

THE RADICAL HUMANIST



Founder
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M.N. Roy



P.A.S. Prasad's, who is a senior Radical Humanist, maternal uncle late Dr. T.R. Seshagirirao, an ardent follower of M.N. Roy had the good fortune and honour of knowing M.N. Roy personally. The photo taken some time in the late forties or very early fifties shows him sitting extreme right in the company of M.N. Roy, Ellen Roy and other acquaintances at their residence at 13, Mohini Road, Dehradun. Roy's photo given above was also taken at that time. (Both photos: Courtesy Mr. Prasad)

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Editorial:

Gujarat Assembly Elections: A Win-Win Situation for All

Mahi Pal Singh

Although the Bharatiya Janata Party (BJP) has been able to retain power even after remaining in power in the state for the last 22 years, Gujarat Legislative Assembly election 2017 results have not let down even the Congress party. In fact, it is a win-win situation for all. The BJP can still be happy that it has retained power by winning 99 seats, although it has failed to reach anywhere near the declared target of 150 seats in an assembly of 182 seats as declared by Amit Shah, the party president. It can also be happy that in spite of falling short of the tally of 115 seats it had in the outgoing assembly by 16, in terms of the vote percentage it has gained 1% above the previous tally it had in the 2012 elections despite the demonetisation of high currency notes of Rs. 1000 and 500 denomination in November 2016 which had resulted in the closure of lakhs of businesses and rendered crores of people jobless and the implementation of Goods and Services Tax (GST) which has further deteriorated the position of businessmen and traders. The BJP has already declared its happiness that it now rules in 19 states, in more than even what Indira Gandhi did when she was at the height of her popularity.

The Congress Party can be happy that it has won 77 seats, the highest in the last 22 years and also increased its vote percentage by 2%, 1% above the BJP. Mrs Sonia Gandhi, and all the sycophants in the party who have to depend on the Nehru-Gandhi family's name for getting popular votes simply because on their own they cannot win their own seats even as they have broken contact with the people completely, will be happy that her son, Rahul Gandhi, who she

desperately wants to make the Prime Minister of the country, can be happy that he has at least one electoral success to boast of after a long list of failures and utter failures in the past including the failure in the Himachal Pradesh elections held simultaneously where the Congress lost its government to the BJP by 22 to 46 seats. Those in the Congress who would like to give the credit of winning 77 seats in Gujarat to Rahul Gandhi should not undermine the role of Hardik-Jignesh-Alpesh trio, who were against the anti-people policies and actions of the BJP government at the centre and in the state and also campaigned vigorously against the BJP in the Gujarat elections.

The people of Gujarat can feel satisfied that they have issued a strong warning to the BJP, Amit Shah and Narendra Modi, their local boys, by reducing the number of their seats and giving them a strong opposition in the Assembly, that they cannot win the 2019 Parliamentary elections merely on the basis of '*Jumblebazi*' ('slogan mongering') and must really fulfil their electoral promises to retain the support of the people.

The other parties opposed to the BJP must be feeling happy that in spite of not losing power in Gujarat, it is not invincible, as Amit Shah and Narendra Modi would have us believe, as the Gujarat elections also show that the BJP would have lost the elections but for Narendra Modi's rhetoric of being a local boy and playing the victim card of abuses at the hands of the opposition and making it a question of the pride and honour of all the Gujarati people, instead of pronouncing the word '*vikas*' ('development') even once in the whole election campaign with

which he had come to power in 2014. The Prime Minister even brought in ‘Pakistan conspiracy to defeat his party in Gujarat’, a highly irresponsible remark made on the basis of one or two diplomats of Pakistan attending a party at the residence of Mani Shankar Aiyar, a former diplomat and leader of the Congress, in which former Prime Minister Dr. Manmohan Singh and many other guests were present.

It is also clear from these elections that in a bipolar election other non-Congress secular parties can defeat the BJP if even the Congress Party, which had been rejected badly by the people earlier, can give a strong fight to the BJP as it has done in Gujarat. The people are fed up with the BJP and its indulgence in non issues like cow and beef, divisive agenda of Hindutva, anti Muslim and anti Scheduled Caste stance manifested in various incidents, killing dissent in every form and calling all dissenters anti-nationals, banning books, films and speeches which do not subscribe to the Hindutva ideology of the RSS etc. instead of devoting their energies in governing the country in accordance with their slogan of ‘*sabka saath, sabka vikas*’. At the same time people continue to be averse to the Congress because of its ‘corrupt’ tag, even after some of its leaders having been acquitted in cases like the 2G spectrum allocation. People have also not accepted Rahul Gandhi, the last dynast of the Nehru-Gandhi family in politics, as a capable and deserving leader to lead the country although he is being projected as the Prime Ministerial candidate of the Congress. In fact, even Akhilesh Yadav, the previous Chief Minister of U.P. whose Samajvadi Party lost to the BJP in the last Assembly elections very badly, has declared his intentions to contest the next Parliamentary elections alone because he seems to have realised that contesting the last Assembly elections jointly with the Congress was a wrong decision as allying with the Rahul led Congress brought along with it the burden of all the wrong doings, including corruption, of

the Congress and also that in electoral politics the votes of one ally do not necessarily get transferred to the other ally whereas the blame of the misdoings of one ally takes away the votes of even those voters who would otherwise vote for the party. Such alliances are sometimes, even if by the opponents, called ‘unholy’ alliances and punished accordingly by the voters.

The actual hope of defeating the BJP in the next general elections in 2019 rests with the state level parties, particularly where they have a bipolar contest against the BJP. In the run-up to the general elections, there are going to be state assembly elections in Madhya Pradesh, Rajasthan and Karnataka. The BJP rules in the first two and the Congress in the last one and there are no other parties worth the name. It will thus be a direct bipolar election between the BJP and the Congress. In spite of all the infirmities, the Congress will be the beneficiary of the discontent against the BJP and of the anti-incumbency factor in Madhya Pradesh and Rajasthan as it is the only opposition party in both these states, and in Karnataka the fight will be between the anti-incumbency against the central government led by Narendra Modi and against the state government led by Siddharamaiah of the Congress. The outcome of the elections of these three states in 2018 will be very crucial and will project to a large extent the outcome of the general elections in 2019. For the Congress, and also for Rahul Gandhi, the results of elections in these three states will determine whether they will survive or perish politically, almost completely.

After the very hard fought, and won marginally, the election in Gujarat left many bruises on the face and heart of the BJP. The BJP leadership may deny this fact but they know it well that it will have to make an all out effort to win these three states and it will surely try to polarise the elections on communal lines to get the support of the Hindu majority and Amit Shah has already fired the first salvo by

calling the Karnataka government an ‘anti-Hindu’ government. The Rajasthan, Gujarat and Madhya Pradesh governments of the BJP have already bowed before some self-appointed custodians of history and culture, like the BJP and the RSS people, in Rajasthan and viewing an electoral benefit in it, are not allowing the screening of the fictional film ‘Padmavat’ based on the Hindi epic of the same name by Malik Mohammad Jayasi, which is being opposed by them. One hopes that the politicians, particularly of the BJP, do not create a new record of sinking low in electoral campaigning in these elections after what they did in Gujarat. All parties must remember that the elections in the biggest democracy are watched the world over and

people form their own impressions about the country as a whole on the basis of what they see in the election campaign also. In an effort to tarnish the image of their opponents for electoral benefits, they should not tarnish the image of the country because that would be truly an unpardonable act of anti-nationalism and a set-back for democracy in the country. Communal politics is in the DNA of the BJP politicians which they have inherited from their parental body, the Rashtriya Swayamsevak Sangh (RSS). So, to expect that they will shun this kind of politics even if it divides the society and country will be too much to expect from them because it will be like signing their own death warrant so far as their kind of politics is concerned. 

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Articles and Features:

Those Who Want Modi's Removal on Any Terms Ignore the Fact that He Is A Symptom, Not A Cause

Hartosh Singh Bal

If Modi is to lose power at some point—however unlikely it may still seem—to a Congress that seems to have learnt nothing since 2014, we would only be strengthening the RSS and what it represents.

More than three years ago, when Modi swept into power, the number of critics was few, and those willing to take a clear public stand even fewer. After the shocking murder of the senior journalist Gauri Lankesh this past September, it was clear from the nature and extent of the ensuing protests that this had changed dramatically. During a protest at the Press Club in Delhi, people were practically fighting for the microphone, wanting to be seen to be protesting.

After hearing Sitaram Yechury, D Raja, Rajdeep Sardesai and Barkha Dutt, I had had enough. When I later expressed my discomfort—given that I had earlier written that “the path away from Modi cannot lead us back to the Congress”—a friend asked me, “Where would this *neti, neti* lead?” It is a fair question, but journalists are diagnosticians—solutions must come from elsewhere. I had then stated, “The danger of the current liberal consensus is that it seeks to speak against a new establishment without looking within. The compromises and corruption that liberals participated in during the UPA’s rule are what led us to Modi in the first place.” This is even more evident today.

Modi may no longer command the awe that he did in 2014, and we are seeing the beginnings of an opposition forming around the Congress, but in wishing an end to Modi’s regime, it is necessary to begin with some understanding of why he became prime minister in the first place. Of course, he is a man who has built up a mass appeal, backed by a well-organised publicity

machine that he controls and oversees. But it would have amounted to little without the work of two organisations—the Congress and the RSS.

By 2014, the Congress had become a mockery of what the name represented before the advent of Indira Gandhi. Unchallenged within, the Nehru-Gandhis left in the party seemed to have neither the ability nor the appetite for electoral politics. They ran the government by proxy, weakening the already timid image of Prime Minister Manmohan Singh. Their sporadic and wilful interventions left the impression that no one was really in charge, and cabinet ministers from the party or its allies ran their ministries as businesses pursuing personal enrichment. From the 1980s onwards, no new prominent party leader with mass support emerged. Instead, the party was staffed by lawyers, technocrats and managers who were comfortable in Delhi and nowhere else. Their rise to prominence was not guided by a sense of ethics or principles, and it was only boosted by a starring role in the massacres of the Sikhs in 1984. The party had become a patronage network.

This corrupt Congress leadership permeated the business and intellectual life of the republic. In the interaction between corporates and the Congress, it was difficult to tell where business ended and politics began. This part has been well-documented, but much the same was true of academics, journalists and civil-society activists. The universities had become places

with eminences close to the Congress or the Left (strangely no one seemed uncomfortable with this odd intellectual partnership)—with their best work well in the past. These institutions were busy creating fiefdoms which employed their mediocre students. Espousing ideas that once animated the Congress, the academics were happy conflating these ideas with the husk that now survived; a confusion that was beneficial to them and the party. In much the same way, many journalists had moulded themselves to this patronage network. As long as they had a patron in the party, their ideological bent mattered little.

Perhaps the sin least highlighted is the role of civil-society activists. It is impossible to speak of crony capitalism of that time without also addressing the question of crony civil-activism. The industrialists who worked closely with the United Progressive Alliance were good at what they did, but much of what they achieved, for better or worse, came about because of their proximity to power. Much the same can be said of civil-rights activists who worked with the UPA through mechanisms such as the National Advisory Council. Whether they like it or not, such an association does not just work one way—the change they brought in this fashion, sometimes commendable, has also left them tainted by their association with a corrupt regime.

Through this period the political focus was on the BJP, which, headed by ageing politicians such as LK Advani, seemed to lack the ability to take on the Congress. By 2009, it seemed India was living out a paradox—a 2007 CSDS survey showed that religiosity had increased “considerably” over the preceding five years, but this did not seem to find an echo in greater support for the political Hinduism or Hindutva of the BJP. At the time, it seemed to me that the BJP’s failure to harvest souls was a result of “the free play of the God Market [babas and *deras*] and a fast expanding economy.”

Shortly after, the global downturn in the economy began to be felt in India, but the free play of the god market continued to gain new adherents. These adherents were more than happy to buy into a new narrative of grievances that were responsible for their economic woes—the same Congress which they had no problem voting for in 2009, when the economy was booming, had now transformed into a corrupt anti-Hindu formation. Though the Congress had given good grounds for shaping such a narrative on corruption, it is unlikely it would have taken hold if the economic downturn had not occurred.

Through the period from 2004 to 2009 the RSS continued its steady growth, working quietly on the ground where it did not have political patronage, and overtly in states such as Madhya Pradesh, where it did. The organisation was ready to repeat the template established in states where it had the patronage in the rest of the country when the opportunity became available, as is the case now. Once the global economic downturn hit and the Congress began to implode, the RSS seized its chance.

Praveen Donthi highlighted this turn of events in his profile of Ajit Doval in *The Caravan*’s September 2017 issue. While discussing a two-day seminar on “black money,” which was organised in April 2011 by the Vivekananda India Foundation—a think tank affiliated with the RSS—Donthi writes:

The attendees included Doval and Gurumurthy, the god-man Baba Ramdev, the social activist Anna Hazare, the anti-corruption campaigner Arvind Kejriwal, the politician Subramanian Swamy, the retired police officer Kiran Bedi and the RSS *pracharak* KN Govindacharya. Soon afterwards, Hazare and Ramdev began much-publicised fasts against corruption, accusing the ruling government of having abetted it. These sparked a massive protest movement that proved disastrous for the government, and provided the BJP, the RSS’s

electoral offspring, with a crucial platform for its successful 2014 election campaign.

During this election campaign, while the focus was on the corrupt Congress, the RSS clearly enunciated its aims, evident to those used to the language in which the Sangh expresses itself. The changes in the curriculum, the emphasis on the “civilizational consciousness of India,” the omission of Jawaharlal Nehru, BR Ambedkar, Bhagat Singh, Maulana Azad from those prominent in the freedom struggle were all apparent in the 2014 BJP manifesto.

Today, those who want Modi’s removal ignore the fact that he is a symptom, not a cause. His removal, without confronting the changes the RSS has wrought, means nothing. If he is to lose power at some point—however unlikely it may still seem—to a Congress that seems to have learnt nothing since 2014, we would only be strengthening the RSS and what it represents. The ever-expanding size of Rahul Gandhi’s tilaks during the Gujarat campaign, his inability to speak of the rights of religious minorities (leave alone voice the term “Muslim”), and his failure to articulate an alternate economic vision or face up to its sins of the past indicate that the

Congress is already battling on RSS turf. If the alternative to Modi is to be a Congress even further weakened than it was during 2009–2014, even less emboldened, it will only give us another round of disenchantment with Congress rule harnessed by an ever-stronger RSS. It would be followed by another BJP government, with a leader perhaps as much to the right of Modi, as Modi was to that of Vajpayee.

In such an atmosphere, the self-styled liberals—from columnists and academicians to civil-society activists—backing the current version of the Congress or Rahul Gandhi are really not arguing for an end to the dangers Modi represents. They are largely battling for a return of the privileges they lost in 2014, and doing nothing that the RSS would not relish. It would be tragic for the rest of us if this were to happen, perhaps no less tragic than the return of Modi in 2019.

Hartosh Singh Bal is the political editor at *The Caravan*, and is the author of *Waters Close Over Us: A Journey Along the Narmada*. He was formerly the political editor at *Open* magazine.

Courtesy *Caravan*, 8 January 2018. 

Power Hedged by Safeguards

It is useless to trust in the virtue of some individual or set of individuals. There must be power, either that of governments, or even ordinary criminals. But if human life is to be, for the mass of mankind, anything better than a dull misery punctuated with moments of sharp horror, there must be as little naked power as possible. The exercise of power, if it is to be something better than the infliction of wanton torture, must be hedged round by safeguards of law and custom, permitted only after due deliberation, and entrusted to men who are closely supervised in the interests of those who are subjected to them.

Bertrand Russell in Power

Modi: Foe or Friend of Corruption

Prabhakar Sinha

Narendra Modi has been projecting himself as a crusader against black money and corruption, but the record of his conduct contradicts him .While he was the Chief Minister of Gujarat in 2003, the Lok Ayukt of the state had resigned and the office of the Lok Ayukt fell vacant .As the Chairman of the committee empowered to appoint the Lok Ayukt, a crusader against corruption was expected to fill the vacancy at the earliest and much sooner than any other Chief Minister ; but he went on evading the appointment till 2011 thus leaving the state without a Watchdog against his administration for 8 years .Exasperated by his persistence to evade the appointment of the Lok Ayukt, in 2011 the Chief Justice of Gujarat High Court (who was a member of the Selection Committee) recommended Justice R.A. Mehta for the appointment. The Governor appointed him. Modi challenged the appointment in the High Court, but lost. He appealed to the Supreme Court against the judgment of the High Court but lost there also However, Justice Mehta, who was regarded as a judge with an unimpeachable character declined to join. Taking advantage of his refusal, Modi amended* the Lok Ayukt Act to replace the Chief Justice of the High Court by a judge of the High Court .The other members of the committee were the Speaker of the Vidhan Sabha, a Minister of his cabinet and the Leader of the Opposition.

Thus, he made sure that he would be in a majority and would be appointing a person suitable for himself .The self proclaimed and acclaimed crusader repeated the same feat as Prime Minister by evading the appointment of the Lok Pal on the ground that one of the members of the Selection Committee i.e. the Leader of the Opposition, is not available .It is

a fact that there is no Leader of the Opposition since no party has the required number in the Lok Sabha to claim that post. When someone filed a writ in the apex court for a direction to the government to appoint the Lok Pal, his government submitted that the appointment could not be made as there was no Leader of Opposition , who was one of the members of the selection committee .The government also informed the court that a bill to amend the relevant Act had been introduced to replace the expression Leader of Opposition by the Leader of the largest party .The court directed the government to make the appointment despite there being no Leader of Opposition. Several months have passed but the appointment has not been made till date.

Modi was legally right in challenging the appointment of Lok Ayukt without the recommendation of the selection committee , the courts rejected his plea in view of his evasion to have an anti-corruption body looking into the conduct of his government though it criticised Governor Kamala Beniwal for making the appointment without the committee's recommendation. The same consideration appears to have weighed with the Supreme Court in directing the government to appoint the Lok Pal without the Leader of Opposition. The court must have been aware that the proposed amendment to the Lok Pal Act could have been made by an ordinance to remove the difficulty, but it was not done when promulgating ordinances again and again to serve the vested interests - (his own or his benefactors) is a way of life with Modi.

According to the information obtained under RTI Act,2005 and released to the media at a press conference by the Congress, Modi made

a scandalous 100 journeys between 2003 and 2007 (as C.M.) in chartered planes costing more than 16 crore .The state government did not meet the cost of these trips in luxurious private planes .The journeys were made by planes owned by rich businessmen , who also kept him company .Out of these 100 trips ,96 were in India and the four were to China, Japan, South Korea and Switzerland .These facts were not contradicted .

If with this track record a person is considered honest and a crusader against corruption, honest men would be asking for some other word to describe themselves to avoid being bracketed with Modi.

* The salient features of the new Lok Ayukt Act of the self proclaimed Crusader:

1. The Lok Ayukt has to seek government permission before acting on a complaint.
2. If the complaint is found to be frivolous, the complainant may be fined any amount

between Rs 2000.00 to Rs 25000.00 as fine and may be jailed for up to 6 months

3. The government would not be bound to act on the report filed by the Lok Ayukt

4. The government will have the power to exclude any functionary from the jurisdiction of the Lok Ayu

P.S. Before the Modi devotees, fellow travellers and apologists begin their chorus of calling other politicians corrupt to divert attention, I would like to clarify that any politician who deals in black money to manage elections and the party, gives false account of his election expenses and takes money not accounted for is corrupt to the core .So, to me none of this tribe is clean.

Modi has been singled out for his claim to be clean and a crusader against corruption and black money.

Prabhakar Sinha is a former national President of PUCL. 

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Master of the Roster and Judicial Norms

N.D. Pancholi

Allocation of cases to several benches by the Chief Justice of India whether in the Supreme Court or in the High Court by the respective Chief Justices has always been a sensitive issue. Though the Chief Justice is supposed to be the master of the roster, i.e., he has prerogative in allocation of cases to particular benches of the court but that cannot be done in arbitrary and selective manner. Certain precedents and rules have been evolved under which particular benches are fixed to hear particular types of cases and there cannot be departure from this practice. A well established precedent has further been evolved that if a matter is being heard by a particular bench, it cannot be transferred to any other bench by the Chief Justice so long as that particular bench is hearing that matter. Important and sensitive cases which may have serious repercussions in eroding democratic values and abridging fundamental rights, have to be assigned to the senior judges. While allocating cases settled judicial discipline and decorum has to be maintained by the respective Chief Justices. However it appears that the present Chief Justice of India has been flouting these well established judicial norms and allocating cases in selective manner and even not listing the cases before those benches which had earlier been hearing and dealing with such cases. The senior four judges of the Supreme Court have rightly said that unless this institution, i.e., the Supreme Court, is preserved and it maintains its equanimity, democracy will not survive in this country. Flouting such settled judicial norms always creates tensions and heartburning –not only to the litigants but also to the judges who are entitled to hear such cases. In this connection I remember one interesting episode.

When Mrs. Indira Gandhi came to power in 1980, her government constituted Kudal

Commission to investigate allegations against the Gandhian institutions for using their charitable organizations for political purposes and thus charged them for misusing of funds. These institutions included Gandhi Peace Foundation, Sarv Sewa Sangh, Association of Voluntary Organizations, Citizens For Democracy etc.etc. These organizations were in the forefront during JP movement (1973-75). They were also very active in opposing the ‘emergency’ which was imposed in June 1975. It was obvious that the motive of the then Congress government in establishing the Kudal Commission was to punish and victimize these organizations for their role in the JP Movement. The Kudal Commission started issuing notices to these organizations on baseless allegations. The organizations had engaged senior advocate S.C. Malik for their defence. S.C. Malik was a very reputed lawyer, was a ‘Royist’, and had done many landmark cases. During the emergency he was the first one to take up cases on behalf of the detainees, including the case of Kuldip Nayar whose detention was soon quashed by the High Court of Delhi. Malik had the rare distinction of being the advocate in the judicial history of independent India who, on behalf of the combined opposition, had cross-examined the sitting President of India, namely Mr. V.V. Giri in the proceedings in the Supreme Court as Giri’s election was challenged therein.

Kudal Commission started issuing notices to the said Gandhian institutions and the same were challenged in the High Court of Delhi. As per roster, the cases came to be heard by the court of Justice T.P.S. Chawla who started issuing stay orders against the various notices of the Kudal Commission. While these cases were being heard by Justice Chawla, one fine morning we found that the cases were listed before the bench of the Chief Justice. We were all

surprised as it was very unusual and was against the norms. When the hearing started in the court of Justice Chawla, the conversation between the Chief Justice and S.C. Malik took place somewhat in the following manner, coupled with heated exchanges:

Malik to the Chief Justice: How this case has been listed before your Lordship? It was being heard by the Court of Justice Chawla!

Chief Justice: I have assigned this case to my court.

Malik: How can you do it? It is against the well settled precedents.

Chief Justice: I have the power to do it. It is for me to decide the allocation of the cases.

Malik, in heated voice: You cannot do it. You have committed the contempt of the court of Justice Chawla by taking away this case from his roster. You have to send the case back to the said court.

Chief Justice: I will not. I am acting under my prerogative.

Malik, shouting at the Chief Justice: "If you

keep this case with you for hearing, in that case I shall file contempt of court petition against you in the court of Justice Chawla." Malik came out of the court in anger.

Soon we came to know that the Chief Justice had sent the case back to the court of Justice Chawla.

I asked Malik as to how he could threaten the contempt proceedings against the Chief Justice! And what if Justice Chawla declined to issue contempt notice to the Chief Justice – a fellow judge of the court? Malik replied with confidence, "If the Chief Justice had not sent the case back, I would have filed contempt petition against the Chief Justice and I am sure that Justice Chawla would have issued contempt notice to the Chief Justice." And he added with a smile, "Chief Justice knew this."

Thus the Chief Justice was wise enough to avoid the confrontation.

(N.D. Pancholi is an advocate in the Delhi High court and Vice President of PUCL national) 

Articles/Reports for The Radical Humanist

Dear Friends,

Please mail your articles/reports for publication in the RH to: mahipalsinghrh@gmail.com, or theradicalhumanist@gmail.com or post them to: E-21/5-6, Sector- 3, Rohini, Delhi- 110085.

Please send your digital passport size photograph and your brief resume if it is being sent for the first time to the RH.

A note whether it has also been published elsewhere or is being sent exclusively for the RH should also be attached with it.

- Mahi Pal Singh, Editor, The Radical Humanist

Swami Vivekananda on sectarianism, bigotry and fanaticism

"Sectarianism, bigotry and its horrible descendant, fanaticism, have long possessed this beautiful Earth. They have filled the earth with violence, drenched it often and often with human blood, destroyed civilization, and sent whole nations to despair."

Swami Vivekananda

Chicago, Sept 11, 1893.

November 25, 2017 Interview:

In order to protect one man, the Judicial system has singularly failed - Sr. Adv. Dushyant Dave

Murali Krishnan

The controversy surrounding the death of judge BH Loya has been raging on social media the past week. The allegation that former Bombay High Court Chief Justice Mohit Shah offered bribe to judge Loya to decide Sohrabuddin encounter case in favour of BJP leader Amit Shah, has shaken the legal fraternity.

Two years ago, Senior Advocate Dushyant Dave had written a letter to then Chief Justice of India, HL Dattu opposing Justice Mohit Shah's elevation to the Supreme Court. *Bar & Bench*'s Murali Krishnan spoke to Dave about his views on the controversy, the recent episode relating to Medical college bribery scam and more. Below are the excerpts.

Was the news about Justice Mohit Shah surprising?

I have stopped getting surprised at the indiscretions on the part of judges. But yes, it is extremely shocking.

Do you think such alleged infractions on the part of judges have become more frequent in the last five to ten years?

There is no doubt about the fact that judiciary is a great institution. It has great judges even today. However, the difficulty is that there is a minority in the judicial system, which is transgressing its limits and indulging in misconduct and that is giving judiciary an extremely bad name.

But what saddens me most is that the majority of good judges remain silent and are not willing to rise against this epidemic which is setting in. I would say that is extremely

disappointing.

Two years ago, you had written a letter to then Chief Justice HL Dattu opposing elevation of Justice Mohit Shah to Supreme Court? The media had refused to carry it back then. Do you see a repeat of the pattern?

Today, the Media is thoroughly compromised. That is the biggest challenge. However, I don't blame them completely. There is an atmosphere of fear today in the country.

The difficulty in India is that media is controlled by rich business houses and those business houses have a lot to hide. They have lot of skeletons in their cupboards. As a result, the media controlled by them is automatically forced to remain silent.

Justice Mohit Shah has refused to speak on this issue.

I have no doubt about the fact that Justice Mohit Shah has not only done great damage to himself and to the institution of judiciary but also to the cause of justice.

Judicial system has singularly failed, in order to protect one man – Amit Shah. We are not a fragile nation with a fragile judiciary. We have a very good judiciary. Yes, we do have aberrations like *ADM Jabalpur* but otherwise our judiciary has always come forward to protect the rule of law and to ensure that fundamental rights of citizens are protected.

But what about the rights of the brother of Sohrabuddin? Does he not have rights? Let us assume that Sohrabuddin and his friend had criminal antecedents. What was the fault of his wife, who was murdered in extremely shocking

circumstances?

The State has an obligation to investigate so that nobody does this. The Supreme Court has repeatedly said that fake encounters have to stop. If we are going to allow the police to become our accuser, prosecutor and judge, what is going to happen in this country? Nobody will be safe.

I must say with great regret that Justice Mohit Shah has actively abetted in what has happened. His role and the role of lawyers, who were guiding the case, need to be independently investigated. He was not acting alone. He was under the guidance of many lawyers. It is high time that somebody goes into it and re-opens the whole thing.

There are lots of allegations about lower judiciary being compromised, especially in States like Gujarat. What are your thoughts, especially in the light of the recent reports on Judge Loya's death?

Let us not blame the lower judiciary alone. Let us try and understand the facts of this case. The fact of the matter is that three people were killed – Sohrabuddin, his wife Kausar Bi and Sohrabuddin's friend Prajapati. The Supreme Court appointed an SIT to investigate the case. The SIT comprised of officers of the Gujarat police including the present Acting DGP Geeta Johri. They gave a report to the Supreme Court admitting that the killings were fake encounters.

This was at a time when Narendra Modi was the Home Minister of Gujarat and Amit Shah was the Deputy Home Minister.

The Supreme Court then transferred that case to CBI because it felt that Gujarat police will not be able to do justice.

CBI, therefore, investigated and filed a charge sheet. A *prima facie* case was made out against Amit Shah and other accused including top police officers.

However, after 2014 elections things have

gone completely haywire. The first judge, who was hearing the matter, was transferred under very suspicious circumstances by Chief Justice Mohit Shah. This was done despite clear direction by the Supreme court that the same judge should conduct the trial from beginning to end.

It was a direction to the administrative committee of the Bombay High Court. This directive is binding on the High Court under Articles 141 and 144. By not complying with the direction, the administrative committee of High Court has committed contempt of court.

If they felt that the learned judge wanted a voluntary transfer, they should have moved the Supreme Court and taken Supreme Court's permission. That is the least they could have done. They did not do that.

The second judge who heard the case was Mr. Loya. He passed repeated orders directing Amit Shah to appear before the court. Since, it is a criminal case, the accused cannot skip the hearing unless he is expressly exempted.

And then Mr. Loya passed away. We don't know how he died. But there is no doubt that his death has happened in extremely suspicious circumstances. It needs an immediate investigation at the highest level.

What is disgusting is that the administrative committee of the Bombay High Court including the then Chief Justice did not immediately hold an enquiry into the death of one of their own. If you fail your own subordinate judiciary, you have no right to become High Court judges. You have an absolute duty towards them and you have failed in that duty miserably. I would say it is not an innocent failure, they have failed deliberately and with *mala fide*.

It just does not end there. The accused are discharged. Why is it that the CBI has not filed an appeal against the discharge? I have read the order of discharge and I can say that it can be shredded into pieces in seconds. It is completely untenable.

Today, CBI is running after every opposition leader, maybe justifiably, I have no grievance about that. But they have an equal duty to file an appeal against that discharge [in Sohrabuddin case] forthwith to the High Court.

Further, Harsh Mandar filed an appeal to the Supreme Court. The Supreme Court was justified in dismissing the same because it felt that Mandar lacked the locus to file an appeal. But at that stage the Supreme Court could have perhaps asked the CBI, which was appearing before the Supreme Court, to file an appeal. This was a case, which should have been brought to a logical end. It cannot be terminated at the discharge stage. This was not a case for discharge.

Judicial system should swing into action immediately and take remedial and corrective measures by using extraordinary powers under Article 142 so as to correct this injustice. A life has been lost, we don't know for what reason, but justice has been the biggest victim.

What message are we sending to the subordinate judiciary? Which judge will risk his life today? Subordinate judges work in the most trying conditions. They are vulnerable from all quarters – criminals, police, rich people, politicians. They are under tremendous pressure and are facing tremendous challenges. It is, therefore, imperative that the higher judiciary does something.

I really hope and pray that at least the administrative committee of Bombay High Court – because I don't expect anything to be done by the Supreme Court in today's environment – does something in the matter immediately before people lose complete faith in the judicial system.

Why do you think the Supreme court will not act?

I don't think that will happen in today's environment. Every politically sensitive matter is handled by certain Benches. The senior-most

judges in courts 2, 3, 4 and 5 are being completely overlooked when it comes to such cases.

The Supreme Court has ruled that CJI is the master of the roster. Let us accept that. However, the allocation of matters has to be fair and reasonable.

We have a great institution, a great judiciary. I respect my judges a lot. I hope that judges would correct themselves as quickly as possible.

Do you think certain judgments by the Supreme Court are helping perpetuate this aura and immunity which the judges have granted to themselves? In Kamini Jaiswal's case, Supreme Court placed reliance on DC Saxena case and came down heavily upon you for forum shopping?

I have my own views about that. First and foremost, there was no disrespect meant to the CJI. If you read the petition filed by Kamini Jaiswal and Prashant Bhushan, you will find that the first ground taken by them was to protect the integrity and independence of judiciary. This was because there is a possibility that the CBI had deliberately filed false FIRs to put pressure on the Supreme Court judges.

Since the matters with respect to which FIR was filed were matters which were being heard by the Hon'ble CJI, it was a very fair request made that the matter should not be dealt with by the CJI on administrative or judicial side.

I had made that request and I am not ashamed of it. It was, in fact, made to protect the CJI and insulate him so that nobody would raise a finger against him in future.

Justice Chelameswar's order, referring the matter to five senior-most judges, was an extremely fair order. Why should it go to judges whom CJI had decided? That has raised more questions than answering them.

The prayer was to have an SIT probe under a former CJI. What was wrong about that prayer? Supreme Court should have lapped up

the opportunity and hit out at the CBI for its approach.

The judiciary should have come clean abreast instead of seriously misunderstanding us. Neither Kamini Jaiswal nor Prashant Bhushan nor me meant any disrespect to the Hon'ble CJI.

What is your take on the stance adopted by the Bar on the issue?

A. The Bar also equally misunderstood the issue and lost the opportunity to guide the judges. The Bar should have guided the judges and said that CBI is misconducting itself and trying to portray a terrible image of this court. It was a golden opportunity for the Bar to insulate the judiciary from the executive pressure but the Bar lost that opportunity.

I have great regard for Mr. Suri and others but they should have put it to the General Body where they could have been counselled by the General Body to adopt the right course. But one gathers the feeling that they did it, perhaps at the instance of the judges, which is a really sad feeling. This is a great Bar and it is a great opportunity which we have lost.

Last question. You might be the only Senior Advocate at the Supreme Court who speaks up even if it is against judges. Why do you think the Senior Bar maintains silence on issues which directly affect the Bar and the Bench?

To stand and speak up calls for inviting unpopularity and very few people are willing to do that.

I must tell you that I am deeply disappointed by Mr. Fali Nariman, Mr. Soli Sorabjee and the Attorney General, Mr. KK Venugopal.

They have not understood the matter relating to filing of FIR by CBI which pointed fingers at the CJI, and have gone ahead and expressed their opinions.

It was a matter of great regret that the AG

stood up in the court and said, "*Prashant Bhushan and Kamini Jaiswal should withdraw the petition and apologise to the court.*" I think that was a dark moment in the history of Supreme Court.

When Mr. Venugopal was appointed AG, I had spoken to you about how it was a very good choice. We wanted and expected Mr. Venugopal to be like Motilal Setalvad and HM Seervai and not like Niren De.

I love judiciary. It is not that I want to criticise judiciary. But unless we are critical from within, we cannot improve judiciary. How long will we tolerate corrupt judges? There have been dozens of them in Supreme Court. Nobody can deny that. Even CJI Bharucha had said so.

Speaking up against it calls for great sacrifice. Today I am being criticised by virtually everybody. Fair enough, I am willing to stand up and face that criticism. It calls for sacrificing one's practice and I am willing to do it.

I have to look at the institution and at the future generation of lawyers and judges. What are we going to give them if this kind of dismal state of affairs is allowed to continue without raising questions? Are we not entitled to raise questions and are judges not expected to answer them?

I have come to realise that good judges or maybe all judges protect each other under the false notion that if they talk about it in open, judiciary's name will be tarnished. But that is not true. Judiciary's name is getting tarnished even otherwise by these few errant judges. Judiciary's name will shine if good judges stand up and try and take corrective measures.

Importantly, good lawyers should also do it without worrying about their briefs. We have all grown up and studied law worshiping the likes of Nariman, Sorabjee and Venugopal. And when they fail us, then I feel they have failed the institution and the younger generation of lawyers like me. It hurts me personally. 

‘Had the SIT not balked, Modi would have been facing a trial’

Prasanna D Zore

*‘I don’t think there is a need to order a fresh investigation into the complaint against Modi & Co. As the *amicus curiae* Raju Ramachandran said in his report to the Supreme Court, the existing material is more than sufficient to prosecute Modi and other high-ups of his regime,’ Manoj Mitta, author of the book *The Fiction Of Fact-Finding: Modi and Godhra* tells Rediff.com’s Prasanna D Zore.*

In his recent interview to ANI, Gujarat Chief Minister Narendra Modi claimed that there is not ‘even a grain of truth’ in the allegations leveled against him for his role in the post Godhra riots of February-March 2002.

Senior journalist **Manoj Mitta**’s book *The Fiction Of Fact-Finding: Modi and Godhra* makes a serious, sincere and scholarly attempt to ferret out the gaps in the Supreme Court-appointed Special Investigation Team that, Mitta feels, “was far from effective”, resulting in Modi getting off the hook for his alleged complicity in the Gujarat riots of 2002.

Mitta’s book argues that the SIT was not sincere enough to get to the bottom of the matter, but avers ‘the existing material is more than sufficient to prosecute Modi and other high-ups of his regime’.

“Had the SIT not balked at asking questions on issues of far greater consequence, Modi would have most likely been facing a trial, as recommended by another Supreme Court appointee, *amicus curiae* Raju Ramachandran,” says Mitta.

In this candid interview with Rediff.com’s **Prasanna D Zore** over e-mail, Mitta answers a range of questions surrounding the SIT investigation and his hopes that the Gujarat high court or the Supreme Court “will make amends and reject the SIT’s finding that there was not enough prosecutable evidence against Modi and others.”

“In the prevailing political environment, the

independence of the judiciary will be tested more than ever before,” believes Mitta, a senior editor at *The Times of India*.

What leads you to write such diligently researched books that take on the might of the establishment?

First, it was *When a Tree Shook Delhi* that exposed the lame fact-finding techniques that various inquiry commissions employed to protect powerful Congress politicians involved in the anti-Sikh carnage that followed then prime minister Indira Gandhi’s assassination, and now with *The Fiction Of Fact-Finding: Modi and Godhra* that exposes similar attempts by the Special Investigation Team that let Modi get away?

Both books grew organically from my journalistic engagement with the process of fact-finding. The engagement was deep and sustained.

My concern though was not only with the mass crimes that had been committed in 1984 and 2002. Nor was I content with just grasping the findings handed by various state agencies.

My priority has actually been on tracking how exactly those conclusions had been arrived at, whether the findings really matched the testimonies and other evidence recorded by those very courts and commissions.

As a human rights journalist, I have strived to expose impunity and institutional bias, the dirty tricks played by police and judicial authorities

to shield the political and administrative high-ups accountable for the mass crimes.

Did you receive any threats from people who thought these books could harm careers?

No, I have not received any threats. After the publication of the Gujarat book (*The Fiction Of Fact-Finding: Modi and Godhra*), I did face hostility, though it was not from any of the persons directly accountable for the violence or the cover-up.

Do you think the SIT deliberately let Modi off the hook by not asking him questions that could have possibly nailed his complicity in the riots?

The gaps and contradictions in the SIT report pointed out by my book do establish that this Supreme Court-appointed team deliberately let Modi off the hook.

The deficiencies in the investigation were most glaring in the SIT's failure to ask obvious follow-up questions.

The SIT refrained from pinning him down on any of the dodgy claims made by Modi when his testimony was recorded in 2010.

Take his claim on the very first post Godhra massacre, which took place at Gulberg Society in Ahmedabad on February 28, 2002. Though the massacre had been all over by 3.45 pm, Modi claimed that he had come to know of it only after 8.30 pm, which was a gap of five hours.

The SIT did not challenge this incongruity despite recording a list of meetings Modi had held with police officers through the day, apparently to track the violence real time as he was both the chief minister and home minister of Gujarat.

What purpose would you ascribe to the SIT letting Narendra Modi get away?

The book dwells on the controversies related to the flawed composition of the SIT, beginning with the unsuitability of R K Raghavan as its chairman.

One of the biggest revelations made by the

book is, in fact, about Raghavan's own indictment for the security lapses leading to Rajiv Gandhi's assassination in 1991.

But as this indictment had glossed over the gravity of the evidence on record, it allowed the Vajpayee government to resurrect his career in 1999 when he was given the coveted post of CBI director.

This in turn paved the way for the crucial post-retirement assignment from the Supreme Court entrusting Gujarat carnage cases to him.

Are you suggesting through the title of your Gujarat book that the entire fact-finding conducted by the SIT under the leadership of its chairman R K Raghavan was a sham?

The Supreme Court's intervention in Gujarat 2002 (*investigations by appointing the SIT*) made a dent in India's record of impunity in communal violence cases. It led to convictions in some of the most egregious cases, most notably being of Modi's minister Maya Kodnani for her complicity in the Naroda Patiya massacre.

But when it came to the complaint directly related to Modi, along with 60 others of his regime for the entire Gujarat carnage, the Supreme Court's monitoring of the SIT investigation proved to be far from effective.

The saving grace is that it yielded rich material laying bare, however unwittingly, despite the lengths to which the SIT had gone to shield Modi.

The oxymoronic title of my book is indeed inspired by the travesty of fact-finding on Zakia Jafri's complaint.

Modi recently reiterated in an interview to ANI that there was 'no grain of truth' in the allegations about his complicity in the post Godhra riots?

He also admitted in that interview that he had stopped taking questions from the media about the riots way back in 2007.

This is disingenuous because, in the wake

of all the details that have come to light through the SIT investigation, Modi has much more to explain now than ever before.

The recording of his testimony put him on the spot on why he had not intervened in the Gulberg Society massacre and why in his address to Doordarshan the same evening he had denounced only the Muslim perpetrators of Godhra and not the Hindu perpetrators of post Godhra violence.

Hence his claim to the SIT that, despite the succession of meetings he had held with the police, he had no clue to the massacre of 69 Muslims in Gulberg Society for as long as five hours.

My book has brought out several such implausible claims which he would be hard-pressed to justify.

In what way would you say the hushing up of Rajiv Gandhi's or his government's complicity in the 1984 anti-Sikh carnage different from the SIT's hushing up of facts to protect Narendra Modi's complicity in the massacres that took place in Gujarat in the wake of the burning of the Sabarmati Express?

The cover-up of political and State complicity in the 1984 carnage was even more blatant. Back then, the notion of accountability was much less developed.

The NHRC (*National Human Rights Commission*), which served as a catalyst in dealing with the 2002 carnage, had come into existence nine years after the 1984 massacre.

Luckily for Rajiv Gandhi, the judicial activism had not evolved enough yet for the Supreme Court to intervene in politically motivated mass crimes.

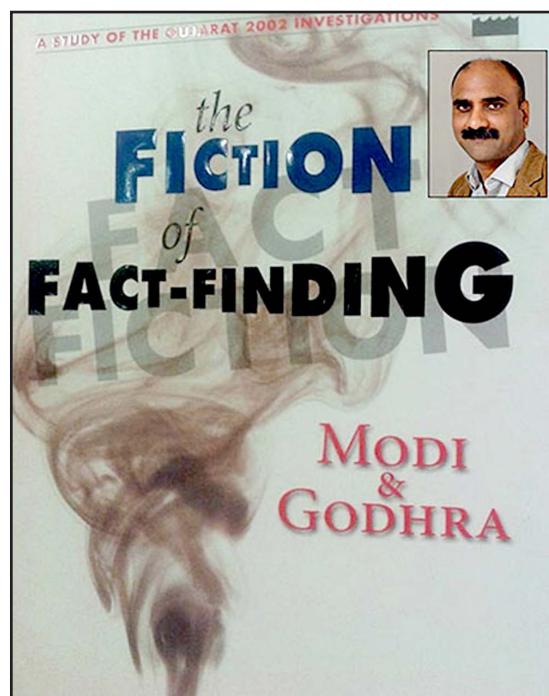
What could be the ten most crucial questions (or for that matter any number of questions) you would have asked — which you say in your book that the Supreme Court-appointed SIT did not — the Gujarat chief minister if you were in

place of SIT chief R K Raghavan?

Listing out the questions that had been deliberately left out by the SIT would make little sense without going into the context of each of them.

In my book, you will find both the questions and their context. And in this interview, I have already cited the example of unasked questions in the context of the Gulberg Society massacre.

Such follow-up questions could have pinned down Modi, much in the manner in which he had recently been forced by a tightening of the electoral system to admit for the first time that he had a wife.



Had the SIT not balked at asking questions on issues of far greater consequence, Modi would have most likely been facing a trial, as recommended by another Supreme Court appointee, *amicus curiae* Raju Ramachandran.

Now, that the SIT as well as a magisterial court in Ahmedabad has given a clean chit to Narendra Modi, what legal recourse do Zakia Jafri and all those wanting to prove Narendra Modi and his government's

complicity in the post Godhra massacres have, apart from appealing against the magistrate's order in a higher court?

The matter is now before the Gujarat high court.

Given the wide range of unasked questions and the wealth of material on record, I hope that the high court or at least the Supreme Court will make amends and reject the SIT's finding that there was not enough prosecutable evidence against Modi and others.

In the prevailing political environment, the independence of the judiciary will be tested more than ever before.

Is there a legal provision in the Constitution by which the entire fact-finding exercise conducted into the post-Godhra killings can be redone and Narendra Modi summoned again by a new investigation team?

I don't think there is a need to order a fresh investigation into the complaint against Modi & Co.

As Ramachandran said in his report to the Supreme Court, the existing material is more than sufficient to prosecute Modi and other high-ups of his regime.

Could the Supreme Court have perhaps forced the SIT to ask questions that mattered?

When a bench headed by Justice Arijit Pasayat referred Zakia Jafri's complaint to the SIT in April 2009, it appeared to have pushed the envelope of accountability as Accused No 1 named by the complainant (*Zakia Jafri*) was none other than Chief Minister Narendra Modi.

This expectation of accountability was, however, belied by the subsequent bench headed by Justice D K Jain as it proved to be lax in various ways in its monitoring of the SIT investigation.

The final nail in the coffin was the Supreme Court's sudden decision in September 2011 to cease the monitoring of the investigation, thereby emboldening the SIT to ride roughshod over Ramachandran's recommendation to initiate criminal proceedings against Modi and others.

Do you fear the establishment will hound you — as you have mentioned in the book that your e-mail was hacked into and the SIT's closure report alleged that you helped IPS officer Sanjiv Bhatt in filing an affidavit in court against the Gujarat chief minister — if Narendra Modi were to become India's prime minister?

Well, any attempt to hound me would be an opportunity for me to question the veracity of the SIT's observation against me.

For, the very e-mail annexed by the SIT shows that when Bhatt had sent me his draft affidavit, the only addition I suggested was all of one sentence, explaining his compulsion for approaching the Supreme Court.

Yet, in a bid to malign an independent journalist breathing down its neck, the SIT claimed that I had advised Bhatt 'to incorporate a few more paragraphs drafted' by me.

This distortion by the SIT has been picked up by Modi trolls to divert attention from the issues raised by my book.

Courtesy [Rediff.com](http://www.rediff.com), April 23, 2014



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

Who Wants Probity in Public Life?

S.N. Shukla

Lord Krishna said in Bhagwad Gita that whatever important persons do others follow; whatever standards they set other people act accordingly. However, the shameful spectacle of prime public property being grabbed by rulers themselves for personal/party purpose in UP and Rajasthan is a case of fence eating the field.

The first six Chief Ministers of UP were men of high ideals. They believed in simple living and high thinking and set an example for this. They never used their official position for personal gain or self-aggrandizement. In fact, late Shri Chandra Bhanu Gupta declined official residence. He lived in his own simple house in Pandariba, Lucknow. He also refused use of staff car and installation of an A.C. at his residence at Government expense.

Though 5 Kalidas Marg is the official Residence of the Chief Minister, yet since 1990s successive Chief Ministers got a house allotted for their residence in addition to the official residence. Not only this, he/she got the allotted house richly furnished at Government expense. All this with an eye to provide for himself/herself with a free furnished residence at Government expense, even after laying down the reins of office.

In July 1996 Janhit Sangthan, a registered society of retired senior civil servants, through its Secretary late Shri D.N. Mithal, former Secretary of UP Vidhan Sabha, filed a writ petition no. 1313 (M/S) of 1996 in the High Court at Lucknow against allotment of bungalows to successive ex-Chief Ministers and ineligible organizations without any rules to this effect. To cover up this lacuna the state government framed non-statutory ex-Chief Ministers Residence Allotment Rules 1997. Thereupon, the WP was amended for quashing these rules as unconstitutional and illegal. However, it was disposed of in August 2001 without deciding the

validity of the 1997 Rules. Thereafter, Type VI bungalows were again allotted to subsequent Chief Ministers even against these Rules without recovering additional cost of construction and rent as per the amended Rules and several Crores rupees were spent on their furnishing contrary to prohibition in the Rules.

Thereupon, Lok Prahari, of which late Shri D. N. Mithal's son late Shri Anirudh Mithal, former GM Railways, was also a member, filed its first PIL Writ Petition (Civil) No. 657 of 2004 in the Supreme Court challenging the validity of the 1997 Rules and for recovery of cost of additional construction, furnishings and rent as per the Rules. The main ground taken in the said writ petition was that Section 4 (1) of the UP Ministers (Salaries, allowances and Miscellaneous Provisions) Act,1981 provides for allotment of only **one** government residence to the Chief Minister and that too only till 15 days after his demitting the office. As a result of persistent efforts and perseverance for 12 years of the petitioner organization's General Secretary, who drafted and conducted the petition in person, the said WP was finally allowed by the Apex Court on 1.8.2016 directing that "*the concerned respondents shall handover possession of the bungalows occupied by them within two months from today and the respondent-government shall also recover appropriate rent from the occupants of the said bungalows for the period during which they were in unauthorized occupation of the said bungalows*".

However, unlike the Government and High Court of Uttarakhand who took prompt effective action for compliance of the said direction, the UP government enacted the Uttar Pradesh Ministers (Salaries, Allowances, and Miscellaneous Provisions) (Amendment) Act,

2016 (UP Act No 22 of 2016) and the Allotment of Houses under Control of the Estate Department Act, 2016 (UP Act No.23 of 2016) to nullify the aforesaid judgment and to provide for allotment of palatial bungalows to ex-Chief Ministers. Thereupon, Lok Prahari challenged the validity of the aforesaid 2016 Acts in PIL WP (C) 864 of 2016 on which the Apex Court was pleased to issue notice on 15.11.2016.

Meanwhile, in gross violation of the express constitutional and statutory provisions and in utter disregard of the observations in para 41 of the Apex Court judgment of 1.8.2016 (reported in AIR 2016 SC 3537), the then Chief Minister of UP occupied, *after the said judgment*, another palatial residence (in addition to his earmarked official residence 5 Kalidas Marg) *with the obvious intention of retaining it after demitting office*. Thereupon, Lok Prahari filed on 3.11.2016 a PIL writ petition no. 26454 (M/B) of 2016 in the High Court at Lucknow against this *prima facie* illegal allotment and occupation of the second bungalow by the Chief Minister.

The main grounds of challenge were as follows-

- A. In view of the categorical provision in Section 4(1) of the UP Ministers (Salaries, Allowances, and Miscellaneous Provisions) Act,1981 allotment of another bungalow, in addition to the official residence 5 Kalidas Marg, by the Chief Minister to himself was patently illegal being hit by the doctrine of occupied filed.
- B. It has been held by the Apex Court in a catena of cases such as the one reported in (2006) 5 SCC 386 that where statutory rules govern the field executive instructions cease to apply.
- C. Occupation of the second government bungalow by the respondent no. 2 (Akhilesh Yadav the then CM UP) after the judgment dated 1.8.2016 of the Apex Court in WP (C) No. 657 of 2004 ran in the face of law laid down in the said

judgment that allotment of bungalows in contravention of statutory provisions was clearly invalid and unsustainable.

D. Allotment and occupation of another official residence was *prima facie* arbitrary, irrational and discriminatory as no other Constitutional functionary is allowed to have two official residences, and as such is violative of Article 14 of the Constitution.

E. The mandate in Article 51A of the Constitution applies with much greater force to the Chief Minister who as Minister in Charge of the Estate department was expected to protect government residences rather than grab the same.

F. The impugned allotment of the second government residence to the CM was against the Directive Principles in Articles 37 and 39 (b) of the Constitution.

G. Allotment a second govt. bungalow by the Chief Minister to self against the categorical statutory provision in Section 4(1) of the 1981 Act was nothing but largesse to self. It was patently malafide and gross misuse of power for personal and political benefit against the interest of the State and as such was unsustainable in terms of the decisions reported in (1999) 1 SCC 53 and (2014) 2 SCC 532 (Para 34 and 35).

H. As brought out in paras 34 and 35 of the writ petition, the impugned allotment was contrary to the stipulations in the UN Convention against Corruption to which India is a signatory.

I. Such blatant illegal gross misuse of power for self aggrandisement, when the state is unable to provide even basic services to its people, is clearly against public interest and could not be countenanced in view of the observations of the Apex Court in the following cases-

- (i) (2014) 9 SCC 1 (Para 82)
- (ii) (2001) 10 SCC 305 (Para 26)
- (iii) (2003) 2 SCC 673 (Para 36)
- (iv) (1997) 1 SCC 444 (Para 95)

A. Intervention of the High Court was necessary in this matter of great public importance in view of the observations of the Apex Court in the following cases-

- (i) (2014) 7 SCC (663 (Para 4)
- (ii) (2014) 2 SCC 687 (Para 27)
- (iii) (2014) 6 SCC (Para 19)

B. In the facts and circumstances of the case the writ petition deserved to be allowed with costs to the petitioner organisation in terms of the decisions of this Hon'ble Court reported in (2008) 4 SCC 720, AIR 1996 SC 1446 (Para 71) and AIR 1987 SC 579 (Para 9).

However, the said writ petition was dismissed at the threshold at the time of its first hearing without even seeking any response from the state government and the then Chief Minister. Instead of deciding the validity of the allotment of second bungalow to the Chief Minister in the light of the aforesaid very valid grounds, the Court ruled that it “*is a matter purely of convenience*” and “In such matters, a hyper technical and pedantic view cannot be taken.” A perusal of the judgment dated 5.11.2016 shows that it suffered from the following glaring infirmities-

- (i)** Condonation of the *prima facie* illegal act of the Chief Minister against the express provision in Section 4(1) of the 1981 Act and dismissal of the writ petition by the High Court on the sole ground of ‘privacy’ (not even pleaded by the 1d. Advocate General) was clearly untenable in view of the uncontested facts that like, 5 Kalidas Marg, the 3 storeyed second residence has an office for Chief Minister and an entire floor is dedicated

to officers and guests. Moreover, while the Chief Minister and his family will occupy first floor, the three Halls on the ground floor have adequate arrangements for organising meetings on large scale. *Apparently, privacy for the family was not, and could not be, reason and justification for occupying the second bungalow in addition to the official residence (5, Kalidas Marg) which also has all these facilities.*

- (ii)** The judgment overlooked that the oral statement of the 1d. Advocate General that the official residence (5 Kalidas Marg) was “*substantially*” used for office purpose was falsified by the photocopy of the relevant page of the official Directory of UP Government, 2016 (annexed as Annexure 5 to the writ petition) which showed it as the **residence** of the Chief Minister.
- (iii)** In the absence of any supporting evidence, reliance could not be placed on the said oral statement. On the other hand, the judgment ignored that apart from his office occupying the entire 5th floor of the Secretariat Annexee building (Shastri Bhawan) and having offices in the Secretariat main building and Yojana Bhawan, the Chief Minister had got constructed a palatial office building (Lok Bhawan) at the cost of more than 600 crores. Under the circumstances, allotment and occupation of another residence on the ground of the official residence being used for office purpose could not be justified at all.
- (iv)** The judgment overlooked that the submission of the 1d. Advocate General that this practice was followed by earlier Chief Ministers was of no avail as one illegal act cannot justify its perpetuation by others. In this connection it is worth mentioning that on Lok Prahari’s WP (C)

no 231 of 2005 the Apex Court was pleased to strike down in July 2013 sixty two years old provision in Section 8(4) of the Representation of the People Act,1951 which permitted even murder convicts to continue as “Hon’ble” Members of Parliament/State Legislature.

(v) The assumption that partial use of the official residence encroached upon privacy of the family was not based on any material on record. *Nor did the learned Advocate General take this plea in his statement before the Hon’ble Court.* Moreover, no such conclusion could be reached without having a look at the building plan and layout of the various structures in the 5 Kalidas Marg and the purpose for which they are used.

(vi) Morevoer, the judgment also overlooked that in case this plea was accepted,other constitutional and high statutory functionaries having offices in their residence for official meetings and visitors will legitimately claim another residence for family on the ground of privacy and denial of the same facility to them will attract Article 14 of the Constitution.

(vii) The observation that the contention that the impugned allotment has been made only to facilitate retention of the bungalow after demitting office ‘is presumptuous at this stage’ *ignored that the Chief Minister did not need the second bungalow for 4½ years and occupied it just a few months before expiry of his tenure which confirmed the inescapable natural and logical conclusion that this was done to retain the second bungalow taking advantage of the recent enactments permitting allotment of bungalows to ex-Chief*

Ministers in the face of the landmark judgment dated 1.8.2016 of the Apex Court.

(viii) Also, the observation that the aforesaid contention “cannot be considered as the vires of the amendment Act, 2016 has not been challenged by the petitioner before us” *overlooked that the said Amendment Act had nothing to do with present case* as the said Act relates to allotment of residence to ex-Chief Ministers, whereas in this case occupation of two residences by the serving Chief Minister in patent violation of Section 4(1) of the 1981 Act and Article 14 of the Constitution and the law laid down in the petitioner’s earlier case (reported in AIR 2016 SC 3537) was challenged.

(ix) (ix) The judgment also overlooked that when the Apex Court had struck down the 1997 non-statutory Rules for allotment of bungalows to ex-Chief ministers on the ground of being in violation of Section 4((1) of the 1981 Act and Article14 of the Constitution, *the allotment of second bungalow to self by the Chief Minister could also not be sustained for the same reasons.*

(x) (x) In view of the irrefutable position stated above and settled legal position that uncontroverted averments have to be taken as admitted and proved, the writ petition could not be dismissed summarily at the threshold without adjudicating the very valid legal issues raised therein.

Accordingly, the petitioner organisation filed a Special Leave Petition (C) No. 1500 of 2017 in the Supreme Court for intervention in the special and exceptional circumstances of the matter for enforcement of the Rule of Law and safeguarding prime public property from the rulers who are duty bound to protect it, on the following grounds-

(1) The impugned judgment did not deal at all with very valid legal issues raised and the grounds taken in the writ petition. It did not even mention the rulings cited therein which were directly applicable to this case and could not be brushed aside in view of Article 141 of the Constitution. As held in (2000) 9 SCC 484, dismissal of writ petition without dealing with the contentions raised and without advert to the relevant provisions of the law was not proper.

(2) It ignores that in view of the categorical provision in Section 4 (1) of 1981 Act permitting only **one** government residence, the allotment and occupation of the second bungalow was clearly in violation of the doctrine of occupied field and the law laid down by the Apex Court in the following cases-

(1) (2006) 5 SCC 386
 (2) AIR 2011 SC 1660

(3) It also completely overlooked that the Apex Court was pleased to strike down allotment of bungalows to ex-Chief Ministers as being in violation of Section 4(1) of the Act by landmark judgment dated 1.8.2016 in petitioner's earlier writ petition reported in AIR 2016 SC 3537.

(4) Exercise of jurisdiction under Article 226 could not be refused in such a clear case of patent violation of constitutional and statutory provisions in a matter relating to *prima facie* illegal grabbing of prime public property by the one responsible for safeguarding it.

(5) The writ petition could not be dismissed in limine on the specious ground of *privacy even though it was neither pleaded by the learned Advocate General nor was it borne out from the material on record*.

(6) In view of uncontested facts and circumstances of the case, convenience of the Chief Minister could not be a ground for dismissal in the face of relevant constitutional and statutory provisions and Apex Court rulings cited by saying that "In such matters, a hyper technical and pedantic view cannot be taken".

(7) Refusal of the High Court to exercise its jurisdiction under Article 226 was contrary to the law laid down by this Hon'ble Court in the following cases-

(1) (2014) 7 SCC 663 (Para 4)
 (2) (2014) 2 SCC 687 (Para 27)
 (3) (2014) 6 SCC 552 (Para 19)

(8) In the absence of any rebuttal by the respondents, dismissal of the WP at the threshold without even notice to the opposite parties was not in accordance with the decision of the Apex Court in AIR 1987 SC 1628.

(9) The impugned judgment suffered from several grave factual and legal infirmities detailed above.

(10) The High Court failed to appreciate that such blatant illegal gross misuse of power for self aggrandizement, when the State is unable to provide even basic services to its people was clearly against public interest and could not be countenanced in view of the rulings mentioned in ground O of the SLP.

The said SLP was listed on 30.1.2017, but was not heard and the Court ordered that it be posted for hearing in the month of April, 2017. This not only saved the then Chief Minister from any adverse impact on the ensuing Assembly elections in the event of the SLP being entertained but also provided him the opportunity to misuse the 2016 amendment in the 1981 Act for allotment of bungalows to *ex-CMs* to re-allot the same bungalow to himself *even before demitting office and becoming ex-CM* after his party lost the election. Subsequently, the SLP

was disposed of on 3.4.2017 with the following order-

"The application for permission to appear and argue in person is allowed.

Heard the petitioner, who has appeared in person.

The respondent No.2 is no longer the Chief Minister of the State of Uttar Pradesh, and as such, we are satisfied, that the instant petition has been rendered infructuous. The same is accordingly disposed of as having been rendered infructuous".

Thus, the issue as to whether the CM can have another government bungalow in addition to his official residence remained undecided. Since this situation could arise in future also,

dismissal of the SLP as having become infructuous was hardly justified. Also the petitioner's stand in the writ petition that the second bungalow was grabbed by the CM just before completion of his term for retaining it after demitting office, stood vindicated showing that the High Court was not right in rejecting the petitioner's contention in this regard. Timely intervention by the High Court and Apex Court would have prevented the then CM from grabbing prime public property for life against the express provision of law and the Apex Court decision dated 1.8.2016.

**S.N. Shukla is IAS (retd.), Advocate,
General Secretary, Lok Prahari** 

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Gandhi and Roy: The Interaction of Ideologies in India

Dennis Dalton

Dr. Dlaton has taught at the school of Oriental and African Studies, London, and in the United States, and written on Ideology in Modern India. The interpretation of Roy's intellectual development vis-à-vis Gandhi offered here may seem controversial, especially to those associates and students of Roy who find the differences between Gandhi and Roy even in the last phase much more fundamental than the similarities, but there is no doubt that the position very ably presented here deserves serious consideration. The essay was originally published in a symposium 'Gandhi, India and the World' (Melbourne, Philadelphia, Bombay 1970) edited by me, and has been slightly shortened. SNR

Manabendra Nath Roy (1887-1954) was born into a Bengali brahman family in a village outside of Calcutta. Twenty eight years later, as a terrorist revolutionary, he left India for an adventurous career in the Communist international movement. These initial twenty-eight years in Bengal were decisive for the shaping of his personality and thought. Three components of this early experience deserve mention. First, there was the influence of Roy's brahmanical family background and outlook. This inspired and reinforced his penchant for theory, his elitism, and his strong moral temper. Second, there was Roy's early, intense belief in Hinduism. His religious frame of mind, like the brahmanical spirit, never left him, but prodded him on in his quest for 'those abiding, permanent values of humanity.' Third, in this first generation of his life, the ideology of Indian nationalism exerted an immense influence on Roy as it did on many of his contemporary Bengali intellectuals and students.

'An ideology', writes Edward Shils, 'is the

product of man's need for imposing intellectual order on the world. The need for ideology is an intensification of the need for a cognitive and moral map of the universe...' Roy's quest for an adequate ideology began during his youth in Bengal. It continued throughout his next phase as an orthodox communist and later as a Marxist revisionist. Then, still later, having abandoned Marxism for what he called 'Radical Humanism', his search intensified for 'a cognitive and moral map of the universe'. It ended not in satisfaction, but only with his death in 1954. Yet, in this last phase of his thought, Roy had come closer to the fulfilment of his needs, to realization of his identity through the construction of an ideology, than he had ever approached in his earlier phases. The outlines of Roy's cognitive and moral map had been determined in his youth by the combined influences of a brahmanical outlook, a Hindu creed, and the nationalist experience in Bengal. Yet, unlike Gandhi, Roy never came to terms with the demands of his early formative period; unlike Gandhi, he remained alienated until the end from large segments of his own tradition. It is for this reason that the evolution of Roy's thought, which represents a continuing response to the demands of the Indian nationalist tradition, forms an important part of the analysis.

The year 1915 is a key one in the Gandhi-Roy story. In that year, Roy, a terrorist schooled under Jatin Mukherjee and Aurobindo Ghose, left Calcutta on a revolutionary mission to obtain German arms for the struggle against the Raj. In that same year, Mohandas Gandhi returned to India after twenty-one years in South Africa. He soon began his extraordinary rise to power in the Congress. By 1920 he had come to dominate the Indian nationalist movement with

a sure sense of leadership that reached a dramatic peak with the Dandi Salt March of 1930. During these fifteen years of Gandhi's eminence, Roy acquired his reputation of being 'undoubtedly the most colourful of all non-Russian Communists in the era of Lenin and Stalin'. From 1915 until December 1930, Roy moved about on various revolutionary missions, Mexico to Moscow to Berlin, and then Paris, Zurich and Tashkent. In Mexico, Roy was converted to Communism and reputedly helped form the first Communist Party there. In Moscow, he contributed to revolutionary strategy for communist activity in the colonial areas. In Europe, he rose to a position of authority in the Comintern, published a series of books and pamphlets on Marxist theory, and edited a communist newspaper. Therefore, the achievements of both Gandhi and Roy during this period were spectacular. Yet, for all their respective achievements, there was never anything like a balance of power between these two figures. It was Gandhi and never Roy who dominated the Indian nationalist movement with his unparalleled genius for mass leadership. Whereas Roy would struggle long and hard to gain power in India, Gandhi acquired authority with ease and kept it. While Roy necessarily remained, throughout this fifteen year period, preoccupied with Gandhi's power, the latter never mentions Roy in his writes or speeches. Even after Roy's return to the political scene in the late thirties, Gandhi took scant notice of him. Roy, then remained both a cultural and political outsider and suffered as a result. Gandhi, after his return to India in 1915, became rooted in the nationalist tradition and developed a style of political behaviour which gained for him personal confidence as well as political power. Thus, while Roy, out of touch with his tradition, never ceased in his effort to come to secure in his surroundings, could remain aloof. In this sense, a consideration of Roy's view of Gandhi becomes part of a larger problem, that of the

relationship of the Indian intellectual to his tradition.

The first detailed Marxist critique of Gandhi appeared in Roy's first major book, *India in Transition*, which was written in Moscow in 1921. The book grew out of discussions which Roy had with Lenin and other communist figures at the Second Congress of the Communist International. At this Congress, Roy had argued against Lenin that communist policy in the colonial areas must be to support proletarian rather than bourgeois movements. Lenin contended that bourgeois nationalist organizations like the Indian Congress could be considered revolutionary, and since no viable Communist parties existed, these organizations deserved the support of the International. Roy replied that the Congress and similar agencies could only betray the revolution: an Indian proletariat existed, and must be mobilized behind a communist leadership. The Roy-Lenin controversy was clearly over fundamental issues, and had innumerable implications for communist strategy in the future.

Roy later reflected back upon his differences with Lenin and concluded that 'the role of Gandhi was the crucial point of difference. Lenin believed that, as the inspirer and leader of a mass movement, he was a revolutionary. I maintained that, a religious and cultural revivalist, he was bound to be a reactionary socially, however revolutionary he might appear politically. In Roy's view, 'the religious ideology preached by him [Gandhi] also appealed to the medieval mentality of the masses. But the same ideology discouraged any revolutionary mass action. The quintessence of the situation, as I analysed and understood it, was a potentially revolutionary movement restrained by a reactionary ideology.' 'I reminded Lenin of the dictum that I had learnt from him: that without a revolutionary ideology, there could be no revolution.' These arguments formed the basis of the position on Gandhi that was developed

by Roy in *India in Transition*.

Roy begins his critique of Gandhi in this book with the confident assertion that Gandhism has now 'reached a crisis' and its 'impending wane...signifies the collapse of the reactionary forces and their total alienation from the political movement'. Roy's confidence was rooted in the classic Marxist belief in the inexorable march forward of western civilization. Gandhism was seen as a temporary obstacle in the path of history, which would soon be swept aside : not by the Raj, but by the masses themselves, once they became conscious of the progressive movement of history. Whatever Gandhi may tell the masses, 'post-British India cannot and will not become pre-British India.' Therefore, 'here lies the contradiction in the orthodox nationalism as expressed of late in the cult of Gandhism. It endeavours to utilize the mass energy for the perpetuation or revival of that heritage of national culture which has been made untenable by the awakening of mass energy...Therefore, Gandhism is bound to be defeated. The signs of the impending defeat are already perceptible, Gandhism will fall victim to its own contradictions.'

Roy admits that under Gandhi's leadership, through the effective use of hartal and non-co-operation, 'for the first time in its history, the Indian national movement entered into the period of active struggle.' Yet, here as elsewhere Roy remains confined within his Marxist categories. Gandhi's success in 1920, he says, simply revealed that 'the time for mass-action was ripe. Economic forces, together with other objective causes had created an atmosphere' which propelled Gandhi into power. Roy seeks to drive home his argument against Lenin by stressing the potential role of the Indian proletariat, portraying it as an awakened and thriving revolutionary force.

Roy's mistake cannot be explained wholly in terms of his Marxism. Rather, his Marxism may be explained as part of a desperate search

for a new identity. The identity that Roy sought in the critical period of his youth, was that of an urbane, cosmopolitan type, entirely at home with western civilization which were responsible for the subjugation of his own people. The ideology must, in short, serve to liberate him from the sense of inferiority instilled by imperialism, and at the same arm him in his struggle for the liberation of India. Marxism suited this purpose exactly. His total affirmation of Marxism, therefore, followed immediately after his total rejection of nationalism, and from this there emerged his total and unreasoning denial of Gandhi as a lasting political force in India. In this sense, *India in Transition* offers a clear example of an intellectual determined to reject his tradition. Not only Gandhi, but also extremist leaders like Tilak and Aurobindo, who only five years earlier had commanded Roy's allegiance, are now dismissed with contempt as examples of 'pretty-bourgeois humanitarianism.' For the next the years, until his imprisonment in 1931, Roy struggled to affirm himself in his new identity as an international Marxist revolutionary.

Throughout the twenties, as Roy rises to the peak of his authority in the Comintern, his view on Gandhi set forth in 1921 is refined and elaborated. A series of excellent articles and pamphlets by Roy and his first wife Evelyn are devoted to Gandhism. In *One year of Non-Co-operation*, for example the Roys distinguished five 'grave errors' or 'great defects' of Gandhism. The 'most glaring defect' is the absence of an intelligent programme of economic reform. Next, there is Gandhi's 'obstinate and futile' emphasis on social harmony instead of a frank recognition of the real necessity of class conflict. Then, they find a senseless 'intrusion of metaphysics into the realm of politics'. The revolt against the Raj, they emphasize, 'is a question of economics, not metaphysics.' Further, they deplore Gandhi's

reactionary view of history, his desire 'to run from the Machine-age back to the Stone Age'. Finally, they criticize the total lack of any revolutionary quality in Gandhi's approach to social change; they see only a 'weak and watery reformism, which shrinks at every turn from the realities of the struggle for freedom.' The entire critique is made with exceptional clarity and forcefulness, and it, together with other writings by the Roys on Gandhi, represents the most incisive communist criticism of him during this period.

For a variety of reasons Roy soon fell out of favour with Moscow, and in December 1929 he was officially expelled from the Communist International. He reacted by persuading himself that he could seize control of the revolutionary movement in India, and a year later he returned home. He was soon arrested, and he remained a political prisoner until November 1936. These five hard years in jail witnessed a substantial change in Roy's ideology, and this eventually had its effect upon his view of Gandhi.

While in prison, Roy, like Gandhi and Nehru, read and wrote voluminously. His three volumes of 'prison diaries' refer often to Gandhi. Indeed, it might be argued that there is no better index

to the extent to which Gandhi's presence dominated the Indian scene than the jail reflections of his harshest critic. Roy had inherited from his early nationalist experience and religious outlook a moralist's predilection for seeing the world in categorical terms of right and wrong and he had acquired from his brahmanical spirit a corresponding intellectual tendency to construct the required moral categories. Although Gandhi was never a theorist of this type, he nevertheless shared with Roy a strong taste for moralizing and a passionate concern for the ethical well-being of society. Eventually, in his radical Humanist phase, the morality in Roy will prevail, just as it had always prevailed in Gandhi, and Roy will abandon Marxism because he finds it devoid of ethics. However, even as early as the thirties, a first glimpse of the way in which Roy's moral outlook will erode his Marxism can be seen in his prison diaries. This appears in his reflections on the two concepts of freedom and revolution. Both of these ideas were to become key themes of Radical Humanism, and the basis of their later development is found here, in the diaries.

Continued in the next issue..... 

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Continued from the last issue....

Indian revolutionaries in Moscow

Several Indian revolutionaries had arrived from Berlin as representatives of the defunct Indian Revolutionary Committee. On my way to Moscow, I had pleaded with the leading Indian revolutionaries in Berlin to proceed to Russia, which at that time offered them the only safe asylum and promised to be a reliable base for work to promote revolution in India. At that time, they did not seem to believe that the Russian Revolution would last; and Communism did not find favour with them. So, when at last they changed their mind and turned towards the base of world revolution, I was naturally very glad. But to my great surprise, the few representatives of the Berlin Revolutionary Committee who had already reached Moscow were rather cool in their response to my friendly attitude. However, I learned from them that they had come only as a vanguard of the Revolutionary Committee, which would before long reach Moscow in full force. I hoped that on the arrival of veteran revolutionaries like Virendranath Chattopadhyaya, Bhupendranath Dutta and others, the relation would change. I eagerly looked out for the arrival of men who with their revolutionary devotion and long experience could be expected to be good comrades and willing collaborators.

Within a short time, they all arrived to

The high point in M.N. Roy's turbulent political life was when he rubbed shoulders with the most important leaders of the international communist movement, Lenin, Stalin, Trotsky and Borodin.



announce that the Indian Revolutionary Committee of Berlin, which alone had the authority to speak in behalf of India, had decided to shift its headquarters to Moscow, if favourable conditions were offered. Although the declaration insinuated that I had no right to speak in behalf of India, I made no secret that the plan of the Indian revolutionaries shifting their headquarters to Moscow would have my fullest support; and there could be no doubt that nowhere in the world could better conditions be obtained than in Moscow. But curiously enough, the newcomers not only tried to avoid me, but some of them actually took up an openly hostile attitude.

The Indian Revolutionary Committee of

Berlin was then a thing of the past. Irrespective of whatever might have been its achievements in the earlier days, during the closing years of the war it was a divided house and had practically disintegrated. Instead of working on the authority of that legend, it would have been wiser to have made a new beginning under different circumstances.

But it seems that the news of the formation of the emigrant Indian Communist Party at Tashkent had frightened the old nationalist revolutionaries, who regarded the new body as a challenge to their authority. If I had had the opportunity to meet the leaders of the delegation from Berlin, I could have explained the situation to their satisfaction. I did not approve of the formation of the emigrant Communist Party, and I did not believe that it had any right to speak on behalf of the workers of India, not to mention the Indian people as a whole.

The delegation of Indian revolutionaries from Berlin was composed of fourteen people, including Virendranath Chattopadhyaya, Bhupendranath Dutta, Virendranath Das Gupta, the Maharashtrian Khankhoje, Gulam Ambia Khan Luhani, Nalini Gupta. The driving force of the delegation however was Agnes Smedley, an American by birth. I had met her in America. Then she was an anarchist-pacifist. Working as private Secretary of Lajpatrai for some time, she seemed to have developed a great sympathy for India. Having learned that famous Indian revolutionaries were living in Berlin, at the conclusion of the War she came over there and became a very active member of the Indian group.

But the delegation which came to Moscow was evidently not the original Indian Revolutionary Committee of Berlin. Hardayal and Chattopadhyaya had been the two dominant figures of the Berlin Committee and as such they had clashed before long. No less ardently anti-British, Hardayal however was taken prisoner in Germany and detained on the

suspicion of enemy espionage. When Germany surrendered, he escaped to Stockholm and wrote a book describing his experiences in Germany. Evidently, the experience had embittered him. He appeared to be an apologist of the British rule in India and advocated Dominion Status as against complete independence.

...

When in 1919 I reached Berlin, Bhupendranath Dutta was the only original member of the war-time Indian Revolutionary Committee living there.

All the others had dispersed. Virendranath Chattopadhyaya himself had gone to Stockholm to plead the case of India's independence in the International Socialist Conference there. Feeling that the Indian revolutionaries from Berlin were not very kindly disposed towards me, I left them alone so as to obviate the impression that I was trying to influence them or to stand in the way of whatever plan they might have had. But I could not help being puzzled and pained when most of them would not even speak to me. It seemed they had the entirely groundless misgiving that I might stand in their way to seeing various Russian leaders and plead their case.

...

Then they demanded an interview with Lenin himself. They made a great secret of the move, most probably believing that I might stand in their way. But I got the news from Lenin himself. He telephoned to me and asked me to come and see him. He enquired about the Indian revolutionaries who had come to Moscow, and if it was necessary for him to see them. If they had come to discuss any plan of revolutionary work in India, they should address themselves to the Communist International. Lenin was surprised to hear that the Indian revolutionaries were not at all well disposed towards me.

Nevertheless, I suggested that he should see them and hear what they had to say. Lenin

remarked that I was in a minority of one against fourteen. I replied that he knew that I did not claim to represent anybody but myself. So, as far as I was concerned, there was no conflict between the Indian revolutionaries and myself.

Lenin enquired if I had discussed matters with them, and was surprised to hear that they would not even speak to me. Evidently in exasperation he sat back in his chair and said: "Well, select three of them to come and see me." I told him that I could not do that; he would have to contact them directly.

In the next days there was a great flutter in the Indian delegation. Lenin had agreed to grant an interview. The Indian revolutionaries had been informed that Lenin would receive three of their representatives chosen by themselves. There were differences as regards the choice. Everybody considered himself to be more entitled to the honour and privilege than the others. I could get all this information through Nalini Gupta, the only one who did not share the general hostile attitude towards me. He was also the only one among the Indian revolutionaries in Europe who maintained some connection with the revolutionary organisations in India by frequently travelling back and forth secretly. He had met some of my friends in India and learned from them about the mission with which I had gone abroad in the beginning of the War. During his last visit to India shortly before he came to Moscow, he was instructed to contact me. So from the very beginning my relation with him was of mutual trust and confidence. He gave me the information that, although among the Indian revolutionaries there was a dispute about the selection of the three to see Lenin, there was a general agreement

about the case which was to be presented on that occasion. A long thesis was being prepared under the guidance of Chattopadhyaya and Agnes Smedley to contradict my thesis adopted by the Second World Congress of the Communist International the year before. Luhani, a North-Bengal Muslim, who had come to Britain to study law, was a clever man and an accomplished speaker. But not being one of the senior members of the Berlin group, he was not chosen as one of the representatives to see Lenin. The thesis to be presented by the representatives, however, was drafted by him. The others could not prepare a well-argued document.

Agnes Smedley, backed by Chattopadhyaya, wanted to be one of the representatives to see Lenin. Her claim was opposed by all the rest of the Indians. Finally, Chatto and Dutta, as the senior-most members, were chosen by general consent. I have forgotten who was the third one; most probably it was Khankhoje, who was chosen to obviate the allegation that the delegation was purely Bengali.

Having given them a polite and patient hearing, Lenin advised the representatives of the Indian revolutionaries to see the Secretary of the Communist International, and remarked that the Soviet Government could not actively take part in any plan for promoting revolution in other countries. The Indian revolutionary representatives returned from the coveted interview thoroughly disappointed and even angry. Dutta blurted out that Indian revolutionaries could expect no help from the Bolsheviks because they were eager to make peace with British Imperialism.

Continued in the next issue.....

Courtesy **LiveMint**, 7 November 2017. 

"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)

Need of the Day is the Philosophy of Humanism

When Nehru, then Prime Minister of India expired in 1964, Vajpayee then a critic of politics of Congress paid tribute to Nehru, 'A dream has remained half-fulfilled, a song has become silent and a flame has vanished into the unknown'. As the Foreign Minister during Janta Party's regime, he insisted that Nehru's portrait be restored in his office.

Compare this truth with the present atmosphere, translated into a form of personalized pernicious attack against each other belonging to different political parties, only object is to capture state power. This has demolished our claim being cultured people.

Need of the day is political fervor must be combined with sobering council of reason and further reason need to temper passion, intelligence must control emotions. Facts need to dispel prejudices.

The main objective of political activity is the administration of public affairs so as to guarantee the greatest good to the greatest numbers.

Politics to become guide for all forms of human actions must never be divorced from ethics and moral values and must recognize that certain basic moral values are permanent and abiding in the life of man.

Politics must be guided by philosophy of life affecting human beings else it becomes mere scramble for power and ultimately degenerates into selfishness. This degeneration leads to scramble for political state power that can never remain democratic in its internal organization of political affairs. Once the power is captured by any political party, it can never be defused. On the contrary it further leads to concentrate of power in few hands and at times in the hands of single individual. Then say goodbye to human freedom and democratic way of life.

The human experience speaks, the problem of true democracy – rule by the people and of

the people – had never been solved by political parties involved in scramble for power politics, who have no faith in the potential intelligence and innate creative capacity of common man and woman. They believe that people are not capable to do anything themselves.

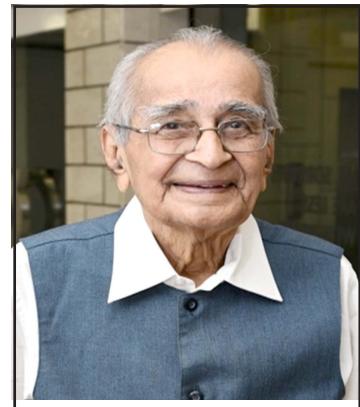
This leads to democracy becoming an empty concept.

Political parties in India engaged in the scramble for political power have miserably failed to serve the cause of democracy and freeing the people from the miserable unbearable economic conditions.

When political parties evolved their object was to emancipate the people from the miserable life they were suffering from. In reality they have failed and failed miserably. Therefore a need arises, man have to find alternative means to solve problems of human beings are suffering from to-day by large section of common man.

Therefore need of the day is to develop new outlook, new ideas where interest and requirements of man must be given top priorities, particularly with reference to common man who from the majority of society. Man and his needs must be the starting point of any political philosophy. Man is the original constituent of society and the creator of society for his emancipation to enjoy freedom and happiness.

The most important function of society being created by man is to help those who have created it – man – to develop physically,



Ramesh Korde

mentally and materially. Then only society could be regarded as good society.

Historically society was created as the result of innate gregarious instinct of man to protect and defend the very existence of man from natural tyrannical atmosphere and also from carnivorous wild animals who could have destroyed the very existence of man. From the above it can safely be deduced that society is the means and not an end. Man in cooperation of similarly situated other man created society as means to help him for his many sided development. Therefore creation must not be allowed to devour the creator.

In view of the above, it can safely be said that freedom is not to be enjoyed sometime in future. It has to become everyday affair to be enjoyed and to be experienced in everyday's life of human being. Man is not just a Cog in the wheel. Man of flesh and blood is not sleep walker or sleeping woman.

Most of biological scientists say, genetic equipment of man determines the potentialities of an organism but natural environment determines which or how much the potentialities shall be realized during human beings span of life which is not eternal.

These are the common attributes of all human beings as all of them are evolved from biological evolution that is common natural environment.

Therefore humanists assert that to enjoy freedom, all human beings, irrespective of caste, creed, nationality and even religious faith, should be ensured all needs for their very physical survival, growth and well being.

Freedom defined by Radical Humanism as progressive disappearance of all restrictions and obstacles on the unfoldment of the innate potentialities of all individual human beings.

Man having evolved from law governed universe he is essentially rational. Law governedness is a reason in nature. Therefore reason is the only available means to humanity to attain human freedom that helps to find out

truth and truth enhance freedom of human beings.

This establishes that man is potentially rational. However at present among large section of people of India it is buried deep that needs to be awakened and provoked. This has to be first item in the agenda of humanists.

Tenets of Radical Humanism are founded on the scientific world view and believe that this view is the only available means to find out truth that this world where human beings live and experience is the only world and nothing beyond it.

As explained earlier reason is the expression of law governedness of the universe. Man having evolved from this universe reason becomes property of biological human being.

Law governedness is physical which as such embraces the biological world also, while law governedness is the inanimate universe or in reference to the world of lower animals functions mechanically and automatically. In man it has to function on the level of intelligence and reason.

Man having risen from the background of law governed physical universe, he incorporates this law governedness. This law governedness is reason in nature as explained earlier, therefore man having evolved from this background he is potentially rational. This is how man becomes rational creative animal.

This rational creative power needs to be incited which would help man to march towards comprehensive freedom and to unfold his innate potentialities then only one can know what is stored in genes of man.

This unfoldment of innate reasoning capacity of man will lead him to mental freedom which is the first pre-condition to attain political, social and economic freedom. This could inspire people's will and its innate ability to change present social, economic and political situation that is thwarting the unfoldment of innate potentialities of man and woman.

However the philosophy of Radical Humanism has cautioned, will to freedom and ability to attain it should not be monopolized by elite only who are in minority qualified for leadership, will to freedom and ability to attain it is the common heritage of all human beings residing on our earth.

However in India, the present of all pervading cultural heritage among large section of people is to believe in fatalism, the doctrine of karma, based on non-existing previous life. Because of this fatalism man loses faith in himself to take destiny in his own hands to improve and to emancipate him from prevailing anti-human situation that is thwarting the growth towards comprehensive freedom to enjoy fruits of human life.

So long as the will of Indians remain obsessed with fatalism view of life which at present they claim to be their peculiar cultural heritage, the idea endowed with the ability to make and remake their own destiny will never occur to them.

To free Indians from this fatalistic way of life, the remedy envisaged by the Radical Humanism is that large section of Indians must incite their innate urge for freedom buried deep in their character structure then only they will believe that freedom is an experience worth having at all cost. In absence of this, human society can never be free.

Natural gregarious instinct of man led him to form society in cooperation of other man similarly situated, to protect his existence and to grow. Since society is the creation of man, a free society can be created only by free man in cooperation of other free man who also appreciate and endeavour freedom.

Freedom is not an ideal to be attained in some distant future time. Being basic incentive to the growth of man, it is to be experience in everyday life of human beings. Only those who experience freedom can alone be real defender of freedom. The pre-condition to attain freedom

includes economic betterment in respect of all human beings and political institutions free from all dogmas which give scope for an all round development of all man.

All political parties of India talk of all sorts of force, elements and factors that can only keep them to capture state political power but never touch to enhance welfare and happiness of common man who are in substantial majority and without their constructive help society can never be saved from degenerating into degradation and dispersion.

In India thanks to power hungry leaders of political parties led democracy into demagogic. The most irresponsible demagogue came to be the most successful democrat.

The Europe, particularly Western Europe transcended this irresponsible demagogic atmosphere then prevailing in Europe by and through the great intellectual movement known as the Renaissance Humanist movement. It raised the banner of revolt of man against antiquated, outdated, antihuman social and cultural atmosphere that was then prevailing in Europe. Particularly it was revolt against God and his agents on earth. Philosophy that was evolved in 15th 16th century which mentioned that man was self-sufficient. Man himself was a creative agent for all activities on earth.

This historical fact, has now been well established that whatever exist on our planet – good or bad – is the result of the creative activities of man without any interference of any supernatural power of God or any other being because they do not exist.

Growth from savagery to present civilization amply established that man has innate capacity to look after himself to guide his destiny in respect of all affairs affecting his life on earth. He has the inner strength to recreate if the present social, political and economic atmospheres are not conducive to his growth and happiness and also to provide him greater freedom to enjoy.

With evolution of human society certain norms and principles of political, social and economic were formulated. If we believe them to be immutable and eternal, the question of remaking the world and reorganizing society do not arise. This is of course not true as proved by growth of savage man to present civilized man.

Man was not born free but was bound to be free, is the essence of human life. The forces of nature was weighing him down were trying to crush him. Nature is cruel in as much as it leaves man entirely to his own resources but at the same time it has equipped him with immense potentialities to struggle against nature if he wanted to live. The strength for existence is the original physical content of the struggle for freedom.

Man would not understand and to control natural phenomena unless he had some knowledge about the working of those phenomena then only he could become creative animal. Creative instinct being innate in man led him to cooperation of other similarly constructed creative human beings. They created society in order to protect and strengthen them their very existence. In other words it can be called the struggle for freedom from the tyrannical natural forces and carnivorous wild animals that could have extinguished the very existence of human life. From this it can be safely deduced the urge for freedom is inbuilt in the very existence of human beings. This must have bearing on the character behavior of man that could lead him to the solution of all problems confronting him.

As explicated by the philosophy of the Radical Humanism originated by late Roy had said that man has innate capacity of attaining freedom in actuality. The growth of humanity from savagery to present civilization had abundantly proved about innate capacity of human beings to attain freedom.

In view of the above fact, the Radical Humanism attaches supreme importance to man and places him in the center of everything.

Today in India we are facing the burning problem of morality in social, political and economic life of society. Therefore search for common norms, the need of it is greater than ever before. If that is found in man then it can only be stable and could become common measure.

Only biological evolution of human beings can help us to find above mentioned common norms and measures.

Science of biology says, since all human life having evolved as the result of biological evolution, all human are similarly constructed and hence all human beings are likely to react in similar way in similar circumstances if they have a minimum common background of knowledge as the basis for their ability to discriminate, judge and decide. All man are being similarly constructed they can be expected to react similarly in similar situation.

In view of the above, only rationally conceived ethics based on man's biological properties will enable humanity to set up common norms of morality and to introduce moral values in public behavior of man.

Therefore all efforts for a reorganization of good and moral society must begin from the unit of society, which is from the root. The root of the society is man. Therefore need of the day is a philosophy that does not think in terms of nation, class or different religious orthodoxy. Its concern must be man, advocates freedom as the freedom of individual man and woman. A philosophy that stimulate among people the urge for freedom, the desire to rely upon themselves and to be the master of their destiny, to encourage the spirit of thinking and will never to submit to any external authority by exchanging their freedom for security of slaves. To achieve this, need of the day is the New Renaissance Humanist movement based on rationalism, individualism and cosmopolitan outlook is need of the day.

Radical Humanism is also called New

Humanism or Scientific Humanism is founded on rationalism, individualism and cosmopolitanism and its basic object is to attain equality, liberty and fraternity among the whole planet earth. A democracy based on above principles has the innate capacity to defend itself. The new Renaissance as explained above and the effective participating democracy could materialize when the intellectual and moral level of large section of members of community is raised considerably.

As recorded, a wolf boy who was brought up in the company of wolves and remote from human contact behaved like an animal. From this experience it can safely be deduced that man cannot be human being without being socialized. Our humanism is dependent on our relations with other human beings. Therefore need of today is the philosophy that has innate capacity to lead humanity to cooperative and mutually productive relations among the entire humankind residing on our earth. The philosophy of Radical Humanism expounded by late Roy is the answer.

Radical Humanism is cosmopolitan; commonwealth of spiritually free man will not be limited by the boundaries of national state and not by encumbered by religious dogmas.

This philosophy is a systematic effort to stimulate among people the urge for freedom, the desire to rely upon themselves and to be maker of their own destiny encourages the spirit of free thinking and will never to submit to any external authority by exchanging their freedom for the security of slaves.

This needs new Renaissance based on rationalism, individualism and cosmopolitan humanism. This is most essential for organized democracy to be realized and to depend on itself.

This Renaissance and democracy would only come when the intellectual and moral level of the substantial members of community is raised considerably.

Without freeing the mind of the common

people who forms the majority of society, from the powerful and pervasive influence of the authoritarian and obscurantist mode of thinking without the awakening the spirit of enquiry and self-affirmation, without in short, a renaissance humanist movement on the pattern of European Renaissance Humanist movement of 15th - 16th century, no revolution from below or grassroots democracy is likely to succeed.

Looking backward in the foolish zeal of a self-arrrogated mission we ironically forget our journey forward and a blind folded herd goes round and round in the vicious circle of our ideological confusion.

These cultural and social atmospheres have to be uprooted if humanity desires to attain freedom and happiness in respect of all human beings residing on our planet.

The philosophy of Radical Humanism developed by late Roy has the potentialities to achieve this. That is the only means to achieve freedom in everyday life of man and woman on our earth.

Late Roy had said that this philosophy of Radical Humanism is not the last word on human wisdom. It will have to be examined and re-examined in the light of new knowledge acquired and also in light of new experience. This scientific spirit is inbuilt in the very basic tenets of the philosophy. (Article based on writings of Late Roy as I understand)

Mr. Ramesh Korde is a Radical Humanist of 89 years of age, associated with the Radical Humanist movement since 1950. He has used the terms Radical Humanism, New Humanism, Scientific Humanism and New Renaissance interchangeably.

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Aanvikshiki (Philosophy) - 1

Its Relevance To Contemporary Indian Society*

Professor K. Venkateswarlu, Visakhapatnam

*Professor K. Satchidananda Murty Endowment Lecture, delivered at the INDIAN PHILOSOPHICAL CONGRESS, 90th Session, Magadh University, Bodh-Gaya, Bihar, February 1-4, 2016.

Let me convey and place on record my heartfelt gratitude and thanks to the Executive Committee of the Indian Philosophical Congress (hereafter IPC), and my esteemed friend and colleague Professor George Victor (former Vice-Chancellor, Adikavi Nannaya University, Rajahmundry) for nominating me to deliver Professor K.S. Murty Endowment Lecture at the Ninetieth Session of IPC (Bodh-Gaya, February 1-4, 2016). I deem it an honour to deliver Prof. K.S. Murty Endowment Lecture under the auspices of the IPC at Bodh-Gaya -one of the sacred places in India according to Tradition, and a centre of multi-religious and cultures. After the receipt of letter of offer, I was rather diffident to accept the nomination from a highly respected national-level professional association of the discipline of Philosophy, for the simple reason that I am an outsider to the guild. After a good deal of reflection, I accepted the offer of nomination for the following reasons. First, it is an appropriate opportunity for me to pay homage for my mentor and guide in research studies. Secondly, I have had the pleasure and benefit of an intimate, long (fifty years) and stimulating fellowship with Prof. K.S. Murty. My inter-action and exchange of ideas with him was based on non-philosophical perspective (Political-historical). It was an arduous task for me to keep up the dialogue because of his versatile scholarship and the philosophical rigour of argument. We enjoyed and carried on the exercise out of sheer zeal in the history of Ideas. Therefore, I think and feel that I am competent to present an intellectual portrait of his world of ideas, reflections and vision of the legacy and relevance of Indian Philosophy to the Indian Society as well

as humankind at large. I beg pardon of this august assembly of scholars of Philosophical scholarship and wisdom for the flamboyant claim.

I do not propose to catalogue and evaluate his oeuvre. It will prove to be a good analytical exercise to trace the progressive development of his thought and ideas via the vast body of his learned and critical studies. Even though, it is an easy task for me to do so, I will not under-take it. Neither do I propose to refer to the positions and Offices (academic and administrative) that he ably held with ease and grace in his glorious and illustrious career, nor to the honours and awards he was rightly conferred with by reputed and learned bodies in India and abroad to measure the depth of his eminence and accomplishments in several fields. I have read scholarly writings, reviews and comments on the works of Prof. K.S. Murty. (See Boaz P. (ed.). 2013. Philosophical Perspectives of K. Satchidananda Murty. New Delhi: D.K. Printworld (P) Ltd. for bibliography of Writings and Scholarly career, contributions and achievements of Prof. K.S. Murty). In my humble understanding, he is a great and an original thinker. He endeavoured hard and burnt mid-night's oil throughout his life to build a system of ideas and thought to explain and understand the meaning and destiny of human life. What follows is an attempt to identify the central or key concepts which will enable us to interpret and construct a coherent system of his ideas and thought. I feel this is a desideratum to appreciate and appraise the works, contributions and legacy of Prof. K.S. Murty.

1. Early life and Environment

He was born on the 25th September, 1924, in a

well-to-do agricultural family at Sangam Jagarlamudi (Village), Tenali (Revenue Division), Guntur (District), Andhra Pradesh (then Madras Presidency). His family enjoyed high customary status and respect in the village, and known for probity of conduct and good reputation. His father was deeply interested in religious studies and had a good collection of books in Telugu language.

He was the only surviving child of the family. His parents reared him with unique attention and care. As an young child and boy, he did not have the pleasure of the company of siblings, or even the company of the children of the neighbourhood families. In effect, he was brought up as a lonely child and young boy. He had no taste or time for games, swimming, music or other childish pleasures of fun and frolic. This personality trait was a lasting feature in his life. He did not join any club and had no interest in sports and games and music.

His father put high premium on his education and studies, and instilled in him love for knowledge and habits of virtuous conduct. He was trained in Sanskrit education and learning in the traditional mould under the tutorship of Sri Gadiyaram Sivayya Sastri, and Sri Palle Purnaprajnacharya. Both the tutors were celebrated scholars, and his grounding in Sanskrit studies and learning was very strong and dyed with rational and critical spirit. Often he used to recall that Sanskrit learning shaped his outlook in a substantial measure. Later in the School, College and University, he mastered western knowledge and pedagogy with an equal measure of passion and devotion.

His sole focus was on studies and cultivation of scholarship. Reading, reflection, accumulation of knowledge and writing (authorship) was an addiction for him since childhood. He was an voracious reader. The universe of knowledge was the domain of his mental faculties. Rich Sanskrit learning, mastery over western knowledge and modern methods of critical inquiry, and an incredible studious discipline in pursuit of knowledge,

constitute the rare combination of his intellectual equipment and dynamism. It is this conceptual mould of his mind and work that will unlock the doors of his system of ideas and thought.

His native village is on the banks of Buckingham canal, which is a major irrigation channel as well as in British India a major commercial water-way transport from Bezawada to Madras. It is located within a radius of three kilometers from Tenali town, which is on the railway trunk route from Madras to Calcutta. The formative period of his youthful mind was deeply influenced by the ideas and ideals of the critical phase of Swaraj Movement. Tenali Town and its neighbourhood region was a centre of cultural renaissance of modern Andhra. It was a centre for the whole range of mass movements and ideas - Gandhian movement and its programmes of social reform and national re-construction; Rationalist movement; Communist movement; Radical humanism; and other protest movements. The ideals which were up-held and advocated by these movements left an indelible impression on his mind. This is another source to follow up and understand his ideas and mode of thinking.

Thus both the mental and material base for the formulation and growth of his ideas and thought processes lay in the environ of early life and studentship.

2. Nature of Philosophical Discourse:

Philosophy or philosophical outlook is the first field of study and reflective life and work of the mind of Prof. K.S. Murty. Philosophy is an integral part or essence of his being.

As I have submitted earlier, this observation is based on a careful study of the corpus of his writings in English and Telugu language, and

extensive and intensive partnership with him in the realm of ideas. Permit me to say that it is not derived from personal loyalty and devotion. He is not around either to reward or punish me. I am eighty plus, and I do not stretch my hand for any position or reward. Hence I seek your indulgence to grant me benefit of doubt with regard to the

truth content of my observations. I am not concerned with trivial aspects of his life and career. My aim is to present an analysis of his ideas and thought.

Philosophy is said to be love of wisdom of life and things in a two-fold sense. First, it is the intrinsic or given attribute of human mind to enquire about thinking, its nature and its ultimate reference or source. The problem of philosophical wisdom deals with the nature of ultimate reality or sat (actuality or reality). Therefore, metaphysics, epistemology, ontology, theology, ethics, logic (tarka), spiritual experience, revelation and speculative modes of thought constitute the stuff of philosophy as love of wisdom. Secondly, philosophy is love of knowledge. It comprises of general principles and laws generated (also observed) through the application of rational procedures in respect of the vast body of factual world. It seeks to understand and explain the patterns of relations among the various parts and divisions of the factual world. Its aim is to make the world and human life and work intelligible and intelligent and coherent entity and process.

Prof. K.S. Murty mastered the discipline of philosophy. His writings are an ample proof for the encyclopaedic learning and critical scholarship of philosophic schools, doctrines and theories. He surveyed the gamut of Indian philosophical wisdom, knowledge and tradition from the ancient to contemporary times. He cultivated a wholesome and critical vision of Indian Philosophical heritage in respect of philosophical love of wisdom and philosophical love of knowledge. Philosophical love of wisdom is grounded on two tenets: 1) the fundamental belief that truth or ultimate reality is infinite and unknowable; and 2) logical argument and strict adherence to its rules and propositions is a satisfactory method in the search or groping for truth. Equally the validity of philosophical love of knowledge is based on two categories: 1) the factual world or material world is the given or existing undeniable actuality or a substantial aspect of reality; and 2) rational procedures and scientific meth-

ods are the gate-way for the discovery and validity of the general principles or laws of the philosophical knowledge in respect of the different things or aspects of the material world.

The two-fold manifestation and development is the true spirit and character and the main body of Indian Philosophical tradition. The corpus of Prof. Murty's works document with minutiae information and the most open-minded approach the true spirit and body of Indian Philosophical tradition. The problem or problems of Indian Philosophy arise out of the inability to correctly understand the two-track course of Indian Philosophy. Indian and Western scholars mis-read and mis-understood the Indian Philosophical heritage. They gave either undue and exaggerated importance or under-emphasized the role and validity of the stream of philosophical love of wisdom or the branch of philosophical knowledge of the material world. The need of the hour is to cultivate an objective, authentic (based on original sources), and critical approach in order to appraise the merit and weakness of the Indian Philosophical tradition. In fact, both the streams of Indian Philosophical tradition have developed simultaneously and have been mutually dependent on each other. Each stream has its own realm of ideas, theories and applicability, and rules and procedures to investigate and find solutions pertaining to its problems. Simply, both the streams of philosophical consciousness represent the philosophy of different things - of the human soul and unknown or unknowable other world, and of the human body and knowable material world. In one sense, they are separate entities and their beliefs and doctrines neither contradict nor invalidate each other. Both the streams of Philosophical tradition complement each other in striving to promote human happiness, progress, prosperity and liberation from the condition of bondage and suffering. According to Prof. Murty this is the pith and substance of the real nature and content, role and legacy of Indian Philosophical tradition.

To be continued in the next issue.... 



Main Gate of Humanist House, 13 Mohini Road, Dehradun



The House at 13 Mohini Road, Dehradun Where M.N. Roy Lived for the Last almost Two Decades of his Life till his Death on 25th Jan 1954

(Photos by Mahi Pal Singh)

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