultural Nationalism are more than glaringly obvious as the Lord demonstrates in his own life, "...he was a Shudra named Shambuk who was practicing Tapasya with a view to going to heaven in his own earthly person and without so much as a warning, expostulation or the like addressed to him, cut off his head..."(From Riddles of Rama and Krishna).

Ambedkar envisioned 'annihilation of caste', which remains unfulfilled despite India getting Independence. Multiple factors have operated in the society due to which caste still remains a major factor in India. In contrast to Ambedkar's 'Annihilation of Caste' the politics of RSS combine says that there should be 'harmony amongst different castes' and so they have

formed an organization called 'Samajik Samrasta Manch' (Social Harmony Forum). Contrasting approach to social issues, Ambedkar and RSS!

Core of RSS political ideology is Hindutva or Hindu nationalism. Ambedkar engaged with this issue in much depth, particularly in his classic book 'Thoughts on Pakistan'. In this book he deals with the question of Hindu nationalism as represented by Savakar; the progenitor of RSS ideology of Hindu nation; and Jinnah, leading the ideology of Muslim nationalism, Pakistan. "Strange as it may appear Mr. Savarkar and Mr. Jinnah instead of being opposed to each other on the one nation versus two nations issue are in complete agreement about it. Both agree, not only agree but insist that there are two nations in India- one the Muslim nation and the other the Hindu nation." he continues, "They differ only as regards the terms and conditions on which the two nations should be. Jinnah says India should be cut up into two, Pakistan and Hindustan, the Muslim nation to occupy Pakistan and the Hindu nation to occupy Hindustan. Mr. Savarkar on the other hand insists that, although there are two nations in India, India shall not be divided into two parts, one for the Muslims and the other for Hindus; that the two nations shall dwell in one country and shall live under the mantle of one single constitution: that the constitution shall be such that the Hindu nation will be enabled to occupy a predominant position that is due to it and the Muslim nation to made to live in the position of subordinate co-operation with the Hindu nation." (Thoughts on Pakistan, Third section, chapter VII)

He was for composite Indian Nationalism, "Is it not a fact that under the Montague Chelmsford reforms in most provinces, if not in all, the Muslims, the non-Brahmins and Depressed

Classes united together and worked for the reforms as members of one team from 1920 to 1937? Here in lay the most fruitful method of achieving communal harmony among Hindus and Muslims and of destroying the danger of Hindu Raj. Mr. Jinnah could have easily pursued this line. Nor was it difficult for Mr. Jinnah to succeed in it." (Thoughts on Pakistan, P. 359)

He was totally opposed to the concept of Hindu Raj as well. In the section "Must There Be Pakistan" he says, "If Hindu Raj does become a fact, it will, no doubt, be the greatest calamity for this country. No matter what the Hindus say, Hinduism is a menace to the liberty, equality and fraternity. On that account it is incompatible with

democracy. Hindu Raj must be prevented at any cost." (<http://ecumene.org/IIS/csss101.htm>)

On all associated matters related to affirmative action for weaker sections of society, rights and status of religious minorities their positions are totally contrasting. Even in the matters of the very Constitution of India, Ambedkar was the chairman of its drafting committee while many a sections from RSS stable have called it as anti Hindu and need to bring in Hindu Constitution based on Indian Holy books. This attempt by Mr. Bhagwat is like putting wool in the eyes of people to achieve their political goals and to get legitimacy from amongst the sections of people who are deeply wedded to ideological values of Ambedkar.

Readers' Comments

Dear Mahipal Ji

I agree and support your views on the subject: "Absurd and Illegal Order of the NGT Banning old Vehicles."

I feel there could be other ways to solve the problem, just to say, some way to upgrade or modify old diesel or petrol vehicles to control pollution. In this technology driven world many such things are easily possible. You have rightly said that they seem to suggest cutting the head off for treating headache.

Your argument appeals that the only beneficiaries of the old vehicle ban order are going to be the vehicle manufacturing industrialists.

Regards,

J P Sharma

Correction in the Editorial note attached to 'M N Roy's first meeting with Lenin' as suggested by Dr. R.M. Pal

Dear Mahi Pal

In the article 'M N Roy's first meeting with Lenin' (published in the March 2015 issue of the RH) you have made one mistake. Please correct it. It is Naren Bhattacharjee who went to Stanford University, where at the instance of his host Dhangopal Mukharjee he adopted the name of M N Roy and was introduced to Evelyn Trent, an unrecognized student undergraduate of Stanford who fell in love with Naren and married him in New York in spite of his parents' opposition. From there they went to Mexico by train in order to avoid arrest by the US police.

R.M. Pal

Statement :

**HRD Ministry 'recklessly' pushing reforms agenda:
Academicians**

NEW DELHI: Noted academicians like Romila Thapar, Farida Khan and Janaki Nair today accused the HRD ministry of "recklessly" pushing the reforms agenda on central universities, claiming that it will have a serious impact on the institutes which would reduce them into "teaching shops".

Highlighting anomalies in some of the proposed reform measures like Choice Based Credit System (CBCS), common entrance test and syllabus and a central ranking system, they also claimed that the decisions were being imposed arbitrarily, undermining the autonomous status enjoyed by the central varsities.

"The spate of circulars sent by University Grants Commission (UGC) quoting a period of month for working on the 'major reforms' is certainly not a sensible approach to be adopted for higher education by any country. The way these reforms are being pushed entire higher education sector is at risk," Romila Thapar, eminent historian and Emerita professor Jawaharlal Nehru University, told reporters here.

The academicians came together to oppose the ministry initiated reforms and released a 'position paper' which they said was their response to the many policy statements and directives issued by the HRD Ministry and the UGC recently.

"The standardisation and centralisation of education system would be a major casualty which will reduce universities and colleges into teaching shops and coaching centres. How sensible it is to talk of major reforms in the education sector and exclude the professionals, the teachers from the dialogue?" Thapar said.

Professor at Jamia Millia Islamia University's School of Education, Farida Khan said, "Proposed reforms stress standardisation including a common syllabus for all central universities, a common entrance test, faculty and student mobility and credit transfers".

"The jurisdictions offered for these sweeping changes are enhanced employability, skill development and seamless nationwide mobility for students. The reforms fail to differentiate between curricula and syllabi.

"In India, student mobility is blocked not by varied syllabi but by scarcity of quality institutions, which is the key issue to be resolved. Instead of standardised syllabi and credit systems, we propose intensive collaborations among universities that can enable wider access to institutions via Inter University centres, short term exchange programmes for research students and related schemes," she added.

Courtesy **The Economic Times**, May 14, 2015

"The people of this country have a right to know every public act, everything, that is done in a public way, by their public functionaries. They are entitled to know the particulars of every public transaction in all its bearing." Justice K K Mathew, former Judge, Supreme Court of India, (1975)

From the Writings of M.N. Roy:

The Practice of Fascism

M.N. Roy

Practice of Fascism: Ref. Amartya Sen and Ms Pillai episodes

(In the context of the ongoing attempts of the present party in power at the Centre and in various States in glorifying mythology and ignorance, introducing Hindu religious prayers like Saraswati Pooja in schools in some states, appointing mediocre academicians in the seats of learning, and in view of the latest episode of Nobel laureate Amartya Sen being eased out of the Nalanda University and prohibiting environmental activist Ms. Pillai, from going abroad, I attach herewith below excerpts from a chapter 'Practice of Fascism' written by M.N. Roy during 1935-36 (Collected Works : Volume IV, Pages 451-454: Oxford University Press) which gives a glimpse of how German Nazis were treating the intellectuals of independent thinking and what kind of role they had envisaged for their women when Hitler was in power. Some parallels may be of interest. - N.D. Pancholi)

In August 1934, a manifesto was issued to the world over the signatures of a large number of scientists, writers and leaders in other branches of intellectual activity, calling for an international congress to combat the cultural menace of Fascism. The following are extracts from that historical document:

We know that in the Fascist countries many highly respected scholars have been driven from the scene of their activities, or have voluntarily quitted their home, because they refused to sacrifice their learning to the violent demands of the totalitarian State. Specially the events in

Germany have evoked our most profound concern for the perpetuation of the freedom of science. In that country, the exact sciences have been openly degraded to jobbing for war industries. Only such investigations are favoured, as are likely to bring about economic and technical predominance over the world. All branches of physics which cannot be made to serve political and economical imperialism are therefore hampered and restricted. Studies which have contributed essentially to the broadening of our concepts of the physical universe are thrust aside openly as vain and fruitless intellectualism. Verified scientific knowledge concerning heredity and race is cast aside. In its place, appear new doctrines, unverified by honest research, for the annihilation of hundreds of thousands of human existences. In accordance with the National Socialist belief that it is senseless to help the weak at the expense of the biologically strong, social hygiene is shorn of all justification. Colleges are forced to establish 'chairs of natural healing'. The gates are opened to superstition and deceit. Regardless of historical truth, pre-historical and ancient times are so presented as to support the thesis of superiority of the nation concerned and the inferiority of all others. Very often, purposeful mysticism is substituted for an awkward historical truth. The suppression of free research and the violation of truth are most clearly

revealed in the new jurisprudence which is designed to give a theoretical basis for the cruel and arbitrary practices found on legal conceptions of the Middle Ages. Teaching and studying are enslaved along with pure science. Colleges suffer from intellectual terror. Through the misuse and tempt for free research, there is an imminent danger that the whole structure of scientific knowledge will be destroyed, and from the fragments of new series of pseudo-science will be erected, which will be harmful for the progress of mankind.

Within two months after Hitler's accession to power, more than two hundred eminent men of learning were driven from their high academic positions. The vandalism was committed on the pretext that those men were Jews. Many of them were Jews, but their real crime was that they were freethinkers, some were Socialists, most of them Liberals, and others guilty 'merely of the impartiality and integrity of mind which in Nazi eyes are the greatest of crimes'. (Manchester Guardian, mid-May 1933) Those illustrious victims of Fascist barbarism counted among themselves such men of world-historical importance as Albert Einstein, Professor Zondek, famous gynaecologist of Berlin, the greatest leading chemists, Richard Willstatter and Fritz Haber, the famous Professor of Psychology in the University of Heidelberg, Otto Meyerhoff, the economist of international fame Moritz Bonn, and a whole host of others of equal eminence in different branches of science. Einstein was declared as the 'enemy No. 1 of awakened Germany'. This fact alone is the most damaging testimony for condemning Fascism at the bar of humanity as the mad enemy of civilization and culture. The testimony becomes simply overwhelming when it is known that all the leading lights of the scientific, literary and

artistic life of contemporary Germany have been driven out of the Nazi Third Reich.

The Nazis were not content with depriving the seats of learning in Germany of the brilliant lights who had made them famous. They wanted to inflict their vandalism upon the rest of the world. Upon his leaving Germany, Einstein was invited by the College de France to honour it by accepting the chair. Thereupon the Nazi press clamourously demanded that in future the dismissed academicians should not be allowed to leave Germany, lest the 'enemies of Germany insulted her by honouring them'.

The burning of the Library of Alexandria remains recorded as one of the most revolting events of history. The Fascists, at last, have outshone even that act of incendiarism. They made a bonfire of over twenty thousand books, written by great authors in all branches of knowledge. The Library of Alexandria was burned in the age of barbarism, which followed the collapse of antique civilization. But the deliberate destruction of a vast collection of works of science and literature by the Nazis took place, in the twentieth century, in the heart of one of the centres of modern civilization. It was not a random act committed by fanatics in the heat of passion. It was a deliberate attempt to destroy the accumulated result of scientific research, cultural progress, and artistic achievements which did not fit in with the savage cult of Fascism. A long list was made of all such 'objectionable' works, and they were collected by force throughout the country and thrown to the flames in a number of places.

The world was horrified by that organized destruction of scientific and literary treasures. 'All the standards that civilization has created are being uprooted [The Nation, New York, 5 July 1933]'. Commenting on that incredible act of

vandalism, a famous German publicist, domiciled in America, wrote:

The burning of the works of Thomas Mann, for example, damns them {Nazis} more deeply than anything else, since it marks their repudiation of their own highest embodiment of human civilization and a frank plunge into degenerate savagery. It is to be noted that an attack of unrivalled strength and ferocity is being launched against the life of the mind, against all intellectual values, against all disinterestedness of thought of research, of aspiration, against the slowly won rights of human spirit, against every principle and every truth and every freedom that men have lived for and often died for, since the renaissance, against all that had constituted for long the very character of humanity itself. [Ludwig Levison in *The Nation*, New York, 21 June 1933.]

The Nazis are proud of their contempt for 'intellectualism'. Indeed, glorification of ignorance is a part of their cult. 'The young Nazis today make a virtue of being ignorant and despising the learning and attainments which generations of German culture slowly achieved. [Hamilton Fish Armstrong in the *Foreign Affairs*, July 1933]. This is not anti-Nazi propaganda. The Nazi Minister of Education, Rust, declared that 'National Socialism is not unscientific, but only hostile to theories'. One could only smile to hear of science without theory, and wonder what that could be. The Minister, however, does not leave the world in doubt. In their cultural conviction, the Fascists are nothing if they are not brutally frank. The Minister gave a definition of science without theory, when he announced that 'philosophy and science must be reoriented in the spirit of the Storm-Troopers'. A description

of that spirit will be best given in official Nazi jargon:

So stand the Storm Battalions
Ready for racial fight;
Only when Jews lie bleeding
Can we be really free.

[National Anthem]

'They must try to make the world understand why Germany on 30 January 1933 had struck out the word pacifism from its vocabulary [Von Papen, as Vice-Chancellor in Hitler's first Government]'. On that day, Hitler became the Chancellor of Germany.

'For the living, it is a holy duty to fulfill the mission for which Germans gave their lives in the war. They must be ready to redeem with blood a pledge written in blood [Goering]'. The man who best represents the spirit of the storm troopers laid down the function of the women in a community inculcated with that spirit. 'The women's place is in the home, her duty the recreation of the tired warrior.' And the Nazi young womanhood, inspired with the spirit of the storm troopers, responded, "There is no higher or finer privilege for a woman than that of sending her children to war [Declaration of the Women's Order of the Red Swastika]'. Finally, there is the oracle, the Minister of National Enlightenment and Propaganda, Goebels: 'The woman's task is to be beautiful and to bring children into the world. The female bird decorates herself for the male and hatches the eggs for him. In return, the male looks after the food or else he stands on guard and scares the enemy away.' The new spirit of 'awakened Germany' knows no difference between man and lower animals. The same instinct that guides the latter, holds good also for the former. That is Nazi reorientation of philosophy and science.

Mrs. Ellen Roy: 8. Death is Certain

Jawaharlal Jasthi

Whatever is born is certain to die. That is the law of nature. Death will not leave anybody - great and little, big and small, young and old. On 13 December 1960 Ellen attended as the chief guest in the celebrations establishment day of a school in Dehradun. That evening she entertained her friend Bansi Rani and dined with her in her house. With them was a German guest Otto Joseph. Sometime after dinner Joseph retired to the guest room. Bansi Rani was with Ellen upto 11 in the night. After seeing her off Ellen came back to her drawing room and bolted it from inside.

The day 14 December 1960 broke out as usual, like any other day. But Ellen, who used to wake up before dawn and before all others in the house, did not wake up. The servant maid who came to clean the premises had just a wave of thought why Ellen did not wake up that day. She started sweeping the premises. When she approached the door of the drawing room she found a patch of black on the floor. She just had some suspicion as to what it could be. When the idea came to her mind that it could be blood she trembled with fear and cried aloud calling for help. She ran to the house of the cook who was staying a few yards away in the compound. The cook Parson Lal came and verified the black patch. He too could not decide what it could be. But he had strong doubt that it could be blood. He tried to push the door open. But it was bolted from inside. He called out for Ellen. There was no response. They suspected something seriously wrong and went to the house of D.D. Sanyal, a retired army officer, across the road. Sanyal rang up the police and followed them to the house. The servant maid sent messages to some of the friends of Ellen. Bansi Rani, Sangeet Kaur and Manjari reached the house without delay. They were deliberating as to what could have

happened. Bansi Rani was particularly upset as she was with Ellen late in the night and nothing should have happened to her. Meanwhile another friend Uttam Singh also joined them.

The guest room was by the side of the drawing room and it opens to the other side of the house. The door of the room was open and the guest in the room was not there. They entered the drawing room through that room. They found the body of Ellen lying in a pool of blood. The sight shocked them. The door was bolted from inside. The head of the body was towards the door. The table cloth was wrapped around her head. It was also puffed into her mouth and covered her eyes. There was blood everywhere in the room - on the cloths, the carpet, furniture and frames hanging on the wall. It was obvious that blood was splattered all over the room with force. There were indications of a hard hit on the head that caused the splatter of blood. In spite of the ghastly scene Uttam Singh did not lose hope. She tried to test the pulse. But there was nothing like that. The body was cold. All were silent in their own thoughts. They know that they should not disturb the room until the police arrive. They have their own way of investigation into crimes.

When the news spread out people known and unknown started to gather at the house. Police came and cordoned off the house. There were foot prints in blood on the carpet. The body of Ellen was in normal dress indicating that she was not yet ready for bed when the crime happened. Her hair was clustered and dried in blood. After verifying the room, police concluded that the culprit entered the house through the bath room. The light there was still on. The body was sent for postmortem. There were no relatives. Friends were thinking of cremating her by the evening as the tradition goes. But they know she was a citizen of America even if she never claimed it.

Citizenship is not a thing to be disowned. They felt it better to wait for the consent of the Consul. After the consent of the Consul was obtained the obsequies were performed next day. Cremation was against the Christian traditions. But she never claimed to be a Christian and Roy was also cremated according to Hindu procedures. There was a memorial on the bones of Roy. A similar memorial was built on her bones also.

Condolence messages started pouring in. But who was there to receive them? To whom were they addressed? Nevertheless they came in floods. Dr. Rajendra Prasad, the President of the Republic expressed his shock to hear the news of Ellen's death. He sanctioned a pension of two hundred rupees per month for her. Intelligence officers came from the state and central government and verified the scene of murder. Photos were taken of everything that was in the room and sent to forensic test. There was a stick of about three feet in length. Ellen used to take it with her whenever she had to go out in the night. Under the carpet they found a piece of iron shaft one foot long stained in blood. All those things were sent for forensic examination.

The forensic report confirmed that Ellen died because of losing blood due to hard blows on her head. She was hit five times on the head. The cranium broke at two places. Four of the ribs were also broken. The iron piece with which she was beaten was used earlier to crush coal, perhaps in a kitchen. It means it was brought from a house, might be belonging to the culprit as such a weapon was not in use in the house of the victim. There was her hair also sticking on that rod. The coloured threads of the carpet were found on the gown worn by the victim. In spite of all these clues, they could not form any idea of the culprit. The German guest Otto Joseph who was there in the house for the last one week was not found and his whereabouts were not known. Ellen had a long history of political activity in Germany. It led to suspicion that it

might be a political murder by no other person than the guest. Like all other intellectuals, Ellen too was a communist for a long time initially. She happened to come out due to differences with Bolsheviks. Most of the communists believed that she had truck with Trotsky. Like that of Trotsky, the death of Ellen was also brutal. It caused doubts that it could be the political murder.

Before her death there were fire accidents in the office of Survey of India in Dehradun. Nobody could find any clue for them. The maps showing the boundaries between India and China were burnt in those fire accidents. Earlier to that there were discussions between the two governments regarding the border without any conclusion. In her essays Ellen severely criticised the expansionist plans of China and expressed her doubts that the spies of China could be behind the fire accidents. She was trying to meet the Prime Minister in that connection. Could it be possible that the murder was an attempt to forestall that effort? These were all just surmises and nothing

could be proved conclusively. Prof. Agehananda Bharati stated that if such an offence occurred in a country like America, nobody would believe it was not a political murder.

One month before that, in the month of May there was a theft in the Renaissance Institute. Some papers were lost but nothing of any significance was missing. It was conveniently ignored. The investigators tried to build up how the murder could have happened. Based on the foot prints found on the inside and outside of the window leading to the bathroom, it was decided that the culprit entered and left through that window. He might be hiding behind the curtains in the drawing room and pounced on her after the guests left. He hit her on the head with the iron rod and silenced her by thrusting the cloth into her mouth. She was attacked even before

she closed the door of drawing room so that she fell down with her head outside the doorway. The body was pulled inside and the door bolted by the culprit and not by the victim.

There were two types of footprints on the carpet indication two people might have been involved in the crime. But the investigator's report was silent on that. They stuck to the position that there was only one person involved in it. The culprit tore open the curtain cloth and used it to wipe off the blood from his body. He lit it on fire and threw it on the sofa but it was not burnt completely. He scattered the things in the drawing room and dining room and washed hands with soap in the bath room. There were blood stains in the bath room on the wash basin, on the floor and on tissue paper. There were finger prints on the mirror. There were indications that the mirror was rearranged to make it convenient for a shorter person to have a look. Like Roy, Ellen was also a comparatively tall person. The culprit must have been a shorter person, they concluded. The culprit opened all the boxes and bags and scattered all the contents. He did not even try to open the Almira containing the books and papers and files. He took the cash and the jewels from the handbag, opened the door at the back of the drawing room and exited. That was how they built up the scene of crime. Obviously, it was not a sincere effort. They only tried to build a credible story to wash off their hands. Most of the findings were contradicted by the culprit in his confession statement later. They could not find any clue regarding the identity of the culprit except that he must be a person short in stature. As they did not go for the papers, any political motive was ruled out. If it was only for cash and jewelry, there was nobody who could give an idea of how much was stolen. She was not used to keep heavy cash with her.

Police interrogated about fifty persons who frequented the place while Ellen was alive. Otto

Joseph returned and explained his absence. On the early morning of 14 December, he left for Hardwar according to his predetermined schedule. Until he returned he was not aware of what happened to Ellen. Naturally he too was shocked at the ghastly murder.

Even after a month police could not find even a suspect. Then, a constable gave them some clue based on which they arrested a boy named Basant Kumar Kapoor on 30 January, 1961. He was a boy of 17 years, failed his matriculation in 1959, left his studies and whiling his time. They took him to police station applied their usual techniques to extract confession. He took the police to his house and handed over the articles which he procured from Roshan Bagh after the crime. There

were cloths, silver pendants studded with pearls and chains of black beads. The police were surprised to see there one person by name Ram Prasad who worked as driver with Roshan Bagh for some time. But they did not think it necessary to question him in any way proving insincere, if not negligent, investigation. He was the maternal grandfather of Basant Kumar Kapoor, the suspect.

On 7 February, 1961 Kapoor was presented before the magistrate before whom he gave a lengthy statement of confession that took many days to record. There were blood stains on all the things recovered from him. The coloured threads that were found on the gown worn by the victim were found also on the pant and coat surrendered by him to the police. He also admitted that his friend Suresh Chandra Khatri was also with him in the crime. In fact it was committed to help him. When the police started searching for Khatri it was found that he escaped to Nepal. Police went to Kathmandu with the approval of foreign ministry and arrested him in the bus stand in Kathmandu with the help of local police and Indian authorities. He handed

over the rolled gold watch, with its chain, to the police. It was later confirmed it belonged to Ellen. Acquaintances of Ellen also confirmed that the pendants, jewels belonged to Ellen.

The charge sheet was filed in May,1961.

It was clear there were no politics in this crime. Even then people were anxious to see the boy who committed this ghastly murder of a noble lady of the locality. His statement revealed many surprises. Kapoor and Suresh were friends since their school days. Even after Kapoor discontinued his studies, Suresh was continuing with his education. But he failed to pay the fee to school as he misused the funds and so evading the school for some time. The fee due was Rs. 24.37 The day before the crime they took a cycle on rent and returned it the next day. They ate well in a hotel and went to another hotel to book a room on false names. After just two hours they vacated the room. They enjoyed cinemas and friends. Next day, on 15 December,1960, Suresh went to Rishikesh and boasted to his friends that he would be going to Nepal and start living by himself. In support of it he displayed a wrist watch, necklace, pendants and ring saying that he brought them from house to be sold and encashed. His friends did not believe the story and tried to dissuade him from going to Nepal. He came back to Dehradun with his friend and met Kapoor there. Suresh returned all the things to Kapoor retaining only the watch and ring with him. They had tea in a hotel. Kapoor purchased goods worth Rs.12 and gave them to Suresh along with Rs.13 in cash. Suresh reached Nepal through Lucknow and Gorakhpur along with a friend. Both of them settled with some work in a hotel in Kathmandu. After a month his friend returned to India but Suresh continued his stay there until he lost his job. Even then he did not think of returning to India.

Basant Kumar Kapoor used to visit Roshan Bagh frequently with his maternal grandfather as he

was working as a driver there on and off. He knows the situation in the house. He knows that Ellen was staying there alone. Five days before the murder Suresh told him about his plight that he failed to pay the school fee and so he was evading the school. He said that if he could adjust

just Rs.30 he would be able to pay the fee and resume going to school. But Kapoor himself a boy and could not adjust that amount. Suresh had an idea of stealing from somewhere and suggested as target an old woman living in his native village. But Kapoor was not willing to go that far. He suggested Roshan Bagh as the target. He told Suresh that the lady was staying alone there and visitors were also rare. He knows the details of the and it would not be difficult to enter. He also expressed an apprehension that if they steal from there his grandfather might come to trouble. But Suresh, being the one in need, did not like to lose the opportunity. He prevailed on Kapoor and made him agree.

While going on the venture Suresh picked up the iron rod used to break coal in the house of Kapoor. He said it would be useful to break open the locks and also to silence the woman if necessary. They reached Roshan Bagh on the cycle in the night. They left the cycle and shoes in a bush and entered the premises. They peeped through the window and saw the three - Ellen, Bansi Rani and Joseph - sitting for dinner. Kapoor entered through the bathroom window but could not open the door to let Suresh inside. Then Suresh also entered through the window and tried, but could not succeed. So both of them went out again through the window. After finishing dinner the three of them sat for a chat and after some time Joseph retired to his room. Bani Rani stayed for some more time and then she left. After seeing her off Ellen came back and entered the drawing room and bolted the door from inside. Then she retired to the reading room. The two culprits could not open any door

to enter and hatched a plan. They approached the door of drawing room and called aloud "Telegram". Ellen came and opened the door. Immediately Suresh hit hard on her head with the iron rod in hand. She fell down and tried to rise. He hit her again and she could not move further. They dragged her into the room and left her body on the carpet. They bolted the door from inside and started searching the house. They heard some moaning sound from her. Suresh came to her, picked up the stool and hit her repeatedly to silence her. He was not satisfied and kicked her in the stomach. They wrapped the table cloth around her head and thrust it into her mouth covering the eyes as well. She was dead.

They searched all the rooms leisurely and grabbed all the cash and jewels. They relieved her of the watch. They washed their hands in the bath room Suresh picked up the whisky bottle from the friz and was prepared with two glasses. But Kapoor objected to it and kept the bottle again in the friz. Then Suresh took up the curtain cloth, lit it and threw it on the sofa. It did not burn completely. Having accepted his crime in such detail before the magistrate, Kapoor turned hostile at the time of hearing. He said that he was compelled to give the statement under pressure from the police. He told that he was tempted with an offer to be considered an approver and not as an offender. All these things were beyond the comprehension of the boy and it was obvious that he was trained by a lawyer. Suresh admitted that it was true that he failed to pay the fee and stopped going to school. All the other part of the statement was false, he said. He did not go to Nepal to run away from anybody but went there for studies with consent of his parents. He denied having any watch to the police in Kathmandu as he never had any watch.

Added to the confusion, there was a question raised by an advocate in the local newspaper about the watch. He said that the people who came after hearing the news of the murder saw

a watch on the wrist of the dead body, which could not be found when the police came. It implies that the culprits did not take the watch. He was called to the court and asked to substantiate his statement. He said that he got the information from an American lady who told him she got the information from Uttam Singh and Bansri Rani who were present at that time. He agreed that he had no knowledge who that lady was. Both Uttam Singh and Bansri Rani denied having met with any woman in that connection and have not seen the watch of the body of Ellen. The allegation made by the lawyer was just ignored and no attempt was made to investigate why the lawyer made such an unfounded statement in the paper.

The District Court gave their final judgment on 19 December, 1961, that was, about one year after the crime was committed. It could be considered comparatively fast. The Judge stated that "The allegations on the defendants are based on indirect evidence. Basant Kumar Kapoor is well acquainted with the layout of the house. The foot prints and finger prints available are proved to be of Basant. The blood stains on the goods taken from his house are proved to be of the victim. The jewels also belonged to the victim. There is no doubt that Suresh Chandra Khatri is his friend. The fact that he fled to Nepal and availability of the victim's watch with him prove his involvement. There is enough evidence to prove the confessional statement given by Kapoor before the magistrate. There is no possibility of retracting from the same. There is no doubt that this duo resorted to this crime for money and valuables." He declared the defendants liable to punishment.

The defendants approached the High Court at Allahabad. There was a different interpretation of the evidence and law in that court. They said that the confessional statement given by Kapoor before the magistrate is not credible as he tried to put the entire blame on Suresh, exonerating

himself. Except pointing to the house he has not done anything else, he claims. It is not credible. There might be some truth in it; but there is some untruth also mixed with it. It is not known to what extent it is mixed. Because of this, it is not possible to depend on this statement. The allegations are based exclusively on circumstantial evidence. Their friendship is not formed just for the purpose of this crime. The similarities in foot prints could create a doubt, but it could not be the main evidence. It is not beyond reasonable doubt. There is no basis to allege that the jewels available with the defendants belong to the deceased person. It was stated that they found a stick covered with blood by the side of the dead body. But there was no mention of it in the evidences submitted to the court. Prosecution did not say anything about the finger prints. So the defendants had to be given benefit of doubt. They said. The state took the case to the Supreme Court, where the decision of the High Court was upheld.

Usually, it is stated that there will be closure when the culprit is caught and punished. In this case it did not happen. If there are nay relatives to the deceased, they would fight for justice and closure. But Ellen had no relatives in India in biological sense. The state tried to do justice. But what is just and reasonable to the layman need not be so for a legal test. It is to be seen whether the evidence submitted was really unreliable. Did it give scope for different interpretations?

Because some evidence is not submitted, can the evidence submitted be discounted? Whatever be the evidence and whatever be the provisions of law, the judge has always an opportunity for discretion. Logically that gives opportunity for different interpretations of law and evidence. The fact that the defendants are juveniles also might earn some sympathy. Whether the defendants are punished or not, the dead person will not come back alive. If we are prepared to think on those lines, the only possibility would be to excuse and then there would be no need of law and courts.

After the death of Roy, Ellen made a will of her own. What were her personal belongings that she could bequeath? Whatever it be, she bestowed all of it on Justice Tarkunde. But there were no witnesses for that document. Thus it was not valid in law. Naturally, in the absence of a will the properties fall on the blood relations. Ellen had a brother and a sister living in America. The rights passed on to them. They, in turn, passed on all those rights to the Indian Renaissance Institute at 13 Mohini Road in Dehradun. Because of their magnanimity, the Institute is thriving as an organization and working.

When we think of what Ellen has given to India and what India gave her in return, our conscience bleeds. Such a gruesome death to such a noble person! Can we reconcile it? Shall we try to forget it and forgive ourselves? Alas! What else could we do?

(Concluded)

"Where a society has chosen to accept democracy as its credal faith, it is elementary that the citizens ought to know what their government is doing." Justice P N Bhagwati, former Chief Justice, Supreme Court of India, (1981)

"Information is the currency that every citizen requires to participate in the life and governance of society." Justice A. P. Shah, former Chief Justice, Delhi and Madras High Courts, (2010)

"Bill of Rights" in the Constitution of India Updated

G. B. Singh

.....*Continued from the last issue*

To conclude, in India, the freedom to practice religion is conditional at best. The power to interpret and exercise the conditional requirements is in the hands of Hindu leaders and nobody else. This is radically different from what is in the United States where the practice of religion is free, unconditional right. Conversely, in modern India, the practice of religion is a "politician-sanctioned" unreliable right.

Clause 2a of Article 25 is muddy at best. Considering the constitutional write-up, it seems religion is composed of economic, political, and worship activities. Anything other than worship activity is termed "secular." Therefore, in accordance with the constitution, the Indian State has the right to interfere with those activities of the church it considers "secular." The church, structure included, is after all an economic venture. In a socialist country like India: Organized religions (Christianity, Islam, Sikhism, etc.) with large groups of people interacting among themselves and others amounts to nothing less than political activity. Any propagation of religion will require a number of "secular" tasks: financial, organizational, and personnel activities (just to name a few).

The Indian State can constitutionally restrict any one or all of these "secular" endeavors, thereby effectively hampering genuine propagation of any religion it desires. This has already happened, as illustrated in another fine book - *Soft State: A Newspaperman's Chronicle of India* by Bernard D. Nossiter (Harper & Row Publishers, 1970). I suppose one way to be safeguarded from State incursion is for an individual to worship in the open air (which will

insure no economic activity) or alone within the confines of a house (which will insure no political activity). How anyone worships individually in these conditions may be beyond the Indian State's intrusive nature! That's my hope!

Now, consider Clause 2b. What does freedom of religion have to do with social welfare and reform? This sub-clause contains a statement with strange wordings that need some scrutiny. First, are Hindu religious institutions of a public character? This term is ambiguous and could mean literally anything or absolutely nothing. My gut feeling is that it pertains to Hindu schools, the temples, and ashrams. Second, is a reference to the "classes" of Hindus? This is an inappropriate western terminology in reference to the Hindu society. Nonetheless, if the term has to be used, the majority of the Hindu population falls into the low class while the minority belongs to the middle and upper classes. Third, what are the "sections" of Hindus? At the lowest common denominator, the bulk of Hindu sections comprise the Vaishnava, Saiva, and Sakti.

The State can regulate the opening of Hindu temples, schools, and/or ashrams to all high, middle or low Hindu classes irrespective of whether one is Vaishnava, Saiva, Saktia, or what have you. This interpretation may be off the mark if I am reading incorrectly because of the use of terms that are vague. Unfortunately, the framers of the constitution missed the crux of the problem.

The Hindu society is governed by caste (or varna), and not just necessarily by the classes and sections. And certainly the caste is not the same thing as class and section. If you feel that the framers of the constitution were themselves not

sure of what they wrote or its underlying meaning, they perhaps hoped that the reader would be reassured in the offering of Explanation I and II. At this juncture I am reminded of how abrupt the change is in the narrative of Article 25. Hardly a surprise here however, but it triggers any thinking person well-read into Hinduism to chart the similarities that one encounters after careful reading of the Hindu scriptures. For example in the Bhagavad-Gita, it is not uncommon to see that a transition from one topic to another is often disconcertingly abrupt. I am afraid this is clearly the case here at this juncture in Article 25.

Explanation I and II are not even remotely connected with Clause 2b. The fact is that Explanation I and Explanation II urgently call for explanations of their own. Explanation I acknowledge the existence of the Sikh religion. However, since the issue is the individual religious rights (in Sikhism), the proper word ought to be "kirpan," and not "kirpans." Moreover, Explanation II is notoriously flawed. Its intent is obvious: the individual members of Sikh, Jain, and Buddhist religions will be referred to as Hindus, and thus retroactively Sikhism, Jainism, and Buddhism are to be considered merely inseparable sects of Hinduism. Therefore, the State can interfere with their religious institutions as it sees fit, under the guise of procuring "social reforms."

Since the constitution refuses to delve further, one might ask: Is there a definition or an explanation of what constitute Hinduism? And who really is a Hindu? Answering these questions has been anything but easy and clear in part because both these terms--Hindu and Hinduism--are absent entirely from their varied scriptures and had been sponsored by their colonial masters, both Islamic and British respectively. Scholars over the years have tried their best but failed to address these terms adequately. Of lately the Supreme Court of India

has pitched in. For example in 1965, the Court observed that the term "Hindu" referred to "the orthodox Hindu religion which recognizes castes and contains injunctions bases on caste distinctions." By 1966, the Court stepped in further. Rather than defining the issue, it issued broad guidelines--to be precise three different "standpoints"-- which require an art and gift of application to the circumstances. They are worth reading:

First Standpoint: *"We find it difficult, if not impossible, to define Hindu religion or even adequately describe it. Unlike other religions in the world, the Hindu religion does not claim any one prophet; it does not worship any one God; it does not subscribe to any one dogma; it does not believe in any one philosophic concept; it does not follow any one set of religious rites or performances; in fact, it does not appear to satisfy the narrow traditional [for traditional, read Western] features of any religion or creed. It may broadly be described as a way of life and nothing more."*

This "guideline" confusing as it can be fails to ascertain whether one is a Hindu or not. To clarify further, the Court introduced the second guideline.

Second Standpoint: *Beneath the diversity of Hindu philosophy, the Court found, "lie certain broad concepts which are treated as basic."*

Those broad concepts are: (a) Acceptance of the Vedas as the highest authority in religious and philosophic matters. (b) The great world rhythms. (c) Rebirth and pre-existence. Having pinpointed the "unity" of the creed here, then the Court proceeded to address the final guideline.

Third Standpoint: Addressing the often asked insidious philosophic question as to what is the "ultimate goal of humanity," the Court answered, *"It is release and freedom from the unceasing cycle of births and rebirths...."*

Religious literature would call this goal as: SALVATION. But salvation as understood is something pointing to an individual person and not necessarily addressing the collective sense of humanity. Perhaps after recognizing that the Court potentially might open a can of worms, it left the burgeoning issue unanswered by agreeing "there is a great divergence of views" Rather than adequately resolving the given problem of "Hindu" and "Hinduism," the Court's interjection actually complicated the matter and therefore it needed a quick rescue. In searching for the "working formula," they found in the person of B.G. Tilak (1856-1920), a fiery politically-drenched fundamentalist Hindu, who apparently had once prescribed: *"the acceptance of the Vedas with reverence, recognition, of the fact that the means or ways of salvation are diverse; realization of the truth that the number of gods to be worshipped is large."* In the end, thanks to the Court, when all is said and done, it boils down to this: "Hindu" and "Hinduism" are false terms bounded by the foundational hierarchy-arranged caste, aided by the doctrines of karma and reincarnation as its supporting outer boundaries. Inside this rather large hierarchical triangular entity, the framework is supported by myriad hosts of pillars that tighten and cement the construction from inside out: These include worshipping an army of gods and goddesses, incredible loads of superstitions and rituals, yoga, ayurveda, corruption, immoralities, inflicting human-rights abuses, self-inflicted psychology guaranteeing brain washing, totalitarian mode of life, real-politics, and war. The list actually is a long one. It's not too difficult to imagine that separating oneself from Hindu conditioning is next to impossible. If you think you have been let down by India's Supreme Court to resolving this matter, then you may be even heading further for a shock: Hindu politicians and their followers continue to be willfully negligent in their refusals to add any needed clarity.

Only recently in 2011, there has surfaced a further insight into Hinduism--this time the Punjab and Haryana High Court pronounced its verdict on a case filed by two Sikh petitioners against the misuse of the word "Hindu" applying on the very personal identity of Sikh people portrayed within the charter of four named Hindu Code Bills, later enacted as laws: (1) Hindu Succession Act, 1956; (2) Hindu Marriage Act, 1955; (3) Hindu Adoption and Maintenance Act, 1956; and (4) Hindu Minority and Guardianship Act, 1956. While denying the petitioners their case, the Court defined Hinduism as: "Hinduism, as we have been made to understand by scholars and sages at different times and different ages is not a strait jacket religion; it is a way of life. It is a 'Dharma'. Hindus are not one people but many. Therein lies the beauty of India." One can see how insufficient and pathetic this definition of Hinduism is apart from being irrational and illogical.

Like the Sikhs, the Jain community too has been vocal in their denunciation of Article 25. Recently it has come to my attention that apparently the Jains sought an understanding from the then Prime Minister Jawahar Lal Nehru. In response, Nehru's Principal Private Secretary, A.V. Pai, (writing for his boss) penned the followings words for the benefit of Jains, dated January 31, 1950:

"This Article [25] merely makes a definition. This definition by enforcing a specific constitutional arrangement circumscribes that rule. Likewise you will note that this mentions not only Jains but also Buddhists and Sikhs. It is clear that Buddhists are not Hindus and therefore there need to be no apprehension that the Jains are designated as Hindus. There is no doubt that the Jains are a different religious community and this accepted position is in no way affected by the constitution."

Again and hardly a surprise here to see how illogical and evasive the above clarification is! Why the educated Hindus placed high in political positions speak from both sides of their mouths? Why can't they simply amend the controversial Article 25 to reflect the religious rights truly? Why would they continue to exercise deceptive means to declare non-Hindus as Hindus, and yet never define for us as to what Hinduism is in the first place?

In August 2005, continuing with the ongoing issue of personal religious identities affecting the Jains per se, the India Supreme Court refused to grant any relief to religious minority communities (in this case Sikhs and Jains) from being bracketed under the label of Hindu.

The word "secularism" is often invoked diligently by the caste Hindus when describing the Indian State in a spirit of nationalistic Hinduism, with an underlying implication of the Hindu expansionist quest to absorb other religions. The western definition of "secularism" is when the State and public policies take precedence over religious considerations. In other words, in the West, there is a separation of church and state. But most Indians, including their leaders, have their own self-serving bizarre definitions. One often cited goes like this: "equal treatment of all the religions by the State." Is that a desirable goal? If it is then how can any State achieve such a goal?

In the Indian context, I suppose the easiest way for the State to treat all religions "equally" would be to intrude into every religion equally and if need be, somehow proclaim all religions are one and inseparable part of Hinduism -- therefore making everyone in India a Hindu. This is precisely what is happening in India. Since everyone is a Hindu, the leadership expects a response in kind. It usually shows in an intellectually flawed population which has stamped itself with a bogus notion echoed in the buzzword called sameness. This is an expression

erroneously viewed as synonymous with equality.

Under this framed scenario, the very thought of discrimination or even persecution of one religion by another need not arise since we are all the same, that is, Hindus. Obviously, this kind of an argument carries a heavy price tag. When told that India's sacred constitution exudes an egalitarian system, years of Hindu conditioning have transfixed the populace to acquiesce to any communiqué coming down from the top. Few will ever fathom that India's egalitarianism is not the same sort we know in a Western sense, but is of an entirely different substance. It is rooted in the infamous caste system, or in a more precise language, the Hindu Apartheid. While the caste system is alive, thriving, and functional, India's Hindu leaders boast of an Indian democracy, ignoring its pervasive underlying segregation and inequality. This sounds magnificently absurd. Many Indian leaders on one hand enjoy the fruits of being born into an elite caste (while the majority of the population rots at the lowest levels of caste), while on the other hand mindlessly they sing the gospel of equality.

The caste being a substructure of Hindu society, the talk of "equality," "democracy," and "secularism" reverberates only to mislead the masses. Not surprisingly, this kind of tactical maneuvering to deceive is clearly evident in the Indian Constitution and conspicuous in the State's public policy and internal propaganda. While Sikhs, Jains, and Buddhists have already been "secularized" constitutionally, Christians and Muslims are now also in the process of being "secularized" through state-orchestrated propaganda. A number of Indian leaders now call Indian Christians and Muslims as "Christi Hindus" and "Mohammadiya Hindus," respectively. In addition, some provincial state governments inside India have already enacted anti-conversion laws while others are

contemplating ensuring the Hindu population doesn't slide away into something else.

Conclusion

Other amendments of the Bill of Rights in the U.S. Constitution guarantee the American people numerous other fundamental rights. These include right to bear arms (Amendment II); protection against government officials who might invade their homes and seize property without legal permission (Amendment IV); protection against being "a witness against himself" in any criminal case or being "deprived of life, liberty, or property, without due process of law" (Amendment V); the right of a person accused of a crime "to a speedy and public trial by an impartial jury" (Amendment VI); and protection against "cruel and unusual punishments" (Amendment VIII). Can the Constitution of India match word-for-word the U.S. Bill of Rights? And, if it cannot, can its intentions at least match those of the U.S. Bill of Rights? If reading Articles 19 and 25 has left

anyone with a cause for concern, then the remaining portions of Part III of the Indian Constitution should not come as a surprise. After due consideration, it remains unclear if the Indian Constitution guarantees fundamental rights as is generally claimed, despite the endless rhetoric from India's leaders, its intelligentsia, and its apologists.

P.S.: The above article is an updated version from two articles originally published in:

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2. March 11, 2012 issue of Eurasia Review under the web address:

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(Concluded)

G. B. Singh is the author of *Gandhi: Behind the Mask of Divinity* (Prometheus 2004) and *Gandhi Under Cross Examination* (Sovereign Star 2009).

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Passage of "GUJCTOC" Bill Strangling the Voice of Dissent

Gautam Thaker

A controversial "Gujarat Control of Terrorist Activities & Organized Crime" Bill was passed in Gujarat Legislature Assembly on 30th March 2015. GUJCOB Bills were also passed in the years 2004 and 2009 in the Gujarat Legislative Assembly which are still pending before H.E. the President of India awaiting his clearance. This controversial bill was passed in the past for three times during last 12 years. H. E. the Presidents, A.P.J. Abdul Kalam and Pratibha Patil had suggested amendments in it and during the corresponding periods, respectively, Sundarsinh Bhandari and Kamala Beniwal were Governors of Gujarat. While Lal Krishna Advani was the Home Minister in the Centre during the year 2004, the rationale for passage of this Bill again in the Legislature Assembly is not understandable.

Under the GUJCTOC Act, rampant powers have been vested with the Police. E-mail and phone tapping shall be recognized as proofs / evidence. Custodial arrest of the convicts shall be extendable up to 180 days whereas the confessions made before the Police Officer shall be treated as valid before the Court. Conversation, correspondence etc. have been recognized as evidence. Moreover, he will not be granted anticipatory or regular bail. On the face of it, this Act is contrary to the laws of the Constitution and the Centre. Some of the provisions, being inconsistent with the Articles of the Constitution, amount to breach /violation of the Constitution. How can there be any law which is contrary to the law of the Central Govt.? If the rights of the judiciary are entrusted to the Police then it could result in fabricating

statement using third degree tactics over the innocent people. Is it fair to entrust such powers to the Police? In this Act, provisions have been made which are contrary to the Transfer of Property Act, Indian Evidences Act and Indian Criminal Procedure.

It is said that this Law is being enacted because Government's priorities are for maintenance of peace, safety and security in Gujarat. Its purpose is to see to it that law-breakers by indulging in organized crimes including terrorism and those tampering with the safety and security of people of Gujarat by committing criminal acts are given deterrent punishment and that none of the innocent is penalized in any way. Necessity for enacting this law has arisen to ensure safety of people of Gujarat especially in view of 1600 Km. long coastal area of Gujarat and areas bordering with Pakistan. Aim of bringing in this Bill by the Government is to counter-act terrorism and to strengthen and sharpen the teeth and claws of laws.

In order to deal with the criminals sincerely and honestly, adequate powers already vest with the Police in terms of many laws of the present day and by using it, peace and stability can be established in Gujarat. It will be enough if the existing laws are strictly implemented. If laws alone can check the terrorism, then terrorism in the country could have been checked while the law of POTA was in force. Although, the present Act is a step ahead of the POTA one wonders how it will be possible to prevent terrorism. Real need is of sincerity to implement and enforce the laws. Even with the honest implementation of the laws currently in force, terrorism will have no

place anywhere. In the past, acts such as MISA, TADA and POTA had been introduced but they had succumbed to the rage of the people. Misuse of above three Acts was made by discriminatingly targeting against poor, minority, aggrieved and deprived sections of the society. At that point of time, 95 per cent of the people convicted under those Acts were acquitted as innocents. A fear has also emerged that this new Act will be used against the Activists and the common people too. Going by one report, under the PASA, Police had arrested as many as 11,916 anti-social elements during the period from 2009 to 2014 in Gujarat, against which the Government could prove its actions to be true, before the Courts and the Advisory Boards, in only 1,124 cases. The reason behind increase in anti-social activities in Gujarat is mainly due to higher contribution of collusion among police and the politicians. It is difficult to understand as to how the rights without any limit, being vested into the hands of Police under this new Act will be in the interest of people of Gujarat.

Impartial implementation of the existing Acts is the main testing tool of to-day's times. No provisions of the Articles / Clauses which are against civil liberties can in any way be given any validity. Fight against terrorism is a national one, but at the same no ruler should wink at or lose sight of the concerns of civil liberties and

human rights. Instead of enacting laws under a new label which take away the right and liberty of an individual, Govt. should make implementation of the other existing laws with firm will power and the same will bring out desired results. Over a period of time, it has been proved with such Acts that instead of the convicts / criminals, innocent people have been put behind the bars. Violence and terrorism cannot be dealt with merely by enacting laws. If such Acts become a permanent feature of our regime then it is entirely against the spirit of democracy and human rights. Really speaking, this may give rise to emergence of a "Jungle Rule" in the country. With such an Act, there will not only be violation of rights of liberties but will simultaneously give rise to corruption among the police department and the law enforcement agencies and due to that there will be upsurge in the obstacles in our economic progress.

No Act which aims at threats to the fundamental rights of the people can survive in a democratic nation. All the peoples, concerned citizens, activist and human rights organization should join their hands together to non-violently, in a Gandhian way, by arousing people's awareness and constitutionally, in as much as possible, oppose "GUJCTOC" Act which aims at nullifying human values and principles of democracy.

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