

# THE RADICAL

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**Founder  
M.N. ROY**

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When M.N. Roy (middle) arrived at Bombay in 1930 from Europe, V.B. Karnik (left) and Mani Ben Kara (1905-1979) (right), both devoted Radical Humanists, were the two prominent labour leaders who received him and put in a secret place to avoid arrest from British police, as Roy was accused No.1 in famous Kanpur Communist Conspiracy case - charged with smuggling communist literature and promoting formation of communist groups in different parts of India. This photo is of that time in 1930.

Time to take a Pledge

Mahi Pal Singh

Resentful Kashmiris

Kuldip Nayar

Like Everyone Else, Muslims Too Want a Proper Education

Arfa Khanum Sherwani

Retributive Justice is Injustice, Your Lordships

Avinash Pandey

**545**

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Vol.79 No. 5 AUGUST 2015

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

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## **Editorial:**

# **Time to take a Pledge**

**Mahi Pal Singh**

This 15th of August 2015 the country celebrates the 69th Independence Day from the British Raj. It is once again time to remember and express our gratitude to the innumerable freedom fighters who struggled and also laid down their lives so that their future generations could breathe and live with dignity in a free and independent country. They dreamt that we would live not only in a politically independent country but also in a country in which we would enjoy economic well being, social cohesion and equality of status and opportunities. Ultimately, after attaining independence on 15th August 1947, these dreams of theirs were enshrined in the country's Constitution when it was declared a **SOCIALIST SECULAR DEMOCRATIC REPUBLIC** and wherein a promise was made to secure to all its citizens:

JUSTICE, social, economic and political;

LIBERTY of thought, expression, belief, faith and worship;

EQUALITY of status and of opportunity; and to promote among them all

FRATERNITY assuring the dignity of the individual and the unity and integrity of the Nation.

After 68 years of independence, it is also time for stock taking and to sit and assess whether these promises have been fulfilled. Visionaries and freedom fighters like M.N. Roy had also presented an economic and political model through which the dreams of the people of India could be fulfilled. After all it was not merely for political independence that our ancestors laid down their lives.

An objective assessment shows that India has made tremendous progress in the field of nuclear science, rocket technology, communication, medical science etc. But the question is whether they have made the lives of the masses any better. Inequalities of all kinds still persist in our society: social inequalities in the form of caste system; economic inequalities in the form of still growing disparity in the income level of the poor on the one side and the well-to-do and the rich class on the other; political inequality as only a handful of politicians have usurped the sole control and authority to rule the country by making political parties their sole property, caste-based or family-based, through crores and crores of unaccounted and ill-got money and by dividing people on caste and religious bases. On all occasions, political and social, the politicians and the other rich make a vulgar show of their wealth whereas farmers continue to commit suicides in increasing numbers; electricity has still not reached all the villages and drinking water has not reached all even in the urban areas, not to speak of the rural areas. Even in the capital of the country, there are areas where drinking water does not reach and people have to fight it out to get a bucket of water if and when a water tank arrives there. In spite of the 'Free and Compulsory Education to all children up to the age of 14 Act' having been passed by parliament, young children can be seen in big numbers begging at the road crossings even in big cities like Delhi; health care facilities are still out of the reach of the majority of our population; unemployment has increased. The only people who have made tremendous progress are the Ambanis, the Adanies, the politicians, the bureaucrats and the like. They have grown

thousands of times in their wealth and status and most of the money they have amassed is through corrupt means bending the whole system to cater to their needs. They look with contempt towards the masses, calling them 'cattle class', except when they need them.

Corruption has reached gigantic proportions. It is very difficult to locate an honest policeman, and almost impossible to locate an honest politician. During the 10 year rule of the Congress led United Progressive Alliance (UPA) government there were corruption scams worth lakhs of crores of Rupees in which central ministers, even the Prime Minister's office, were directly involved. Within a short period of less than a year and a half, the governments led by the Bharatiya Janata Party (BJP) in the states and at the centre have equaled the record of the UPA. Leave aside the charges of showing undue favours to Lalit Modi, an absconder businessman, in return for the undue financial benefits they and/or their family members had received from him in a mutually beneficial move, against the central minister Sushma Swaraj and the Rajasthan Chief Minister Vasundhara Raje, over which the whole business of the national Parliament remains stalled during the monsoon session, the VYAPAM scam, an admission and recruitment scam involving politicians, senior officials and businessmen, of the Madhya Pradesh government involving thousands of crores of Rupees, has become the biggest scam of independent India by the sheer number of candidates affected, which is around 20,000 and the number of people, around 48, who either knew the details of the scam and could disclose them or journalists who were trying to investigate and find out the people involved in the scam, murdered or killed after the details of the scam started surfacing, obviously to shield the politicians and bureaucrats who have masterminded the whole scam. The position of

those involved can be judged from the fact that the Chief Minister of the state, Shivraj Chouhan and members of his family, the Governor of the State and his son, who has since died, and very senior bureaucrats are allegedly involved in the scam. The Governor's residence, the Raj Bhavan, is also alleged to have been used for the bribe money to change hands. Looking at the seriousness and dimension of the scam, the Supreme Court of India handed over the investigation into the scam to the Central Bureau of Investigation (CBI) and a team of 40 investigating officers started looking into the matter. The scam is so big that the CBI requested the Supreme Court to provide it with a team of 200 investigating officers because the team of 40 people was not sufficient to investigate into the matter. And Narendra Modi, the Prime Minister, who had promised to the nation during his election speeches 'Na Khaoonga Na Khane Doonga', meaning thereby 'I shall not indulge in corruption, nor let anybody else indulge in it,' is just watching and conspicuously maintaining a perfect silence, reminding everyone of the silence Manmohan Singh, the UPA Prime Minister, maintained watching his ministers indulge in gigantic corruption. Not only this, under a well thought out plan the freedom of educational institutions, and even the Film Television Institute and the Film Censor Board, are being destroyed in a systematic way and people with no other qualifications but loyalty to the Rashtriya Swayamsevak Sangh (RSS), the parent body of the BJP whose Hindutva ideology the latter follows, are being appointed their heads.

The plight of farmers is already very bad. Still the Narendra Modi government is so much bent upon acquiring their farm lands, not for their benefits in any way, nor for purely public purposes, but to hand it over to private businessmen in the name of Private Public

Partnership (PPP) for them to make big money at the cost of depriving the farmers of their only source of living, that it has issued ordinances thrice in spite of the fact that the parliament has not passed the land acquisition bill presented to it by the NDA government which has failed to get it passed in spite of its absolute majority in the lower house of parliament, the Lok Sabha and overall majority in both the houses taken together. Its adamancy to implement the law without the approval of parliament only shows how it disregards the public opinion expressed through its elected representatives.

Whatever civil liberties and rights people enjoy under the Constitution and other Acts of Parliament are being snatched away through government notifications. Activists who protest against the anti-people policies of the government are being dubbed as anti-nationals and traitors and killed or hounded and fixed in false cases against them. Right to Information (RTI) activists who seek vital information on illegal mining, corruption in defence and other establishments and various ministries are either killed by the land and mining mafia and those who fear exposure, or do not get the information they seek. A recent note approved by the central cabinet proposes to amend the Whistleblowers' Protection Act so that it would dis-empower the people and snatch away whatever empowerment they had got through the RTI Act passed by the UPA government in 2005 to seek information regarding how their money was spent by various departments of the government and how the government and its agencies were functioning. It is noteworthy to remember that thousands of cases of misuse and misappropriation of funds and illegalities committed by ministers and bureaucrats have been unearthed through RTI applications filed by ordinary people and RTI activists in the last ten years of the Act's passage. The cabinet note proposes that people cannot

have the absolute right to blow a whistle and make a complaint if they see something wrong. It also recommends restrictions like exemptions from disclosure under the RTI Act. The activists feel that once these amendments are passed, the bill may not leave anything to complain about.

In another case, "On one hand, the DNA Profiling Bill, which may result in a database of sensitive personal data with little to prevent its misuse, is being tabled in Parliament. On the other hand, the Attorney General took a shocking position in the Supreme Court of disputing the very existence of the right to privacy in the Aadhar case," says Chinmayi Arun. The government's argument was that the right to privacy cannot be held as a fundamental right of the people, which effectively means that this right is also going to be snatched away from the people. What is even more shocking is that the NDA government had opposed vehemently the scheme of the Aadhar cards when it was introduced by the UPA government on the very counts on which it is strongly supporting and continuing the scheme now, this in spite of the Supreme Court orders that these cards cannot be made mandatory for any service provided by the government. It seems that this government has no respect for the institution of the judiciary also in the same manner as it does not value the core values like freedom of speech and expression and secularism as promised by the Indian Constitution.

Today, Christians and the Churches are being attacked. Muslims are being mocked at, attacked and killed and their houses burnt, as happened in Muzaffar Nagar in U.P. Even M.P.s belonging to the ruling BJP openly threaten Muslims and some of them even advise them to go to Pakistan. The divisive agenda of the Hindutva brigade is being aggressively implemented with the aim of ensuring the support of the majority Hindus in elections. Does this country belong only to the

RSS and its Hindutva outfits? By insulting a single Muslim, do they not insult thousands of freedom-fighters and martyrs including Muslims like Ashfaq-ulla Khan who laid down their lives fighting for the freedom of this country? Are they not mocking at the sacrifices of those brave and selfless soldiers, like Abdul Hamid, who died and are still dying fighting Pakistani infiltrators and attackers and still keep a 24 hour vigil along the line of control to save the unity and integrity of our country? Does this country belong any less to those who chose this secular country as their own in which to live and die, and not the religion based Muslim country Pakistan when they were offered a choice at the time of partition? Or does it belong only and only to the self-styled nationalists and patriots who are out to destroy the 'Ganga-Jamuni' culture of this country in which have lived people belonging to various religions and other diversities with love and respect for each other for thousands of years? Shall we not forfeit our claim to be a secular nation if minorities do not feel safe to live a life of dignity here? If there are anti-

nationalists and traitors in this country it is they who are destroying the unified social fabric of this country and it is they who are a threat to the unity and integrity of this country. Unfortunately, they are the very people who are the powers that be and have arrogated to themselves the right to tag others as 'anti-nationals' and 'traitors'.

Every citizen of this country is duty bound to work for the constitutional and democratic values this nation has fostered and preserved against all odds. People of this country have learnt to raise their voice against injustice. They have also learnt to protest when their rights are in danger. They cannot be silenced now as they were silenced during the Emergency regime for fear of losing their liberty and even their lives. There may be threats, incarceration or even death. But that is the price we have to pay to protect our democracy and long held secular and democratic values and rights. By doing so we shall be paying a real tribute to our national heroes who died so that we may live in peace and with dignity, with our heads held high as free individuals of a free nation.

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## Resentful Kashmiris

Kuldip Nayar

KASHMIR has changed beyond recognition. In less than five years when I visited Srinagar last, the valley has become visibly anti-India. This does not mean that it has become pro-Pakistan, although some green flags fly in the interiors of Srinagar. What it really means is that the alienation, which was perceptible even earlier, has changed into resentment.

However, the sunny sides like the Dal Lake and its bundh (bank) are as normal as they used to be. Tourists drive straight from the airport to the sites and are oblivious to the fact that the interior is the scene of militants who still lob grenades. I was in Srinagar when violence took place and some grenades were thrown in the interior of the town.

An invitation by an organisation of Kashmiri journalists took me to Srinagar. A few other journalists from Delhi were also among the invitees. Strikingly, no journalist from Jammu was present. Of course, none had been invited.

The Kashmiris' protest, more or less peaceful, is Islamic in tone and tenor. But it seems as if it is a way of expression, not the content. The content is that the Kashmiris want a country of their own. Most people in India suspect that an independent Kashmir is only a bogey. The real intension of the Kashmiris is to join Pakistan.

But I do not agree with this inference. The very idea of independence looks more like a dream and it has swept the Kashmiris off their feet. If it ever becomes a reality, which is impossible, even the staunch supporters of integration with Pakistan will jettison their agenda and join the ranks of independence seekers.

The sequence of events reminds me of Quaide Azam Mohammad Ali Jinnah's way of thinking.

He raised the demand for Pakistan as a bargaining counter to get the maximum concessions for Muslims in a country where the Hindus were bound to be in a preponderant majority. However, when he found a resounding response among the Muslims he came to own the demand for Pakistan, a homeland for the Muslims. Shaky in his belief in the beginning, he came to be its sole spokesman.

Therefore, there should be no doubt about the real desire of Kashmiris. I could see angry faces when I said in my speech that the Muslims in India would have a hard time if the demand for an independent Kashmir was ever acceded. The Hindus would argue that if even after 70 years of being part of India the Kashmiri Muslims wanted independence, what is the guarantee about the loyalty of some 16 crore Muslims in India?

The argument that India could not jeopardize its secular system by making Kashmir a separate country, which would be 98 per cent Muslims, was not even entertained at the conference. "Your Muslims are your problem", was more or less the counter argument.

I recall a similar reaction when after the formation of Pakistan I told its Foreign Minister Abdul Sattar that the Muslims in India-they were more than those at that time in Pakistan-were paying the price for the creation of Pakistan. He said that they had to make 'sacrifices' for a Muslim country, Pakistan, to take shape.

What has disappointed me the most was the disappearance of grey area in Kashmir, which was visible till a couple of years ago. The stances have hardened so much so that even social contacts between Muslims and Hindus have got snapped. I am sorry to bring in personal

example. In the past, Yasin Malik would invite me to his house for dinner and conduct me to his house through the labyrinth of lanes.

True, he has turned what is called a 'separatist'. But I vainly waited for a word from him. I do not believe that he did not know about my presence in Srinagar. The Jammu and Kashmir Liberation Front he heads has posted his men at the airport to know who comes from India and when. Yasin Malik gets the "separatists'" feedback.

I had Yasin's fast unto death broken on the condition that I would personally conduct a probe into human rights violations by the Indian security forces. He agreed to my supervision instead of the Amnesty International probe. We produced a report and found Yasin's allegations mostly correct. The report was quoted widely by Pakistan to the embarrassment of Indian government.

True, Yasin says that he is not an Indian. But our relationship was not on the basis of nationality. Can bitterness snap even personal bonds? Should I presume that I wrongly assumed certain things and that personal relations have no meaning in the face of political exigencies did only Kashmir behind us.

To cite another example of how personal relationships are pushed into the background for political purposes, another Kashmiri leader Shabir Shah is a changed person today. He was like my chela (disciple). He was then pro-India. He has changed into a staunch opponent. Yet, I

do not know why personal relations should die. Is it the price that I have to pay for a change in Shabir's ideas?

Kashmir, no doubt, requires attention, especially for those who believe in a secular and democratic India. No amount of opposition should swerve them from their commitment. If they change, it means that their earlier stance was only a façade.

This holds good for the entire India. We are in the midst of challenges to the very idea, propounded by Mahatma Gandhi and Jawaharlal Nehru, who won us freedom. It pains me to see that some voices have begun to appreciate the ideas of Naturam Godse, who killed the Mahatma. Were India to question its ethos, the Muslim-dominated Kashmir would feel insecure. A Kashmiri Muslim engineer, who dropped me at the airport, told how he was suspect even at a liberal place like Bangalore and harassed by the police.

Parties have reduced politics to the identification on the basis of caste and religion. People should assert themselves through liberal organizations or leaders and ensure that the poison of religion and caste does not spread. If the nation fails, Kashmir and many other parts of India may flounder in the muddy waters of religion. The country is on trial.

(**Kuldip Nayar** is a veteran syndicated columnist catering to around 80 newspapers and journals in 14 languages in India & abroad. **kuldipnayar09@gmail.com**)

*"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)*

## Like Everyone Else, Muslims Too Want a Proper Education

Arfa Khanum Sherwani

The Maharashtra government's decision to 'derecognise' madarasas as schools if they do not teach primary subjects such as science, social science and mathematics has generated a lot of criticism from opposition parties as well as a considerable section of the Muslim community.

The government says its only aim is to bring madarsa students into the mainstream and that the latest move should not be considered 'anti-Muslim'. For a variety of reasons, however, its explanation has not satisfied critics.

As per the Sachar Committee report, only 4% of Muslim students across India go to madarasas. The number is slightly higher in the states of Uttar Pradesh and Bihar, while in Maharashtra, the figure is less. This effectively means that given a chance, an overwhelming majority of Muslims would want to send their kids to normal schools.

But the Sachar report also says that 60% of urban Muslim kids do not attend any school - government, private or even a madarsa. In Maharashtra, according to the Mahmood-ur-Rahman committee report, only 19% of urban Muslim girls and 10.9% of rural ones are enrolled in post-primary schools. There is no convincing explanation for why the government should care only about the 4% and not the 60% of adolescent boys and more than 80% of adolescent girls who have been excluded from proper schooling of any kind.

It is important to note that the Sachar committee in its recommendations had advised the then UPA government against any madarsa modernisation initiatives. On the contrary, it had asked the government to open a school close to

a madarsa and let people choose what type of education they wanted for their kids. But the government did not pay heed to the advice and went ahead with its plans of 'modernisation' by allotting funds in subsequent budgets. The Modi government has continued with this 'tradition', allotting Rs 100 crore in its first budget. In fact, on a similar pattern, the previous NDA Government (1999-2004) had tried out a program named 'Area Intensive Madrasa Modernisation Programme' (AIMMP) but did not succeed due to stiff resistance from various Muslim leaders and clerics.

The terrorist attack on the World Trade Centre in 2001 turned the spotlight on madarasas because of the link between 9/11, Al Qaeda and the Taliban. Indian madarasas too were looked at with suspicion since they were perceived to have allegiance to the 'Wahabi' ideology which the Taliban claim to be pursuing. While Wahabi influence exists and may even be growing, Indian madarasas have never believed in its military manifestations. Even today, political Islam remains an unknown phenomenon in India.

In order to neutralise the post-9/11 threat perception, voices from outside and within the Muslim community advocating reforms in the madrasa educational system became louder. But 'modernisation' initiatives were taken without any serious attempt to understand the structure, administration and future of these institutions.

If we take a closer look, the government's attempts to make religious education 'secular' do not go beyond tokenism. Let's take the example of UP where government recognised madarasas

are given Rs. 1 lakh every year for each subject that is taught. But there is little support for physical infrastructure, and teacher pay is lower than in government schools. The government's involvement in the teacher selection process has also led to the appointment of undereducated candidates. All of this is proof of the state's lack of seriousness towards 'modernising' madarasas.

We also often do not realise that Indian madarasas are not monolithic. Education is a state subject and the state government decides the education policy of its state. Therefore, a madarsa in West Bengal will work in an entirely different way than one in Kerala. West Bengal madarasas have many non-Muslim students - in some cases as many as 40% of their pupils - and enjoy the reputation of imparting better quality education than even government schools. In Kerala, on the other hand, students attend madarasas for a few hours before or after attending regular school. In both these states, madarasas work under a State Madarsa Board whereas Maharashtra does not have such a board at all.

In Maharashtra, most of the state's 1,900 madarasas are registered with state Waqf board. In 2013, the state-government appointed Mehmood-ur-Rehman committee said only 2.3 per cent Muslim children are attending madarasas in the state. The committee had advised the government to take steps to elevate students from traditionalism.

### **Visible distrust**

There is visible distrust between the government and madarasas about each other. While the government is usually suspicious about the functioning of madarasas and wants to keep a close tab on what happens inside, the maulvis and clerics want to resist any government interference - academic or administrative. Most of the unregistered madarasas run on zakat money given by Muslims. Either for fear of government

interference or to avoid the audit of unaccounted money, these madarasas try to maintain a low profile and do not actively work to get themselves registered.

Some argue that by bringing the madarsa issue back to the centre of the debate, the entire objective of the BJP-led state government is to keep the 'pot boiling' and strengthen its core Hindutva vote bank. This perception is reinforced by the fact that the madarsa issue has been raised soon after the Maharashtra government's earlier decisions of scrapping 5% reservation to Muslims in education and banning beef - leaving thousands of Qureshis (butchers) unemployed.

The unusual social media euphoria among Muslims over two madarsa graduates qualifying for the UPSC exams is symptomatic of how the community perceives the government. There is a growing sense among the Muslims that the 'system' is working against them. Is it healthy for religious minorities in the largest democracy of the world to think their government works against them? That they will have to try and improve their lot not with the support of the government but despite it? There is a great churning going on within the Muslim community about embracing modernity while keeping intact its religiosity. Though keeping roza and doing namaz five times a day, Muslims do not want to miss out on the opportunity of being full partners in 'Digital India'. Young Indian Muslims are as anxious as young people from other communities to be a part of India's success story. But can this be done by threatening or penalising them? The government needs to listen to them, take them into confidence and make them part of its decisions. Can't we walk together and be a part of this historical journey called India?

*The writer is a senior anchor with Rajya Sabha TV*

*(Courtesy: WIRE)*

## Retributive Justice is Injustice, Your Lordships

Avinash Pandey

Yakub Memon is dead and buried. He was legally murdered on Thursday, 30 July 2015. This was after the Supreme Court dismissed the final petition put forward by a group of eminent lawyers pleading postponement of the sentence in a dramatic hearing that took place in the early hours of Thursday, just 2 hours before Yakub was hanged.

At the face of it, the Indian justice system often ticks boxes. In this case, it is one that even listened to the plea of a terror convict headed for the gallows. Dig only a little and one will begin noting the façade. Dig even more and the Indian criminal justice system is revealed as a retributive system seeking revenge, one that does not deliver justice.

How can capital punishment, killing someone to avenge killings or similar heinous crimes, continue in any civilized society? Does this not boil down to saying: okay, you killed or played a role in killing people, so now we are going to kill you, albeit under the pretence of this killing being "under due process of law"? Look at the flimsy logic of awarding death sentence in "rarest of the rare cases" as something meant to act as a deterrent. This logic never did get any

support from empirical studies, and is laid bare in Yakub's case.

Consider also the absurdity of killing the convict with most "painless and quickest", in other words "humane", way. The idea of killing someone "humanely" should bring out the paradox that it is. It should further make one look back at the idea of capital punishment being a deterrent against humans committing the heinous crimes for which such punishment is awarded. Why not kill the convict in the most inhuman, tortuous, and barbaric ways, preferably in public view, as it was done in medieval times, if it really is a deterrent. Would that not "deter" would be criminals much more than a "humane" killing? This is, after all, why countries like Saudi Arabia argue in favour of public beheadings. Why not borrow the entire practice from such dictatorships instead of only taking the killing and leaving their methods behind?

Let us consider, also, the flip-flop of the Indian criminal justice system in terms of capital punishment. The system has been oscillating from being humane and adding grounds for commuting death sentence to life terms on one hand to the very opposite on the other for a while

### M.N. Roy on 'Capital Punishment'

".....How is society benefitted by law adding murders to those committed without the sanction of law? How is it justifiable for law to commit the crime it presumes to punish? Justice is still far from being civilized. She remains a savage goddess who demands human sacrifice. And gods and goddesses are made after the image of their worshippers. If the world was really civilized it would not worship savage goddess with offering of blood. You may place the offering in an electric chair; yet it is human sacrifice." From **Jail Diary** (1931-1936) of **M.N. Roy**

now. Sometimes it has recognized that undue delay in deciding on mercy petitions of death row convicts amounts to torture, as it did in *Shatrughan Chauhan vs. Union of India* case on 21 January 2014, in a verdict of a 3-member bench headed by then Chief Justice P.

Sathasivam. In doing so the bench over-turned a regressive order delivered by a 2-member bench of the same Court in April 2013. The April 2013 verdict in the *Devender Pal Singh Bhullar* case had held that those sentenced to death under anti-terror laws could not invoke the argument of undue delay for commutation. The January 2014 judgment overturned this by holding the nature of crime irrelevant in deciding the impact of the delay. And now, the same Court has dismissed the mercy petition of Yakub Memon, despite his having been on death row for about 8 years out of the 22 years he had spent inside prison.

Unfortunately, the randomness is not that random. All the recent hangings showcase a discernible pattern, one of bloodthirsty, frenzied, mobs seeking revenge and the Indian Judiciary delivering it to them. Did the Supreme Court not hang Afzal Guru for "satisfying the collective conscience of the nation", with nothing more than circumstantial evidences to seal his fate? But then, it did not find Dara Singh's ghastly act of burning Christian priest Graham Staines and his two sons alive in Orissa in 1999 rarest of rare and gave him a lifer. No one deserves to get killed by the state, not even Dara Singh but that is not the point. The real point is how the increasing sectarianism of the society has started getting reflected in judiciary.

Add to this the apparent randomness in verdicts delivered on the lives of death row convicts and the system starts looking other than just. Consider, the possibilities if Yakub Memon's mercy petition had reached a bench of

comprising a different set of justices, such as those retired justices who had sought commutation of Yakub's death sentence. Many such retired judges signed the last mercy petition on Yakub's behalf. This is where this apparent randomness betrays the design behind it, the design that plays out in the formation of benches, in the frenzy that system helps to build in by 'leaking' the date of death warrant and so on.

One finds the same sickness again and again in similar cases: awarding the death sentence and its execution in India is linked to mobs baying for blood, mostly the blood of the minorities and other marginalized sections. The increasing communalisation of the society and media is only going to add more muscle to such murderous mobs, and their impact throughout society and in the Judiciary itself.

Yakub Memon is dead and gone. It is just that his death has brought the debate on capital punishment back on the table and it is time the civil society makes a final push for its abolishment. If it fails, there will, from time to time, be dramatic midnight hearings that make the system look superficially like a just one. And the legal murders following pretentious hearings will not stop.

**Mr. Avinash Pandey**, alias Samar is Programme Coordinator, Right to Food Programme, AHRC. He can be contacted at [avinash.pandey@ahrc.asia](mailto:avinash.pandey@ahrc.asia) **July 31, 2015**

**About AHRC: The Asian Human Rights Commission** *is a regional non-governmental organisation that monitors human rights in Asia, documents violations and advocates for justice and institutional reform to ensure the protection and promotion of these rights. The*

*Hong Kong-based group was founded in 1984.*

# The Unenlightened/Enlightening Debate on Yakub Memon's Death Sentence

**Prabhakar Sinha**

Yakub Memon's case provoked an acrimonious debate and name calling. It generated a lot of heat without any light. With the subject of the debate coming to an end, it is time to ponder over the issue more dispassionately and judiciously as becomes a civilised society. The debators were divided into two groups - one for his hanging and the other against it. Both had strong feelings behind their arguments making their positions irreconcilable. But those in favour of his execution called the opponents of their view anti-national and even traitors. Was it rational or fair? Nobody said that he was innocent or pleaded for his being pardoned by the President or the Governor. The point of difference was simply that one side felt that he should be hanged while the other felt that serving a term for life would meet the end of justice. Both the options are on the same legal footing and pleading for either is consistent with the law of the land. Then was the name calling consistent with the conduct of a civilised and democratic society?

As a matter of fact, even the judges of the Supreme Court have been unable to find criteria for determining 'the rarest of rare case' in which an accused should be hanged. Ultimately, the decision to hang a person or commute his death sentence to a term for life depends on the subjective feelings and opinion of the concerned judge/s. Whether the person will live or die depends on the accident of the court which is hearing his/her case. In fact, one of the arguments in favour of the abolition of death sentence is this phenomenon of accident. Where even the judges of the highest court are unable to come to a unanimous opinion, is it fair to call laymen anti-national or traitors because they do

not agree with you?

How difficult is the determination of the rarest of rare case may be shown by an example. The death sentence of the assassins of Rajiv Gandhi was commuted to life term. In fact, the TN government has even exercised their power to pardon them. They are not free because the Union Government has moved the apex court against the decision. What was the ground on which killers of Rajiv Gandhi were excluded from the 'class of rarest of rare' cases? The conspiracy to kill him was hatched in a foreign country by foreign nationals engaged in an armed rebellion against their government and was executed by foreign nationals with the support of Indians. Rajiv Gandhi was an ex Prime Minister of our country, and he was assassinated for some decisions taken by him as Prime Minister. How many ex Prime Ministers of a country have been assassinated by foreign nationals in retaliation for decisions taken as Prime Minister? How many countries have taken a lenient view of such a crime? Is there an example of a State Legislature rising in favour of foreign nationals assassinating their former Prime Minister on their land? Or the government of a State pardoning them?

With such a diversity of stand whether a person sentenced to death should die or not, it is most undesirable to stoop to name calling and imputing motive. It is most undesirable because it poisons the atmosphere in which a healthy and enlightening debate is possible. The media which provides the platform is concerned only with its business, but people's representatives must keep the national interest above their party interest.

**Prabhakar Sinha** is President, PUCL

## Tribute to former President: APJ Abdul Kalam

(15 October 1931 - 27 July 2015)

*Dr. Abdul Kalam wanted to intervene in Afzal Guru's case*

**N. D. Pancholi**

**NEW DELHI:** A death warrant had been issued to Afzal Guru, convicted in the Parliament terror attack case sometime in October 2006, and a mercy petition was filed in a hurry on behalf of his wife.

Advocate Nandita Haksar and I had helped draft the petition. Nandita suggested that we should seek an appointment with the President of India--Dr APJ Abdul Kalam-- on behalf of Guru's mother, wife and minor son for a personal hearing.

I was sceptical as never before had a President given any such opportunity to the family of a death row convict. Moreover, the Union Home Ministry was deadly against Guru, determined to ensure his execution. Nevertheless we decided to try, and I wrote to the President. To our surprise within two days I received a phone call from Rashtrapati Bhawan that Dr. Abdul Kalam, the President, had accepted our request and we were asked to meet him the day after.

Guru's wife, mother and minor son including Nandita Haksar and I went to meet the President. Nandita and I were part of the delegation as the advocates. The meeting lasted for about one hour. Dr. Kalam first ascertained whether the ladies from Kashmir could talk in Urdu/Hindustani. Getting an answer in the affirmative he said that he would like to hear the family first. Both the mother and wife placed their woes before him and he listened patiently and attentively to both of them, with intermittent questioning. He was affectionate to the child who was about 8/9 years old. Both Nandita and I made our legal submissions. The President's

staff took down notes. He looked serious, and appeared considerate. At the end of the meeting he said that he would look into it. We came out of the meeting with a glimmer of hope.

Before filing the mercy petition on behalf of the wife, we wanted Afzal Guru himself to file it personally on his own behalf. But he was not willing as he thought it to be of no use, as he felt the government was determined to hang him. So the petition was filed by the wife. After the meeting with President Abdul Kalam, both Guru's wife and mother met and gave him the details, as to how they were given a patient hearing.

Afzal Guru had already read the news and seemed to be moved by the unprecedented gesture shown by Dr. Kalam to his family. The mercy petition by the wife was prepared in haste and we were of the opinion that a properly drafted document should be prepared and be filed on behalf of Guru himself. This time it was easy to persuade him. In the first para of his petition addressed to the President of India Afzal wrote:

"...I myself had no hope that I would get a hearing . However, after my wife, Tabassum, my mother, Ayesha Begum and son Ghalib, told me how graciously you had received them I was really moved and it kindled a new hope that I may still get justice."

But the Home Ministry was determined to deny justice to Afzal Guru.

We came to know later that the mercy petition filed by him was never sent to Dr. Abdul Kalam,

with or without the comments of the Ministry.

By that time Dr. Kalam had come to entertain doubts about the death sentence itself. He raised the question as to how it was that only those persons who belonged to the poorer and marginalized sections of society were getting death sentences! He publicly expressed his doubts.

The Home Ministry seems to have been scared by his unconventional views. So the mercy petition of Afzal Guru was not sent to Dr. Abdul Kalam.

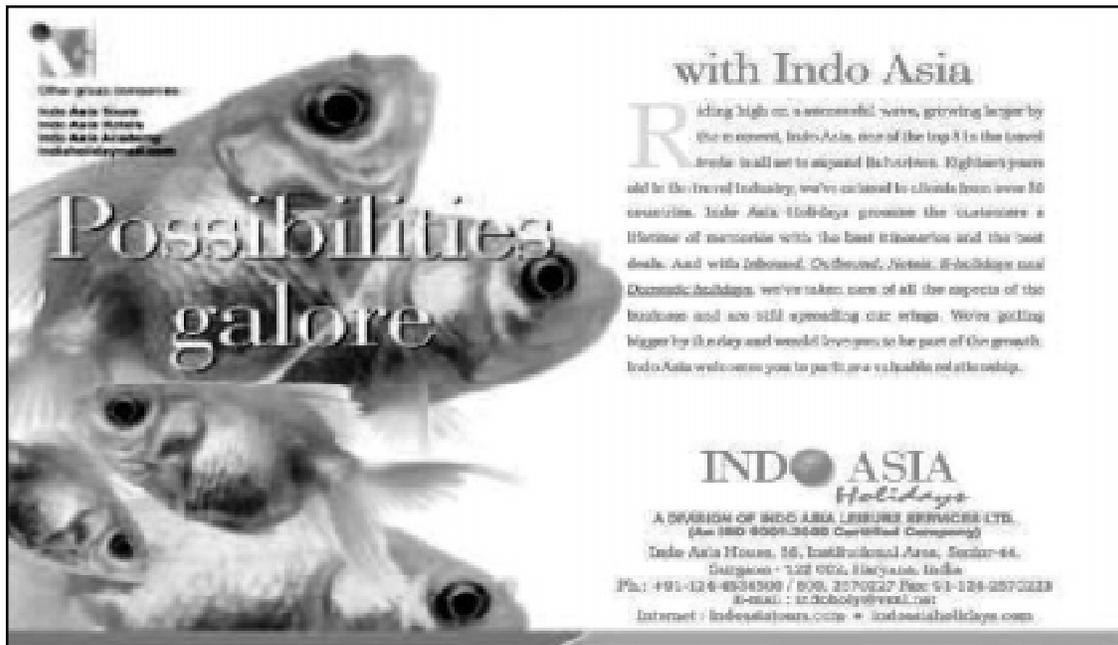
More so as he had already returned 50 mercy petitions in 2005 back to the Home Ministry for reconsideration. He had dismissed only one petition that of Dhananjay Chatterji, a lift operator, which he did reluctantly as he said himself later on. This delay by the President helped death row convicts like Devinder Pal Singh Bhullar and three others accused in the Rajiv Gandhi case. Later the Supreme Court commuted their death sentence into life

imprisonment on the ground that there was unexplained delay in deciding their mercy petitions. These had been dismissed by the present President Pranab Mukherjee sometime in 2013.

Afzal Guru would have been alive today on the same grounds had the government not hanged him secretly on Feb 9, 2013 without following due procedure. This was done just a few months before the judgment of the Supreme Court that gave relief to Bhullar and the others.

Dr. Abdul Kalam was at heart a man of the people and remained so when he became the President of India. He led a simple life even as the President. In him lay a pious soul and kind heart who sought to serve society according to dictates of his conscience. He was against death penalty and his views in this regard are a significant contribution to the human rights movement for its abolition.

I, personally as well as on behalf of the Citizens For Democracy, pay our sincere tribute to the man of the people - **Dr. Abdul Kalam.**



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## Ambedkar's Vision of Secular, Socialist India

Vidya Bhushan Rawat

This is Ambedkar's era of the capitalist world in which identity matters more than ideology and in capitalist democracies you mobilise people more on symbolic issues so that they do not rebel against the ills of these imported democracies which are hurting people more as democracy today is the legitimization of corporate greed and grabbing of the people's resources. Today, Ambedkar overtakes any other political leader in post independent India who matter most for the purpose of politics if not for ideology. He has written enormously over a period of nearly 40 years of public life. In the business of politics the people diametrically opposed to Ambedkar's vision of a '*prabudhha Bharat*' or 'enlightened India', which cannot be completed without an inclusive one with participation of religious and linguistic minorities and socially and economically marginalized communities, including their women, are trying to appropriate Ambedkar for their own purposes.

Ambedkar's is a liberator for millions of the marginalized all over the world. The liberation comes through his core belief in the principle of state socialism which he was instrumental in placing in the preamble of the Constitution of India and most importantly through the 'Directive Principles of the State Policy' as a 'direction' to the state since he knew that most of the segments that he was speaking for do not have the capacity to raise their own issues and fight for it.

There is no doubt that Ambedkar was a staunch democrat and believer in the freedom of individual despite having faced obstacles and insinuations from the upper caste leadership of different parties including those of the communist parties who could not fight against

brahmanical hierarchy and termed everyone fighting against caste system as casteist. Castigating the brahmanical leadership within parties does not mean that Ambedkar was a votary of capitalism as many of his 'so-called' 'followers' are trying to portray. Yes, Ambedkar went to Columbia University in the United States and later did his doctorate and post doctorate from London School of Economics. He felt liberated in America as none asked his caste and other details about his life, which was a routine feature in India. He could enter anywhere from libraries to hotels without being asked about his caste and antecedents. Those were the times when Ambedkar could not get a house to live in India, even after becoming the Defence Adviser of the Maharaja of Baroda, just because he was born an untouchable. The office assistants or peons in the college would refuse to give him water and pass on the files for fear of getting touched. Moreover, a debate with Gandhi on the annihilation of caste further made Ambedkar aggressive when Gandhi emphasized the importance of 'shastras' and 'birth' in a particular '*Jaati* (caste), ' meaning that you cannot change your '*jaati*' and must do the work according to the divinely prescribed 'duties' to that particular '*jaati*'. Later, he fought for the temple entry of the Dalits into Kalaram Temple but realized that the caste Hindus were not ready to accommodate the Dalits on equal terms and then came his historical announcement to renounce Hinduism and embrace Buddhism.

Ambedkar's quest for equality with dignity remained till his death but the most important part of his mission was fraternity as he felt equality without fraternity was not acceptable to him and in his numerous articles Ambedkar

mentioned as to why despite his respect for the Russian Revolution, he felt more close to appreciating the French Revolution as the Russian revolution brought equality but not fraternity but the French Revolution brought fraternity too. This is an important point made by Ambedkar which is ignored by many of his 'admirers' who rarely have time to go through his entire writings.

We cannot ignore the important aspect of social justice, freedom and liberty from Dr Ambedkar's warning when he presented the first copy of the Constitution of newly independent India to the chairperson of the Constituent Assembly Dr Rajendra Prasad. He said:

*"On the 26th of January 1950, we are going to enter into a life of contradictions. In politics we will have equality and in social and economic life we will have inequality.*

*In politics we will be recognizing the principle of one man one vote and one vote one value.*

*In our social and economic life, we shall, by reason of our social and economic structure, continue to deny the principle of one man one value.*

*How long shall we continue to live this life of contradictions? How long shall we continue to deny equality in our social and economic life? If we continue to deny it for long, we will do so only by putting our political democracy in peril. We must remove this contradiction at the earliest possible moment or else those who suffer from inequality will blow up the structure of political democracy, which this Assembly has so laboriously built up."*

The warning was important that country must first become a social democracy to ensure that its political democracy succeeded because a

failure would keep the entire democratic process in peril. How can political democracy succeed and ensure social democracy?

We are iniquitous society and it was important therefore that the modern Constitution of India succeed. It put the responsibility to do certain things on the State. The responsibility of the Indian State was much bigger and important - to bring equality and social justice to all. The Zamindari Abolition Act was meant to democratize land relations, which dominate our socio-political system. In fact, Ambedkar wanted radical land reforms in the form of 'nationalization' of land for which he appreciated highly the Chinese and Russian models of agrarian system. Once the private property in agriculture is diminished there would be enough land for all. Private property was the root cause of social injustice even when Ambedkar could not bring many other radical changes in the Constitution because of the pulls and pressures of diverse sections of our society. He wanted the government to strengthen public sector and initiate welfare measures, as he knew without state's interventions the vast majority of marginalized would never be able to progress. In fact, so much was his faith in the political state that he felt that the failure of state intervention would endanger the lives of millions of the Dalits who were victims of caste system and untouchability, which were still prevalent in the society despite a progressive Constitution.

'State and minorities' was a memorandum on behalf of the All India Scheduled Caste Federation to the Constituent Assembly in 1946 which talked about equality and abolition of privileges based on birth, region, hierarchy and that all the citizens of the country should be treated equally.

Today, it is important to understand Ambedkar

and why the State owes an important responsibility towards the Dalits and other marginalized in our society. Without fulfilling our constitutional promises the power elite of the country want that the Indian state abdicate its responsibility as a welfare state and embrace 'capitalist' system. Thousands of young boys and girls from Dalits, OBCs and Adivasis have come up in the ladder and succeeded in their life through affirmative action programmes. After the Mandal revolution in India in 1990s, the OBC students also succeeded and the power equations have changed now as Dalits, OBCs and Adivasis have understood the value of their vote and have consistently demanded their share in power. Of course, the Indian state has been highly prejudicial and stereotypical against the Muslims who did not get any state protection as citizens of the country. Muslims and Christians too have backwards and Dalits in their communities and they need equal protection by the state.

After the Mandal revolution in 1990, the forces detrimental to the Dalit Bahujan communities unleashed the policy of economic liberalization, which was actually meant to defeat the socialist agenda as defined by the Constitution of India drafted by Baba Saheb Ambedkar. Socialism became a dirty word and all that was 'inefficient' and 'corrupt' was linked to socialism and termed as 'license permit raj'. Actually liberalization under Narsimharao was a carefully crafted policy of the upper caste, upper class Hindus who were desperate to foil the state socialism, which provided space and opportunities to the most marginalized sections of our society and acceptance of Mandal Commission Report became the death knell for their mischief.

So capitalism in India came in a wrap of anti-Muslim sentiments carefully developed by the Hindutva's gangs. Post 1990, on the one side

Dalits and OBCs were asserting for their share in the power structure and on the other side, India's ruling classes actually ensured that their share in the power structure is blocked through the vicious privatization process. Reservation was threatened, natural resources started being privatised, Adivasis started losing their access to forest and water and crony capitalism started being promoted. Soon, the State started to withdraw from health and education sector and land reforms were considered as problem points. Farmers started losing their fertile land and started being made virtually landless. Thus a few people gained to the maximum extent but a majority of them lost their access to jobs, natural resources and livelihood.

As the country has started standing against the crony corporate, they are misusing Ambedkar today and dividing Dalits and Bahujans for their narrow political goals. Ambedkar is being portrayed as a 'free-market economist' and Hindutva ideologue. The sad side is that at another level Ambedkar and Lohia have been placed in diametrically opposite camps for political purposes, despite the known fact that one of the biggest tragedies of Indian political life is failure of Ambedkarites, and the followers of Lohia, Periyar and other like-minded people coming together. Lohia actually made all efforts to bring Ambedkar to his political view and felt that Ambedkar should not be just the leader of untouchables alone but of all the Indians. It is important to understand that all those who worked for an inclusive India, from Nehru to Lohia, Ambedkar to Bhagat Singh and Acharya Narendra Dev to M N Roy, socialism was an article of faith and if the ruling classes of today are deviating from its path, they are not just betraying the historical legacy of India's freedom movement but also playing a fraud to our Constitution.

## Lohia's Socialism - Revisited

**Bapu Heddurshetti\***

Rammanohar Lohia had played an important role in the Democratic Socialist movement in India. Recently Lohia's 105th birth anniversary was celebrated in several places. Writing in the Lohia Special issue of Janata weekly in 1968, a Socialist leader Nanasaheb Goray says, "For a comprehensive and definitive study of Dr. Rammanohar Lohia's contribution to the Socialist thought and practice, we may have to wait for a few more years. But it is only a year since his death and, when the loyalties he commanded and the antagonisms he provoked are so fresh in the minds of his compatriots and his colleagues, an objective evaluation in depth is hardly to be expected." It has been now more than 45 years since he died. I think the time is now appropriate to revisit some of his ideas on Socialism.

The Socialist Party had decided to meet in a convention to conduct a post-mortem of its defeat in the first general elections. Acharya Narendra Deva, the doyen of Indian Socialism, who had been elected the Chairman of the Party and was to have presided over the next convention, was on a visit to China. When Asoka Mehta who was the General Secretary of the Party consulted Jayaprakash Narayan as to who should be asked to preside over the convention in place of Acharya Narendra Deva, Jayaprakash Narayan suggested Rammanohar Lohia's name. Thus Rammanohar Lohia was asked to preside over a Special Convention of the Socialist Party held at Panchamadhi, Madhya Pradesh, from 23rd to 27th May 1952. Asoka Mehta proposed to Rammanohar Lohia that in his Presidential address he should 'deal with the doctrinal problems of the movement and discuss the political line for the future so that the address could become a basis for discussion at the

Convention'. Lohia's followers claim that Lohia laid the doctrinal foundation of Socialism in his presidential speech delivered at the Panchamadhi Convention. His presidential speech is published in Lohia's book, 'Marx, Gandhi and Socialism' under the title, 'Doctrinal Foundation of Socialism'.

I wish to draw the attention of the readers only to the three positions taken by Lohia in that speech: the chronological placement of Capitalism, Socialism and Communism; stating the means to achieve Socialism as the 'aims' of Socialism and the value orientation of technology.

It appears there is a chronological confusion in Lohia's placement of Capitalism, Socialism and Communism. Lohia chronologically places Socialism after Capitalism and Communism. In his speech at Panchamadhi, Lohia says, "Socialism is a newer doctrine than Capitalism or Communism." That this was not a passing remark and that Lohia was serious about what he had said, becomes clear from the next few lines in his speech. He further says, "That will explain some of its failings and also give hope," and further, "But the career of Socialism is impeded most by its inability hitherto to secure a doctrinal foundation."

While it can be tenuously contended that Socialism is a doctrine that emerged after Capitalism, the correct chronology is that Socialism emerged along with Capitalism as a protest against it; it is difficult to see how Socialism is a newer doctrine compared to Communism unless one denies the status of a doctrine to Socialism, which Lohia appears to do. Karl Marx and Frederick Engels in their 'Communist Manifesto' wrote a chapter entitled

"Socialist and Communist Literature" in which they reviewed the various forms of Socialism like Feudal Socialism, Petty Bourgeois Socialism etc. In 1880, Engels wrote a separate book "Socialism - Scientific and Utopian" to mark the difference between his Socialism which he claimed to be scientific and the Socialism advocated by Socialists like Robert Owen, Saint Simon and Charles Fourier, each one of whom had preceded Karl Marx and Frederick Engels. Actually it is a Socialist John Goodwin Barmabi who had first used the word 'Communism' in the letters that he wrote from Paris which were published in the journal 'The New Moral World'.

The word Socialism is used by historians of Socialist movement as a generic term encompassing in it the various schools of Socialist thought including the scientific one of Marx and Engels. Anarchists also called themselves 'Libertarian Socialists'. Even if Lohia meant Democratic Socialism, when he said that Socialism is a newer doctrine than Capitalism or Communism, even then, Democratic Socialism was at least a contemporary development with Communism, if not antecedent to it. The father of Democratic Socialism, Louis Blanc was born five years before Karl Marx and died one year before Marx died.

It also cannot be argued that Lohia had in his mind what Marx called 'primitive communism' when he placed Socialism later than Communism. Because, if that were so, while speaking to the workers of his Socialist Party in 1962 at Nagarjunasagar, Lohia himself said that as a doctrine of 'anaasakti'- non-attachment - Socialism can be traced to Vedic times. Did he mean that 'primitive communism' predated 'Vedic Socialism'? As a matter of fact, if equality is the central core value of Socialism, then the most forceful demand for equality made by François-Noël Babeuf (1760-1797) emanated in the 'Manifesto of the Equals', during the 'Conjuration

des Égaux' (Conspiracy of the Equals) of the French Revolution, when even the word 'Communism' was not in existence. Hence, it is a little confusing, if not amusing that Lohia says that, Socialism is a newer doctrine than Capitalism or Communism.

Lohia then defines the economic aims of Socialism: "The establishment of social ownership over existing means of production, their further development and mass production and some kind of a planned economy are acknowledged in varying degrees as the economic aims of Socialism." He then juxtaposes the economic aims of Socialism with the economic aims of Capitalism: "In its economic aims, it seeks mass production and low costs and profit to owners." He then defines communism also, "Communism is a doctrine of social ownership and of release of means of production from their relations of private property."

When Lohia uses the word 'aims' does he mean 'means', for the programs that he mentions like establishing social ownership of means of production, or mass production can only be 'means' of establishing a Socialist economy. Isn't the economic aim of Socialism establishment of economic equality and the 'social ownership over existing means of production, their further development and mass production and some kind of a planned economy' only the means? It is interesting that Lohia does not even use the word equality in defining the economic aims of Socialism. Writing about the 'Confusion between means and ends' Anthony Crosland says, "But the worst source of confusion is the tendency to use the word to describe, not a certain kind of society, or certain values which might be attributes of such a society, but particular policies which are, or are thought to be, means to attaining this kind of society, or realizing these attributes." In his Presidential address to the

Conference of the Socialist Party held at Madras in 1950, Asoka Mehta appears to rightly say that "Not ends but means divide the Socialists and spread confusion in the ranks of simple people."

Further in his speech at Panchamadhi, Lohia says, that "Communism inherits from Capitalism its technique of production; it only seeks to smash the capitalist relations of production," which means that Communism also opts for mass production. Further he says, "Socialism should cease to live on borrowed breath. Too long has it borrowed from Communism its economic aims and from Capitalism or the liberal age its non-economic and general aims." Thus Lohia implies that Socialism also borrows the technology from Capitalism and Communism.

The underlying presumption of the statement is that technology per se is value oriented, that technology can be Capitalist, Communist or even Socialist. The contradiction is obvious. If a technique can be Capitalist, how can it be used by Communism and also by Socialism. If Communism, Capitalism and Socialism could use the same technique, would not the technique be value-neutral? Can 'wheel' be said to be 'feudal' or 'capitalist' or 'communist' or even 'socialist'? If the technique of mass production

is used to produce luxury cars, will it be a capitalist technology and if used for producing kerosene stoves, a communist or Socialist technology? When a professor of Hindi language was asked if a 'bicycle' was a term with feminine gender or masculine gender, as there is no 'neuter' gender in Hindi, he appears to have answered that if a boy was riding it, it was masculine gender and if a girl was riding it, it was a feminine gender. Thus if a technology can be used to maintain inequalities by the capitalist society, can it not be used to achieve equality by the Socialists? Then what did Lohia mean when he said that Communism borrows its technique of production from Capitalism?

Asoka Mehta in his foreword to "Studies in Socialism" says, "In India today almost everyone claims to be a Socialist. Such is the position in most parts of Asia and Africa also, where colored people have regained freedom. The near unanimity, however, is based upon a lack of clarity and precision."

**\*Bapu Heddurshetti,**  
**bapuheddur@gmail.com.**

1. The Future of Socialism: Anthony Crosland, P. 65.
2. Collected Works of Dr. Rammanohar Lohia: Ed. Mastram Kapoor: Vol. 1. P. 495.

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

## A Case for Beyond Faith

**Tarun Patnaik**

The contest between advocates of theism and atheism is as old as humanity. The case remains unresolved till today. While scientists are finding evidence contrary to their materialistic expectation in favor of a creator of this world, who out of his infinite wisdom created a rational world, the atheists are growing in number and atheism is coming up with new arguments pointing towards the harmful effects of faith. The intolerance of faith and growing terrorism born out of religious fervor has put strong question on the utilitarian value of God. Here we want to examine not whether God exists or not but whether faith is useful or harmful for human civilization. We want to emphasize the word faith and our concern with human beings as opposed to God. A word has to be put that we include both spiritual wellbeing and material wellbeing, when we say we are concerned with human beings.

The existence of multiple faiths and the associated intolerance and hatred one faith has towards another faith makes it necessary to say that faith also leads to spiritual ill health. This argument is further strengthened when we observe that faith breeds ill will towards another human being and divides people instead of spreading compassion, friendship and unity among human beings. The crusades, the dispute in Jerusalem and Islamic terrorism of present day all are examples of harmful effects of faith. India also has witnessed the tragic event of massacre during partition and the 1984 massacre of Sikhs. The present day Islamic terrorism and the hard line intolerance of Sangh parivar and the sponsored anti-Muslim feelings are also illustration of harmful effects of faith on our Indian civilization.

On the other hand faith impels many Christians to exhibit charity, many Muslims to show

humility and many Hindus to see divinity in another human being. Christians learn love, Muslims brotherhood and Hindus devotion from religion.

One of the major faiths of the world based on atheism is Buddhism. Buddhist ethics is sourced from Buddhist outlook of life. While all other major religions like Christianity, Islam and Hinduism derive their ethics from interpretation of God the creator of this world, Buddhist ethics is based on Buddhist philosophy. Buddhism is a truly humanist religion. It inspires us to believe that God can be done away with. However, by believing in rebirth, and existence of an eternal soul, Buddhism makes space for supernatural events.

We would have taken Buddhism to be above petty partisanship but history would make us believe otherwise. The repression of Tamils in Sri Lanka, the civil war and Sinhali-Tamil conflict which led to a bloody war is a political struggle and indicates that faith is susceptible to ethical transgression from other types of identity. That Sinhali identity dominates over the value of compassion taught by their Buddhist religion.

Communism is another philosophy which is based on atheism. Communist ethics is derived from materialist considerations. Communism rejects spirituality in human beings. Communism while being more of an economic philosophy has political and spiritual dimensions. China under Mao tried to reject even Buddhist religion and wanted to create a communist society. Buddhism and Communism have got ethical and philosophical conflict. But communists believe in coercion and violence, and if it suits them they do not hesitate to kill. They do not value life which has a dangerous repercussion. While communism is directly against religion,

capitalism corrupts religious ethics by promoting selfishness and market profit.

Faith is a useful tool for our spiritual health. And often spiritual health overflows to physical and mental health. Unfortunately religion also teaches partisanship. The good qualities faith teaches to show towards another human being remain confined to people of that same faith. The heart of people of one religion remains untouchable to people of another religion.

So does that mean that faith should be abolished? That human beings should not believe in God? That atheism has better utility?

On a closer examination we should find that human civilization cannot help but wonder at the supernatural. That God is a discovery as much as is an invention. That God cannot be done away with. But his form can change. His interpretation can change.

Amid the contradictory proclaims, I want to end the article with a hopeful note.

We can overcome the limitations of religion. We can go beyond the boundaries of faith to include all human beings in the fold of the sphere of the good nature taught by religion. That way we can defeat the hatred in us. Love, brotherhood and devotion can defeat hate, enmity and condescending feeling we feel towards the fold of another religion.

The source of strength to go beyond partisan religion can be found only in the good qualities taught by religion. While secularism is a good value for a state, it is not of much use to the individual as far as personal faith is concerned. Secularism often negates faith. (The Oxford English Dictionary [OED Vol. IX 1978] states that Secularism is the doctrine that morality should be based solely on regard to the well-being of mankind in the present life to the exclusion of all considerations drawn from belief in God or in a future state). We want that one should go beyond faith to possess goodwill for all faiths. So what is necessary is not to forget God but to reconcile God with Human wellbeing.

### **Reader's Comments**

**Dear Editor**

Congratulations on the July 2015 issue of the RH. I read every word of it as it looked at the Emergency from the prism of both civil liberties as well as the fast-vanishing ethos of civil society activism in India. The write ups about and by V M Tarkunde were both topical and informative.

Hope to read many such features in the future.

**Sangeeta Mall**, Former Managing Editor, Radical Humanist

**Dear Pancholiji and Mahipalji,**

I have received a copy of the radical humanist. I don't know whether Pancholiji or Mahipalji sent it, so writing to both of you to say thank you. Kindly send it to me regularly. I will deposit the subscription fee in the account of rh.

Pancholiji, your piece on Justice Tarkunde is very informative. Also by publishing the 'judicial suicide' piece you all have done a great job.

With regards and best wishes,

**Pramodini**

**From the Writings of M.N. Roy:**

## **A Politics for Our Time**

**M.N. Roy**

*(This lecture was delivered by M.N. Roy on February 17, 1949 even before the Constitution of India came into being. But, M.N. Roy, a great visionary as he was, visualised the shape of things to come so far as the functioning of parliamentary democracy was going to take place in the country. He visualised how there was going to be mad scramble for power by politicians winning elections using money and muscle power, and how they were going to neglect the people who would vote for them; how the party leaders were going to be dictatorial in their approach and how elected representatives of the people were going to be more responsible and accountable to their respective political parties and not to their electors; how delegation of the sovereignty, which rightfully belongs to them, by the people to their parliamentarians was going to make them completely powerless and helpless, being denuded of their democratic freedoms and rights, before the so-called 'servants of the people' who were going to become their rulers and how democracy, 'the government of the people and by the people', was going to become 'the government for the people' run by modern Maharajas and their family members for their own benefits. Roy not only visualised the problem but also suggested the remedy of bringing in 'power to the people' or direct democracy, as defined by some political scientists, empowering the people at the grassroots: exercise of the people's sovereignty by themselves through 'People's Committees', putting up their own candidates for election and not voting for the candidates put up by various political parties.*

*In 'Politics, Power and Parties' Roy has given a realistic view of our politics and parties today. During the last 68 years of our independence, morality and idealism has completely disappeared from our politics, parties and our political leaders. Given the condition of our politics today, and for the betterment of our political life and democracy in our country Roy's views are insightful and worth considering. Therefore, in order to present a complete view of Roy's thoughts on all these issues facing our country, we are starting this 15th August 2015 the publication of his lectures/articles compiled in the book for the benefit of our readers. - Editor)*

There is a growing realisation throughout the world that the political life of our time is not leading to the results which are the object of all modern democratic politics. That suggests the possibility of an alternative kind of political practice.

Any political practice logically presupposes a certain political theory. Consequently, when we want to evolve a politics suitable for our time, we shall have to be clear about its theoretical foundation as well as its practical application. The politics of our time outside the communist

countries is generally considered to be democratic politics. Democratic freedom has been the political ideal of the modern world for more than a century and a half. As the development of mankind is not an even process, the political development of the modern world also has been uneven. Some countries have advanced towards democratic freedom more than others, while there are some still quite remote from the conditions of social development where democratic political practice becomes possible.

If we want to judge democratic political theory as well as practice pragmatically, we shall have to review the history of the countries where this political theory has been put into practice. Therefore, when a country like India which, after a long period of struggle for political independence, has attained a stage when it can adopt a political system and a political theory of its choice, and put it into practice according to its own peculiar conditions, we shall naturally have to review the history of the countries which have gone ahead of us on the road that we have chosen and learn from their experience.

Democracy today is no longer an unknown Utopia. We do not have to learn its ways by the method of trial and error. We have the experience of many countries to go by, and if we find that democracy as conceived and practised during the last 150 years has not produced the desired results, we shall be well advised to think of other forms of democratic political theory and practice, and that may then be the politics of our time.

It is held by some Indian historians and political thinkers that democracy is nothing new to this country that it was practised in ancient India and also in other countries of antiquity. That is a controversial subject, and a matter of historical research. At any rate, modern democracy, as generally understood, and as it is being introduced in our country, is only a century and

a half old, and it is a feature of what is called modern civilisation. Thus conceived, it is a contribution of modern Europe.

Democratic political theory, evolved out of a background of intellectual development since the 15th and 16th century came to be applied in the 18th and 19th century in a number of countries. This modern democracy has its origin in the idea of "individual" liberty. It is believed that a democratic form of government, a democratic social order, is likely to afford the greatest measure of freedom to the individual. The measure of freedom actually enjoyed by individual men is the measure of freedom enjoyed by any society.

This point of departure was something very promising in the history of mankind. In that light, democratic political theory offered the greatest chance of freedom, in the political and social sense. Nevertheless, we cannot ignore the fact that, after 150 years of practice, democracy has not produced the result that it promised at the time of its appearance a century and half ago. There is a tendency to deduce from this undeniable fact that democracy is not possible, or that democracy is not the best possible form of political regime. These doubts raised by experience cannot be simply dismissed. Those who want to think of the possibilities of a better political system must examine these doubts, which are apparently backed up by the experience of several generations.

The assertion that democracy is not the best possible form of government can be logically admitted without any controversy, because no form of government, no single system of human organization, can claim finality. If we believe that human progress is the result of unlimited human creativeness and the unfoldment of human potentialities, then we cannot regard any political system or economic organisation or any

social institution to be the ultimately best. We can only say that, at the moment, no better form can be conceived, or has been conceived.

Democracy means, etymologically as well as historically, government of the people and by the people. The fundamental principle of democratic political theory is that sovereignty belongs to the people. Since the people are the sovereign power, government by the people and of the people would naturally be the best possible government. Theoretically, this appears to be unchallengeable. Any alternative so far has started from a negation of the principle that sovereignty belongs to the people. Democracy was preceded by various forms of monarchist governments. At one time, kings ruled absolutely by divine right; later they were constitutional monarchs. No monarchy can admit the sovereignty of the people. The sovereign power was believed to rest in certain individuals who claimed the right either from some divine source or because of dynastic descent.

The alternatives to democracy from the other side are the Various modern forms of dictatorship, which assert that people as a whole are not qualified to administer their own affairs; therefore, the responsibility and the right of ruling a particular community belongs to some specially qualified or ordained individuals or groups of individuals. By comparison, the democratic conception of popular sovereignty, according to which the people are qualified and entitled to rule themselves according to their own light and wishes, appears to be certainly better than either of the two other alternatives. Therefore, it is quite reasonable to conclude that the democratic form of government is at least theoretically the best form of government so far conceived, without excluding the possibility that, in course of time, men will evolve some still better form of governing themselves.

But having made that impartial assessment of the

value of democratic theory and practice in principle, we shall have to turn to the record of democracy in practical experience. And that record is certainly not too bright. If we examine that record closely, we shall discover that there developed a discrepancy between democratic theory and practice. The present condition of the world is the result of that contradiction. Having discovered that contradiction, we shall have to ascertain if that contradiction can be eliminated, that is to say, if democracy can be practiced according to its own theory.

Democracy started from the two admirable principles of individual freedom and of popular sovereignty. But having started from those unexceptionable principles, in practice democracy immediately deviated from those principles. We do not have to examine only the record of parliamentary democracy in the 19th century. We may go all the way back to the man who has been recognized in history as the prophet of modern democracy, to discover that democracy, however well conceived, was born with a crippling defect, because of which it never got a fair chance. That prophet was the French philosopher Rousseau, who is credited with having developed the ideal of democracy. Like all the leaders of the French Revolution, Rousseau also drew his inspiration from the experience of ancient Greece.

The idea of democracy, including its name, was derived from there. The ideal of democracy, as the early leaders of the French Revolution conceived it, was the direct democracy of ancient Greece. There, democracy had been practised in small City Republics, inhabited perhaps by no more than ten to twenty-thousand people. Since it could not be practised in 18th century Europe, where States consisted of entire countries inhabited by millions of people, Rousseau immediately came up against this fact, which was irreconcilable with the practice of direct

democracy as it had been practised in Greece; and yet, if democracy was ever to be practised, it must indeed be direct democracy, to the largest possible extent.

Hence it was necessary to find new ways and means to practise democracy. Rousseau was a man of great imagination. He was rather a dreamer and a poet than a political thinker. Giving reign to his imagination, he arrived at the conception of a General Will, and devised a system by which the General Will of a people could be ascertained. Any institution which could claim to embody the General Will, should be considered as a democratic institution.

Starting from the conception of individual freedom, Rousseau admitted that every member of a community had individual interests, and when in operation, the individual interests of all the members of the community cancelled each other. But apart from their individual interests, according to Rousseau's theory of the origin of society in a social contract, the members of a community alienated their individual interests and pledged themselves to work for the common interest. Once individual interests have cancelled each other, there remains a residue of general interest based on the surrender of individual rights, and out of that surrender emerged the concept of the General Will.

This concept was fraught with dangerous consequences. When democracy was to be introduced in the post-revolutionary period, that is, after the defeat of Napoleon, this metaphysical concept of a General Will, interpreted in political terms, took the form of the delegation of power from the people to some other agencies. But already during the French Revolution, the dangerous significance of this doctrine of the General Will made itself felt, and it was on the claim that he represented the General Will of the French people that

Robespierre tried to establish a dictatorship through the terroristic regime which practically destroyed the positive outcome of the French Revolution.

Some political theoreticians and thinkers of our time have, therefore, traced the origin of modern dictatorships, particularly the fascist form of dictatorship, to Rousseau's concept of the General Will. This metaphysical concept of General Will can indeed become the moral sanction of a dictatorship. But immediately after the French Revolution, when democracy came to be established in the 19th century, the difficulty of practising direct democracy was solved by the practice of delegation of power. Since the entire people of a large country cannot possibly directly participate individually in the administration, a system was devised by which the people constitutionally delegated their authority to a smaller group of people which ruled the country as custodians of the sovereign people and its power. This system has become known as parliamentary democracy. The only form in which democracy has been practised so far was based on this principle of delegation of power.

Every individual is sovereign and has a right to choose the government of his country. Accordingly, elections take place periodically in which every individual can record his choice. The sovereign people, as electors, vote for some individuals, or for some groups of individuals formed for the purposes of elections, called parties. The implication of this vote was to delegate his sovereign power to a group of individuals or some party, which became the repositories of the sovereignty for the period between two elections. Now, the practice of democracy shows that between two elections the sovereign people is nowhere in the picture and has absolutely no possibility of controlling those who are ruling the country on behalf of them; and consequently delegation of power, for all

practical purposes, has become surrender of power. The people exercise their sovereignty by surrendering it from time to time. That was the basic contradiction of democratic practice. Because of this contradiction,, democracy eventually became discredited and supplied plausible reasons for the rise of various forms of dictatorship.

So long as direct democracy will not be possible, there does not seem to be any alternative to indirect democracy, which is indeed a negation of the fundamental principle of democracy. Developments since the early 20th century seem to have made the possibility of direct democracy even more remote. On the basis of democratic principles and practice, all-powerful States have been founded and these all powerful States today are in s position to ignore completely the wishes and the very existence of the people. Even at the time of elections the people cannot decide, cannot choose individuals according to their own intelligent judgment, but all have to vote for this or that party, often not knowing even the individuals who are candidates of these parties, and therefore are unable to judge and choose the men who are going to rule them.

In the earlier days of parliamentary democracy, for instance in England, individuals still appealed to the voters for their suffrage on their own merit. As a rule the candidate belonged to the constituency and had been known to the electors, and the voters were in a position to judge whether the particular individual was qualified to have their confidence. While individual candidates appealed for the vote, there was some element of direct democracy. It was a relation between a group of voters and individual. But later on when parliamentary practice led to what is known as the party system, during the last fifty years or more, the individual completely disappeared from politics whether as candidate for election or as elector. On the one hand, we

have the mass of people, and on the other, we have parties. The individual man and his judgment, his discretion and will are nowhere in the picture. Appeals are not made to individual voters and their power of reasoning, but to the sentiment of masses. The purpose of election propaganda is to create a state of mass hysteria, to create either hatred for one or bias in favour of some other party. Consequently, when the time comes for the sovereign people to make the crucial decision of selecting persons who can be entrusted with their fate for a period of four or five years, the electorate is in a state where no discriminating judgment is at all possible, whipped up into a state of frenzy and driven like cattle to the polling stations to cast their votes. With music, brass-bands, flags and shouting, the judgment of the people is dulled and benumbed; they are placed under some spell, and in that condition they are asked to decide their fate. This is naturally more so in backward countries, but on principle it is the same everywhere.

On the other hand, when votes are canvassed for a party, once the popular vote brings a man to the parliament, his responsibility is not to the people who vote for him, but to the party machinery which has ensured his election by supplying the money and the brass-band.

As a result of these practices over a long period of time, modern parliamentary democracy has degenerated into a scramble for power among party machineries. Different parties approach the people with the claim to represent them more faithfully than others, to be better defenders of popular interests and aspirations, and therefore ask for the vote of the people. Under the best of circumstances, these parties alternate in power and divide the government between themselves. Government of the people and by the people is completely forgotten and has been replaced by government for the people; in other words it is not a really democratic form of government.

The first criticism of this formal democracy was offered by Socialists. From the time of Karl Marx, they pointed out these defects and deficiencies of parliamentary democracy, and came to the conclusion that parliamentary democracy degenerated in this way not because of its internal discrepancy between theory and practice, it is only an instrument for one particular class to establish its dictatorship. The corollary suggests itself logically: Since formal democracy is the dictatorship of one class, therefore the other classes or the class which are suppressed and exploited are entitled to overthrow the dictatorship of the oppressing and exploiting class and establish its own dictatorship. In course of time, this alternative came to be advocated by the "revolutionary" communist school of Marxists; the "reformist" Socialists, however, did not accept it and maintained that dictatorship was not inherent in Karl Marx's teachings.

By advocating dictatorship as an alternative to a defective form of democracy, Marxist critics did not maintain that democracy was not desirable but only that its bourgeois parliamentary form was defective. But that was not a sufficiently strong argument for maintaining that an out and out dictatorship is better than or veiled dictatorship or a defective democracy. The argument was however, taken up later by another opposition to or revolt against, democracy, which also offered dictatorship as the alternative. That school pointed out that under the democratic system government became weak. In course of time, many parties appear on the scene; there are continuous elections because in no parliament can any particular party have a clear majority anymore; coalition governments have to be formed in which the various parties quarrel among themselves, which leads to frequent cabinet crisis; one government after the other falls and new elections take place in quick

succession. There follows a state of political instability and growing threat of a breakdown of the State machinery, a weakening of public morality and insecurity of society.

Based on these undeniable facts, the new advocates of dictatorship maintained that democracy was a sign of decay of modern civilisation. Therefore, those who stand for a regeneration of the human race, a rehabilitation of mankind, must discard this decadent system and go back to the earlier system where the will of nation was expressed through great men, heroes and supermen, those great men being the embodiment of the will of the people, and therefore the most competent to rule on behalf of the people.

That was the doctrine of fascist dictatorship or National-Socialism. In the period between the two wars from 1920 to 1939, Democracy, attacked from two sides by advocates of dictatorship, lost ground step by step, and, except in a few countries, was replaced by some form or other of dictatorship practically all over Europe.

But even then the advocates of democracy who, in the critical days, wanted to have a democratic front against Fascism on the one side and Communism on the other, did not see the inherent defects of democracy and did not feel the necessity of broadening their concept of democracy, so that it could stand the challenge and survive the crisis of the contemporary world. If we now think of a politics for the future, it implies that we are, on the one hand, rejecting the various forms of dictatorship and, on the other, realize that Democracy as practised so far is not adequate. It cannot stand the crisis. Therefore, democratic principles must be reorientated. Democratic ideas must be enriched by experience, and a more effective form of democratic practice must be conceived.

Because this is a challenging test of human ingenuity, there are people who jump to the facile conclusion that, Democracy, having proved a failure, dictatorship is to be preferred, if society is to be administered in an orderly and efficient manner. But under dictatorship the worst defects of Democracy—namely practical elimination of popular sovereignty and negation of the principle of individual freedom—will be still further aggravated. That is not an improvement on defective Democracy for those who cherish the ideals of individual freedom and sovereignty of the people. Hence, when thinking of a political theory and practice suitable for our time, they must reject dictatorship as a possible alternative.

The practice of delegation of power is a negation of Democracy, because it can never establish government of the people and by the people. It can, under the best of circumstances, only establish government for the people, which, again in the best of cases, may be a benevolent dictatorship, but not Democracy. It goes without saying that in a large country, with millions of inhabitants and where all power is concentrated in a centralized government, rule of the people and by the people is not possible. Therefore, we must think of a decentralised structure which will make a more direct form of Democracy a practical proposition.

If such a system is possible, it would at the same time eliminate another defect of parliamentary Democracy: Parliamentary Democracy and its philosophy, that is, Liberalism, visualise individuals in a scattered atomized existence. The individual is held to be free, but that is only an abstract conception as long as the free individual is part of a social system in which he is deprived of the effective use of his freedom. Consequently, this concept of the atomised individual left to his own devices leads to a state

of complete helplessness on the part of the citizens. On the other hand, it destroys the concept of popular sovereignty, because no single individual can think of exercising his sovereign power, and that realisation has grown as social

structures have become more and more complex. This has resulted in the prevailing psychological tendency of seeking security in the mass. Helplessness creates in individuals the tendency of identifying themselves with others equally helpless, of merging themselves in some

collectivity, be it called nation or class, in which the helpless individual constituents acquire an almost mystic power merely by losing themselves into a mass. Collectivism offers security against the helplessness to which the individual is condemned under the system of formal parliamentary Democracy.

Modern psychologists and sociologists have dealt with this phenomenon in great detail. This mass mentality of our democratic age has been described as fear of freedom, or flight from freedom. If we want to restore Democracy to its original meaning, we shall have to see if two conditions can be created: firstly, if a democratic State can be decentralised; that is, if in the modern world a decentralised State structure is possible, so that direct democracy can become a practical proposition; and, on the other hand, if man's faith in himself can be restored. We start from the proposition that institutions, political or economic, are created by men. They are created by man to serve his purpose, which is the purpose of having a full life, a good life, and of developing all aspects of his life and all his potentialities. Every institution is as good as the men who work it. But in the modern world the relation between individuals and institutions has been reverse. Supreme importance is attached to institutions, and man is subordinated to them.

Social progress is not visualised as the resultant of the development of individuals or groups of individuals, but as structural changes imposed from above, from time to time. This reversal of relations between man and man-made institutions evidently is a denial of the fundamental concept of Democracy, because it completely eliminates man and his sovereignty from the picture of things. Therefore, if a better form of political theory and practice is to be evolved, we shall have to see if this abnormal relation can be reversed again, if man can be placed in his proper position of primacy and supremacy.

The beginning must be made by those who want to bring about social changes themselves attaching greater importance to individuals than to institutions. Because, a few good and intelligent people can think of some very good new institutions, but if these institutions will be run by human beings whose ideas are not so new and not so good, they will not produce the expected result. That is the fundamental cause of all the corruption and inefficiency of which everybody is complaining, and which is a feature to be found everywhere in the world. And everywhere the emphasis is on new forms of institutions instead of on a new outlook of the men who are to work the institutions. On the contrary, it is held that, if better institutions could be imposed from above, through the instrumentality of State power or by some miraculous means, men would also become better by this very fact. The contention seems to be that institutions are not made by men, but men are made by institutions!

This is the crux of the problem of the modern world. Attention must be concentrated on this problem. It is evident that a new approach to this problem will have to be based on certain philosophical principles and if it is to be a democratic approach, the principles must be

humanist. The general belief is that the common man cannot think for himself and is incapable to judge what is good or bad, for him and in general, and therefore, the common man must be led. For this reason we need either leaders or parties to lead the people and rule the countries. They might go to the extent of guaranteeing to the people the widest suffrage, but that is all they can do because, according to that philosophy, the people are not, and will never be, capable of ruling themselves.

Is this disparaging idea of man permissible in the light of the knowledge that we possess of the human being? Modern scientific knowledge has established that every human being, barring the diseased or deformed, has the same potentialities to develop as every other human being. Development will be uneven because some human beings start with an advance over others, and even as the latter catch up with them, they too will have further advanced. But subject to individual diversities, each man is endowed with the same basic potentialities of development.

It is scientific knowledge that every human being has the capacity to think, that rational thinking, the quality of intelligence, are in the nature of man. It is an unfortunate fact that owing to long disuse, because traditions and social institutions never appealed to them, a large number of men have been made to forget that they are born as thinking beings and endowed with the power of judgment, that they can discriminate between what is right and what is wrong, what is good and what is bad, without having to rely on any external authority for that knowledge. If the modern world is to come out of this perilous crisis, if the sovereign people is to emerge from this state of degradation, there is no other way than to make a growing number of men conscious of their essential human attributes, to awaken their self-respect and self-reliance, their pride to be men.

One of the oldest sages, Plato, attempted to visualise the possibility of an ideal State. He was the first to formulate a democratic theory based on the experience of the practice of direct Democracy in the Greek City States. On the basis of that experience of the politics in the market place of Periclean Athens, he came to the conclusion that Democracy presupposes education. Even when democracies were composed only of a few thousand people, voters could be misled, unless they were educated. This ancient wisdom is even more true in our time. Those who are trying to give Democracy a chance to be practised must realise that without education democracy is not possible.

But experience has proved that education measured in terms of literacy alone does not create guarantees for democratic government. What is needed is a different kind of education, an education which will not be imparted with the purpose of maintaining any given status quo, but with the sole purpose of making the individuals of a community conscious of their potentialities, help them to think rationally and judge for themselves, and promote their critical faculties by applying it to all problems confronting them. No government promotes that kind of education. The purpose of government education is to create mental conformism. You have to sing patriotic songs, salute national flags and read patriotic history as compiled and edited by governments, so that all people be merged into a homogenous collectivity and forget that they are individuals endowed with certain sovereign faculties and entitled to be free. Hence there is danger in the demand that governments provide all education, especially in backward and largely illiterate countries. Because, Democracy will not be possible until people are taught to remember precisely their critical faculties which governments naturally fear, and apply them for the administration of their community. And this

is not taught under government-sponsored systems of national education. Other ways and means must be found to create that atmosphere of intellectual awakening which is the precondition for democratic practice. Such an intellectual resurgence of the people will take place together with the resurrection of the individual from the grave of the mass. Only when the monster called the masses is decomposed into its component men and women, will an atmosphere be created in which democratic practice becomes possible, in which there can be established governments of the people and by the people. In such an atmosphere, it will become possible to practise direct Democracy in smaller social groups, because to make individuals self-reliant, they must be freed from the feeling of being helpless cogs in the wheels of the gigantic machines of modern States, which allow them no other function than to cast a vote once in several years, and give them no idea of how governments function, so that they cannot even effectively help their government, if they wanted to.

But once the precondition is created, that every citizen and voter will have a minimum degree of intelligent understanding and the ability to think and judge for himself, then this helplessness and hopelessness of the individuals will disappear; they can create local democracies of their own. The voters need no longer remain scattered like isolated atoms. They can organise themselves on a local scale into People's Committees, and function as local republics, in which direct democracy is possible. Then at the time of elections, these people will no longer have to vote for anybody coming from outside; they will not only discuss in their committees the merits of candidates presented to them for taking or leaving, but nominate their own candidates from among themselves. To create this condition is the most important political activity.

For this work, we need not wait for an election. We select one constituency. 20 or 25 people there will come to feel the necessity of devising new forms of political practice, because they are dissatisfied with the present state of affairs. They resolve to make an experiment. They begin by creating the precondition for Democracy by spreading education among the people. At a later stage, it should be possible to call a number of local conferences in a constituency and elect delegates from them to a conference of the entire constituency. And at the election time, when all parties come and offer their candidates, the People's Committee may decide to vote for none of those party candidates, but elect one from among themselves as their candidate, and the people will vote for him. The person who will be thus elected and go to the Parliament will not be responsible to any existing political party machinery. He will be and remain responsible to his local Democracy, of which he himself is a part; he will be directly responsible to the people who sent him to the Parliament; he will not have to act on the behests and discipline of any extraneous authority, and he will have to report to and inform his fellow-citizens in his constituency about all his actions and the problems of the wider community, and take his mandate from them alone in all matters and act accordingly to his best ability and conscience.

On this basis a complete constitutional scheme can be visualised. People's Committees endowed with specific constitutional rights will become integral units of the State. Instead of atomised, helpless individuals enjoying an illusory sovereignty, groups of individual citizens will be discussing and planning the affairs of their localities in the framework of similar neighbouring localities, together constituting the country for whose administration they will feel themselves responsible. A growing network of such organised local democracies will be the

instruments through which the electorate can assert its influence from day to day, and ultimately exercise a standing control over the State as a whole. The State will not then be able to become an all-powerful Leviathan, because State power will be decentralised, being largely vested in the local republics. In other words, the State will in this way become coterminous with society.

The State is the political organisation of society. As primitive communities grew larger and more complex, and various aspects of public life had to be coordinated, the State was created for this purpose. The function of the State was the public administration of society. Therefore, a democratic State must be coterminous with society. Today, the State has become an abstraction. In the written Constitutions, the State is divided in three branches, the legislative, the executive and the judiciary. If that is all that the State is, then the States must exist only in the capitals and nowhere else. The State, supposed to be the political organisation of society as a whole, has come to be completely divorced from the life of society, if you think of society in terms of the human beings constituting society. The individual has nothing to do with the State, that is, the political administration of his society. It exists only in some central place, far away, beyond the reach and influence of the members of society, and from there makes decisions and imposes its decisions and the people has no say in them.

In the new society of decentralised democracy, the State will be coterminous with society. Every citizen will be informed and consulted for his opinion about the affairs of State, that is, the political administration of his society. Obviously this presupposes educated citizens in ever growing number; but the process itself is the best education. Therefore, it must be started somewhere, we must not wait until the new

system will be introduced from above after somebody's election victory. Working on a local scale, it must prove its worth and spread through example, until the practice, and above all the spirit informing the practice, become more and more universal, and in the end will place its stamp on the whole system. Then, for the first time, we shall have a democratic State.

The only objection to this plan may be the question of time. How long will it take? Assuming it will take fifty years or even a hundred years—the question is irrelevant. What is the alternative? That is the relevant question. If somebody can suggest another way which will take less time—say twenty or perhaps only two years, and also bring about a democratic society, then the question might arise. But if there is no such alternative, the fact that it may take a long time is no argument against this plan. The alternatives before us so far are decayed and defective Democracy or dictatorship. Whoever believes in either of these, does not have to think of a new form of political practice. But on the assumption that we are not satisfied with the present condition nor with either of these alternatives, other ways have to be explored. Until a better proposal is made, the alternative outlined here should be examined on its own merits and for its internal logic.

The question of time is certainly relevant because the problems are urgent. But if we make a start with determination, there is no reason why it should take so very long, or any longer than any other proposal which holds out any hope of a desirable result. In India particularly, Democracy is just only beginning its career. Therefore, it can be given a chance by building it up from the bottom. In other countries where democratic experiments were made by imposing them, from the top, it did not work, and no fundamental changes of a democratic nature can be brought about in this way. But where it was

never even tried, we can give Democracy the chance which it did not get elsewhere, by beginning from the right end, that is, from the root, from below.

The first need is to break in our minds with the prejudice that power is the object of all politics, that anybody who wants to participate in politics and achieve anything at all, must have for his first and foremost object to come to power, on the assumption that otherwise nothing can be done, and this is the whole of politics. Party politics in our time is based on that assumption. Power must be captured in some way or other, be it by constitutional or by violent means. All schools of politics, revolutionary and otherwise, have that in common between them: they all must fight to come to power first before they can do anything in pursuance of their programmes. A party is organised with the object of capturing power. It is done with the ostensibly plausible argument that some people know just how society should be organised, and therefore the voters must vote for them so that they come to power and impose the blessings they have in mind from above on the people, who would otherwise never even think of those blessings, much less achieve them on their own.

That is why we say that party politics implies the denial of democracy; it implies that people cannot do anything by themselves; it is a denial of the potential intelligence and creativity of all men, of the sovereignty of the people. Democracy is an empty concept if sovereignty does not mean the ability of the people to do things themselves. If there must always be somebody to do things for them, it means the denial of the sovereignty of the people, the denial of the creativity and the dignity of man.

Against the prejudice that there can be no politics without parties and that parties can do nothing without power, there are two

propositions. Firstly, power is not the primary object of politics; it is a means and there are other means; and secondly, party politics leads to concentration of power and hence carries in it the germs of the destruction of democracy. Political ends can be achieved without capturing power. Politics can be practised without a party organisation. The object of such a political practice will be to give the sovereign people the opportunity of exercising its sovereignty, to persuade the people not to surrender it by voting for anybody else expecting him to do the things they want to be done, but to vote for themselves, and do things themselves. To do those things being the function of government, by doing them themselves, they will increasingly assume the functions of government, and thereby create a government of the people and by the people.

This new type of political practice may be applied everywhere, even in countries where the traditions of party politics have taken deep roots and found at least partial correctives for the defects of the system. But in a country like India where Democracy is to be newly introduced and where even the appreciation of the democratic way of life is still absent, it seems to be the only way to create that appreciation and give to the formalities of parliamentarism a democratic content.

If a sufficiently large number of people will from now on begin to work with this perspective, with this new orientation of politics, some tangible results can be achieved within a few years. Such work can start in one constituency, or in a group of constituencies anywhere in the country. For the first time, those who pose as selfless political workers and servants of the people, who, on the strength of a false humility, ask to be placed in power, can be put to the test and the demagoguery of vote-catching electioneering exposed. Because such work will mean that these agitators

will never come to power as an organized group. People who work in this way will do everything that the best political workers have always done; they will help and teach and educate the people; but they will not ask for their vote. That is something new. And that will create an entirely new and different political atmosphere in the country.

Let us have no illusion. Working for two years, we may not be able to return even a single candidate of People's Committees in the first elections to come. But even then we shall have achieved something. In every constituency where we shall have worked in this spirit, a group of local people will have arisen with some judgment of their own, whose faculty of discrimination and of thinking out their own problems will act as a catalytic agent and radiate their spirit far beyond their constituency. That spirit will pervade large and larger parts of the country, and perhaps in the next election afterwards, a much larger percentage of the electorate will vote with discrimination for candidates of their own choice.

This process will increase in speed and extent, and if the new outlook will attract a sufficiently large number of people, there is no reason why in ten or fifteen years from now, that is, perhaps in the third election in free India, we should not have created a large number of local republics, on the foundation of which a real Democracy can be built. That is how I visualise a politics for our time. It is not a blueprint of the future. It is a politics for our time, to be practised by our generation, here and now.

*(Lecture delivered on February 17, 1949. Compiled in the book 'Politics, Power and Parties')*

## **MANIBEN KARA (1905-1979)**

### **A Veteran Labour Leader and Committed Radical Humanist**

**N. Innaiah**

Maniben Kara was a great follower of M N Roy. When Roy arrived at Bombay in 1930 from Europe, Vasant B Karnik and Maniben Kara were the two labour leaders who received him and put in a secret place to avoid arrest from British police. (Roy had established émigré Communist Party of India on 17 October 1920 in Tashkent with Mohd. Shafique Siddiqui as its Secretary. Roy had also been smuggling communist literature and promoting formation of communist groups in various parts of India with the ostensible purpose of supplanting British rule with communist methodology. A sedition case under section 124-A Indian Penal Code, popularly known as 'Kanpur Communist Conspiracy case' was launched in 1924 in which many communist activists like Muzaffar Ahmad, Shaukat Usmani, S.A. Dange, Nalini Gupta were charged, arrested and were convicted. Roy was accused No.1 in that case but could not be arrested as he was outside India. Large numbers, mostly Muslims, were also arrested under Peshawar communist conspiracy cases (1922-1927) and later on in Meerut communist conspiracy case (1929) wherein also Roy had been shown the prominent instigator. Roy had returned to India knowing fully well that he would be arrested but that did not deter him. He was ultimately arrested in 1931 and imprisoned for six years.

Maniben was born in 1905 in Mumbai, in a middle class family. Maniben Kara studied at St. Columba High School, Gamdevi, Mumbai and secured a diploma in Social science from the University of Birmingham U.K. Returning to India in 1929, she got involved with the Independence movement, founded Seva Mandir and a printing press. Later when Roy started

Independent India, it was Maniben who undertook to print it. Maniben was influenced by Narayan Malhar Joshi, one of the early leaders of the All India Trade Union Congress, and started involving in trade union activism. She worked in the slums of Mumbai, the dwelling place of the labour. She established a Mothers' Club and a Healthcare Centre and spread the message of hygiene and literacy among the slum dwellers.

She organized workers' unions at Mumbai port and dockyard which later expanded to cover the textile workers. She joined the All India Trade Union Congress, and led several labour strikes which led to her arrest and solitary confinement in 1932. She continued her activities through the days of Indian freedom struggle and was nominated to the Central Legislative Assembly in 1946 and entrusted with the responsibility of the labour ministry. Post Independence, she was a key member when the Hind Mazdoor Sabha was formed in 1948 and was also involved with the All India Railwaymen's Federation and became its president. She was also a founding member of the International Confederation of Free Trade Unions (ICFTU) and was involved with government committees such as National Committee on the Status of Women and other government initiatives.

Maniben Kara was honoured by the Government of India with the civilian award of Padma Shri in 1970. Nine years later, she died at the age of 74. Hind Mazdoor Sabha honoured her by establishing an institute in her name, the Maniben Kara Institute (MKI) in 1980. The Western Railways Union started a trust in her honour, the Maniben Kara Foundation and

maintains the Maniben Kara Foundation Hall, in Grant Road area in Mumbai

Maniben visited Hyderabad during 1974 along with Gowri Bazaz Malik. I took her to Justice Avula Sambasivarao and his daughter Manjulatha in Malakpet, Hyderabad. Maniben visited the old city of Hyderabad and curiously observed Hyderabad culture, antiques etc.

Maniben dreamt of a society that has its basis on equity and justice. Maniben was an eloquent speaker with command over Gujarati, Marathi, Hindi and English.

On behalf of M N Roy she participated in international labour conference in London.

In 1931 she met Lucy Gesler who landed in Mumbai on a ship from Switzerland. Maniben rescued her from British spies and took her to M.N. Roy in secret. But soon the British government smelt the secret and sent her back.

In Bombay Maniben worked with G D Parekh, Indumati Parekh, J B H Wadia and a galaxy of other radicals. She did not marry.

Maniben died in 1979.

She is a great inspiration for those who aspire for a democratic and humanist society.

## An Appeal to the Readers

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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We make an earnest appeal to you to please donate liberally for the cause of the spirit of renaissance and scientific thinking being promoted in the writings of M.N. Roy.

Thanking you.

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N.D. Pancholi  
*Secretary*

S.C. Jain  
*Treasurer*

9th August 1925

## Kakori Train Robbery Case of Freedom Struggle

Gopal Rathi

On August 9, 1925 when the No.8 Down Train from Shahjahanpur to Lucknow was approaching Kakori, someone pulled the chain and the train stopped abruptly. Ashfaqulla got off the second class compartment with his friends Sachindra Bakshi and Rajendra Lahiri. Other friends joined.

With pistols in their hands, they shouted, "Travellers, do not be afraid. We are revolutionaries fighting for freedom. Your lives, money and honour are safe. But take care not to peep out of the train."

They looted the government's treasury money kept in the guard van to strengthen revolutionary activities. These revolutionaries were **Ramaprasad Bismil, Rajendra Lahiri, Thakur Roshan Singh, Sachindra Bakshi, Chandra Sekhar Azad, Keshab Chakravarty, Banwari Lal, Mukundi Lal, Manmath Nath Gupta and Ashfaqulla Khan.**

Soon they were caught one by one. The judgement was announced on 6th April 1927. Ramaprasad Bismil, Ashfaqulla Khan, Rajendra Lahiri and Roshan Singh were to be put to death; the others were given life sentences.

The court room resounded with Maulana Hasrat Mohani's ghazal:

*Sarfaroshi ki tamanna aaj hamaray dil me hai,*

*Dekhna hai zor kitna bazuay qatil mein hai*

(Our earnest desire is to be beheaded, let us test how much might the hand of the executioner possesses).

**The four ascended the gallows with a smile on their lips and with a prayer that they be born again in India so that they could fight again for the country's freedom. And so they became martyrs.**

**Ashfaq and Ramaprasad** were poets just as they were revolutionaries. Ashfaq had composed poems mostly in Urdu and a few in Hindi. His pen names were Varasi and Hazarat. Ashfaqulla was an ideal revolutionary. His devotion to the cause he admired made him the foremost among those who gave their lives to win freedom for the country. Love for the motherland, clear thinking, courage, firmness and loyalty were embodied in Ashfaq to the hilt. He deserves to be remembered and cherished by all Indians for his noble qualities.

### The Radical Humanist on Website

'The Radical Humanist' is now available at <http://www.lohiatoday.com/> on Periodicals page, thanks to Manohar Ravela who administers the site on Ram Manohar Lohia, the great socialist leader of India.

Mahi Pal Singh

*"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)*

### **Obituary:**

Mr. N V Brahmam, a prominent Radical Humanist from Andhra Pradesh died on July 27 at the age of 85 in China Ganjam, near Chirala. His book Bible Bandaaram was banned by the government and later the Supreme Court lifted the ban.

Mr. Brahmam was a follower of M N Roy and one of the first persons to participate in the Radical Humanist study camp at Dehra Dun, India during 1948. He was a prolific writer in Telugu and also edited the Radical Humanist, a Telugu fortnightly from Chirala, Andhra Pradesh.

He is survived by his wife and two sons.

I express my sympathy to the humanist and rationalist friends at the great loss.

Mr. Siddarth Baksh and Mrs. Vijaya Baksh have also expressed their condolences at the demise of Brahmam.

**Innaiah**

On behalf of the Radical Humanist fraternity I express our deep sorrow at the demise and loss of a veteran Radical Humanist Mr. N. V. Brahmam and also convey our condolences to the bereaved family of Mr. N. V. Brahmam.

**Mahi Pal Singh, Editor R.H.**



**Mr. N V Brahmam,**

### **Mr. Ramesh Awasthi elected President of the IRI**

Mr. Ramesh Awasthi has been elected by the Board of Trustees as the President of the Indian Renaissance Institute in the wake of the sad demise of Mr. Subhankar Ray, the former President.

**N.D. Pancholi, Secretary, IRI**

### **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**

## **Human Rights Section:**

# **A Basic Right is in Danger**

**Chinmayi Arun**

"While opinions may vary about Aadhar, the government is expected to act in the best interests of the people."

The Attorney General's argument questioning the right of Indians to privacy is wrong on two counts. But worse, it goes against the interests of the people on every count.

The last ten days have spelt dark times for the right to privacy. On one hand, the DNA Profiling Bill, which may result in a database of sensitive personal data with little to prevent its misuse, is being tabled in Parliament. On the other hand, the Attorney General took a shocking position in the Supreme Court of disputing the very existence of the right to privacy in the Aadhar case.

Undermining decades of evolution of this right through Supreme Court judgments, Mukul Rohatgi argued that it is necessary to put together a constitutional bench to determine whether the citizens of India have a right to privacy.

He is in the wrong for two reasons. The first is technical: he is mistaken in his assertion that *M.P. Sharma v Satish Chandra and Kharak Singh v. the State of U.P.* created legal doctrine that is no constitutional right to privacy. The second reason is political. A lawyer holding the Attorney General's office should consider the appropriateness of using that office and public resources when denying that Indian citizens have privacy rights, which are universally recognised human rights. This is all quite apart from the fact that India has ratified the International Covenant on Civil and Political Rights, which unequivocally supports the existence of the right to privacy. The United Nations has gone so far as to create a Special Rapporteur on the right to

privacy this year. In the context of US surveillance of its citizens, the Indian government has acknowledged the existence of the right to privacy.

### **In the Constitution**

The two decisions that Mr. Rohatgi references did not raise questions about the right to privacy as a whole. Both confined themselves to the limited question of whether principles mirroring the US Fourth Amendment may be read into the Indian Constitution, which is only one element of the right to privacy. The *M.P. Sharma* case did this while ascertaining if there are any constitutional limitations to the government's search and seizure of people's homes, persons and effects; and the *Kharak Singh* case did this in the context of physical surveillance of 'history sheeters'.

In *M.P. Sharma*, the judgment states, "When the Constitution makers have thought fit not to subject such regulation to Constitutional limitations by recognition of a fundamental right to privacy, analogous to the American Fourth Amendment, we have no justification to import it into a totally different fundamental right by some process of strained construction" (emphasis added). This makes it clear that it is not the right to privacy as a whole that is being referred to. The American Fourth Amendment pertains to the "right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures", not to the right of privacy in its entirety.

The *M.P. Sharma* judgment goes further to say, "It is to be remembered that searches of the kind we are concerned with are under the authority of a Magistrate... When such judicial function

is interposed between the individual and the officer's authority for search, no circumvention thereby of the fundamental right is to be assumed." This makes it evident that the court desisted from intervening because it saw the requirement of a Magistrate's order as safeguard enough.

Similarly, although the judgment in *\*Kharak Singh \**contains the sentence with the ominous beginning "as already pointed out, the right of privacy is not a guaranteed right under our Constitution", this sentence cannot be taken out of context. The 'already pointed out' refers to an earlier portion of the same judgment in which the court quotes the U.S. Fourth Amendment, and then declares that our Constitution does not confer any 'like constitutional guarantee'. This makes it clear that it is the Fourth Amendment text specifically that the court was referring to.

The court also belied its own position by finding that unauthorized intrusion into a person's home violates the common law principle of "every man's house is his castle". The judgment explicitly takes the position that Article 21 is a repository for residual personal liberty rights, leaving it open for future reading of such rights into Article 21.

It is apparent that the two cases do not rule out a broad constitutional right to privacy. It is almost impossible to consider the right to privacy in its entirety in a single case since it is a bundle of rights including everything from safeguards against unauthorised collection of personal data to restrictions on intrusion into private spaces. The cases that have emerged from the Supreme Court over the years make this apparent.

Different elements of privacy rights have been read into our right to life and our right to free expression. We have a right against untrammelled interception of our communication, and against doctors divulging personal medical information. Long before the Constitution or the Constituent

Assembly came into being, the right to privacy of women in purdah was acknowledged by common law, which forbade the building of balconies above their quarters. We do, therefore, have a rich history of enforcing the right. Like many other nations, we called it by different names and have found it within legal and cultural norms unique to India.

It is common for lawyers to use every strategy they can to win cases but the Attorney General is no ordinary lawyer. S/he is a constitutional authority. It is inappropriate for someone of that stature to argue that the people of India do not have a right to privacy. Former Attorney General

Niren De was criticised sharply for telling the Supreme Court that it could be helped if the right to life was violated during Emergency. Mr. Rohatgi's argument is comparable.

This is a democracy, and while opinions may vary about Aadhar, the government is expected to act in the best interests of the people. Here, we have the Attorney General stepping away from arguing that the government's actions are in the interests of the people to say that the people do not have rights in the first place.

It is not a case of the government's lawyer arguing for the prevalence of the wider community's interests over individual rights, or disputing what is in the interests of the majority of citizens. Mr. Rohatgi, on behalf of the Indian government, is making an argument that is blatantly against the rights and interests of all citizens of India.

Interestingly, the argument runs contrary also to the Minister of Communications and Information Technology's statements recognizing citizens' right to privacy in the context of both US and Indian surveillance.

### **Time to clarify**

This incident is about more than an argument made in court. It is a serious problem if the

Union government makes statements that respect privacy and then takes actions that attempt to destroy it. It is also inconsistent for the government to argue internationally that the U.S. has violated Indian citizens' right to privacy and then to argue before the Supreme Court that Indian citizens do not have the right to privacy.

Under the circumstances, it is necessary for the government to issue a statement clarifying its stand, which I hope will consist of some form of support for citizens' privacy rights. Once this is clear, perhaps the Attorney General could continue the arguments that take his client's wishes into account.

A clear statement from the Prime Minister's

office might also enable other ministries to ensure that they embed this right in their policies. This, for example, might have gone a long way in ensuring that cast-iron privacy safeguards were added to the DNA Profiling Bill.

Ignoring the right to privacy will not only affect India's 'global image' more than any critical documentary does, it will also complicate international commercial relations. Who would send their information or employees to a country that disregards its residents' right to privacy?

July 31, 2015

\*(**Chinmayi Arun** is Research Director, Centre for Communication Governance, National Law University, Delhi.)

## **Supreme Court's decision upholding CBSE's dress code banning hijab and long sleeves during AIPMT tests decried by Citizens For Democracy:**

### **Press Release**

25th July 2015

Citizens For Democracy (CFD) is shocked to learn that the Supreme Court has refused to hear the petition filed by three Muslim girl students and Students Islamic Muslim Organization to grant relaxation to all Muslim girls during AIPMT by permitting them to wear full sleeved dress with head scarf. The Supreme Court's view is in total disregard to the constitutional mandates as enshrined in articles 25 and 29 read with Article 21 which guarantee freedom of conscience, freedom of religious practice, cultural rights of minorities and dignity of the individual. The remarks of the court, with due respect, exhibits total insensitivity and unconcern for the religious and cultural beliefs entertained by the Muslim community. The remarks of the Court also strikes at article 51(A)(f) of our Constitution which calls upon every citizen to consider it as his fundamental duty to value and preserve the rich heritage of our composite culture. Wearing 'hijab' and 'full sleeves' is part of rich heritage of the Muslim culture and to uphold a ban on it, even for few hours, by the Courts tantamount to render such a right nugatory. We therefore call upon the Court to reconsider and review its observations and decide such a matter in consonance and in tune without constitutional themes.

**N.D. Pancholi, Secretary, CFD**

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