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Sib Narayan Ray, V M Tarkunde, Indumati Parekh in Hyderabad
Decentralisation of Power

M.N. Roy

Need for amiable atmosphere

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The Truth about The Gita: "A Fraud of Size Monstrous"

Late V R Narla

Secularism in India: The Inconclusive Debate

Justice R.A. Jahagirdar

Privatisation of Water, Right to Water and Urban Governance

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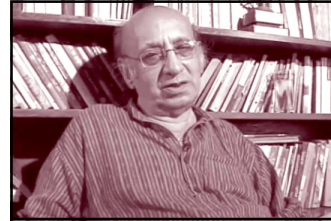
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Tribute to Nida Fazali, the humanist Urdu poet

We pay our respectful tributes to Nida Fazali, the famous Urdu poet, who passed away at Mumbai to-day, the 8th of February 2016 at the age of 77. He was truly a people's poet concerned about their plight and worries. Besides being an excellent poet he was a humanist to the core. In one of his couplets he said:



***“Ghar se Masjid hai bahut door, chalo yeah kar lain;
Kisi rote huye bacche ko hansaya jaye.”***

(The mosque is quite far from the house. Let us instead (of going there for Namaz) bring smile on the face of a weeping child).

His passing away is a big loss to those who believe in secular values today when religious fanaticism and intolerance are on the increase and humanist values are finding fewer takers.

Editor

G.D. Parekh, Indumati, the Humanist Couple



Govind D. Parekh, then Rector Bombay University, Humanist

Dr. Narisetti Innaiah

Both Mr. G.D. Parekh and Mrs. Indumati Parekh (popularly known as Indu Tai) were dedicated to Humanist Movement and to the Renaissance initiated by M.N. Roy. While Govind D. Parekh was alive and active, Indumati was doing medical service to the poor in Bombay (now Mumbai) slums. Those days G.D. was known as a spokesperson of the Radical Democratic Party and a famous speaker. Avula Gopala Krishna Murthy recalled that he was a treat to the ears delivering fluent speeches on the stage, exchanging glances with Roy, if he was there by his side, joking, amongst the applause of the audience. Parekh would stop at once anytime Roy frowned.

I did not know him then. After that we were together for 5 days during the Dehradun Study Camp in 1976-77. We met unexpectedly on train in the compartment while going to that

camp from Delhi. V.B. Karnik was also there. We travelled chit - chatting. In those 5 days of Study Camp Parekh participated on many occasions in the debate. As an expert speaker he explained Roy's policies of decentralization. They were very good to hear but seemed not practicable.

There was a social get together in M.N. Roy's house, 13, Mohini Road. All the participants from different regions in their own style narrated their experiences and shared jokes as Gauri and Indumati were serving cocktails to everyone. Parekh made everybody laugh. Malladi Rama Murthy, Guthikonda Narahari and I were there. Rama Murthy did not drink. That day we encouraged him to drink and he too had a drink. We all enjoyed.

Tarkunde's eyes were wet with tears as he recalled the days he spent with Roy in that house.

I used to meet Parekh in Bombay. He was working as University Rector and wrote a book on General Education. He encouraged Prof A.B. Shah who worked with him in SIES College along with Sibnarayan Ray.

Parekh translated a book written by Lakshmana Sastry Joshi in Marathi into English titled 'The Critique of Hinduism'. I translated that into Telugu and published in 'Prasartitha' a quarterly Telugu magazine. A.B. Shah published Parekh's articles supporting some of the policies about Tilak in the Humanist Way quarterly. Parekh's articles often appeared in 'The Radical Humanist'. For some time G.D. was editor of The Radical Humanist weekly.

After him Dr. Indumati Parekh, started serving the Bombay's underprivileged and found a place in their heart. She proved the importance of social service by working in the Humanist

Movement with dedication. She brought forth the issues of women. With her efforts she built M.N. Roy bhavan (M.N. Roy Human Development Complex) in Bombay which has become a great center and international seminars were conducted in it.

We participated in small gatherings at her residence. She stayed as our house guest with us in Hyderabad. Indumati, along with Gauri Malik, used to shop together in Hyderabad Old city. Komala helped them for local shopping in old city.

Indumati toured Andhra many times. She released my translation work of M.N. Roy's biography (by Sib Narayan Ray) into Telugu at Potti Sriramulu Telugu University, Hyderabad.

She organized International Humanist Conferences quite successfully in Bombay. She came to Washington while I was there in Washington for discussions to plan Women welfare programmes (around 1997). We met and discussed. As a leader of Humanist Association she encouraged the volunteers and secretaries. She believed in practicing. She was not a great writer, nor an orator. But International Humanists observed her programmes and said, "Not Mother Teresa, we must recognize Indumati." Levy Fragil called her 'Humanist Heroine'.

Dr. Narisetti Innaiah

Humanist. Ph. D in Philosophy of Science. Books in English and Telugu on humanism, exposing blind belief systems, translations of M N Roy, Richard Dawkins, Paul Kurtz, V R Narla, Sibnarayan Ray, V B Karnik, Agehananda Bharati, Sam Harris.



Professor G.P. Bhattacharjee and Mrs. Bijoya Bhattacharjee

Few hours with Professor G.P. Bhattacharjee and Mrs. Bijoya Bhattacharjee: Short note on his bio data and his works on Radical Humanism.
Anjali Chakraborty

- G.P. Bhattacharjee was born in 1926, at Hobigonj (subdivision) under Sylhet district of East Bengal (formerly East Pakistan). His father late Lalmohon Bhattacharjee was a doctor in profession and mother's name was late Sailabala Bhattacharjee. His wife is Mrs. Bijoya Bhattacharjee was daughter of Professor Chandrakanta Bhattacharjee and she worked as college teacher in Kolkata. They are well settled in Lake Gardens, south Kolkata since 1963.

- Primary education of G.P. was at Hilakandi, Assam; higher education in the Dacca University. In 1944, he joined RDSU (Radical Democratic Students' Union) of the Radical Democratic Party founded by M.N. Roy. In that capacity, he accompanied by a senior friend Rafiq who was another member of RDP Students' wing, went at Narayanganj Steamer Ghat, Dacca for reception of M.N. Roy and Ellen Roy for the first time of their visit in Dacca. G.P. Bhattacharjee still feels thrill /romance in remembering the handshake with Roy who spoke with him in Bengali. It's a good memory for him, because Roy usually did not speak in Bengali. They came back with Prof Jyotirmoy Guha Thakurata who worked in the college and later promoted in the University. Prof Guha was member of R.D. Party. He was killed in 1971 by the Khan Senas of Pakistan's army during Bangladesh liberation war. Habibur Rahman, another man of radical thinking, also was killed by this army as G.P. Bhattacharjee recalled. G.P. was present in the Dacca University Convocation in 1948-49, where Md. Ali. Jinnah had delivered lecture and proposed for Urdu as the State language of Pakistan. Then, there was voice raised from the students sounding only one

word 'No! No! No!'

- Prof. Bhattacharjee started his career in 1950-51, first in Mahishadal Raj College, West Bengal. He participated in the 'Subhash Pathchakra' of the college. He joined the Seuri Vidyasagar College and then a Government College namely Hoogly Muhasin College. He has good knowledge of these colleges. At Seuri Vidyasagar College, He started a Culture Club for students and teachers. The present President of India Mr. Pranab Mukherjee, the ex-principal of the Presidency College, presently University, were participants of this club as students of this college. A journal named "Renaissance" was published for a few years from this Club led by Professor Bhattacharjee. In 1960, he joined Jadavpur University, Kolkata as faculty member of International Relations. His original pursuit of study was History. He has written several books on **International Relations** as well as on Indian Political Thought and Radical Humanism. He got retirement from this University in the year of 1995.

- Prof. Bhattacharjee, throughout his life, is out and out a radical humanist. He did his PhD on M.N. Roy and was Awarded PhD on M.N. Roy probably for the first time in India. He recalled in memory that Mr. Prakash Chandra at Saharanpur (U.P) was doing PhD on M.N. Roy. He met Mr. Prakash Chandra and saw his works to have the preliminary idea.

- Professor Bhattacharjee had interaction with the stalwart personality and world famous figure like M.N. Roy and his wife Ellen Roy on many occasions. He recalled that he was present

in the meeting when a proposal for constituting the Radical Humanist Association was supported by M.N. Roy after dissolving the RDP and when Roy refused for inclusion of his name in the Executive Committee of the Association. He visited Dehradun two times in the connection with his PhD work in the M.N. Roy Archives and then to meet Ellen Roy after the demise of Roy. During his stay at Dehradun, he recalled Mr. Haith Cox who was also working in the M.N. Roy Archives. The Archives was shifted later to Delhi.

- After the death of M.N. Roy and Ellen Roy also, Professor Shibnarayan Ray edited The Radical Humanist for years. When in 1950s, S. Ray left for Melbourne University (Australia), Prof. G.P. Bhattacharjee had to take the responsibility of **Managing editor** of the Radical Humanist (weekly). He was assisted by Professor Sitangshu Chatterjee in writing, and Sri Anath Mitra and Sri Jagannath Basu in the publication of the journal for a few years until its shifting to Delhi. He had to take a disguised name of 'P.G. Pradhan' to fulfill the want of writings for the journal. So in addition to editing, he had to do multiple writings in a fake name to run the journal properly. Mr. Anil Banerjee used to come often to the office. Afterwards, the publication of the R H was shifted to Delhi from Kolkata.

- Prof Bhattacharjee was connected with all India radical humanists like Mr. A.B. Sah (Bombay), G.D. Parikh, R.L. Nigam, Justice V.M. Tarkunde (Delhi), and others. In Bengal, he was very close and in friendly relation with Sri Susil Mukherjee (owner of Minerva publication), Shri Naren Bhattacharjee (Chucura, Hoogly), Moni Dasgupta (Gobardanga), Manoranjan Bose, B.N. Dasgupta (V.C. of North Bengal University), Amlan Datta (Economist), Anath Mitra and Jagannath Basu, Sree Shitangsu Chatterjee, Nirmal Mukherjee, Niranjana Dhar, Manoj Datta,... He knew Susil Bhadra, Sourendra Mohan Ganguly, Samaren Roy, Swadesh Ranjan

Das, Rabindra Kr. Dasgupta, R.M. Pal, Suvankar Roy, Suniti Mukherjee (Srirampur) and many others. Sri Anath Mitra and Jagannath Basu were regularly present in the R.H.A. office, College Street, Kolkata-73. He recalled the Celebration of birth and death anniversary of M.N. Roy by the Roy followers at different places of West Bengal every year. It is still a good memory for him. He recalled that Sri Tusharkanti Ghosh (famous editor of the 'Amrita Bazar Patrika') requested M.N. Roy to write his autobiography and Roy wrote **The Memoirs** accordingly which was published by Allied Publishers, Bombay, 1964.

- Prof. Bhattacharjee was a successful teacher in all along his career. He is very methodical, to the point and substantive on the topic. Some academic studies like PhD and M Phil works were conducted by the scholars and students under his direct supervision. Most of them are well established in academic and other fields. Some of his students are Dr. Tridib Chakraborty, Prof. in the Jadavpur University, Abhijit Ghosh in Burdwan University, Sabyasachi Chakraborty, Rabindra Bharati University and so on.

- His area of study was extended from Indian political thought like Rammanohar Lohia, Gandhi, and Jayaprakash Narayan to International Relations. He was invited for delivering lectures at some places of Bengal. Once the Socialist Party led by George Fernandes (M.P) called him to deliver lecture on his book '**Perestroika**' at Maulali Juva Kendra, Kolkata.

- Besides, some of his students did research work on M.N. Roy (other than PhD) under his supervision. The books like 1) M.N. Roy and Radical Democratic Party (Leftist Politics in India)' in 1989, Minerva and 2) Trade Union Movement in India: Role of M.N. Roy, 1990: Minerva, authored by Dipti Kumar Roy.

G.P.B's Book on Radical Humanism

and M.N. Roy

1. 'M.N. Roy and Radical Humanism', published in 1961. It was published serially in *The Radical Humanist* from Kolkata. The **Wadia** publishers, Bombay, proposed to him to publish this as a book. The book is now out of print and not available in the market. The author has only one copy of this book but not in good condition. At present, the author has no contact with the publisher and his address. The book is less than 80 pages. It needs urgent reprint.

2. 'Evolution of Political Philosophy of M.N. Roy', 1971, Minerva Associates (Publications), It was his Ph. D thesis.

3. 'M.N. Roy: From Marxism to Humanism', 2014 (published by Nripen Choudhury on behalf of Minerva Associates (Publications), Kolkata 700006.

Books on International Relations:

1. Antaryajic Samparka (in Bengali).
2. Renaissance and Freedom Movement of Bangladesh, 1972, Minerva Associates,
3. 'Perestroika'..... Minerva Associates
4. Nepal and Indian Politics... Minerva Associates
5. South East Asian Politics: Indonesia and

Malaysia, Minerva Associates

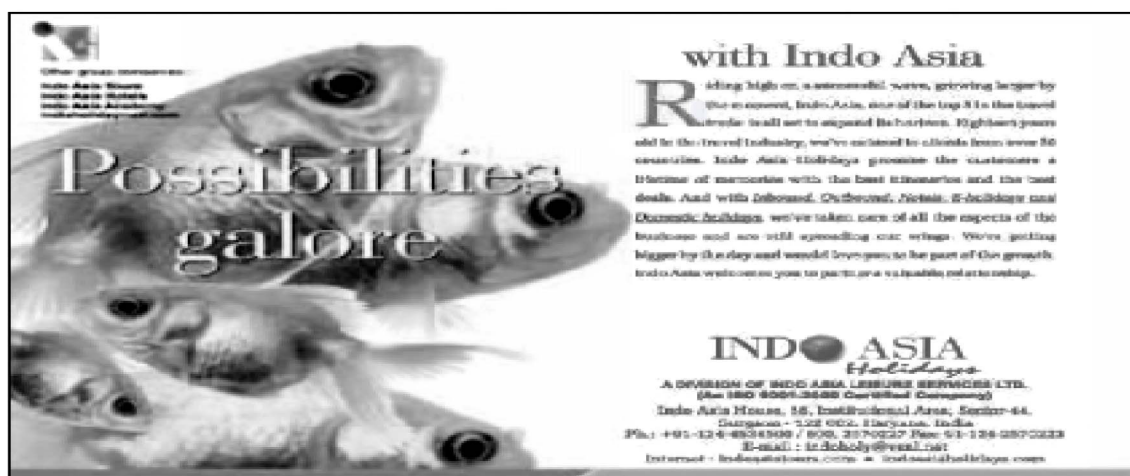
- He is now engaged in research on problems confronting the development of Democracy. "He is particularly concerned with the impact of western ideas and Marxist thoughts on the growth of democracy in this region, and he believes that these two currents of thought have influenced the ideas of M.N. Roy more than any other thinker of this region"(from the cover page of the book).

He is now 89 years old. He is a soft spoken person, clear in thought and firm in his point of discussion. He loves to eat sweets and it is in his everyday menu of meal. He does not suffer from any blood sugar but has some problems of old age. The couple lives in a solitary house depending on some assistants for household work, health care and other things. Some old students visit him and he loves to listen to them.

Being asked questions and queries on many critical topics, he seemed happy to share with us. His wife shared equally with him in our sittings with him. Mrs Bijoya Bhattacharjee reads newspapers and different journals regularly. Despite her age, she is well aware of current politics and society. She takes most care of her husband. She also needs some care at this age.

Kolkata -75

Dated: 14.09.2015



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Button Down



Sangeeta Mall*

On a recent visit to a Jain temple, my husband was refused entry into the sanctum sanctorum because he was wearing shorts. It was a hot day, we were on vacation, the temple was on a list of tourist places to visit in that neighbourhood, and it was natural for my husband to wear shorts under the circumstances. But he was denied entry by the security guard. So while he sat on a bench nearby, the rest of us went inside and were instantly surrounded by images of a naked man who was, of course, Lord Mahavir, the founder of Jainism. I wonder if the custodians of the temple understood the irony of the situation. In modern times, Mahavir would have been arrested for indecent exposure. In ancient India, he was venerated and legends were woven around this naked saint. Perhaps in those days public nudity wasn't considered illegal. Just as in today's age, showing one's knees is perfectly normal and isn't ground for legal action. Then why do places of worship consider themselves above the law and prescribe a dress code for devotees?

In every temple, mosque, church, there's prescribed attire, formally or otherwise. One just 'knows' if what one is wearing is appropriate for a place of worship. In churches, dresses above the knees, sleeveless tops for women, shorts for women, all these are actively discouraged, if not forbidden altogether. In a mosque, it is mandatory to cover one's head, as it is in a gurudwara, while Hindu temples encourage attire that displays modesty. It's as though God demands not merely a supplicant, but a well-dressed one, according to rules enunciated by male head priests. It is not enough to follow the unstated code of civilian dress. A difference has been created between temporal attire and religious dress. Most of the time, the latter is aimed at women, those challengers of social morality,

temptresses who need to cover themselves to prevent impure thoughts amongst the devotees. The one rule of religious dress is that everything

must be covered, the legs, the arms, the head and sometimes, even the face. Most devotees are eager to display their piety by subscribing to the unwritten dress code inside a place of worship, and there's a sort of censorship at work, where non-adherents are automatically singled out for censure by the devotees. Ironically, there are very few religious texts that specify a dress code. Sikhism enjoins upon its followers to cover their head, but this is mandated for everyone, male or female. When I tried to look for what a Hindu or Christian is expected to wear to church, I found no answer except that one is expected to dress 'modestly'. The question then arises, why should such 'modesty' be restricted only to places of worship? Why should what one wears to work be different from what one wears to the temple? And how does what one wears become a signifier of what one believes?

Now the Madras High Court has also jumped into this debate, for no ostensible reason. According to a report in The Indian Express a few weeks ago, the Madurai bench of the Madras High Court ordered the police 'to ensure a dress code for people entering temples'. There are several things wrong with this action and they are listed one by one here.

1. Why should a court adjudicate on what a person can or can't wear, unless the dress is a uniform?

2. Why should the court curtail a person's right to freedom of expression? Shouldn't it weigh in on protecting that freedom instead? Shouldn't the court issue a judgment in case any civil au-

thority challenges one's right to dress as one wants?

3. Why should the police be involved in a spiritual matter? The temple and its security apparatus should be instructed to manage its own affairs, surely? What happens if a devotee isn't dressed 'properly'? Can the police deny her entry to the temple? Under what law?

Obviously the court didn't take into account all these issues while issuing this decree.

Perhaps all these aren't really very big hurdles to overcome. Perhaps the security apparatus of the temple and the police, in combination, will enforce a dress code. The sufferers will, once again, be women. Perhaps this wasn't the court's intention. To quote the report, "The judgment said that prescribing dress code for devotees is inevitable in Tamil Nadu 'to enhance the spiritual ambience among devotees.'" The question arises, is it possible to enforce a 'spiritual ambience'? And why should a court of law, a temporal institution, take upon itself the role of a priest?

Religion curtails rights that the judiciary is mandated to protect and uphold. In a secular country, the judiciary is duty-bound to protect every individual's freedom of expression. Article 19 of our Constitution gives us this right quite clearly. The judiciary isn't expected to join forces with religious establishments.

It is sad that civil institutions in our country are becoming increasingly cavalier about protecting the rights of the citizens, focusing their vigilance instead on the breaches in religious order. If we are to move towards modernity,

then we have no option but to adopt secularism as a state of mind, and not merely as a word in the Preamble. This means respecting the boundary between the private and the public, and not intruding on the former. What one wears is a matter of personal preference. While a temple can lay down a dress code, it is not for the court to do so.

The dilution of our secular ethic has happened gradually over time. While the last two years have seen a rise in the overall religious temper in the country, the state has been complicit in curtailing our rights all through. There is a growing tendency towards conservatism, in our social discourse, our entertainment, our journalism. Even our judiciary is not immune to this trend. The inability of our country to get rid of Article 377 of the Indian Penal Code, in fact, the support it receives from various sections of society, reveals how the liberal mindset is restricted to a very small section of society.

Can we protect our freedoms? How do we do so? Mercifully, in this case, the judgment of the Madras High Court was overruled by another bench. But we have to constantly remain on guard against any encroachment upon our fundamental rights. And we have to hope that the courts will follow their duty of protecting these rights.

**Sangeeta Mall is former Managing Editor of the Radical Humanist and former editor of the International Humanist News. Sangeeta is a novelist. Her most recent novel, Flight of the Flamingo, was published in 2013.*

The Radical Humanist on Website

February 2015 onwards 'The Radical Humanist' is available at <http://www.lohiatoday.com/> on Periodicals page, thanks to Manohar Ravela who administers the site on Ram Manohar Lohia, the great socialist leader of India.

Mahi Pal Singh

Need for amiable atmosphere

:- Kuldip Nayar

What happened at Pathankot is a symptom, not the disease. The disease is the hatred which has been instilled in the minds of people in India and Pakistan. Ten years ago, hatred appeared in the shape of terrorist attacks in Mumbai. This time it is the picture of attack on the airbase at Pathankot.

The baggage of partition, when the border was drawn on the basis of religion, has been carried on by three generations since then. The hatred has been increasing since there is particularly no contact between the peoples living in the two countries.

On top of it, the books in Pakistan have distorted history and shown the Hindus in India in a bad light. Texts have been revised after protests by the liberals in Pakistan itself. Still the history glorifies persons like Mohammad Gaznavi, who destroyed the age-old Somnath temple in Gujarat. Some extreme Hindu elements have tried to rewrite history in India. But they met with little success because the secular character of the polity stalled them. They are still trying because they are finding some response.

Prime Minister Nawaz Sharif's announcement that he would probe and punish the perpetrators of Pathankot airbase attack comes as a light in dark endless tunnel dividing India and Pakistan. Against this background comes Nawaz Sharif's welcome assurance. Indeed, he is for peace but the question remains is will he succeed?

He was ousted by the then military chief, General Pervez Musharraf, who is being tried for treason. That he is on bail indicates the pressure the armed forces have exerted on Nawaz Sharif. The army which has the last

word in Pakistan cannot afford to send to the gallows an ex-army chief, however heinous his crime is.

This also indicates the infirmity of law when the accused is a member of the armed forces. Things have not stayed there. The military courts try the civil cases if the armed forces are even remotely connected. Religious forums trying the cases of blasphemy have none, not even the apex court, to supervise. It is brave of Nawaz Sharif to make even a legitimate statement because he is being scrutinized by the military on the one hand and the religious elements on the other.

Prime Minister Narendra Modi has, indeed, helped him to gain stature inside Pakistan by his visit to Lahore. Modi has sensed that the state and non-state actors are opposed to a dialogue with India. That is the reason why the talks between the foreign secretaries of the two countries were rescheduled, not broken.

The understanding is essential because of anti-Pakistan sentiment which is being fomented in India. The extremists don't want the two countries to come closer because they thrive only in an atmosphere of enmity. They have even tried to stall prayers by women in some temples as well as mosques. On one side is the Shani Shingnapur mandir in Ahmednagar district of Maharashtra while on the other is the Haji Ali dargha in Mumbai with an average person helplessly watching the situation.

I have unnecessarily waited for the government action against those who stopped the entry of women to the temple in Maharashtra. That Hindu fanatic fringe put women in the forefront to perpetuate men's

superiority does tangle the problem. But the government should have seen through the game of fanatics.

Talking to some of them I find that they firmly believed that sanctum sanctorum would lose its purity if women were allowed. “We have allotted them enough space,” some people argued. I was aghast at the reply because I could not understand who had given them the authority to stop women from praying in the temple’s interior.

The Maharashtra government, apparently biased, considered the matter a law and order issue and allowed the police to tackle it. The Modi government at the centre hid itself behind the fragile argument that the law and order was a state subject. But it was not a mere law and order problem. Women’s right to places of worship is as much a constitutional right as is that of men. The extremists won the battle, proving once again that they can have a field day when it came to breaking the religious rigidities.

Fortunately, there were some reactions and processions in a couple of cities against the issue. But this limited response only proves that India’s democratic polity has a long way to go before it can implement women’s basic rights to pray in any temple. I am told that the same practice prevails in mosques. For example, the Haji Ali, the popular mosque in Mumbai, is barred to women.

Some years ago, a Kannada film actress had claimed that she touched the idol of Lord Aiyappa at the Sabrimala temple in Kerala. All hell broke loose after that and the devotees

of Aiyappa were incensed and demanded strict action against the once glamorous actress for hurting their religious sentiments. A case was filed in the Kerala High Court which was quashed six years later when the court ruled that the charges against the actress were invalid.

In fact, there are several other temples in India that prohibit the entry of women. Among them are Baba Balak Nath temple in Himachal Pradesh, Lord Kartikeya temple in Rajasthan and Patbasu Satra temple in Assam. I recall how some years ago former Prime Minister Indira Gandhi was turned away from the Jagannadh temple at Puri because she was married to a Parsi.

Similarly, a controversy was created when the famous Carnatic singer K.J. Yesudas, a devotee of Sri Krishna, was barred entry to the famous Guruvayur temple. I recollect another instance when purification was ordered at the temple after the ceremonial first feeding of former Union Minister Vayalar Ravi’s grandson. The reason for purification was that the child’s grandmother was a Christian. This was despite the fact that both the father and mother of the child were Hindus!

Such instances are due to the atmosphere of intolerance which is creeping into body politics of the country. The nation has to be aware.

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

“I have cherished the ideal of a democratic and free society in which all persons live together in harmony and with equal opportunities. It is an ideal which I hope to live for and to achieve. But if it needs be, it is an ideal for which I am prepared to die.”

– Nelson Mandela

Need to cleanse the education from the Dronacharayas

:- Vidya Bhushan Rawat

Hyderabad University can't escape from the blame of killing the young Dalit scholar. We want to ask this question, "Why should students at this level be 'expelled'?" The problem with these institutions is that they want to 'discipline' students like primary class students. At the higher level you have to allow them to think and take part in political activities. India's Universities once upon a time were the place which created student leaders who were much broader in thought and actively involved in social action. Today, in the name of having a 'central university' we see that students are supposed to attend classes like primary students. With no independent thinking being allowed, what do we want? How many PhDs are really coming which can be called path breaking. We don't want our students to comment on critical issues. Even after the death of Rohith, we are hearing that he 'supported' Yaqub Memon. I am quite amazed with this argument. So what? All those who talk of justice supported him. There are people who fought his case. All of us were saying that he should get enough chance to defend himself. It is ridiculous to suggest that we can't speak differently on an issue we feel close to our heart.

The UGC and MHRD must respond. They can't kill our students in the name of 'excellence'. First clean the crap and the dirty caste minds inside our institutions otherwise we are heading for a chaotic period. Students are still fighting for their right for non-net fellowship issue and 'occupyUGC?' campaigning is still strong. Such incidents show how caste-capitalist minds are working together to implement their vicious agenda in education institutions.

India's academic institutions are under brahmanical threat. This government has unleashed a brahmanical war on India's indigenous

people. If it really wants to show us that it cares for all its citizens, particularly those who come from non-Aryan segments, it must stand up, order an independent inquiry into the Hyderabad University incident and readmit the students to the hostel. You have no right to destroy the careers of the students at this stage. It is time strict instructions are sent to university administration everywhere and any unilateral action must be condemned.

This is not the first incident of its kind. We have seen academic institutions trying to mould students in a particular kind of thought and Dalit-Adivasi-Muslim students are considered to be dissenters as they will resist any attempt to put them under the brahmanical mainstream as an attachment. It's a war of ideologies where the RSS and Hindutva ideologies are getting state protection inside our institutions. Mythologies are being claimed as history.

It is not unusual that while the government wants to worship Ambedkar in the 125th year by making politically correct statements using Ambedkar's differences against other contemporary leaders but shamefully the same government has snatched scholarships from students and disturbingly the Ambedkar Foundation which is in charge of propagating Ambedkar's books in Hindi, English and various other Indian languages did not have enough books at its stall at the World Book Fair. Till a few years back, Dr Ambedkar's original work was sold at cheap price by the government. We always recommend people to read the original volumes so that they are not misinterpreted by anyone.

It is time for all of us to seriously think of whether and where we have failed. Those who want to glorify this helplessness need to understand the human psychology. If we shout slogans and con-

tinue with our struggle, the university might take the students back under pressure but the Dronacharyas with their caste minds will remain there. They will try to do everything but there are definitely good teachers too. We need to broaden our agenda and associate with those who could be our associates and who can't be. In educational institutions and elsewhere there are prejudices but there are a few of them who stand in solidarity with students and guide them. It is time we have this capacity. Secondly, for students it is their career which is important. Rohit committed suicide perhaps because a solution was not in sight. Those of us, and there are so many in power positions, in academics, in bureaucracy, in media and in responsible power positions, who can talk and negotiate with the university authorities. If the students have done anything wrong they can be guided. Colleges and Universities or any government institution cannot be allowed to believe in retribution. Students are there to study and we need to promote that idea. University campuses must give student time to think of not just their future but also their interaction with politics and society must be encouraged. We should not allow the situation to come to this level when a student commits suicide. It is time to seriously think whether those who claim to work for the people failed. It is not useful only to raise an issue but also to see whether we can help with our influ-

ence and connections. Students are sitting on Dharana and many could speak to the VC and find out as to what the problem is. Many others could have gone to the court or meet the Ministers. Why does it need a suicide to wake us up?

It is a sad moment. I hope this will wake us up as this is neither the first incident nor will be the last as situation inside our campuses is bad. It needs much more than sloganeering. We need to fight against brahmanisation of education but at the same point of time we should ask our students to fight and change. Please do not take your life. This helplessness pains us, agonizes us. We hope those in Hyderabad or working with students in their campuses will form groups and I am sure there are many teachers and other like-minded people who could form as a guiding force, who can talk to the administration.

An insensitive institution cannot create sensitive students. We hope the government will wake up. This suicide by a Dalit student is a warning to India's brahmanical establishment to mend its ways. We hope the government in the 125th year of Dr Ambedkar's birth centenary will act in good faith otherwise things might go out of control.

We stand in solidarity with all those who call for an overhaul of our educational system. Stand up against the casteist Dronacharyas sitting in our academic world.

Mahatma Gandhi on Dissent

I have repeatedly observed that no school of thought can claim a monopoly of right judgement. We are all liable to err and are often obliged to revise our judgements. In a vast country like this, there must be

room for all schools of honest thought. And the least, therefore, that we owe to ourselves as to others is to try to understand the opponent's view-point and, if we cannot accept it, respect it as fully as we expect him to respect ours.

:- Mahatma Gandhi

HISTORY REVISITED:

The Attempt to Misappropriate Subhas Bose - a Staunch Leftist and Secularist, by the Hindutva Brigade: A Comment

Shoaib Daniyal

As right-wing BJP seeks to appropriate Bose, a reminder: Congress expelled him for being too left

Staunchly non-sectarian and left wing, Subhas Chandra Bose was suspended for proposing a radical anti-British movement which was opposed by the Congress' right wing in 1939.

For some time now, the Bharatiya Janata Party has been on the lookout for historical icons. After building an impressive present as India's largest party, it is only natural that it would now look to construct a notable past. Given the colossal role that the Congress played in the freedom struggle, the BJP has necessarily had to poach some Congressmen for this task, the main figure there being Vallabhbhai Patel. Since Patel leaned to the right, however, his inclusion in the

BJP pantheon isn't all that incongruous — after all the Congress that led the freedom struggle is the collective inheritance of all Indians, not just the present Congress party.

What is more difficult to swallow is the BJP's sudden love for Subhas Chandra Bose. Bose's popularity has endured despite almost being ignored by the powers-that-be in Delhi since 1947. The BJP has sought to hitch its wagon onto Bose's appeal and in its latest move declassified papers related to Bose on January 23, his birth anniversary. Unlike Patel, however, Bose was a self-described leftist. What's more, he was expelled from the Congress precisely because of the extreme left, anti-imperialist positions he took, which threatened the right wing of the party.

Challenging the Congress right wing

The left had been a growing presence in the Congress all through the 1930s. However, the party was still a largely conservative body and Congress pressure groups such as the Congress

Socialist Party or the Royists (followers of MN Roy, founder of the Communist Party of India)

did not control the levers of the organisation.

In 1938, the left wing achieved a major success with the election of its firebrand leader, Subhas Bose, as Congress president. This was not, however, a break with the right, and Bose had been elected with Gandhi's support. Matters came to a head in 1939, however, when Gandhi made it clear that he did not want Bose to stand for re-election.

For the first time since 1920, Gandhi, however, was opposed within the party. Bose decided to stand for re-election nevertheless, challenging the Mahatma's candidate Pattabhi Sitaramayya. Bose's campaign was centred on an issue that had split the Congress' left and right wings:

cooperation with the British. The right wanted to collaborate with the British and work a new form of government, laid out in the Government of India Act 1935, which promised a substantial measure of democratic government at the provincial level. The Congress left, however, wanted no truck with the Raj at all, and preferred to launch a mass agitation — a demand that had become more urgent given the turmoil in Europe as World War II loomed.

Pyrrhic victory

The election was, therefore, fought on ideological lines. On Gandhi's side stood the entire

old guard of the Congress. In a speech at the time, C Rajagopalachari warned that Bose's boat was "leaky" and the Congress should trust the "old boat but big boat, piloted by Mahatma Gandhi". (Nine years later, when Rajaji was made governor of West Bengal, he was taunted with shouts of "leaky boat" in Calcutta).

The Congress, however, was now increasingly growing impatient at the thought of cooperating with the British. The entire Congress left came together to award Bose a stunning win of 1,575 to 1,376 votes.

This was, however, to be a pyrrhic victory for Bose. Gandhi soon announced that this had been a personal defeat for him and, in a typically loaded statement, remarked, "After all, Subhas babu is not an enemy of the country". In response, the entire Working Committee, loyal to the Mahatma, resigned (the resignation letters had been drafted by Gandhi himself). The only person who remained on, apart from Subhas Bose himself, was his elder brother and a giant of Bengal politics, Sarat Chandra Bose.

Gandhi's loyalists resign

At Tripuri, as the Congress session got underway, GB Pant, another key member of the Congress right-wing, moved a resolution asking Subhas Bose to appoint a working committee "in accordance with the wishes of Gandhiji". This was patently undemocratic and practically overturned Bose's valid election as president. Vallabhbhai Patel, who was a bitter ideological and personal rival of Bose justified this by saying, "The lion becomes a king by birth, not by an election in the jungle."

Patel might have been brusque but he was not saying something altogether untrue. Election or no election, Gandhi was too big to fall — Bose could hardly match up to the Mahatma's national popularity. Seeing that this would splinter the Congress, large parts of the Left including most

significantly, Jawaharlal Nehru decided to abandon Bose. Ram Manohar Lohia's argument carried the day: "Leftists in the Congress should not aspire to set up an alternative leadership to the present leadership of the 'Right'". Later, Bose, bitter at being abandoned by an ideological fellow-traveller, would write privately, "Nobody has done more harm to me personally, and to our cause in this crisis than Pandit Nehru. If he had been with us, we would have had a majority. Even his neutrality would have given us a majority. But he was with the Old Guard at the time."

Bose forced to resign as President

Bose, now pushed into a corner, sought a rapprochement with Gandhi. He wrote to him, agreeing to resign as long as Gandhi would "resume the struggle for national independence". Gandhi, though, was in no mood for compromise and now "seemed determined to oust him". Nehru, still

sympathetic to Bose, wrote to Gandhi pleading that to "push him [Bose] out seems to me an exceedingly wrong step". Gandhi did not bend, refusing to either launch a mass struggle or work with Bose in the Congress.

Totally outmanoeuvred by Gandhi, Bose resigned from the presidentship of the Congress. Rajendra Prasad, another right-winger, was appointed in his stead. Bose, though, did not give up on his ideology and formed the Forwards Bloc, as an umbrella body for Congress leftists. He also did not abandon his dream of an organised movement against the Raj.

Bose expelled for threatening Satyagraha

The Congress — still looking to work with the Raj and anxious to crush Bose's rebellion — now moved to stop any sort of mass movement against the British. Resolutions were passed which declared that no Congressmen could launch Satyagraha without the express permission of the Working Committee — a body firmly

loyal to Gandhi. Bose protested against this move and was immediately removed as president of the Bengal Provincial Congress as well as disqualified from holding any Congress post for three years.

Bitterly, Bose wrote:

"I welcome the decision of the Working Committee virtually expelling me from the Congress for three years. This decision is the logical consequence of the process of right-consolidation [...] By trying to warn the country about the continued drift towards Constitutionalism and Reformism, by protesting against resolutions which seek to kill the revolutionary spirit of the Congress, by working for the cause of left-consolidation and, last but not least, by consistently appealing to the country to prepare for the coming struggle — I have committed a crime for which I have to pay the penalty [...]. I feel no doubt in my mind that the cause which we leftists represent is a just cause."

Bose's final moves in India

After this final break with the Congress, Bose became increasingly militant in his language even as World War II broke out with in Europe. To consolidate his base in Bengal, he fixed a seat sharing agreement with the Muslim League in the prestigious Congress stronghold of the Calcutta Municipal Corporation. As a first step, he aimed to launch a movement to remove Holwell's monument, which publicly commemorated the Black Hole incident during the time of

Siraj-ud-Daula, the last Nawab of Bengal. It was a strategic issue, chosen to unite Hindus and Muslims against the Raj. The British, alarmed at this and acutely aware of Bose's popularity in Bengal, decided to arrest him a day before the movement was to start.

Thus ended Bose's role in the direct politics of India. He would escape from this detention, famously outfoxing the feared Calcutta CID. His

radical stand for an uncompromising attitude towards the Raj — often derided as hot headed — was actually proven correct when the British brusquely dismissed all offers of Congress cooperation. The mass struggle that Bose had urged in 1939 ultimately came about in 1942 in the form of the Quit India movement.

Bose's left-wing legacy

After Bose's death (or, disappearance, if one believes the many conspiracy theories), his elder brother and mentor, Sarat Bose, left the Congress in 1949 after a futile attempt to ensure a united

sovereign Bengal (as an inheritor of CR Das' mantle, the communal partition of Bengal was obviously opposed by him). Sarat Bose then tried to launch a coalition of left parties to take on the Congress in West Bengal as well as SPMookerjee, the founder of Bharatiya Jana Sangh, the BJP's earlier avatar. He had some limited success, even winning an Assembly by-election in 1950 against the Congress candidate in Calcutta but died within weeks of the result. The party Subhas Bose founded, the Forward Bloc, would, two decades later, go on to be part of another "left front", this time led by the Communist Party of India (Marxist), that would rule West Bengal till 2009.

Subhas Bose was, therefore, the inheritor of CR Das's legacy and his politics of Hindu-Muslim accommodation. His own politics was firmly left-wing and Bose saw his expulsion from the Congress as a straight battle with the right. Even his political legacy in West Bengal is

staunchly socialist, with his elder brother launching a left-wing coalition and the party he founded being a part of it till today. The fact that Bose is now being used by the right-wing Bharatiya Janata Party to shore up its historical bench strength is at best an example of intellectual confusion that displays an ignorance of history, or a cynical disregard for it. Courtesy scroll.in

Researchers' Section:

Privatisation of Water, Right to Water and Urban Governance

Dr. Sanhita Rahul Joshi*

*"Water, water, everywhere,
And all the boards did shrink.
Water, water, everywhere,
Not any drop to drink*

English Poet Samuel Taylor Coleridge's these lines perfectly capture the fledging quandary encircling the whole issue of Water. Water is an essential resource on earth. Our life is entwined and dependent on numerous water resources. This vital substance is today at a critical juncture because of its receding levels and claims we make towards its multifarious uses. In a rapidly globalizing world and international funding agencies pushing for privatization of water resources it is timely and imminent to enquire into the question of right to water and contextualize it within the realm of urban governance especially for a developing nation like ours. Urban governance must recognize and attempt to realize this right of people.

The Problem: world & India

A United Nations (UN hence forth) study says that by the year 2025 two-thirds of the world may be water-poor. An estimate shows 1/5 of the world's population lives in areas which have acute scarcity in terms of potable water. Prophecies about rising scarcity and the same may be reaching to an endemic level in East and North Africa as well as Mexico, Pakistan, South Africa, and large parts of China and India have been today testified to a great extent.

India has more than 17 percent of the world's population, but has only 4% of world's renewable water resources with 2.6% of world's land area. There are further limits on utilizable quantities of water owing to uneven distribution over

time and space. Large parts of India have already become water stressed. Rapid growth in demand for water due to population growth, urbanization and changing lifestyle pose serious challenges to water security. Low consciousness about the scarcity of water and its life sustaining and economic value results in its mismanagement, wastage, and inefficient use. Water scarcity includes not only the physical scarcity of water but also the lack of access to safe drinking water and sanitation. Therefore one may easily conclude that water has come to be known as "the oil of the 21st century." And if at all 3rd world war takes place, it will be to gain control over this vital and fundamental for survival natural resource.

Let us look at this situation in the backdrop of two contradictory ideas being which were discussed and pursued rigorously.

1) United Nation's Millenium Development Goals (MDG hence forth) (which to me are an exposition to achievement of some unconventional rights and guaranteeing them) aim to halve the number of people without access to water and sanitation service by 2015. Although not mentioned anywhere explicitly in MDG, UN as well as World Bank, through its other reports, has been championing the idea of promoting decentralisation and local governance to achieve these goals effectively. It is expected that local governance can ensure democratic decision making, community participation and lead to equitable and just utilization of common property resources.

2) On the other hand international funding agencies through various conspicuous instruments are

aggressively pushing for the agenda for privatization of some essential service including water and sanitation especially on less developed countries and developing nations. It tries to validate these measures on the pretext of better management and efficient usage of water resources.

Interestingly it is necessary to note here that Water privatization issues rose out of the growing problem of water scarcity in the world. This leads us to a fundamental question that -water which is a scarce resource belongs to whom, who should govern, control and manage or have propriety over it.

According to UNESCO current water crisis is caused not by lack of water supply or technology but rather by failure in water governance. It is in this backdrop I am trying to develop an argument that urban governance has a vital role to play in respecting as well as recognizing right to water of the people at ground zero. Governance is a broader term than government. It not only includes democratically elected Local Government Units but also stakeholder participation, civil society and many other actors in the decision making process.

What has been observed that increasingly governments and specially many urban local bodies across the globe, are now pushing for privatization of water resources, their management and supply citing reasons such as they attract investments that cash-strapped governments could not afford , cheaper tariffs, better services, improved reliability, latest technology, increased efficiency & reduced corruption. However, the **Water War of Cochabamba in Bolivia a watershed event** and a legend in the struggles against water privatisation inspired, catalysed and symbolised the challenges to the assertion of privatisation as a solution for all water woes.

In India too efforts to introduce privatisation in the water sector have increased dramatically in

the last few years, as have the protests. Interestingly most of the privatization attempts have been initiated in urban areas viz. Bangalore, Delhi, Dharwad, Mumbai and Nagpur to join most recently where a multinational corporation namely Veolia has been invited to provide 24/7 water supply. We cannot overlook the fact that an urban space for instance like Mumbai has more than 55% population living in slums which is obviously underprivileged in terms of access to water resources and services, and so is also true of other urban areas in India. Privatization experiment which was introduced in K east ward of Mumbai was met with severe resistance from the local people. Access and availability of this basic resource became highly iniquitous. This obviously has been met with severe backlash from people.

What has been observed that all over the world, privatisation projects, often labeled as model projects have collapsed and have met with stiff resistance from the local people. This is mainly due to sharply rising tariffs, disconnections, failure to extend services to the poor. It has led to depriving people of the basic, fundamental human right to water. Governments are abdicating their social responsibility and millions of people have been affected in the process.

The two contradictory currents at the international level which I mentioned earlier are also discernible in Indian context. A look at Indian Scenario tells us that water has been among the last of the sectors to be opened up for privatisation after new economic policy was introduced in the country in 1991. National water policy of 2002 and 2012 overtly confirms and invites private participation in water sector. The most striking consequence of privatisation in the water sector and its failed promises has been the sacrifice of the social responsibility of providing water at the altar of profits.

The process of strengthening the democratic

base of our polity and recognizing rights of self-governance to recognize and realise unconventional rights began in India almost at the same time. The 73rd and 74th Constitutional Amendment Act of 1992 were passed during the period of opening up of our closed and regulated economy, not to forget under the dictates of International Monetary Fund and World Bank. The 74th Constitutional Amendment Act devolves 18 important functions to Urban Local Bodies and providing water and sanitation services have been mentioned in the 12th schedule of constitution of India. Most of the state governments have passed conformity legislation in their respective states and thus giving an elaborate role for urban local bodies to play.

On the other hand what we observe today is that, Urban local bodies in India are vigorously pursuing the agenda of privatization of water and water service and its allied services. It means they are in a way disregarding & probably denying to play a constitutional role and therefore I believe it is violative of the constitution. Urban governance realm in India today fails to recognize the right to water of local population in the name of financial paucity, lack of sophisticated technology at their end and better, economic and efficient management of water resources by the private sector. However no assertion here is made of outright forswearing of these ground level snags.

1977 UN Conference on Water which took place in Mar del Plata Mar declared right to water as a human right. According to Copenhagen Consensus water is considered as a basic human right and a public good which can be best administered by the public sector and more precisely with local participation. Indian constitution although is explicitly silent on right to water it is today considered an implicit part of all-encompassing right to life mentioned in article 21 of the constitution. However this is the result of a long struggle and liberal and activist interpretation by

the courts at various occasions and is also part of constitutional and judicial evolution. In *Gauam Uzir Vs. Guwahati Municipal Corporation*, case of 1999 where Guwahati Municipal Corporation failed to provide uninterrupted water supply, court categorically maintained that water is essential to life and therefore it attracts the provisions of article 21. In another case of *S K Garg vs. State of Uttar Pradesh* 1999 court maintained that need for a decent life includes the right to food, water and a decent environment. These court decisions and judicial interpretations are an audacious attempt to safeguard the basic human rights of people and specially those who are less privileged.

French philosopher Henri Lefebvre talked about “right to the city”. According to Lefebvre’s theory, the “Right to the City” would restructure the power relations which underlie urban space, transferring control from capital and the state over to urban inhabitants. Lefebvre argued that the “Right to the City” is the right to “urban life, to renewed centrality, to places of encounter and exchange, to life rhythms and time uses, enabling the full and complete usage of ... moments and places.” Without assuming that the current urban environment is identical to the one when Lefebvre wrote about it several decades ago, his concept can still be applied to today’s urban space, taking into account recent urban trends. In my opinion right to water, right to city and urban governance share an intricate relationship. It will promote commitment of urban governance towards significant issues including the issue of water.

Most of the civilizations of the world have flourished and thrived on the banks of various rivers. Therefore water has always been an integral part of human development. Traditionally it has been a common property resource managed by community and for the community. Therefore disconnect between the two is unwelcome. Right to water is fundamental to human survival and hence any attempt to make it a commodity for privi-

leged few would mean throwing people into a cauldron of callous neglect.

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An Appeal to the Readers

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

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Thanking you.

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CONFERENCE OF

TELANGANA RATIONALIST ASSOCIATION

Conference of Telangana Rationalist Association and Rationalist, Humanist Study classes were held on 20th December, 2015 at Srikrishna

book “Knowledge and Truth” written by

B. Rajendra Prasad.



G. Veeranna Presented a copy of his Ph.D. Thesis on ‘The Writings of Ravipudi Venkatadri – Rationalism and Humanism’ to Sri R. Venkatadri. Jasthi Jawaharlal Ravela Somaiah and R. Venkatadri also expressed their views on Rationalism and Humanism.

A message sent by Bhaskar Sur was read by Gumma Veeranna.

Afternoon session was chaired by Meduri Satyanarayana, Jasti

Jawaharlal and Shekhabu were delivered their speeches on Secularism, and Rationalism respectively. A new body was elected for “Telangana Rationalism Association”.

Devraya Andhra Bhasha Nilayam, Sulthan Bazar, Koti, Hyderabad, under the supervision of Sri Ravipudi Venkatadri Chairman, Rationalist Association of India.

Morning session was chaired by Sri Kari Hari Babu, General Secretary, Radical Humanist Center, Inkollu, Prakasham District Sri G. Veeranna, President AP Rationalist Association Spoke on “Physical Realm”, C.L.N. Gandhi President, Hyderabad Rationalist Association Supplemented on above subject Sri Meduri Satyanarayana, General Secretary, Rationalist Association of India. Gave his lecture on “Man-Revolution of Ideas”.

On this occasion three volume of “M.N. Roy Reader – Essential Writings” Edited by Bhaskar Sur and R.M. Pal were released by Jasthi Jawaharlal, Narra Kotaiah and Ravela Somaiah Respectively. Another book “Alochanalu Anulochana Varasatvalu” Written by Ravipudi Venkatadri was released by Avula Gowtham. Ravipudi Venkatadri released one

The following office bearers were elected.

- 1) D. Anjaneyulu – President
- 2) M. Rajeswar Rao – Vice President
- 3) M. Budha Vishal – General Secretary
- 4) B. Lenin Babu – Assistant Secretary
- 5) A. Ravindra Naik – Treasurer

And 17 Executive Committee members were also elected.

Nearly 100 members from different parts of Telangana and Andhra Pradesh, States were Attended the meeting Rationalist and Humanist literature worth Rs. 9000/- was sold on this occasion.

Report by: L. Vishwanatha Reddy

Photo by: Gumma Veeranna

The Truth about The Gita

By Late V R Narla*



V.R. Narla

(On 30th August 2015 Prof. M.M. Kalburgi, a renowned rationalist scholar and former Vice-Chancellor of Hampi University, Karnataka was shot dead at his residence. Co-Convenor of the Bajrang Dal's Bantwal cell, Bhuvith Shetty, welcomed the assassination of M.M. Kalburgi. Earlier a leading rationalist and anti-superstition activist Dr. Narendra Dabholkar was murdered in Pune on 20th August 2013 and another left leader and outspoken critic of Hindutva, Govind Pansare was murdered in Kolhapur on 20th February 2015. All these had the courage to speak the unsavoury truth based on their research without fear of consequences. All of them are suspected to have been killed by right wing religious extremists. With the BJP government at the Centre providing tacit support, right wing Hindutva elements are emboldened and are increasingly coming out openly against persons who are merely critical of Hinduism.)

Human rights activists have strongly condemned the killing of Kalburgi and earlier those of Narendra Dabholkar and Govind Pansare. As a mark of respect to these scholars and rational thinkers, and our commitment to rationalist thinking and also upholding the cause of freedom of speech and expression as granted by the Indian Constitution, we are publishing some chapters from the book 'The Truth about the Gita' written by late V.R. Narla, also a great scholar and rationalist, beginning with the September issue of The Radical Humanist. – Editor)

It was Kipling who in a mood of levity used the phrase, "a fraud of monstrous size" to describe Cheops' pyramid which, five thousand years after its creation, still stands proudly just outside Cairo at the edge of the Sahara. Without the least levity, Kipling's phrase can be applied to the Mahabharata. As that tomb is called "the great pyramid", this tome is called "the great epic." That tops the list of the Seven Wonders of the World on the score of its sheer bulk. On the same score, this should head the list of the seven fantasies of the world if one were to prepare that list. While that is 451 feet in height and has 3,057,000 cubic yards of masonry, this is eighteen cantos in length and runs to 100,000 verses. Whatever sanctity the pyramid enjoyed at one time, it lost a long time ago; it is now only a tourist attraction. The epic, on the other hand, still enjoys its sanctity and that is one of the worst

calamities of India. The sheer bulk and weight of the Mahabharata, and its sheer nonsense, crushes out all commonsense, even all common decency, from Indian life and thought.

How over the centuries the Mahabharata had grown into its present monstrous size is a tale that is told much too often. So, I need not tell it over again. It is enough to state that the epic itself provides internal evidence that it was the handiwork of three scribes, Vyasa, Vaisampayana and Souti. Vyasa, it is said, dictated the core-theme in 8800 verses and called it "Jaya". Vaisampayana enlarged it to 24,000 verses, and renamed it 'Bharata'. Then Souti came along to expand it to a grand total of 1,00,000 verses and called it the "Mahabharata". But the truth is that, apart from these three, there were many more nameless scribes and scribe-

blers, fabricators and forgers, who put their finger into the prodigious pie.

To temper with the work of some other author, interpolate whole passages of your own into it, to twist it out of shape, to alter its very basis and its central message — what a heinous crime it is ! And yet in this spiritual country of ours, it has been done since antiquity. There is no religious text, no law-code, no treatise on polity, no manual of economics, no epic, no Purana that is not tampered with. And it is done with a clear conscience! Indeed, it is thought that to "improve" the work of others by what you believe to be correct, proper or true, or what you think will subserve public interest (in effect this means the interest of your own caste) is a thing which would earn you the right of permanent residence in Swarga (heaven). And so, the process of "improving" goes on all the time. Even the coming of the printing press has not put a stop to it.

The *Mahabharata* is the worst victim in this respect. Its original form was in all likelihood that of a ballad. When there was no cinema, no radio, no television, perhaps not even the theatre, one of the most popular forms of entertainment was undoubtedly the singing of ballads. They were woven round folk-heroes or tribal gods. Their authors belonged to a special caste, a mixed one, called "Suta". The Sutas attached themselves to royal courts. They were most in demand during sacrifices. Some of the sacrifices went on and on for a dozen years or more and to overcome the boredom of the prolonged rituals the Sutas were engaged to recite their ballads. To please their royal patrons, they trimmed the text of the ballads here, expanded it there, and took full liberties with it everywhere. That is how the ballads increased in length from one recital to another and with each fresh recital their tone and tenor also changed. This was true not only of the *Mahabharata*, but of the

Ramayana and *Puranas* as well.

That, however, is not the end of the story. The original text in Prakrit was changed (as Pargiter suggests) in later time to Sanskrit.' At this stage the Brahmins replaced the Sutas. And they went full steam ahead not only to alter the text of the old ballads but also their character, their meaning and message. The main thrust of their revision was to make themselves the undisputed gods on earth. Indeed, some of them went much further. The Bhrigus, who were the principal revisers, placed themselves above the gods. One of them, it was claimed, gave a hard kick — perhaps harder than a kick by a judo expert - right on the chest of Vishnu for not showing him proper respect. Prior to this, he was equally incensed with Brahma and Shiva, and laid them under dire courses.'

I am no Sanskrit scholar. Nor have I spent a lifetime doing research in Indology. But there are others, Indians and foreigners, who mastered Sanskrit and earned great name as Indologists. They can speak with greater authority than myself. One such was Hermann Oldenberg of Germany. The author of a critical biography of the Buddha, he was known as a prodigy of industry. According to the well-considered verdict of this savant: "The Mahabharata began its existence as a simple epic narrative. It became, in course of centuries, the most monstrous chaos." So, I am not the first, nor will I be the last to apply the adjective "monstrous" to the Mahabharata.

Hopkins was a closer student of the Mahabharata than Oldenberg. In his book *The Great Epic of India*, wholly devoted to a systematic analysis of the Mahabharata, and published for the first time at the beginning of the present century, this American Indologist described graphically how the epic has come down to us, and I quote:

In what shape has epic poetry come down to us? A text that is no text, enlarged and altered in every recession, chapter after chapter recognized even by native commentators as Praksipta in a land without historical Sens or care for the preservation of popular monuments, where no check was put on any reciter or copyist who might add what beauties or polish what parts he would, where it was a merit to add a glory to the pet god, where every popular poem was handled freely and is so to this day.'

we think nothing of tampering with the old texts, be they religious or secular. And in the process of tampering, we throw in everything, relevant or irrelevant, decent or vulgar, true or false. According to Vincent Smith, out of the 100,000 verses of the existing text of the *Mahabharata* only 20,000 have a bearing on the core-theme of the epic, that is, the conflict between the Kurus and Pandus; all the rest is padding, more padding and yet more padding. Even in the medieval Hindi epic, the *Chand-Raisa*, there is padding in a big way. Its initial 5000 verses are now lost in a muddy ocean of 125,000 verses.'

What I have said thus far is meant to lead to some pertinent question. When was the core-theme of the *Mahabharata* composed? When and how did its expansion begin? When did it stop? What were the motives for tampering with the text?

On every one of these questions, there is wide divergence of opinion among scholars. But it can be definitely said that the *Mahabharata* did not exist as an epic in Sanskrit, as distinct from a heroic laud in Prakrit, at the time of Panini. In his grammar the word "Mahabharata" is used, (as already pointed out) not as a noun, but as an adjective. He, however, mentioned Vasudeva, Arjuna and Yudhisthira, but the first two as Gods.⁹ From this we can deduce two things;

first, at the time of Panini, *Mahabharata* did not exist as an epic in Sanskrit; second, the Krishna cult was then in its formative stages, and along with Krishna, Arjuna was also being worshipped as a god.

That Panini was unaware of the *Mahabharata* as an epic is suggested by yet another significant point. His grammar refers to Kunti and Madri. But they are brought in not as the wives of Pandu but as "geographical appellatives; Kunti signifying a woman from the country of the Kuntas, and Madri, Madra woman."⁹

When, then, did the *Mahabharata* assume the form of an epic?

The earliest reference both to "Bharata and Mahabharata" occurs in

Asvalayana Grihyasutra. But Albrecht Weber thought that it was either an interpolation or that the sutra was of a very late date.¹⁰ However that may be, as the date of the sutra itself is very uncertain, it leaves us hanging And so, we are back in the realm of assumptions, conjectures, speculations, guesses, etc. But of one thing there can be no doubt. Whatever be the date when the *Mahabharata* assumed its present form of an epic in Sanskrit, it cannot be anterior to Panini. Of course, that grammarians' lifetime cannot be fixed exactly ;,' but the consensus is now in favour of the fifth century B .C. R a p s o n , ' 2 B a r n e t t , " H o p k i n s , " Macdonell: 'SWintemitz, 16 and some others think that the *Mahabharata's* initial emergence as an epic should be placed some years after Panini, that is, between the fourth and third century B.C. Weber brings the date down to the third century B.C.," and so does Vaidya.¹⁸ Radha Kumud Mookerji brings it down further by a century to the second century B.C."

Whatever might have been the upper limit for the emergence of the '*Mahabharata* as a San-

skrit epic, the lower limit for its present avatar is A.D. the fourth or the fifth century. And minor additions and alterations and emendations did not stop till as late as A.D. the fourth century. Vaidya, on the other hand, placed the lower limit only a century below his upper limit, that is, 200 B.C. Nothing 'else can be expected from a self-proclaimed spokesman of the orthodox crowd which has a holy horror for anything and everything that comes after Christ. In fact, the start of the Kali Age itself, it affirms, the fall of man has begun. But to go back to the lower limit for the shaping of the Mahabharata, V.S. Suthankar, despite his worshipful attitude towards the epic, was honest enough, candid enough, to admit that it might contain "some furtive additions which had been made as late as 1000 A.D. or even later." And he went on to add:

The critical edition of the Mahabharata which is being published by the Bhandarkar Oriental Research Institute, shows that large blocks of the text of the vulgate must on incontrovertible evidence be excised as comparatively late interpolations.... the Southern Recension offers us illustrations of regular long poems being bodily incorporated in the epic, like the detailed description of the avatars of Vishnu put in the mouth of Bhishma in the Sabha, and the full enunciation of the Vaisnavadharma in the Asvamedhikaparvan, two passages comprising together about 2500 stanzas. When we know that these additions have been made comparatively recent times, even so late as the period to which our written tradition reaches back, can we legitimately assume that our text was free from such intrusions during that prolonged period in the history of our text which extends beyond the periphery of our manuscript tradition ?²⁰

Such is the mulish obstinacy of the orthodox

crowd that it clutches at any straw to defend its blind beliefs. One such straw is an inscription of A.D. the fifth century which states that at that time Vyasa's Ma-habharata had a total of 1000,000 verses. The same is the number now; and so it follows, argues the orthodox crowd, that from a time prior to that date there should have been no changes in the text of the epic. But they overlook one point. How easy it is to cut out some old verses here and there so as to make room for new ones and still to maintain the total at 100,000 ? And this is exactly what had happened.

Now, what remains is the question of motives. The first and foremost motive was to build up the concept of a personal god. Though Goutama the Buddha refused to affirm or deny the existence of god, his disciples set him up, soon after his death, as a god. And fantastic were the stories which they wove around him about his miraculous birth, his colourful life until he grew up to be a youth, the renunciation of his young wife and new-born son and his kingdom in his zeal to rid the world of all sorrow and suffering, his all-embracing love and compassion and his limitless powers to offer succor to his faithful devotees. All this helped to make Buddhism develop rapidly as a major threat to Vedism, or Brahminism, as some would prefer to call it. To counter-attack, it was necessary to create a rival. After trial and error, -the folk-hero of a tribe of cowherds in and around Madhura proved handy. But about the third or fourth century B.C., he was built up into a god. We see him breaking into the story of Mahabharata rather abruptly at the time of Draupadi's self-choice of a groom (swayamvara). She ended up by marrying; not one, but five princes, but that is a different story. From that time onwards, Krishna grows and grows and he dwarfs every other character in the Mahabharata and emerges as God.

The next motive, not so obvious, was to change

what was a pro-Kuru laud into a pro-Pandu laud. On this point, apart from some Western Indologists, Pendyala, the Sastri of Pithapuram, wrote at length. This sea change, he thought, took place at the sacrifice of Janamejaya. He was a descendent of the Pandus; he was lavish with gifts. Is it not then wise to please him by giving a pro-Pandu slant to the whole theme? So the slant was given and yet truth shows through the cracks that could not be papered over completely.

A third and deeper motive, already mentioned in passing, was to place the priest class right at the top of the social ladder. A reliable historian of ancient India, Rapson was very definite in thinking that the Mahabharata "has become through the accretions of ages — the work, no doubt, of Brahmin editors — a vast encyclopaedia of Bahamanical lore'.²

Yet another writer on Ancient India, particularly of the Buddhist period, is T.W. Rhys-Devids, and he says that the Mahabharata "has certainly undergone one, if not two or even three, alteration at the hand of later priestly editors." And he adds:

They must have recast the poem with two main ob-jects in view — in the first place to insist on the supremacy of the brahmins, which had been so much endangered by the great popularity of the anti-priestly view of the Buddhists and others; and in the second place to show that the brahmins were in sympathy with, and had formally adopted, certain popular cults and beliefs highly esteemed by the people. In any case, there, in the poem, these cults and beliefs, absent from

the Vedic literature, are found in full life and power. And though this line of evidence, if it stood alone, would be too weak to bear much weight, the most likely explanation seems to be that here also we have evidence, to some extent at least, of beliefs not included in the Vedic litera-~~t~~ure, and yet current among, and powerfully affecting, both the Aryan and the semi-Aryan peoples of India.'²

Well, whatever are the motives and whichever the agency, it was always sinister, always evil and inhuman. Is this too sweeping a condemnation? No, not in the least! "The Mahabharata, completely rewritten just before the Guptas", stated Kosambi, "shows revision in favour of the barbarous sari practice."²³ And if sati is again coming into vogue after more than 150 years of its abolition by law, thanks to the British, it is due to the pernicious influence of its epics and Puranas at the top of which stands the Mahabharata. Is this a biased charge? No, definitely riot! "Perhaps few books", as Sir Percival Griffiths said, "have influenced the pattern of Indian life and thought more than the *Mahabharata*. In a well-known part of this epic occurs the description of a dispute between the wives of King Pandu as to which of them is entitled to die on his funeral pyre."

Well, such is the influence of the *Mahabharata*, persistent, pervasive, and pernicious. And with every revision, that influence has become more reactionary, more deadly. A part of that revision, let me add, is the Bhagavad Gita, the Song Celestial, with its exhortation to kill, to kill in cold-blood, to kill as a matter of caste duty.

Martin Luther King, Jr. noted: "Lamentably, it is a historical fact that privileged groups seldom give up their privileges voluntarily."

Let us in an upper caste-dominated society, acknowledge the vast undeserved space we occupy. Let us cede what has to be ceded.

Secularism in India

The Inconclusive Debate

Justice R.A. Jahagirdar

(Since the BJP led government has taken over at the centre, the forces of Hindutva have started raising their communal agenda. On more than one occasion, Mohan Bhagwat, the RSS supremo, has said that Hindustan (and not 'Bharat' as the Constitution calls us) means the land of the Hindus and all those living in it are Hindus. A few days after asking why all Hindustanis (Indians) should not be referred to as "Hindus," the Rashtriya Swayamsevak Sangh (RSS) Sarsanghchalak again on 17th August 2014, minced no words in stating that "Hindutva is the identity of India and it has the capacity to swallow other identities." "We just need to restore those capacities," he added. More than one minister in various BJP governments in the States has said that the Modi government will lead the nation towards the formation of the 'Hindu Rashtra'. The forces of intolerance have become more aggressive and the secular fabric of our multi-cultural society has come under serious threat. Hence the debate on the secular character of our country, as mandated by our Constitution, has again begun afresh. It has become all the more important for us to understand what secularism really means and how we can protect it.

Late Justice R.A. Jahagirdar, a leading Radical Humanist like Justice V.M. Tarkunde, both of whom valued secularism as an essential ingredient of a truly democratic society, gave three important lectures on Secularism. As part of the ongoing debate, we are publishing all the three lectures. The first one 'Secularism Revisited' has already been published in the February 2015 to May 2015 issues of The Radical Humanist and the second one 'The Road Behind and the Road Ahead' in the October issue. The following is the third and last part of the third one of the series. – Editor)

Continued from the last issue.....

Hindutva

On the facts, the judges found that appeal made by the candidate was of the prohibited kind. This should have been enough for the disposal of the appeal. But the judges, on being invited to do so or otherwise, launched into a discussion of Hinduism and Hindutva and proceeded to say that mere references to Hinduism or Hindutva are not proscribed. What is surprising, to say the least, is the interpretation of Hindutva in paragraph 39 of the judgment⁵⁴. The judges opined:

Ordinarily, Hindutva is understood as a way of

life or a state of mind and it is not to be equated with, or understood as religious Hindu fundamentalism."

This opinion is sought to be based upon a passage in Indian Muslims - The Need for A Positive Outlook (1999) by Maulana Waliduddin Khan, a liberal Muslim Scholar. The passage has been extracted out of context and in fact has been scribed by the Maulana as the view of the Hindutvavadis. That is not definitely the opinion of the Maulana.

What is surprising is the learned judges' failure

to notice the meaning of Hindutva as propounded by the Hindutvavadis beginning from Savarkar, who in fact coined the word exploited by Lal Krishna Advani⁵⁵ and his party as reflected in the Manifestos of the BJP. This part of the judgment has received widespread criticism and has opened an unwarranted controversy which will have to be laid to rest soon by a larger bench of the Supreme Court as soon as possible.⁵⁶

Major Religions

Prof. T.N. Madan is a prolific writer on secularism - having written books and several articles on the subject. For the purposes of this essay I will make a reference to his contribution '*Secularism in Its Place*' to a collection of essays *Secularism and Its Critics*.⁵⁷ Madan is of the view that secularism is a late Christian idea and it is not indigenous to the religious cultures of India. He argues that the demand for removal of religion from public life is predicated on the view that religion is irrational. He believes that "in the prevailing circumstances secularism in South Asia as a generally shared credo of life is impossible, as a basis for State action impracticable, and as a blueprint for the foreseeable future impotent."⁵⁸ He makes what he calls an excursus into South Asia's major religion "to make the point that the search for secular elements in the cultural traditions of this region is a futile exercise for it is not these but an ideology of secularism is absent and is resisted".⁵⁹

He takes full note of the Muslims' resistance to the reform of family law, Shah Bano case, the Hindutvavadis' agitation for the demolition of Babri Mosque in Ayodhya and Sikh and Hindu fundamentalists facing each other in Punjab and the killing of innocents by Sikh terrorists - even in the context of secularisation in everyday life. Then he takes to following judgment which I would regard as astounding:

But surely these phenomena are only

apparently contradictory, for in truth it is the marginalisation of religious faith, which is what secularisation is, that permits the perversion of religion. There are no fundamentalists or revivalists in traditional society. [Emphasis mine]

In the end Madan rejects secularism as a western modern idea unsuited to the pious society of India and stresses the need for some form of modern secularism in the Indian cultural context.

I will also briefly dispose of the view of another writer, Aashis Nandy, who too has written extensively on the subject. Nandy, in his contribution '*The Politics of Secularism and The Recovery of Religious Toleration*'⁶⁰, canvasses the thesis of the cultural inappropriateness of secularism on grounds that the public/private distinction lying at the heart of modern secularism makes no sense to the faithful.

Let me at this stage state that rejection of secularism on the ground that it is a western concept is perverse nationalism. You may, on this ground, reject, as some in this country do, modern medicine. Democracy, equality, liberty, which were wholly unknown to Indian and Asian societies - can we legitimately reject them? USA was a highly religious society when the wall of separation was built; Catholic Church practically ruled the French society which was also intensely religious; Turkey was the heart of Islamic world. All these countries have accepted secularism as the foundation of their States.

Religion In Its Place

I do not expect that a socio-political revolution of the type that took place in France will take place in India; imposition of secularism, as was done in Turkey, is not desirable in India, nor is it possible even with a dictatorship which itself will not be accepted by the Indians. If a secular State is desirable in a multi-religious country that is India, it can be done and done easily by amending the Constitution to separate religion from all State

activities and activities on behalf of State. To be sure a Secular State cannot build a secular society but a secular State can be established even in a non-secular society. This will put religion in its place where it belongs - the hearts and the homes of the individuals. Why talk of putting secularism in its place as Madan has done!

In the concluding Chapter entitled 'What is Secularism For?' in 'Secularism And Its Critics', Rajeev Bhargava has discussed the desirability of secularism in a modern State and has analysed the implications of secularism looked at from different points of view. He appreciatively enumerates the arguments for the separation of religion and State broadly on the following grounds. First, religious and political institutions must be separated from one another because both are powerful institutions that command people's unqualified allegiance. Secondly, secularism is required in order to ensure equality so that no person by virtue of being a member of one institution should be guaranteed membership in another institution. "Separation is required in order to ensure a subtle and complex equalitarian system".⁶¹ Thirdly, democracy requires that there be no concentration of power in any one institution. "Separation is required to curb political and religious absolutism".⁶² Finally secularism will inculcate the value of fully transparent life.

Religion is a storehouse of superstition and falsehood. A life free of illusion is a life without religion. If this is generally true, then it must be true of our political life. Our polity must be governed by true and self-evident principles, not by false and obscure dogmas. It follows that religion and politics must be separated.⁶³

Two more practical arguments are also valid. At least in a multi-religious society, the State cannot be entrusted with any functions derived from or dependent upon a religion or religions. The State, after all, is a coercive machinery and there should not be coercion in matters of faith.

Ultimate ideals and religious ideals are not only irrelevant to but are obstructive of, ordinary secular life in this world. Bhargava quotes Charles Taylor,⁶⁴ who has described ordinary life as the life spent in the production and the reproduction of life as distinct from life spent in the pursuit of some ultimate ideals. Ordinary life is not restricted as mentioned by Charles Taylor.

Pursuit of Happiness

Ordinary life is the secular life in this world. Its legitimate end is the pursuit of happiness (not pleasure) - in family life, in learning, in arts, in music, in health. How is a religious teaching useful in pursuit of happiness? Bhargava puts it at a slightly lower level. "To sum up, ordinary life requires that an acceptable minimum standard of human interaction exists and it is barbaric to fall below it."⁶⁵

There is not much dissent on the need for having a secular State. 'We are all secularists'. However like Mesopotamia, secularism means different things to different people. One of these meanings is '*Sarva Dharma Samabhav*' which can be translated as equal regard for all religions. Before proceeding to examine this concept I wish to recall that by 42nd Amendment of the Constitution in 1976 the word 'secular' was inserted in the Preamble to say that India would be a secular, among other things, Republic. What was meant by secular was not mentioned; Article 366 dealing with Definitions was not even remembered. The Statement of Objects and Reasons of the 42nd Constitution Amendment Bill explained that the purpose of inserting the word 'secular' was "to spell out expressly" the high ideal of secularism - which meant that what was implied in the Constitution, was to be made explicit. That part of the 45th Constitution Amendment Bill (1978) which sought to define the word secularism as equal regard for all religions (*Sarva Dharma Samabhav*) was passed by the Lok Sabha⁶⁶ but was rejected by

the Rajya Sabha.⁶⁷ An argument is, therefore, available that the concept of *Sarva Dharma Samabhav* has been rejected by the Parliament in its constituent capacity.

Dr. Amartya Sen, in his essay, 'Secularism and Its Discontents' to "Unravelling The Nation"⁶⁸, calls himself an unreformed secularist and proceeds to propound the theory of symmetric treatment to all religions. This, according to him, is warranted by the provisions of the Indian Constitution. His conclusion in his own words was that:

It is hard to escape the need to see India as an integrally pluralist society and to accept the necessity of symmetric treatment and secular policies as crucial parts of that recognition.⁶⁹

Another Worldview

Prof. M.P. Rege, a great analytical philosopher of India, had, in his editorial in the *New Quest*⁷⁰ canvassed the view that the concept of secularism in India could have three meanings;

- a. the recognition that the State is secular and that religious communities are ready to reformulate their values, norms and practices;
- b. the acceptance of *Sarva Dharma Samabhav* i.e. the attitude of equal respect for all religions as a social and also as a religious value;
- c. the acceptance of the worldview which claims to be based on scientific knowledge and rational morality.

Prof. Rege considers the third view as the one having an aggressive element because it denies any place to the transcendent. Prof. Rege argues that secularism is no more than one member of a family of worldviews, relations between which need to be based on the principle of *Sarva Dharma Samabhav*.

Prof. M.S. Gore, a former Director of Tata

Institute of Social Sciences, Bombay, has criticised⁷¹ Prof. Rege's view by pointing out that regard for any religion is not consistent with the concept of secularism, that a life must be guided by reason and a life guided by reason must take into account the material as well as the non-material needs of human personality, that the shared values and norms for a life in this world often run counter to the explicit norms of religion and that theistic and transcendental belief systems have often tended to be intolerant of each other. Prof. Gore rightly suggests that "even secularism of the agnostic variety need accept the right of another individual to have his own belief system; this is not the same thing as respecting that belief system itself."⁷² Despite the platitudes of politicians and others there is in reality no respect among the adherents of one religion for the religion of others.

Prof. H.Y. Siddiqui has accurately stated that instead of demanding a rational state of mind "the Indian concept of secularism demands acceptance of the values of other religions while permitting the individual to believe in the values of his own religion".⁷³

His conclusion, in the following words, is unexceptionable:

The Indian concept of secularism therefore still is full of contradictions and therefore is unable to provide a clear unambiguous guideline either to the individual or to the State. As a consequence, the religious values continue to dominate the day to day affairs and in the process generate tension because of plurality of religious views.⁷⁴

The debate has taken place over too long a period and will continue *ad nauseum* unless one returns to the anchor concept of secularism mentioned in the beginning of this essay. Let the religions be followed by those who want to follow. But do nothing that may make the religions flourish. Enlarge the space of secularism, which

is at present shrinking. So done, India, for the anti-secularists, can at worst be a bowl of salad and not of stew.

A Secular State – No Less, No More

Rajiv Gandhi Institute For Contemporary Studies, New Delhi, had organised, in January-February 1994, a meeting in New Delhi in which papers by eminent intellectuals from different countries were presented and have been published in a book entitled Religion and Politics Today.⁷⁵ Among those papers was one titled Integration and the Phenomenon of Religious Communalism/Fundamentalism in South Asia by Dr. Rasheeduddin Khan, the then Director of the Indian Institute of Federal Studies, Jamia Hamdard, New Delhi. Let me quote a paragraph from it:

The secular character of the State is exhibited when it remains distant from, distinct from, religion-dominated politics. A secular State, in

the pursuit of State activities, governmental obligations and administrative duties, should exhibit a capacity to show respectful indifference to religions and indeed keep vigilant distance from the politics of religious communalism.⁷⁶

It would be edifying to end this discourse with a reminder in the words of Dr. Rasheeduddin Khan from the same paper:

The modern Indian State is an association of citizens equal and free, irrespective of caste, colour, sex, language, region, climate or status. The State in India is not a federation of religions, nor an aggregation of religious communities. The citizens of India, in law and by the Constitution, are members of a common unified national polity. A modern State is based on a Constitution - the fundamental, secular, manmade law of the land. Therefore the State should act as a State and a secular State as a secular State, no less and no more.⁷⁷ [Emphasis is mine]. **(Concluded)**

54 *Ibid.*, at 159.

55 *One of the leading lights of the BJP and currently Home Minister in the Government of India.*

56 *For a commendable analysis of Hindutva, especially in the light of the judgments of the Supreme Court, including the one in Prabhoo's case, see Brenda Cossman and Ratna Kapur, Secularism's Last Sigh? Hindutva and the (Mis)Rule of Law (New Delhi: Oxford University Press, 1999).*

57 *Ed. Rajeev Bhargava, Pub. Oxford University Press, New Delhi, 2000.*

58 *Ibid.* at 298.

59 *Ibid.* at 306

60 *Ibid.* at 321

61 *Ibid.* at 489

62 *Ibid.* at 489

63 *Ibid.* at 489-90

64 *Sources of Life (Cambridge: Cambridge University Press, 1989) cited in Ibid.* 490.

65 *Ibid.*, at 491

66 *The House of the People (the lower house of India's Parliament).*

67 *The Council of States (the upper house of India's Parliament).*

68 *Kaushik Basu and Sanjay Subramanyam (ed.), Unravelling the Nation, Sectarian Conflict and India's Secular Identity (New Delhi: Penguin Books, 1996).*

69 *Ibid.* at 42

70 *No.68, March-April 1988.*

71 *Secularism And Equal Regard for All Religions in Bidyut Chakravarty (ed.), Secularism and Indian Polity (New Delhi: Segment Book Distributors, 1990), at 155.*

72 *Ibid.* at 164

73 *Quest for a Secular Society: Challenge and Response, his contribution to Secularism and Indian Polity, supra, on at 232.*

74 *Ibid.*, 232.

75 *Published by the Institute itself.*

76 *Ibid.*, at 119.

77 *Ibid.*, at 120.

From the Writings of M.N. Roy:

CHAPTER XVI

DECENTRALISATION OF POWER *

M.N. Roy

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

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

The central problem of all modern democracies is that of concentration of power in the hands of the State which has increased in a phenomenal manner in the course of the last five or six decades. What is power? Power can

be defined as the ability to do things. As such, power will always have a place in human society. But the usefulness of power is eclipsed by abuses when it is concentrated to such an extent that the community as a whole becomes

totally powerless. Secondly, the concept of the State has also to be defined. Because, power is associated with the function of the State, some political theoreticians of recent times have defined the State as an organ of coercion, an instrument created by a certain class or section of society with the purpose of exercising its domination over the rest. The corollary to this definition is that a just and fair social order is impossible so long as the State exists. Therefore, thinking out their thoughts consistently, these political theorists came to the conclusion that in an ideal society the State must wither away. The anarchist denial of the very necessity of the State is only an exaggerated version of what may be called the communist Utopia.

The ideal of a stateless society is an obvious absurdity. The most outstanding feature of the communist social organisation is greater and greater concentration of power, political as well as economic. It is very difficult to see how dictatorships or other autocratic forms of government, or

one of the two processes can ever annul the other. The establishment of a communist society presupposes a highly centralised political power. Such unrealistic Utopian ideas about the future naturally result from the equally unrealistic, empirically unverifiable, doctrines that society is divided into irreconcilable classes, and the history of civilisation has been a history of class struggle. The division of society into classes with diverse interests is a historical fact. But it is equally true that cohesive forces are also inherent in society. The centrifugal tendency is

counteracted by a centripetal tendency. In the history of social evolution, an equilibrium between the two created stability, whereas discord and disharmony led either to the establishment of dictatorships or other autocratic forms of government or to social disintegration.

If there was no cohesive force in society, then

mankind would have continued in a state governed by the laws of the jungle. The entire history of society shows that the cohesive force has always been more or less in operation; otherwise, there could be no history of civilisation. Ancient

civilisations broke down because the forces of social cohesion and harmony were overwhelmed by strong centrifugal tendencies. Mediaeval and modern history has also been punctuated from time to time by wars and revolutions. But reaching higher and higher levels of social evolution, civilisation survived those recurring vicissitudes and regained equilibrium of the conflicting forces.

It is possible to visualise an idealised State when the contradictory forces will disappear, and society be a homogenous-organism. Then, there would be no classes, one trying to dominate all others. Yet, society will be there; it will not be a primitive community, but a much more complicated organisation with greatly diversified fields of activities. Such a society cannot possibly do without a central organisation. It need not be a Leviathan, as the State has been described, but only a coordinating factor, one of the various social institutions, the function of which will be to harmonise the functions of the various other institutions.

Primitive communities organised themselves politically much later than their original formation, primarily with the purpose of self-defence and struggle for existence. In the intervening period, progressive human development added to the original functions of society, which was

departmentalised according to vocations and professions. Eventually, the State arose to coordinate and harmonise the diverse departments of social activities so as to promote the welfare of the community as a whole. It was not superimposed on society, nor given any

totalitarian significance. It was created as the instrument of public administration to maintain order, to make laws and enforce them, so that the diverse forms of social activities could be carried on peacefully. The State rose as one of the several other social institutions, all equally autonomous — economic, educational, cultural.

There was a time when the government did not interfere in the economic life of society. The requirements of the community were met by the peasants, artisans and traders, applying human labour to natural resources either individually or organized in guilds. Individual freedom and institutional autonomy in educational or cultural fields were particularly beyond the jurisdiction of the State.

The economic advantages of the politically centralized modern society are a doubtful blessing. We can therefore visualise a time when the State will again cease to be the Leviathan which it has become today, without dreaming of the absurd Utopia of a stateless society, a society without

public administration. But we shall have to search for ways and means to reduce the functions of the State to the minimum; in other words, restore to the native function of an instrument for public administration, to co-ordinate the various functions of other autonomous social institutions.

There are social philosophers who advocate what is called a pluralistic society, composed of autonomous institutions, the State being one of them, with no other function than to regulate and co-ordinate their diverse activities. This view of social organisation was stated in the nineteenth century liberal dictum that that government is the best which governs the least. Since then, the tendency for concentration of power has gained ground: as a result, it is not an exaggeration to say that the State has become an engine of coercion. But the point is

that it is so not because of power as such, but because of concentration of power. So, ultimately, the problem of democratic political practice is that of decentralisation. Politically, it may not be a baffling problem. It is aggravated by the centralisation of economy, immensely reinforcing the power of the State. In

the last analysis, the problem, therefore, is: Can the economy of a modern society be decentralised? And in consequence thereof, also the political power? This is the problem of our time, and it will not do to blink over it by arguing that, since it has been so for centuries, how can it be otherwise? The fatalistic view that human ingenuity has been exhausted and the last word of wisdom pronounced, implies that mankind is nearly its journey's end, and that the perspective is not promising; it is moving towards a social breakdown. With such a negation of human potentiality to evolve, progress and create endlessly, "might is right" will not be only the legal but also the moral law. One can imagine what life will be like in a society ruled by such law, the law of the jungle.

If human freedom is not to be sacrificed in the scramble for power, we shall have to explore the possibility of political practice without the interference of political parties. Because it is through the instrumentality of political parties that power is concentrated in the hands of minorities, to be abused and misused on false pretences. The desired decentralisation of power is conditional upon the disappearance of the instrument of centralisation. It must be replaced by another instrument, which can guarantee that the sovereignty of the people will always remain with the people. So long as political parties are believed to be essential for democratic practice, power will be inevitably concentrated in the hands of a few men. Therefore, under the party system, benevolent dictatorship is the best

one can reasonably expect; and one also may idealise benevolent dictatorship; but the fact is that it has never existed in the world.

There are people who are above corruption. But politics as it is practised today repels them. They stay out of the scramble for power because it might corrupt even the best of men. Nevertheless, they are not necessarily unconcerned with public affairs. They try to do small things in their quiet manner, and the cumulative effect of their silent endeavour may keep the morale of society from a complete collapse. To raise politics above corruption, it must be free from the lust for power. A constitutional structure based upon an even distribution of power alone can purify politics, and such a genuine democratic system is possible if the individual is restored to his place of primacy.

Democracy has been discredited firstly because of the fallacious theory which made for deceptive practice; and secondly, the practice did not allow that a solid foundation of the democratic State was laid. It placed a premium on demagoguery. **Those who are dreaming of a better world in which politics will be free from corruption and concomitant evils, must apply themselves to the task of laying the foundation of a democratic society.** Individual men and women must be conscious of their individuality, conscious of their ability to judge intelligently and discriminatingly all moral and political issues confronting them, so that in course of time politicians will not be able to sway them by appeals to base instincts and unbridled emotions, when a growing number of electors will be able to examine the promises made to them by parties at election time and find out whether they are genuine or false. They will be building democracy from the bottom. That is the proper approach to the baffling problem of democratic practice in the modern world: the

problem of practising direct democracy in large States with huge populations. **Genuine democracy must be direct democracy. Indirect democracy means delegation of power. And delegation of power means surrender of sovereignty.** Unless the democratic State is based on the foundation, not of helpless atomised individuals, but on the foundation of a network of locally organized democracies, democracy will never be real.

Decentralisation of democracy will prevent centralization of power, and the function of the State will be reduced to coordination of the activities of the other autonomous institutions.

This process may take a long time. That is the common objection against it. But once we make the choice and begin moving in the new direction, it is not really such a long way as it appears to be. The precondition is to discard the traditional notion of human nature, and to know that it is neither evil nor divine, but that man is essentially rational; that, given the opportunity, every human being is capable of thinking for himself, judging right and wrong, making judgements and acting accordingly. Unless by his own nature, as a biological being, man was capable of thinking rationally and behaving morally, it would be a vain dream to visualise a free, just and harmonious social order. For the time being, it is true that the common people are illiterate; they may not be able to govern the country. But at the same time, is it not a fact, that left to themselves, even the most ignorant peasants can manage their affairs better than our present government? The distrust for the ability of the common people to think for themselves and take care of themselves is only a pretext for seizing power in their name and abusing that power to suppress their liberty.

At election times, all parties go to the people and make promises; they all know that not half of their promises can be

fulfilled; but they rely on the fact that the voters cannot understand, and therefore, can be duped. Can that state of affairs not be changed? It can be. To change this state of affairs is the first necessity, the biggest task for anybody who wishes to participate in politics—not for selfish ends. One need not go to the people only to catch their votes; to help them cast their votes intelligently would be an immensely more important work. The electorate should be asked to examine the programmes of all the parties, to see if the promises can be fulfilled or, if fulfilled, will really improve matters. But this new political practice presupposes a radical change in the idea of human nature. It is an appeal to reason, which presupposes the belief that man is a rational being. Political practice is guided by the notion that the ordinary man cannot think for himself; therefore he must be persuaded to follow parties and politicians. Since this unnatural relation between the people, the parties and politicians constitutes the foundation of what is called party politics, the latter prevents the people even to think for themselves. Politics is not only a scramble for power, but competition in all manner of questionable practices.

The position may appear to be a vicious circle. But there is a way out, which party politicians would not take, because that would mean the end of their days. Appeal to reason is the way out. And modern science indicates the way. Science teaches that human nature is not to believe, but to enquire, that human nature is rational. It is true that the rational nature of man has been buried very deep. But, being the essence of human nature, it can be recovered. Let some people have the conviction and the courage to act accordingly. Let them raise political practice on the level of reason and

intelligence. I have no doubt the appeal to reason will find a response. The new politics will bear fruit sooner than one dares imagine; only, the measure of success will not be power, but gradual disappearance of that evil. Even a few people can lay down a solid foundation of democracy and freedom, if they forego the quest for power, do not participate in the scramble; do not ask for the vote of the people to rule in their name; but, on the contrary, remind the voters of their human dignity, capacity to think and to act creatively.

Thus, the electorate will gradually become critical and discriminating; the time will come when the voters of a locality will tell candidates of all parties to leave them alone; amongst themselves they will find men in whom they can have confidence and who will remain responsible to them between two elections. Once that happens, the end of the party system will begin, and with the parties, the main cause for concentration of power will disappear. In the process, we shall already have laid down the foundation of a decentralised State of local republics, which will combine all functions of the State as they affect the local life. National culture, national economy and national political institutions will be cast on the pattern of the functions of these local republics; power will remain with them, to be wielded directly by the individual members of small communities. Being thus reared upon a broad foundation of direct democracies, the State will be really democratic. Usurpation of power will be out of the question. Thus, a pluralistic modern society can be built up at the same time while doing away with centralisation of power, political and economic. (*Emphasis in bold added*)

*Editorial in **The Radical Humanist**, dated 30th August, 1953.

Human Rights Section:

Framed as a terrorist: Mohammad Aamir Khan's 14 years behind the bars

Harsh Mander

Imagine being wrongfully charged and jailed after 14 years of torture, never knowing if you will ever walk free. This is Mohammad Aamir Khan's harrowing story, of unspeakable injustice which stole from him the best years of his youth. But his story is also one of endurance, love and hope. In two years that I have known him, I found him a gentle person, free of bitterness and anger, and convinced about justice, democracy and secular values.

In a deeply affecting book he has written with Nandita Haksar, *Framed as a Terrorist: My 14-year Struggle to Prove My Innocence*, he describes how when he was 20, one late-winter evening in February 1998, in a by-lane of Old Delhi, close to his home, he was picked up by plain clothes policemen, and driven to a torture chamber. He recounts his days and nights of torture: Stripped naked, his legs stretched to extremes, boxed, kicked, subject to electric shocks, anti-Muslim abuse and threats to frame his parents. He finally succumbs, and agrees to sign numerous blank sheets and diaries. As a result, he is charged in 19 cases of terror crimes.

From here begins a nightmare that lasted nearly 14 years. Housed often in solitary confinement in Tihar and Ghaziabad jails, his only encounters with the world outside are his innumerable court hearings. No judge asks him about the torture, nor do doctors record his torture wounds. He is acquitted in one terror case, only for another to begin.

What he endured would break the spirit of most men. 'I would lie awake at night and often cry myself to sleep. I just saw the lights of the tower and heard the sound of the boots of the guards and I thought my entire life would pass within these walls'. Even more than his confinement, isolation, the brutal and dehumanised prison conditions, and the hopelessness of his tortuous court proceedings, what grieved him most was helplessly watching his parents suffer outside.

But it was also their love and faith in his innocence that sustained him through these bleak long years of suffering. He describes how his father, Hashim Khan, was present at every hearing. 'Abbu arrived before the courts opened. He went straight to the typists who sit in rows outside the lawyers chambers.

...He came early so he could get his applications typed... for permission to meet me in the lock up... to give me home-made food... Armed with his application Abbu made his way through the crowds to the court where my case would come up... to catch a glimpse of me'. The police continued to harass his parents, money for lawyers ran out, none came forward to help, as they were stigmatised as parents of a terrorist.

One hearing in 2001, the judge noticed that his father was absent, and the policeman explained that he was in hospital. The judge permitted him to see his father for an hour.

Surrounded by tubes, Abbu's first words to him were: 'I could not come to your hearing.' Aamir recalls how much he worried for him, but was satisfied that by then he had been acquitted in 11 of the 19 cases.

It was in court weeks later that he was informed that his father had died. The judge comforted him, 'God will take care of everything'. Aamir also recalls the humanity of his fellow-convicts, who comforted him. Once when he was observing his roza fasts in solitary confinement, a Sikh convict would throw dates into his cell for him to break his fast. Some judges were fair, that is how he was finally acquitted, case by case, over 14 years. At the same time, 9/11 and the Parliament attack created a communally-charged environment through the criminal justice system, and jailers began to openly humiliate Muslim prisoners, whose numbers also swelled in jail. Judges became distant and cold.

The burden fell on his mother alone, who negotiated the unfamiliar and masculine worlds of courts, jails and lawyers' chambers for another 11 years. She would now attend court proceedings, and carry messages she barely understood to the lawyers. He was represented now by legal aid lawyers. Sometimes he was acquitted in trial courts, sometimes in high courts.

One winter evening, in January 2012, he was told that he was free to walk out of the prison. Some of the most poignant passages of the book

are when Aamir describes how much the world had changed during the 14 years of his incarceration. He learned about the Internet and mobile phones. He was amazed how many channels television had; he only knew Doordarshan.

But by the time he was freed, his mother was confined to her bed. He often tells me how fortunate he feels that Allah allowed him to take care of his mother in her last years.

His childhood love, Alia, had waited for him these 14 years. 'Ours was an old-fashioned love', he says shyly. They barely spoke to each other. Her father was initially unwilling to marry his daughter to a man who had spent most of his adult life in jail. But a delegation of eminent persons of the locality went on his behalf to plead with him, and he finally conceded. They have a daughter now, the centre of their lives. He worked with the organisation Anhad to promote communal harmony and justice.

In December 2015 the National Human Rights Commission issued a show cause notice to the Delhi government asking why monetary relief of Rs 5 lakh should not be paid to Aamir. It described him as a 'victim' whose youth was destroyed due to 'wrongful confinement for 14 years as a terrorist'; he 'lost his parents, his career, his hopes, dreams and everything...'

But I wonder if anything, anything can indeed compensate Aamir for all that he has lost.

Harsh Mander is convener, Aman Biradari.

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

India, Callous with under trials who are more than 50 % of its prison population

Gautam Thaker

India had as many as 4,11,992 prisoners in 2013, of which 2,28,879 were such against whom prosecutions were still pending. This means that as many as 67 per cent of the total prisoners in India were under trials; 2,70,783 men and 12,096 women. (Figures of the National Crime Records Bureau, the National Crime Records Bureau, NCRB) From one of the reports it has been revealed that especially this category of prisoners have been deprived of benefits for which they are eligible, for years together. State governments do not implement with any degree of rigour, the guidelines which are issued by the National Human Rights Commission (NHRC), Supreme Court of India or the even the government of India. Although, there is a provision as per section 436 of the Indian Criminal Procedure Code that those who have completed more than half of the maximum punishment, can be set free on bail by jail authorities, neither the prison administration not the state government implement this legal provision. If the orders and guidelines which were issued (by the Supreme Court of India) in the case of Bhimsingh [1], for the implementation of this section are followed, a vast majority of under trials in the could have benefited from it. Prisoners are never kept informed of amendments in the laws being made from time to time. The State Level Legal Aids Committee(s) which were formed with the aim of providing justice to the poor and free legal aid to the under trial prisoners, have clearly failed in showing any vision or direction.

Time Period	Male	Female	Total
Up to 3 months	1679	78	1757
3 months to 6 months	1221	62	1283
6 months to 12 months	1257	52	1309
1 Yr to 2 Yrs	1340	57	1397
2 Yrs. to 3 Yrs.	869	34	903
3 Yrs. to 5 Yrs.	585	29	614
Above 5 Years	247	7	254
Total	7198	319	7517

Coming to Gujarat, the figures according to the NCRB are stark. For 2014 the NCRB shows that the following figures:

According to National Crime Record Bureau (NCRB) data, states such as Goa, Jammu & Kashmir, Gujarat and Punjab are among the worst performing states with over 75 % of under trials remaining in jails for over 3 months. The meetings of Review Committees at the District level, statutorily required to be held every three

months, are given the go-by in Gujarat. Although guidelines have been issued to form Lok Adalat(s) or Special courts to deal with this issue, these guidelines have not yet implemented. Prisoners are not kept informed of 'the advisory of the guidelines' issued by the Supreme Court, the government of India and the National Human Rights Commission. Hence, due to this lack of knowledge of their rights, the under trial prisoners do not get benefit of the amendments made in

Section 436 of the CrPC. While Gujarat is otherwise flaunted for its 'good governance', the state's home department has been ignoring or neglecting the conditions of under trial prisoners.

Gist of Directions by the Supreme Court of India in the Bhim Singh Case

Considering the fact that a large number of under trial prisoners housed in the prisons (the Attorney General Rohatgi admitted that 50 per cent of all prisoners were under trials), the 3-judge bench of R.M. Lodha, CJ and Kurian Joseph and R.F. Nariman, JJ directed the jurisdictional Magistrate/Chief Judicial Magistrate/Sessions Judge to hold one sitting in a week in each jail/prison for two months commencing from October 1, 2014 for the purposes of effective implementation of 436A CrPC which provides for the maximum period for which an under trial prisoner can be detained. The Court was of the opinion that such step was necessary in the interest of criminal justice as by identifying the under trial prisoners who have completed half period of the maximum period or maximum period of imprisonment provided for the said offence under the law, appropriate orders could be passed in jail itself for release of such under-trial prisoners who fulfill the requirement of Section 436A CrPC for their release immediately.

The report of the Comptroller and Auditor General (CAG) dated March 31, 2013 regarding management of jails is an eye-opener. The CAG has clearly observed that while the Home Department of the Gujarat government is responsible for the management and administration of the jails and for reforms of the prisoners, severe neglect has been shown on this front. The CAG has brought out (in its report for the period from 2008 to 2013), many deficiencies and defects in this regard. Due to a lapse in the security arrangements at Sabarmati Central Jail, the incident of excavation of a tunnel had taken

place in which door frame metal detectors, close circuit television system and mobile phone jammers were found to have been rendered ineffective or non-functional. No Watch Towers were erected at the Sabarmati Central Jail. There was shortage of staff and inadequacy of medical facilities and besides that, neither the Advisory Board nor Prison Development Board were constituted in spite of provisions in the Model Prison Manual, 2013. To date, the authorities have not been transparent about whether or not the New Gujarat Jail Manual has been drafted or not. It was this lax prison administration that allowed a 218 feet long tunnel to have been dug out within the Sabarmati Jail before it came to the knowledge or notice of anybody,

From a close look at audit report of the CAG, about the functioning of the Gujarat Government's Home Department, it appears that there are clear lapses in the security arrangements at the Jail. If the Jail Administration functions as per the rules and had been efficient, 55 prisoners could not have succeeded in digging a 218 feet long tunnel without this coming to the notice of the authorities. The responsibility lies with the IGP (Prisons) or the Deputy IGP. ? Out of 1,540 prisoners who have escaped or fled from the jail, as many as 657 prisoners are still at large or absconding and have not yet been traced. This speaks volumes about the functioning of the Home Department of Gujarat. All these are observations from the CAG Report. It is no wonder then that any discussion on the CAG report have been (un-democratically) simply prohibited in the Gujarat state legislative assembly.

(The writer is General Secretary, People's Union for Civil Liberties, PUCL, Gujarat)

[1] Bhim Singh v. Union of India, Writ Petition(s)(Criminal) No(s). 310 of 2005, decided on 05.09.2014.

Admission opens a can of worms

Peoples Union for Democratic Rights, Delhi

Press Release

01 February 2016

On 23rd July 2009, the Manipur police claimed to have had an encounter with a 'PLA cadre' Sanjit, as a result of which Sanjit died. While this version was widely contested by the local people who claimed that Sanjit was murdered in a cold-blooded manner, a set of sequential photographs depicting Manipur police commandoes overpowering an unarmed Sanjit, taking him inside a shuttered down chemist shop and then coming out with his bullet ridden dead body, published in the Tehelka magazine, left no doubts about the nature of the killing. The Manipur administration, however, reiterated their stand that Sanjit was a member of the banned PLA and was armed and that he initiated firing and died in retaliatory firing from the police.

Recently, the person, Head Constable Herojit who had allegedly 'fought back' Sanjit leading to his death and was later awarded a gallantry medal, had spoken to the press that he had killed an unarmed Sanjit on orders from his higher up. His confession reiterates the claims of civil society groups that Sanjit was unarmed, that a gun was planted on him and that he was killed at point blank. While Herojit waited for six years to come out with the statement, in the meantime the ASP who allegedly ordered the 'encounter' has been promoted to an SP, and Herojit has been decorated with an award. Significantly, Herojit has claimed that the then ASP had also told him that the Chief Minister and the Director General of Police had given the "go ahead". Though the CBI who conducted an inquiry into the case has charge-sheeted nine policemen, none is arrested till now. As for the superior officers or higher ups no action was initiated by the CBI. Herojit's statement in this context exposes the dirty reality of many 'encounter

deaths' and shows that there is a clear hierarchy at work, wherein the higher ups are protected and the lower ranked officers are tried if there be a pressing case like Sanjit's. This brings into focus the need for application of the principle of Command Responsibility, and prosecution of the officer who ordered the killing, and his higher ups who had sanctioned it.

The admission by Herojit may be a rare instance, but it brings to light the policy of the Government in armed conflict areas either declared Disturbed or bereft of it as Imphal has been since 2004, and the sheer routineness of such heinous crimes. The irony of Herojit's admission is the reason he gives for speaking out: that he no longer feels safe from the police. He kept silent till the time he thought that his crimes and violations of laws would be covered up by the force which is *de jure* supposed to uphold laws and apprehend violators. As a result he shows no remorse and merely takes shelter by claiming he was acting under order of his officer. It shows how the hierarchy and command structure turns soldiers into heartless brutes in armed conflict areas.

The incident of daylight killing of Sanjit rattled the Manipuri civil society, which was accompanied by one more murder: a seven months pregnant passerby Rabina Devi, accompanied by her two and half year old son on her way to a doctor, who was shot dead. Meira Paibis and Apunba Lups, the women led civil society groups of Manipur organized state-wide protests demanding justice. Despite a case pending in the High Court and the CBI inquiry, the attitude of the government was, however, reflective of an opinion shared by the then Chief Secretary of Manipur DS Punia, to a delegation

of Coordination of Democratic Rights Organisations on December 16, 2009. In response to a question about how government views the killing of people like Rabina Devi, Mr Punia stated that one “can’t really differentiate between the people and the ultras”.

The case of Sanjit is still on in the Gauhati High Court. If Herojit is not swiftly removed from the scene as feared by some sections of the media, his statement would be a major input for punishment of the guilty. However, this lone case would not be able to rectify the 1528 documented fake encounters recorded between 1979-2012, and the rape, torture and other atrocities committed by the armed machinery of the central and state governments. In light of Head Constable Thounaojam Herojit Singh’s admission, what is really called for is a major rethinking of the policies of the state in carrying out prolonged military suppression when faced with popular uprising, as well as dismantling the regime of legal immunity by

among other things revoking AFSPA and doing away with provision of prior sanction even under other laws which protects the perpetrators against prosecution and conviction for their heinous crimes, and which leaves the aggrieved debilitated, in their pursuance of the onerous task of getting justice against a State whose legal and other instrumentalities are designed to protect the perpetrator/s.

Peoples Union for Democratic Rights, therefore, demands:

1. **That Herojit Singh be taken into custody and his statement recorded before a Magistrate; and**
2. **The principle of ‘Command Responsibility’ be applied to suspend the SP of Imphal West District and to charge him as an accused for this crime.**

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