

THE RADICAL HUMANIST



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Editorial :

The Undoing of the Mahagathbandhan

Mahi Pal Singh

On 19 August 2017 the Janata Dal United (JD(U)) faction led by Nitish Kumar, the President of the party and also the Chief Minister of Bihar decided to become part of the National Democratic Alliance (NDA) led by the Bhartiya Janata Party (BJP). The decision to return to the NDA came a little after four years when Nitish Kumar had driven the JD(U) to leave the alliance on 16 June 2013 when Narendra Modi was chosen as its prime ministerial candidate in the 2014 general election. Earlier he had resigned as the Chief Minister because Laloo Prasad Yadav had stubbornly rejected his demand of Tejaswi Yadav, the son of Mr. Yadav, to resign as the Deputy Chief Minister in the wake of corruption charges against him. Nitish Kumar had made up his mind to part ways with the Mahagathbandhan or the grand alliance comprising of the Rashtriya Janata Dal (RJD) led by Laloo Prasad Yadav and the Congress only to form a government in the state again on 27 July 2017 with the support of the BJP.

Nitish Kumar's decision to part with the RJD led by Laloo Prasad Yadav, and consequently of the Congress as part of the Mahagathbandhan also, as the latter does not possess enough numbers to make it vital for him to bank on its support to continue as the Chief Minister, cannot be questioned morally because he had been claiming to have zero tolerance against corruption whereas the whole family of Laloo Prasad Yadav, including his wife Rabri Devi, his son Tejaswi Yadav, his elder son Taj Pratap Yadav, his daughter Misa Bharati and her husband Shailesh Kumar – all

are facing corruption charges. In fact, K.C. Tyagi, the General Secretary of the JD(U) declared Laloo the “Badshah (King) of corruption”. Nitish Kumar, a shrewd politician as he is, understands well that the Congress led United Progressive Alliance (UPA) Government lost the 2014 parliamentary election because the Congress had unprecedented charges of corruption against its ministers. As a result the BJP came to power with merely 31% votes only because it batted against the corruption of the Congress and made it the main agenda of its campaign when Narendra Modi declared ‘Na Khaunga, Na Khane Doonga’ (I shall neither eat nor let others eat), ‘Sabka Sath, Sabka Vikas’ being the other. Nitish Kumar understands well that anybody who is perceived to be corrupt or to stand with the corrupt cannot win popular vote and hope to form a government.

In view of the fact that after parting with the RJD with 80 MLAs at its command, Nitish Kumar could not have continued as the Chief Minister of Bihar, in his wisdom he decided to go with the BJP whose support combined with 71 MLAs of his own party could keep him in power. And he did so in a well planned manner by talking to the BJP bosses behind the scene in advance before taking the decision to resign. Politics is essentially a game of power and to come to power or to retain it is the sole guiding force behind every individual and every political party, and to achieve that end, they can go to any extent. Political expediency and shrewdness apart, ethically what Nitish Kumar did by aligning with the BJP was not appropriate

because the reason for his breaking with the BJP has not changed – Narendra Modi, against whose projection as the candidate for Prime Ministership he had broken with the BJP, is the Prime Minister now. Secondly, he cannot guarantee that the ministers from the BJP, or for that matter of his own party, will not indulge in corruption in the new government.

It is also true that to remain with the known to be corrupt politicians only to continue in power could not be justified on any account. But one must not forget that Laloo Prasad Yadav had already been convicted in the fodder scam by the court when the Mahagathbandhan was forged and with the support of the same Laloo Prasad Yadav Nitish had become the Chief Minister. If it is morally unsound to continue with Laloo Prasad now, it was equally so when he assumed Chief Ministership of Bihar with his support, that too when his own party had only 71 seats as against the 80 held by the RJD. Therefore, any moral stance taken by Nitish Kumar to part with Laloo Prasad Yadav now on the pretext of corruption seems only an eye-wash.

For the time being Nitish Kumar has ensured that he continues as the Chief Minister of Bihar. With Laloo Prasad Yadav's RJD likely to be decimated in the next election because of his whole family being charged of corruption and the Congress too being force-led by Rahul Gandhi not likely to do any better in Bihar, he may even continue to be the Chief Minister after the next election. It is also possible that his own party may not do well in the election and the BJP may emerge as the biggest single

party in which case it will certainly like to have its own candidate as the Chief Minister and Nitish Kumar may stand nowhere.

Only time will tell whether he has made a politically correct move and his party will gain anything or it proves to be the greatest blunder of his life. His conviction against corruption would have been proved better and his moral stature would have risen to great heights had he resigned and gone for a mid-term poll alone leaving it to the people to decide what they wanted, and not aligned with the BJP to remain in power, against whom he had won as a part of the Mahagathbandhan. Even if he had lost the election, his stature would have been higher than that of any other leader in the country today. In the last few years he had emerged as a development man with a clean image among the galaxy of corrupt leaders belonging to the non-BJP and non-Congress secular parties. He would have been the obvious, credible and only choice as the opposition's candidate for future Prime Ministership as he was already in the reckoning for that honour which position he has lost forever now, besides losing on moral grounds. In the process he has given a big jolt to the chances of emergence of a credible secular front to dislodge the communal BJP from power in the 2019 parliamentary elections. Perceptions matter in politics in the long run and now the perception about him is that of a power hungry politician – no different from other politicians. He had got a chance to prove himself to be different from others which he has lost for now, and perhaps forever. 

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

Articles and Features:

How unsafe are Muslims?

IN a farewell message the outgoing vice-president, Hamid Ansari, has said that the Muslims do not feel safe in the country. Instead of introspecting on what he said, the RSS and the BJP have denounced him. Some have gone to the extent of saying that he could migrate to a country where he would feel safe.

The unkindest cut came from Prime Minister Narendra Modi who said that Ansari could now pursue his agenda. A few others, occupying high positions, also made more or less a similar remark. There was not an iota of examination by the Hindu leaders and thus a great opportunity to disarm the Muslims of their fear was lost.

True, the vice-president could have made the same remarks earlier and submitted his resignation while in office. But that would have created another kind of a crisis which the constitution experts would have found hard to sort out. That way the country would have been thrown into a cauldron of doubt and suspicion.

The majority community must try to find out why every Muslim leader raises reservation about his community's welfare whenever he gets the opportunity, particularly on the eve of quitting office. The remark that Ansari could go to any country of his choice does not in any way meet the point he has raised. Ansari was not saying whether he was safe or not personally. The outgoing vice-president was only conveying the fears of Muslims.

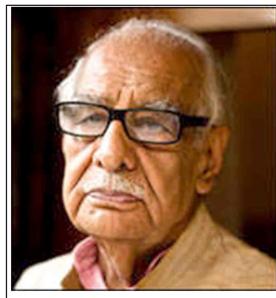
Personal attacks on Ansari would not do. The government leaders should ponder over what the outgoing vice-president has said and how the majority community could make amends to retrieve the situation. But the message has not been taken in the spirit it should have been.

RSS chief Mohan Bhagwat has reportedly endorsed the view that since Ansari did not feel happy in India he could go elsewhere. As head of a Hindu organization, Bhagwat's remark attains the representative character, unfortunately reducing the whole thing to the perennial debate of Hindus versus Muslims.

Since Ansari's remark is a public property and coming as it did from the country's vice-president, it should be debated at all responsible forums, including parliament. The government at the centre has constituted in the past a commission to find out how the Muslims felt. Justice Rajindar Sachar, who led the commission, said in his report that the Muslims were treated worse than the dalits. And he found that West Bengal, after nearly three decades of communist rule, had only a 2.5 percent educated Muslims. Time is ripe to have another commission to find out if Justice Sachar's report had made any difference.

Unfortunately, similar remarks of regret have been made by other Muslim leaders in the past. In fact, some celebrities also have joined the chorus. Take for instance, what film star Aamir Khan remarked a couple of years ago when he took potshots at politicians, while referring to the fear his wife Kiran Rao had expressed about India's growing intolerance.

"When I chat with Kiran (his wife) at home, she says 'Should we move out of India?' That's a disastrous and big statement for Kiran to



Kuldip Nayar

make. She fears for her child. She fears about what the atmosphere around us will be. She feels scared to open the newspapers every day. That does indicate that there is this sense of growing disquiet, there is growing despondency apart from alarm. You feel why this is happening, you feel low. That sense does exist in me,” Aamir said.

Aamir, while speaking at an award function, also endorsed the returning of awards by creative people saying it was a way to express their dissatisfaction or disappointment. “People who are our elected representatives, people who we select to look after us for five years, State or centre... when people take law into their hands, we look upon these people to take a strong stance, to make a strong statement, speed up the legal process, when we see that happening there is a sense of security but when we don’t see that happening there is a sense of insecurity,” said the celebrity actor.

Understandably, the BJP reacted to his remark and completely rejected the comment of Aamir. “He is not scared but he is trying to scare people. India gave him all the laurels and respect. He should not forget that India made him a star,” said BJP spokesperson Shahnawaz Hussain. Congress vice-president stoutly defended the actor and suggested that the Modi government should reach out to the people to know why they felt disturbed.

Rahul in a tweet said: “Instead of branding all those who question the government and Modiji as unpatriotic, anti-national or ‘motivated’, the government would do better to reach out to

people to understand what’s disturbing them.” But the BJP spokesman, as usual, pooh-poohed Rahul’s comment saying that there was a conspiracy going on in the country to defame the nation!

The real problem is the line drawn by Radcliffe on the basis of religion. He did regret the killings in the wake of partition, but did not change the line. Those on the other side of the line are people of Pakistan who slowly and gradually are becoming part of the Islamic world. Fundamentalism has taken a firm grip.

There is practically no Hindu and Sikh on the other side of the border. Christians form the majority among the minorities in Pakistan. Their complaint is that the churches have been destroyed and there is a forced conversion. The democratically elected prime minister is doing whatever he can. But the last word is with the army. Unfortunately, the army is also getting contaminated.

Words of Ansari have great relevance because a soft kind of Hindutva is spreading in India. Those who are at the helm of affairs are pushing the division because elections fought on the basis of Hindus and Muslims are bound to benefit the Hindus. The fabric of secular India is being torn bit by bit. It’s regrettable that ideology of secularism followed in the last seven decades is in great danger.

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

Reader's Comments

I am very happy to say that the standard and quality of 'The Radical Humanist' has improved considerably under your editor-ship. We are expecting much from you.

Ravindranathan P., E-mail: <prnathan22@gmail.com>

BJP's strategy for 2019 Parliament Election – communalize the Country

Mr. Raj Nath, the Union Home Minister speaking proudly of the achievements of three years success of Modi Government very proudly proclaimed. “We have by and large, provided security to the country. India is the second largest country as far as Muslim population in the world is concerned and can say with full responsibility that despite such a large population (of Muslims), the IS has not been able to set foot”. (emphasis supplied)

Frankly it is not clear whether he meant it to be a compliment for patriotism and Nationalism of Indian Muslims or was he only praising his security agencies that notwithstanding such a large population of Muslim his intelligence agencies have been able to control it. I hope it is not the later because it would be uncalled for and unjustly maligning the Muslim Community.

Mr. Raj Nath should openly say that the patriotism, nationalism of Indian Muslims is no less than that of any other community including Hindus. And that any one even remotely suggesting otherwise is talking treason, as some of the sickening communal Hindu bodies are doing.

Muslims do not have to show their patriotism on their sleeves – To suggest this would be calumny. In fact notwithstanding the provocation from the RSS fanatics, the equanimity shown by Muslims is praiseworthy. If Raj Nath is really keen to keep peace in the country, he needs to persuade Modi to immediately withdraw the deliberately provocative recent Animal Slaughter legislation which is being opposed by Many States apart from the challenge in the High Courts. The legislation purporting to be for prevention of cruelty to animals is a ploy to snatch jurisdiction by the Centre on a subject of

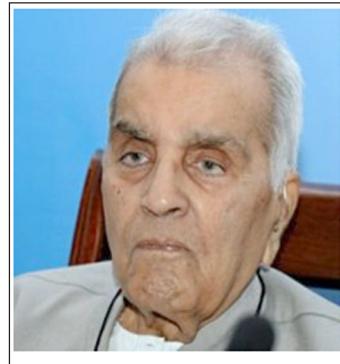
cattle market which squarely falls within the jurisdiction of State legislation. Even the B.J.P. accepts this, as is clear from B.J.P. State President of Arunachal Pradesh openly

announcing that the Centre's ban on the role of cattle for slaughter could not be binding on those states. The whole of north East is in boil on this legislation.

Minister of Environment Mr. Harsh Vardhan says diplomatically that the government is open to suggestions. This sound hollow considering that half the States are opposed to this legislation which in reality is a camouflage to appease the Gau Rakshaks and to allow them to spread terror. This legislation has been deliberately brought up by BJP for further communalizing the situation and also ruination for poor Muslims who earn their living through these sales.

The atmosphere has been further violated by the installation by RSS Nagpur Bosses of Yogi Adityanath as Chief Minister of U.P., who already has spread deep fear amongst Muslims in U.P., by openly praying at make shift Ram Temple near Babri Masjid demolition site – this is openly communalizing the situation in India which is the election strategy of BJP for 2019 Elections.

The Prime Minister needs to be reminded of how he described these Gau lovers in August 2016 thus: “**It makes me angry that people**



Rajindar Sachar

are running shops in the name of cow protection....Some people indulge in anti-social activities at night, and in the day masquerade as cow protectors.” (emphasis supplied)

Modi government is not even making a sham excuse to counter suggestions that its actions are weakening the morale of minorities. In that connection the way Modi has handled the formation of National Minority Commission shows that he only wants to keep a shell of it. The present Commission has been constituted after remaining vacant for months and that too of 5 persons comprising one Muslim as Chairperson and others from one each from other minorities. And this also has been done only after the High Court asked the government for response to a writ petition filed before it.

According to Census dated 2011, Hindus are 79.8%, Muslims 14.2%. Thus the rest 6% are other minorities like – Christians 2.3%, Sikhs 1.7%, Buddhists 0.7%, Jains 0.4%, Parsees even less. It can't be denied that the object of National Minority Commission is to create a mechanism which would give confidence to the Minorities in India to feel that they have equal stakes in the running of the State and are equal beneficiaries of state programmes. It is hoped that the other two members to be appointed will be Muslims either from amongst well known academicians or public figures from the community to give some reassurance to the Muslims.

The report of U. N. Human Right council, Forum on Minority issued on December 14th, 15th, 2010 has also made some significant recommendations on Minorities and their effective participation in economic life, which each country is mandated to follow;

“The Council emphasizes: “Consequently, the right of minorities to

participate effectively in economic life must be fully taken into account by governments seeking to promote equality at every level. From implementing non-discrimination in employment and enforcing protection laws in the private sector to developing national economic development and international development assistance schemes.”

It is unfortunate that the opposition has not come up with concrete/ specific program on which it intends to fight 2019 election. In fact the opposition has become a debating / TV phenomena. It has no specific program for action. I feel that in the way Congress and other political parties are letting wither away an opportunity which arose from the rising of Dalit forces in Saharanpur has been allowed to go waste speaks ill of their commitment.

There is already a competition between Chief Minister of U.P. and Modi the Prime Minister as to who will be greater favourite of Sangh Parivar after 2019 Parliamentary elections assuming BJP wins the majority. Yogi Adityanath has given a boost to these mischief mobsters posing as Gau Rakshak as indicated by U.P., Director General of Police issuing instructions to all police officers that all involved in Cow slaughter should be booked under National Security Act – a legislation to meet with Jehadi / terrorists. Has BJP lost all sense of balance and proportion?

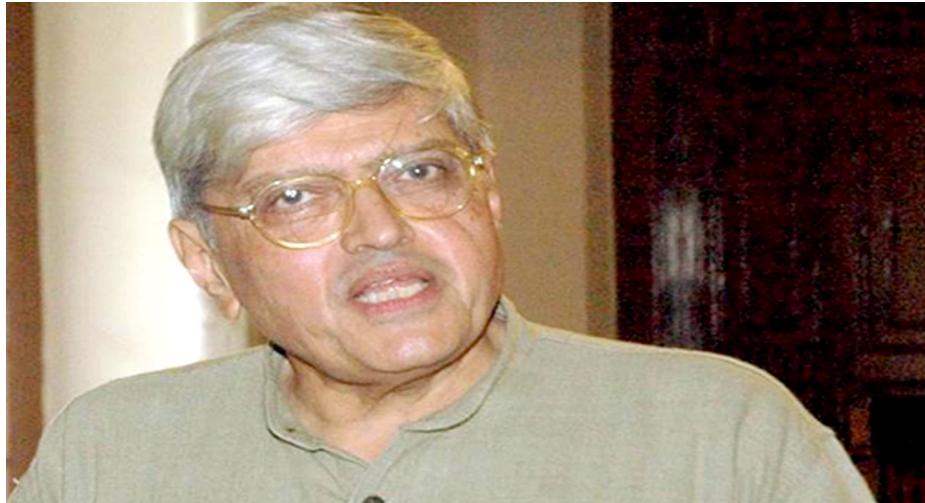
New Delhi: 07/06/2017

(Justice Rajindar Sachar has been Chief Justice, High Court of Delhi and resident, PUCL, India.  rsachar1@vsnl.net; sachar23@bol.net.in)

Direct, indirect attack being made on freedom of speech

Gopalkrishna Gandhi

Gandhi also said, “When it comes to mutual trust, intolerance and bigotry have risen to an all-time high.” He said six months from now will mark the 70th year of Mahatma Gandhi’s assassination and the wounds of partition.



Gopalkrishna Gandhi also said, “When it comes to mutual trust, intolerance and bigotry have risen to an all-time high.”

Opposition vice presidential candidate Gopalkrishna Gandhi on Thursday alleged that direct and indirect attacks are being made on freedom of belief, thought and speech and that a “new partition of a psychological” nature is being sown in the minds. He also said that there was need to stop the “projectiles of communalism” in their tracks.

Explaining the context in which his election is held, Gandhi in a letter to the public said though the partition is now a thing of the past, yet a “new partition of a psychological division is being sown in our minds and “we must stop the projectiles of communalism”.

The letter has been written for the common people, days after he sought a debate with NDA candidate Venkaiah Naidu on the role of the

vice president.

“Direct and indirect attacks are being made on democratic freedoms of belief, thought and speech. And institutions serving public causes feel a palpable pressure on them to conform where they wish to dissent, to be silent where they wish to speak up,” he said in his letter.

Gandhi also said, “When it comes to mutual trust, intolerance and bigotry have risen to an all-time high.” He said six months from now will mark the 70th year of Mahatma Gandhi’s assassination and the wounds of partition.

“That Partition is now a fact, the riots of 1946-47 a thing of the past. And yet a new partition is being sown in our minds, a psychological division.

“As the late philosopher Ramchandra Gandhi put it, the Mahatma, on his way to prayer, was not stopped by three bullets of hate. Rather, he stopped with his heart full of prayer, those three bullets in their track. We must stop the projectiles of communalism in their tracks,” he said.

Mahatma’s grandson also said that the ideals of Freedom, Justice, Equality, drawn from the goals and values of our great struggle for Independence in the 70th year of independent India, “have acquired a compelling urgency. They are facing challenges.”

While hailing the Election Commission for conduct of free and fair polls, he asked, “We have to also ask ourselves: In the larger arena of free choices, how free are we? Are we free of fear? Are we free to choose our way of life, our forms of thought and expression? Are we

free to tell the bully and the bull-dozer in high office or on the street corner, off?”

He also asked whether one is free and able to “tell giant industries to not pollute our rivers, our air and not to dump their toxic waste in our environment”.

He also described the two Constitutional offices of the president and vice president are the “fountain-heads of our Republic’s very life stream”. Quoting the first vice president of India, he said, Sarvepalli Radhakrishnan entreated – ‘Look far ahead, be not short-sighted’.

“Let us pledge ourselves to India’s greatness in freedom, justice and in an unbreakable inter-community bond, bringing us the gift of peace,” he said. 

Courtesy **The Indian Express**, 3 August 2017.

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An embarrassment of riches

*Why is the RBI not disclosing the amount from the surrendered notes?
Have more than the issued amount of notes returned?*

Arun Kumar

How much of the high denomination currency demonetised on November 8, 2016 is back with the Reserve Bank of India? Everyone wants to know but the answer eludes all. The finance minister, in a written reply to the Rajya Sabha on July 25, said that the bank is in the process of reconciling the notes to obviate any errors. He added that RBI's machine processing capacity is being augmented. Incredible that it is being done at this late stage. Also, the answer will not be available any time soon.

The implications of the delay are many and go beyond the failure of demonetisation to tackle black money. For instance, there is a link of this with the extent of counterfeit currency and its detection or with the case pending in the Supreme Court regarding granting one more chance to return the demonetised notes to those who, for genuine reasons could not return them, and therefore stand to lose a part of their wealth.

According to media reports, by early January 2017, more than 90 per cent of the demonetised currency notes had returned to the banks. According to this author, RBI's data on currency in circulation with the public implies that 98.8 per cent of the notes had been returned. So what is there to reconcile and how much is there to count? Why the new machines now?

Could it be that the surrendered notes are being recounted because of errors committed earlier? But recounting what? It was reported in November 2016 itself that all the notes surrendered are being shredded and given to a company in Kerala to be converted into briquettes. If this process has been going on, then recounting is meaningless and reconciliation impossible. When did shredding stop and the

recounting start? What can be achieved by recounting the remaining notes which are not shredded?

Recounting seems to be posing an acute problem since the RBI governor, appearing before the Rajya Sabha Committee on July 13, said that counting is going on and information will be provided at the earliest. His deputy informed the committee that the RBI had 59 machines and had hired seven more and has floated tender to buy more machines. According to reports, he added that the delay is also due to notes from Nepal and those lying with the cooperative banks, which were earlier not allowed to deposit them with the RBI.

By January 13, only Rs 18,000 crore worth of notes had not been returned. Reports indicate that the cooperative banks have Rs 8,000 crore of the old notes which they can now return. Further, between January 1 and March 31, certain specified category of people could deposit their old notes.

So out of the Rs 15.44 lakh crore of high denomination notes with the public on November 8, 2016, less than Rs 10,000 crore of notes may not have come back (or less than 0.6 per cent of the total). Is this what is embarrassing for the government? The implication is that most of the black hoards of cash have been returned to the banks and possibly converted into new currency notes. With the availability of the new Rs 2,000 notes, it is now even easier to hold black cash.

Could the RBI not have given data on whatever it has recounted and told the public how much remains to be recounted? After all,

data on notes returned and the new notes issued was regularly given up to December 12, 2016. This could have been extended up to March 31, 2017 which was the last date for NRIs and some specified category of people to return the notes they could not deposit earlier. Is it that data is not being released because perhaps more notes have come back than were issued by the RBI?

What an embarrassment that would be for the government which was expecting 20-30 per cent of the notes to not return. How is it possible that more notes are returned than were issued? Only if the fake currency floating around has been accepted by the banks. There has been speculation that counterfeit currency in large amounts was also returned to the banks and they could not control/check that due to the extraordinary pressure of work. Collusion is also possible. It is not going to be easy to check which banks or their branches colluded in accepting the counterfeit notes since currency was flooding at an extraordinary rate.

How much of the counterfeit currency was in circulation? According to a government commissioned study, reported in Parliament, there was Rs 400 crore of counterfeit currency in circulation. The RBI in its annual reports mentions the amount of fake currency notes caught every year. These are small numbers compared to the total currency in circulation. But it is likely that what is circulating is a large

multiple of what is caught. So, if more than Rs 10,000 crore of fake high-denomination currency notes were circulating in the system on November 8, 2016 and if most of it came back to the banks then the portents would be grim. More currency would have been returned than was printed.

There is a case pending in the Supreme Court asking that one more chance be given to change old notes for new ones to those who still have some demonetised notes left with them. The government has opposed this on the ground that this relaxation would lead to the failure of the entire scheme of unearthing black money via demonetisation. But, if most of the currency is back or if more has come back, then how has the scheme helped unearth black money? Perhaps a thousand crore (0.06 per cent of the currency) may be left with those who are old or infirm or had forgotten the cash left at home and they stand to lose their hard-earned savings.

How can the scheme fail if this tiny amount does come back? Or, is it that with this amount coming back the total of returned notes would exceed the amount of notes issued? So, is the non-transparency only to avoid a huge embarrassment and loss of credibility? But for how long?

The writer is a former professor of economics, JNU 

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

Mahi Pal Singh

‘Dissent isn’t treason’, over 100 Army veterans tell PM in letter

Rajat Pandit

NEW DELHI: “Dissent is not treason. In fact, it’s the essence of democracy,” say over 100 military veterans in an open letter to PM Narendra Modi and state chief ministers, while strongly condemning the targeting of Muslims and Dalits by violent mobs in the name of cow protection.

Expressing concern over the “clampdown” on free speech and the all-pervasive “climate of fear, intimidation, hate and suspicion”, they said, “It saddens us to write this letter, but current events in India have compelled us to register our dismay at the divisiveness that is gripping our country.”

“We can no longer look away. We would be doing a disservice to our country if we do not stand up and speak for the liberal and secular values that our Constitution espouses. Our diversity is our greatest strength,” they said, in the letter dated July 30.

Signed by 114 veterans including Admiral L Ramdas, Lt General Y N Sharma, Maj-Generals Dipankar Banerjee, L Tahiliani and M PS Kandal, among others, the letter comes about a month after thousands of people hit the streets in different cities under the “Not in My Name” campaign to protest against the surge in mob violence by self-styled cow vigilantes.

The veterans condemned the growing attacks on free speech around the country, with civil society groups, universities, scholars, journalists and the like being targeted “through a campaign of branding them anti-national and unleashing violence against them”.

Though on Sunday the PM had himself urged citizens to fight communalism and corruption, the letter is bound to rattle the BJP which has a strong constituency among the armed forces and military veterans with its strong-onsecurity matters stance.

The veterans said they “collectively” held no political affiliation but were writing it because of their “common commitment” to the Constitution. “The armed forces stand for ‘unity in diversity’. Differences in religion, language, caste, culture or any other marker of belonging have not mattered to the cohesion of the armed forces, and servicemen of different backgrounds have fought shoulder to shoulder in the defence of our nation,” said the letter.

“We have spent our careers working for the security of our country... Our heritage is like the multi-coloured quilt that is India, and we cherish this vibrant diversity,” it added.

Courtesy The Times of India, Aug 1, 2017, 

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

Modi's DeMo Gambit Failed: Costs Exceed Gains And Farm Anger Is The Final Piece Of Evidence

R. Jagannathan

It is time for a *mea culpa* on demonetisation. This writer has been largely positive on the medium-to-long-term benefits of *notebandi*, as opposed to its short-term downsides, including a fall in gross domestic product (GDP) growth rates for one or two quarters. Now, and especially after the farmer agitations for loan waivers, I believe that the negative side of the ledger on demonetisation (DeMo) is larger than the positive. It has failed.

The critics have been right for the wrong reasons. They did not have a better crystal ball on DeMo's side-effects than the optimists; but they did have a deeper animus against the Narendra Modi government that the optimists, including me, did not have. Thus, they were faster to pick up the negative signals than the rest of us.

The bottom line on DeMo, seven months after Modi announced that he was withdrawing the legal tender status of Rs 500 and Rs 1,000 notes from 8 November, is that the costs are outweighing the benefits. And the rising demand for fiscally ruinous farm loan waivers surely has a direct link to DeMo. Maybe loan waivers would have happened anyway in the run-up to 2019, but it is equally clear that DeMo has emptied many *mandis* of cash, and the demand for ready harvested crops has collapsed in many parts of the country, as Harish Damodaran notes in his column in *The Indian Express*.

Damodaran admits he was wrong in assuming that DeMo would impact farm production – which did not happen – but the damage came later. He writes: “Where demonetisation did have an impact, however, was in the prices received during harvest: Potatoes in Farrukhabad, Uttar Pradesh, fetched below Rs

350 per quintal this February, compared to Rs 600 or more last year. The same goes for rabi onions in Lasalgaon, Maharashtra, that traded at an average of Rs 450 per quintal in May, as against Rs 750-800 and Rs 1,200 in the same month of the preceding two years. Farmers, likewise, sold tomatoes at Kolar, Karnataka, in early May for Rs 300-400 per quintal, down from Rs 1,500-1,600 a year ago. When was the last time we saw all three – potatoes, onions and tomatoes – wholesaling at less than Rs 5/kg, and even retail prices within Rs 20/kg? And this, in peak summer! The above “fire sale” – the evocative term used by the Reserve Bank of India (RBI) in its latest bimonthly monetary policy review statement – has been repeated across a range of other crops too: Garlic and *methi* (fenugreek) seed prices at Mandsaur – the district in Madhya Pradesh’s Malwa region that’s become synonymous with the ongoing farmer unrest – averaged Rs 3,400 and Rs 3,100-3,200 per quintal in April, whereas these ruled at over Rs 4,100 and Rs 4,700-4,800 respectively during the same time last year. Farmers in Nashik, which has also witnessed large-scale street action, along with the rest of Western Maharashtra, had to dump Sonaka grapes at about Rs 12/kg in March, having sold the same green seedless variety for Rs 45 or so last year.”

I have quoted Damodaran at some length here because it details the damage done to the farmer, who epitomises the informal part of the economy like no one else. While all critics said that the informal economy was hurt the most by DeMo, now we know how that happened.

In late November 2016, the Centre for Monitoring Indian Economy (CMIE) had

estimated the loss to the economy and various players at Rs 1.28 lakh crore. Since then we have had more data on GDP losses in the two quarters immediately affected by DeMo. If we assume that at least 0.5 per cent of the GDP drop was due to DeMo, the CMIE loss figure would at least double.

But now we have the unstoppable juggernaut of farm loan waivers: UP (Rs 36,000 crore-plus), Maharashtra (Rs 30,000 crore-plus), and Chhattisgarh (Rs 3,200 crore of interest waivers) have already taken the loss to state exchequers close to Rs 70,000 crore, and we haven't even begun. Bank of America-Merrill Lynch estimates that the total size of loan waivers could hit Rs 2.57 lakh crore by 2019. They note in a research report: "We grow more confident of our call that farm loan waivers will spread across states after Maharashtra followed Uttar Pradesh in waiving farm loans on Saturday (10 June). This begs the question, how much of farm loans will eventually get waived? \$40 billion, or 2 per cent of GDP, in our view, in the run-up to the 2019 general elections. This covers bank loans to farmers with up to five acres of land."

Even if we assume that only half the waivers are directly due to the DeMo impact, we are talking of a tripling of the figure first put out by CMIE – at the very least, with most costs yet to show up. This means the DeMo damage could be in the region of Rs 3.5-4 lakh crore at the minimum. Since the wildest estimate of gains from black money not coming back to the banking system do not exceed this latest ballpark estimate of loss, it is clear why DeMo has failed its cost-benefits test.

It can also now be clearly said that DeMo was the last straw that broke the farmer's back, leading to a cascade of farmer protests and political demands for loan waivers. DeMo will damage the fisc like nothing else before this.

Two consecutive droughts did not do as much damage as DeMo. All the fiscal prudence shown by the Modi government in the last three years will be washed away now in one huge burst of state government populism.

Here's a counter-factual: if the UP elections, which happened before farm produce started coming to the markets, had taken place in June and not February-March, would the BJP still have won its big majority? In retrospect, the loan waiver may well have been the political sweetener offered well in advance to prevent farmer worries from boiling over into the ballot box.

So, *mea culpa*, once again.

The other bits of evidence that support the claim that DeMo did more damage than good are already in the public domain – or assumed to be.

One, the fact that even five-and-a-half months after the demonetisation window for old notes closed on 31 December we don't know how much money has come back to the system tells its own story. The total value of Rs 500 and Rs 1,000 notes outstanding on 8 November was Rs 15.44 lakh crore. If the deposits have hit this number or even exceeded it, it would mean not only a major embarrassment for the government, but also the RBI. It would imply that fake notes got exchanged for new notes. I had raised this possibility in early December, but didn't press it when some bankers assured me that they had mechanisms to detect fake notes. But I should have pressed the point: in the rush to clear queues, it is unlikely that cashiers were doing anything more than just count notes. Now that the notes are in, it will be impossible for anyone to link any specific bundle of fake notes with any particular depositor. *DeMo may also have validated some fake notes, possibly with the connivance of bankers.*

Two, there is not much evidence that tax collections have spiked due to DeMo or even that the tax base is expanding. The poor collections under the Pradhan Mantri Garib Kalyan Yojana indicate that no big disclosure of black money was witnessed, and even if we assume that a large chunk of the deposits made during November and December may have been unaccounted money, the government will have to unleash a tsunami of tax terrorism that will surely be counter-productive. The need of the hour is to bring normality to economic activity. The last thing we need, as we stand on the threshold of the implementation of the goods and services tax (GST), is an unchecked taxman let loose on unwary taxpayers when GST is likely to create its own fiscal chaos and disruption.

Third, it is clear that nationalised banks played a key role in implementing *notebandi*. But the fall in interest rates following large inflows into the banking system will constitute only a pyrrhic victory unless credit demand picks up – of which there is little sign. While rates can be cut, credit growth is muted. And with loads of bad loans to resolve, banks have had more costs piled onto them due to DeMo. This can hardly be good for them.

Fourth, perhaps the one big gain from DeMo is the still rising trend in digital payments. But this gain in intangible, and benefits will come only over the long term. Moreover, while DeMo made non-cash modes of payment necessary and vital, the popularisation of digital payment modes could have been done even without the disruption of *notebandi*. DeMo at best provided the government an opportunity to make necessity the normal mode of payment.

Fifth, even the implementation of DeMo could have been better thought out. With hindsight, one can say that the best way to demonetise would have been to limit it to the Rs 1,000 note, and then withdrawing the old Rs 500 notes in

stages – by not returning those notes that came back to banks as part of normal cash deposit operations. The disruption was maximised precisely because this two-stage approach was not adopted.

The lessons the Modi government needs to learn from this costly experiment gone wrong are the following:

#1: Don't rely on economic charlatans and a small group of babus in the Prime Minister's Office (PMO) and the advisers brought over from Gujarat when taking big decisions like DeMo or even GST. Modi needs to widen the circle of experts in his government, even if he chooses not to finally listen to their advice. This is one redeeming feature of Indira Gandhi, who too had a strong PMO, that Modi could now seek to rectify.

#2: Empower more ministers, and make it a point to regularly listen to your own chief ministers who may have ears closer to the ground than the PMO. Shivraj Singh Chauhan and Vasundhara Raje could well have told Modi what may be a problem with DeMo, but this kind of political feedback loop does not seem to exist in the Modi government.

#3: A white paper on the larger effects of DeMo and the lessons learnt is important. While it may not show the government in good light, it will at least demonstrate that it is learning lessons from the misadventure. To brazen it out – pretending DeMo was not a failure – is the worst thing that can happen to a leader who is clearly one of the best India has produced in a long time.

#4: The damage on loan waivers has been done, but nothing stops Modi from holding a special parliament session and creating a multi-state group of chief ministers to recommend how to fix farming without waivers in future, and also to agree on a code that no politician or state

government will henceforth demand a waiver except in exceptional circumstances, and that too on a selective basis.

In the past, Modi has proved he is a good learner from defeat. After Delhi and Bihar, he recovered quickly to win in Assam and UP. But DeMo is his ultimate test. If he learns from this, his next two years may still be his best.

Leadership is most needed when the country is down. Right now, banks, farmers, small and big businesses are all down – though not out. The economy will not recover easily without great economic and political leadership. Modi's

second term depends on him getting the economics right, and not just the politics.

It is great to be thought of as a bold leader who can take tough decisions to break the back of black money. But it is not so great to go about it in a ham-handed way and breaking the back of the Indian economy in the process.

Good politics begins with accepting that DeMo did not work. Hiding the truth can hurt Modi more than acknowledging it – directly or indirectly.

Courtesy **Swarajya** Jun 14, 2017 

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After Demonetisation Took Away 1.5 Million Jobs, 73% Manufacturers Say No Hires for 3 Months

Subhayan Chakraborty

India's employed force grew from 401 million in April 2016 to 406.5 million in December 2016, it fell to 405 million between January and April this year.

India Inc remains averse to hiring in the near term as doubts over the revival of the manufacturing sector continues to loom large, a recent survey conducted by the Federation of Indian Chambers of Commerce and Industry (FICCI) has said.

Released on Monday, the quarterly survey on manufacturing showed that a staggering 73% of respondents said they are unlikely to hire additional workforce over the next three months. This was mildly lower than the 77% of respondents showing a similar concern earlier.

Slow hiring may put more pressure on the market even as job losses continue to be a major concern in the post-demonetisation era. According to another recent study, the government's demonetisation exercise is estimated to have wiped away around 1.5 million jobs.

Earlier in the month, the new survey data put out by the Centre for Monitoring Indian Economy (CMIE) showed that while the country's employed force grew from 401 million in April 2016 to 406.5 million in December 2016, it fell to 405 million in the four-month survey period of January through April, this year.

The FICCI survey comes at a time when less than half of all respondents expect production to go up in the next three months. Only 49% of respondents remained optimistic of production rising. In a previous survey conducted during the January-March quarter of FY17, around

48% respondents aired similar concerns.

FICCI's latest quarterly survey assessed the expectations of manufacturers for the first quarter of FY18. Views were taken for eleven major sectors including auto, capital goods, cement and ceramics, chemicals, and electronics and electricals, among others.

It had responses from over 300 companies, with a combined annual turnover of Rs 3.5 lakh crore, from a wide array of sectors.

Production expectations may be low on account of the stagnating order books. About 47% of respondents in the latest survey reported higher order numbers, which is almost the same as recorded in the previous quarter.

Incidents of rising cost of production have grown sharply as 69% of firms noted it was a reason to worry in the latest survey. The corresponding figures for the previous survey stood at 60%. This is primarily due to rise in minimum wages and raw material cost.

Firms reporting negative growth have come down to 17%, from 27% in the previous survey.

However, average capacity utilisation remains unchanged at 75% for manufacturing units. Idle capacity has hit future investment outlooks that had already been weak.

About 74% of respondents, as against the earlier figure of 75%, reported that they don't have any plans for capacity additions for the next six months.

"High percentage implies slack in private sector investments in manufacturing, which is likely to continue for a few more months. Large volumes of imports, under-utilised capacities and

lower domestic demand from industrial sectors and OEMs are some of the major constraints that are affecting the expansion plans of the respondents,” the survey noted.

Views on export outlook witnessed a marginal

improvement as the percentage of respondents expecting a fall in exports during the first quarter of FY18 came down to 18.5%, from 22.8% in Q4 in the previous financial year.

Courtesy [thewire](#), 18/07/2017



Sharm inko magar nahin aati – (Yet they do not feel ashamed!)

Chandigarh stalking case: ‘I felt terrorised’, recalls braveheart Varnika, who was harassed by BJP leader’s son

Vikas Barala, son of Haryana BJP Chief Subhash Barala, along with his friend Ashish Kumar were arrested on Saturday for allegedly harassing the daughter of an IAS officer.

Vikas Barala, son of Haryana BJP Chief Subhash Barala, along with his friend Ashish Kumar were arrested on Saturday for allegedly harassing the daughter of an IAS officer, but they managed to get bail. The victim, Varnika Kundu, while speaking to Times Now on Monday, said, “Their (the accused) entire aim from the first second till the last was just to get my car to stop.” She said that she saw no logic in Vikas and his friend’s attempt at stopping her car during night. Varnika felt “terrorized” due to the behaviour of the accused, who were not just allegedly following her but also driving parallel to her car. “They were terrorizing me and they were trying to hit my car,” Varnika told Times Now.

According to Varnika, when she looked into their car, while they were constantly harassing her, she saw there were two men sitting inside. She could only see the front portion of the car and did not get a chance to see if there was anyone in the backseat, too. “It was an SUV so, there could have been seven-eight (people),” she told Times Now in her interview on Monday. When asked about the person, who jumped out of the car to harass her, Varnika said she did not know him. All she knew that it was Subhash Barala’s son Vikas Barala who was driving the car. Both the accused were continuously making a gesture for her to stop the car while Varnika’s only focus was to get to a safe place as soon as possible.

Courtesy FE Online, New Delhi, August 7, 2017

Gujarat High Court sentences BJP MLA to life imprisonment

Gandhinagar: BJP MLA from Gondal, Jayrajsinh Jadeja, has been awarded life imprisonment by the Gujarat High Court in a 13-year old Nilesh Rayani murder case, which took place in Rajkot on February 8, 2004.

The two other accused Mahendra Singh Rana and Amarjeet Singh, close aides of the BJP MLA have also been sentenced to life in connection with the same case by the Gujarat High Court.

Courtesy [Siasat Daily](#), 11 August 2017

‘I want my daughters to grow up in a country that treats them with respect’

by John Kennedy

Raju Narisetti discusses diversity, the future of media and navigating Trump’s America.

For a figure who holds one of the most pivotal roles in publishing in America at a crucial time in media history – in fact, world history – not only does Raju Narisetti have his finger on the pulse of change, he does not shirk from tough decisions. He answers every question in a thoughtful, respectful and considered way, but, ultimately, with humility.

These are rare attributes to have in a media business noted for the blustering egos and the ruthless, towering ambitions of its top figures.

‘I have two girls, 15 and 11, who are half-Indian and half-black, and I want them to grow up in a country where they are treated with respect, where their rights are protected, and they have the ability to be anything they can be’

– RAJU NARISETTI

Narisetti is returning to Inspirefest in Dublin this summer (6 to 8 July) for the second year running, and I got the opportunity to speak with him last year on stage with Recode editor Kara Swisher.

He holds the role of CEO at Gizmodo Media Group, a group of digital journalism sites that includes some of the web’s most beloved and authentic brands, such as Gizmodo, Jezebel, Deadspin, Jalopnik and The Root. Before this, he was senior vice-president in charge of strategy at News Corp.

Narisetti, who was born in Hyderabad in India and was named Young Global Leader by the World Economic Forum in 2007, has pretty much held some of the most crucial jobs in US journalism.

Prior to his role at News Corp, he was managing editor of *The Wall Street Journal* (WSJ) Digital Network, where he was responsible for WSJ’s digital/mobile content strategy and execution. He was also managing editor of the *Washington Post*, where he led the integration of its digital and print businesses; the editor of *WSJ Europe*; and is the founder of Mint, the second-largest business newspaper/website in India.

As we talk over the phone ahead of his return to Dublin for Inspirefest, Narisetti says he can’t wait. “It’s an amazing and inspiring event, and I’m really delighted that I can come back this year. I’m really looking forward to it.”

At the crossroads of media and tech

At Gizmodo Media Group, Narisetti is responsible for the top titles that serve the crucial 18- to 34-year-old market in America and is therefore pretty much at the coalface of digital change.

“Over the last six or seven years, whether at News Corp, the *Washington Post* or the *The Wall Street Journal*, I’ve found myself at the intersection of journalism, product, platform, tech and strategy.

“The difference is, I have always done it from the newsroom side, and with a mainstream media organisation that has a large legacy platform like a newspaper. This is the first time that I am at a media company where there is legacy, but no legacy platform, and the first time that I am able to make digital decisions that are not sub-optimal because there is always another platform to be supported.

“Here, most of my choices are around what I

invest in and how do we grow our digital audiences. All my sites really aim for a young, diverse America of 18- to 34-year-olds, whereas at the *Washington Post*, I would lose sleep over the audience ageing and being in their high 50s and 60s. Here, I lose sleep over any risk of my audience getting into the high 20s. The reality is that if I don't continue to engage the 21- and 22-year-olds, I will have the same problem down the line that the newspapers have today."

There is no escaping the reality that newspapers are struggling as a result of the digital revolution, a problem exacerbated by 20-somethings not buying newspapers.

Despite this, Narisetti believes that newspapers have a future. "I am not one of those who subscribes to the notion that newspapers are dead. People have been saying this for 20 years now. Sure, they have declined in their ability to influence and impact as they used to, but I think there is always going to be a place for good journalism on multiple platforms, including print. It will probably be a smaller, but nevertheless viable, audience.

"I am sure 50 years ago, when television came along, people like you and me talked about the imminent death of radio because why would anyone listen when they can listen and see as well? Radio today is smaller but pretty vibrant, so, in that sense, I think there will be a pretty vibrant print media platform that will continue.

"But there is no escaping the reality that the pipeline of young readers between 20 and 30 is close to zero for print. Somewhere along the way, there is going to be a huge cliff where the only readers will be – if publishers are lucky – in their late 40s, but mostly in their 50s, 60s and 70s. But if demographics are correct that most people will live to their 80s, then that's still a valuable, wealthy audience that is spending money on food, entertainment, pharmaceuticals

and more, so there will still be advertisers wanting to reach them."

How can media transform itself?

The key to navigating the future of media, Narisetti maintained, is getting the revenue model correct.

'The trick for media companies is this: if your heart is in advertising only, then you are dead, because that story is not going to end well and Facebook and Google are going to take 90pc of that market'

– RAJU NARISETTI

"There is a lot of excitement in the US right now about how *The New York Times*, *Washington Post* and the *The Wall Street Journal* have grown their paid subscribers in the last few months because of Donald Trump and that's fantastic. But the reality is that it doesn't in any way come close to answering the essential problems of our industry, which is that if you only have a couple of revenue streams – advertising and subscriptions – you are never going to get to a stable state.

"My view is that for a media company to thrive these days, you have to have anywhere between three to five sources of revenue. If you have them, even if each one is volatile and not stable, collectively you may be able to have a growing, sustainable business."

In Gizmodo Media Group's case, revenue is split roughly between display advertising, video, programmatic advertising, custom content and e-commerce.

"Is each one challenging? Sure! But having five revenue streams gives me the ability to really grow and sustain a fairly vibrant media company so that I can invest back into journalism.

"The trick for media companies is this: if your

heart is in advertising only, then you are dead, because that story is not going to end well and Facebook and Google are going to take 90pc of that market.”

For media to survive and thrive, Narisetti asserted that the industry needs to transform within the new reality of digital and social media.

“Our entire industry was built on the notion of acting as gatekeepers – a bunch of people go into a room and decided what was going to be on the front page tomorrow.

“The reality now is that digital allows us the freedom and opportunity to see what we want to see, and turns us all into pretty promiscuous consumers who can go anywhere we want by touching a screen or mouse or talking into a device. As a result, the media industry has struggled to transform itself from being gatekeepers to being gate openers, where trusted brand curation is our strength.

“And, let’s be honest, very few newspapers and their editors spend time with their readers, they just assumed what they thought readers wanted. Using data to tweak their products to suit the audience is alien to them. But that’s precisely how Facebook, Google, Snapchat and all these other platforms are performing.

“The loop of data and responding and building better products is inherent in those companies and completely absent in the media industry.”

Despite this, he believes there is hope for media. “If you can stick to being good at figuring out the best way to engage, package, curate, inform and entertain, that role isn’t going away anytime soon.

“The challenge is that other people’s platforms are where the audience is aggregating and therefore, we have to go there.”

This ultimately means sharing less of the

revenue pie than before, and the real problem is making sure the cost of journalism can keep up with the revenues that publishers are able to make.

“That’s the biggest challenge but the role for journalism, for mainstream newspapers, has never been more crucial in this time. I think, in moments of crisis and when the world is looking for answers, most newsrooms are very good at stepping in and raising their game.”

Managing diversity

It’s true to say that in Narisetti’s career, he has occupied some of the most plum roles in the media industry.

‘If we don’t fix the pipeline problem in diversity in media and tech, then all we are doing is failing existing diversity’

– RAJU NARISETTI

“I never actually consciously thought I would end up in journalism. I have a BA in management and an MBA, and at one point I was actually a sales manager for a dairy products company selling butter and cheese, and I just came to a point where I decided that was not what I wanted to do with my life.

“And also, for an Indian, I was very bad at maths and science at one point in time, which meant that most of the normal Indian career opportunities – doctors and engineers – were closed off to me. I was also a little bit doomed by my DNA and upbringing – my father was the head of a regional newspaper and my mother was an English professor. So somehow, I was doomed to end up in a writing/journalism career.”

People from Asia are making their mark in media, and in the tech industry in Silicon Valley in particular, but all of that risks being threatened by the regressive policies of the administration of US president Donald Trump, which has been sabre-rattling and threatening changes to visa policy.

I point out that there are more than 91,000 Indian people with PhDs in America, and that some of the most pivotal roles in media and technology are held by people from India: Google's CEO is Sundar Pichai and Microsoft's CEO is Satya Nadella.

“When I got here, there was hardly anybody South Asian or from India in journalism in America. The *WSJ* had three or four people of Indian origin out of a staff of 2,000 people. But, if you look around now, the senior people at CNBC and CNN are from India. Most Indian people grow up in a culture where they have to learn to read, write and speak English. I was lucky enough to be a summer intern for *The Wall Street Journal* and that’s how I ended up there. It had nothing to do with origin. It had everything to do with serendipity, education and being in the right place at the right time.”

But the tension in Trump’s America means that the very principles of diversity are at risk of being trampled on. Narisetti urges managers to never give up on diversity.

“One of my guiding principles: I have the strong belief that what you do not measure, you will never fix. So I have always been very data-informed about diversity.

“At Gizmodo Media Group, we map the entire organisation in terms of diversity. The reason for measuring and disclosing it is because it automatically creates a benchmark and puts pressure on me as CEO and everyone else in hiring positions to improve on their performance.

“It is actually a hard thing to do in an industry that is retrenching, but that is especially when you have to actually redouble your efforts.

“One of the first things I did when I joined Gizmodo was to instigate a strong, paid internship programme and we now have the most diverse set of interns ever.

“If we don’t fix the pipeline problem in diversity in media and tech, then all we are doing is failing existing diversity. So we have to add to it and do it consciously.

“Initially, the conventional vision I had of diversity was your usual gender and race. But I think as you evolve, you have to think about all the other levels of diversity: geographic, economic, age, sexual orientation … these are not obvious until you consciously go looking for that.

“We serve an audience of 18- to 34-year-olds, therefore we need to reflect what they reflect themselves.

“If you look at American demographic trends, by 2028, it is likely that [of] the majority of young Americans between 18 and 34, some 52pc will be non-white, which means there will be a lot more diversity then than there is today.

“We want to be the go-to media brand for a much more diverse young America. We have to reflect them in our own behaviour and staffing. It is a work in progress but, by measuring and publicly disclosing and building a pipeline, we will get there.”

Finally, I ask Narisetti how he feels about living, working and being a parent in Trump’s America at a time when a country that embodies freedom for most people appears to be turning in on itself.

“We must not forget the importance of what America stands for. It stands for freedom of expression, that globalisation is good, and that opening up borders for the mobility of people and ideas is good for the world. These are the things that attracted people like me to the US and to decide to call it home.

“I have two girls, 15 and 11, who are half-Indian and half-black, and I want them to grow up in a country where they are treated with

respect, where their rights are protected, and they have the ability to be anything they can be.

"I saw all of those freedoms being questioned actively by President Trump, and it is incumbent on me to speak up and support these issues and that's where I am. And, organisationally, my company is also very open about what values we believe in, and we won't shy away from saying that."

Raju Narisetty will be speaking at Inspirefest, Silicon Republic's international event connecting sci-tech professionals passionate about the future of STEM.

Editor John Kennedy is an award-winning technology journalist.

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Justice Desai Endowment Lecture:

CONSTITUTIONALISM, SOCIAL JUSTICE AND BLACK ECONOMY

BY
Justice (Retd.) B. Sudershan Reddy
Supreme Court of India



Continued from the last issue...

Obviously, the issue is on one plane also a matter of law and order – an institution that affects our national life. What are the resources we have been able to allocate to tackle these problems, given that they place at risk nearly 40% of our people? A few years ago there were promises made that every district would get a centre to handle the issues of battered and sexually assaulted women. Apart from providing shelter to victims for a few days, these centres were also to help the victims secure medical attention, get justice by interfacing with the police to ensure that action is quickly taken against perpetrators and the guilty brought to justice, and also undertaking locally contextualized programs to change the attitudes about women. Each of these centres were envisaged to be independent and to be developed at a cost of about Rs 10 to 11 crores. The promise was that these centres would be developed rapidly. However, it seems that powers that be have decided to pare down the program considerably, and while the development of the centres is still being pursued it is moving at a much slower pace than what the nature of the issue warrants. Obviously budgetary issues have a constraining impact. And then we have not really begun to bring to the table the resources that would be consonant with the urgency with which we should be treating female infanticide and feticide. An argument could be made that if the black economy had been curtailed, then people and

policy makers would have been less lax in taking steps to combat such issues.

Take Articles 39(f) and 41. How do we expect poor children to grow in a healthy manner, and in conditions of freedom and dignity, if we do not invest in building good schools with proper facilities and well trained teachers? Especially in the rural areas? Article 41 talks about “undeserved want”. What can be more undeserved than deprivation of education to a child. Article 41 recognizes that we can undertake such activities only to the extent that the State has the economic capacity. However, the case here, with the size of the black economy and wealth being what they are, is that the State’s economic capacity is being undercut severely, and is being prevented from undertaking those activities that can secure a better future for our children

I have already observed how natural resources can be exploited in a manner that deprives the State of revenues. In fact many forms of illegal exploitation of natural resources lead to other problems, especially where they affect the lives of the locals adversely, Mining mafias have often spawned revolutionary counters thereby creating major threats to the welfare of the people of that area, and their fundamental rights. This in turn also imposes huge financial burden, among other things, upon the State in combating revolutionary activities and getting embroiled in a never ending saga of

tussle with the local populace too. Article 39(b), which I read out a few minutes ago mandates that the State shall endeavour to ensure that ownership and control of material resources, such as natural resources, be vested in a manner that subserves the common interest. The operation of mining mafias, and other forms of illegal mining/extraction of natural resources generates huge amounts of black money and black wealth, attracting more people to such activities, so much so that it begins to appear like a vicious cycle. And the “common interest” that the Directive principles sought to protect are thrown by the wayside.

As pointed out earlier, Article 39(c) mandates that the State shall not allow the economy to function in such a manner that it leads to concentration of wealth. This principle has obviously been violated, as 58% to 60% of all national wealth is now held by the top 1% of our country. And black economy has contributed towards intensifying such concentration. This would have implications for our democracy as the 1% funds political parties, and in return get more opportunities to further corner nation’s resources even more. The ordinary political freedoms then might just become inconvenient customs to be squashed when exercise of such freedoms is uncomfortable to the 1%.

In *summum-bonum* we would have to categorically assert that to a significant extent we have not really adhered to the guiding principles of our Constitution and in fact a legitimate conclusion would be that we have actually abandoned the Directive Principles. It is almost as if we have read the Directive Principles out of the Constitution, an excision of the soul of the Constitution without any constitutional amendments. And that too, notwithstanding the fact that the judiciary used the text of the Directive Principles in fleshing out the content of Fundamental Rights in general,

and Article 21 in particular, and mandating that the State shall fulfill at least some obligations.

How did this happen? The easy answer would be to suggest that if the Directive Principles had been judicially enforceable, fully, then litigation against the State would have compelled the politicians and the permanent establishment to pursue policies that would have hastened the achievement of the goals set forth in the Directive Principles. I would submit that would not only be an easy answer, but in fact an incorrect answer. The fallacy of such claims is easily demonstrable: the judiciary has, albeit not very consistently, read many of the Directive Principles of State Policy into the Fundamental Rights and issued orders from time to time. One famous one, and which is critical to any notion of social justice, was the declaration of right to education until the age of 14 as a fundamental right. It took the political dispensation 20 years to enact a statute to give that decision legislative legitimacy and I am sure most reasonable people would accept the fact that its implementation is shoddy at best. Even today. Twenty years ago, Justice B.P. Jeevan Reddy, in his pragmatic idealistic approach, posited that this would be a part of the minimal moral content of Article 21. Most analysts agree that implementation of the Right to Education laws are spotty at best. We are entering a world in which many people speculate that Artificial Intelligence is likely to be the next big revolution, and that it would make many or even most human skills obsolete. Only those who have developed the skills at much higher levels of artistic and cognitive skills could find themselves useful and fulfilling work. How will our children even attempt scaling such heights, if they are deprived of basic education? And we still have elites, who control almost all of the black money and nearly 58 to 60% of the nation’s wealth, grumbling about how any attempts by the State to raise revenues to

educate our masses, to get them to be barely functionally literate would mean economic disaster, and how their incentive structures to be “productive individuals” and their “animal spirits” would be dampened.

Over the past two and half decades, increasingly the discourse has been against the State undertaking any welfare and social justice programs even as subsidies after subsidies and tax breaks after tax breaks were being extended to the big players in the private sector. With the discourse increasingly turning neo-liberal, the attitude of powers was that they could turn a blind eye to the tax evasion issues, and also issues relating to realizing appropriate revenues from exploitation of natural resources.

Given the impact that black economy and black money has on the State capacity, and the extent to which the constitutional responsibility of ensuring social justice informs all walks of national life was compromised, I believe that it would be amoral, and socially and constitutionally irresponsible to suggest that tax collection regime, and the regime of allowing private players to exploit natural resources, both under and outside contracts and without the state realizing appropriate revenue from them, be allowed to continue in the same fashion.

Post the decision by the Supreme Court in ordering a SIT, because the Court felt that the State was not being sincere in its efforts to prevent illicit outflows of black money, and tackling black economy in general, it appears that the GoI has taken some steps to address the issue with greater urgency and focus. While ordering the SIT, the Supreme Court also cautioned the Government and the people of two things: (a) the first was that the issue was extremely complex, especially with regard to identifying and attempting to bring back black money from abroad; and (b) that the battle would be a long one, with hits and misses and

hence requiring patience. In order to ensure that, in the long and hard road ahead, the enthusiasm of the Government does not flag, the Supreme Court converted a High Level Committee looking into the issues surrounding black money and black economy into a Special Investigation Team.

I would not like to go into a number of steps, and some may say even missteps, by the GoI to tackle this issue. That would make my lecture unnecessarily long. Yet, I suppose the thousand pound elephant in the room has to be touched upon – “Demonetisation.”

Let me start with a word of caution, after asserting a fact. Given the magnitude of currency withdrawn, and the numbers of people affected at one go, irrespective of whether we agree with the decision of the GoI on November 8, 2016 or not, we have to admit that it was a historic and an unprecedented move. It is not as if others had not spoken of demonetization as a means to combat the black economy. In recent years, Kenneth Rogoff, a professor of Economics at Harvard University, and the author of a book “the Curse of Cash” has been one of the strongest voices in favour of limiting or eliminating high denomination currency from circulation, permanently, as an effective means of combating criminal activities and tax evasion. In his interviews about demonetization decision in India, Professor Rogoff, taking on board the stated claims of Government of India, noted that the motivations seemed to be similar to the ones he advocated in his book the “Curse of Cash.” However, he also outlined two specific ways the demonetization in India was proceeding differently from what he had advocated – the first was that he had advocated that demonetization be done over a long period of time, some seven years, and that too with respect to large notes; and the second was that he had recommended that large notes be done

away with all together, whereas India was issuing an even bigger denomination note than the one demonetized.

From the available record, it seems that the White Paper of 2012 of the Government of India did contemplate the possibility of using demonetization as a means of combating the black economy. In particular the White Paper of the Government of India says:

“...given the primary importance of cash in relation to both the generation and use of black money, there is no alternative but to target cash transactions in a way that will not affect those complying with the law, while making it difficult for those intending to generate and utilise black money.”¹

So at a broad level it would appear that an internal study of the Government had indicated that demonetization could be a legitimate policy tool, provided however it was effectuated in a manner that it would not affect those complying with the law. Given the secrecy, scale and speed with which the Government of India proceeded on November 8, 2016, we would have to conclude that the Government of India decided on a course of action that was not in consonance with what a study commissioned by it had recommended. This is so because demonetization affected not just or mostly the ones who were suspected as hoarding black wealth in cash, but also everyone else. And it affected the poor the most adversely.

The chief concern obviously was with the impact of demonetization on such a massive scale would be on the weaker segments of the population who essentially depended on cash transactions, both to earn a livelihood and to sustain themselves. As most of you are aware, there were many, many reports in the media, both print and electronic, that there was

disruption in the lives of the people at a massive scale and that suffering was also wide and intense. There have been many reports of entire industries in certain regions having to shut shop, and many economists have opined that the negative impact from demonetization and the time taken to inject cash back into the system in new notes, would be extensive and deep.

My own impressions are that ordinary citizens have suffered a lot more than the better off, the salaried classes and the rich. Whatever our own estimates may be as to the extent of black wealth stored in cash, when demonetization was announced, surely we would have to agree that the largest numbers feeling the pinch were the ones least likely to have black money/ black wealth. And it is my belief that any policy decision that seems to affect the poor the most, and especially on this scale and intensity needs to be subjected to intense analysis, prior to its implementation with regard to what elements went into the decision making process, with regard to the impact on the people during the implementation phase, and also after the process has been completed. In fact, we are not yet sure whether the process has really been completed even now, because we still keep hearing about cash shortages for days on end, in at least a few ATMs and banks.

What the gains are, of course we will have to wait and see. The early indications are not very encouraging; however, we need to wait and see what follow on and collateral benefits there might be. However, the situation with the poor, or at least a large number that I have interacted with, is that they have suffered a lot but still believe that it may do good for the country. And many of them have consistently stated that even if they suffered more than the ones with black wealth, it would still have been worth it. Because it sends a message that accumulation of black wealth is not acceptable to them. Dr.

Y.V. Reddy argues that the decision by the Government is of questionable merit; he nevertheless finds that the more important message from the manner in which the poor have behaved may be that the people are unwilling to abide by the amoral conduct of the well to do and agents of the state with regard to the black economy.²

It is my belief that the manner in which the poor have taken on the burden of demonetization raises some very important moral questions about what is to happen next. I will try to raise a few, to give a sense of what has been engrossing me for the past three months or so:

(1) Are there any attempts by the Government to assess as to the full extent of suffering and damage to the sectors and economic spheres in which the lives of the poor are most implicated? And the steps to be taken to make sure that the poor do get the succor and help to be made whole again rapidly?

(2) That the poor have shown immense forbearance cannot be taken to mean that those of us who are better off, and the powers that be who have taken the policy decision are off the hook in being solicitous of their welfare. Nor does a victory in election absolve the ruling party of the responsibility of taking all the steps necessary to attempt ameliorating the continued negative impact on the poor. The message by the Government of India to the poor was that their suffering was in aid at reclaiming the soul of our country. To not truly reclaim that soul, in terms of the constitutional morality, would be a betrayal of the trust that the poor have placed, again, in the State, and those who control it. That should not and cannot be allowed to happen.

Is the Government of India doing everything possible on this front? I don't know. We need to ask, and it is imperative that the Government of India explain what is being done.

(3) It has become clear that whatever gains we may reap, in terms of reducing the size of the black economy because of demonetization, there are many other segments of the population which hold and enjoy immense amounts of black wealth and who have not been affected by demonetization. In fact, many reasonable people would probably say that demonetization, even if one were to assume it to be well intentioned, has not even really dented the real holders of black wealth. The battle of black economy now really needs to move to the big players in this.

India cannot afford to perpetuate the sense that crony capitalists, the big babus and the political operatives and parties looting this country have been allowed to get away scot free. The suffering that the poor have undergone and undergo everyday implies that the goal of social justice cannot be compromised.

Yet we hear about strange things. For instance the reported new law that sources of political funding need not be revealed. How do we even begin to conceive the nature of such a move to make political funding less transparent when it is widely acknowledged that political funding plays a key role in how the power of the people vested in elected representatives and the permanent establishment gets exercised in a manner that is detrimental to public interest? And that political funding is the fount of black

economy? I am at a loss as to what I should say about the contradictions in public values and destruction of constitutional morality by such a step. Can such a cynical move be the grand gilt edging for our Constitution?

There are yet other questions that arise about maintenance of integrity of institutions and bodies of governance. The houses of parliament, the judiciary, the army, the RBI etc., are intricately implicated in a finely wrought fabric of governance by our Constitution. They cannot be compromised willy nilly. So we need to ask questions such as:

(1) Were there consultations with a wider array of experts and/or heads of various institutions as to whether such a massive policy step ought to be taken, under what circumstances, and with what sort of preparatory steps being taken?

(2) Given that a Government of India commissioned White Paper cautioned against inflicting a burden on those who abide by the law, in the course of demonetization exercise, the sheer scale of demonetization effected on November 8, 2016 implies that everyone was caught up in the maelstrom. Surely, the Government would not have been unaware that even the law abiding citizens, and especially the poor were also going to be hit. What are the reasons and rationale by which the Government of India convinced itself that the warning in the White Paper need not be heeded?

From the perspective of constitutionalism, irrespective of whether the demonetization exercise turns out to be a roaring success or not, questions need to be asked about whether Indian constitutionalism ought to countenance such a mode of policy making and

implementation. From all accounts, this was a big step, a big decision. With potentially humongous implications for the lives and welfare of the people of India.

The questions then would have to be about whether such a decision ought to be taken without wide consultations, and obtaining the inputs of the widest range of experts? Constitutionalism implies a wariness of decision making by one person or even a small coterie of people surrounding the main power centers. This is so because the risk of failure, and catastrophic consequences goes up exponentially as the scale and complexity goes up, and the coverage extends to most of the populace. Moreover, once such decisions are accepted, they become a precedent. Modern constitutionalism is always worried about the exercise of unquestioned power by a tyrant unwilling to be stopped by the magnitude of negative consequences. We need to be worried about what exercise of power on this scale, and apparently without involving other institutions, would mean to making elected officials accountable to constitutional principles.

I think most of the answers to the questions I have raised above are covered by Babasaheb Ambedkar's speech at the ratification of the Constitution. He cautioned us that if we were to succeed as a constitutional democracy, we would need to do the following three things:

(a) Forswear unconstitutional means of pressurizing the State to do something or not do something and hold fast to constitutional methods of achieving our social and economic objectives.

(b) Not engage in such hero worship of the big man, or believe that one big man will solve all of our problems, that we end up suspending our faculties to see, observe, analyse, and critique the

decisions being made by the big man.

(c) Finally, never waver from the goal of instantiating social justice in all walks of life, and being particularly solicitous of the welfare and progress of the weakest among us, and reduce inequalities. And bring an urgency to our endeavours in pursuing the goals set forth in our constitution. If we do not genuinely do that, and show concrete results, the poor might stop believing in the promise of democracy. And that would be disastrous for our country.

The broad contours of responsibilities citizens, in how they should evaluate social and political action initiated by powers that be, as summarized by Dr. Ambedkar do not give us a specific road map. Obviously, generalizations at such a high level of abstraction necessarily imply that citizens have to think, question, debate, and seek answers. Such responsibilities are not easy to bear, and it might be very tempting into thinking that we should abandon them. Nothing could be more disastrous than that. If we were to do that, then surely the Constitution would fail, and as Dr. Ambedkar pointed out, the failure would not be because the Constitution is bad, but that man was evil.

I see many young faces in the audience. Most of you I believe are aspiring lawyers. On your shoulders would lies even greater burdens of ensuring the success of our Constitution. That is the bargain you struck when you elected to study law. Your profession cannot only be about making money, nor even just dabbling in ordinary law. Your training is meant to equip you with the tools necessary to interrogate the powers that be, and help our people shoulder their constitutional obligations. I am sure each one of you would take this nation forward, and help in delivering

constitutional promises to our people, starting with the weakest amongst us first.

Thank you all.

Jai Hind.

(During his four-and-a-half year tenure in the Supreme Court, to which he had been appointed on January 12, 2007, Justice B. Sudershan Reddy rendered several landmark judgments on various branches of law, in particular on issues of criminal jurisprudence, Constitution, taxation, service law and human rights. With a smiling face, he endeared himself to the members of the Bar and the Bench.

A few days prior to retirement, Justice Reddy delivered a judgment criticising the Union government for its slackness in probing black money cases and ordered the constitution of a Special Investigation Team under the chairmanship of the retired Supreme Court judge, Justice B.P. Jeevan Reddy, to take all steps for bringing back unaccounted monies unlawfully kept in bank accounts abroad.

Highlighting the importance of human rights, Justice Reddy declared illegal and unconstitutional the appointment of tribal youth as Special Police Officers/Salwa Judum or otherwise called 'Koya Commandos' by the Chhattisgarh government to counter Maoist violence or insurgency.)

(Footnotes)

¹⁻ White Paper 2012, GoI. P. 55, cited in Reddy, Ramamanohar C., *supra* note 4, page 62.

²⁻ Ibid, Foreword page xviii 

Human Rights Section:

Human Rights Abuses:

Will Supreme Court's verdict on Manipur fake encounter killings force the Centre to rethink AFSPA?

Ipsita Chakravarty

All evidence suggests the state violence engendered by the draconian law is not incidental but systemic.



The Supreme Court's July 14 judgement on alleged extrajudicial killings in Manipur takes an important institutional step. It recognises the presence of state violence in conflict areas. It also notes that the victims of such violence have no access to justice, which is a basic human right recognised by the Constitution.

The public interest litigation by the Extra Judicial Execution Victim Families Association Manipur, flagging 1,528 deaths between 1979 and 2012, was filed against the odds. The association is a registered trust whose members are women who have lost sons and husbands to violence by the state police and other security forces, including the Army and the Assam Rifles.

The petitioners had struggled to get First Information Reports filed. Now the Supreme Court has overruled the objections of the Centre

and the Army and ordered the Central Bureau of Investigation to set up a special investigation team to probe encounter deaths. The case has gone a long way in piercing the institutional blindness to violence by members of the security forces in conflict zones.

But can it work a change in the government's position that such violations are merely "isolated incidents", the work of a "few bad apples", resulting in "collateral damage"? Over 1,500 cases in one petition in one state alone suggests this violence is not incidental but systemic.

Impunity

The impunity that enables violations by the armed forces is wired into the system and comes primarily from the Armed Forces (Special Powers) Act, 1958, long targeted for criticism

by human rights groups. “Enacting draconian laws like the AFSPA means sustaining impunity vis-a-vis the extrajudicial means employed by the state,” writes social scientist Bhagat Oinam.

First imposed in Nagaland in 1958, the law defines the “use of armed force in aid of civil power”. It flows from the logic of a colonial state, which saw the police and the Army as complementary, not alternative, forces of control. It assumes the “good faith” of public servants acting in the line of duty. It empowers soldiers in “disturbed areas” to search and arrest without a warrant, and to open fire, while protecting them from prosecution by civilian courts.

Over the decades, AFSPA spread to other states of the North East before reaching the Kashmir Valley in 1990 and Jammu division in 2001. An act meant to meet the demands of “exceptional circumstances” lingered long after the crisis had waned. As it became the subject of public anger in these states, successive governments made and failed on promises to roll back the law. Barring Tripura, which withdrew AFSPA in 2015, and the municipal area of Imphal, the law stayed.

Meanwhile, courts and commissions of inquiry chipped away at the legitimacy of AFSPA. In 2005, after the killing of Thangjam Manorama by the Assam Rifles in Manipur triggered widespread outrage, the government set up the Jeevan Reddy Commission to review AFSPA. “The Armed Forces (Special Powers) Act, 1958, should be repealed,” the commission recommended, noting that it had become “an object of hate and an instrument of discrimination and highhandedness”. Still, the law stayed.

The petition filed by the Manipur trust prompted the Supreme Court to set up the Santosh Hegde committee to look into six charges of extrajudicial killing in Manipur. The committee filed its report in 2013, saying five of the six encounters were

“not genuine”, that “disproportionate force” had been used against persons with “no known criminal antecedents”, and that AFSPA gave “sweeping powers” to men in uniform without granting citizens protection against its misuse.

In July 2016, the Supreme Court, in a hearing on the Manipur cases, dealt a blow to the immunities enjoyed by the armed forces. In response to the Centre’s arguments that any person carrying arms in a prohibited area risked being considered an “enemy” and that the lack of immunity would demoralise armed forces, the court had this trenchant reply.

“It does not matter whether the victim was a common person or a militant or a terrorist, nor does it matter whether the aggressor was a common person or the state. The law is the same for both and is equally applicable to both... This is the requirement of a democracy and the requirement of preservation of the rule of law and the preservation of individual liberties.”

Besides, both the government and the Army have been opaque about how they handled complaints of human rights abuses in areas under AFSPA. According to reports that emerged this May, the Army claimed that of the 1,700-odd complaints received since 1994, just 66 had been found to be true. Only 150 soldiers had been punished and compensation awarded in 49 cases.

A recent Right to Information application filed by Venkatesh Nayak of the Commonwealth Human Rights Initiative in April this year revealed that 186 complaints of rights violation had been received in a roughly three year period from 2012 to 2016. Of these, 127 cases had been “disposed of”, though the Union home ministry does not reveal whether they were found to be true or false.

Jammu and Kashmir accounted for the highest number of complaints, nearly 50%, but just 3% of the monetary relief recommended. Assam

received the highest share of monetary relief, followed by Manipur. But the court, in its judgement last week, distinguished between compensation and justice.

“Compensation has been awarded to the next of kin for the agony they have suffered and to enable them to immediately tide over their loss and for their rehabilitation. This cannot override the law of the land, otherwise all heinous crimes would get settled through payment of monetary compensation.”

Denial

Over time, AFSPA has grown from a law into an institutional attitude. The impunity granted to Central armed forces has filtered through to the state police; they often operate jointly in conflict areas. And when impunity does not work, there is denial, both by the security agencies and the civilian administration.

Guidelines laid down by both the National Human Rights Commission and the Supreme Court in 2014 state that in case of encounter deaths, an FIR should be filed, investigation conducted by an independent authority and not by officers of the same police station, and a magisterial enquiry held.

These rules, however, have remained on paper in most states. In Manipur, the court says, not a single FIR was filed against any uniformed personnel or member of the state police. Instead, charges have been filed against the deceased for alleged violations of the law.

It does not stop at the police stations. Oinam describes the plight of young women in Manipur suddenly branded “terrorist wives”, with young families to bring up and little support either from the state or their communities. A report from 2011, jointly published by four human rights organisation and financed by the development aid organisation Cordaid, says the Indian government does not

extend financial support to the wives and children of those branded as militants. Governments and police have colluded to keep fake encounter victims invisible.

Closure

The court now places its trust in the CBI. But how independent is an investigation body that was famously termed a “caged parrot” by the Supreme Court itself, accused of acting at the behest of its political masters?

The CBI’s past interventions in encounter deaths have led nowhere. Take the Pathribal killings. In March 2000, unidentified gunmen shot dead 34 Sikhs in the village of Chittisinghpura in South Kashmir. Five days later, soldiers of the Rashtriya Rifles claimed they had killed five “foreign militants” responsible for the massacre in Pathribal. They turned out to be local men, whose bodies were charred beyond recognition.

The case wound through civil courts and with the CBI. The agency’s charge sheet submitted evidence suggesting that five soldiers were guilty of “cold-blooded murder”. But then the Supreme Court, in a 2012 judgement, said the Army could choose whether these men were to be tried in civilian or military courts. The Army chose the latter and closed the case in 2014, apparently for lack of evidence.

As the CBI now probes the Manipur encounters, the court must ensure that the investigation reaches its logical conclusion, insulated from political pressures. Judicial intervention has done a lot to push for accountability in conflict areas, to turn the conversation back to basic democratic and human rights. But progressive rulings by the court can only go so far when they are constantly buffeted against attitudes in the government and the Army, which would preserve the status quo. 

Courtesy **Scroll.in**, Thursday, July 20th 2017

(As per RTI data supplied by the Ministry of Home Affairs, Govt. of India a total of 186 complaints of human rights violations were received against the armed forces (defence forces and paramilitary forces) deployed in the States of Assam, Arunachal Pradesh, Jammu and Kashmir, Manipur, Meghalaya, Nagaland and Tripura during the period of a little over three years between 2012 to January 2016. However data for Tripura is up to 27th May, 2015 when the State Government ended the application of AFSPA across the State.)

J&K accounted for almost half number (49.5%) of the human rights complaints received against the armed forces during this period

Sumegha Gulati

Around 10.30 pm on January 25, Nasir Patigaru, a community worker and resident of Anantnag in Kashmir, updated his Facebook status. “Arrogance leads to destruction. By rewarding our mass executers, you might have that laugh, but this won’t be the final laugh. For oppressors are bound to get ruined,” he wrote, ending the message with the hashtag JagmohanTheMurderer.

Similar anguished messages turned up all over social media, all decrying the Union government’s decision to confer a Padma Vibhushan, India’s second highest civilian honour, on Jagmohan. Patigaru later recounted how his schoolmates would refer to Jagmohan as “*Jagmaar watul*” or “*laash watul*” in Kashmiri, which loosely translates as someone who would lay down a heap of corpses.

Jagmohan, a former civil servant, held several key posts in his career, including the lieutenant governorship of Delhi and Goa. But his most contentious spell was in the governor’s house in Kashmir.

Jagmohan served two terms as governor in Kashmir – from 1984 to 89, and then from January to May 1990. His first stint was largely considered peaceful, even popular by some accounts. As a senior editor of one of valley’s leading newspapers said, on condition of anonymity, Jagmohan’s image as an able administrator was received well by Kashmiris.

“He had worked well as lieutenant governor in Delhi so people believed he was good at the civic level,” the senior editor said. “He also introduced the usage of machines for the macadamisation of roads in Kashmir for the first time. So, people were happy with all these things.”

Former editor of *Greater Kashmir*, late Rasheed Shahid, had once told this reporter that, in his first time, Jagmohan held open durbars where “the poorest of Kashmiris could bring their problems”.

It was the second stint that left Kashmir with wounds that have never healed.

‘Bad, worst news’

At the time, VP Singh was prime minister, and violence was steadily erupting in Kashmir. In December of 1989, the daughter of Union Home Minister Mufti Mohammad Sayeed was abducted, and the Centre had decided to harden its position in the valley. Despite opposition from the state government, New Delhi appointed Jagmohan as governor, and in protest, the state government, led by Chief Minister Farooq Abdullah, resigned. The state went under President’s rule.

On the night of January 19, 1990 – the day Jagmohan was appointed governor – Kashmiri Pandits left the valley in large numbers for Jammu and other parts of India. “Insiders believed he facilitated the migration,” said Mohammad Yusuf Taing, an 80-year-old political commentator. “And the very next day, Gawkadal massacre took place.”

On January 19 night, security forces conducted house-to-house searches in Srinagar, ostensibly to find weapons and hidden militants. Hundreds were arrested in the operation. The next day, when crowds of protesters turned up at Gawkadal bridge in Srinagar, paramilitary

troops opened fire. At least 50 people were killed in what is now called the “Gawkadal Massacre”.

A statement issued by the Jammu and Kashmir Centre for Civil Society maintained that Jagmohan is remembered in the valley for orchestrating massacres, tortures, curfews and crackdown operations. On the second day of his rule, in a televised statement, he reportedly threatened to retaliate violently against any law and order problem. Apart from Gawkadal, the five months of Jagmohan’s second tenure saw killings by security forces in Handwara, Zakura, Byepass, Hawal and Mashaali Mohalla.

Umair Gul, a 27-year-old PhD scholar at Jamia Millia Islamia, recounted how Jagmohan was looked upon as a “devil figure” when he was growing up. “Jagmohan represented the bad, the powerful, who was responsible for all killings. He was held largely responsible – I don’t know how true is it – for the migration of Pandits. And he was always synonymous with all the violence in Kashmir. If we need to personify fascism, the first name to come to one’s mind would be Jagmohan.”

Jan 29, 2016. 

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Students' and Research Scholars' Section:

HUMAN RIGHTS REPORT: In the context of KASHMIR

(Abridged paper presented during internship at PUCL (Delhi))

Mir Jalal

MY METHODOLOGY

I have prepared the report on the human right issue in context with Kashmir. I have used authentic records comprising of eye witness testimonies and my own understanding of this issue as a young Kashmiri. I have tried my best to present the issue in the rawest form.

INTRODUCTION TO HUMAN RIGHTS

.....Jingoistic nationalism has chained our thoughts and made us think just in the boundary of our own nation state. ... The worrying part about is seeing people join in to support their rulers and army in this fanaticism of destroying terror while turning a complete blind eye towards the terror they themselves are committing. This madness and hypocrisy leads a country on a very dangerous path and distances people from people. In brief the world will never be a peaceful place unless and until state sponsored terrorism is regarded same as terrorism by non-state actors and its realized that a child killed in US is same as a child killed in Syria.

HUMAN RIGHTS AND KASHMIR

Being a Kashmiri, human rights and its synonyms become a cliché for you.

Here we have civilians being fired upon, women being raped, men being arrested unlawfully, custodial killings lest human rights thrown to the winds. We are left hopeless and especially when the perpetrators of such crimes are let free and leave us wondering. Then the impact this has on the population is much

adverse. The sense of despair engulfed by the people of Kashmir leaves psychological consequences of severe kind. The sense of lost identity which is left undefined. This is what defines being born in a conflict zone.

As someone born in the 90's the most volatile era in the history of struggle in Kashmir I remember the stories taught to me by my families of what used to happen around when I was still a toddler. Such stories would come shock to me as my perceptions built by the media was completely challenged by such hard hitting realities. Media told me this was a war between the good and the bad guys and the military are the good guys that they are with us and I lived with this fallacy for a long period. But upon hearing the truth itself and incidents of killing done by the army I used to be shell shocked that those people who are meant to protect us are the ones who actually kill us, meme us and torture us. So what remains of the truth if the villains are wearing the cloak of hero. And the biggest irony was that these weren't some isolated incidents commenced by the Black-sheep's in the forces because if it had been so the culprits would have been put to task but, instead this was a systematically orchestrated killing spree and the perpetrators were given immunity from any crime they committed. Upon knowing the truth by reading and hearing about it the heroes and villains in my perceptions switched places. Then as I grew up I witnessed 2008 where youngsters who protested for their demands were shot dead, the trend of stone started then in 2010 more than 120 killed by

state agencies .Stones where returned with bullets. Then saw the recent 2016 violence in which protestors where blinded and also shot dead.

The fact of the matter is the state has never responded with amity to any kind of dissent by Kashmiris instead whenever they stood up for their right to self-determination their rebellion has been crushed with iron fist. The main reason for such unprecedeted cycle of killing was the realization of immunity granted by the country laws to the perpetrators. Various draconian laws halted any kind of scrutiny process on state sponsored killers. And thus increased the volatileness of their oppression. These laws provide an impressive cover up to the crimes and very finely are successful in creating a tacit atmosphere of fear among the civilian population that they are free to do anything and will not be held accountable. . Shutdowns and curfews were a month long phenomenon and with that the crackdowns and arrests were inevitable.

I still remember some of the horrific incidents of grotesque violations of human rights which I heard from my uncle. The most well-known of that is the massacre of Nawabbazar. Many were killed that day. It was early in the morning there was an attack outside our house on the CRPF patrol party they retaliated firing indiscriminately in all directions. There was a dear cousin of my grandfather MdShafi who attempted to peep through the door to look and was shot right in the chest. Another person was named Sajjad also called Sajj,he had gone to bathroom outside his house at early in the morning on the way back unaware of the actual situation he was followed by CRPF personal suspecting him to be the militant who fired at the party. As soon as Sajjad went inside the CRPF broke inside breaking the front door, the family members were all asleep at that time and CRPF fired indiscriminately on them in their sleep and killed all the family members. In that

same massacre the deceased included women too, the toll is estimated to be 10 to 12 and dozens injured. Here innocents were massacred but no one was prosecuted and brought to the task. The killers went free with the shield of draconian laws. This was their license to kill. The fear prevailed in entire Kashmir so much so that people were not sure to return back home in the evening. My uncle recalls how the forces unleashed terror on anyone they could find just to went their frustration out. These incidents are which could not see the light of the day for they might not have been on that large scale but had the exact same degree of human rights violence if not more. I also recall the unpopular incident when children playing in the Gani memorial stadium Rajouri kadal where shot at killing and injuring dozens.

I myself might not have seen these grotesque killings and massacres with my own eyes but I have felt its vibes after reaching the age. I have witnessed the cross firing, the beatings, the arrests, the crackdowns, the bombings in the land otherwise known as heaven on the earth.

It has to be mentioned here as a matter of fairness and justice that the rebels were also responsible for human rights violations. One of the main reason of security forces firing on civilians was because militants fired while hiding among the civilian population and then running away from the scene. The security forces who knew that they were disguised as civilians and also had the sympathizers among the popular population cared less but to open fire upon the people and kill people.

Noteworthy Human Rights violation incidents in Kashmir

GawKadal Massacre: Also known as Jaliawalabagh kind massacre of Kashmir. This incident took place in volatile *Maisuma, Gavkadal* Srinagar ,a hot bed of separatist leader Yasin Malik. What happened that in 1989

anti-India demonstration where held against 1987 rigged elections. When the protestors reached the bridge the eyewitness narrates that some miscreant in the crowd threw bottle at the CRPF bunker. The CRPF retaliated by opening indiscriminate fire on the demonstrators. More than 50 people were killed and hundreds injured. Eyewitness describe the horror of the incident by taking out dead bodies from underneath the bridge of *gawkadal* indicating how people tried to save themselves from the bullets but still were shot dead just like people in jaliawalabagh jumped in the well.

Zakura Massacre: This incident happened in between *zakura* and *teangpore* bypass Srinagar where protestors where gathered to demand UN resolution be implemented but where instead fired upon killing 33 people. None of the security personal was prosecuted for the massacre.

Handwara Massacre: On winter of January 1990 BSF fired upon demonstrators killing 26 people.

Hawal massacre: One of the most infamous massacre in the history of Kashmir. This happened on the funeral of the main opposition leader Mirwaiz Muhummud Farooq (May 1990). A huge gathering of people where carrying the body of the leader mirwaiz muhammad Farooq. The protestors where fuming with rage on the assassination of their leader. The CRPF fired directly on the protestors killing up to 60 civilians. This was the highest toll ever killed in a massacre by security forces in Kashmir.

Sopore Massacre: Sopore located in district baramullah is famous for its steadfastness in the freedom struggle. The place is the hot bed of separatist leader Syed Ali Shah Geelani. On January of 1993 Indian forces fired on protestors killing 55 of them. Militants belonging to JKLF group fired upon BSF contingent killing one

soldier and in response the BSF went on a killing spree, firing at people, and destroying anything in their path. Burning down houses and vehicles. The government later said it suspended the perpetrators.

The Bigbehara Massacre: Of the most audacious massacre is the bigbehara massacre. In October 1993 Indian security forces laid siege to hazratbal shrine in Srinagar to neutralize militants inside. What followed was series of sporadic protests across Kashmir. Among one was the huge demonstration after Friday prayers in Bigbehara where 10,000 people had gathered to protest against the siege. As soon as the demonstration reached the national highway BSF opened fire killing at least 50 and injuring 200. There was a magisterial enquiry ordered to probe the incident and the report concluded accusing BSF for unprovoked firing on protestors and dismissing the version of BSF that militants in the crowd fired upon the party. 12 members of BSF were accused of the incident. But later all were acquitted of their charges and no one was actually prosecuted.

Kupwara Massacre: Kupwara massacre is the incident where the army fired on protestors killing 27 of them and injuring 33.

The list of the massacres is long each one with its own significant intricate details. But there is a commonality between all of them that is it was the common unarmed civilian who faced the brunt. What can also be counted as Intermittent massacre is during the civilian peaceful uprising in 2008, 2009, 2010 and 2016. In these protests which were without guns we still see Kashmiris being killed, maimed and tortured even after resisting nonviolently. Such kind of response to nonviolent means has now forced many Kashmiri youngsters to pick up arms to fight injustice. As we see the number of youth joining the armed groups has gone record high after 90's.

INDIAN ARMED FORCES AND HUMAN RIGHTS

Indian armed forces may be a symbol of infallibility and most divine agency for Indians but for Kashmiris it's nothing more than an army of occupation and violence committing torture, rapes and massacres in the state. This is can be said by looking at its record through its history in the valley.

It would be unfair to say that the only place and role of the army is be the tyrant, it has indeed done many commendable jobs in helping people all across the state. But whenever there was any gesture of what they would deem anti national and what we might call rights they would turn into brute force.

AFSPA (Armed forces special powers Act) is a law disallowing any sort of legal retaliatory action against the army. I.e. the army will not be scrutinized for unconventional measures taken in disturbed zones. This act guarantees Army unprecedented powers to act whenever required or felt so, even if it meant killing someone also arrest people in suspension, detain them without trial, search and destroy premises.

We have had numerous fake encounters in the Kashmir valley where army officers just for the sake of encouragement and promotions shot innocent people in cold blood and then claimed the action as a result of gun battle. These concocted stories have been exposed by human rights group as how army officers are involved in faking the gun battles and listing the killed people as terrorist whereas it's later found out to be completely false.

What follows after that is the extra judicial killings. This has been exposed by identification of mass graves in the valley. People detained killed in torture or shot were then thrown into the pits and covered up. With the discovery of

these graves there have been evidence showing bullet ridden bodies and signs of torture.

This explains clearly the case of enforced disappearances. Around 8000 people in Kashmir including women and children have been forcefully disappeared by the security forces. Such stories make someone with any sympathy sob in tears. When the forces barge into homes take the men out resisting women are left dumbfounded, then starts the long journey of these family members in search of their beloved but they are left unanswered at every door. How would the poor mother feel who raised the boy with her blood and sweat and all of a sudden once he is taken by the army while she is left waiting till death approaches her she still chanting the name of her son.

Yet another methodology entailing AFSPA is the sexual violence against the women. Sexual violence and cases of molestation are frequent in conflict zones especially in Kashmir where army has used it as a psychological tool to break the spirit of Kashmiris who hold any such intimacy as a violation of their honor. Numerous cases have been reported of women having been raped molested and even killed. The Shopian rape case in which two women were raped and murdered by security forces then their bodies were thrown into the nearby shallow river. The most infamous case of a mass rape incident, which I heard, is the **Kunan Poshpora** incident. It is told that on February 1991 in Kunan Poshpora village Kupwara army conducted a crackdown taking all the men out of their houses into the fields. While in houses itself army went on a rape spree, raping more than 100 women according to eye witness. However 'Human Rights Watch' has reportedly stated that more than 50 woman had been raped. But the Indian authorities allege that these poor village woman all came together to set up a plan to malign the image of world's 3rd

largest army. The after affects and stigma of the incident still is prevalent in the village where women folks are being refused in marriage proposals and student dropout of the highest number due to taunts and slurs passed to their children.

It has been observed that Kashmiri woman are very prone to suicides and the reason for that is pointed out to be this conflict. There has been a record high suicide cases of women in past two decades such was the psychological effect of this violence.

THE ISSUE OF KASHMIR

The Kashmir issue forms the most important part in the politics of India whether it's foreign or regional. There is narrative built and disseminated to Indian people to satisfy their whims. The main points of this narrative is that Kashmir is the integral part of the country and Kashmiri people are in support of India and stand with Indian security forces, that whatever is happening in the valley is all sponsored by Pakistan through his black sheep's in the valley (i.e. separatist leaders) and that is clear cut terrorism which Pakistan is spreading through radicalization. What we find here is the absurdity and completely contradictory claims which are impractical and something to laugh about.

To know what actually is the situation for its important for an Indians to visit Kashmir and talk to people and ask themselves instead of believing everything on media. Because that's the only way to know the truth and come to

know about the ground reality.

Indians and India have to understand Kashmir from a humanism point of view without applying the jingoistic formula because that has created nothing but problems. Kashmiris do not hate people of India but the policies of the government of India which have always had adverse effects on them. And what spews this hate and anger is the arrogance of India that instead of accepting its misdoings it's encouraging it under the cloak of defending the nation. The situation is turning from bad to worse especially after the rise of right wing in the country which has had such an effect on Kashmiris that this was the 1st time in its history of Indian occupation peoples voting turnout was record low. This was a clear indication that Kashmiris have lost trust in the Indian democracy. This was a clear mandate for India to realize that the situation is going out of hand but instead of that the Indian establishment and media continued to trend on the same path of aggression so much so that now we see cases like Kashmiris being used as human shield by the army and instead of holding the violator accountable government of India rewards and applauds the army personal for his action. Also Kashmiris are now been under sever attack for showing any kind of affinity or even understanding towards Pakistan. What kind of message is India sending to Kashmiris?

(**Mir Jalal**, Intern at PUCL (Delhi), Student of M.A development communication Jamia Millia Islamia, New Delhi.) 

Gandhi, the eternal anarchist!

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

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

Humanist Activities:

N. Damodaran Commemoration

The first death anniversary of N. Damodaran, veteran Radical Humanist and Royist in Kerala was observed under the aegis of the M. Govindan Foundation of India and the N. Damodaran chair of M.E.S College, Valanchery on 27th July 2017.

In a half day seminar conducted at MES College, Valanchery, Dr. P.V. Krisnan Nair, former secretary of the Kerala Sahithya Academy presided. The function was inaugurated by Sri Bhaskar Sur, former General Secretary of West Bengal Radical Humanist Association. Sri.Sur spoke at length on M.N Roy's political evolution, his ideas and their relevance in contemporary world.

Sri C. Radhakrishnan, distinguished scientist and Malayalam novelist in his commemorative speech on "New Humanism" stressed the importance of humanism, including the Radical Humanism, as the last resort for the existence

and survival of humanity.

The other speakers of the seminar were Prof. Thomas Mathew, (who translated some of the works of M.N. Roy into Malayalam language), poet Alankode Leelakrishnan, Prof. P.V. Unnikrishnan, Sri V.T. Vasudevan, Ms. Sheeba Amir and Adv. T.K. Saithalikutty. They were in the close circle of late N. Damodaran and his activities. They remembered Damodaran as a Radical Humanist and writer and his quest for freedom and search for truth that formed the underlying foundation of his life.

Sri P. Rajendranathan, the eldest son of N. Damodaran, on behalf of the family and friends of his father expressed the vote of thanks to the organisers, guests and participants.

P. Raveendranathan, Sreelakm, Ambika Road, P.O. Pallikunnu, Kannur-670004

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- Mahi Pal Singh, Editor, The Radical Humanist

N. Damodaran Commemoration



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inaugurating
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C. Radhakrishnan
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on
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