

THE RADICAL HUMANIST



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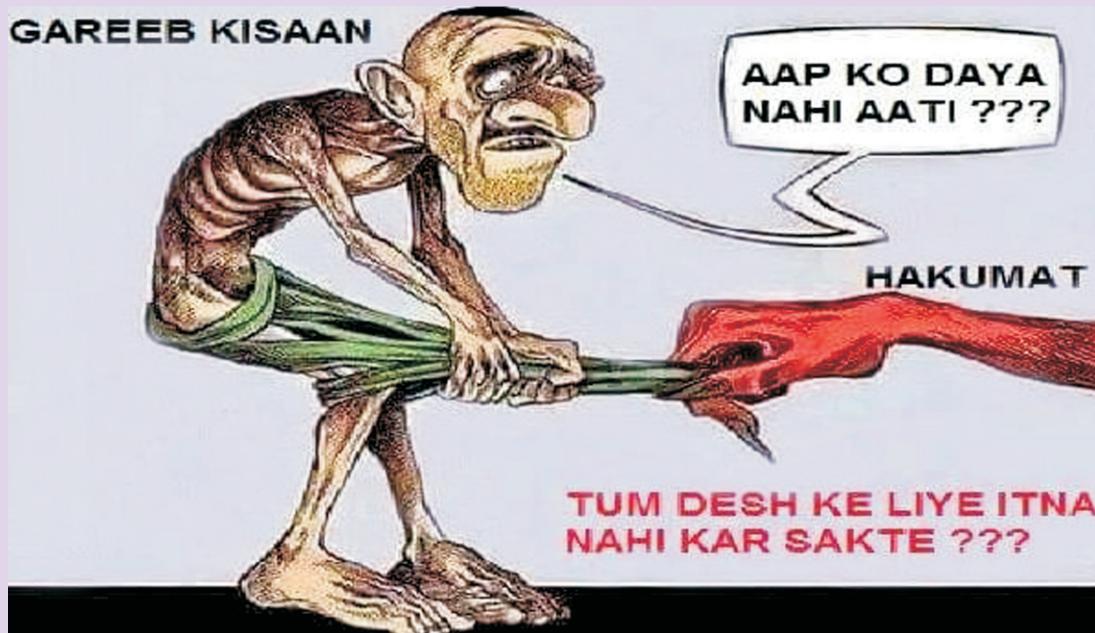
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Obey and suffer cheerfully -the Superman is here!

N.D. Pancholi

Controlling Black via Demonetization of High Denomination Currency

Arun Kumar

Thoughtless demonetization has created Economic Anarchy

Gautam Thaker

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Obey and suffer cheerfully – the Superman is here!

N.D. Pancholi

The recent changeover in Indian currency has created havoc all around. Lakhs of workers have lost their jobs. Farmers are not even getting due remuneration for their vegetables. Economic activity in various sectors continues to suffer. Banks do not have sufficient cash to meet the demands of the customers. Many persons have died waiting in queues. Unemployment is growing. In the name of fighting black money, the life of the poor and honest people has become more miserable.

But the question is: Was Notebandi meant or designed to put an end to Black Money, terrorism or Corruption? It is doubtful that that was its real purpose. Prime Minister and his coterie who are behind taking such a decision would not be so naïve as to think that such measure of demonetization would curb black market or black money or eradicate corruption.

The real aims appear to be to weaken and destroy democratic structure and constitutional values with a view to impose authoritarian system on the people and build up an image of a ‘strongman’, a ‘courageous man’ or rather ‘superman’ in the person of the present Prime Minister. The present political dispensation in power seems to be pushing the country towards a system of governance which will ultimately usher into a Fascist regime. The cult of a superman is being built up which is the most characteristic feature of a Fascist philosophy. The forceful propaganda is being made that the ‘notebandi’ ‘may entail some suffering at present but ultimately it would result in higher good for the people. Therefore the people should obey all commands of the government and should suffer cheerfully because of some higher purpose the details of which are not clear to the suffering lot.

Nietzsche, the philosopher of Fascism, had declared that the real improvement of the conditions of workers would be brought about by teaching them to suffer cheerfully. During fascist regimes in Germany and Italy under Hitler and Mussolini, the suffering was the virtue which common people were taught to bear without any remorse. Our Indian spiritualist view of life, as taught by Sadhus and Babas for centuries is that one should bear cheerfully all sorrows and suffering if one would like to be awarded with happiness in the next world or later on.

In such endeavour there is no respect for law or established democratic principles. As per law, under section 26 of the Reserve Bank of India Act it was for the Board of Directors of the Reserve Bank to recommend to the Central Government for demonetisation. When Board of Directors come to such a conclusion and make its recommendation to this effect, it would arrive on to this decision after lot of deliberations and would also consider the necessary steps which may be taken, in case recommendation is accepted, to ensure that common people do not suffer. The recommendation would also be considered at the government level. But this procedure was not adopted. The necessary legal procedure was flouted which exhibits an authoritarian mind-set. Only a farce of procedure appears to have been enacted which concluded every aspect in an hour or two.

Moreover, article 21 of the Constitution of India, which guarantees that no person shall be deprived of his life and liberty without due procedure of law was also thrown to the winds. Due procedure of law includes that any measure taken by the government or any

authority which may be prejudicial to the interest of any person should not be taken without prior notice, so that the affected person is able to take sufficient measure to protect his interests. This constitutional principle was also reduced to a waste paper. Goebbels, the propaganda Minister of Hitler had cynically said, "The State must have the courage to break its own laws." That is the philosophy of Fascism. A frivolous argument is advanced that if the decision was made public earlier, the black marketeers and other culprits would have

found ways to protect themselves. This argument is without any substance. The culprits have found several ways to convert their black currency into white one. On the other hand, the demonetization has developed a new kind of corruption while black money would survive in the new currency.

All those who are concerned with the sanctity and maintenance of the democratic system, should come together to see that authoritarian designs of those in power do not succeed.

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Controlling Black via Demonetization of High Denomination Currency

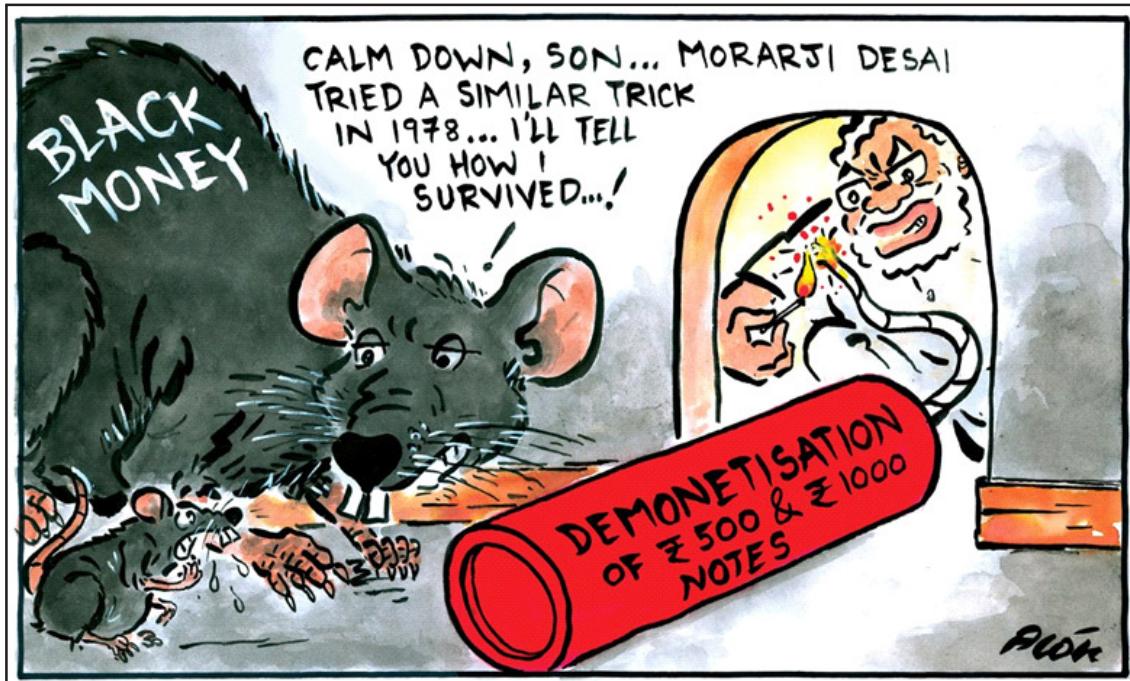
Arun Kumar

The PM's announcement that high denomination currency notes will soon be worthless paper caught everyone unawares. Even the government departments did not know of it and would have to prepare for its implementation after the TV announcement. It is an attack against the black economy no doubt but questions will be asked about how effective it would be and at what cost to the economy? There will be an immediate impact and also over time as many unforeseen consequences emerge. It is so complex that analysts in the government or outside will be discovering new aspects of it for some time.

Do we have any experience of such a move in the past from which we can learn? In 1978, the Rs 5,000 and Rs 10,000 currency notes were demonetized. Of the Rs 165 crores of such notes that had been issued, Rs 135 crores

were returned with little impact on the black economy. Not only that, the black economy continued to grow after that. The move did not touch the lives of the average citizens. The economy was small and the income of the average citizen was tiny compared to now. People carried mostly Rs.10 notes and hardly any Rs 100 notes. So, trade was not affected. So, it did not touch the lives of the average person. There were no queues at the banks.

The high denomination notes now constitute around 80% of the Rs. 16 lakh crore currency in circulation. Most of this is with business and not individuals. Even if it is held mostly by the well off with black incomes, say, the top 3% of the population, it would not amount to more than Rs.3 lakh per person and if businesses hold most of it then the average amount may not be more than Rs 1 lakh per person. Only a



part of this would be black money saved out of the black incomes which cannot be accounted for. These are averages but some may hold crores in black money. But, black savings in cash may not be more than a few lakh crores.

Of the current size of the black economy of about Rs.90 lakh crores this may be only a few per cent. But clever rich and businessmen will find ways to circumvent the new regulations and convert a part of their black into white. The black economy in India is not parallel but intertwined with the white economy. So, just as in 1978, a very tiny part of the black economy would be demolished. The real worry ought to be that the mechanisms of generation of black incomes in different sectors would be unaffected by this move and black income generation would continue as before.

At what cost to the economy? Household, business and industry would be adversely affected as transactions would become difficult in the coming months. Large part of the economy does not use plastic money or cheques. Small businesses will be hit hard and that is the BJP's core constituency. There would be long queues at banks and a black market may emerge in the currency notes for exchange and for smaller currency notes. There would be premium for gold and foreign

currency – this was the case in the 1980s with the Bearer Bonds. Jan Dhan accounts are likely to be used for converting black into white. Havaala may become more active. Demand for discretionary items would drop sharply in the coming months. But sales in Malls and from e-commerce based on plastic money may rise. However, in the net, dislocation of trade and commerce is likely leading to a hit for industry which has hardly been growing recently.

Our poorly performing and leaky bureaucracy would be unable to handle such a complex operation at such a short notice. Remember the wheat trade nationalization in early 1970s which had to be reversed in a few months time because of the havoc it created. But the present move cannot now be reversed even if it fails. The government has taken a big risk. Why? Recent steps to control it via the foreign money bill and the Income Declaration Schemes failed. It wants to show that it is serious about the black economy after its promises during the 2014 election. In conclusion, it is unclear that the likely impact on the black economy would justify the costs that the economy would have to pay.

**The writer is Retd. Prof of Economics, JNU, and author of 'The Black Economy in India', Penguin (India)*

GENUINE SECULARISM

An alternative development in the democratic and therefore genuinely secular direction will be possible only when the placid background of ignorance, superstition and blind faith will be ploughed up by spread of knowledge, skepticism and a critical attitude. These are the characteristic features of genuine secularism.

- M.N. Roy

So much for Don Quixote's war on Black Money!



Modi, Adani and Black Money - Where's the Investigation Going?

Josy Joseph

Josy Joseph, author of *A Feast of Vultures*. Credit: josyjoseph.in

The biggest black money case that has come up so far is that of the Adani group, promoted by Gautam Adani, one of Modi's closest associates, writes Josy Joseph in his book *A Feast of Vultures: The Hidden Business of Democracy in India*. Here's an excerpt.



The practice of siphoning off 'black money' – the illegal earnings of India's rich and powerful – has many dire implications, including a crippling effect on the country's efforts at fighting poverty, illiteracy and other socio-economic challenges, scuttling national security priorities, fleecing the public exchequer and stymieing competition.

The BJP, which was the main opposition party in 2011, constituted a task force to study the phenomenon of black money and released a report later. The following year, the UPA government presented a white paper on black money in par-

liament. The presentation of this ninety-seven-page report was among the many actions that the government promised. Finance minister Pranab Mukherjee, who became the thirteenth president of India a year later, admitted in the report: 'There is no doubt that manifestation of black money in social, economic and political space of our lives has a debilitating effect on the institutions of governance and conduct of public policy in the country. Governance failure and corruption in the system affect the poor disproportionately. The success of an inclusive development strategy critically depends on the capacity of our society to

root out the evil of corruption and black money from its very foundations. Our endeavour in this regard requires a speedy transition towards more transparent and result-oriented economic management systems in India.'

The white paper quoted a report by the World Bank in July 2010 that estimated 'shadow economies' of 162 countries from 1999 to 2007. It said that the weighted average size of the shadow economy (as a percentage of official GDP) of these countries in 2007 was 31% compared to 34% in 1999. For India, these figures were 20.7% and 23.2% respectively. The government admitted that its own Department of Industrial Policy and Promotion (DIPP) found that the foreign direct investment from Mauritius between April 2000 and March 2011 was 41.8% of the entire amount received by India.

'It can be seen from this table that the two top-most sources of the cumulative inflows from April 2000 to March 2011 are Mauritius (41.8%) and Singapore (9.17%). Mauritius and Singapore with their small economies cannot be the sources of such huge investments and it is apparent that the investments are routed through these jurisdictions for avoidance of taxes and/or for concealing the identities from the revenue authorities of the ultimate investors, many of whom could actually be Indian residents, who have invested in their own companies, through a process known as round tripping' – that was the government accepting the reality.

The big problem is that there are no reliable estimates on how much is siphoned off, where it comes from, or what proportion of it may be linked to criminal activities. Even the government does not know how much of this black money comes from criminal proceeds and what percentage is 'just' tax avoidance. Many of India's successful businessmen have over the years obtained the status of 'non-resident Indians' to avoid paying income tax and answering uncomfortable questions about their income and investments at

home and abroad. According to an estimate by the research agency New World Wealth in March 2016, India saw the fourth biggest outflow of high-net-worth individuals globally in 2015 with 4,000 millionaires changing their domicile. Ironically, much of the information we have on how the Indian system actually works comes from the result of investigations abroad – the result of foreign firms trying to win contracts in India coming to the attention of authorities back home.

Bribes are spread far and wide, and reach every level of the food chain, from political leaders to the attendants guarding the doors of government offices. With almost everyone benefiting from the largesse, a conspiracy of silence sets in. And that, more than anything else, explains why India's corrupt procurement system rarely sees the emergence of whistle-blowers.

On 28 May 2014, on its first day in office, Prime Minister Narendra Modi's BJP government announced its first significant decision: the constitution of a special investigation team (SIT) led by a retired Supreme Court judge to look into black money. In his high-decibel campaign against the ruling UPA government prior to the general election, Modi's most frequent reference was to black money. He rode the gigantic wave of anti-corruption that had built up around the country. While the movement itself was mostly apolitical and civil-society-driven, Modi was its biggest political beneficiary as he unleashed the most expensive campaign India had ever seen: chartered aircraft, helicopters, holograms, media campaigns, unabashed social media and Internet strategies and the like. It was hardly surprising then that, on his first day in office, Modi announced the setting up of that SIT.

Ironically, the biggest black money case that has come up before the SIT so far is that of the Adani group, promoted by Gautam Adani, one of Modi's closest associates. It is in his chartered aircraft that the soon-to-be prime minister zipped around India, accusing the incumbent government

of not fighting corruption. The Adani group allegedly took out over Rs 5,000 crore to tax havens, using inflated bills for the import of power equipment from South Korea and China, the SIT on black money was told by the Directorate of Revenue Intelligence (DRI) and the Enforcement Directorate (ED).

According to a senior ED official associated with the SIT, if the Adani case reaches its logical conclusion, the group will have to pay a fine of around Rs 15,000 crore. 'It is a watertight case,' he said, about the trail of documents showing how the group diverted Rs 5,468 crore to Mauritius via Dubai. The Adani group vehemently denies any wrongdoing. Modi, after his rhetoric-filled ride to power, has been silent.

Since Modi's ascension to office, what has happened in the ED, which had registered a preliminary case against Adani in Ahmedabad and was handed details of DRI findings, is illustrative. The officer heading the Ahmedabad branch of the directorate was raided by the CBI, which accused

him of possessing disproportionate assets. It failed to prove anything at all, despite months of investigation. The two senior-most officers in the Mumbai regional office, who oversaw the investigations in Ahmedabad, were forced out of the agency. The tenure of Rajan S. Katoch, who was heading the directorate when the case was opened, also ended abruptly. Apart from the Adani case, the Ahmedabad ED investigators were also pursuing some of the biggest money launderers of Gujarat.

While I cannot prove bad faith in all those abrupt transfers, it must be said that there has been no credible evidence that the Modi government is working to bring back black money to India. Or indeed that it will pursue the biggest black money case yet to emerge here.

*This essay was extracted from Josy Joseph's book, *A Feast of Vultures: The Hidden Business of Democracy in India*, published by Harper Collins India. Joseph is an award winning investigative journalist.*

SEARCH FOR OUR ABIDING HERITAGE

Thos who have conceived the idea of a Renaissance as a historical necessity know fully well that the great thinkers of ancient India made valuable contribution to the common human heritage. There are two aspects of human thought. One is temporary. That aspect of thought is valid for one particular period of history, but loses its force in another period of changed social environments. But there is an abiding under current throughout the history of human thought. In the absence of that, culture, progress, civilization would be impossible. Whenever mankind comes to a dead end, to what appears to be a dead end, it naturally looks back, trying to draw courage and inspiration from the abiding features in past traditions. It is necessary to discover the abiding features of the culture and thought currents of ancient India. If they can help us to visualize what is in store for us in the future, it will surely be worthwhile to dig in the past. We must dig deep in the mountainous heap of rubbish which has been built up as the bulwark of age- long stagnation, and which is mistakenly cherished even today as our heritage.

- M.N. Roy

Demonetisation: The Lies The Government Weaves As It Abandons Reason

Prabhat Patnaik

(Renowned economist Prabhat Patnaik, in his latest article on demonetisation, explains why “demonetisation, far from being an attack on the “black economy”, would in effect turn out to be an attack on the vulnerable “informal” segment of the “white economy.”)

NEW DELHI: So many lies are being spread by the government which is currently busy wrecking the Indian economy in the manner of a bull in a china shop; so many spurious economic arguments are being trotted out by it, that one has to be extremely vigilant not to be swept away by this tide of unreason.

In the current article, and the two subsequent ones to follow, I propose to examine some of the more persistent assertions that are being made by government spokesmen.

The most persistent assertion of course is that demonetisation is a measure against “black money”. In an earlier article I had pointed out that the term “black money” was a misnomer, that it was not a “stock” but a “flow”, that it refers not to stacks of currency notes hidden in pillowcases, but to a whole set of undeclared activities, some illegal, others legal but undeclared nonetheless in order to avoid payment of taxes.

These activities, like all others, are carried out with the help of money, in this case largely in the form of currency, i.e. the flow of such activities requires a stock of currency, but disabling a part of this stock would not terminate these activities as long they remained profitable.

Let me illustrate this point with some figures. The *maximum* amount of currency which the government hopes to disable in the “black economy” through its demonetisation move is reportedly Rs. 3.5 lakh crores. Indeed a former governor of the Reserve Bank of India, D.

Subbarao, a supporter of the demonetisation move, has also mentioned this as the *maximum* amount that can be rendered worthless in the “black economy”. The size of the “black economy” however, according to a World Bank study, is close to a quarter of the “white economy”, i.e. roughly around 35 lakh crores. Others would put the figure much higher, which would actually strengthen the argument that follows, but let us accept this lower figure.

Now, the share of profits in the “black economy”, again on a conservative basis, would be half of the total income generated, i.e. 17.5 lakh crores. The magnitude of the disabled *stock* of currency therefore would amount to no more than 20 percent of the annual *flow* of profits in the “black economy”. Were it all to be offset via a reduction of profits, then the profit rate in this economy would merely fall from, say 25 percent (again to take deliberately an extremely conservative figure) to 20 percent. To imagine that this minor dip would constitute a blow against the “black economy” is absurd.

But the question may be raised: even if such disabling of cash would be a small matter relative to this sector’s profits, which would not discourage “black activities”, nonetheless cash *would be required* for carrying on these activities as before; would not the sheer loss of this cash therefore create problems for the operations of the “black economy”? And indeed herein lies the rub.

As long as “black activities” remain profitable,

which they would despite the once-and-for-all dip in the profit rate just mentioned, this loss of cash owing to demonetisation (and let us assume, for argument's sake, that that there is such a loss as anticipated by the government), would only mean, that for carrying on these activities, the "black economy" would now demand fresh cash.

This would raise the interest rate, *unless the Reserve bank of India increases the supply of currency to make good exactly what has been lost by the "black economy"*. Such a rise in the interest rate would simply suck out cash from the "white economy" to finance the working of the "black economy"; and this sucking out can only be at the expense of the petty, "informal" sector which is *both* extremely cash-dependent, and is so precariously placed that it is vulnerable to a jacking up in interest rates.

In short, demonetisation, far from being an attack on the "black economy", would in effect turn out to be an attack on the vulnerable "informal" segment of the "white economy".

And this is so because of the immanent logic of the system, which the government, on a charitable interpretation, does not understand.

The more profitable activities invariably pull resources, including cash for working capital and other needs, from the less profitable, more vulnerable ones; these, in an economy like India, consist of the petty production and petty trade sector, or the "informal economy". Even Adam Smith and David Ricardo, classical political economists, long before Marx, had made the point that capital always flows from the less profitable to the more profitable activities; and this is true for money capital as well, including that portion of it which takes the form of cash.

Of course, the Reserve Bank of India may not allow this to happen, and may step in to augment the supply of cash to the economy, to make good what has been "lost" to the "black economy"

through demonetisation. But in such a case, while the petty production and petty trade sector would have been prevented from going under, the "black economy" would have obtained the cash it requires for carrying on its activities, without having to pay, even temporarily, a higher interest rate.

The vacuity of the demonetisation drive as a weapon against "black money" should be obvious from this.

As long as "black activities" remain profitable, they would be carried on; but, given the interconnected nature of the entire economy, the interpenetration of "white" and "black" economies, any measure such as demonetisation, that does not directly attack "black activities" via reducing their attractiveness from the point of view of their operators, *necessarily impinges only on the vulnerable segment of the "white economy"*, viz. the "informal sector". Since this sector accounts for 45 percent of the ("white") economy's output and around 80 percent of employment, such anti-"black economy" measures amount therefore to cutting off one's nose to spite one's face.

It may be pointed out, against what I have been arguing, that for making good its "loss" owing to demonetisation, through acquiring fresh cash, the "black economy" would have to incur fresh liabilities, on which there would be a fresh interest burden.

In other words, the once-and-for-all loss of cash through demonetisation would still leave a trail of additional interest payment obligations in the "black economy" even if this economy continues to function exactly as it was doing earlier. But, if this once-and-for-all loss itself is trivial relative to profitability, as we have seen, then the legacy of interest payment obligation that this loss would leave behind would be even more trivial, indeed too trivial even to merit notice.

To say all this is not to diminish the significance of “black money”; it is to suggest that demonetisation is the wrong weapon for fighting “black money”. Of course there are two issues here which should be distinguished.

The first is that the impression created by the government, and by persons like Baba Ramdev who these days don the mantle of “economics experts”, that the central problem of the Indian economy relates to “black money”, is absurd. Their idea is to suggest that it is not capitalism, but the violation of laws under capitalism such as what the “black economy” entails, that is to be blamed for the economic misery of the masses.

This view is wrong for two reasons. The first reason is that the very distinction between “white capitalism” and “black capitalism” is a tenuous one. Capitalism necessarily entails seeking profits and if there are profits to be made in certain activities, then those activities are undertaken by capitalists. If those activities are illegal, then they constitute “black activities”; but they are nonetheless undertaken as long as their profitability is large enough to outweigh the risks associated with undertaking them. A “black economy” in short is merely the designation for certain activities under *capitalism*. There can be no capitalist economy, there *is* no capitalist economy, in the world, which does not have a “black economy”: drug-running for instance is a major problem in the United States. (Of course a “black economy” would not immediately disappear even under socialism, but that is because even a socialist economy would take a long time to cast off the shell of capitalism from which it emerges; but since profit-seeking is not the *raison d'être* under socialism, such legacies inherited from capitalism would tend to disappear gradually over time).

The second reason is that even if we assume that there was no “black economy” in the country,

the immanent tendencies of capitalism, to produce wealth at one pole and misery at another which Karl Marx had written about (and no “black economy” had figured in his analysis), would nonetheless operate, as indeed they are operating before our very eyes in this era of neo-liberal capitalism. Reams have been written on how this process is being enacted in India today, even without invoking the “black economy”, and the point need not be laboured further.

But the second issue, with which we are dealing here, concerns the method of combating “black money” even under the present system. And demonetisation as a method, it is already very clear, instead of combating “black money” has the effect of decimating petty production and petty trade sector (the so-called “informal sector”), and thereby carrying further the process of “primitive accumulation of capital”.

The obvious immediate way to combat “black money” is by making “black activities” unattractive, by investigating transgressions of law honestly, rigorously and meticulously, and handing out exemplary punishment to wrong-doers.

Making the lives of honest people especially the poor even more miserable, punishing them collectively on the argument that some criminals may be lurking among them, represents an abandonment of reason on the part of the government that is quite astounding.

Courtesy **The Citizen**, 24th November 2016

(Professor Prabhat Patnaik is a reputed economist and scholar. He is Professor Emeritus at Jawaharlal Nehru University and author of several books including “The Value of Money”, “The Retreat to Unfreedom”, “A Theory of Imperialism”, amongst others)

“Worst Mistake of PM Modi’s Career”: World Media and Economists Decry Demonetisation “Havoc” in India

Gayeti Singh

NEW DELHI: Former US Treasury Secretary Lawrence H. Summers on Tuesday slammed India’s “chaos-causing” currency reform, saying that the decision by Narendra Modi’s government to demonetise 500 and 1000 rupee notes has resulted in a “loss of trust” in the administration, and will fail to check corruption in the country.

In a long blog post co-authored with Natasha Sarin, Summers writes, “most free societies would rather let several criminals go free than convict an innocent man. In the same way, for the government to expropriate from even a few innocent victims who, for one reason or another, do not manage to convert their money is highly problematic.”

The blog post echoes the larger narrative of the international media, that has by and large criticised the recent demonetisation in India. The Guardian, in a hard hitting editorial, says that through the move, PM “Modi has brought havoc to India.” “The short-term impact of “demonetisation” has been dramatic: the \$2 trillion Indian economy will shrink. The rich will not suffer, as corruptly acquired fortunes have almost all been converted to shares, gold and real estate. But the poor, who make up the bulk of the nation’s 1.3 billion people, will lose out. They don’t generally have bank accounts and are often paid in cash,” the editorial states.

It continues, “Mr Modi, a Hindu nationalist, was for a decade an international pariah over his alleged role in the mass murder of Muslims in a region he once administered. He wants to be known for something else. President-elect Trump offers an opportunity to recast himself. Two years ago Mr Trump’s svengali, Steve Bannon, described Mr Modi’s victory as part

of a “global revolt”. But a looming cash crunch and an administrative crisis makes it look like the revolt might start at home.”

An editorial in The New York Times puts forth a similar argument. “Cash is king in India. It is used in an estimated 78 percent of transactions, compared with 20 percent to 25 percent in industrialized countries like Britain and the United States. Many people do not have bank accounts or credit cards, and even those who do often must use cash because many businesses don’t accept other forms of payment,” it states. “The government has begun circulating new 500- and 2,000-rupee notes, which means that cash-based corruption and tax evasion are almost sure to return as people accumulate the new bills,” the editorial concludes.

Qatar-based Al Jazeera, similarly, has focussed on the disruptive impact of the move on the country’s poor. “This currency demonetisation has caused chaos as millions of Indians, who mostly use cash for business and shopping, have been lining up outside banks and ATMs,” notes one article. “The Indian government is asking people to be patient with what it calls the “short-term inconvenience” of the new currency policy, but the situation is taking its toll on people living off meagre daily wages,” elaborates another story.

An Associated Press story quotes analysts from the world over critiquing the move. The story, carried by The New York Times and others, states that the move spells “chaos” for India’s ordinary citizens. “Basically, you’ve created chaos,” the story quotes Steve H. Hanke, an applied economist at Johns Hopkins University in Baltimore and a global authority

on currency policy. "India is a cash economy. It's not like Europe or the U.S. where everyone is running around with a credit card. That's not the world of India." "It doesn't look like this thing was thought through at all."

"It is unclear whether this exercise will achieve any lasting results other than having created a national economic crisis, destroying confidence in the national currency and unleashing tremendous suffering for ordinary Indian citizens," Rajiv Biswas, Asia-Pacific chief economist at HIS Global Insight tells AP. "This will have a direct negative effect on retail sales and industrial output during the coming weeks."

An article in *The Economist* states, "the surprise scrapping of what amounted to 86% of the cash in circulation could, in fact, turn out to be the worst mistake of Mr Modi's career." "For hundreds of millions of Indians who cannot pay for essential goods with credit or debit cards, it has brought not satisfaction but the misery of waiting in angry queues outside overwhelmed banks, only to get limited quantities of new bills, or to find they have run out. For many among the estimated 80% of wage earners who are paid in cash, for the tens of thousands of villages with no banking facilities, and for the traders, drivers, farmers, prostitutes, beggars and others who work in the "informal" economy that accounts for anywhere between 25% and 70% of India's GDP, it has brought anxiety and hardship. "We'll know later if Modi is right or wrong," a man outside a bank in Delhi told one television crew. "All I know now is I'm starving."

An Opinion piece by Mihir Sharma in Bloomberg makes a similar argument. "One week after India's sudden declaration that 500- and 1,000-rupee notes were no longer legal tender, the economy is in chaos. And that's

perhaps because the policy was designed as much to shock and awe observers with the government's command of the Indian economy as to control India's "black money" problem. What seemed at first to be a masterstroke by Prime Minister Narendra Modi now looks like a grave miscalculation," the writer argues. "You have to wonder if Modi truly sought expert advice, or relied once again on a small and trusted set of politicians to determine policy. India's simply too big and complex for shock and awe. Large parts of the rural economy use cash for 80 percent of transactions and have been hard-hit. In seafood-mad West Bengal, for example, the fishing industry is in a state of near-collapse; in the wheat-growing states of the northwest, farmers halfway through the sowing season have run out of cash to buy seeds," Sharma writes.

"Few villagers have access to an ATM. Most have to trek to a bank branch to change their cash, which means losing out on crucial days of labor. Many Indians, particularly women, still don't have an active bank account. Finance Minister Arun Jaitley wondered aloud how many poor people would even have 1,000-rupee notes -- probably a rhetorical question, but surely it shouldn't have been. Someone should've sought the answer before shutting down India's financial system."

Closer home, Pakistani media has been following the impact of the move, with *Dawn News* recently carrying an article titled "Why India's demonetisation will not eliminate corruption." "The real issue is how the common man been affected by the drive. The current demonetisation has adversely affected the poor, wage labourers, small businesses, farmers and other minorities. Often these small income earners save cash for a rainy day. The incidence of bank accounts and bank transactions will be extremely low among

these groups. These are the communities who do not engage in the formal banking sector too much. Rather they save their daily or weekly wages in cash, often in large denominations. It is these groups who have been hit the most by the demonetisation drive,” the article states.

Chinese media, too, has criticised the move. “The government is placing considerable hope in the demonetisation of the old banknotes: It is expected that many participants in the underground economy had to expose themselves in the light when attempting to explain to the bank or government the origins of the large amounts of cash they hold,” Liu Xiaoxue, associate professor at the National Institute of International of Strategy of the Chinese Academy of Social Sciences, wrote

in the China-India Dialogue. Shi Lancha a visiting scholar at Tsinghua University called the move a “blitzkrieg” and said it had “snowballed into an unprecedented emergency in India”.

“While it takes political courage to launch such a trailblazing and massive campaign; it actually takes far more wisdom to give it a happy ending. Given the fact that people have to pay an absurdly high price for the expected reform, if BJP fails to deliver its high-sounding rhetoric and promises, then Modi’s much-lauded ‘master stroke’ or ‘big bang reform’ will likely be reduced to ‘nasty partisan conspiracy’ and even a ‘costly political joke’”, Shi wrote for Global Times.

Courtesy The Citizen, 23rd November 2016

“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



Thoughtless demonetization has created Economic Anarchy

**As against 10 % Criminals, 90 % Innocent People suffer hardships
Guilty Escape Scot Free, whereas Innocents Penalized**

Gautam Thaker

Due to demonetization hardships of common men aggravated with ever changing promulgation by the Govt. on every day. The queues for exchanging notes mainly consist of senior citizens, rural workers, daily wage-earners, farmers, petty service providers, office-goers right up to house-wives. These people have been struggling for last more than 10 days to exchange their hard-earned monetary notes. Not a single higher-middle income group person, eminent doctor or lawyer, administrative service officer, political leader, major trader, industrialist or police officer is found in the queue. The Supreme Court of the country has observed "The decision of demonetization does not appear like a surgical strike but looks like sparking off a carpet bomb on the people. It cannot be said that whosoever has a note of Rs. 500 or of Rs. 1000 can be categorized as possessing black money. You can

make surgical strike against black money but not against the countrymen." Once more the Supreme Court by twisting the ears of the rulers has admonished that the problem of long queues before the banks and the ATMs is becoming serious day by day and it is feared that it can result in to riots. If there is no improvement in the present situation then the anarchy may become even more serious. Hence appropriate steps must be taken to immediately control the situation. People are fuming with anger and you cannot stop them from approaching the court. In fact, an atmosphere has been created as if economic anarchy has now spread all throughout.

Both, rulers and the RBI were unprepared to handle this suddenly emerged responsibility. Due to economic anarchy spread throughout India



about 55 persons have lost their lives. Entire economy of the country has been at stand still. If preparations were going on for replacement of notes since six months then why the people are subjected to hardships now? There was no concrete planning at all on the part of either the rulers or the RBI. Due to unplanned policy decision great anarchy has arisen. RBI had not prepared any scheme at all. When it was aware that out of country's money circulation of Rs. 17013 billion if Rs. 14631 billion that is 86 % comprise of notes of value of Rs. 500 and Rs. 1000 then why new currency notes of Rs. 500 and of smaller value were not kept in readiness duly printed beforehand? Well the decision has been taken but more and more anarchy has emerged. For last 10 days decisions are changed every now and then, which include limit for exchange of notes, amount for withdrawal, dates for exemptions etc. Upon careful observation of the entire situation it can be concluded that the Finance Ministry and RBI have thoroughly failed and they were not up to the mark in the advance planning. Govt.'s abrupt decision without adequate advance preparation has hard hit the masses.

The time slot chosen by the Govt. is also thoughtless and wrong. While the wedding season is in full swing all over the country if the decision of demonetization would have been taken during the inauspicious 'Kamurta' spell from 14th December until 'Uttarayana' then it would have been quite proper. At the same time in this entire process the farmers are very much unhappy because while they have reached to the market along with their crops but there is no payment. What will they do by receiving cheque from the Market Yard or the APMC? In the villages there are no nationalized banks and ban has been placed over the Co-Operative banks.

P.M. is adding fuel to the fire. In public speeches he states that "poor are sleeping soundly while the rich have sleepless nights. We have made highly placed persons to stand in the queue." As a matter of fact, affluent and powerful rich are enjoying quiet sleep after having systematically and smoothly managed their black money whereas the poor have been rendered wakeful, facing the starvation like situation. They do not have enough money even to buy sleeping pills. In the entire country, worst affected class is that of middle class and the have-nots. After having realized that economy anarchy has spread all throughout the country because of demonetization the P.M. is playing the acting of 'weeping' or 'crying'. Due to demonetization daily wage-earners have been hard hit. Farmers are without fertilizers and workers are without jobs.

The country has been passing through economic crisis. Whereas the GDP Growth Rate was good and inflation well within the anticipated range then where was the need to cancel the currency notes?

The ex. Governor of RBI, Mr. Raghu Rajan has even told that there are many other options to unearth black money than to resort to demonetization. To deal with this problem other tactful schemes should be made use of. The organizations known to be supporters of the ruling party have also told in clear terms that even after the step of demonetization, the root problem has remained 'as it is'. Due to this step of demonetization the common men and the working class have been compelled to queue up to exchange and receive their hard-earned cash money. Farmers do not have money even to buy fertilizers or seeds. The task of transforming this decision into reality has indeed become very tough. This is not an appropriate step. The media agencies of the country and the world have stated that this

decision appears like a serious miscalculation. Modi has not talked in his administration on the economic front but has placed emphasis only on the political matters. Hence it is clearly seen that presently, the competency or efficiency of the Govt. has been thoroughly derailed or paralyzed.

In fact in such a situation if Govt. wants to get some relief then it should despatch mobile cash vans so that people in the remote places can get their money as early as possible. More and more notes of value of Rs. 500 and Rs. 100 should be printed and made available to the people. While hardly 2.86 crore people possess plastic money out of 125 crore strong population of the country such a decision becomes inevitable. Govt. should not lose sight that it is its duty to see to it that the common men, remotely placed and the poor people should not face any difficulty in getting the money earned

from the sweat of their brow. Govt. should now seriously think over and bring a solution out of their turmoil. It should also keep in the mind that inflation and other price rise cannot be tackled merely by demonetization. There is no need at all to mislead the people by tall talks on patriotism, nationalism and national interest. In fact the P.M. needs to improve the bank's position by arresting 5610 defaulters so as to recover the NPA of Rs. 5.93 lakh crores. He also needs to browse the history that such a step has not met with success nowhere in the world. This step has met with failure in Russia, Korea, Ghana, Nigeria, Myanmar etc. countries. Every where the poor people have suffered heavily whereas the rulers and the people's representatives are in sound and carefree sleep instead of going amidst the people. Govt. and the RBI, both have thoroughly and miserably failed in this entire episode.

A New Zealander's View on Reason for Corruption in India

Indians are Hobbesian (Culture of self-interest)

Brian

Corruption in India is a cultural aspect. Indians seem to think nothing peculiar about corruption. It is everywhere.

Indians tolerate corrupt individuals rather than correct them. No race can be congenitally corrupt.

But can a race be corrupted by its culture?

To know why Indians are corrupt, look at their patterns and practices.

Firstly: Religion is transactional in India. Indians give God cash and anticipate an out-of-turn reward. Such a plea acknowledges that favors are needed for the undeserving. In the world outside the temple walls, such a

transaction is named "bribe".

A wealthy Indian gives not cash to temples, but gold crowns and such baubles. His gifts cannot feed the poor. His pay-off is for God. He thinks it will be wasted if it goes to a needy man. In June 2009, The Hindu published a report of Karnataka minister G. Janardhan Reddy gifting a crown of gold and diamonds worth Rs. 45 crore to Tirupati. India's temples collect so much that they don't know what to do with it. Billions are gathering dust in temple vaults.

When Europeans came to India they built schools. When Indians go to Europe & USA, they build temples. Indians believe that if God

accepts money for his favors, then nothing is wrong in doing the same thing themselves. This is why Indians are so easily corruptible.

Indian culture accommodates such transaction First: Morally. There is no real stigma. An utterly corrupt Jayalalithaa can make a comeback, just unthinkable in the West. Secondly: Indian moral ambiguity towards corruption is visible in its history. Indian history tells of the capture of cities and kingdoms after guards were paid off to open the gates, and commanders paid off to surrender.

This is unique to India. Indians' corrupt nature has meant limited warfare on the subcontinent. It is striking how little Indians have actually fought compared to ancient Greece and modern Europe. The Turk's battles with Nadir Shah were vicious and fought to the finish.

In India fighting wasn't needed, bribing was enough to see off armies. Any invader willing to spend cash could brush aside India's kings, no matter how many tens of thousands soldiers were in their infantry. Little resistance was given by the Indians at the "Battle" of Plassey. Clive paid off Mir Jaffar and all of Bengal folded to an army of 3,000. There was always a financial exchange to taking Indian forts. Golconda was captured in 1687 after the secret back door was left open. Mughals vanquished Marathas and Rajputs with nothing but bribes. The Raja of Srinagar gave up Dara Shikoh's son Suleiman to Aurangzeb after receiving a bribe. There are many cases where Indians

participated on a large scale in treason due to bribery.

Question is: Why Indians have a transactional culture while other 'civilized' nations don't?

Thirdly: Indians do not believe in the theory that they all can rise if each of them behaves morally, because that is not the message of their faith. Their caste system separates them.

They don't believe that all men are equal. This resulted in their division and migration to other religions.

Many Hindus started their own faith like Sikh, Jain, Buddha and many converted to Christianity and Islam. The result is that Indians don't trust one another.

There are no Indians in India, there are Hindus, Christians, Muslims and what not. Indians forgot that 1400 years ago they all belonged to one faith. This division evolved an unhealthy culture. The inequality has resulted in a corrupt society, in India everyone is thus against everyone else, except God -and even he must be bribed.

Sadly....yes!

—BRIAN from Godzone

NEW ZEALAND

(Incidentally, New Zealand is one of the least corrupt nations in the world.)

*Sent by: Ram Chimnani
<ram.chimnani@gmail.com>*

LIE-HUNTING

Lie - hunting is my profession. This is thankless job. But someone must tell the truth, if it is not to remain an empty concept. I have been lie-hunting ever since I learned to think for myself to distinguish facts from fictions. It has not won me popularity.

- M.N. Roy

NOTE DEMONETISATION

Rattled by cash crisis, BJP calls off Modi's December 24 rally in Lucknow

The decision was taken on Monday, the day before the BJP parliamentary party met to endorse the demonetisation decision.

Panicked by widespread financial stress caused by the withdrawal of high-value currency notes and unsure about attracting an adequate crowd for a rally Prime Minister Narendra Modi was to address Lucknow on December 24, the Bharatiya Janata Party has cancelled the much-publicised event.

The rally aimed to mark the culmination of the BJP's four Parivartan Yatras in poll-bound Uttar Pradesh, which were flagged off early this month.

The decision to cancel the rally was taken on Monday, the day before a rattled prime minister defended the demonetisation decision at the BJP's parliamentary party meeting on Tuesday.

On Monday, BJP President Amit Shah held a meeting with Finance Minister Arun Jaitley and Finance Secretary Shaktikant Das to assess the impact of the financial stress caused by the withdrawal of Rs 500 and Rs 1,000 banknotes.

The decision to cancel the Lucknow event was also prompted by the relatively small crowd at the prime minister's rally in Agra on November 20. "The turnout at Modi's rally in Agra was not up to the mark," said a BJP leader who did not want to be identified. "The party fears that the financial stress would accentuate in the course of the next one month, and holding a rally in the capital of UP on December 24 may, therefore, be counterproductive."

Leadership unnerved

The BJP launched its Parivartan Yatras to swing the electoral mood in Uttar Pradesh in its favour. Modi was to address public meetings almost every week in the state – which goes to polls early next

year – to enhance the impact of the yatras, finishing up with a grand rally in Lucknow on December 24, the eve of the birth anniversary of BJP veteran Atal Bihari Vajpayee.

However, last week, the party decided to reschedule Modi's rally in Kushinagar, scheduled for November 25, to allow its leaders and cadre in eastern Uttar Pradesh more time to mobilise crowds. The rally is now scheduled for November 27.

"Since the anger is more apparent in urban pockets than in villages, the party may still go ahead with Modi's rallies scheduled to be held in rural settings of the state," said a BJP leader.

The BJP brass appeared to be struggling with the repercussions of demonetisation within days of the government's having taken the step. Some of the party's own parliamentarians were reportedly outraged by the move, leading the BJP leadership to cancel two consecutive meetings of its MPs last week.

Many party MPs saw Modi's emotional speech at the BJP parliamentary party meeting on Tuesday as a means of preventing dissident voices from coming out in the open. "The prime minister, who seemed rattled, broke down during his speech," said one BJP MP who was present at the meeting. "It was after this that the parliamentary party passed a unanimous resolution endorsing his great crusade."

The resolution commended Modi for his "historic, revolutionary, daring and pro-poor" decision in national interest.

Courtesy **Scroll.in**

Far from being anti-national, it is a patriotic duty to question the military

Saikat Datta

Not to question the Indian army and to treat it like a holy cow is to go down the road taken by Pakistan and China.

On March 16, 1968, US Army soldiers from the Company C of the 1st Battalion, 20th Infantry Regiment, 11th Brigade of the 23rd (Americ) Infantry Division dropped in on two villages in South Vietnam, known as My Lai and My Khe. In the subsequent few hours, these soldiers of

Charlie Company would go on to kill over 500 villagers – men, women, children and infants. Some of the women were gang-raped and their bodies mutilated. The massacre, which later came to be called “the most shocking episode of the Vietnam War” would have been quietly buried but for an investigative reporter, Seymour Hersh, who got a tip-off about the story more than 19 months later and pursued the case until he found the testimony of Lieutenant William Calley Jr. a platoon leader in Charlie Company.

Hersh, who was a freelancer in 1969, was turned down by all the prominent publications he approached with his story, none of whom wanted to question the armed services, especially at a time when the US was waging a war in Vietnam. The publications did not think it was “patriotic” to publish such an explosive story, because it would raise doubts about the military.

The wall of silence surrounding what has come to be known as the My Lai massacre was finally broken when Hersh managed to sell his story to the Dispatch News Service, a small news agency that sent out the story to 50 newspapers. Within a few days, nearly 30 newspapers had

picked up the story and it went on to become one of the greatest exposés of one of the largest massacres of civilians carried out by American troops in the 20th century.

State of war

Much has been written and said after the Director General of Military Operations announced that the Indian army had “conducted surgical strikes” at terrorists’ “launch pads along the Line of Control” on September 29.

The common refrain in all these arguments has been that the military should never be questioned. Doing so, it has been argued, would be tantamount to treason. The same argument was used in another case, when the New York Times went ahead and published a top secret report, the “Pentagon Papers”, which revealed that the US was losing the war in Vietnam.

Furious that the report had been leaked, the government went to court and sought an injunction, which was granted. Both the New York Times and the Washington Post were barred from publishing the story till the case was heard by the courts. In 16 days, the case travelled from the

lower courts to the US Supreme Court, and the full bench of all the nine judges agreed to hear the case.

After hearing arguments from both sides, the US Supreme Court, in one of its most celebrated judgments in history, ruled by a majority of 6 to 3 that the newspapers had every right to publish the stories, even though the US was waging a war. In short, the majority judges ruled that in a democracy, the people had every right to question the government or the military.

Addressing the patriotic line of argument, put forth by government lawyers, Justices Hugo L Black, William O Douglas and Thurgood Marshall

wrote in their individual opinion in the judgment that it was paramount for the free press "...to prevent any part of the Government from deceiving the people and sending them off to distant lands to die of foreign fevers and foreign shot and shell."

If these decisions weren't exposed or challenged, then it would irreparably harm democracy, the justices said. "In my view, far from deserving condemnation for their courageous reporting, The New York Times, The Washington Post and other newspaper should be commended for serving the purpose that the Founding Fathers saw so clearly," wrote Justice Black. "In revealing the workings of government that led to the Vietnam war, the newspapers nobly did precisely that which the founders hoped and trusted they would do."

The Pentagon Papers judgment, delivered on June 30, 1971, continues to hold good for journalists in the US even today, and bars the government from making any attempts to hamper the press from publishing any classified material that will question decisions taken by public authorities, especially the military.

The need for the truth, especially in closed communities like the military, is essential for their well-being. The lack of exposure leads to practices within the military that finally undermine the institution. This has been witnessed in Israel, one of the few democracies that pre-censors any story by the media on the military. The Yom Kippur war in October 1973 found the Israelis severely wanting as Egyptian and Syrian forces launched a coordinated attack. Still high after its resounding success in the Six-Day war, the Israeli Defence Forces had been lulled into a sense of false confidence.

The lack of deep and insightful questioning by the media or the people gave the Israelis the false belief that they were invincible. The war finally ended well for Israel, but the damage had been

done by then.

Once again, in September 1982, allies of Israeli Defence Forces in the civil war in Lebanon carried out massacres in two refugee camps known as Sabra and Shatila which, as per some estimates, were in the region of nearly 3,500 innocent civilians. The Israeli forces watched but refused to intervene, leading to the horrific massacre of innocent men, women and children.

National security

In March 2012, a letter written by the then army chief and now minister of state for external affairs, General VK Singh, to the prime minister caused a major furore in Parliament. Singh wrote about the precarious condition of the Indian Army, the depleted stocks of critical ammunition and the inability to fight a war against China for more than two days because of lack of critical spares and equipment.

The Parliament's Standing Committee on Defence, blissfully unaware of the letter until it was leaked out, was furious. In a meeting with the defence secretary and the Vice Chief of Army, the MPs demanded to know the veracity of the Army Chief's claims. Once confirmed, they demanded a time-bound action plan from the defence secretary to address the crippling shortages.

It comes down to individuals holding key positions in the military, in the end, whose vested interests have often prevailed while invoking and imposing a ban on information under the guise of national interest.

In 2005, the then Chief of Naval Staff did not reveal that his wife's nephew was involved in a case of leak of secrets from the Naval War Room. For months a Board of Inquiry investigated the case but it was only after the relative's name was revealed in a newspaper report did he offer to step down. Had the newspaper report not exposed the relationship, the Chief would have never

offered to step down.

India's chequered military history is replete with such instances. Originally raised as a colonial army to subjugate Indian citizens as well as fight the wars of the British Empire, its transition to the army of an independent republic has not been smooth. This has led to frequent clashes between the military and its civilian counterparts, especially over pay and perks and relevance in governance.

Therefore, questioning the military and its claims becomes an essential requirement to maintain the professionalism and high standards that are necessary for apolitical organisations. Unless this is scrupulously followed, Indian armed forces face a real danger of going down the same path as that followed by their principal adversaries – the armies of Pakistan and China.

Courtesy [Scroll.in](#)

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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Choice Before Indian Muslims: Reform Now Or Repent Later

A.J. Jawad

It is time for the Muslim community to introspect on how things have come to such a pass. Practices like triple talaq, halala and polygamy, steeped in patriarchal and medieval narratives, can hardly be regarded as just and fair.

In the background of a bunch of writ petitions filed before the Supreme Court by some Muslim women's organisations and individual victims, challenging the regressive and arbitrary practices of triple talaq, halala and polygamy among India's Muslims, the Law Commission has come out with a questionnaire on the viability of a uniform civil code. The timing of the release of this questionnaire close on the heels of the Union of India's categorical stand against these arbitrary and unconstitutional practices before the Supreme Court, has raised concerns in the minds of those pressing for serious reforms in the personal laws of India's Muslims.

One concern is that, this would enable the All India Muslim Personal Law Board (AIMPLB) – a self-appointed custodian and defender of Islam – to whip up a fear psychosis in the Muslim community and stonewall any meaningful outcome in the pending legal proceedings. Predictably, the (AIMPLB) has issued a call to all Muslims to boycott the questionnaire. That this stand is immature, illogical and shortsighted is not surprising, given the fact that the Board is like Rip Van Winkle who wakes up once in 20 years to scream that Islam is in danger.

It is for the Muslims of India to now exercise their collective wisdom and decide a response to such a perceived threat to their identity. It has been pointed out by a few people that the use of the word "common", with reference to the civil code in the Law Commission questionnaire, instead of "uniform" used in Article 44, is

mischievous as it reflects the Sangh Parivar's avowed objective of submerging all the diverse cultural and religious identities into a "one culture, one nation" identity known as "Hindutva".

The words of the Law Commission—"to harmonise the various cultural practices" – to express its objective, further reinforce this suspicion in the mind of a beleaguered community which is facing continuous onslaughts from the over-enthusiastic cohorts of the ruling dispensation. To add insult to injury, most of the questions pertain to Muslim personal law.

Having said that, what should be the response of the Muslim community to the questionnaire? Should it, (as mandated by the AIMPLB), boycott the questionnaire, or, should it participate in the debate and express its views on the viability and need or otherwise of a uniform civil code? Logically and rationally the answer would have to be "Yes" for the latter proposition. By boycotting the questionnaire and stonewalling any debate or discussion, the Muslim community is rendering itself vulnerable to a "common" civil code being thrust down its throat. And, if this common civil code has a tinge of saffron flavor, then the community will have only itself to blame.

On the other hand, by participating in the debate, the Muslim community would be demonstrating its openness to the democratic process and retain the moral right to question any code that seeks to submerge its core identity and values. And in this, the community would find support, not just from other similarly placed minority communities, but also from sections of the majority community itself.

It is also time for the Muslim community to introspect on how things have come to such a pass. That the "Shariah" law as practiced in India

falls short of meeting the evolved standards of gender justice and equality is a given. Practices like triple talaq, halala and polygamy, steeped in patriarchal and medieval narratives, can hardly be regarded as just and fair.

Even a cursory study of the history and evolution of the Muslim Personal Law would reveal that the Quranic injunctions and hadith traditions were subjected to a process of logical study, interpretation and deduction by ordinary mortal minds having no pretensions to divinity.

The moot question is - are these practices really an integral part of the “Shariah”? Even a cursory study of the history and evolution of the Muslim Personal Law would reveal that the Quranic injunctions and hadith traditions were subjected to a process of logical study, interpretation and deduction by ordinary mortal minds having no pretensions to divinity. Their conclusions are known as “Fiqh”.

In India, Fiqh underwent substantial distortion under the British rule and evolved as Anglo-Mohammedan law, which actually passes off as the “Shariah”. Leaving aside the distortions brought in by the British jurists, the fact that the law could be interpreted by those living in the 7th to the 11th centuries to suit the then social conditions, leads to the logical conclusion that the changed social context warrants fresh interpretation by modern minds.

When the Hudood injunctions prescribing gruesome punishments for moral offences (such as stoning to death for adultery, amputation of limbs for theft and beheading for murder) could be replaced with more humane visitations like imprisonment under a uniform penal code (notwithstanding the spiritual mandate that the offenders who escape punishment in this life would suffer more gruesome punishments in the hereafter), there is no reason why unjust practices like triple talaq and polygamy (which are at best

only permitted and not mandated), should not be given up. Why can’t Muslim men give up these misconstrued rights, which are not an essential or integral part of the practice of the religion?

Islam, as originally conceived, was a reformist movement that brought about sweeping changes in the established patriarchal system existing in the Arabian peninsula in the 7th century AD. Unrestricted polygamy, polyandry, female infanticide, buying and selling of women and many other hedonistic practices were put an end to. The rights of women to hold property, to consent for marriage and to seek dissolution of an unhappy marriage were established and enforced. Traditions attributed to the Prophet of Islam even go into minute details of how gently and lovingly men should treat their wives during coitus.

The Quran declared that husbands and wives were raiment unto each other, thereby recognising and reiterating the equality of status between men and women. Practices like conditional polygamy were no doubt permitted, but under the circumstance of a lopsided male-female ratio caused by the ravages of prevailing wars. In the present era, where the converse ratio exists and where women command an equal status with men in terms of education, fiscal freedom and physical independence, it would be anachronistic and absurd to say that polygamy has any validity or justification.

To retain polygamy, restricted, conditional or otherwise, in a country governed by a secular, democratic constitution would be undermining the express promise of equality and the right to a life of dignity. The Quran itself unequivocally emphasises monogamy.

Marriage as a contract is itself a revolutionary concept. It presupposes equality between the contracting parties. When a marriage cannot be contracted without the consent of both parties, it

cannot also be terminated except by consent of both parties or through a process of arbitration (as prescribed in the Quran) or through judicial intervention (as practiced in many Muslim countries). There cannot be a unilateral, arbitrary and whimsical termination of the contract by one party alone without inviting penal consequences.

Obviously, capricious practices like triple talaq and polygamy are antithetical to the very idea of equality, which underlies an Islamic marriage. In this context, Muslims have to understand that there is nothing in the Quran or the Hadith traditions that prohibits a progressive approach to matters of social intercourse. It is wrong on the part of the Muslims to claim that giving up these unjust practices would be compromising on their religious identity.

The core identity of a Muslim is the belief that there is one God and Mohammed is His messenger. This belief is the essence of Islam and defines the real identity and faith of a Muslim and this is what is protected under Article 25 of the Constitution of India. Secularism is not a millstone to be hung round the neck of any one community. It is a liberating, and yet uniting, principle enshrined in the Constitution. It upholds the right to a life of dignity and equality and therefore binding on all.

Muslims have missed the bus by failing to get the personal law codified in conformity with the

principles of equality and justice enunciated by the Quran and enshrined in the Constitution. The Muslim Personal Law (Shariat) Application Act, 1937, makes the “Sharia” applicable to the Muslims of India. However, the absence of a definition of Sharia, has led to chaos with seminaries and scholars issuing conflicting fatwas on the same issues. The victims of this chaos are not just the women but also the men.

A codified personal law would usher in the much needed clarity and consistency. While the AIMPLB slept over the idea of codification, the Bharatiya Muslim Mahila Andolan (BMMA), a women’s organisation based in Mumbai, boldly came out with a draft code. However, this courageous effort was met with cynicism and derision.

Now, with the prospect of a uniform civil code looming large, it would be wise to give up the paranoia and engage in a reasoned debate with the government and ensure that the secular values, religious plurality and cultural diversity, which define the greatness of this country,

are not compromised at the altar of uniformity. An effort can still be made to get the personal law codified.

Courtesy **Sabrangindia.in** This article was first published on Live Law..

A.J. Jawad is a practicing Lawyer and Mediator at Madras High Court.

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. Only the logo/the name of the magazine needs to be clicked for opening it.

Now the books by M.N. Roy are available at this website under the section ‘Socialist Movement’ and then going to the dedicated page for “collected works”. They may be downloaded from there and read.

- Mahi Pal Singh

Who Bothers for Constitutional Expectation?

S. N. Shukla

In his address to the Constituent Assembly on November 26, 1949 Dr. Rajendra Prasad had said, “Whatever the Constitution may or may not provide, the welfare of the country will depend upon the way in which the country is administered. That will depend upon the men who administer it. *If the people who are elected are capable and men of character and integrity, they would be able to make the best even of a defective Constitution. If they are lacking in these, the Constitution cannot help the country.* After all, a Constitution, like a machine, is a lifeless thing. It acquires life because of the men who control it and operate it, and *India needs today nothing more than a set of honest men who will have the interest of the country before them.*” Clearly this is more so today.

As Lord Krishna said in Bhagavat Gita -

“Yad Yad Acharti Sresthas, Tade Tad Eva Tarojanah,
Sa Yat Pramanam Kurute, Lokas Tad Anuvartate.”

(meaning whatsoever a highly placed person does, the same is done by others as well. Whatever standards he sets, people follow.). Therefore, it is imperative that our Ministers, like Caesar’s wife, must be above suspicion. This is necessary because the governance of the country/ states depends on them and they control the entire administrative system. The sharp deterioration in the civil services and the consequent erosion of basic service values of integrity, neutrality, and devotion to duty has been largely due to sharp fall in integrity and character of the ruling class over the years. *The present day sad spectacle of even the former Central Ministers, Chief Ministers and top civil servants being sent to jail for corruption is the direct fall out of misuse/improper*

use of the privilege by the Prime Minister and Chief Ministers in the matter of appointment of ministers in utter disregard of the Constitutional expectation from them in this regard and the failure on the part of the Hon’ble President/ Governors to exercise their power under Articles 75(2)/164(1) to remedy the obnoxious situation of even persons charge sheeted by the court for heinous crimes/corruption continuing as ministers. Unless this is checked, it is futile to expect any improvement in governance and administration. As pointed out by our present Hon’ble President last year on the occasion of unveiling the photographs of Presidents of Central Legislative Assembly and portraits of former Speakers of Lok Sabha in the Central hall of the Parliament House, *“If the Gangotri gets polluted, neither Ganga nor any of its tributaries can stay unpolluted”.*

In this connection it is very pertinent that in the resolution entitled ‘Agenda for India’ adopted in 1997 by the Parliament at the time of Golden Jubilee of Independence, *the very first resolve ran as follows-*

“That meaningful electoral reforms be carried out so that our Parliament and other Legislative bodies be balanced and effective instruments of democracy; and further that political life and process be free of the adverse impact on governance of undesirable extraneous factors including criminalization.”

However, nothing significant has been done by the successive governments in the last 19 years to restore and maintain purity of the highest democratic institutions of Parliament and State Legislatures by preventing entry of the corrupt or persons with criminal background in these August bodies who eventually get appointed as Ministers also.

The question of legality and propriety of including a person facing criminal charges in the Council of Ministers was considered by the Constitution Bench in its very significant and erudite judgment dated 27.8.2014 in WP (C) No. 289 of 2005 (Manoj Narula Vs. Union of India). Paras 86 and 87 containing the operative portion of the said judgment are reproduced below-

“86. Thus, while interpreting Article 75(1), definitely a disqualification cannot be added. However, it can always be legitimately expected, regard being had to the role of a Minister of Council of Ministers keeping in view the sanctity of oath he takes, that *the Prime Minister, while living up to the trust reposed in him, would consider not choosing a person with criminal antecedents against whom charges have been framed for heinous or serious criminal offences or charges of corruption to become a Minister of the Council of Ministers. This is what the Constitution suggests and that is the Constitutional expectation from the Prime Minister.* Rest has to be left to the wisdom of the Prime Minister. We say nothing more, nothing less.

87. At the stage, we must hasten to add what we have said for the Prime Minister is wholly applicable to the Chief Minister, regard being had to the language employed in Article 164(1) of the Constitution of India”. (emphasis supplied).

However, despite the constitutional expectation expressed so clearly in the aforesaid judgment such Ministers are still continuing in office both at the Centre and in the states. According to information provided by the Association for Democratic Reforms (ADR) about the details of Ministers with criminal cases where charges had been framed as per the affidavits filed by them at the time of their election, there were 2 such ministers in the Union Council of Ministers. The number of such ministers in the states was : Telangana – 4, Andhra Pradesh -1, Jharkhand –

4, Maharashtra-4, Odisha-2, Rajasthan-1 and Gujarat-2. The states of Haryana, Arunachal, Sikkim, Chhattisgarh, Meghalaya, Mizoram, Nagaland and Tripura had no ministers with criminal cases where charges have been framed. Information about the states which went to polls in 2012 and prior to 2012 was not available as the affidavit format then did not include this information. However, as per details of Uttar Pradesh Ministers with declared criminal cases for serious IPC charges supplied by the ADR as many as 10 Ministers were facing serious criminal charges.

When there was no response to our representations to the Prime Minister and the Chief Minister of UP for acting in accordance with constitutional expectation from them and our representations to the Hon’ble President and Governor UP to exercise their constitutional powers in view of the inaction on the part of the PM/CM were also not even considered by them, our organization Lok Prahar filed a PIL in the Apex Court for enforcement of Articles 14,19(1)(a), 60, 75 (2)(4), and 164 (1)(3) of the Constitution and to effectuate meaningful implementation of the judgment in Manoj Narula’s case in this regard for restoring and maintaining probity at the highest level in the governments at the Centre and in the states in accordance with the stated intentions of the founding fathers of the Constitution.

In view of the failure of the respondents to ensure purity of highest executive bodies, intervention of the Apex Court was sought for upholding the Constitution in this matter of great constitutional and public importance on the following grounds –

(1) Induction and continuance of tainted Ministers is against the letter and spirit of Articles 75(2) and 164(1) amounts to mockery of the Oath of office taken by them under Article 75(4) and 164(3) because as

observed by Hon'ble Mr. Justice Kurian in Manoj Narula's case, such a person would not be in a position to "*conscientiously and faithfully discharge his duties as Minister and that too, without fear or favour*".

(2) In view of the settled law that exercise of discretion cannot be arbitrary or irrational as held in Para 108 of the judgment in Manoj Narula's case also, its exercise by PM/CMs in favour of tainted Ministers in disregard of the constitutional expectation from them and the following statement of Dr. Ambedkar while replying to the debate on Article 75(2) is violative of Article 14 of the Constitution-

"It would be perfectly open under that particular clause of article 62 for the President to call for the removal of a particular minister on the ground that he is guilty of corruption or bribery or maladministration, although that particular minister probably is a person who enjoyed the confidence of the House".

(3) The failure of the Hon'ble President/Governors to exercise their pleasure u/A 75(2) and 164(1) also amounts to violation of the Oath undertaken by them and *defeats its purpose of providing some kind of sanction for the moral obligation imposed on them as brought out in Dr. Ambedkar's following reply in the debate on Article 60 of the Constitution-*

"Consequently, in every constitution this question always arises. What is to be the sanction of such duties, such obligations, as have been imposed upon a particular functionary for which it is not possible by law to provide a criminal sanction, a penalty? It is obvious that unless and until we decide or we believe that these moral duties for which there is no criminal or legal sanction are not mere pious platitudes, we must provide some kind of sanction".

(4) The principle of harmonious construction and the legal authorities in this regard lead to the obvious conclusion that pleasure of the President/Governor cannot be exercised for continuance of tainted Ministers. Significantly, while addressing the 47th Governors' Conference, the Hon'ble President himself advised the governors to maintain sanctity of Constitution saying that they have been charged with the onerous responsibility to preserve, protect and defend the Constitution and it is imperative that all their actions are within the framework of the Constitution and conform to the highest ideals enshrined in this living document.

The petitioner's case was fully supported by the following observations in respect of legislators which obviously apply with greater force to Ministers-

(1) Dr. Rajendra Prasad in his concluding address to Constituent Assembly had said: "A law giver requires intellectual equipment but even more than that capacity to take a balanced view of things to act independently and, above all, to be true to those fundamental things in life – in one word – *to have character*". (CAD Vol. XI Nov. 26th 1949).

(2) The observation of the Constitution Bench in (2004) 1 SCC 754 (para 54) that "*Those who break the law should not make the law...* Persons with criminal background do pollute the process of election as they do not have many a holds barred (sic) and have no reservation from including into criminality to win success at an election".

(3) The recommendation of the National Commission to review the working of the Constitution (2000) that a person charged sheeted by the Court for an offence punishable with imprisonment of 5 years or

more should be disqualified for being chosen or being a member of Parliament/State Legislatures after one year from the date of framing of charge.

(4) The recommendation of the Law Commission in its 244th report submitted in February 2013 for disqualification upon framing of charges, one year prior to nominations, for offences punishable with imprisonment of 5 years or more and the observation in the aforesaid report that “It is a truism that criminal elements of Society, i.e. these accused of breaking the laws that their predecessors have given the force of law, and which they are themselves entrusted with enforcing being MPs and MLAs, *would be antithetical* to the vision of the framers, the nature of Indian democracy and the rule of law”.

(5) The law laid down by the three Judges Bench in Centre for Public Interest Litigation Vs. Union of India (the CVC Case) (2011) 4

SCC 1, that *not desirability of the candidate alone but the “institutional integrity” of the office which should be the reigning consideration in appointments to a public office*. As put by the Law Commission in its 244th Report, the spirit of this judgment, *applicable to all public offices*, is that it is not only imperative for the candidate to such office to have the highest standards of integrity, but independently that the integrity of the institution must be preserved.

However, in the face of the reluctance of the Hon’ble Court to entertain the PIL under Article 32 of the Constitution, it was withdrawn with a view to pursue the matter in the High Court. Meanwhile, even persons charge-sheeted by the Court for serious criminal offences continue as Ministers. So much for respect the powers that be have for the Constitution and the Constitution Bench judgment in Manoj Narula’s case.

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

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MANTRA AND MARIJUANA

(Reflections of a visitor from India in Greenwich Village, New York)

Prakash Narain

(During 1967 Mr Prakash Narayan travelled through America, addressed a few meetings and met some humanists. Mr Narayan observed the activities of American Ethical union in 16th street Washington DC and followed their proceedings. His name was registered with them.

He met a few office bearers, humanist leaders like Edd Doerr who was president of American Humanist Association and active in IHEU. He met Mr and Mrs Reisfeld, and also had dinner and discussion with them.

Mr Prakash Narayan visited New York city and toured Greenwich village where freelance poets, writers, artists thrive. He heard the speech of LD Mc Caire Intyre and unitarian speakers who work with the humanist group.



He met and discussed with Mr Ericson (who visited India). Then he had fruitful discussions with Edd Doerr, a humanist leader.

Mr Prakash Narayan appreciated the music played at the beginning of humanist, ethical union meetings which he felt was a very good aesthetic way of doing things.

Mr Prakash Narayan participated in Palo Alto, near Stanford University, San Francisco and participated in ethical union activities. Met Seymour, the leader of Ethical union in Palo Alto and discussed with them. Members who participated in Palo Alto enthusiastically put questions about IHEU and other activities.

He contributed the following secular poem to the Humanist magazine of Canada which was published from Ottawa 1967.)

(Note: The information is rather sketchy and whenever further research is done and more information is gathered, it will be added. – Narisetti Innaiah)

They chant the names of gods I know And we from that

Ram Krishna Hare Hare, Acceptance which gives

Krishna Krishna Hare Hare Reconciliation But leaves the sick alone.

Incense burns in the shop With its aroma sweet and strong Perhaps, they could

As powerful here, in Greenwich Village, See the limits

As in the temples of my home Of Wantfulness;

Vistas of Varanasi (1) Perhaps, we could Images of Hari Ki Pauri (2) Forget Nirvana (5) And the ecstatic ambience If it is

Of Kirtan (3) music-- That life negating Ten thousand miles away. Wantlessness, That happiness

And while I stand here Which is just Watching wall posters A state of coma

Of Mantras (4)

Mingled For what will take us

With those of Marijuana, Beyond ourselves

I wonder what I should I feel Is not Nirvana For my land – Nor Marijuana

Not Samadhi (6)

Pride for a kind of peace it brought? Nor LSD Or guilt for the mystic selfishness it taught? Do we need

Perhaps both. A drug of body

For they had suffered Or of mind

From too much To feel compassion

Of that non-acceptance For our kind?

Which builds cities

And Hospitals –

And discontent.

(This poem was written by **Prakash Narain** when he visited USA during 1967 and met humanists there. - Sent by Innaiah Narisetti from USA. A Humanist magazine in Ottawa, Canada published it.)

Book Review:

Review of “Rationalism in 2 Volumes” by Shri Ravipudi Venkatadri

Y. V. Reddy

About the Author:-

Sri Ravipudi Venkatadri here in after called “R.V”, is a great radical humanist from Andhra. He is 95 years old, a veteran who has been active in the movement for the last 70 years. He is associated with Avula Gopala Krishnamurthy called A.G.K, the unforgettable and dynamic Guru of many a rationalist in Andhra. He is also associated with M.N.Roy, the founder of radical humanism and with Kaviraju, the leading social rebel and an atheist, who is like Periyar of Tamil nadu for Andhra.

RV besides being a riveting speaker and restless humanist is a prolific writer. He has written, so far, 70 books in 70 years which are published in 23 volumes of 8,000 pages in Telugu which is his mother tongue. It is a huge output and a tremendous contribution to the movement of Radical Humanism. Now, at the age of 95 he has undertaken to translate in to English by himself, some of his select writings. The two volumes are already published and unveiled on 11th September 2016 at R.H Center, Inkollu. He is also promising a third volume in English, on Rationalism, by February, 2017. He proved himself as good a writer in English as in his own mother tongue. Being a disciple of late Sri A.G.K who is being forgotten because of his sparse writings, R.V will be remembered long after him as his contribution to literature on rationalism is immense. I often compare him and A.G.K with Plato and Socrates as the latter’s philosophy was only found in the classical works written by Plato. R.V, by all standards, is an ocean of knowledge.

The Purpose of his writings:-

The idea of knowledge for him is open-

minded and scientific. He writes “Knowledge grows and improves. Knowledge which does not grow and remains dwarf is just ignorance but not knowledge”. He goes on further saying that rationalism would not accept “dictatorship of ideas and trusteeship of ideas”. This is resonant of what M.N.Roy once wrote: “Human knowledge will always be defective, because always there will be more to know”. R.V says in his own words “Scientific prospective has become the motive of all my writings”. His follower Mr. Meduri writes in his foreword that revolution in ideas is the sole aim of Ravipudi’s literature. R.V himself answers why this “revolution in ideas” now; he goes on sadly that in spite of the fact that modern scientific knowledge is growing by leaps and bounds, and new doctrines have sprung forth, the influence of old religions has not diminished to the extent it should. Hence it can be safely asserted that the purpose of his writings is to reduce and undo the influence of religions on the people which we all know have lethal effect on the peoples’ minds and their life processes.

Nature of his writings:-

Two qualities standout prominently in his writings, as a writer. (i.) His sweep and scope in various fields of knowledge is simply astounding. After talking of the motion of planets, he goes on to the composition of the atoms. Then, he moves on to Max Planck’s Quantum Theory, which he writes, is not against determinism. A reader like me wonders, ‘who is this plank? What is quantum theory, and what is the meaning of determinism?’ He further goes on to talk of the elements, not the ones we know such as air, water, fire, earth, sky, and so on, but the 92 elements on the earth

“which we have been able to find out. As though it is not enough he adds that “Up to now we are able to create some 30 more elements, following the lawful structure of the elements”. My God what elements! I know only 4 or 5 elements. I am not sure of them, either. I remember to have read of those innumerable elements in connection with making of nuclear bomb or so. When did this man read nuclear science? For what I know, R.V was not a student of science. He was not even a student, in a formal sense! He further cites the theory of Relativity of Einstein, talking of time and space. I know next to nothing about it, to be quite frank.

Then, of course, philosophy and theology are his own turfs: Aastika- Naastika dualism, accepting and denying the existence of soul, god, and the heavens is interesting. In fact, he says, Aastikas who deny the existence of this universe (Maya) are Naastikas, and those who say this universe is real, and that the soul, the ulterior soul (god), and heavens, are unreal, should be called Aastikas. It should be vice-versa, so to say. He turned the conventional nomenclature on their head. He further adds that ‘Naastikas’ is an abusive term. Their real and original name was ‘LOKAYATAS’ which means, that which has filled the whole world (Lokayatam). This Lokayatam, he tells us, used to be called ‘Charvakam’ (Charu+Waakku) which means good or beautiful word. R.V affirms that there was no such person called ‘Charwaka’.

(ii.) Another quality which I found striking in R.V’s writings is that the writer has the knack of making complex simple. A few examples, here, will suffice. (a) Space and time used to confound me when I attempted the impossible, namely to unravel the theory of relativity of Einstein. It became clear to me when I read somewhere in R.V’s volume “whatever event happens, it happens in space and time”. (b) ‘Cause and effect’ always used to confuse me,

until I read what R.V wrote in one place, “Whatever event precedes is the cause and whatever event follows, it is effect” and that all modern scientific knowledge is the essence of cause and effect principle. (c) He explains the principle of objectivity in very simple terms; he tells us “objectivity means the nature of the objects”. (d) So also with dictatorship: in his own way, he says “Dictatorship allows to say ‘yes’, but it does not allow to say ‘no’ “. He continues “We hold that ideological dictatorship is itself religion”. (e) In a similar way, about science: “Science is knowing the laws of nature Let science be divided into many branches and sub-branches. What all the science finally perceives is physicality and physical reality”. (f) About light, he writes: “A question arose whether light travels as particles or waves. After 200 years, it was decided, it travels both ways — the light particles travel in waves”.

Contents of his writings:-

Here, I can only give a few samples of what he wrote on several topics. His views on whatever he attempted to explain are extremely well reasoned inferences and conclusions, which are strictly derived from scientific premises. They are straight, simple, and upfront, strictly in accordance with epistemological criteria. His views on science, on religion, on god, and on scientific outlook are presented below, though in a rather sketchy manner, mostly in his own words.

On Science:-

Law-governedness is the basis of science. All things in nature are governed by laws. Take, for instance, the sun. If it rises today in one direction, and another day in another direction, with various temperatures, forms and speeds, then we can’t have any lawful knowledge about the sun, and can’t forecast the sun rise, the sun set, and the eclipses, and thousand other particulars, beforehand. In fact, in the matter of

every object in nature, be it water, fire, air, salt, milk, poison, trees etc, they all have lawful properties, and we can identify laws. Then, we can mention the nature of the objects: we can tell that the iron rod sinks in water, the wooden rod floats on water, the salt dissolves in water, the milk enhances the growth of man, the poison kills him and that the fire burns etc.

How much the law-governedness of nature has come into the knowledge of man, can be understood, R.V highlights, from the interplanetary voyage. He describes it thus: In the infinite universe, our galaxy is moving, but not static. In a corner of that galaxy, our sun is also moving. Our rotating earth is also moving along with the sun and galaxy. The moon being a satellite, is running around the earth and following the earth. The sizes, atmospheres and gravitational powers of all these are different. In that situation, R.V dramatically points out, a man on the moving earth is capable of constructing an artificial satellite. He is able to send them to other satellites and planets. Those artificial satellites are able to follow the dictates of the technicians, to take photos of those natural satellites and planets, and also bring the soil samples from them. This shows, he affirms, that the man is grasping the law governedness of nature and able to forecast events. He infers that law-governedness is the only cause for it and that “there are neither chantings nor divine wonders”.

So also, man is a part of nature and as such law-governed. “Urge for freedom” and “quest for knowledge” are in his nature. Once, he broke away from the fetters of religion, he was remarkable for “passionate worship of beauty and partiality for the joy of life”. It is “aesthetic against the ascetic”, in Lord Acton’s words.

On Religion:-

In his own words, religion means primitive science. The only thing is that it did not

change as time requires. That is why, it arrests the growth of knowledge. He elaborates it, by saying that all the knowledge OF ONE AGE was considered as the FINAL one and became religion. It was considered once, for example, that the earth is flat, the sky is its top, and the stars are attached to the sky. On deep examination it was found false. But in religion the whole knowledge did not change. That is how, the religion came to stagnate knowledge. R.V gives many such examples: similar is the case with the earth’s motion, eclipses etc. Man couldn’t understand, likewise, in his first attempt, the root causes of riches and poverty, birth and death, pleasures and sorrow, bodily diseases, and mental experiences; he attributed them to some other superhuman being. For solving them he saw the source not in him but in some divine beings. Such ideas, he says, became traditions. And they became religions. Thus, irrationality crept into human society. (Page.131 Vol. 2). Consequently religion placed before men too many lies in the name of salvation (Moksha). He concludes that if rationalism is the origin of the birth of religion, irrationality is the reason for its continuation.

On God:-

If Epicurus said “God is the product of delusion”, R.V goes on to say “The appearance of gods is only a mental illusion. There are no souls, rebirths, and other heavens and hells”. Universe was there before man appeared as a result of evolution. God was created by man in his quest for knowing cause of the existence of the world. This, R.V puts in his own inimitable way. “After all, god was born yesterday or the day before. But his father, the man, was born far more earlier than god”. But, with scientific knowledge, R.V tells us, “That god is now dead”. But, what he calls, “the theist doctors want to give life to god-concept in the form of soul”. But they failed in their attempt. Because, soul is mind, and mind is a physical matter which appears at a particular

stage of evolutionary process. There is nothing like a non-physical force, he concludes.

In a rare showcasing of logic, R.V takes recourse to a flat denial of god-concept. His reasoning is straightforward and unanswerable. He argues thus: "Objectivity means the nature of the object. Many phrases are used to denote the attributelessness of god. In Sanskrit language, they are *Niranjan, Nirvikalpa, Avyakta, Bhavatita* etc". He asks, if we attribute qualitylessness to god, it means there is no god. If one says that unknown is known, and one who is beyond ideas has come into one's ideas, it is virtually trash and unbelievable. God is a patent lie, he asserts.

On Scientific Outlook:-

It was Helvetius who famously held "Men are born ignorant, not stupid; they are made stupid by education. A perfect education is needed to make men perfect". R.V bemoans that science education becomes mechanical, if man cannot understand what science stands for and how it should be connected with life and beliefs. After all, science stands for "urge for freedom" and "quest for truth". It is said, truth is the daughter of reason.

R.V's main complaint is that while we enjoy all facilities that modern science gives us, we don't connect the results of scientific knowledge to our social life. He says, that is what is called "religious attitude". He writes "Our mind can throw away Copernicus and Newton, but it cannot antagonize either Vyasa or Valmiki". We could root out small-pox through the vaccination of Jenner who introduced it. But the Poleramma or Batakamma culture has not left us. He warns: "leaving away the scientific outlook and its

philosophical thought processes, if we develop only technology, what we obtain is a dangerous progress by multiplication. It paves the way for the annihilation of humans".

Conclusion:-

R.V in his two volumes, which he translated from Telugu into English at the unlikely age of 95, has dealt with extreme clarity and deep passion on many basic topics like science, religion, god, education, scientific outlook and many others. His thoughts on all these are extremely thought provoking. I suggest, they should not only be read by all, but also the schools and colleges prescribe parts of these volumes, for study in their curriculum, in abridged form, if necessary. I have no doubt they could be highly stimulating to the younger generations.

The above two parts [volumes] have been published by 'HEMA PUBLICATIONS, CHIRALA, ANDHRA PRADESH.

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Note:- *This is the full text of the talk given by Sri Y.V. Reddy at R.H. Center, Inkollu, on 11/09/2016 on the occasion of unveiling of two volumes on "Rationalism" by Sri Ravipudi Venkatadri — who rendered into English some of his earlier writings in Telugu.*

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.

Child Labour Law: Indifferent Parliament Moots Blanket Ban Without Thought

Manisha Shastri

NEW DELHI: While the Juvenile Justice (Care and Protection of Children) Act, 2015 received much attention and was highly debated by several sections of civil society, child rights groups and members in the Rajya Sabha with stalwarts like Shashi Tharoor and Maneka Gandhi making passionate speeches, the Child Labour (Prohibition and Regulation) Amendment Bill, 2015 has received little attention.

Not only has there been limited conversation on the issue, but even parliamentarians have shown little interest given that only a small number of MP's were present during the debate on Child Labour and at the time of voting for or against the Bill.

It is important to also note that the discussion around the Child Labour Bill has been addressed primarily as a 'labour' issue rather than an issue concerning 'children.' Ideally, the Cabinet Minister for Women and Child Development should have been present and a part of the debate but was absent.

The Child Labour (Prohibition and Regulation) Amendment Bill, 2012 was first introduced in the Rajya Sabha by then Minister of Labour and Employment – Mallikarjun Kharge- in December 2012, seeking amendments to the Child Labour (Prohibition and Regulation) Act, 1986.

The proposed amendments in the Bill seek prohibition of employment of all children under the age of 14 years of age in line with the Right of Children to Free and Compulsory Education Act, 2009; making an exception for children helping their family after school hours, in the fields or in home based work.

The Bill defines a newly created category of 'adolescents' as individual between the age of 14 – 18 years of age and prohibits the employment of adolescents in hazardous occupations and

hazardous processes as defined under the Factories Act, 1948; proposes the removal of provisions for the regulating working conditions of children/ adolescents under the Child Labour (Regulation and Prohibition) Act, 1986 and makes provisions for the enhancement of punishment for employing children or employing adolescents in hazardous occupations.

The Standing Committee on Labour submitted its report on the proposed amendments in December, 2013. In its report the committee pointed out and suggested:

- Provisions for the exception of children to work in the field or home based work, be removed as they it provides loopholes for exploitation and regulation would be a challenge. It also pointed out that provisions be made for prohibition/ regulation of children/ adolescents working in the audio – visual entertainment industry.

- The meaning and definition of hazardous occupations / processes be widened to include occupations/ processes which threaten or jeopardise the health, safety and well being of children/ adolescents.

- Provisions for regulation of working conditions of adolescents in non – hazardous occupations be made.

- Punishment for parents of working children must take into account factors such as poverty, neglect, trafficking, etc.

- Provisions for rescue and rehabilitation of working children and that a Child Welfare Fund must be constituted from the fines collected for the rehabilitation of rescued children.

- Setting up of vigilance and monitoring committees

- A new Child Labour Policy for the rescue and

rehabilitation of children and adolescents which is comprehensive in nature and takes into account the coordination of various ministries such as Labour, Human Resource Development, Women and Child Department and Urban and Rural development as opposed to existing fragmented approach.

The Standing Committee on Labour in its report pointed out that “(...) instead of entrusting various ministries with this task, the government should bring a New Child Labour Policy and the machinery to implement laws, policies and projects should be specified therein”.

Followed by the submission of the Standing Committee on Labour report in December 2013, the Amendment Bill did not come up for discussion in the Rajya Sabha until the Winter Session of the Parliament in November, 2015, during which the present Minister of Labour and Employment – Bandaru Dattatreya – proposed further amendments to the Bill based on the report of the Standing Committee.

The amendments proposed in 2015 do not take into account all the recommendation made by the Committee but only a few such as regulation of working conditions and setting of safety standards for adolescents; parents/ guardians of children/ adolescents to not be punished in case of first offence; rehabilitation of rescued children/ adolescents in accordance with the existing law and setting up of child/ adolescent labour rehabilitation fund at district level.

Having mentioned the amendments which have been passed in the Rajya Sabha it is important to point out that these changes are only minor and like the previous law will fail to address the issue of Child Labour.

Instead of minor changes what is required is nuanced, more comprehensive approach which addresses the root causes of why children work as opposed to the simplistic approach of a complete ban and forcing children into education.

The present law is only going to further push working children into invisible, more exploitative forms of work. What is required is a detailed understanding of why children are having to and in certain cases choosing to work rather than pursuing education. As pointed out by Kanimozhi Karunanidhi (DMK) during the debate in the Rajya Sabha the present education system does not cater to the ground realities of children by providing a uniform solution; what is required for formulating an effective and comprehensive law to address child labour is a thorough needs assessment as mentioned by Ravi Prasad Verma (SP) and focus on skill development as pointed out by Vivek Gupta (AITC) in their respective speeches.

In order to address child labour in a more effective and efficient manner, direct stakeholders, i.e. working children and their families need to be consulted and involved in the policy making processes, given that they are best aware of their realities and struggles.

With little or no access to basic necessities, poverty, education that does not address ground realities and poor welfare provisions and structures, working children and their families are left with no other choice.

While several child rights groups and individuals demand a complete ban on child labour saying that all children have the right to and must enjoy childhood and access education, it is important to keep in mind that these very children also have the right to life and it is often in this quest and struggle for their family and their own survival that they are forced to /choose to work in order to overcome and rise above their impoverished realities.

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(Courtesy: The Citizen, Thursday, July 21, 2016

Human Rights Section:

Anger, Alienation: PUCL Team “Devastated” By Human Suffering in Kashmir

SRINAGAR, Tuesday, October 25, 2016

An all India team of the PUCL visited the Kashmir valley after the 100th day of people's protests beginning July 9 and the government clampdown that were taking place there.

Some of the important facts of the last hundred days are as follows:

Following the alleged extra judicial killing of Burhan Wani on the 8th of July, protests characterized mostly by stone pelting demonstrations broke out throughout the valley. The government responded by heavy and forceful military clampdown which resulted in a continuing spate of killings, injuries and arrests of people which continues unabated almost every day till the present. In fact, the PUCL team was devastated by the scale of all round human suffering it witnessed in Kashmir.

The team learnt from JKCCS reports, the media, through lawyers and doctors, that from the 9th of July to the 15th of October, the total number of civilians killed by the police and the security forces was 101 with the largest numbers of those killed coming from Anantnag district. It was reported that 12 people died due to pellets fired by the forces. It was also learnt that 1 policeman too was killed in mob violence.

Reportedly, a total of 15,000 persons were injured in this period with 12,344 being admitted in various hospitals. About a thousand persons were injured in the eye due to pellets resulting in 300 cases of blinding, which included a large proportion of school going children. According to the same list, 4500 persons suffered injuries

THE CITIZEN BUREAU

in other body parts due to pellets and shelling and 4664 were injured by bullets. Over 8000 people have been reportedly arrested, including 1000 from Srinagar city itself. More than 2300 FIRs were registered by the police against the people; in contrast complaints lodged by civilians against security persons numbered only about 7.

It was learnt that 382 individual petitioners have challenged their detention under Public Safety Act, 1978 in the J & K High Court. It is estimated that about 434 people were detained under PSA, including human rights activist Khurram Pervez and lawyer Zahid Ali. The FFT was informed that 12 J & K government employees were sacked for allegedly supporting the protests.

Reports of vandalism and violence during raids by the police, security forces and the army were reported by many. Beating of residents, firing at transformers and making them dysfunctional, cutting of water supply as for example in district Bandipora, setting ablaze fields and burning of a school by the security forces were also reported by the people.

Raids were conducted in the offices of newspaper Greater Kashmir which resulted in all Kashmiri newspapers stopping publication for five days. The Kashmir Reader has been banned since the 2nd of October. Immediately after the 9th of July, all Pakistani news channels were taken off the air and initially the Government also blocked 5 Indian news channels for their reportage on Kashmir, which was later withdrawn. According to complaints by media persons, curfew passes of journalists were not honored by the forces including the army. Many journalists complained

of beatings. Two journalists were reportedly targeted with pellets firing guns while doing their professional duty. Senior photo Journalist Danish Ismail's house was allegedly damaged. A crackdown was conducted on voluntary organisations who were organizing relief work in the premises of SMHS Hospital including providing free medicines, ambulance services and free food and tea. All email and internet services remained closed for most time throughout this period from 8th July till 17th October, 2016.

Some of the key observations of the PUCL Team are:

* The anger against the security forces was simmering since 2008 and 2010, when 67 and 144 killings had happened in a government clampdown. The killing of Burhan Wani, who was a popular militant leader amongst the youth, acted as a vent and triggered this phase of protest.

* Demand for Azadi, clearly expressing alienation from India with people very vocal about their lack of faith in the Indian State, was an all pervasive voice across villages and cities, professionals and the ordinary, young and old and men and women. This was reiterated by the people the team met in the valley in the light of the continuing brutalities committed by the Indian Forces against unarmed civilians, in which even women and children were not spared.

* The common people have lost faith in the ordinary democratic modes of redressal as they believe that they are heavily biased against them. For instance no FIRs are registered against offences committed by the armed forces or the police, and even if registered there is never a fair investigation, much less prosecution. They were of the view the view that in the face of overwhelming failure of all the democratic institutions in responding to their political grievances and aspirations, stone throwing has become the only method of expressing their sense

of anger and frustration, especially among the youth.

* There was a majority participation in the *hartal* announced through the Hurriyat weekly calendar. This hartal is a complete shutdown of all private establishments including public and private transport from 7am to 5pm every day but for 24 hours on Fridays with schools, colleges and other academic institutions completely closed. Courts had partially reopened when we visited. Hospitals, Anganwadis, Pharmacies, PDS shops, media houses were kept out of the hartal, with tea and bread shops being partially open. It was also stated by most that even if the hartal fizzles out in a few days or weeks this time, the agitation which has started will not end but will continue with bigger and more violent eruptions in the future.

* A difference between the protests and collective action in 2016 and previous protests was said to be over the overwhelming support of ordinary citizens, cutting across class, education, professional and urban / rural lines to the hartal call in 2016 as contrasted to previous protests. Even while the bulk of ordinary Kashmiris supported the protest action, there however remained a small section of people who were getting inconvenienced by the continuation of the hartal.

* There was acute anger against the loss of lives of people (particularly children, youth and women) and injuries caused by pellets, bullets and shells fired by the security forces, including the Army, Rashtriya Rifles (RR), Central Reserve Police Force and the J & K Police. Most of the firing, according to people, was unprovoked and targeted. The use of pellets as a means to curb protests was looked upon as an instrument of blinding and maiming the young. It was argued as to why in situations of equally violent protests in Haryana and Karnataka, pellets were not used

as they were against the Kashmiris. This was cited as an instance of discrimination against the Kashmiris.

* For the first time in Kashmir as many as six women were killed and several injured. Perhaps for the first time all women public protests (*juloos*) and the participation of women in *Janazas* (funeral processions) in large numbers was observed. Young women were very vocal and said that too much bloodshed had happened and that there could be no compromise this time. While older women could not believe that there could be a Government who could repeatedly kill masses of its own people. There was the fear of house raids by the forces and women being violated.

* It was shocking to learn that security forces did not spare *janazas* (funeral procession) and the casualty wards / sections of the hospital. Videos were displayed showing shelling on funeral processions. Doctors talked of shelling inside the casualty area of SMHS hospital, of attacks on ambulances and private vehicles carrying the injured and causing delays which led to patients succumbing to death. It was also unbelievable that many security men were profiling the seriously injured instead of ensuring quick treatment.

* The loss of livelihood leading to a situation of hunger amongst the poor was being handled by *Baitul Maal*, the local mosque committees which provided money and food. Some people gathered here for relief did complain of the distress caused by the long hartal that had jeopardized the poor people's food security.

* There was a general feeling, with the young being more vociferous, that lodging an FIR or demanding compensation with respect to the killings or injuries of their loved ones was of no consequence as there were no cases where the army or police or CRPF personnel were convicted for their crimes in the past. Some who

went to lodge FIRs were threatened with dire consequences and therefore refrained from lodging cases. The paramount vocal opinion regarding engaging with the Indian state apparatus was that we have no trust in them, then why waste time with them. They also felt that in any case Martyrs were above prosecution. Despite this, we met some of the families who had lodged FIRs but were not hopeful of a tangible outcome in view of the SC judgment in the Tengpora case.

* For the first time human rights activists have been targeted and the arrest of Khurram Pervez of JKCCS shows that they want to silence all dissent and support that human rights activism provides to the victims of human rights abuse.

* The banning of Kashmir Reader shows the undemocratic functioning of the State which is uncomfortable with free speech, a basic human right and foundation of democracy. It is difficult to avoid the impression that the Indian State seems at war with the people of a region it claims as its integral part. Repression by the armed and other security forces is very visible in the state.

* The Team observed that the humanitarian crisis was aggravated because the hospitals did not get any support from the Government of India by way sending in medical specialists, especially Ophthalmologists, nursing personnel and medicines to the Valley. The lack of support from the Government was despite the observations made by the team of AIIMS doctors who visited in July, 2016 who described the situation as "war like".

The PUCL team makes the following interim recommendations:

1. The GOI should ensure the release of Human rights defender Khurram Pervez immediately and withdraw all criminal cases against him.
2. The GOI and J & K Government should release all Hurriyat leaders and hold unconditional talks with them and representatives of the other sections of the people, including the youth, in

order to break this impasse and move towards a permanent resolution of the Kashmir dispute.

3. All political leaders, activists and young protestors detained under the Public Safety Act, 1978 (PSA) and other criminal charges should be released immediately and all cases against them should be withdrawn or revoked.

4. The Government and security forces should lift curfew and other restrictions throughout the Valley and cease all hostilities against the civilian population. There should be demilitarization of the Valley including withdrawal of security forces from civilian areas.

5. PSA, 1978 and AFSPA must be repealed from the statute books.

6. Facilitate the filing of cases against members of the security forces who indiscriminately killed and injured and committed other atrocities on the people.

7. Set up a judicial commission headed by a sitting judge of the SC to look into the alleged extra judicial killing of Burhan Wani and other similar cases.

8. The ban on *Kashmir Reader* should be immediately withdrawn and the publication be allowed to function normally. The government must also stop all persecution of media, including by means of denying giving advertisements by the State and Central Government as a means of pressurizing the media to toe the government line.

9. There should be no curtailment of the right to freedom and speech expression of the media and also of civil society organisations and people. All peaceful protests should be permitted.

10. The Government of India and J & K Government should immediately approve all files related to granting 'Sanction to Prosecute' government, police, security and army personnel found guilty of having committed offences based on criminal investigation in cases pending in

criminal courts and which have not been cleared for long periods of time.

11. The Government of India should immediately ban the use of pellets guns on protests and demonstrations.

12. The current approach of the State is premised on the fact that they can militarily subjugate the Kashmiris by causing suffering and crushing them economically and politically. The ground situation, as observed by the FFT, reveals that far from silencing the ordinary Kashmiri people, such brutal military methods have only resulted in alienating the local population by increasing their sense of anger and injustice on one hand and on the other hand making them, especially the youth, more resolute and determined to continue the struggle for political resolution, irrespective of the price they may pay. There is thus an urgent need for the Government of India to revise this militaristic policy and for Indian leaders to demonstrate greater statesmanship in dealing with the Kashmir issue by recognising the political aspirations of the people of Kashmir and charting a policy which ensures the welfare, well being, rights and dignity of the Kashmiri people. As a first step, the government should initiate confidence building measures to build a sense of trust and confidence in ordinary residents of Kashmir

The PUCL will continue to dialogue with the people of Kashmir through visits and other means. It will also raise awareness regarding Kashmir in other parts of the country. It will also campaign for the release of Pervez Khurram. The full report will be released in November, 2016.

Sd/- Dr. V. Suresh, General Secretary, PUCL; Kavita Srivastava, National Secretary, PUCL; Ramdas Rao, National Council Member, PUCL; Pragnya Joshi, National Council Member, PUCL; Jean Dreze, Member, PUCL.

Courtesy The Citizen

PUCL Statement Opposing Political Appointees to the NHRC: 08th November 2016

PUCL Opposes Political Appointees to the NHRC

May challenge it in the Supreme Court

The PUCL strongly condemns the decision of the Government of India to nominate active politician and Vice President of the BJP, Sh. Avinash Rai Khanna, as the member of the National Human Rights Commission (NHRC), for a post that has been kept vacant by the Government for the last two years. This decision is another sinister attempt by the present BJP-led NDA government to fill crucial posts in institutions tasked with the responsibility to critically review, oversee, monitor or examine complaints regarding the functioning of the government, with persons who are unsuitable for the post and/or are non-meritorious in terms of their professional credentials.

The PUCL believes that this decision will harm the credibility, impartiality and effectiveness of the NHRC, which has in the past taken up issues of human rights abuses by governmental functionaries, suo-moto or on the basis of complaints and therefore, appointment of a politician of the ruling party such as Sh. Khanna compromises the independence, objectivity and credibility of the NHRC and more importantly, it creates a conflict of interest. Adapting a well-known legal adage, the appointment should not only be fair and credible but also appear to be so. Section 3 (2) of the Protection of Human Rights Act, 1993 under which the NHRC is formed and constituted states that apart from former Judges of the Supreme or High Courts, two other members will be "*appointed from amongst persons having knowledge of, or practical experience in, matters relating to human rights*". It is clear that Sh. Khanna does not have the relevant experience in the field of human rights. Furthermore, Sh. Avinash Rai Khanna has been associated with the BJP for the last several decades and was an "*Active member of A.B.V.P., R.S.S. during student life*" as per his biographical sketch on the Lok Sabha website. It is further to be noted that Sh. Khanna was previously made a member of the Punjab State Human Rights Commission but resigned when he was nominated to the Rajya Sabha. Thus, the PUCL believes that the present decision is also a move to adjust and reward a senior member of the ruling party

with a government post by treating crucial posts as largesse.

PUCL has always believed in the independence, credibility and impartiality of a body as crucial as the NHRC, which is the apex body for dealing with issues regarding protection of human rights committed both by police as also by security forces. The principle of neutrality of the NHRC members is particularly crucial and important for many times the NHRC is called upon to investigate mass human rights abuses by security forces with allegations of complicity of the political executive. Organizations such as the PUCL and other individual human rights defenders have often approached the NHRC for a speedy and effective intervention in human rights matters involving state functionaries and governments. Appointment of a senior practicing politician, especially belonging to the ruling political party, therefore, will seriously compromise the independence, fairness and objectivity of the NHRC.

It may be important to highlight that previously during the UPA regime (in 2005), when a retired police officer was appointed as a member of the NHRC, it was questioned by the PUCL before the Supreme Court. If the present decision to nominate Sh. Khanna is not withdrawn, the PUCL, consistent with its approach in these matters, will be constrained to take it up in the Apex Court. The PUCL is equally shocked and surprised how the opposition members on the selection panel agreed to the appointment of Sh. Khanna, defeating the principle of checks and balances provided in the Protection of Human Rights Act, 1993. The PUCL also calls upon all citizens to continuously remain vigilant and oppose all anti-democratic and anti-human rights actions and decisions, such as the present one, of the Government so that institutions such as the NHRC retain their independence, credibility, effectiveness and keep holding the government of the day accountable for any human rights abuses.

Prof. Prabhakar Sinha, National President, PUCL
Dr. V. Suresh, National General Secretary, PUCL

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