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Our Finest Has Gone



(Justice Rajindar Sachar - 1923-2018)

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CONTENTS:

Page No.

Tributes to Justice Sachar:

Justice Rajindar Sachar – A Great Humanist N.D. Pancholi	3
Justice Rajindar Sachar 1923-2018: Our Finest Has Gone Qurban Ali	6
In Remembering Justice Rajindar Sachar: Loss of a Sane Voice in Troubled Times Sanjay Parikh	10

Articles and Features:

'Nationalist Rape' Times in India: Hindutva Juggernaut Shames India Once Again Prof. Shamsul Islam (Retd.)	11
'Beti Bachao, BJP Bhagao': Protests in Hyd and Bengaluru over Unnao and Kathua Rapes TNM Staff	16
Kathua rape case: Lawyers body protests in Delhi, demands actions against Jammu lawyers IndiaTomorrow.net	18
Kathua Rape and Murder Victim Wants Justice! Vidushi Sharma	19
Darkest hour: Ex-bureaucrats to PM Modi on rapes	20
Surat: 9-year-old girl's body with over 80 torture marks found; was raped, brutalised for 8 days, reveals post-mortem ANI	21

Sharm Inko Magar Nahin Aati!: Yet They Do Not Feel Ashamed!

1. Only terrorists and goons of the saffron brigade are safe and protected in Yogi's Raj in Uttar Pradesh: (a) Sword-wielding VHP rally takes over Noida streets on Sunday (b) Unnao gangrape survivor's father dies in custody, victim blames BJP MLA; magisterial probe ordered Abhinav Malhotra	22
2. Govt did nothing for SCs in 4 years: BJP's Dalit MP in letter to PM Harveer Dabas	23
Killing Fields of U.P.: The Reality of 'Encounters' Under Yogi Regime Tarique Anwar	26
The Catch in Autonomy Prof. Arun Kumar	29
Kashmiri Pandits' dilemma Kuldip Nayar	31
Party-less Participation in the Electoral Process Ajit Bhattacharyya	33
Indo-Pak Amity, Necessary Compulsion for the Survival of Both K. Pratap Reddy	35
Legal Advocacy: A Tool for Electoral Reforms S. N. Shukla	37

Humanist Activities:

Telangana Rationalist Association Conference Report by: Dr. Gumma Veeranna	43
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Tributes to Justice Sachar:

Condolence Message on behalf of the 'Indian Renaissance Institute' and 'The Radical Humanist'

'Indian Renaissance Institute' and 'The Radical Humanist' are deeply grieved over the sad demise of Justice Rajindar Sachar. From the very beginning of his life, whether as a socialist activist or a judge, he relentlessly pursued to promote the causes of the downtrodden, the marginalized sections and the minorities. He was a great source of strength to the objectives espoused by the Indian Renaissance Institute. He was a regular contributor to our monthly journal – 'The Radical Humanist'. In his passing away the entire family of the radical humanists and several freedom loving citizens have lost a dear friend, philosopher and guide. Our heartfelt condolences to all the bereaved members of the family of Justice Sachar.

Ramesh Awasthi
Chairman,
Indian Renaissance Institute

Mahi Pal Singh
Editor, The Radical Humanist

23rd April, 2018

Justice Rajindar Sachar – A Great Humanist

N.D. Pancholi

The news of Justice Sachar's demise on 20th April 2018 came as a great shock. He was titan among human rights champions and a pillar of strength to secular democratic movement in the country. In the early period of his life he was actively involved in the socialist and trade union movement. He combined activism with his legal practice. He went to jail many times on public issues - even at a time when his father late Shri Bhimsen Sachar was the Chief Minister of combined Punjab.

Late Madhu Limaye, the veteran socialist leader, with whom Justice Sachar was closely associated, fought many legal battles with the governments on the issue of unlawful arrests during public agitations. These cases of Madhu Limaye are famously known as 'Habeas Corpus cases' in legal jurisprudence concerning the issue of life and liberty of a person. The first case was when Madhu Limaye was arrested on 7th January 1959 at Hissar during agitation

on the issue of rising food prices. Habeas Corpus Petition was filed before the Punjab High court and it was argued by Justice Sachar. Court found the arrest as unlawful and ordered the release of Madhu Limaye. Important legal principles, impacting on the liberty of a person, emerged, which went on broadening with passage of time.

I came to know Justice Sachar during emergency days of 1975-1977 when he was judge in the Delhi High court. However there was no direct contact with him but his father, Shri Bhimsen Sachar, was actively involved in the Citizens For Democracy (CFD) which was founded by Jayprakash Narayan in April 1974 and in which I was also closely associated. I was in trade union movement at that time and had many occasions to watch Justice Sachar hearing cases in court. He was not a traditional judge and tried to subordinate the letter of law to the substance of law. As a judge he bent the

law to meet the requirements of justice. His judgments in labour matters are illuminating, largely in favour of exploited workmen. So is the case with landlord-tenant litigation where victimized tenants got relief. He believed that only object and purpose of law was to ensure justice between man and man, and between man and the mighty Government. If he read any news of police atrocity in any newspaper, he would suo motu issue notice to the police.

National Police Commission, known as Dharamvira Commission, was constituted in 1978 on the public outcry calling for police reforms, as the conduct of police during the 'emergency' (June 1975- March 1977) was horrifying. It was the first and only commission constituted after independence with a view to suggest reforms in the police administration. It submitted its report in 1981 in eight volumes with far reaching recommendations. By that time Smt. Indira Gandhi had returned to power and was not willing to publish the report in spite of public demands. Citizens For Democracy filed a writ petition in the Delhi High court in 1982 seeking mandamus directing the government to publish the report. This petition was listed before the bench of Justice Sachar and it was due to his pressure that the government was made to publish the report. That report contains very important recommendations. However many political parties have come and gone in forming the governments, but none of them till now has cared to implement its recommendations. The police continue to be misused by the party in power. But at least the report is available which has enabled some groups and individuals to approach the Supreme Court which is seized of the matter.

PUCL-PUDR had investigated the violence against the Sikhs in November 1984 and had brought out its report "Who are The Guilty?" (of 1984). PUDR filed a writ petition in the High court seeking judicial investigation into the violence and action against the guilty. Justice

Sachar immediately issued notice to the government. But soon the bench was changed and that case taken away from him. The writ petition was dismissed by the other judge.

When government wanted to dismantle the refugee camps constructed for protection of the Sikhs in 1985, Justice Sachar took suo-motu action and restricted the government from doing so.

After his retirement in 1985, he immediately joined People's Union For Civil Liberties (PUCL) and devoted wholeheartedly in the civil liberty movement. He became its President and he, as part of a PUCL investigation team, went to inquire into police firing at Arwal village of Gaya district of Bihar in April 1986 where around two dozen persons were killed. Many investigative reports are to his credit including Meerut Maliana killings of innocents in 1987. He was actively involved in protesting against the state atrocities in Punjab, Kashmir and at other places.


When Jagmohan was made Governor of J&K in January 1990 there were serious reports of human rights violations, a PUCL-CFD team went to Kashmir in March 1990 to make investigation. Justice Sachar was part of the team which consisted of Justice V.M. Tarkunde, T.S. Ahuja, Balraj Puri, Inder Mohan, Ranjan Dwivedi and me. That report was eye-opener as to what was happening in Kashmir, while the national media was giving only one side of the story. Justice Sachar went several times to Kashmir in connection with allegations of human rights violations. I had the privilege to accompany him on many occasions. He was very strong and vocal against the use of Indian army on the people of Kashmir. He was also strong votary of maintaining the sanctity of article 370 of the Constitution of India. However on the question of self determination he differed with others who supported such demand. And in my opinion rightly so, because in my opinion it would not be proper for neutral outsiders to take sides –between those who would stand

for self-determination and those who are opposed to it. How can we say that all Kashmiris want self-determination? How can we say that there is no coercion or pressure of the Islamic fundamentalist groups on the people to sway the expression of their free will towards creation of an Islamic fundamentalist theocratic state by using the specious principle of self determination? His view was that solution should be found by mutual dialogue between the government and all the stakeholders.

Justice Sachar nurtured and strengthened P.U.C.L. with extraordinary zeal and courage. He expanded the concept of rule of law and

emphasized the importance of the independence of judiciary. He rallied the forces of secularism amidst communal hatred. His was the voice of sanity which guided the activists to confront the forces of communalism at crucial times.

We wish that, though justice Sachar is no more, the great values for which he worked and fought would last forever.

N.D. Pancholi is Vice Chairman of Indian Renaissance Institute, Vice President of national PUCL, General Secretary of CFD, veteran human rights and civil liberties activist and an advocate in the Delhi High Court. 

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Justice Rajindar Sachar 1923-2018 : Our Finest Has Gone

Qurban Ali

Veteran Socialist leader, noted jurist and champion of human rights Justice (retired) Rajindar Sachar passed away in Delhi on 20th April 2018. He was 94. A distinguished advocate for the protection of human rights, and poor, Justice Sachar was a former Chief Justice of Delhi and Sikkim High Courts. He vociferously promoted the cause of human rights and was also President of People's Union of Civil Liberty (PUCL). He authored many reports on Kashmir.

Paying emotional tribute on the sad demise of late Justice Rajindar Sachar, senior journalist Seema Mustafa wrote "One of our finest has gone. Justice Rajindar Sachar has left us, fairly suddenly without too much notice except that delivered by age. A mentor, a friend, a man whose doors were always open he will be sorely missed. He did not really care—unlike Delhi's famous—whether he was invited to speak or not, if he supported the cause he was there in the audience, listening attentively. For many of us he was the person we turned to when the times seemed very bleak and dark, just to hear Justice Sachar tell us that it will get better. The wisdom of experience and age gave his voice authority, and lifted spirits when little else would".

Rajindar Sachar was born on 22nd December 1923 at Lahore in undivided India. His father Lala Bhim Sen Sachar was a well-known Congress leader and later became Chief Minister of Punjab. He educated at D.A.V. High School in Lahore, then went on to Government College Lahore and Law College, Lahore. During his student days he was attached to National movement and joined Congress Socialist Party. After the partition of the country he came to Delhi and joined Socialist party.

In May 1949, the Socialist Party under Rammanohar Lohia's leadership held a demonstration in front of the Nepal embassy in New Delhi to protest against the autocratic and repressive regime of the Rana government in the Himalayan kingdom. There was violence and the police used teargas shells to disperse the mob.

Lohia was arrested for violating Section 144 CRPC. Young Rajindar Sachar was also arrested with Lohia and remained in jail for a month and a half. According to Sachar sahib "It was during that imprisonment that Nehru and Indira sent a basket of mangoes to Lohia. Sardar Patel was very angry and wrote to Nehru expressing his annoyance over sending mangoes to a person who had violated the law. Nehru in his quiet way told him that politics and personal relationships should not be mixed up". It was a first movement and arrest in free India where Socialist offered civil disobedience".

On 22 April 1952 Rajindar Sachar enrolled as an advocate at Simla. On 8 December 1960 he became an advocate in the Supreme Court of India, engaging in a wide variety of cases concerning civil, criminal and revenue issues. But at the same time he was actively associated with the Socialist Party led by Lohia. In 1963 a breakaway group of legislators left the Congress party and formed the independent "Prajantra Party". Sachar helped this group prepare memoranda levelling charges of corruption and mal-administration against Pratap Singh Kairon, Chief Minister of Punjab. Justice Sudhi Ranjan Das was appointed to look into the charges, and in June 1964 found Kairon guilty on eight counts.

On 12 February 1970 Rajindar Sachar was appointed Additional Judge of the Delhi High

Court for a two-year term, and on 12 February 1972 he was reappointed for another two years. On 5 July 1972 he was appointed a permanent Judge of the High Court. He was acting chief justice of the Sikkim High court from 16 May 1975 until 10 May 1976, when he was made a judge in the Rajasthan High Court. The transfer from Sikkim to Rajasthan was made without Sachar's consent during the Emergency (June 1975 – March 1977) when elections and civil liberties were suspended. Sachar was one of the judges that refused to follow the bidding of the Emergency establishment, and who were transferred as a form of punishment. After the restoral of democracy, on 9 July 1977 he was transferred back to the Delhi High Court.

In June 1977 Justice Sachar was appointed by the government to chair a committee that reviewed the Companies Act and the Monopolies and Restrictive Trade Practices Act, submitting an encyclopaedic report on the subject in August 1978. Sachar's committee recommended a major overhaul of the corporate reporting system, and particularly of the approach to reporting on social impacts. In May 1984 Rajindar Sachar reviewed the Industrial Disputes Act, including the backlog of cases. His report was scathing. He said "A more horrendous and despairing situation can hardly be imagined... the load at present in the various Labour Courts and Industrial Tribunals is so disproportionate to what can conceivably be borne ... that the arrears can only go on increasing if the present state of affairs is not improved... It is harsh and unjust to both the employers and employees if the cases continue to remain undecided for years".

In November 1984, Justice Sachar issued notice to the police on a writ petition filed by Public Union for Democratic Rights on the basis of evidence collected from 1984 Sikh riot victims, asking FIRs to be registered against leaders named in affidavits of victims.

However, in the next hearing the case was removed from the Court of Mr. Sachar and brought before two other Judges, who impressed petitioners to withdraw their petition in the national interest, which they declined, then dismissed the petition.

As an Indian lawyer and a former Chief Justice of the Delhi High Court Sachar sahib was a member of United Nations Sub-Commission on the Promotion and Protection of Human Rights. He has served as a counsel for the People's Union for Civil Liberties. He chaired the Sachar Committee, constituted by the Government of India, which submitted a report on the social, economic and educational status of Muslims in India.

Rajindar Sachar was one of the authors of a report issued on 22 April 1990 on behalf of the People's Union for Civil Liberties and others entitled "Report on Kashmir Situation". In January 1992 Sachar was one of the signatories to an appeal to all Punjabis asking them to ensure that the forthcoming elections were free and were seen to be free. They asked the people to ensure there was no violence, coercion or unfair practices that would prevent the people from electing the government of their choice. Rajindar Sachar was appointed to a high-level Advisory Committee chaired by Chief Justice Aziz Mushabber Ahmadi to review the Protection of Human Rights Act, 1993 and determine whether structural changes and amendments were needed. The committee prepared a draft amendment Bill incorporating its recommendations. These included changes to the membership of the National Human Rights Commission, changes to procedures to reduce delays in following up recommendations and a broadening of the commission's scope. The recommendations were submitted the Home Affairs ministry on 7 March 2000.

In April 2003, as counsel for the People's Union for Civil Liberties (PUCL), Sachar

argued before the Supreme Court of India that the Prevention of Terrorist Activities Act (POTA) should be quashed since it violated fundamental rights. On 24 November 2002 the police arrested twenty six people in the Dharmapuri district of Tamil Nadu, and on 10 January 2003 they were placed under POTA by the government on the grounds that they were members of the Radical Youth League of the Communist Party of India (Marxist–Leninist). On 26 August 2004, still being held without trial, the detainees began a hunger strike. Sachar led a team of human rights activists who visited them in jail on 15 September 2004 and persuaded them to end the hunger strike. POTA was repealed on 10 November 2004. However, all the POTA provisions were incorporated in the Unlawful Activities (Prevention) Act. In October 2009 Sachar called for abolition of these laws. He said “Terrorism is there, I admit, but in the name of terror probe, many innocent people are taken into custody without registering a charge and are being detained for long period”.

Rajindar Sachar, who had formerly been a United Nations special rapporteur on the Right to Adequate Housing, headed a mission that investigated housing rights in Kenya for the Housing and Land Rights Committee of the Habitat International Coalition. In its report issued in March 2000 the mission found that the Kenyan government had failed to meet its international obligations regarding protection of its citizens’ housing rights. The report described misallocation of public land, evictions and land-grabbing by corrupt politicians and bureaucrats.

In March 2005 Justice Rajindar Sachar was appointed to a committee to study the condition of the Muslim community in India and to prepare a comprehensive report on their social, economic and educational status. On 17 November 2006 he presented the report, entitled “Report on Social, Economic and

Educational Status of the Muslim Community of India”, to Prime Minister Manmohan Singh. The report showed the growing social and economic insecurity that had been imposed on Muslims since independence sixty years earlier. It found that the Muslim population, estimated at over 138 million in 2001, were under-represented in the civil service, police, military and in politics. Muslims were more likely to be poor, illiterate, unhealthy and to have trouble with the law than other Indians. Muslims were accused of being against the Indian state, of being terrorists, and politicians who tried to help them risked being accused of “appeasing” them.

The Sachar Committee recommendations aimed to promote inclusion of the diverse communities in India and their equal treatment. It emphasised initiatives that were general rather than specific to any one community. It was a landmark in the debate on the Muslim question in India. The speed of implementation would naturally depend on political factors including the extent of backlash from Hindutva groups. The Sachar Committee Report recommended setting up an institutional structure for an Equal Opportunity Commission.

In March 2003 Sachar was a signatory to a statement that condemned the US-led invasion of Iraq, calling it “unprovoked, unjustified and violative of international law and the United Nations Charter”. Other signatories included Shanti Bhushan, Pavani Parameswara Rao, Rajeev Dhavan, Kapil Sibal and Prashant Bhushan.

He was a Judge who set an example. That after retirement Judges did not need to go into holes, and in fact were required to play a major role in keeping India on the Constitutional track. He spoke fearlessly, boldly, did not look for favours from the establishment regardless of who was in power, and as a result rubbed all the wrong way saying when we used to laugh, “well I am with


the people and that's all that matters."

One does not really know where to begin, or for that matter end this tribute. Does one remember him for the Sachar report on the status of the Muslim community in India that created a storm as it was an honest and starkly revealing document; or for his stand on civil liberties for all; or for his criticism of established political parties; or for his love for the Indian Constitution that was always so visible; or for his gentle enquiries when he knew an individual was troubled; or for his willingness to walk the extra mile at any time of the day or night to help a person in need or for a cause; or for his consistency in advocating peace in South Asia; or for his fearlessness in taking on the communalists; or for his strong support for gender equality and justice.

By the end Justice Sachar was visibly frail, a little bent with age, and clearly with many off days that he made sure none of us really knew about. This would not prevent him from attending meetings, signing statements and organising fact finding reports till his last days.

One never heard him complain about his health. One never heard even a note of pessimism in his voice. One never heard him talk about his ailments or his problems. He was always there for everyone else, for India and her people. In these years one did, however, hear some pessimism in his voice. A 'what will happen to our country' tone, with worries that he would share occasionally.

Justice Sachar's admiration for Ram Manohar Lohia spanned his life, never diminishing. But he never allowed that to come in his way of relationships with those who were perhaps, very critical of his mentor. As he said, "your view is yours, mine is mine." And would then tell us stories about the differences between Jawaharlal Nehru and Lohia that never came in the way of mutual respect.

There are not many left now who say it like you did Justice Sachar, without mincing words, or looking over your shoulder, or bothering how the chattering classes would react. You looked for no favours, no positions, no awards. Respect Sir, Always!!! 

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In Remembering Justice Rajindar Sachar: Loss of a Sane Voice in Troubled Times

Sanjay Parikh

It is often difficult to write about a person with whom you were close for several decades. So many thoughts come to your mind, some are chronological, bound by time and events, but many are those, which are eternal, which constituted that person – his sensitivities, concerns, simplicity, love, and compassion, to which you were a witness. Justice Rajindar Sachar's life can be easily encompassed by his achievements as a judge and later his immense contribution in public life. The loss we have suffered, the void it has created is immense. A man who was thinking and speaking about the concerns of the people and the nation persistently and also penning down his ideas on every crucial issue is no more. Many told me in personal conversations that they have lost a mentor, a guide, a fatherly figure, a visionary, a man who was like a protective umbrella over them – always available at the time of crisis. No movement, no meeting on human rights and social issues was complete without his presence. Many times he would sit on the ground in solidarity with the farmers, oustees of development projects and trade union workers at Jantar Mantar. He told me often that he finds himself more comfortable and at home when he is with the people listening to their problems. I remember once we were going on a fact-finding mission in Jharkhand and had to cover a long distance. On the way he asked the driver to stop the car and told me, "*yaar chai ki talab lagi hai* (dear I feel like having tea)". I looked around and found a small dhaba having a wooden bench. I said whether we could stop elsewhere. He immediately replied, what is wrong here? We sat there and he enjoyed sipping tea sitting on the bench. In one meeting, when all of us were feeling oppressed because of heat as even fans were not working, Justice Sachar though sweating but at ease, was willing to go

ahead with the proceedings.

He was the President of the People's Union for Civil Liberties from 1986 to 1995. This organization which Jaya Prakash Narayan started, was closest to his heart. Not a day would go without his enquiring about its activities as well as about its members. He will have his firm views on what position PUCL should take on important national and social issues, but only after listening to everybody. He preferred introducing himself as a worker of PUCL rather than his being a retired Chief Justice of the Delhi High Court or the UN Special Rapporteur on Housing.

Born in 1923 at Lahore (now part of Pakistan), he had many heart-rending stories to tell about partition. His ideas on political governance were clear and profound. He had been a part of freedom movement since his childhood: his father Bhimsen Sachar was a freedom fighter who became the first Chief Minister of Punjab (1952) but was detained during the Emergency. His close association with Ram Manohar Lohia and other veterans during that time had shaped his ideas. His thoughts on all crucial issues were therefore, very clear as they arose from his love for the people, the nation and a firm belief and faith that everyone, irrespective of religion and caste, has to be treated equally, without any discrimination. His remarkable report on the status of Muslims speaks about his concerns. The Report is not only about a community but how people in that situation, irrespective of religion, have to be dealt with under the Constitution by a welfare State. When asked to speak about his report he very candidly declined as he felt that it was not proper to justify his report after he ceased to be the Chairman of the High Powered Committee and it was for the Government in power to implement it and for the

people to judge. Instances such as this exemplified his remarkable objectivity and maturity.

I met Justice Sachar for the first time along with my senior, Justice S. Rangarajan. They were good friends. Justice Rangarajan had earned a great reputation for being a fearless and bright judge in the Delhi High Court during the Emergency. He heard the detention of Kuldeep Nayar who was imprisoned during the Emergency for showing courage as an independent journalist. Justice Rangarajan suffered and was transferred to Gauhati as a measure of punishment. That is an interesting but different story. Justice Rangarajan joined the Supreme Court Bar as a senior advocate in the earlier part of 1982, after retirement as Chairman of the MRTP Commission. When I started to work with Justice Rangarajan in 1982, I heard heaps of praises from Justice Rangarajan for Justice Sachar.

Very soon in 1985, after retirement as Chief Justice of the Delhi High Court, Justice Sachar joined the Supreme Court Bar and from those days, my association with him and daily interactions has been constant. Those days were different and the nuanced level of discussion between two great persons was worth listening to. Justice Sachar would often provoke Justice Rangarajan on some issue by saying, 'Ranga, you are wrong' and then would follow the dialogue in which no jurist or philosopher would be spared. The discussion remaining inconclusive was the best part of it.


Justice Rangarajan left Delhi to settle down in a village in Tamil Nadu in 1988. Thereafter, I started to work even closer with Justice Sachar and our association was very enriching. He introduced me to several people's movements and in particular, the PUCL. We did many remarkable cases together in the Supreme Court: from the mandatory declaration of assets and criminal antecedents by MPs/MLAs, NOTA, challenge of the draconian POTA, telephone tapping, police encounters, challenge to domicile requirement for Rajya Sabha, etc. PUCL judgments have been

cardinal in civil rights jurisprudence and are referred to in all important judgments, including in the recent Right to Privacy decision of the Constitution Bench. He was keen that all PUCL cases of significant importance be collated into a book, which was accomplished and in 2017, the book 'Taking Human Rights Forward: PUCL judgments' was published by Vani Prakashan, Delhi. He, in particular, was sad that after the Supreme Court gave judgment on declaration of assets, all the political parties ganged up together and unanimously opposed the judgment and brought an ordinance, though the Supreme Court later struck down the said ordinance. He was, in his last days, very sad about the decline in judiciary, growing tension among the communities, human rights violations in Kashmir and erosion of values in public life.

There are many deeply touching personal encounters but this is not the time to discuss them. I intend to write on them separately, maybe when we decide to publish a book on him. But I must say at least one thing: whenever he went outside and returned to Delhi, he would immediately call me 'Sanjay, *tere pass haziri laga raha hoon ki wapis aa gaya hoon* (Sanjay, I am marking my attendance that I have come back)'. Each time, this sentence touched my heart.

A day before yesterday, I went to see him in the ICU. Though in immense pain with oxygen mask and feeding tubes, he smiled, looked at me and held my hand in his hands, warm with love. He could not speak but I understood what he was trying to tell me, 'mark my attendance' but for not coming back but for leaving... forever!

I find a desert today: of selfishness, divisions, greed, hatred, which is spreading rapidly every day. It is so distressing, so painful; it leaves one alone. In this chaos, he was the voice of sanity, which we have lost. A great loss indeed!

Sanjay Parikh is an advocate at the Supreme Court and Vice-President PUCL. 

Articles and Features:

‘Nationalist Rape’ Times in India: Hindutva Juggernaut Shames India Once Again

The gang-rape of a young girl in a moving bus on a highly busy area of Delhi on the evening of December 16, 2012 had shocked not only the common people of India but raised concerns about the security of Indian women world over. This gang-rape and a series of other incidents of rapes in Delhi (which earned the capital of India the infamous title 'Rape Capital of India') shattered many touted myths like Indians worship women, non-violence is the creed of Indians and woman is Lakshmi or goddess of wealth.

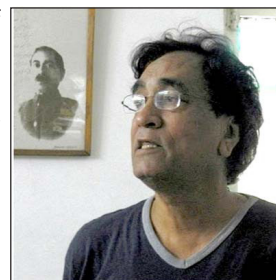
The reaction of the Hindutva camp was not less shocking. The semi-illiterate (a status worse than being illiterate) chief of RSS Mohan Bhagwat had declared that "Crimes against women happening in urban India are shameful. It is a dangerous trend but such crimes would not happen in Bharat or rural areas of the country...where women are treated as mother".

Another prominent RSS ideologue Kailash Vijayvargiya held rape victims responsible for inviting rapes as women were "Laxman Rekha". The then international advisor of the Vishwa Hindu Parishad, Ashok Singhal had declared adoption of "western model" responsible for the rapes.

The present rape storm in India not only shows the hollowness of the claims of the Hindutva ideologues but also unashamed culpability of the individuals and organizations connected with the Hindutva ideology. The three rape cases which have shamed India took place in the rural India and the perpetrators in all cases have been connected with the Hindutva organizations/politics.

Swami Chinmayanand Rape Case

According to the victim, a sadhvi, she was a former disciple of Chinmayanand and manager of Mumuksh ashram run by Chinmayanand in rural Shahjahanpur. She filed an FIR against him on November 30, 2011, alleging that she was held captive, raped and assaulted for several years. It may be noted that Chinmayanand is founder of Vishwa Hindu Parishad (a militant wing of RSS which is working overtime to drag India into a state of civil war), was organizer of Shri Ram Janambhoomi Mukti Sangharsh Samiti and home minister in Atal Bihari Vajpayee government in 2003. He moved the Allahabad high court and got a stay on his arrest in 2011 itself. The woman recorded her statement before the judicial magistrate under Section 164 of the Cr PC, but no action was taken by the police.



Prof. Shamsul Islam
(Retd.)

The State of UP did not take any action for vacating the stay ordered by the High Court. When victim came to know that Yogi government had moved for cancellation of the case then she sent letters to the President and the district judge raising objections over the move, urging them for immediate issuance of warrant against the accused. However, the decision of freeing Chinmayanand stands.

UNNAO RAPE CASE

The news of Unnao rape case exploded

when a minor girl attempted suicide outside the residence of UP CM Yogi on April 8, 2018 after her 55-year-old father was thrashed and critically wounded allegedly by BJP lawmaker Kuldeep Sengar's brother Atul Singh on April 3, 2018. Shockingly, out of two complaints filed, one by MLA's men and the other by girl's family, police acted only on one complaint of the BJP MLA and his cohorts, arrested the injured father of the rape victim and sent him to jail. He died on April 9th while in judicial custody. According to a video shot during his arrest he could be seen and heard holding MLA and his brother responsible for his injuries. Police took no action despite this crucial and clinching proof.

This minor girl and her family were struggling to lodge an FIR against rape by BJP MLA Kuldeep Sengar, his brother and others in June 2017 in their village, Makhi. Innumerable visits of the victim to the police begging for an FIR were not entertained. It was only after nation-wide uproar that case was handed over to the CBI while Allahabad High Court ordered arrest of MLA which even high officials of UP police had refused to do.

KATHUA RAPE & MURDER CASE

The blood-chilling and nauseating details of Kathua rape and murder case of an eight year old innocent girl who was kidnapped on January 10, 2018 kept in a Devasthan (temple), thrashed, sedated, raped multiple times by different rapists and killed on 16th are difficult to share. However, those who want to go through this experience may read the FIR submitted by Jammu & Kashmir Police by connecting to the link: <https://www.firstpost.com/india/kathua-rape-and-murder-case-full-text-of-chargesheet-filed-by-jammu-and-kashmir-police-4426853.html>

One of the greatest conscience keepers of democratic-secular India, Bhanu Pratap

Mehta expressed the horror and grief in the following spine-chilling words:

"Our conduct as a society in the rape and murder case of an eight-year-old in Kathua has been so despicable that it can be said, without exaggeration, that India's moral compass has been completely obliterated, carpet-bombed out of existence by the very custodians of law, morality and virtue who give daily sermons on national pride. This is by no means the first time a child in India has been subjected to the kind of heinous crime that makes you wonder about the dark sickness in our society that we so easily cloak...

"How does one even begin to get a grip on this story? The crime itself is unimaginably horrific: The brutalisation and death of a child. But the purposeful nihilism in the crime is equally chilling. By all current reports, it seems premeditated. If current reports are correct, the crime seems purposeful in that the brutalisation was also meant to frighten whole communities, in this case it seems the Bakhawals. Whatever the exact facts of the case may turn out to be, the context of the crime, and the reactions of some Hindu groups suggest everyone understands the message this crime was meant to send. The sheer physical torture unleashed on the eight-year-old has also been paralleled by the extraordinary effort to deny her humanity.

"Think of what the reactions to this crime say about us. Groups protesting the J&K police investigating the crime have assorted names like Hindu Ekta Manch and

Bharat Bachao Rathayatra. It is as if the last vestiges of any respectability associated with the use of terms like "Hindu" or "Bharat" have been torn off. This is what these ideas have been reduced to: The instrumental use of brutal violence against children to terrorise communities, and to turn perpetrators into victims.

"What does it say about us when the Bar Association of Kathua decides to obstruct the presentation of the challan by the Crime Branch? This is a mob of lawyers, allegedly speaking in the name of Lord Ram, obstructing justice. Rather than acting as officers of the court, they have done everything in their power to shift the attention from the crime and its enormity to low politics. They prematurely impugned the credibility of the local investigating agencies. If the context were not so heinous, there would be a profound irony in the stand of the Bar Association. For, they were saying quite categorically that the local state cannot be trusted. But does that not lend credence to all those Kashmiris who have been saying that the state cannot be trusted?

"In this case, the context is not just that a crime was committed. It is the fact that political groups, claiming to be close to the BJP, seem to be the ones obstructing justice and communalising the local justice system. It is the fact that this crime was so enormous that even in the normal course of things you would expect political leaders to be the conduit through which we express our sorrow, regret, and outrage, however inadequate that might be.

There will be doubtless a formulaic statement at some point by the relevant leaders, but the fact that a moral voice is their last choice rather than first instinct already reveals the hole we are in. What the vacuum reflected in the political class suggests is a combination of impunity, shamelessness and any lack of moral instinct. We are ready to empower our supporters to the point where even ordinary human instincts and sympathies will get lost.

"What do we say for a country that converts the gang-rape and death of a child into a political weapon? What locus standi does anyone have left to even extend genuine sympathy to her family? What language are we left with, that has not been denuded of meaning? I wish we could say with confidence that the Kathua case will morally haunt us for a long time to come; our conduct as a society has shown how easily we can brush it off. But we can say this: Our conduct in this case is already an indication of the moral black hole we have now entered."

The above figured rape-cum-murder cases have a few intriguing similarities.

(1) In all these gruesome incidents, rapists/killers and perpetrators are affiliated to Hindutva organizations especially RSS/BJP.

(2) The rapists/killers have been secular in committing crimes as they did not spare even a Hindu minor girl and a woman.

(3) The States of Jammu & Kashmir and UP where these crimes happened are ruled by the RSS/BJP leaders, the former State being ruled with Mehbooba Mufti's PDP as equal coalition partner.

(4) RSS/BJP leaders took diametrically opposite stand on punishing the

perpetrators. In Jammu & Kashmir they took the side of the perpetrators whereas in Swami Chinmayanand and Unnao rape cases the government of Mahant Yogi Adityanath tried to save the culprits despite victims being Hindu women, one of them a sadhvi.

(5) Despite RSS/BJP rulers ganging up against the victims, the latter resolutely resisted the Hindutva juggernaut which aimed at crushing their resistance. In Kathua rape case despite RSS/BJP's all-out aggression to communalize the crime, the father of the raped and murdered eight year old girl has not lost faith in the democratic-secular society of India and in humanity. According to him it is only handfuls who have been protesting against it. He insists that most Hindus and Muslims of the region condemn the murder and want the accused punished. He adds, "We would have come on the roads seeking justice if this had happened to a Hindu girl...Humanity comes first, before one's religion as a Hindu or Muslim." Asked whether he would ever return to Kathua after this terrible loss. He says with determination that "he will return to the Kathua village come


September, like he does every year, when it's winter in Kargil. Why will we not return? We have a home there. At the most, they will kill us as well."

The most intriguing aspect is that in these barbaric crimes religious places, religious babas and those who talk of religion based politics have been directly involved. But out of hundreds of omnipresent and omnipotent gods/goddesses sitting up in the Heavens none was moved by the cries, pain and sufferings of the victims. We must ask the question which martyr Bhagat Singh asked in 1930: "I ask why your Omnipotent God does not hold a man back when he is about to commit a sin or offence. It is child's play for God."

April 14, 2018.

For some of S. Islam's writings in English, Hindi, Marathi, Malayalam, Kannada, Bengali, Punjabi, Urdu & Gujarati see the following link:

<http://du-in.academia.edu/ShamsulIslam>

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‘Beti Bachao, BJP Bhagao’: Protests in Hyd and Bengaluru over Unnao and Kathua Rapes

A candlelight vigil was held in both cities against the rape-murder of a minor in Jammu and Kashmir and the rape of another teenager in Uttar Pradesh.

Saturday, April 14, 2018

TNM Staff



As the uproar around the brutal rape and murder of an 8-year-old girl in Kashmir grows louder, the residents of Hyderabad and Bengaluru took to the streets in protest, demanding that justice be served.

The citizens who gathered in both cities also protested against the rape of a teenager in Unnao, Uttar Pradesh by a sitting BJP MLA, Kuldip Singh Sengar.

Over 100 people gathered at Necklace Road in Hyderabad to demand justice. The protest saw the participation of families, activists, students and many more. People began gathering near People's Plaza at around 5 pm, with posters and banners that read 'Beti Bachao, BJP Bhagao' and 'Restore Rule of Law'.

Slogans rang in the area against the BJP government, which included 'Narendra Modi Murdabad', and 'Punish the accused'.

A candlelight vigil was held at the

venue, after which prayers were also conducted.

While the brutal rape and murder of the 8-year-old took place in January, chilling details of the crime emerged recently after the Jammu and Kashmir Police's Crime branch filed the charge sheet against the eight accused. What makes this case even more dreadful is that some of the accused are police personnel.

"Appalled by the reaction of the state towards something so heinous as this crime towards a small child. Such a crime was committed against a child because she belongs to a certain community. And the fact that state actors use rape as a tool to propagate religious ideologies itself is so disturbing. That is what makes this case so distinct from others," said Evelyn Samuel, a student and one of the protesters at the venue.

"The silence of Mehbooba Mufti, the present



CM, speaks a lot. Earlier, we thought that Manmohan Singh is a silent Prime Minister but Modi proved that he is the most silent PM India ever had. This crime stands out because it has tacit support from BJP cabinet ministers and lawmakers. The government, instead of sacking the ministers, is still rallying behind the perpetrators,” said Niazi, a Kashmiri student from Maulana Azad National Urdu University.

“The culprits should be hanged. That’s the only way people will fear the law. If we don’t have such punishments, men will pick up any girl and rape them. What is this, are we going back 50 years? Unless there is strict action, people will take justice into their own hands,” said Khalid Rusul, another protestor in Hyderabad.

Meanwhile, a group of citizens in Bengaluru gathered at Freedom Park on Friday and held a candlelight rally.

Many who were gathered at the event, said that they were worried about the rising incidents of rape across the country, and had come out to register their dissent.

They also collectively condemned those who turned a criminal act into a political issue.

“It is clear that the bar association which supported the accused is backed by the RSS and BJP. It was an organised crime and they wanted to drive out the minority community from the place,” Advocate and member of People’s Union for Civil Liberties (PUCL), Bindu Doddahatti, was quoted as saying.

Breaking his silence on the two cases, Prime Minister Narendra Modi on Friday promised justice and said that the incidents have caused



outrage and shamed the country.

Modi’s comments at a function in New Delhi came hours after the Central Bureau of Investigation (CBI) got into the act by detaining and questioning rape accused BJP MLA Kuldeep Singh Sengar in Uttar Pradesh while two BJP Ministers in the Jammu and Kashmir coalition led by the PDP resigned for taking part in a rally in support of the accused in the rape-murder of the eight-year-old.

“The incidents that are in discussion in the country for the last two days do not reflect good for any civilised country. This is shameful. It’s an insult to freedom fighters who gave their lives for the independence of this country. We are all ashamed as a society, as a country. Such incidents in any part of the country or a state shake humanity. I want to assure the country that no culprit will escape. Justice will be done and it will be complete justice. The daughters will get justice. We all will have to join hands and remove this evil from the society,” Modi said.

IANS inputs 

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

Kathua rape case: Lawyers body protests in Delhi, demands actions against Jammu lawyers

16 Apr 2018

IndiaTomorrow.net



New Delhi, 16 April : A group of lawyers on Monday marched against the ‘disgraceful and shameful’ conduct of lawyers in Jammu while forbidding cops to file chargesheet in the Kathua rape case.

Under the banner of Lawyers for Democracy & Rule of Law, they have marched from Supreme Court of India to the office of Bar Council of India (BCI) and submitted a memorandum to the chairman of the BCI.

Human rights lawyer ND Pancholi demanded strict action against those lawyers who were involved obstructing the judicial process.

“We are here to protest against the misconduct of lawyers in Jammu. Lawyers should not obstruct the judicial process,” Pancholi told IndiaTomorrow.net at the protest site.

“Every accused has right of defence but it should be through the legal process not forcibly,” he pointed out.

Pancholi also demanded for strict action against those lawyers including President of Bar Association BS Slathia.

According to Pancholi during the bandh in Jammu Slathia said that “today the youth of Jammu is agitating with national flag, but tomorrow they would have A.K 47 rifles in their hands if their demands were not met.”

The memorandum submitted to the BCI highlighted various allegations against those lawyers including Slathia and said that “acts of Jammu lawyers and

Jammu Bar Associations constitute serious acts of misconduct.”

“Lawyers are not expected to obstruct the course of justice as the said lawyers didn’t forcibly preventing the police from filing the charge sheet in the court. They are officers of the court and have an obligation to ensure its smooth functioning,” the memorandum reads.

It is not the job of Bar Association to call for bandhs, it said

“The Bar Associations resorted to extrajudicial methods in defence of the culprits who are accused of heinous crimes. Their action is nothing short of subversion of the rule of law,” it further reads.

The memorandum also raised questions on using Indian flag on such occasions.

“The national flag represents national honour and idea of India enshrined in our constitution. National flag cannot be used for sectarian cause and heinous criminal offences as described above. It is nothing short of desecration and dishonour of our revered national symbol,” it reads. 🇮🇳


Kathua Rape and Murder Victim Wants Justice!

Vidushi Sharma

Hey People,
Aren't you happy today?
You must be on cloud nine. You successfully managed to play with such a young soul again.
Congrats bro.
Isn't it like adding one more feather to your cap?
But hey! How can I forget that adding such feathers is a part of your daily routine now.
Trust me, you really deserves a standing ovation for this great deed of yours.
What you guys did or are doing almost everyday isn't an easy job.
It's not easy to have a cruel heart to play with the body of innocent 8 year old.
It's not easy to see the lil' angel yelling in pain.
It's not easy to drag her, to held captive, to gang rape her.
It's not easy to crush the face of that lil' sweetness with the brick.
It's not at all easy to "rape" someone who doesn't even know the meaning of "rape".
But hey weren't you mature enough to understand the meaning of "humanity".

"Kathua Rape and Murder Victim WANTS JUSTICE"

Really??? Do you really care about what Asifa wanted?
Asifa wanted to play.
Asifa wanted to study.
She wanted to "Live".
But who cared about what she wanted?
Your lust was far more important than her wants.
Right?

Actually It's not your fault.
It has never been.
History is the evidence.
It's the girl who must be blamed everytime.
Sometimes the fault lies in her clothes, or sometimes in her over friendly nature.
Else, her night-outs can also be blamed.
But your overflowing lust is never at fault.
And YOU the people out there.
C'mon get your candles and posters ready.
It's show time again.
Let's march.
Justice is secondary.
Publicity comes first.
Isn't it?
Oh People!
Please open your eyes.
Wake up!
Your daughter Kathua Rape and Murder Victim needs justice.
Your sister Nirbhaya deserves justice.
Lakhs of other souls are asking for justice.
Stand by her.
Stand for her.
Don't protest only for hanging the criminals.
Because if you'll kill one "Ravana", another 10 "Kansas" will take birth.
Hang the Crime. Criminals will automatically vanish.
And remember it's not just rape what needs justice but every bloody stare, lewd comment, and unwanted touch deserves it.
I DEMAND JUSTICE.
DO YOU?
Vidushi Sharma is a Law student of IFIM Law College, Bangalore and former PUCL intern) 

Darkest hour: Ex-bureaucrats to PM Modi on rapes

Highlights

- The strongly worded letter sought to pin the blame on right wing politics and the Sangh Parivar
- The 49 signatories referred to the Kathua and Unnao incidents as the result of a “culture of majoritarian belligerence and aggression promoted by the Sangh Parivar

NEW DELHI: Amid growing public outrage over the Kathua and Unnao incidents, a collective of retired civil servants has written to Prime Minister Narendra Modi calling the current situation a “moment of existential crisis” in which the government’s response would determine whether the nation could “overcome the crisis of constitutional values, of governance and the ethical order”.

In a strongly worded letter that sought to pin the blame on right wing politics and the Sangh Parivar, the 49 signatories referred to the Kathua and Unnao incidents as the result of a “culture of majoritarian belligerence and aggression promoted by the Sangh Parivar”. They said the government had “failed in performing the most basic of the responsibilities given to it”, to reassure everyone, especially the minorities and vulnerable sections of society, “that they need not fear for their life and liberty”.

The signatories included former coal secretary Chandrashekhar Balakrishnan, former police chiefs Meera Borwankar and Julio Rebeiro, former foreign secretary Nareshwar Dayal, former Indian ambassador to Italy K P Fabian and former health secretary Sujatha

Rao.

The letter said, “The bestiality and the barbarity involved in the rape and murder of an eight-year-old child shows the depths of depravity that we have sunk into. In post-independence India, this is our darkest hour and we find the response of our government, the leaders of our political parties inadequate and feeble. At this juncture, we see no light at the end of the tunnel and we hang our heads in shame. Our sense of shame is all the more acute because some of our younger colleagues... also seem to have failed in their duty.”

The retired civil servants, who addressed the letter as “citizens” with “no affiliations”, also blamed Modi. They said, “In both cases, prime minister, it is your party which is in power. Given your supremacy within the party and the centralised control you and your party president exercise, you more than anyone else have to be held responsible for this terrifying state of affairs....”

The former government servants also asked the PM to apologise to the families of the Kathua and Unnao victims.

Courtesy TNN Apr 16, 2018 

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. Some of Roy’s important books are also available at that site.

- Mahi Pal Singh

Yet another 'Nirbhaya', 'Kathua Rape and Murder Victim'...
**Surat: 9-year-old girl's body with over
80 torture marks found; was raped,
brutalised for 8 days, reveals post-mortem**



The Surat Police has found body of a nine-year-old girl with 86 injury marks in the city on Saturday.

The police recovered the severely injured body of the girl near from a cricket ground in Bhestan area of Surat on April 6. After five-hour long postmortem, it was revealed that the girl was raped and tortured for at least eight days. She was strangled to death.

The girl has not been identified yet and none from her family has come forward to claim the body. It's still not known who or how many people were involved in the heinous crime. The police are scouting the list of the missing persons.

Ganesh Govekar, Forensic Head, Civil Hospital, said, 'The girl's body had 86 injury

marks including ones on her private parts. Samples have been taken for forensic test to ascertain whether she was drugged or not.'

Police inspector BK Jhala said, 'Even after eight days, the parents of the girl are yet to be identified. The police also believe that she was murdered somewhere else and the dead body has been thrown here. The victim's picture has been sent to the state police control room for identification process.'

He said Police have registered a case of rape and also booked the unidentified accused under The Protection of Children from Sexual Offences Act. A reward of Rs 20,000 has been announced for anyone providing information about the girl or her family.

Courtesy DNA, 14 April 2018 🌈

Sharm Inko Magar Nahin Aati!': Yet They Do Not Feel shamed!

Only terrorists, rapists and goons of the saffron brigade are safe and protected in Yogi's Raj in Uttar Pradesh:

A. Sword-wielding VHP rally takes over Noida streets on Sunday

NOIDA: The Vishwa Hindu Parishad (VHP) on Sunday brought out a rally in Noida where participants brandished swords and other sharp-edged weapons and disrupted traffic for several hours. The 8,000-odd participants, clad in saffron robes and carrying flags, rode bikes without helmets and even climbed on the bonnets of cars as the procession moved from Gejha village in Sector 110 to outside the Iskcon temple in Sector 33.

One of the organisers was seen urging the youths to maintain discipline and avoid blocking the traffic, but to no avail. Nilanjana Bhowmick, a Noida resident, was among the many who was caught in the snarl that resulted from the rally.

She shared on Facebook some pictures of the youths brandishing sharp-edged weapons. "Those in the rally were armed with sharp-edged weapons and threatening others to make way for them.

My driver apprehended trouble and we returned home instead of heading towards our destination," she said. Vishal Kumar, another commuter who was held up, said: "They were waving saffron flags and brandishing swords.

They also chanted slogans.

Courtesy TOI, 2nd April, 2018

b. Unnao gangrape survivor's father dies in custody, victim blames BJP MLA; magisterial probe ordered

Abhinav Malhotra

KANPUR: The father of the girl who had attempted self-immolation outside the residence of CM Yogi Adityanath on Sunday accusing BJP

MLA Kuldeep Singh Sengar and his aides of gangraping her allegedly died in judicial custody early on Monday. Girl's father Pappu Singh succumbed to his injuries after he had been allegedly mercilessly thrashed by the legislator's brothers and supporters on April 2. The incident left the UP government visibly shaken with police department swinging into action, suspending six policemen including SHO Makhi Ashok Kumar Singh, SI Kamta Prasad Singh, head constable Rajaram Shukla and constables - Lakshya Shukla, Ashok Sen and Mohit Kumar. All six were posted in Makhi police station. Also four persons who were aides to the MLA have been arrested.

Unnao SP Pushpanjali Devi said that the four aides who took part in the beating have been arrested. Inspector General of Police Praveen Kumar said a magisterial probe had been ordered. An informed source said that Unnao DM Ravi Kumar NG went to the post-mortem house to seek the first hand information. He said that the DM had been instructed by the UP government to be physically present at the spot.

The rape victim alleged that she had been picked up from home by the goons of the legislator on June 4, 2017 and was later gang-raped by him and his aides. She said that the incident had taken place at 8pm on that very night and she was threatened that she would get killed if she opened her mouth. She alleged that she met CM Yogi Adityanath and was told action would be initiated in the next four-five days, but justice was not delivered. She told TOI that brothers of Kuldeep Sengar, Atul Singh and Arun, along with Vinod, Shalu and Vineet had mercilessly thrashed her father which led to his

death. She also alleged that names of Atul and Arun were removed from the complaint that her family had submitted with the police for thrashing her father. She alleged that Kuldeep Sengar got her father killed when the complaint was not withdrawn.

According to rape victim, her father Surendra Singh alias Pappu had been attacked by legislator's brothers and aides after her family had approached the court for submitting a rape complaint for getting an FIR registered against the MLA for gangraping her. She said, "My father was thrashed for putting pressure on the family to withdraw the complaint from the court. Since police did not pay heed to our complaint despite running from pillar to post, we were left with no option but to approach the court. The police, instead of lodging the FIR, against Atul and Arun registered a false case against my father of beating them and sent him to jail. I was raped on June 4 last year and since then I have approached every authority to get the FIR lodged, but all in vain. Even I met CM Yogi Adityanath on August 17 last year, but his assurances of police action have proved to be completely false."

"My father was mercilessly thrashed by brothers and supporters of Kuldeep Singh Sengar. MLA's brothers and aides - Atul Singh, Arun, Vinod Singh, Shalu and Vineet Singh - continued to thrash my father even in police's presence. They beat him up till he almost fainted. They used lathis, guns and belts to beat him. They poured water on my father and used sticks to thrash him. When he almost fainted, they dumped him in an open plot. The police, instead of lodging FIR against the MLAs brothers and aides, registered a false case against my father and lodged him in jail," alleged the rape victim while talking to mediapersons.

She said that deep wounds and countless bruises on the body of her father Pappu narrated the ordeal, but nobody helped them. "The police sided with the MLA and did not pay heed to our

complaint. Even the names of legislator's brother Atul Singh and Arun Singh mentioned by us in our complaint (that they thrashed our father) was removed by the police. Had police taken correct action against the accused, my father would have been alive. They were forcing us to withdraw the rape complaint. When nobody listened to me, I was left with no other option than to attempt self-immolation but I was saved," said the rape victim while sobbing.

Top Comment

Yogi Adityanath himself is a goonda so goonda and mafia raj is running in UP. See the plight of dalits who agitated on Bharat bandh. There are around 32 criminal cases of murder, riot and abduction pending against Yogi. What better you can expect? - koraicat Truth

She further said, "After having raped me, I was threatened by the legislator of dire consequences. He had threatened that he would get all of us killed if I opened my mouth. He did the same. He got my father killed. Why did I not die? Why am I awake? God wanted me to see these days. This was destined in my life. I should have died there itself (outside CM's residence in Lucknow). This would have saved me from seeing this day. My father is no more now," said a distraught rape victim demanding for justice.

A staff of district hospital in Unnao on the condition of anonymity confirmed to TOI that Surendra had severe wounds and injuries inflicted by sticks and belts. A doctor at the hospital said that Surendra was brought here with serious abdominal pain and vomiting.

Courtesy TNN, Apr 9, 2018

Editorial Comment: Not arrested earlier by the Yogi government, which was obviously shielding the criminal, in spite of charges of heinous crimes of rape, kidnapping and criminal intimidation, he was arrested at last on Friday, 13th April 2018 after tremendous pressure and outrage of the media, the public and above all after being seriously reprimanded by the Allahabad High Court. In the Kathua gang-rape and murder case of an eight year old Muslim child the BJP leaders and supporters have been siding with the accused while in the Unnao gang-rape case an MLA of the ruling BJP and his brother and sympathizers are the accused. Therefore, the larger question is: Will the victims still get justice? Or will evidence disappear and witnesses turn 'hostile' as often happens when the ruling political leaders and the administration do not want the culprits to be nailed? It is noteworthy that Rohini Salian, the Special Public Prosecutor in the case related to the Malegaon 2008 blasts case was quoted as saying, 'Since this new govt came, I have been told to go soft on accused (Hindu extremists)' because of which all the accused in all the terror related cases like the Mecca Masjid blast case in Hyderabad in which eight persons were killed and 58 persons were injured, Malegaon masjid blast, Samjhauta train blast, Ajmer blast etc. are being acquitted one by one resulting in the subversion of criminal justice administration system in the country.

(c.) CBI arrests rape-accused BJP MLA as court tears into UP govt & police

Rohan Dua & Pathikrit Chakroborty

The CBI's early morning swoop took place a day after Allahabad high court came down heavily on the Yogi Adityanath

government over the case, asking it whether it proposed to arrest the accused MLA as promptly as it did in other cases.

A CBI team along with UP cops picked him up from an Indiranagar residence of his relative in Lucknow at around 4:30 am. Sengar was taken to the CBI headquarters in Hazratganj where he was interrogated till late in the evening.

The victim has alleged that she was raped by the MLA at his residence on June 4, 2017 where she had gone with a relative seeking a job. She tried to immolate self in front of the CM house in Lucknow in April 8 after repeated calls for justice were not heeded.

Courtesy TNN, Apr 14, 2018 

'OFFICIALS IN LEAGUE WITH ACCUSED'	
<p>“...The disturbing feature of the case is that the law and order machinery and govt officials were directly in league with and under the influence of Kuldeep Singh</p> <p>Even after having observed that the accused, police personnel and doctors caused disappearance of evidence, the investigating agency... is not prepared to arrest the accused persons... (this) is disturbing and... unnatural</p>	<p>The approach of the learned advocate general is not only appalling but shocks the court's conscience...it not only exudes an unpleasant flavour, but raises doubts about the bona fides of police authorities at the highest level</p> <p>The accused persons have left no stone unturned to terrorise not only the victim/prosecutrix but her family and other witnesses</p> <p>—Allahabad high court</p>

Govt did nothing for SCs in 4 years: BJP's Dalit MP in letter to PM

Harveer Dabas

BIJNOR: Facing flak from opposition parties on Dalit issues, BJP is now grappling with growing dissent among its own MPs belonging to scheduled castes in Uttar Pradesh. The latest to join the group of MPs who have publicly expressed their happiness is party's Nagina MP Yashwant Singh.

In a letter to Prime Minister Narendra Modi, a copy of which is with TOI, Singh lambasted his own government for not doing "a single work for the welfare of Dalits in its four years in power".

"When Narendra Modi became the PM and made a statement that the BJP government will work for the welfare of the poor, Dalits and OBCs, it created hope in the heart of us all. But, nothing has been done for Dalits by the central government so far," read the letter dated April 2.

The MP mentioned passage of quota bill, reservation in private jobs and clearing of backlog in SC/ST appointments as the matters of prime importance, "all of which have been ignore by the government".

Singh said there was no representation of

Dalit Samaj in courts. "As a result, courts were coming up with new verdicts aimed at curtailing our rights every day," he wrote.

"In the present situation, BJP's Dalit MPs are victims of daily harassment from own Samaj. It has become difficult for us to respond," Singh wrote.

When asked about the MPs' letters to PM, Deputy CM Keshav Prasad Maurya, who was in Bijnor on Saturday, said, "This is not a revolt, but democracy. All leaders have right to put their problems before PM."

In a similar letter to PM on Thursday, Etawah MP **Ashok Kumar Dohrey** had said Dalits and tribals across the country, especially in UP, are being framed by police in false cases after the protests, leading to a sense of growing insecurity among them.

Earlier, Robertsganj Lok Sabha MP Chhotelal Kharwar had written to Modi and accused UP chief minister Yogi Adityanath of scolding him when he went to take up an issue with him.

Courtesy TNN, Apr 8, 2018 

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

Killing Fields of U.P. : The Reality of ‘Encounters’ Under Yogi Regime

A close look at FIRs and postmortem reports shows most of the killings are cold blooded murders.

Tarique Anwar

‘Encounter’ attacks that are being unleashed on people in the name of fighting crimes have emerged as one of the most chilling aspects of the Yogi Raj (Chief Minister Yogi Adityanath rule) in Uttar Pradesh. The police have conducted – according to the state government’s figures till January this year – 1,038 ‘encounters’, killing a total of 44 people and leaving 238 injured. Four policemen also died in the ongoing killing spree in the state.

However, the unofficial figures are much higher, where the total number of shootouts are estimated to be over 1,400 so far. These ‘encounters entail shooting at people, who may or may not be criminals or gangsters, without “following due process of law”.

From the National Police Commission (1979) to the National Human Rights Commission – NHRC (2003) and the Supreme Court judgment in the People’s Union for Civil Liberties (PUCL – a human and civil rights defender) case in 2014 have clearly mandated against such killing of people.

The testimonies of eyewitnesses and family members of those who were killed in the ‘encounters’ and a close examination of the FIRs and postmortem reports clearly show that most of these killings are cold blooded murders – where no gun battle apparently took place.

For many of those killed or injured, it appears that the police posthumously inserted clauses of criminality in their record to justify the killings or injuries. The fact remains that even someone with criminal records cannot – under any circumstances – be gunned down in this way if one were to adhere to the rule of law.

The police only can open fire at criminals in self-defense, when all other means to overpower them are exhausted. The Supreme Court, in a landmark decision in Om Prakash and others Vs State of Jharkhand through the secretary, Department of home, Ranchi, clearly stated in 2012, “It is not the duty of the police officers to kill the accused merely because he is a dreaded criminal. Undoubtedly, the police have to arrest the accused and put them up for trial. This court has repeatedly admonished trigger happy police personnel, who liquidate criminals and project the incident as an encounter. Such killings must be deprecated. They are not recognised as legal by our criminal justice administration system. They amount to State sponsored terrorism.”

The police, on the contrary, are getting encouragements and impunity from the highest echelons of power, in this case none other than the chief minister himself. Yogi – in several press conferences – has categorically justified the killings and stated that these will continue till the crime is eliminated from the state. He flaunts the ‘encounters’ as his “zero-tolerance towards crime”.

The social profiles of those who were killed in the ‘encounters’ reveal majority of them come from the marginalised sections of the society such as Dalits, Other Backward Classes (OBCs) and Muslims.

A grim pattern

According to police figures, 1,142 ‘encounters’ have taken place between March 20, 2017 and January 31, 2018. The highest

number of encounters were reported from Meerut zone where 449 people were gunned down. It was followed by Agra zone, which witnessed 210 'encounters'. Third on the list is Bareilly zone with 196 'encounters' and then comes Kanpur zone with 91 shootouts.

Interestingly, the least number of 'encounters' were carried out in Yogi Adityanath's own constituency – Gorakhpur.

Clearly, western Uttar Pradesh has been affected more than eastern zone in the number of cases of shootouts. A significant proportion of those killed in these encounters are from four districts of western Uttar Pradesh districts of Shamli, Muzaffarnagar, Saharanpur and Bagpat.

Along with the 'encounters', the police have slapped 167 of the victims with National Security Act (NSA). Bhim Army founder and Dalit activist Chandrashekhar Azad is also part of the list. Cops have also seized assets worth Rs 150 crore so far.

So even if people were killed in the encounters were to be criminals, should they not be taken into custody and booked under due process of law, instead of being shot at, killed or injured.

Copy pasted FIRs

In all the first information reports (FIRs), the stories follow more-or-less the same pattern that the police were tipped off regarding the presence or location of one or more dreaded criminal, who were chased as they tried to escape in a car or a bike. The criminals allegedly then fired at the police who were forced to fire back – as retaliation in self-defense – and kill them.

However, some FIRs describe the gallantry of the policemen on duty and laud the bravado of killing. In most of the cases, as if copy pasted from the previous incident, it mentions how some people "managed to escape", while some were shot.

The family members of the deceased, in majority of the cases, got the news of the death of their kins from WhatsApp or from third source, and not from the cops. They then had to hunt down the specific police station and collect the bodies of their kith and kins. This is in complete contravention of the Supreme Court guidelines in the PUCL Vs State of Maharashtra case on police encounters that says, "In the event of death, the next of the kin of the alleged criminal/victim must be informed at the earliest."

In most of the cases, the families were not even given the post mortem report of the deceased.

The glaring cases

Furqan – a resident of Shamli – was imprisoned for seven years as an under trial for his alleged involvement in a village brawl. His family did not have the resources to secure his release. However, in October 2017, the police unexpectedly settled the case to get him out of the jail.

After two weeks, when Furqan went to Bagpat to visit one of his relatives, he stepped out of his house to go to a shop and never returned. His family later got the news that he has been killed in an 'encounter'. It was said that he was a dreaded criminal with 36 cases of dacoity and a reward of Rs 50,000 on him.

The police claimed that they were conducting a routine check, when they chanced upon him. He and his associates – said the cops – were riding a bike and they refused to stop and rather fired on the police. In retaliatory gun fire, Furqan died, while others escaped.

His body – according to the post mortem report – showed injury marks, testifying torture, in addition to bullet wounds.

The question – his family raises – is how is it possible for someone to be involved in 36 cases of robbery when he was in jail for the past seven years?

Following his killing, all his five brothers have

been arrested in different cases of robbery and theft. This has become a hindrance for the family to pursue justice for Furqan as they are drained of resources because earning members are lodged in prison.

The case of Sumit Gurjar created the maximum uproar and even forced the NHRC to send notices to the UP police. Gurjar was picked up on September 30, last year by plain-clothed policemen from a bus stop at Badhaut in Baghpat. After his family came to know of the incident, they began a frantic search.

The Noida police allegedly offered to free Sumit in lieu of Rs 3.5 lakh. His family heard the rumour that he might be killed in an encounter and therefore, they reached out to top police officials of the state, the CM's office and the NHRC but got no response.

In the meantime, Noida police declared a head money of Rs 25,000 on him which was soon doubled. The next day, it was declared that Sumit had died in an encounter while trying to escape in a car after robbing a cash van of a bank. Three other "unidentified assailants" – as usual – "escaped", as per the police version.

The police claimed Sumit had several cases of robbery and extortion filed against him. The bizarre truth, however, surfaced that Sumit had no police case against him ever. There was another man Sumit Gurjar, who stayed in the same Chichretta village and had the exact same cases against him back in 2011. The NHRC visited his family and issued notice to the UP police. However, even after six months, nothing has been pursued further.

Much like the case of Furqan, the UP police slapped a rape case on Sumit's two brothers – Raj Singh and Kamal Singh – and have allegedly been pressurising his family to withdraw the Sumit case in lieu of withdrawing the rape cases slapped against the two.

The spate of encounters that has become so routine in western Uttar Pradesh has also

reached eastern region of the state.

The cases of Chhannu Sonkar and Ramji Pasi – according to the testimonies of their family members – hint at staged encounter and targeted killings. Sonkar was picked up from a fruit orchard near his house by the police. When he did not return till late night – said the family – the anxious family members called him on his cell phone. He reportedly informed that he was in Jahanaganj police station.

The next day, two policemen allegedly reached his house and informed his father Jhabbu Sonkar that Chaanu was being treated in the district hospital. Later, they got the news that him being killed in an 'encounter'.

Ramji Pasi had won the Panchayat election in Jiapur, Azamgarh, and for that he came in contradiction with the dominant castes in his village. They first tried – alleged his family – to implicate him in false cases, failing which he was picked up from his house by the police and killed in an 'encounter'.

The UP Human Rights Commission has set up an inquiry looking into the 'encounter' killings of Pasi, Mukesh Rajbhar, Jaihind Yadav from Azamgarh and Aman Yadav from Itarsi. The body of Jaihind Yadav had 21 bullet injuries on his body, which he apparently sustained while he was riding a bike being chased by the police. All these point at a certain aggression by the police and belie the theory of "firing in self-defense".

On February 3, this year, cops opened fire on a vehicle in Noida that was returning from a marriage festival. The police jeep chased and fired at those on the vehicle. A gym trainer – Jitendra Yadav – suffered a critical bullet injury on his neck, while his brother Sunil Yadav was hit in the leg.

The police tried to pass off this as an 'encounter', floating the same story of "dreaded criminal trying to escape". However, they had to retreat later as the victims had no crime record and the sub-inspector who shot at them was

suspended and taken into custody. The constables, who accompanied him are however absconding and the details of the cases of why the shootout took place has visibly been whitewashed.


Speculations ran from altercation to caste conflict that led to the shootout. It unmistakably points out the uncontrolled trigger happy nature of the UP police and the way they have been going about shooting people.

The cases of Jitendra could catch media attention and could force the police backtrack was apparently also because of his economic position. At least five cases of poor Muslims from Shamli and Muzaffarnagar were reported in the media. They were Nadeem (30) and Jan Mohammad (24) from Muzaffarnagar, Shamshad and Mansoor, both 35 and from

Saharanpur, and Wasim (17) from Shamli. They were under trials, who had already spent significant amount of time in jail for petty crimes. They were all registered in the police record because of their criminal past and their whereabouts known to the police. Hence, it became easy for the cops to hunt them down and kill them in alleged staged encounters.

Courtesy **Newslick**, 27 Mar 2018

[1http://indianexpress.com/article/opinion/columns/living-inside-a-black-hole-unnao-kathua-rape-and-murder-case-5135187/](http://indianexpress.com/article/opinion/columns/living-inside-a-black-hole-unnao-kathua-rape-and-murder-case-5135187/)

[2http://indianexpress.com/article/india/kathua-rape-murder-case-a-fathers-anguish-she-did-not-know-right-from-left-what-hindu-muslim-5135412/](http://indianexpress.com/article/india/kathua-rape-murder-case-a-fathers-anguish-she-did-not-know-right-from-left-what-hindu-muslim-5135412/) 

The Catch in Autonomy

Universities will be subject to the dictates of the market

Prof. Arun Kumar

A new scheme of greater autonomy to educational institutions has been announced. Depending on their NAAC scores, institutions will be slotted in category I, II and lower. There will be less autonomy as the rank declines. Those in the highest category will have the freedom to start new courses, hire foreign faculty and pay higher emoluments to faculty. So, some will have more freedom but others will have even less.

Autonomy has been identified as the key to improving the quality of higher education in India. So, would the current move lead to high quality higher education?

The UGC was set up to finance higher education. But, the one who controls the purse strings controls policy. In India, UGC increasingly controlled the functioning of the institutions it funded. It set syllabus, minimum

qualifications for recruitment and specified attendance. The courts drove the last nail in the coffin of autonomy by requiring that UGC standards be followed. What is wrong with regulation, given that many academics are known to be shirkers and many institutions are in bad shape?

The issue is: Can “standards be achieved by standardisation”? UGC and its committees became the arbiter of standards and all institutions were expected to fall in line. This includes the points an academic had to collect under the API system to get promoted, the degrees and tests needed to become a teacher and so on. Teachers had to be upgraded periodically through training institutions. The entire structure of teaching-learning was progressively determined by the UGC. With each pay commission, there were more and

more regulations and diktats.

Has the quality of education improved with all these standards? Shirkers continue to shirk and institutions have deteriorated in quality. There are more institutions of higher learning, many more students in them and also more pathology in the education system. To understand what makes for a great institution of learning and how learning is to be nurtured, one has to go to the basic design of institutions of higher learning.

Great institutions of learning accept that knowledge is not ready made and has multiple sources. Different people have different ways of learning and producing knowledge. Someone may publish many papers each year while some may publish a seminal work in a decade. Nobel Prize winner Higgs (God particle fame) said for the first 15 years at Cambridge he did not publish anything.

A multiplicity of approaches is needed for knowledge to advance. Many may fail and others who learn from them may advance knowledge. In economics, inflation may be explained in many ways and policies to check it may be based on one or the other approach.

In higher education a great deal of freedom is required to generate ideas. A degree of irreverence toward authority is essential. Unfortunately, in India this is treated as a malaise. Autonomy, therefore, implies the freedom to pursue one's own path of knowledge generation. Teachers in higher education institutions need to devise their own courses to teach the perspective they feel best reflects the subject — standardised courses, like in schools, are undesirable. Good teaching and research go hand in hand. This requires commitment which comes when academics have autonomy.

Academic autonomy must filter down. The institution must have autonomy from external pressures, the department must have autonomy from the head of the institution and the teacher from the head of the department.

Unfortunately, in India, autonomy (if at all) mostly stops with the head of the institution. Faculty is supposed to comply with the orders as in a bureaucracy. This leads to sycophancy and compliance. Often the heads of institutions are army men, bureaucrats and police men who know how to keep discipline. This cannot be the academic milieu.

The latest move to provide graded autonomy to institutions is designed to curtail the autonomy of academics in these institutions. The catch is that the institutions will have to generate their own funds for many of the freedoms they are being granted. So, they would be subject to the dictates of the market. Consequently, professional courses may get money but not the core social sciences or sciences. There would be pressure to move towards paying courses. Those not catering to the markets would be marginalised and the generation of the socially relevant knowledge would decline.

The idea of becoming world class implies that our institutions would have to create facilities that prevail in the advanced countries to attract faculty and students from there. But in a poor country like India would that not drain resources from other institutions? Would better facilities mean a more socially committed faculty?

If the faculty is required to publish and be associated with institutions abroad would they retain the commitment to generating socially relevant knowledge? This is another way of undermining autonomy. The new policy confuses the autonomy for individual faculty members with that for the institution, that too truncated by the dictates of markets.

The writer is former president, JNU Teachers Association and Former President of Coordination Committee of Teachers Associations of Delhi Universities

Courtesy **The Indian Express**,
April 6, 2018 

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Kashmiri Pandits' dilemma

Chief Minister Mehbooba Mufti has said that the Kashmiri *Pandits* should visit their place of origin, meaning thereby the valley. Her remark is like splashing salt on the wind. The *Pandits* were forcibly ousted from Kashmir in 1993. Their fault was that they were Hindus in the 90-percent Muslim valley.

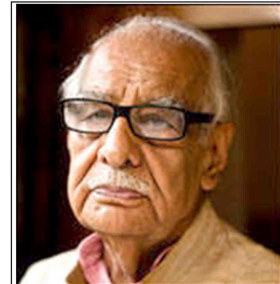
Former state chief minister Farooq Abdullah has admitted in a public statement that no Muslim from the valley objected to their ouster. It is, indeed, true. He resigned from the position of chief minister which led to presidential rule in J&K. It was alleged that then governor Jagmohan was primarily responsible for facilitating the exodus of Kashmiri *Pandits*. The day he was appointed as governor, a large number of Kashmiri *Pandits* were forced to leave the valley because of his pro-Hindu stance.

It was being alleged that security forces searched each and every house in Srinagar when hundreds of militants were found to be in possession of weapons. Most of them were arrested but during the operation, which led to Gawkadal massacre, questions came to be raised on the role of the governor. Jagmohan, who was very close to Sanjay Gandhi, was also instrumental in forcefully destroying many slums in Delhi in the name of beautification.

The Kashmiri *Pandits* began to leave the Valley in greater numbers in the 1990s during the eruption of militancy, following persecution and threats by radical Islamists and militants. In 2010, the Government of Jammu and Kashmir noted that 808 *Pandit* families were still living in the Valley and that the financial and other incentives put in place to encourage others to return there had been unsuccessful.

According to a Jammu and Kashmir Government report, 219 members of the community had been killed in the region between 1989 and 2004 but none thereafter. However, in

July 2017, the Supreme Court refused to reopen 215 cases in which over 700 members of the Kashmiri *Pandit* community were killed in Jammu and Kashmir in 1989, citing the passage of time.



Kuldip Nayar

The appeal now by chief minister Mehbooba Mufti is a step in the right direction. During her appeal, following an interaction with Kashmiri *Pandits* in Delhi, she said that “Kashmiri *Pandits* should visit Kashmir (and) their younger generations should see where their roots really lie. We will make all arrangements. Whatever has happened in the past is unfortunate but now we will have to move forward,” she said.

In fact, she also urged Prime Minister Narendra Modi to take a leaf out of former Prime Minister Atal Behari Vajpayee’s book and initiate a dialogue with Pakistan. “I urge Prime Minister Modi to talk to Pakistan just like Vajpayee ji did. Neither are we nor is Pakistan in a condition to fight a war, both countries know now that if there will be a war, nothing will be spared. Both the nations will just lose everything,” she added.

I do agree with her because this is not a Hindu-Muslim question and should not be made into one. All political parties need to initiate steps which will enable the *Pandits* to return to the valley. Most of their property is intact. The rest must be taken back from the people who have occupied it forcibly or otherwise.

I recall the Hurriyat leader, Syed Shah Gillani, vehemently denying that it was Hindu-Muslim question. At that time, the bug of fundamentalism had not bitten Gillani. He may

not have changed his views. But he is conspicuous by his silence. He should have renounced his earlier stance: the Kashmiri *Pandits* are part of our culture and should not be mixed with the general Hindu-Muslims question. Gillani, in fact, told me that he had wrongly stated earlier that the Kashmiri *Pandits*' question would be settled with the overall Kashmir dispute.

But Home Minister Rajnath Singh has unnecessarily given an opening to those who argue that Kashmir is an unfinished task of partition. They want the state to be divided on religious grounds. Somewhere they will also try in Pakistan to reemphasize their contention that the criterion of religion—on the basis of which India was divided—should be extended to Jammu and Kashmir.

Then chief minister Mufti Mohammad Sayeed had mooted an idea of having a separate area where the Kashmiri *Pandits* can safely reside. At present, 30,000 of them are reportedly in Kashmir while their total number is around four lakh. As long as Sheikh Abdullah was dominant in the affairs of Kashmir, he did not allow religion to play any role in politics. He would say that he was opposed to the state's integration with Pakistan because Jammu and Kashmir was a secular state. He did not want to join an Islamic country because he preferred pluralism to communalism.

Even during the independence struggle, the Sheikh sided with the Congress instead of the Muslim League which demanded a separate homeland for the Muslims. He paid the price

for being critical of New Delhi's policy of wanting a strong centre. After being detained for 12 years at Kodaikanal in the South, he stayed with the then Prime Minister Jawaharlal Nehru to register that Nehru had realized his mistake of misjudging the Sheikh when he demanded that the centre should only administer three subjects—Foreign Affairs, Defence and Communications—as was offered at the time of partition.

The Sheikh's famous statement was that the Kashmiris would not eat the Indian wheat if it meant compromising their autonomous status. The Sheikh's faith in secularism was deep although he wondered whether India would stay pluralist in the long run.

Whether the Kashmiris realize it or not, they have lost the services of highly trained people. The *Pandits* have gone to other parts of India and have found jobs because of their high qualifications. They are not likely to go back even if the state offers them equivalent jobs. In fact, Kashmir has lost the cream of youth which is technically well equipped to help the state develop economically.

Yet Srinagar should make efforts to get the *Pandits* back because that will give them the secular image which they had enjoyed for decades. Lack of efforts on this front would only alienate the rest of the country where the Kashmiris are gainfully employed.

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

Gandhi, the eternal anarchist!

When Gandhiji was being tried under the notorious sedition section of the colonial law in 1922, he said:

“Section 124-A under which I am happily charged is perhaps the prince among the political sections of the IPC designed to suppress the liberty of the citizen. Affection cannot be manufactured or regulated by law. What in law is a deliberate crime appears to me to be the highest duty of a citizen. To preach disaffection towards the existing system of Government has become almost a passion with me.”

Party-less Participation in the Electoral Process

(Paper Placed at the CFD Seminar at GPF on 24th March 2018)

Ajit Bhattacharyya

Part One

It is for the second time that I am trying to update my views on “Party-less Participation in the Electoral Process”. M.N. Roy was the first to present the idea. Jayaprakash Narayan accepted the model in the late 1950s, as he had come to understand that the real answer to the problems of the people lay in people’s empowerment.*1 On 29 January, 1948, the day before his assassination Mahatma Gandhi drafted a proposal for the dissolution of the Congress Party and creation of Lok Sevak Sangh to serve the people. He was killed before he could elaborate his idea. Though it could not be taken as an endorsement of Party-less Democracy, it did neither validate Political Parties’ crave for power.

The three thinkers advocated for grass-root empowerment, truth and self-reliance which we all are trying to foster.

Here I am focusing on the application of the theory in the context of the ever unfolding Indian panorama.

As election is the mainstay of a Democratic State, our participation in election is a must. For that we have first to “develop appropriate local organisations so as to increase people’s participation in the affairs of the State.”*2

CFD cannot directly involve itself in elections. So it has to act as a catalytic agent in setting up federated local units which may be called “Nagarik Samaj” or “Nagarik Sabha” or “Citizens’ Forum”. Any adult citizen who is not a member of a Political Party and accepts the values of Democracy, non- violence, equality, fraternity and liberty may be a member of a Nagarik Samaj. Each unit may have a Constitution of its own or have a common Constitution.

The Units will: 1) propagate the idea of individual freedom. 2) will elect persons who will

contest as Independent candidates in elections.

3) will receive donations through A/C Payee cheques and permissible cash from identifiable persons against official receipts. 4) will show sources of all kinds of donations, 5) will get itself Registered. Other clauses may be added. We are now in the midst of a fierce power struggle between democratic and secular forces on the one side and the Saffron Brigade on the other.

The campaign of misinformation was first started by late Savarkar. He argued that Buddha and Ashoka’s espousal of non-violence “unmanned” the Hindus. Therefore Hindu nationalism must be militarised. But Ashoka did not dismantle the mighty Mauryan Army. He rather kept it ever battle ready. He even cautioned rebellious border tribes of retaliation if they thought his non-violence as a sign of weakness. Pushyamitra Sunga, the Brahman Army Chief killed Brihadratha, the last Maurya king in the midst of a review of the Army and ascended the throne. He repulsed both the Kalinga king Kharavela from the south-east and the Indo-Greek king Menander from the north with the same Mauryan Army,

Mr. Narendra Modi and his brigade are ever hyper active since the Godhra incident in polarizing the Hindus and the Muslims to ensure Hindu votes. But like a gifted actor he is always shouting at the top of his voice that he does not care for votes. His only concern is “Vikas, vikas and vikas” that is development only.

Though voted to power getting only 31% votes, the R.S.S. Chief Mohan Bhagvat has started dreaming of converting every Indians into a Syayam Sevak.

P.M. Modi is posing as a messiah of the farmers. But what is the real picture? During the last eleven years the Central Governments have re-financed the PSU Banks with rupees

two lakhs and sixty thousand crores. How much it is? It is more than double of what Modiji has kindly sanctioned for agriculture and rural development in the last Budget. Tax payers' money is thus being poured into the black hole created by alleged thieves like Vijaya Mallya, Nirav Modi, Jatin Mehta and their like.

Legislative Reforms: We may start with launching a movement for Legislative Reforms. We should first go into the Tarkunde Committee's Report submitted to the Parliament. We have to discuss his arguments in favour of the Presidential form of Government.*3) Along with other legislative fault lines, we may raise the issue of disclosure of sources of donations received by the Political Parties.

Politics of Doles: Starting from Ramachandran of Tamil Nadu and N.T. Rama Rao of Andhra all Governments- Central and Provincial are now engaged on ever increasing scale in doling out free or heavily subsidized goods to the poor. Money is also being doled out. It may satisfy instant need of the poor to some extent but it does not create jobs. Mr. Modi came to power promising to create two crore jobs every year. But in the last Budget it had been indicated that only 10 lakh jobs would be created in the year, whereas the demands for yearly new jobs is 1.2 crores. We may add to it the forty lakhs of people who are coming to the cities every year from villages.

All our development plans are basically oriented to develop urban areas. 1) To balance it we should now look to our villages. We may even think of putting a stop on urban development for a decade or so and concentrate on developing rural areas only.

2) We should think of thoroughly changing Road Planning. Roads have turned into killing fields everywhere. About 700 persons, including about 300 children are killed every day globally in road accidents. About one to one and half lakh persons die in India this way. In terms of monetary loss, it costs India 3% of its GDP.*4)

According to another report, about 12 lakh people are killed on roads every year globally.

We should add many other point—

*1) Although under the circumstances prevailing in 1974-5, JP sought the creation of a new Political Party, yet it was only an aberration.” Surendra Mohan, Janata 2-12-2001.

*2) CFD-Const.-CI-j

*3) The Legend of Tarkunde- edited by M.A. Rane

*4) National Crimes Records Bureau, & UNO's World Safety Day Report of 2012'

Part Two

In 2010 the noted American Humanist late Paul Kurtz made 16 recommendations to Neo - Humanists to reconstruct human values in the light of scientific knowledge. He asked to “Aspire to be more inclusive by appealing to both non-religious and religious Humanists and to religious believers who share common goals.” He also asked to ”Recognize the need for Neo-Humanists to engage actively in politics”.*1

But politics is a game of numbers. Though there is no dearth of good men, to inspire them to associate is a gigantic task. It can neither be achieved through a short cut or overnight. It would also be prudent to be aware that no political party will take party-less democracy kindly. Rather, mutually opposing parties may unite to frustrate such attempts.

In the context, it is interesting to note that on the last 15 March the BJP and the Congress united in the Lok Sabha to pass the “Amendment to the Foreign Contribution (Regulation) Act, 2010. It ensures that no political party will be penalized for taking illegal donations from foreign firms retrospectively since 1976.

No political party is ready to tolerate a dissenting voice. The ruling clans everywhere in India are now trying to push the opposing voice to the margins- into the zone of silence. In such a menacing backdrop, we have to activate a viable alternative to the fast failing party system.

*1) The Radical Humanist- April, 2010 

Indo-Pak Amity, Necessary Compulsion for the Survival of Both

K. Pratap Reddy

Before entering into the discussion on the subject of Indo-Pak amity, it is necessary to have a glimpse into the history of India before its partition.

The growth of India before the partition was the history of advent of various races, religions and civilizations into India, such as, Aryans, Kushans, Huns, etc., all of them were mixed with the local people who were called as “Dravidians” and lived together as it was revealed by archaeological researches of Harappa, Mohanjadaro, Taxashila, etc.

While there is no historical or chronological data of the birth and growth of Hindu religion except the mythological beliefs, various other regions which were all originated in Asia, such as, Christianity, Zoroastrians, Jews, etc., had also come to India and started mixing with the local people. All these factors had contributed to the growth of India as a much more ancient civilization than any other civilization existing any where in the world including, Greek, Egyptians and Roman civilizations.

It is an interesting part of the history that the great imperialistic force i.e., British civilization had begun in 1040AD, after William of Normando conquered England. Avoiding other details of such growth of mixed Indian civilization, it is an accepted truth that India was also a centre of trade and growth of all wealth including spices. After seeing the civilizational growth and opportunities of trade, various expeditions from west took place. Although the western powers came to India by land route which necessitated them to conquer the countries which lay in between, to avoid such conflicts and war and some western powers wanted to explore the sea route for its trade with India. The first attempt in order to find sea route was

the attempt of Columbus, who in 1492, went to a new world so far unknown to the rest of the world, which is now called as United States of America and the local people therein were named as Red Indians. Thereafter, the Portuguese navigator, Vasco-di-gama, sailing via the southernmost part of Africa landed in India in 1496, followed by the Dutch.

In order to compete with the Spanish, Portuguese and Dutch traders, the English traders formed a Trading Company under the name of “East India Company” on 31st December, 1599 and obtained the Charter from the then British Monarch, Elizabeth I, on 1st January, 1600. After obtaining the Charter, the English traders, under the leadership of Sir Thomas More landed in Surat, India. In 1602 Sir Thomas More obtained their first Audience from the Mughal Empire, Jahangir. Thereafter, East India Company began to expand its trade adventures to different towns in India, such as, Madras (Chennai), Calcutta and Bombay. The decline of Mughal Empire created great opportunity to East India Company to expand not only its trade adventures but also to develop themselves as political power by obtaining permissions of collecting DIWAMRIGHTS in Bengal, Awadh, etc.

After the decline of Mughal power, there emerged several chieftains calling themselves as Rajas, Maharajas, Nawabs, Nizams, etc. The chieftains spread all over the country, like Marathas in northern India, Nizams in central India and Nawab of Areof in southern India. Both on account of the rivalry of local chieftains among themselves and on account of the vivid designs of trade of British, East India Company became a powerful political entity which began to use India for their benefit, which led to the

first war of independence against British in 1857.

On account of rivalries of local chieftains, the first war of independence was unsuccessful following which the British parliament enacted the FIRST Government Act, 1658, by which the British imperialists took over direct control of India assisted by local chieftains, who named themselves as rajas, Maharajas, Nawabs, etc.

These treacherous acts of British imperialists brought an awakening among Indians led by Raja Rammohan Roy, Bankim Chandra Chatterjee and several others including a gracious British Civil Servant led to establish Indian National Congress in 1885 to get some concessions and reforms in the British imperialistic rule. This awakening among Indians brought Mahatma Gandhi into the field in 1915 along with his past experience of British imperialistic rule in South Africa. Realising the fact that it was almost impossible to fight with the imperialistic force of British India aided by local stooges, such as, Rajas, Maharajas, Nawabs, etc., who were enjoying the British patronage, Mahatma Gandhi realised that the only way of fighting the British imperialistic force was by awakening the ordinary people of India who had been suffering with the atrocities of British Empire aided by local stooges in the names of rajas, maharajas, nawabs, etc. Mahatma Gandhi's first campaign begun at Champaran in 1917 which started to shake the British imperialistic force and spread all over the country as non-violent and non-cooperative moment abandoning the British Government and also resisting and rebelling against the laws of British Empire.

The British imperialistic forces realised the fact that this mass movement, historically unknown so far to any part of the world, the British government realised that the only way of weakening the mass movement was to divide the Indians on the basis of religion and invented the rule of "Two-Nation Theory" and made efforts to divide Hindus and Muslims by forming

two different countries and ultimately became successful in the division of country into India and Pakistan.

Readers may kindly excuse for encumbering you with all the details of history and growth of India. The main moto behind it is, to equip all of you with the past history of India and give an idea about what were the things which caused for partition of India into two nations, India and Pakistan. The fact of division of our country India that is Bharat under the Two-Nation theory was only a British imperialistic invention and not demanded by any conscious Indian including Mr. Mohammad Ali Jinnah. But unfortunately, the Britishers became successful in dividing the country in the most unrealistic manner under Two-Nation theory. Nobody can deny that even after mischievously successful action of the British Empire, the two nations (now three nations India, Pakistan and Bangladesh) comprising same civilization, race, heritage, etc.

Without going into further details of the division of India into three nations, all these three nations must realise the factor that there were divisions and parts of ONLY ONE NATION with common heritage and common civilization. I can say without any fear of contradiction that these factors are common in the three nations, India, Pakistan and Bangladesh.

I appeal the people of these three nations, India, Pakistan and Bangladesh to realise the fact that who and what are common enemies which are keeping them still divided not allowing them to unite, if not as one nation, but as one amity of nations of this sub-continent. The common enemies of these three nations are Poverty, Ignorance and western Imperialistic forces like English, America. The western imperialistic forces are fully aware that if these three nations along with Nepal, Bhutan, Maldives, Sri Lanka and Afghanistan known as SAARC and ASEAN come together they will work as a BULWARK against the western imperialistic forces. It is, therefore, necessary

that these three nations must come together to build up and develop trade relations keeping their political and Territorial sovereignty, by building up a Common Economic Zone like the newly created EUROPEAN UNION

By realising these factors, I appeal to the people of these three countries, India, Pakistan

and Bangladesh, while retaining their Political and Territorial Sovereignty with them they must build up their common economic zone by free trade and free travel and build up a common connectivity by road, airways and water ways, etc., and bring down the western imperialistic forces to kneel down to their original position. 🌍

Legal Advocacy: A Tool for Electoral Reforms

S. N. Shukla

In his last address to the Constituent Assembly Dr. Rajendra Prasad had said: *“Whatever the Constitution may or may not provide the welfare of the country will depend upon the way in which the country is administered. That will depend upon the men who administer it”*. Again during the debate on the Representation of the People Bill 1951, some members had also emphasized the importance of altars of democracy being kept pure and unblemished and cautioned that *if any defect or any other thing is left out it may cause a great harm to the country*.

The degeneration in the polity of the country during the last five decades shows how true and prophetic the above observations were. While the first three general elections (1952-62) were, by and large, free and fair, over the years our electoral system has developed serious maladies of corruption, criminalization, communalization and casteism which seriously vitiate the outcome of the election. Apart from checking the growing influence of money and muscle power and attempts to polarize voting on caste/community lines, some other areas of dire concern which need urgent and effective action are transparency in the functioning of political parties and political funding, regulating opinion polls and paid news, the ‘first past the post’ system itself and strengthening of the Election Commission of India. Unless these issues are addressed suitably it is impossible to have free and fair elections.

Over the years, a number of Committees and Commissions have examined some of the major challenges and issues affecting our electoral system. These are:

1. The Goswami Committee on Electoral reforms (1990)
2. The Vohra Committee report on criminal politician nexus.(1993)
3. The Indrajit Gupta Committee on State Funding of Elections (1998)
4. The Law Commission report (170th) on Reform of on Electoral Laws (1999)
5. The National Commission to Review the Working of the Constitution (2001)
6. The ECI – Proposed Electoral reforms (2004)
7. The Second Administrative Reforms Commission Report (2008)
8. Justice J.S. Verma Committee Report on Amendments to Criminal Law (2013)
9. The Law Commission’s 244th Report on Electoral Disqualifications (Feb.2014)
10. The Law Commission’s 255th Report on Electoral Reforms (March 2015)

These reports are a testimony for the crying

need for electoral reforms which are not only imperative but an urgent necessity. However, unfortunately the recommendations of these elaborately researched and clearly articulated reports were not followed by requisite administrative/legislative action, required for the enhancement of the quality of democracy which has a direct effect on the quality of governance and, thereby, of the administration, even though the Resolution adopted by the Parliament in 1997 at the time of Golden Jubilee of Independence began by saying, “That meaningful electoral reforms be carried out so that our Parliament and other Legislative bodies be balanced and effective instruments of democracy; and further that political life and process be free of the *adverse impact on governance of undesirable extraneous factors including criminalization*” However, while swearing by good governance and commitment for electoral reforms nothing substantial has been done by the successive governments in the last 20 years to restore and maintain the purity of the electoral system. Significantly, none of the major recommendations of the Election Commission of India and Law Commission have been acted upon by the central government. Its track record of inaction on the reports of various committees and Commissions speaks for itself inviting the following observation in the Law Commission’s 255th Report in March 2015, “*Unfortunately, their recommendations were not followed by legislative action, required for the enhancement of the quality of democracy, be reducing the influence of money and media in politics and ensuring free and fair elections*”. Likewise, the CEC in his Foreword to the ECI’s Proposed Electoral Reforms (December 2016) lamented “Many of the proposals put forth by the ECI have remained unresolved”.

Not only the central governments and the political class as a whole have been loath to any meaningful reforms, they have on the other

hand resisted any such move. The responses filed by the Union of India to the various PILs on electoral reform are a testimony to this. In their counter affidavit to the WP filed by Lok Prahari in 2015 for disclosure of sources of income etc. the Union of India said: “That indeed, the issues, under reference, are part of electoral reforms and the electoral reform is an on-going and comprehensive process and the Union of India through the answering respondent is taking all possible action to deliberate upon the measures of electoral reforms through various forums like, consultations, meeting, e-views etc. with all stakeholders including political parties, jurists, public members etc. and necessary modifications and additions are being made in the relevant laws from time to time”. However, instead of going by the positive response of the Election Commission the central government chose to oppose the petition. Other PILs have also been opposed on the grounds of the issue(s) raised therein being policy matters falling within the purview of the Parliament.

In fact, this has been the usual refrain and stock reply of the government to all RTI queries and PILs on electoral reforms. Moreover, the consultation and deliberations over the decades seem to be an endless process and have not yielded any concrete result, reminding one of the famous words of Shakespeare: “*All sound and fury signifying nothing*.” Significantly, the counter affidavit did not mention even one instance of any of the major recommendations of the Election Commission of India and Law Commission having been acted upon so far. At this rate one does not know as to when the requisite reforms will be effected. We already have instances of Mobocracy every now and then. Soon it may degenerate into anarchy if the requisite reforms for restoring and maintaining the purity of elections are not put in place to ensure that only men and women of integrity and character are

elected without which good governance will remain a dream. As observed by the Apex Court in the case of PUCL & Anr. vs. Union of India & Anr., AIR 2014 SC (Supp) 118, “*For democracy to survive, it is essential that the best available men should be chosen as people’s representatives for proper governance of the country. This can be best achieved through men of high moral and ethical values, who win the elections on a positive vote.*”

No wonder that despite the present Prime Minister talking of electoral reforms and promising taint free Lok Sabha by 2015 nothing significant has come out so far. The spasm between the words and actions of the central government speaks for itself. The seriousness of the central government towards electoral reforms can be judged from the fact that while holding that the paper trail is an “indispensable requirement of free and fair elections” the Apex Court had directed the Government of India in 2013 in the case of Subramanian Swamy v. ECI to provide requisite funds for ECI’s plan for VVPATs in phases till 2017. However, despite 10 reminders from the EC the government did not release the requisite funds for more than 3 years after the Court’s directive. So much for their seriousness about this important subject concerning the purity of elections having a direct impact on governance and, consequently, welfare of ‘We the People’ and the future of democracy in the country.

The reason is obvious. As beautifully put by Aradhya Sethia in the article ‘For cleaner, fairer elections’ in the Hindu dated 21.2.2018, “*Electoral reforms in the hands of politicians is a classic example of a fox guarding a hen house. While there are many policies that both major parties disagree with each other on, they form a remarkable tag team when it comes to electoral reforms*”. Consequently, over the last two decades the Supreme Court had to step in to introduce Electoral Reforms

on the PILs filed by civil society.

Lack of interest in electoral reforms by the central governments of all hues and Parliament has created space for judiciary to intervene. Consequently, all substantive electoral reforms have been possible only by the intervention of the top judiciary at the initiative of civil society. Prominent among these are-

(i) Provision for disclosure assets and criminal antecedents Upon a writ petition filed by the Association for Democratic Reforms (May 2002). (AIR 2002 SC 2112)

(ii) Striking down Section 33 B of the RP Act, 1951 upon a writ petition filed by People’s Union for Civil Liberties against Section 33-B which sought to limit the ambit of operation of the earlier Supreme Court order in the ADR case. (2003). (AIR 2003 SC 2363)

(iii) Upon writ petitions filed by Lok Prahari and Lily Thomas, in that order, in 2005 the Apex Court struck down Section 8(4) of the RP Act, 1951 which permitted even murder convicts to continue as “Hon’ble” Members of Parliament/State Legislature (July 2013). (AIR 2013SC 3537).

(iv) In the case of Resurgence India v. ECI (AIR 2014 SC 344) it was held that filing of affidavit with blank particulars will render it nugatory as being violative of Section 125A (i) of the RP Act, 1951. (2013)

(v) Again in *People’s Union for Civil Liberties v. Union of India* (2013) 10 SCC 1 the Apex Court ruled that the voter must be given an opportunity to choose none of the above (NOTA) option, which will indeed compel the political parties to nominate a sound candidate.

(vi) In *Krishnamoorthy v. Shivkumar & others* (AIR 2015 SC 1921) the Apex court ruled that non disclosure of criminal antecedents would amount to undue

influence and, as such, amounts to corrupt practice and, therefore, the election of such candidate can be declared null and void.

(vii) The recent land mark judgment dated 16.2.2018 allowing Lok Prahari's WP (C) 784/2015 regarding disclosure of sources of income etc. As noted in the article by Aradhya Sethia cited earlier, the said decision "paves a way for future constitutional interventions in India's party funding regime including the scheme of electoral bonds", thus, removing opacity in party funding and campaign finance.

We in Lok Prahari firmly believe that, since the Executive and the Legislature have been failing the country, top Judiciary is the only hope to push the requisite electoral reforms. During 14 years of its existence Lok Prahari has taken a number of legal initiatives in the Supreme Court in the field of Electoral Reforms to ensure purity of our electoral system. These are –

1. WP No. (C) 231 of 2005 (Lok Prahari Vs. Union of India and Others)-Challenging the constitutional validity of Section 8 (4) of the Representation of the People Act 1951. Though known by the name of Ms. Lily Thomas, we were the first to approach the Apex Court with the plea that it violates Articles 102 (1) and 191 (1), whereas Ms. Lily Thomas' petition was originally based on violation of Article 14. The review petitions filed against the judgment were also dismissed paving the way for instant disqualification of a MP/ MLA/MLC upon his conviction for an offence mentioned in Section 8 (1) (2) (3) of the RP Act, 1951 resulting in the disqualification of Lalu Prasad and 2 other MPs.

2. WP (C) No. 504 (M/B) of 2005 (Lok Prahari Vs. Union of India and Others)-Challenging the existing 'first past the post' system of election to check the poll

outcome being influenced by one caste/ community. However, while accepting need for a debate on this issue, it was dismissed in limine on first hearing like a SLP without even seeking a response on the action taken on the Dinesh Goswami Report on this subject.

3. WP (Civil) No. 593 of 2007 (Lok Prahari Vs. Election Commission of India and Another)- For deletion from the voters' lists names of prisoners who have no voting right under the law. It was also dismissed in limine on first hearing even though later in 2013 the Apex Court upheld a Patna High Court judgment that the prisoners cannot be electors. The amendment in Section 62 of the Act to nullify these decisions was also challenged vide WP (C) no.970 of 2013 but it was withdrawn with a view to approach the High Court. Accordingly, WP No 800 (M/B) of 2014 was filed, but it was dismissed against which a review has been filed.

4. SLP (C) No. 33119 of 2013 filed against the decision of the Lucknow High Court disposing of our WP No. 1235 of 2004 against Vidhayak Nidhi, since it also disturbs level playing field between the sitting legislator and other contestants, wherein the Apex Court was pleased to issue on 21.11.2016 detailed directions to the UP government to prevent its misuse.

5. WP (C) No. 784 of 2015 (in which ADR also joined as co-petitioner providing great support to the clause) regarding declaration of sources of income by the candidates, their spouses and dependents and information about other disqualifications under the RP Act, 1951, inquiry as well as a permanent mechanism to investigate disproportionate increase in the assets of the legislators and making non disclosure of information regarding assets and sources of income a ground for

setting aside the election.

6. PIL WP (c) 143 of 2016 in the Apex Court to effectuate meaningful implementation of the judgment in Manoj Narula's case in this regard. However, in the face of the reluctance of the Hon'ble Court to entertain the PIL under Article 32 of the Constitution, it was withdrawn with a view to pursue the matter in the High Court. Accordingly, a Writ Petition No. 22237 (M/B) of 2016 was filed in the Lucknow Bench of Allahabad High Court which is pending for hearing.

7. WP (C) No.667 of 2017 was filed for proper interpretation of the ambit and scope of Section 29 A of the RP Act, 1951 and the extent of powers of the ECI regarding registration and deregistration of the political parties so that persons like Lalu Prasad Yadav disqualified to be a legislator do not nominate candidates for election. However, it was dismissed in limine without assigning any reason even though subsequently another WP No.1152 of 2017 on the same subject filed later by BJP leader and advocate Ashwini Upadhyay was entertained by the same Bench. Still our petition for review and hearing our WP with the other WP has been rejected leaving us bewildered at this discriminatory treatment.

8. Apart from the above, the Apex Court has been pleased to entertain the following petitions which are pending consideration-

(i) WP (C) No. 330 of 2016 for effectuating the judgment in the WP(C) No.231 of 2005 striking down Section 8(4) of the RP Act, 1951 for a direction that the notification for disqualification may be issued immediately upon conviction by the ECI as there is no legal backing for the existing practice of the same being issued by the secretariat of the concerned House which is used to frustrate the aforesaid

historic judgment.

(ii) SLP (C) No. 9584 of 2017 which was filed against the dismissal in **2016** by Lucknow Bench of Allahabad High Court of WP No. 1620 (M/B)/ **2004** (Lok Prahari Vs. Union of India & Others) against pension and perks to ex-Members of Parliament even for a day, and their spouse, dependents and companions, even after they have ceased to represent us, converting public service into an office of profit for life which was not envisaged by the framers of the Constitution as is evident from the clear wording of the Article 106 itself. In this matter also we have got the valuable support of the ADR who have joined as co-petitioner.

As stated above, all major electoral reforms in the last 2 decades have been effected not by the central government but, despite their opposition, by judicial intervention upon civil society's legal advocacy. The credit for all significant electoral reforms goes to the Hon'ble Judges (rightly called 'Keepers of the country's Conscience') who put National interest above everything else and appreciated the need for such reforms and the validity of the points advocated in support thereof. However, as noted above, we have not been so lucky in some cases. Nevertheless, as observed by the Law Commission in its 255th report: "*The Supreme Court, through its interpretation of statutory provisions connected with elections as well as creative use of its power to enforce fundamental rights, has made great strides towards ensuring a cleaner polity, setting up significant barriers to entry to public office for criminal elements as well as instituting workable mechanisms to remove them from office*"


if they are already in power”.

Nonetheless, in the absence of the requisite political will on the part of the ruling establishments and support from the judiciary even the landmark decisions of the Apex Court obtained through legal advocacy have failed to yield the desired results. Thus, the order dated 10.3.2014 in the case of Public Interest Foundation for disposal of criminal cases against sitting legislators **within 1 year** of framing of charges by the Court has not been complied with even till now. Similarly, due to refusal of the High Court and Supreme Court to intervene, decision in the case of Lily Thomas and Lok Prahari striking down Section 8(40) of the RP Act, 1951 was frustrated with a state Minister in UP merrily completing his term even after being sentenced to 3 years imprisonment. MLAs in two cases in Andhra Pradesh and Maharashtra also continue as Lok Prahari's WP filed in 2016 to effectuate the said decision has remained unlisted for the last 10 months despite repeated requests for early listing. The Apex Court also refused to take notice of the fact that the Constitution Bench decision in the case of Manoj Narula asking the PM and CMs to consider not to include in their Cabinet persons charge sheeted for corruption/heinous crimes fell on deaf ears. Such a situation acts as a dampener to the efforts of civil society through legal advocacy.

Luckily for us, true to its role, the Election Commission of India has not only been pushing electoral reforms by constant follow up with the government, but has also been a great support to civil society in their efforts. The recent Supreme Court decision regarding disclosure of additional information by candidates in their affidavit was greatly facilitated due to unequivocal support from the ECI and

particularly the then Chief Election Commissioner Shri Nasim Zaidi. In other cases also the Commission's response has been generally very positive and encouraging. In fact, with judicial support, the Commission can make greater use of its plenary powers under Article 324, subject of course only to constitutional and statutory provisions, to effect requisite electoral reforms on its own for which the central government keeps dragging its feet to make the necessary provision in the law. In such a case, more often than not, the Commission's decision is most likely to be upheld by the Judiciary.

Lastly, legal advocacy for electoral reforms needs to be given whole hearted support by the public and in this civil society groups and media can play a very significant role in building up public pressure for expediting the requisite reforms and also their proper implementation. Significantly, all judicial pronouncements on electoral reforms have been unequivocally widely welcomed and lauded by the media. As noted in the editorial of the Hindu dated 19.2.2018, the recent decision on disclosure of sources of income by candidates etc. *“is one more in the long line of significant verdicts aimed at preserving the purity of electoral process The larger message from the verdict is that a fully informed electorate and transparent candidature will be key components of future elections in India.”* The relentless efforts and synergy of all those working in the field of electoral reforms are bound to give the desired results sooner rather than later. So, let us make full use of the tool of legal advocacy to fight the inertia of the Executive and the Legislature.

S. N. Shukla is IAS (retd.), Advocate, General Secretary, Lok Prahari
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“Information is the currency that every citizen requires to participate in the life and governance of society.”
Justice A. P. Shah, former Chief Justice, Delhi and Madras High Courts, (2010)

Humanist Activities:

Telangana Rationalist Association Conference

Report by : **Dr. Gumma Veeranna**

Telangana Rationalist Association Conference was held on 11th March, 2018 at Sri Krishna Devaraya Telugu Bhasha Nilayam in Hyderabad.

Sri M. Rajeswararao, Vice President, Telangana Rationalist Association invited the speakers on to the dais. Sri C. L. N. Gandhi, President, Hyderabad Rationalist Association presided over the event.

Sri Jasthi Jawaharlal, released and introduced the contents of his English translation “MARXISM” which is written by Sri Ravipudi Venkatadri originally in Telugu.

Below are the speakers at the event:

Sri. Uppla Gopal Rao, Founder, Praja Alochana Vedika; Sri. D. Anjaneyulu, President, Telangana Rationalist Association; Sri. Meduri Satyanarayana, Gen. Secretary, Rationalist Association of India; Sri. Gumma Veeranna, President, Rationalist Association of Andhra Pradesh; Sri. Shaik Babu, Treasurer, Rationalist Association of India

Participants:

Sri. K. Ayyanna; Sri. K. Srinivasa Chary; Smt. GuttaJyotshna

The following new body for the Telangana Rationalist Association was elected unanimously:

Sri. D. Anjaneyulu, Hon. President; Sri. Adiyala Shankar, President; Sri. Jitta Venkatesham, Gen. Secretary; Sri. K. Srinivasa Chary, Vice President; Sri. N. Buddha Vishal, Jnt. Secretary Dr. Ravindra Naik, Treasurer; Another 10 executive members were also elected.

There were nearly 100 attendees. Rationalist and Humanist literature was sold at 30% discount at event.

The local media covered the event.

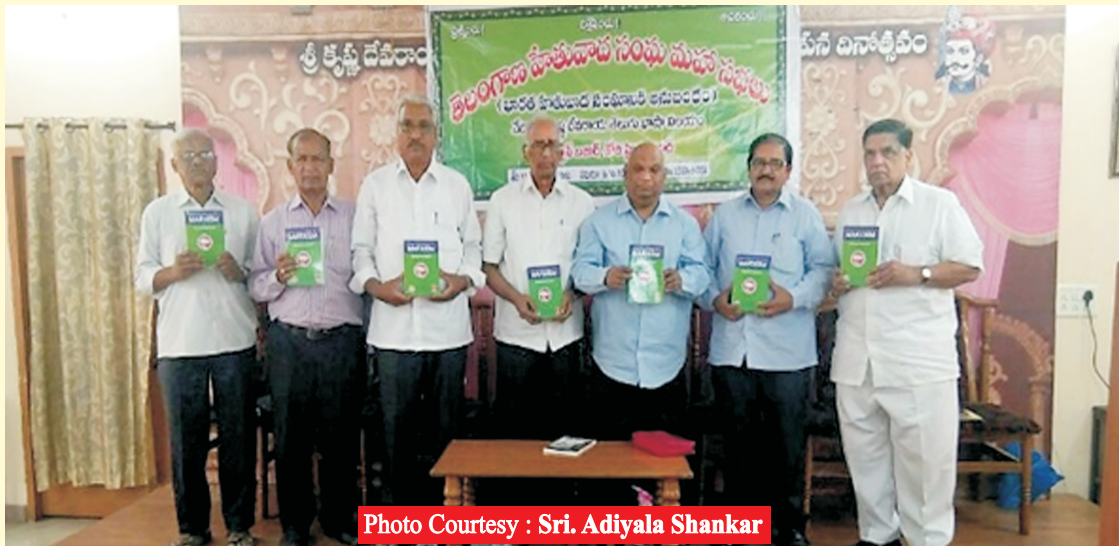


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