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Need, Scope, Strategies

R.M. Pal

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Movement

Mahi Pal Singh

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Editorial :

Three Steps Forward in the Liberation Movement

Mahi Pal Singh

Apart from bringing in the 70th anniversary of the independence of the country on 15th of the month, this year's August will be especially remembered for bringing in another three liberating events – first the declaration of *Triple Talaq* in one go as unconstitutional by a constitution bench of the Supreme Court of India with 3/5 majority judgement on 22nd August, liberating half the population of Muslims, the Muslim women, from the scourge of centuries old undue, barbaric and biased male dominance giving men the right to divorce their wives just by pronouncing '*Talaq*' thrice without assigning any reason whatsoever. Let fundamentalist elements and the clerics, who cannot be expected to support any progressive measure however beneficial it may be for the community in the long run, make any amount of hue and cry over the decision, this judgement is going to stay and keep Muslim women free from the scourge of instant triple talaq.

Then came another vital unanimous judgment on 24th August 2017 by the constitution bench of nine Supreme Court judges that right to privacy is "intrinsic to life and liberty" and is very much a fundamental right under Article 21 of the Indian Constitution, overruling the earlier contrary judgments by smaller constitution benches of eight-judges and six-judges in **M.P. Sharma** and **Kharak Singh** cases delivered in 1954 and 1961, respectively, that privacy is not protected under the Constitution.

Several petitions were filed in the Supreme Court in 2012, the first short having been filed by retired Karnataka HC judge KS Puttaswamy, joined later by Bezwada Wilson, Shanta Sinha,

Major General SG Vombatkere, member of the National Alliance of People's Movements (NAPM) and People's Union for Civil Liberties (PUCL), Aruna Roy, founder of the Mazdoor Kisan Shakti Sangathan (MKSS) along with Shankar Singh, Nikhil Dey and many others, challenging Aadhaar as a breach of privacy, informational self-determination and bodily integrity. The petitioners argued that Aadhaar enrolment was the means to a "Totalitarian State" and an open invitation for personal data leakage. Usha Ramanathan has been continuously warning people against the Aadhaar for infringing the privacy of individuals through her writings and lectures.

The nine-judge Bench's judgement gains international significance as privacy enjoys a robust legal framework internationally though it had not been defined clearly in India. The judgment will have a crucial bearing on the government's Aadhaar scheme that collects personal details, biometrics to identify beneficiaries for accessing social benefits and government welfare scheme.

At last came the conviction and sentence, respectively on 25th and 28th August 2017, in a double rape case against the chief of Dera Sacha Sauda (DSS), Gurmeet Ram Rahim Singh, the first bold judgement against a self-proclaimed, powerful and politically backed godman, better called 'Satan personified', whom M.N. Roy, a great freedom fighter, intellectual giant and one of the earliest exponents of democratic and individual freedoms in India, would have appropriately described as a '**holy loafer**'. The judgement could well be a

trendsetter because it would not have been easy for the CBI investigators and the Special CBI Court judge to act in an upright manner completely ignoring the political and administrative pressures and influences to go slow or to close their eyes to some incriminating facts to let the culprit go scot free. In this case both acted in an exemplary manner earning the respect of crores of right thinking people of the country and abroad. There are many cases of rapes, murders, running sex rackets or fake job racket, possession of illegal arms etc. against many self-claimed godmen (read holy loafers) like Asaram Bapu accused by a 16-year-old girl of raping her in his ashram in Jodhpur, Sant Rampal arrested along with his followers on charges of sedition, murder, attempt to murder, conspiracy, hoarding illegal weapons, Shiv Murti Dwivedi aka Ichchhadhari Baba, arrested in 1997 for running a prostitution racket, released on bail only to be arrested again in 2010 for running a multi-crore sex racket, Swami Sadachari the once influential 'Godman' who was known to be closely associated with those in power and arrested for running a brothel, Jayendra Saraswathi the 69th Shankaracharya Guru of the Kanchi Kamakoti Peetham accused of ordering a murderous assault on a temple auditor who questioned the disappearance of 83 kg gold meant for Kamakshi Temple in 2002 and in 2004 accused of murdering a temple manager and former devotee of the Kanchi Mutth.

Now we can hope that in the cases pending in courts against such godmen who have been showing the fear of non-existent God to the gullible and blind devotees, most of them belonging to the uneducated and poor sections of society, and exploiting their religious sentiments only to deprive them of their money, land and property and the young girls of their honour, will be decided in a just manner and at a fast pace and the gangster-*babas* masquerading as holy godmen will be suitably

punished. The Parliament should think seriously in terms of bringing in strict legislation to confiscate all the cash, land and other property amassed by such *babas* by befooling people. The judiciary can also force administrative machinery to enforce existing laws, as did the Punjab and Haryana High Court did in the present case, disregarding political pressures. Maybe, innocent and believing people, many of them well educated ones, who have been easy prey for such *babas* start thinking rationally and not become victims at the hands of such hypocrites. They will, then, be free from self imposed but wholly unnecessary religious bondage which does not let them think freely and rationally. Otherwise such *babas* and their *Deras* with secret luxury suites, meant for their carnal pleasures, will continue to mushroom as they are doing these days. The Parliament should also enact laws to confiscate all the vast empire of *Deras*, lands, properties and wealth running into billions of Rupees amassed by these unscrupulous *babas* by exploiting the religious sentiments of the public and not allowed to go into the hands of family members like legitimate inheritance. We can also hope, though against all hope, because some parties are in the habit of exploiting religious sentiments of the people for their political-electoral benefit, that political parties and leaders will stop surrendering before and lying prostrate at the feet of such *babas* for their support in elections.

The violence, arson and terror indulged in by the goon force of the rapist *baba* (who was later sentenced to 10 years of imprisonment each in two cases to run consecutively on 28 August 2017), which had come there in an organized and well planned manner carrying weapons and petrol bombs, which engulfed some parts of Haryana, particularly Panchkula, immediately after Gurmeet Ram Rahim Singh the self-styled godman and chief of Dera Sacha Sauda was convicted on 25 August 2017 by a special CBI

judge in two rape cases of minor Sadhvis of his *dera*, is illustrative of the deplorable state of law and order in the State and complete failure of the BJP government of Manohar Lal Khattar, particularly as it came after the earlier incidents of mayhem and complete failure of the state machinery during the Jat reservation agitation, which cost the people in heavy loss of life and property, and the Sant Rampal (another sect chief who was also arrested in multiple cases including that of murders) arrest case. A three-judge bench of the Punjab and Haryana high court made several serious remarks, demolishing completely the government's defence for not reining in Dera Sacha Sauda followers, who ran riot on that day. "This was a political surrender to lure vote banks," the court observed, asking the state why it couldn't stop 200,000 followers of the sect from gathering in Panchkula in spite of prohibitory orders. At the time of sentencing Gurmeet to 20 years in jail, the special CBI court observed that he did not spare his own disciples and "acted like a beast". The judge also observed that he does not deserve any mercy. The judge further observed, "Both the victims put the convict on the pedestal of 'God' and revered him like that only. However, he committed breach of gravest nature by sexually assaulting such gullible and blind followers."

The two victims had to wait for 15 long years and to fight it out alone since 2002, defenceless against all kinds of threat from the perpetrator of the crime and his goon force from the Dera – the den of all kinds of illegal activities with a huge dump of illegal arms including firearms including AK 47 and machine guns – enough material and history to call him a hardened and conspiring criminal. During this long fight, one of them even lost her brother who was murdered by the same goon force. Their indomitable courage needs to be saluted because the perpetrator had the support of top leaders of the ruling dispensation, who, in fact, have

made him the monster that he has become today with his spiraling empire of more than 1000 crore across the country and crores of blind supporters as per his own claim. Even among the present BJP government of Haryana there are leaders, including the chief minister Manohar Lal Khattar, who regularly visited the Dera for political support of his followers. The BJP in-charge of the state Kailash Vijayvargiya, powerful Haryana Education Minister Ram Vilas Sharma, influential Haryana minister Anil Vij, Minister of State for Urban Local Bodies in Haryana Manish Grover have all been visiting him and donating to him huge amounts of public money out of discretionary fund – nothing short of bribe to garner his support in the forthcoming state assembly elections. Some of them visited him as late as on 15th August this year, on his birthday, with good wishes and huge donations when the case against him was pending for judgement within less than a fortnight. Delhi BJP chief Manoj Tiwari had earlier visited him to seek his blessings for success in the Delhi Assembly elections. It is a different matter that the BJP could manage to win only three seats in the assembly of 70 seats and got the most scathing defeat in the elections in spite of the blessings of the rapist *baba*.

The BJP MP Sakshi Maharaj on Friday, the day of judgement, came out in support of Dera Sacha Sauda chief Gurmeet Ram Rahim and instead of blaming the BJP government or the followers of the rapist *baba* for the large scale violence and arson in which 32 people died, many vehicles including cars, trucks, buses and OB vans of the TV channels were burnt and hundreds of people were injured, the BJP MP, a hatemonger of the saffron brigade and himself a rape and murder accused, who is always in the media for wrong reasons, blamed the judge for all this mayhem. And the BJP leadership has not come out with a single word against the outrageous MP or against the goon force which

did all this, for fear of losing the votes of the Dera supporters. Of course, there is no question of taking any action against him for his derogatory remarks against the judge. After a few days of sentencing of Ram Rahim, another BJP MP from Hamirpur-Mahoba constituency in Uttar Pradesh came out in his support calling him ‘great saint’ adding, “The humiliation of saints, who have lakhs and crores of followers and that too on a complaint of a single person is really painful.” Such remarks, come as they do from those who are lawmakers and supposed to uphold the rule of law as per the Indian Constitution, are highly condemnable. However, that does not reduce the influence they carry with the administrative machinery. We can gauge the clout and influence of the rapist *baba* in the BJP which is ruling in Haryana and at the centre. One can imagine the travails, plight and still the courage of the victims who fought against such a brute who enjoyed such tremendous support of the ruling dispensation.

It must be noted here that “speaking after the conviction of the Dera chief, M Narayanan, a retired DIG of the CBI, said that former PM had ignored political pressure and given Central Bureau of Investigation (CBI) a free hand. “The then Prime Minister Manmohan Singh stood by the CBI and ordered us to go by the law. He went through the statement made by two Sadhvis before a judge and did not succumb to the pressures from Punjab and Haryana MPs. After seeing the victim’s statements before a judge, Singh backed us,” Narayanan told CNN News18 in an interview,” as reported in OneIndia. “Narayanan also mentioned that his boss Vijay Shanker was unfazed when

“powerful MPs asked him to drop cases against Ram Rahim.” If the CBI investigators had not got the freedom to investigate independently, the case would have been dead long ago.

Ram Chander Chhatrapati who first broke this story in 2002 in a small local daily called ‘Poora Sach’ (Total Truth) and kept pursuing the issue despite death threats ultimately paid the price with his life. He was in hospital after five bullets had been pumped into his body in October 2002 but the police did not even turn up for recording his statement during the 28 days he was in hospital before finally succumbing to death.

But the silver lining is that there are people who have the courage and commitment to stand up and fight for justice. Stalwart lawyers Hon’ble Rajindar Sachar (Retired Chief Justice of Delhi High Court and a former National President of PUCL), R.S. Cheema, Ashwin Bakshi and Lekhraj ji fought this case pro-bono. Sh. Rajindar Sachar an octogenarian then, an old, frail, white haired upright gentleman fought the case without charging a single rupee. We hope that justice will soon be done in the Chhatrapati murder case also in which Gurmeet Ram Rahim Singh is the main accused and in which case judgement is expected soon.

We have won some battles for achieving the goal of a democratic and equitable society and certainly the three judgements have strengthened our faith in the rule of law and constitutional governance. They have also taken the cause of personal and democratic freedoms a little further. We hope that those who cherish these values will continue their efforts to take them further in the desired direction. 

Swami Vivekananda on sectarianism, bigotry and fanaticism

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

Swami Vivekananda

Chicago, Sept 11, 1893.

Articles and Features:

A note on Human Rights Education – Need, Scope, Strategies

R. M. Pal

(Because of the need and relevance of human rights education today even more than when the article was written, we are reproducing it here. Dr. R.M. Pal left us on 13 October 2015. This article is being reproduced as a tribute from 'The Radical Humanist' to him. – Mahi Pal Singh)

(Indira Gandhi National Open University, New Delhi held a symposium on "Human Rights Education in India – Need, Scope, Strategies", and an expert committee to draft a course outline on the subject which the Political Science discipline proposes to introduce in the University. This writer was an invitee in the symposium and the expert committee. The following is a brief summary of his presentation at the symposium and the expert committee meeting. – R.M.P.)

I need not speak on the need for human rights education, except to say, by way of making observations, that if we want India to occupy her rightful place in the comity of nations, we have to reorient our present and future keeping in mind that the fundamental inspiration for human progress comes from the demand for freedom, respect for human rights and dignity. In fact, these are cultural values which are eternal as well as spiritual, and without such values there will be no human heritage worth cherishing. It is regrettable that not much well-informed discussion on human rights education in India, has taken place. Such discussions have not been common even among groups and activists working for civil liberties and human rights. An attempt was made to have a symposium through the columns of the PUCL Bulletin in which scholar-activists like Rajni Kothari, Sibnarayan Ray wrote on the subject. Subsequently, a one-day workshop was held in March 1995 organised by the Delhi PUCL with the assistance of the NHRC.

When I speak of lack of concern, I am not unaware of the mini-industry that has come up

in the name of human rights and human rights education during the last 3 years or so particularly after the NHRC came into existence. I don't wish to list these 'industries', many of which are funded by the government, and some under the inspiration of the NHRC, and some funded by the foreign funding agencies. Let me however refer to a couple of instances: UGC Sikri Committee Report; a committee constituted by Professor Upendra Bakshi, then vice-chancellor (a human rights intellectual) in 1994 (not many of the names in the committee would inspire confidence); and a Source Book prepared by the NCERT on a request made by the NHRC, which gives a summary of international covenants, our constitution, etc.

For a long time, nobody knew about anything about the Sikri Committee recommendations, the Delhi University committee has hardly ever met; and if a study of UN covenants and our Constitution is what is needed, well we have been studying these for a long time now – why do we need one more source book? This is not the way – I hope the NHRC and the NCERT

will not misunderstand me – to go about inculcating a human rights culture as per Section 12 of the Protection of Human Rights Act 1993 – “The Commission shall undertake, protect and promote research in the field of human rights (and) spread human rights literacy among various sections of society and promote awareness of the safeguards available for the protection of these rights through publications, the media, seminars and other available means.”

Let me mention very briefly as paradigms a couple of areas which need special attention: (1) How do we “teach” tolerance which is the most important value to be imbibed in a pluralistic society like ours? All the three religions in India, Hinduism, Christianity, and Islam, see women as inferior to men, and deny equal rights to women. Even Buddhism practices segregation of sex in monastic life. (3) Any theory and philosophy of human rights would reject the notion of social hierarchy in terms of birth, i.e. the caste system. (4) The right to question authority, for example authority of the Bible, or of the Koran; or of the Gita. How does one reconcile this to criticize authority which is central to the philosophy of rights?

Let us hope the NHRC will take up such questions and problems and place them on their agenda. What the NHRC is doing now – introducing human rights as a subject (just another subject) right from primary school continuing upto college and university level – will at best add to the growth of the mini-industry I referred to. I am sure the NHRC appreciates the fact that issues relating to human rights education demand open and intelligent public discussion, and also that it is a wrong approach if some central body devises a syllabus and imposes it on a school/college system. Human Rights education issues cannot be settled by any fiat from an authority from above.

We may take up couple of issues by way of

giving examples - tolerance and divinely ordained hierarchical system. I think it is important that we trace the values of tolerance in our own heritage, not on any imaginary past, nor in any journalistic flourish that many of our intellectuals/columnists indulge in – like “Indis has a glorious past of 5000 years written in gold”, and so on; we must pinpoint the particular period, movements and leaders whose central theme was tolerance. I also refer to a study of Hinduism as reflected in non-Sanskritic tradition and a study of Islam in the light of the local cult - the interaction of Bhakti and Islam, specially the Sufi idea which gave rise to a number of progressive movements with the core philosophy of tolerance in the medieval period; and how this core philosophy was adopted by a number of our reformist leaders in the 19th century, and freedom fighters in the 20th century. Also, we should lay emphasis on a study of our own ancient philosophies and thoughts which rejected the caste system. Let me refer to a few instances to illustrate this. Buddha rejected the caste system. That it was repudiated in ancient India is also illustrated by a number of characters in the Mahabharata: (i) The story of King Yayati and Devyani – a Brahmin marries Yayati who is a Kshatriya with the consent of her father, Guru Shukracharya, (ii) Vidura one of the wise men in the Mahabharata and also described as the very incarnation of Dharma, was the son of a Shudra woman, (iii) Rishi Vashishtha was born of a prostitute, (iv) Parashara was born of a Chandala woman. An example, of argument against caste division, from the Bhavishya Purana, “All human beings have the same Father, and children of the same Father cannot have different castes.” The caste system had a racial origin, in its association of castes and colour. For example, in an important verse in the Mahabharata: Bhrigu explains the nature of castes to Bharadvaja: “Brahmins are fair, Kshatriyas are reddish, Vaishyas are yellowish,

and the Shudras are black". But what is important for human rights education is that Bhardvaja questions this theory: "We all seem to be affected by desire, anger, fear, sorrow, worry, hunger and labour; how do we have caste differences then?" (Shanti Parva).

Then, the teachings of Hindu reformers, largely in the Bhakti movement in the medieval period were completely independent from orthodox scriptures – in fact, most of them revolted against orthodoxy. They practiced and taught tolerance. They were all against the caste system.

We must also lay emphasis on the interaction of Bhakti and Islam. It should be emphasized in our text books relations between Islam and the religions of South Asia were marked by mutual understanding, tolerance, and cooperation, and that they were promoted by the rise and spread of Sufi Bhakti ideas. The coming of Islam, looked at in this context, was an event of outstanding significance for the history of the sub-continent.

The "strategy" – not a very happy expression, though! - should be: that we begin with the positive aspects of our own heritage and revive them, and prepare a course of study based on that heritage for human rights education. We must, however, guard ourselves against romanticizing the past; instead we must raise our voice of reason and wisdom. Which means that we must revive only that past which can guide us to respect the individual's dignity and human rights with a view to building a future of which we can be proud. Which further means that we must discard those aspects of our past, like for example, the laws of Manu, the principle of hierarchical division of society and which hamper our progress and which go against the philosophy of human rights. In fact, we must discard all that seek to persuade the poor, the depressed, the oppressed and the exploited to

reconcile their lot to suffering, sacrifice, and voluntary poverty – all that signify complete surrender, and absence of the spirit of revolt. We must appreciate the fact that the highest appreciation of our past is to find out how it could generate in us the spirit of revolt against social injustice and human rights violations, and to inculcate that spirit. These are some of the broad ideas which, I think, we should keep in mind while discussing human rights education.

We should then introduce our students and teachers with the western components, like the Magna Carta, the Renaissance, the American Declaration of Independence and the Bill of Rights, the French Declaration of the Rights of Man, Universal Declaration (1948). Another section may be devoted to our Constitution, role of voluntary organizations both in India and abroad, and human rights abuses by the State and its agencies.

Broad Outlines of a Syllabus:

Objectives of a course in Human Rights must be stated, like, for example: (a) to create awareness about the absence of equity in our society – which gives rise to human rights violation; (b) to create awareness among law-enforcing agencies about the need for respect for rule of law in civil society; (c) to create awareness, especially among the middle class – for justice, fraternity, equality, tolerance, and a cosmopolitan outlook. (This is not exhaustive).

1. Evolution of Human Rights: A brief outline: (a) Buddha – Education for all, tolerance, eradication of human suffering; (b) The Medieval Period: specially under the heading, TOLERANCE: a study of Hinduism as reflected in non-Sanskritic tradition; and a study of Islam in the light of the local cult; the interaction of Bhakti and Islam, specially the Sufi idea which gave rise to a number of progressive movements with the core philosophy of tolerance; (c)

The British period: Movements for abolishing of Sati, for widow remarriage; role of a section of the Christian Missionaries; Movements for abolishing untouchability and for temple entry; Debate with regard to the Caste System; Criticism of negative role played by the theories of Karma, or Transmigration of Soul, Maya etc; Movement against Communalism; (d) Fight against unlawful laws imposed by the British.

2. 2. Evolution of Human Rights: Magna Carta; The Renaissance; The American Declaration of Independence and The Bill of Rights; The French Declaration of the Rights of Man. (A brief study of various thinkers).

3. Universal Declaration of Human Rights: Covenants: UN Human Rights Commission and various other UN Agencies;

4. Independent India: (a) The Constitution of India: Various laws and Enactments, (b) Unlawful laws enacted by successive governments, (c) Fight against infringement of civil liberties and violation of human rights; role of voluntary organizations, (d) Evaluation of the work of NHRC, Women's Commission, Minority Commission, SC/ST Commission, (e) Societal violations of human rights and how to tackle them, and so on.

(Printed in the PUCL Bulletin, April, 97, Pages 8-10).

Dr. R.M. Pal was a former Professor of Delhi University, President of PUCL Delhi, a prolific writer and thinker on human rights issues with many books written and edited by him and Editor of the 'PUCL Bulletin' and 'The Radical Humanist' for many years. He was a leading radical humanist and very close to M.N. Roy. 

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Bhindranwale to Ram Rahim: India singed by cocktail of politics and religion

Dhananjay Mahapatra

The Molotov cocktail of politics and religion has been the bane of Indian democracy. Our Constitution expressly bars mixing of politics with religion. But politicians have successfully dodged the constitutional mandate to hobnob with religious leaders for narrow vote bank gains.

When powerful politicians and bureaucrats patronise preachers, healers and sectarian leaders, these ordinary mortals start masquerading as ‘godmen’, gain a halo of invincibility and become megalomaniacs.

Followers of a Baba convicted of rape, Ram Rahim, whipping up violence leading to many deaths is a warning of this heady yet destructive cocktail that has been periodically denting rule of law. The Manohar Lal Khattarheaded BJP government failed to deal with the situation due to its reverential treatment of the controversial Baba-turned-film actor.

Ram Rahim is only the latest symptom of a chronic disease that had been ailing Indian polity since ages. The British nurtured Muslim League and advocated religion-based separate electorate to whip up communal passion that divided the country and tore apart communal harmony. Mahatma Gandhi’s heroic efforts failed to mend the tattered secular fabric.

Murderous communal mobs that roamed both sides of the India-Pakistan border had the tacit support of local politicians. A disillusioned Gandhi became a deeply disappointed man.

Four decades ago, the Akalis swept Congress out of power in Punjab. State Congress leader Zail Singh and Sanjay Gandhi nurtured Sant Jarnail Singh Bhindranwale to break up the Akalis. The book ‘Amritsar - Mrs Gandhi’s Last

Battle (1985)’ by Mark Tully and Satish Jacob gives vivid details of this religion-politics cocktail.

When a Bhindranwale-led jatha attacked Nirankari Guru Baba Gurbachan Singh and the resultant mayhem killed 12 Sikhs and three Nirankaris, “the Congress publicity machine projected Bhindranwale as the hero of the attack on Nirankari convention”, says the book.

In the 1980 general elections, “Bhindranwale campaigned actively for the Congress in three constituencies. His name was already so influential that two of the candidates printed posters saying ‘Bhindranwale supports me’.

One of the candidates was the Hindu R L Bhatia who was the president of Punjab Congress party,” it says. The fire caused by the potent politics-religion mix often singes the one who prepares the explosive mixture. ‘Operation Blue Star’ and assassination of Indira Gandhi are prime reminders of this.

But history keeps repeating itself because politicians find the vote bank route to power more profitable than the loss caused to the nation. Time will not spare Khattar or BJP of the consequences of the government’s ineptitude, which appeared deliberate, in dealing with goons following Ram Rahim’s conviction.

Khattar will soon realise the meaning of a Biblical proverb — “As you sow so shall you reap”.

The trial judge and the Punjab and Haryana High Court deserve a salute for their attempts to preserve rule of law. But what can the judiciary do when the government is hand-in-glove with criminals? Politicians of Khattar’s ilk must read the SC judgment in S R Bommai

case [1994 (3) SCC 1] to understand what our Constitution says on religion and politics.

“One cannot conceive of a democratic form of government without the political parties. They are part of the political system and constitutional scheme. Nay, they are integral to the governance of a democratic society. If the Constitution requires the state to be secular in thought and action, the same requirement attaches to political parties as well. The Constitution does not recognise, it does not permit, mixing religion and state power. Both must be kept apart. That is the constitutional injunction,” the judgment said.

“Introducing religion into politics is to introduce an impermissible element into the body politic and an imbalance in our constitutional system... Under our Constitution, no party or organisation can simultaneously be a political and a religious party. It has to be either,” it added.

India has a long history of Congress routinely getting favourable fatwas from Muslim clerics on the eve of elections asking the community to vote for the party. BJP and Shiv Sena have used Hindutva as a tool to counter this. They were

countered by Indian Union Muslim League and All India Majlis-e-Ittehadul Muslimeen in their areas of influence.

Amid appeasement, its counter and sectarian politics, power-hungry vultures have had a field day in preying on secularism and harmony.

No one cares for what the SC had said in the Ramesh Yeshwant Prabhu verdict, or the ‘Hindutva judgment’ [1996 (1) SCC 130], which had again prohibited mixing religion with appeal for votes.

In the Bommai case, the SC had said, “If a political party espousing a particular religion comes to power, that religion tends to become, in practice, the official religion. All other religions come to acquire a secondary status, at any rate, a less favourable position. This would be plainly antithetical to Article 14 to 16, 25 and the entire constitutional scheme.”

We certainly hope politicians will learn a bit — from the events surrounding Bhindranwale to Ram Rahim — about the dangers the country faces when they deliberately mix politics with religion.

Comment

There are still many more babas deeply involved in politics. Some of them are super rich, thanks to blind followers. They easily manipulate the minds of people. Babas who take deep interest in politics wealth building and popularity should be seen with suspicion.

Alwin David

Courtesy **The Times of India**, Aug 28, 2017 

The Radical Humanist on Website

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

- Mahi Pal Singh

Comment

All that Gauri Lankesh stood for

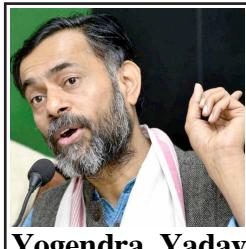


Her murder is an attempt to kill an idea

What killed Gauri Lankesh? This is not the same question as “who killed Gauri Lankesh?” This is deeper and a more rewarding question. In any case, this is the only question we can meaningfully answer in the public domain.

A murder involves four categories of culpability: those who carry out assassination, those who conspire, those who encourage or benefit from it, and those who are involved in its acquiescence. We must leave the first two for the police to determine. Instead of rushing to conclusions about the assassins and conspirators, let us focus on the larger context that encouraged and acquiesced to, indeed celebrated, her murder.

This is particularly relevant in the case of Gauri. She was not just a person. She represented an idea. It is reasonable to assume that her assassination is an attempt to shut down that idea. It is also meant to convey a signal to everyone else to shut up, or else. Since these signals are in the public domain, we can and must decode these in order to understand the context that led to her assassination.



Yogendra Yadav
President of
Swaraj India

A word about the ‘whodunnit’. So far, we know only a few relevant facts. Gauri Lankesh was a journalist, a fearless editor of an extraordinary paper called *Gauri Lankesh Patrike*. She had been carrying out a crusade against the Hindutva politics of the Bharatiya Janata Party and its allies through the paper she edited, and organisations like Komu Souharda Vedike. Last year she lost a defamation suit by a BJP leader; her appeal against it was pending. She had received several threats from Sangh Parivar affiliates. As far as we know, there was no personal enmity angle to this murder.

The killing of ideas

This information is good to draw a reasonable inference: she was killed because of her ideas and her determination to speak her mind. But this information is not adequate to reach a definite conclusion about the identity of the killers and the conspirators. It is only fair that the criminal investigation must not be carried out in TV studios. This is not to say that we must trust the police. Indeed, police investigations in similar cases, whether under the Congress or the BJP regime, have been perfunctory. Still we cannot pre-empt the investigation, even if we scrutinise it later.

While we do not have evidence of who planned her murder, we have lots of evidence concerning those who celebrated and justified her murder. Social media was abuzz with comments that mocked, abused and blamed a woman who had been killed a few hours ago. Most of them were

well-established BJP trolls. Some of them were followed by none other than the Prime Minister. In this context, it was vital for the ruling party to dissociate itself from this campaign. But except Ravi Shankar Prasad, no senior BJP leader spoke unequivocally against such comments. The PM is yet to ‘unfollow’ any of these trolls.

We also know the eerie pattern that was replicated in three murders prior to hers. The murder of rationalist Narendra Dabholkar in 2013, that of Govind Pansare, another campaigner against superstition, in 2015, and academic M.M. Kalburgi in 2015 followed identical patterns. In each of these cases, unidentified killers shot down intellectual crusaders inimical to the ideology of the Sangh Parivar. These were not murders to avenge any other act of violence. Nor were these attempts to eliminate a political rival. These were aimed at silencing an idea. Let us not forget that these three ‘rationalists’ were not promoting some idiosyncratic idea: cultivation of ‘scientific temper’ is very much our constitutional ideal. They were killed by an ideology inimical to our Constitution. *Prima facie*, Gauri’s killing fits into this pattern.

From a rooted tradition

Her ideas were, of course, not the same as the other three. Everyone, supporter as well as detractor, has assumed that she was a ‘leftist’. There has been some loose talk of her being Naxalite. This is not true. Gauri represented an illustrious intellectual tradition of Karnataka that does not fit into any of these categories. As the editor of *Gauri Lankesh Patrike*, she carried forward the legacy of her father P. Lankesh, the founder of *Lankesh Patrike* and one of the three iconic writers of the ‘*Navya*’ school of Kannada literature. Inspired by Ram Manohar Lohia, these writers from Shimoga — P. Lankesh, Poornachandra Tejaswi and U.R.

Ananthamurthy — combined a strident anti-caste stance with the socialist brand of egalitarian politics and culturally rooted secularism. They mentored the next generation of Kannada intellectuals like Devanur Mahadeva, Siddalingaiah and D.R. Nagaraj whose writings have inspired ‘progressive’ activists in Karnataka.

This socialist tradition is ‘left’ in the sense of being pro-people and egalitarian, but very different from the communist ‘left’ in terms of its cultural orientation. This tradition is rooted in Kannada egalitarian thought that goes back to Basavanna. Although on some issues Gauri was closer to the orthodox left than her father, her secularism was a continuity of this tradition. Like her father, she chose to write in Kannada and in a popular idiom. This form of culturally rooted secularism is in line with the secularism of our freedom struggle. The Sangh Parivar fears this most, as this form of secularism cannot be brushed aside as deracinated, westernised intellectualism.

Her very name carried a challenge to what is now being presented as Hindutva. This is the time of the year to welcome the arrival of ‘Gauri’ — also known as Durga, Parvathi, Bhavani or Shakti — in many regions of the country. ‘Lankesh’ is, of course, Ravana, the ultimate devotee of Lord Shiva. Her name invokes the tradition of Ravana worship among Shaivites, a practice that upsets the project of homogenous Hindutva.

Gauri lived a life of ideas. It is unsurprising that she was killed by an ideology — one that stands in opposition to our Constitution, denies the values of our freedom struggle, fears our intellectual traditions and is threatened by the multiple strands of Hinduism. She was killed by the ruling ideology of our times.

Courtesy **The Hindu**, September 08, 2017 

India descending into chaos: “Hindu gangs can lynch and rape without fear of punishment”

LONDON:

Indian organisations based in the UK have expressed their “distress and concern” to President of India Kovind in a letter this Independence Day, about the anti-minority violence by the BJP government.

A demonstration was held in London on India’s Independence Day.

Here are extracts from the letter:

Your Excellency,

We the undersigned are extremely distressed and concerned that during the last three years, *India has become a country where Hindu supremacist gangs can lynch and rape freely and without any fear of punishment, where children, women and men are brutally killed for what they eat, who they love and simply for who they are.*

On this 70th anniversary of Independence, India has become a Republic of Fear where justice, democracy and the basic right to life lie in tatters. PM Modi made highly Islamophobic comments about retiring Vice-President Hamid Ansari, after he dared to suggest that Muslims felt increasingly insecure in India.

We demand that the BJP government put an end to the violence against Muslims, Christians and Dalits and indict not only the perpetrators of these horrific crimes but those, including senior politicians of the BJP, who have instigated communal and anti-Dalit violence.

We demand the immediate resignation of Uttar Pradesh Chief Minister Yogi Adityanath who has been one of the most virulent promoters of hate and has callously tried to evade responsibility for the deaths of nearly 70 children in a government hospital in his longstanding constituency.

Some of the types of extreme violations affecting Muslims, Christians and Dalits include:

- Lynchings of Muslims and Dalits, and stripping, flogging and public humiliations. These terrible acts of violence are taking place across India, including in Uttar Pradesh, Gujarat, Rajasthan, Assam and even in the outskirts of the national capital, Delhi. To start with the pretext was often that the victims have eaten beef, or slaughtered cows, or are transporting cows in order to slaughter them. The perpetrators are Hindu-supremacist gangs of so-called Cow Vigilantes. In the vast majority of cases, they have been neither punished nor condemned by the government. Instead the police have often charged the victims and BJP state governments have given tacit encouragement to the violence by making statements and announcing policies which call for harsh penalties for cow slaughter.

- There is a horrifying rise in the rapes, mutilation, acid attacks and other forms of violence, often followed by murder, of women and girls of all communities, but Dalit women and girls and those

from religious minorities are being specifically targeted. Among recent cases are two Muslim women raped and their relatives killed after being falsely accused of eating beef in Haryana and the gruesome gang rape of the recently buried body of a Muslim woman in UP.

- Muslim or Dalit and so-called ‘lower-caste’ men in relationships with, or married to, Hindu or upper-caste women have been brutally attacked or murdered by mobs. In the case of Muslim men these murders are being instigated and justified by the baseless trope of ‘love jihad’ according to which Muslim men abduct and have relationships with Hindu women only to convert them to Islam

- Many areas, particularly in UP, but also elsewhere, have seen attempts at ethnic cleansing with threats and attempts to displace long-established Muslim communities. 2013 saw a pogrom in Muzaffarnagar UP which had a chilling similarity with the genocidal killings of Muslims which took place in Gujarat in 2002 when Modi was Chief Minister of the state. In Muzaffarnagar some 50,000 people were displaced, many were children. As human rights organisations have noted, the attacks in both Muzaffarnagar as in Gujarat were deliberately engineered by Hindu supremacists

- The appointment of Yogi Adityanath as Chief Minister of UP, India’s most populous state, in March 2017 has further emboldened those perpetrating communal and caste violence in UP, which is also spilling over to other states. **Adityanath has a record of hate speech and has several criminal cases pending against him.**

In the last few days, **nearly 70 young children died in UP in a government hospital in Gorakhpur, which was Yogi Adityanath’s own constituency. We are appalled that the Chief Minister has tried to justify the recent deaths, saying it is ‘normal’ for children to die in August**, and has ordered the police to organise Janamashtami celebrations on a ‘grand’ scale when people are in mourning for the avoidable deaths of so many children.

On the 70th anniversary of India’s Independence, we will not remain silent and allow the forces of the Hindu right to transform India into a Republic of Fear. 

Yours sincerely

Nirmala Rajasingam, South Asia Solidarity Group

Satpal Muman, Castewatch UK

SOAS India Society

Santosh Dass, Anti Caste Discrimination Alliance

Federation of Ambedkarite and Buddhist Organisations UK

Eugene Culas, Voice of Dalit International (VODI)

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.”

Meat and Greet

Sangeeta Mall*

Recently a well-known chain of supermarkets opened a fresh-only outlet inside a rich residential society in Mumbai to much gratitude and fanfare. The residents had a difficult time locating a proper greengrocer, and a facility like this was invaluable. The store became successful from day one, garnering lots of footfalls. Sensing a need gap, the store offered, apart from fruits and vegetables of all kinds, the daily necessities of bread, eggs and milk. There was even further rejoicing at the prospect of buying packaged eggs instead of the dubious fare peddled by the egg-wallah who went from door to door. Modernity had entered the hallowed portals of this apartment complex, and the residents were extremely pleased. Until some of them were not. This unhappy group informed the managing committee of the apartment complex that the presence of eggs in the store offended their vegetarian sensibilities, that they were put off at the sight of a crate of eggs next to a crate of tomatoes, and so what if they actually didn't see any eggs, these being stored in opaque boxes of six eggs each. The committee, sensing potential trouble and discord, decided to stop the store from selling eggs. The egg-eating population, though inconvenienced, shrugged their shoulders and returned to the egg-wallah. At least they were getting quality fresh produce. A little trouble on the egg front was worth it. But the store manager, troubled by such one-sidedness in decision-making, pushed back and brought the eggs back. The message was clear: while all customers were welcome, the store wouldn't allow them to dictate terms to it; that it would do what was in its best commercial interest. It was a bold decision, but the upshot has been an increase in the store's revenue and respect for its inclusive ethos.

In Western India, the debate over vegetarianism is noisy and often ugly. Commercially, the vegetarians are at the top of the food chain. The Jains of Gujarat and the Marwaris of Rajasthan, both rabidly vegetarian communities, control the stock exchange and trade. Economic power has brought with it political power, wielded to ensure that their way of life is sanctified, almost encoded, against, it should be noted, the principles of equality enshrined in the Indian Constitution. Thus we have an entire neighbourhood in Mumbai, one of the richest in the country, where all meat selling is proscribed because Palanpuri Jains, who have made this neighbourhood their home and constructed a huge temple there, have used their clout to forbid it. Grocery stores don't stock even Maggi Chicken noodles, and the confectionery store, part of a nationwide chain, stocks only eggless cakes, the only one in the entire country to do so.

Jain investors have prohibited large modern grocery chains from dealing in meat and fish by cutting off funding routes for them so that while the promoters, in the interest of increasing footfalls, would like to offer the entire range of food products, they find themselves up against a wall. The message is loud and clear. The investors will 'not be happy' to see the stores indulging in undesirable behaviour, i.e. they will not invest.

This attempt at creating uniformity in eating habits isn't a new phenomenon. In fact the Malabar Hill-Walkeshwar area of Mumbai has been firmly vegetarian for over a quarter of a century, not only because of the sentiments of some of the residents, but also the active efforts of the former MP from that area who belonged to the BJP.

Over the last couple of decades, minorities including Muslims, single women and some foreign nationals, have been increasingly pushed to the margins in residential neighbourhoods. A metropolis like Mumbai, known for its inclusive and pluralistic ethos, is gradually becoming host to residential ghettos. Muslims, in particular, are hampered in their attempts to find housing in multi-ethnic neighbourhoods. Vegetarian-only buildings are cropping up everywhere. There's even an attempt to close down meat shops during the Jain festival of Paryushan, though Jains form only four per cent of the city's population.

The chief minister of Gujarat, Vijay Rupani, in a zealous attempt to overthrow the Constitution, declared a few months ago that he would make Gujarat a vegetarian state, ignoring the fact that over forty per cent of Gujarat's population eats meat. It's a testimony to our indifference to such blatant lawlessness that the man continues to be in a Constitutional role.

The Hindu ambivalence towards the consumption of meat ranges from hatred to mild distaste, and all shades in between. All across North India, signboards proclaiming 'Pure Veg' are strung up on restaurants. Fasting amongst most communities is associated with vegetarianism. The Hindu scriptures declare the consumption of meat to be a 'tamsik' activity, leading to base thoughts and actions. Many communities, particularly in the Gangetic plains, forswear meat-consumption and associate it with immorality. The idea of pollution extends to food habits, and kitchens where meat is cooked are considered unclean, irrespective of the actual standards of hygiene.

Religious beliefs cannot be questioned on the basis of rationality. A person who has grown up on a vegetarian diet can hardly be expected to eat meat and like it. Moreover, years of

indoctrination about the evils of a practice, even though it has no basis in science, cannot be overturned through rational argument alone. Therefore, there's no point in trying to convert a believer. On the other hand, the attempt to inflict one's point of view on the rest of the environment can have perilous consequences, as Kumar Mangalam Birla, one of India's leading industrialists and a staunch vegetarian, admitted in a speech a few years ago. The Aditya Birla Group acquired some interest in Australia. Workers there asked if they'd be expected to convert to vegetarianism since they were now going to be working for a 'vegetarian' company. Birla, a pragmatic businessman, realised the risk of being typecast as intolerant and set about changing the corporate culture to include all dietary habits.

There are two reasons why India can't continue down its present path of diet homogenisation. Gujarat is one of the most industrialised states in India. This means that there are many foreign nationals living and working there, most of whom would be meat-eaters. Would Mr Rupani really like to threaten his state's prosperity by creating a culture of food intolerance? Does he believe that these foreigners would be happy to succumb to his agenda of homogenisation, born of hatred for the other? Doesn't he know that these workers would vote with their feet, leaving his precious state in a state of economic uncertainty? Perhaps his bosses, hopefully more far-sighted and intelligent than him, have warned him against making such sweeping statements. Hopefully, commerce, the slave of pragmatism, will supersede intolerant ideology.

But the second, far more important reason to push back against widespread intolerance, is the Constitution. India is a secular country, and articles 19, 20, 21 and 22 of the Indian Constitution have assured freedom of

expression to every Indian. This means that no state or non-state actor has the right to impose their point of view upon another. In a narrow sense, this means that every Indian has the right to eat what she likes where she likes. No one should have the right to claim 'hurt sentiment' by a private act. How can a neighbour be offended by what I cook inside my kitchen? Or what I put on my dining table?

While intolerance and suspicion of the other has remained a constant undercurrent in our national discourse, disregard for the Constitution and its secular character is becoming a norm rather than the exception. This is because individuals are emboldened to practice intolerance when the state turns a blind eye to this tendency.

How can we, as loyal followers of the Constitution, reverse this trend? There are many methods. Legal remedies, public condemnation, name and shame, and local sensitisation are some of the tools that can be used to dilute dietary intolerance. It's obvious to everyone except the purveyors of hate and intolerance that for India to take its place on the world stage, it has to become the secular, inclusive, modern nation that our founding fathers wanted it to be, and not descend into fundamentalist anarchy.

Courtesy countercurrents.org.

***Sangeeta Mall** is former Managing Editor, The Radical Humanist and former Editor, International Humanist News. She can be contacted on sangeetamall@gmail.com 

An Appeal For Donations

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We request readers and sympathizers to donate generously for the above project as this literature will go long way in enriching the humanist and renaissance movement in the country.

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Tearing down and rebuilding history

Aditya Sinha

In the US, Trump claims removing Confederate statues will tear apart history, at home BJP has no problem in breaking Gandhiji's statue



Another statue of General Robert E Lee was taken down at Duke University Chapel in North Carolina, US on Saturday. Pic/AFP; (right) Assam's first BJP government is mulling on pulling down Gandhiji's statue sculpted by Ramkinkar Baij in Guwahati

A statue got pulled down. On August 12, when in Charlottesville, Virginia, White Nationalists held a rally against the pulling down of a Confederate General's statue, a confrontation with counter-protestors led to a neo-Nazi ploughing his car into a crowd (the same terror method used by Islamic State throughout Europe last year, including in Barcelona last week). Soon after, I spoke to my mother in New York, who was rattled by President Donald Trump's siding with the anti-black Klu Klux Klan and the anti-Jew neo-Nazis.

"Trump is no different than Modi," I told her, referring to our Prime Minister.

"Don't say that," she gasped. "Amita (her weekly domestic help) refuses to hear anything against Modi. She thinks he'll solve all of India's problems."

"Then she's no different from the Whites who support Trump," I said.

Indians worship Modi while hypocritically looking down upon Trump. They call Trump a barbarian. However, Trump attended the University of Pennsylvania, even if he wasn't a topper, while Narendra Modi has been to Delhi University.

Trump created businesses, even if some were duplicitous schemes and others went bankrupt; Modi only helps businessmen. Trump loves marriage so much that he married three times; Modi has preferred the Indian tradition of *sanyas*, to project incorruptibility. Trump wants to ban Muslims from entering and living in America; Modi wants to keep Muslims in line.

Take this statue business. With a White

backlash developing in America after a Black man was elected president not once but twice, a backlash to the backlash has developed, in which local governments are pulling down monuments of Confederacy ‘heroes’, secessionists who lost the 1861-1864 Civil War. (It erupted after the industrial North, which preferred cheap wage labour for its factories, legislated to do away with slavery; the agricultural South was not yet mechanised and preferred to retain slave labour.) General Robert E Lee led the Confederate Army and his statue was removed from Charlottesville’s Emancipation Park (itself renamed from Lee Park). Southern Whites remain disgruntled about losing that war 150 years ago; they form the backbone of Trump’s electoral legitimacy.

Trump likened the tearing down of statues of Robert E Lee and Stonewall Jackson (number two in the Confederate Army) to tearing down one of George Washington, the General who fought the British for American independence in 1776 (he was the USA’s first president in 1781). This is disingenuous: Lee and Jackson were secessionists, akin to Kashmiris or Nagas, while Washington is akin to Mahatma Gandhi. No wonder American journalists abandoned neutrality and condemned Trump for his remarks; Vox.com went so far as to call Trump “immoral”.

A monument is created to commemorate a person or event. (It comes from the Latin *moneo*, which means ‘to remind’.) India is planning statues and monuments to commemorate the past, and none of us can object to Dr BR Ambedkar or Sardar Vallabhbhai Patel or Chhatrapati Shivaji being remembered; they all are critical to our heritage and history. But there are also sporadic lunatic attempts to commemorate Gandhiji’s assassin, Nathuram Godse, a right-winger who ought to stay consigned to the dustbin of history. One day, perhaps Yogi Baba (UP Chief Minister Yogi Adityanath) will take over India and this will happen.

Or take the government’s current year-long commemoration of a second-rater like Deen Dayal Upadhyay, who contributed zero to India; possibly the celebration is intended to divert attention from former PM Indira Gandhi’s centenary. Upadhyay wrote only one major piece in his life, and it is polemical: it coined “integral humanism” without any explanation about what this entails other than being in opposition to the communist MN Roy’s “radical humanism”. This government plans to commemorate other pygmies like Veer Savarkar, who directed his fellow travellers not to join the 1942 Quit India movement.

What if Modi and gang erect statues of Upadhyay, Savarkar, etc, and once the Era of Modi is over, someone else tears them down - then will a future BJP leader say, Trump-like, that tearing down their statues is similar to tearing down Gandhiji’s statue? You may think this laughable, except that a trial balloon to tear down Gandhiji, whom BJP president Amit Shah called a *chatur baniya*, has already been floated.

In Assam, recently, news broke of a proposal to tear down Gandhiji’s statue, installed in Guwahati in 1970. The reason? Sculptor Ramkinkar Baij “distorted” the Mahatma. Baij was not a portraitist but an artist, his work interpretational; art historians call the statue a classic. Forty-seven years after the statue was erected, Assam’s first BJP government mulled pulling it down. A backlash stopped them. Yet the Modi/Trump era has just begun. The fight for shaping our memory has just gotten underway. In that fight, some statues are bound to get pulled down.

Courtesy **Mid-day.com**, Mumbai, Posted 21-Aug-2017

*Aditya Sinha’s crime novel, **The CEO Who Lost His Head**, is available now. He tweets @autumnshade. Send your feedback to mailbag@mid-day.com* 

Tackling Criminalization of Politics

S. N. Shukla

In his last address to the Constituent Assembly Dr. Rajendra Prasad had said: “If the people who are elected are capable and men of character and integrity, they would be able to make the best even of a defective Constitution. If they are lacking in these, the Constitution cannot help the country.” However, the framers of the Constitution failed to provide necessary safeguards to ensure that only persons of character and integrity are elected. Being themselves dedicated selfless persons fired by patriotic sentiment, in their enthusiasm and euphoria of newly won independence they ignored the statement of Winston Churchill that in India “Power will go to the hands of the rascals, rogues and freebooters”.

The cautious ones, however, had sounded a warning during the debate on the Representation of the People Bill 1951. Shri K.C. Sharma said: “It is of great importance that the altars of democracy in our land should be kept pure and unblemished”. Likewise, Shri Munishwar Datt Upadhyay had cautioned: “But so far as this Bill is concerned, it has an intimate relation with our life and everyone among us who is present here thinks that if any defect or any other thing is left out then we may not be able to set up this House and the States’ legislatures and Councils properly, and such a thing may cause a grave harm to the Country”.

The degeneration in the polity of the country during the last 65 years shows how true and prophetic the above observations were. Over the years, number of persons with criminal background has shown alarming increase in Parliament and State Legislatures. As per the data compiled by Association for Democratic Reforms (ADR), available on their Website <http://www.adrindia.org>, the number of MPs in Lok Sabha with criminal record increased from 128 in 2004 to 162 in 2009 to 185 (34%) in 2014 as

also the number of MPs involved in heinous offences (such as dacoity, rape and murder) increased from 58 in 2004 to 76 in 2009 to 117 in 2014. Likewise, out of total 403 MLAs in UP, the number of MLAs with criminal record increased from 140 (35%) in 2007 to 189 (47%) in 2012 but mercifully decrease to 143 (36%) in 2017. However, the number of MLAs with declared serious criminal cases against them has increased from 78 (19%) to 98 (24%) to 107 (26%) in 2017. An analysis of over 60,000 records of candidates and winners since 2004 by ADR shows that the percentage of tainted winners (23%) is almost double that (12%) of clean candidates. These figures ring an alarm bell for the shape of things to come. We seem to be moving in the direction predicted by Mr. Churchill. Thus, we have the spectacle of law breakers becoming/continuing as law makers jeopardizing the future of the democracy in the country. This anomalous situation was never envisaged by the framers of the Constitution and Representation of the People Acts 1950 and 1951. If the present trend continues unchecked soon persons with criminal background may have majority in the Legislatures.

In his article captioned, “Need for systemic changes in Governing structures” published in the PIONEER in November, 1996 the then Leader of Opposition Shri AB VAJPAYEE wrote “Criminalization of politics is having a direct bearing on the composition of and functioning of the legislature as well as the executive”. The resolution adopted by the Parliament in 1997 at the time of Golden Jubilee of Independence began by saying, “That meaningful electoral reforms be carried out so that our Parliament and other Legislative bodies be balanced and effective instruments of democracy; and further that political life and process be free of

the adverse impact on governance of undesirable extraneous factors including criminalization” However, nothing substantial has been done by the successive governments in the last 20 years to restore and maintain the purity of the highest democratic institutions of Parliament and State Legislatures by preventing entry/continuance of persons with criminal background in these August Bodies.

The present day undesirable alarming situation of persons with criminal background adorning the Parliament and State Legislatures is partly the result of the deficiencies in the existing electoral laws and partly due to their non-compliance. The main causes are as follows-

1. Disregard of the judgment invalidating Section 8(4) of the RP Act, 1951.

In a landmark historic judgment dated 10.7.2013 (reported in AIR 2013 SC 3537) in the WPs filed by our organization Lok Prahar and Ms. Lily Thomas, in that order, the Apex Court struck down Section 8(4) of the RP Act, 1951 which permitted even murder convicts to continue as Law makers and Hon’ble Members of Parliament/State Legislature, and even Ministers.

However, the absence of an uniform and effective approach regarding follow up action in cases of conviction of sitting legislators has resulted in situations of frustrating and nullifying the said judgment. In UP, despite being convicted for 3 years’ imprisonment, a State Minister completed his term due to delay and inaction on the part of the Assembly Secretariat in issuing the notification regarding his disqualification and misconstruction of the stay order of the Session Court and misinterpretation and misapplication of the law by the High Court. The Apex Court did not entertain the SLP and the Review Petition in the High Court against dismissal of the WP remained pending. In two other cases MLAs in Maharashtra and Andhra Pradesh have

continued despite being sentenced to 2 years imprisonment.

Significantly, there is no constitutional or statutory provision for the notification regarding disqualification and vacancy of seat upon conviction being issued by the Secretariat of the concerned House. On the contrary, Section 8 of the RP Act, 1951 provides that the disqualification under that Section becomes effective from the date of conviction and Articles 101(3)(a) and 190 (3)(a) provide that his seat shall thereupon become vacant. This position has been affirmed in several decisions of the Apex Court in the cases of Saka Venkat Rao, Brundaban Nayak, P.V. Narsihma Rao, and Consumer Education and Research Society. Accordingly, we have filed a PIL in the Apex Court for clarifying the legal position that no such notification by the Secretariat of the concerned House is required and the Election Commission should straight-away issue the consequent notification regarding vacancy of seat due to disqualification upon conviction and for laying down the procedure in this regard in such cases. The Hon’ble Court has been pleased to issue notice.

2. Contempt for the decision in Manoj Narula’s case.

The Constitution Bench in a very erudite and landmark judgment in the case of Manoj Narula Vs. Union of India, JT 2014 (9) SC 591, ruled as follows-

“86. Thus, while interpreting Article 75(1), definitely a disqualification cannot be added. However, it can always be legitimately expected, regard being had to the role of a Minister of Council of Ministers keeping in view the sanctity of oath he takes, that the Prime Minister, while living up to the trust reposed in him, would consider not choosing a person with criminal antecedents against whom charges have been framed for heinous or serious crimi-

nal offences or charges of corruption to become a Minister of the Council of Ministers. This is what the Constitution suggests and that is the Constitutional expectation from the Prime Minister. Rest has to be left to the wisdom of the Prime Minister. We say nothing more, nothing less.

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

The number of Ministers with cases of heinous offences against them is 11 in the Central Government and 17 in UP Government. When there was no response to the representations sent to the Prime Minister and the President of India by India Rejuvenation Initiative (IRI) and by Lok Prahari to the Chief Minister of UP and to the RTI queries regarding action taken thereon,

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

3. Non compliance of the Apex Court's order dated 10.3.2014 in WP (C) No.536 of 2011

While considering the recommendation of the Law Commission that disqualification for membership of Parliament/State Legislature should be effective, subject to certain safeguards, upon framing of charges, the Apex Court was pleased to pass an interim order dated 10.3.2014 in WP

(Civil) No. 536 of 2011 (Public Interest Foundation & Ors. Vs. UoI & Another) directing that in relation to sitting MPs and MLAs who have charges framed against them for the offences which are specified in Section 8(1), 8(2) and 8(3) of the RP Act, the trial shall be concluded as speedily and expeditiously as may be possible and in no case later than one year from the date of the framing of charge(s). In such cases, as far as possible, the trial shall be conducted on a day-to-day basis. However, these directions have remained uncomplied due to reluctance on the part of the High Court and Apex Court to ensure their compliance.

As a result, the *prima facie* obnoxious situation, which was not envisaged by the framers of our Constitution, of the legislators charged by the court for serious criminal offences merrily continuing to be law makers persists in the teeth of the order dated 10.3.2014 which is being flouted with impunity by the Presiding officers of the concerned courts.

4. No disqualification even for those charged sheeted for heinous crimes.

In UP a Cabinet Minister continued in office in the previous government even after a non-bailable warrant was issued against him for rape. Significantly, the Law Commission in its 244th Report (February 2014) had made the following recommendations-

1. Disqualification upon conviction has proved to be incapable of curbing the growing criminalization of politics, owing to long delays in trials and rare convictions. The law needs to evolve to pose an effective deterrence, and to prevent subversion of the process of justice.

2. The filing of the police report under Section 173 Cr. PC is not an appropriate stage to introduce electoral disqualifications owing to the lack of sufficient application

of judicial mind at this stage.

3. The stage of framing of charges is based on adequate levels of judicial scrutiny, and disqualification at the stage of charging, if accompanied by substantial attendant legal safeguards to prevent misuse, has significant potential in curbing the spread of criminalization of politics.

4. The following safeguards must be incorporated into the disqualification for framing of charges owing to potential for misuse, concern of lack of remedy for the accused and the sanctity of criminal jurisprudence:

i. Only offences which have a maximum punishment of five years or above ought to be included within the remit of this provision.

ii. Charges filed up to one year before the date of scrutiny of nominations for an election will not lead to disqualification.

iii. The disqualification will operate till an acquittal by the trial court, or for a period of six years, whichever is earlier.

iv. For charges framed against sitting MPs/ MLAs, the trials must be expedited so that they are conducted on a day-to-day basis and concluded within a 1-year period. If trial not concluded within a one year period then one of the following consequences ought to ensue:

- The MP/ MLA may be disqualified at the expiry of the one-year period; OR

- The MP/ MLA's right to vote in the House as a member, remuneration and other perquisites attaching to their office shall be suspended at the expiry of the one-year period.

5. Disqualification in the above manner

must apply retroactively as well. Persons with charges pending (punishable by 5 years or more) on the date of the law coming into effect must be disqualified from contesting future elections, unless such charges are framed less than one year before the date of scrutiny of nomination papers for elections or the person is a sitting MP/MLA at the time of enactment of the Act. Such disqualification must take place irrespective of when the charge was framed.

However, these recommendations have not been acted upon necessitating intervention by the Apex Court.

5. Prisoners can contest even though they cannot vote.

Lok Prahari had filed a writ petition no. 1921 (M/B) of 2008 for a mandamus commanding the Chief Electoral Officer of UP to ensure that at the time of general/special revision of electoral rolls the names of prisoners be deleted from the electoral rolls. The said writ petition was dismissed vide judgment dated 9.5.2008 summarily at the admission stage itself without even getting response of the Election Commission of India which came subsequently saying that in its meeting held on 23.5.2008 the Commission had decided that, subject to the approval of the Court, the names of persons who have been in jail for more than 6 months may be deleted, as is done in cases of non-execution of non-bailable warrants. Whereupon, a review petition was filed in 2009 which has been heard, but decision is awaited.

Meanwhile, subsequently the Patna High Court in its judgment in the case of Jan Chaukidar held that since persons in lawful custody are not voters as per Section 62(5) of the Representation of the People Act 1951 they will not be electors.

This judgment was affirmed by the Apex Court on 10.7.2013. Thereafter the Representation of the People (Amendment and Validation) Act 2013 was enacted in September 2013 with a view to overturn the order of the Apex Court. Subsequently, Lok Prahari filed the writ petition No. 800 (M/B) of 2014 to challenge the validity of the said Amendment and Validation Act. However, the said writ petition was heard on 18.4.2016 and was disposed of the same day without considering all the submissions of the petitioner and the rulings relied upon by him. Thereupon, a review application was filed which is yet to be heard.

6. Lack of effective deterrent punishment for filing false affidavit.

In its 244th Report the Law Commission had noted that the Election Commission in its Report on Proposed Electoral Reforms (2004) had noted that candidates had repeatedly failed to furnish information, or grossly undervalued information such as quantum of their assets. In the Reform Proposal by the ECI to the Law Commission in February 2014 it was noted that: “The lack of any serious consequences for making false disclosures has certainly contributed to the widespread flouting of the Supreme Court and the Election Commission’s directives on this matter. Such misrepresentation affects the voters’ ability to freely exercise their vote. Therefore, there is an urgent need to:

- i. Introduce enhanced sentence of a minimum of two years under Section 125A.
- ii. Include conviction under Section 125A as a ground of disqualification under Section 8(1) of the RPA.
- iii. Set-up an independent method of verification of winners’ affidavits to check the incidence of false disclosures in a speedy fashion.
- iv. Include the offence of filing false af-

fidavit as a corrupt practice under S. 123 of the RPA.”

However, these recommendations of the Election Commission have been gathering dust for the last 3 years. Mercifully, in Krishnamoorthy Vs. Shivkumar (AIR 2015 SCC 1921) the Apex Court has held that non disclosure of criminal antecedents by a candidate would amount to undue influence and thereby corrupt influence and the election of such candidate can be declared null and void under Section 100(1)(b).

7. Lacuna in the guidelines for registration of political parties.

Since the political parties choose their candidates for legislative bodies, it is necessary that the persons who control these parties registered with the Election Commission are themselves men/women of integrity and character. Unless this is done, it is impossible to check the increasing role of money and muscle power in winning elections which is resulting in increasing number of tainted members in the Parliament and State Legislatures despite provisions for declaration of assets and criminal cases in the affidavit in Form 26. While as a result of the historic Supreme Court judgment striking down Section 8(4) of the RP Act, 1951 those convicted and sentenced for imprisonment of 2 years or more now cannot continue as MP/MLA/MLC, there is, at present, no bar to such persons being President or other office bearer of a political party and, thereby, running the party and selecting candidates of their party. Naturally, such leaders have no qualms and in fact prefer candidates with criminal background for winning maximum possible seats with the help of muscle power. The case of Lalu Prasad Yadav and Sahabuddin in Bihar is a glaring example of this sordid situation. Moreover, it is futile to expect, and difficult to accept, that a party controlled by person(s) convicted for serious offence(s) owes or will owe allegiance to the Constitution as re-

quired to be declared in the affidavit in Annexure VI to the Commission's Guidelines.

The Election Commission can take care of this obnoxious situation of a political party being controlled by person(s) convicted of corruption and other serious crimes by exercising its power while registering an association or body u/S 29A of the Act. The guidelines and application format laid down by the Commission for registration of political parties provide for affidavits from the office bearers of the main organs of the applicant party showing information about their criminal antecedents to be furnished in form in Annexure VI to the guidelines. This information can be meaningfully used to deny registration to a party if any of its office bearers is disqualified to be a Member of Parliament/State Legislature or does not have right to vote under the Law.

It is, therefore, suggested that the Commission may consider issuing necessary order in exercise of its exclusive powers under Article 324 of the Constitution and Section 29A (8) of the RP Act, 1951 to bar registration as a political party if any of its office bearers is disqualified to be a Member of Parliament/State Legislature or does not have right to vote under the law. Further, the guidelines for registration of parties may also be amended to incorporate the information about disqualifications in Sections 8A, 9, 9A, 10, and 10A also in the affidavit in form Annexure VI to the Guidelines issued by the Commission. This decision of the Commission will go a long way in checking increasing criminalization of politics and ensuring free and fair elections by curbing the role of muscle and money power and thereby safeguarding future of our democracy.

8. First past the Post System.

Instead of having real democracy we have the farce of democracy in which our so called "public representatives" do not represent even

75% to 80% of total voters in the constituency and not even majority of voters who cast their vote. In 2014 Lok Sabha election, only 183 could get more than 50% of the votes polled and only 210 got votes of more than 33% of the total voters in their constituency. Likewise, in the State Assembly Elections in UP this year only 60 could secure more than 50% of the votes polled and only 22 got votes of more than 33% of the total voters in their constituency.

This anomalous situation is the result of the flawed electoral system of 'first past the post' embodied in the provisions of Sections 65 and 66 of the Representation of the People Act 1951 and Rule 64 of the Conduct of Election Rules 1961. Hence the existing system needs to be replaced by the one which requires the winning candidate to get more than 50 percent + 1 of at least the votes polled, if not of the total voters in the constituency since voting is not compulsory. This can be achieved through the system of proportional representation /single transferable vote or having a second round of polling between the first two contestants if none secures the requisite votes in the first round. It will ensure that no one/two castes/communities can dictate the outcome of the poll as the winning candidate will be required to get support of a much larger number of voters. This way the role of muscle power in winning election will also get minimized.

Dinesh Goswami Committee report in May 1990 had recommended constitution of an Expert Committee to examine the subject of changing the present electoral system. The need for replacing the existing system by a truly representative system suggested above was also endorsed by the then leader of opposition Shri AB Vajpayee in his article referred to above. However, nothing has come out of it in the last 27 years. The indifference of the politicians in this regard is natural for the obvious reason that they are beneficiaries of the existing system. Pinning

hope on the Apex Court for intervention in this issue of great importance for the future of the democracy and the Nation itself, Lok Prahari had filed a PIL Writ Petition No. (C) 504 of 2005 challenging the validity of Section 66 of the Representation of the People Act 1951 and Rule 64 of the Conduct of Election Rules 1961. While agreeing with the petitioner that there should be a debate whether a candidate was required to get more than 50% of the votes cast for being declared as the winner, the Hon'ble Court dismissed the PIL in limine saying "We may be with you on the question of desirability of a debate but the debate is to be held at a forum other than the Court." Thereupon the petitioner filed a review petition raising several substantial questions of law. However, rejecting the prayer of oral hearing, the review petition was also dismissed by circulation. In view

of the inaction of all the Governments of various hues on the recommendation of Dinesh Goswami Committee report for constitution of an expert committee and the refusal of the Apex Court to even direct them to act on the said recommendation, the moot question is as to how the much needed overdue debate on this issue will be initiated.

The measures suggested above are obviously necessary for tackling increasing criminalization of politics and ensuring that only persons of character and integrity become/remain legislators.

Is anybody listening?

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"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)

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- Mahi Pal Singh, Editor, The Radical Humanist

The Laws We Make – The Loss We Suffer

Jawaharlal Jasthi

Nobody disputes that India is a democratic republic. But its credentials are not of full satisfaction. Rule of law is basic for democracy. But we make laws that are inconsistent with democracy. We have no respect for law. We want law to support whatever we want to do. If it comes in the way it is immediately changed to suit the purpose so that what we do becomes legal and following it will make us democrats. This is illustrated by analyzing what has happened recently in the Gujarat Assembly.

According to the constitution, the Council of States (Rajya Sabha) consists of 238 members who are elected by the legislative assemblies of states and by Union Territories. Twelve more members are nominated by the President. Each state is allocated a prescribed number of representatives to be selected by the Assembly. As a matter of routine, Gujarat had to elect three members this year and there are four contestants. Art 80(4) states that “The representatives of each State in the Council of States shall be elected by the elected members of the Legislative Assembly of the State in accordance with the system of proportional representation by means of a single transferable vote.” Single transferable vote is prescribed when more than one person is to be elected. It means that the voter shall have to select the candidates by showing his order of preference. (They can also say that none of them is worth being elected.) That is, he has to vote for the prescribed number of persons to be selected. As three members are to be elected, the voter has to mark the ballot paper with three members showing his order of preference. Naturally the decision is made based on the number of first preference votes the contestant gets. The vote required to win is determined in advance based on a formula. Naturally all the required

contestants cannot get elected on first vote. Then the second preference votes are to be taken into consideration to be added to the next person. Thus there is a complicated process to determine the winners by single transferable vote. In practice, the members of the Legislative Assembly are not given that freedom to elect the members according to their preference. It is all dictated by the political parties. As the votes required to win are estimated in advance, the required number of members of the party are allotted to each of the contestants so that there is no chance of losing the election. In the case of Gujarat Assembly, BJP happens to be the biggest party with 121 members. The votes required to win are estimated to be 45. Thus the party has allotted 45 members to each of the two contestants. It leaves 31 members more and the party is tempted to make use of the excess members to get another nominee of the party elected by taking support from other parties ‘by hook or crook’. Immediately there was a furore that the party is trying to buy the votes of other parties and it is unethical and illegal. In the present atmosphere prevailing, nobody expects a party to support another party except by demanding a *quid pro quo*, which is called bribe. There is no consideration for the character of the contestant or his stature. It is the party that sets the criteria.

There are some basic points for consideration at this stage. By allocating the members to support a prescribed contestant, the provisions of constitution are avoided successfully. The freedom of members to choose the contestants to whom they want to vote is nullified and that right is given to the heads of parties. Peculiar arguments are made to justify the same. It is stated that the individual members are susceptible to various temptations thus affecting

the “Purity of the election”. That danger is avoided by putting the right in the hands of party heads. The Assembly members are given the right to elect representatives to the Council of States as they happen to be elected by the people. But now they are made to vote according to the dictates of the party. The heads of parties are not elected by the public. They are lords of internal organization which is nothing but a group formed to catch power ‘by hook or crook’. Thus the right of elected members is placed in the hands of unelected persons. Naturally the attention shifts from individual members to the parties. If it is the genuine intention to avoid horse trading, it is now taking the shape of group trading. The bribe goes to the party instead of to the member. The quantum increases. How does it help ‘purity of election’?

All this is made in the name of Acts and Rules made thereunder. What are the Acts?

The constitution was adopted with effect from 26th January, 1950. Logically, the purpose of forming the Constituent Assembly was fulfilled and it should have been dissolved. The first general elections were held in 1952 under the constitution to form the Parliament which, by definition, consists of the Lok Sabha, Rajya Sabha and the President. But there would be no rules and regulations to conduct the election. To fill that gap the Provisional Parliament was given the right to pass the Representation of Peoples Act in 1951. The Constituent Assembly was metamorphosed into the Provisional Parliament and given the right to amend the constitution to introduce Schedule IX and to pass the Representation of the Peoples Act under Art. 379 of the constitution which was deleted subsequently as its purpose was over.

When the Representation of the People Act was passed in 1951 it contained the following provisions for constitution of the Council of States:

Section 3. A person shall not be qualified to be chosen as a representative of any State or Union Territory in the Council of States unless he is an elector for a parliamentary constituency in that State or Union Territory;

Section 59. At every election when a poll is taken votes shall be given by ballot in such a manner as may be prescribed and no votes shall be received by proxy;

Section 94. No witness or other person shall be required to state for whom he has voted at an election:

Section 128(1). Every officer, clerk, agent or other person who performs any duty in connection with the recording and counting of votes at any election shall not (except for some purpose authorized by or under any law) communicate to any person any information calculated to violate such secrecy;

(2) Any person who contravenes the provisions of sub-section (1) shall be punishable with imprisonment for a term which may extend to three months or fine or with both.

It is clear from the above provisions that the candidate for election to the Council of States shall be a resident of the state. It is also obvious that much attention is paid to maintain secrecy of the vote. Under Sn.94 the word ‘witness’ is used for the elector. That is even when the elector is called to be a witness in any court, he shall not be required to reveal his preference in voting. Under Sn.128(1) other officers involved in the election process are allowed to tell what they know if prescribed under any law, for example the Evidence Act. There can be no objection for any of the provisions and it would have certainly promoted a healthy way of conducting elections. But to follow the law, even when it is ethical and reasonable, is not in our DNA. This Act was amended in 2003 by making the following changes:

Under Sn.3 the restriction regarding domicile was removed so that a person living anywhere in India will be eligible to be elected by any state as its representative to the Council of States.

Under Sn.59 it was “provided that the votes at any election to fill a seat or seats in the Council of States shall be given by open ballot”. There is no more secrecy about the vote. It is open. The difference could be as between a closed marriage and an open marriage.

Under Sn.94 it was “provided that this section shall not apply to such witness or other person when he has voted by open ballot.” It is the natural consequence when the open ballot is prescribed.

Under Sn.128(1) it was “provided that the provisions of this sub-section shall not apply to such officer, clerk, agent or other person who performs any such duty at an election to fill a seat or seats in the Council of States.”

It is obvious that these amendments are made to facilitate something which is not in line with the principles enunciated originally in the Act. The principles are diluted. Naturally it is outrageous to conscientious citizens. The veteran journalist Kuldip Nayar raised objection that it violates the basic structure of the constitution and affects the fundamental right of the voter under Sn.19. But the courts were not willing to uphold any principles. They stated that secrecy of vote is not a fundamental right of the voter. It is a right given by the constitution and it can be overridden by any Act passed by the Parliament. It sounds as if people do not have any other rights except the fundamental rights as mentioned in the constitution. Of course even the fundamental rights are diluted as and when found in the way. In fact secrecy of vote was found necessary to keep the election pure and privileged – free and fair, so to say. If it is asked to be revealed to any person, the voter

could be subjected to various pressures. In fact that is what the amendment wanted to achieve. Instead, they have taken the interference of voting to a higher level opening doors to group trading as stated earlier. It was stated that the right to vote on election of representatives to Council of States is not a basic right of a member of Legislative Assembly. They vote in an ex-officio capacity only and so it need not be protected. Support was derived from the report of Ethics Committee of Parliament in 1998 wherein it was suggested that cross voting is a menace that has to be curbed and breaking secrecy of vote is the only way for it. It is a strange argument in view of so many other provisions available to curb bribing and an ineffective means is selected by breaking certain golden principles. It is only avoiding a constitutional responsibility to secure the privacy of the member by destroying a right of the voter. It is like telling the women not to come out of the house as there is danger of being raped.

After all, what is meant by cross voting? What is it that the voter can cross to commit an offense in the process of voting? Crossing occurs only when there is a line drawn. Those limits are drawn by giving constitutional recognition to the political parties. While recognizing the parties certain overriding rights were given to them damaging the very fabric of democracy. Vote is considered a secret because it is the *sine qua non* for purity of election. Now that secrecy itself is being alleged as the cause of disturbing the purity of election. Strange are the ways of politics! It is not clear how the election can be called ‘free and fair’ unless the voter is free to choose his candidate. But in this case the argument is reversed. The cart is put before the horse! If the members do not have the right under the constitution, how can it be given to the parties? It is said that in a general election people are free to choose any

candidate of any party. But once they exercise that right the elected candidate comes as a representative of a political party and so it is legitimate to give the right to the party to control the votes of members. A devastating argument! The party is controlled by persons not elected by the people. The so-called high command of the party is not elected even by the members of the party. But the rights of members elected by the people are put in the hands of the parties. What does it talk of our democracy? In such a case where is the need for ballots by members? The votes can be counted based on the number of members belonging to each party and the election completed. But as shown earlier, there will be some members remaining and also some parties having members less than required to elect a representative. What will happen to them? Obviously, the constitution did not contemplate interference by political parties in the election of representatives to the Council of States or in any other activity of elected members in the Parliament. It is a prerogative of individual members. But now, controlling powers are given to the parties and corruption elevated to higher levels.

The aberration is not yet over. Under section 59 of the Act it is provided that the votes shall be given by ballot in such a manner as may be prescribed. But it is not stated as to who shall make prescription. The Election Commission made the Rules. Under Rule 39A maintenance of secrecy of voting by electors within polling station and voting procedure was prescribed. It states: (1) Every elector to whom a ballot paper has been issued under Rule 38A or any other provision of these Rules, shall maintain secrecy of voting within the polling station and for that purpose observe the voting procedure hereinafter laid down;

(2) The elector, on receiving the ballot paper, shall forthwith

- (a) proceed to one of the voting compartments;
- (b) record his vote in accordance with sub-rule (2) of rule 37A with the article supplied for the purpose;
- (c) fold the ballot paper so as to conceal his vote;
- (d) if required show to the presiding officer the distinguishing mark on the ballot paper;
- (e) insert the folded paper into the ballot box and
- (f) quit the polling station

(3) Every elector shall vote without undue delay;

(4) No elector shall be allowed to enter voting compartment when another elector is inside it

It can be seen that every precaution is taken to ensure that the voting is secret and known only to the elector. But strangely, it was suggested that the voting shall be shown to the presiding officer 'if required'. There is no indication as to what could be the circumstances under which the presiding officer can ask for showing the marked ballot paper. His main purpose is to ensure that the members cast their vote freely without any external influence.

Later on, another sub-rule 39AA was added to change the entire scenario.

Rule 39AA. Information regarding casting of votes:

(1) Notwithstanding anything contained in Rule 39A, the presiding officer shall, between the period when the elector, being a member of a political party, records his vote on the ballot paper and before such elector inserts the ballot paper inside the ballot box, allow the authorized agent of the political party to verify as to whom such

elector has cast his vote;

Provided that if the elector refuses to show his marked ballot paper to the authorized agent of his political party, the ballot paper issued to him shall be taken back by the presiding officer or a polling officer under the direction of the presiding officer and the ballot paper so taken shall then be further dealt with in the manner specified in sub-rule 6 to 8 of Rule 39A as if such ballot paper has been taken back under sub-rule 5 of Rule 39A.

(2) Every political party whose member, as an elector, casts a vote at the polling station shall, for the purpose of sub-rule (1) appoint in Form 22-A two authorized agents;

(3) An authorized agent appointed under sub-rule (2) shall be present throughout the polling hours at the polling station and the other shall relieve him when he goes out of the polling station and vice versa.

It can be seen how regimented the voting process has become under the revised rules. It is not explained why the presiding officer is entitled to have a look into the marked ballot paper of a voter. Such power is not given to any presiding officer of any other election. Under the new rule 39AA every political party is expected to appoint two persons as agents to be present at the polling station throughout the period of polling. Care is taken to ensure that one agent is always present by prescribing two persons to be appointed so that they can have break. This agent is given the right to verify to whom the member has voted. If the member refuses to show the ballot paper to the agent, it can be taken back by the polling officer and confiscated to be dealt with separately. That is, the vote can be invalidated against the will of

the member. All this to happen after the member marks his preference on the ballot. Care is taken to prescribe every detail in the process as if it is the most important step of election procedure. It is not stated whether the agents also must be from the members of the political party or even outsiders can be appointed. In such case muscle power can also be introduced into the process. The rule does not say what the party shall do with the recalcitrant member. Whether deliberate or inadvertent, no provision is made to entitle the agent to nullify the vote. There is no provision for the parties to issue whips to their members in this case. But the result is as if there is a whip. In the case of elections for President and Vice-President there is no provision for parties to issue whips. As if to extend that sanctity to the election of representatives to Council of States, the whip is not prescribed. But the loss is made good by making rules.

What happened in Gujarat is something that is not contemplated under the rules made in such detail. The rule only states that the marked ballot of a member shall be shown to the official agent of that party before placing it in the ballot box. It did not say that it shall not be shown to any other person. Perhaps they felt it not necessary as the ballot is basically accepted to be a secret. Showing it to the party agent is provided as an exception to that basic principle. It implies that it shall not be shown to any other person. But the exactly opposite happened in Gujarat. Two members of Congress party showed their marked ballot to the agent of another party – to the BJP agent. That created a problem. The Congress party naturally insisted that the votes shall not be counted. BJP on the other hand demanded that they shall be counted as they were in favour of them. Ultimately the Election Commission held that the votes are not valid as they were shown to the agent of opposite party. What would have happened if the members

showed their ballots to the agent of their own party? The agent could only note it and take action on those members later. But the votes remain valid as there is no authority given to the agent of a party to withhold ballots that are not in their favour.

In order to prevent such a situation hereafter, the Commission is reported to be thinking of making some physical arrangements within the polling office. That is, they do not want to tamper with the rules again to prevent members from showing the marked ballot to any other person than the agent of their own party. They plan to make it physically impossible to do that. Perhaps they may make some arrangements in the polling booth so that the member of any party shall not have access to any other person after marking the ballot. The path may be marked to lead directly to the agent sitting in a sofa on the way to ballot box. Strange are the ways of

conducting elections in a democracy!

Law is expected to be valid for a long time to enable rule of law. But we have scant regard for it. We are eager to change laws to serve immediate purpose unmindful of long term consequences. This is the result.

It is not clear why the Election Commission felt it necessary to give so much of importance to the political parties in this case. Clearly, the rules have corrupted the process of selecting representatives to the Council of States by the respective Legislative Assemblies. All this in the name of securing 'purity of elections'. It is stated that Abdullah the Great gambled his kingdom for a woman and lost both. We made Acts, amendments and rules to secure 'purity of elections' at the cost of 'secrecy of vote'. We lost both finally. As we sow, so we reap.

14 August, 2017 

Reader's Comments

Dear Mahi Pal ji

Gone through the monthly September issue. I must say that you are putting in tremendous effort in the journal and I am sure it will spread into libraries, universities.

- Innaiah Narisetti

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PRASANGIK NONDH: 22-08-2017

Ravish Kumar - a Struggler for instilling and promoting democratic values through fearless Journalism

A day spent with Ravish Kumar, a combatant media journalist, possessed with fundamental trait of fearlessness had really turned out to be memorable event! A meeting with Ravish Kumar who has become a congenial figure of T.V. Journalism field, with his passionate conviction, resulted into a treasure trove of many memorable incidents. At the same time, his distinctive identity once more echoed in the mind, rare impulses through his stylish approach. On the occasion of Birth Centenary Celebration of Chandrakant Daru, who had stood up for the cause of Human Rights and Civil Liberties, Ravish Kumar, deeply committed to the sense of justice and fearlessness, was conferred with 'Daru Award' in recognition of his relentless efforts in instilling and promoting democratic values in the public life, through his fearless journalism.

Ravish Kumar was born on 5th December 1974 in Motihari district of Bihar. He spent his student life in Patna and Delhi. Since the year 1996 he has been actively engaged as the T.V. Journalist. He got the needed comfort and free hand in NDTV India and his personality blossomed. Captivating tone and presentation through in-depth study of the problems became his distinctive identity. Now-a-days, speech in the T.V. channel, body language, and scenario created during discussions, allegations and counter-accusation, behaviour of the anchor etc. can become a subject matter of an elaborate study. Even in such a backdrop Ravish Kumar leaves behind a unique image due to his well-bred nature and disposition.

During the span of two decades, Ravish Kumar had been conferred upon with 'Ganesh Shankar Vidhyarthi' Award; Ramnath Goenka Award and Kuldip Nayar Journalism Award.

On 12th August 2017 he has been conferred 'Chandrakant Daru Award' at Ahmedabad at the hands of Retired Justice of Mumbai High Court, Mr. H. Suresh.

Currently, series of strange and disturbing incidents are taking place all throughout the country. To watch and listen to all this, many people eagerly look forward to view the Prime Time NDTV Hindi channel compeered by Ravish Kumar. As Ravish Kumar has been eloquently voicing the view point for creating truth and justice based social set up, one section of the Society has remained a constant critic of Ravish Kumar. The latter has also been a victim of opponents. Data worth crores of GB is being used against Ravish Kumar through social media or such other means. Frequently he is being asked, "Do not you ever see anything good?" In the midst of such background, a rare opportunity was availed of to interact with him. While presenting herewith its main highlights, I really experience a feeling of pleasure.

In the opinion of Ravish Kumar, media has to play the role of the Opposition. It is the responsibility of the media community to bring up to the notice of the ruling party the problems or issues being faced by the public. While taking up such a task, lot of difficulty is being encountered but at the same time, one does realize a sense of satisfaction in having performed one's duty to bring to the notice of the Govt. the woes of the have-nots and the poor. As regards the 'Aadhaar Card', he told in a satirical tone, "Is the Aadhaar Card really a panacea for all the ills?" Now that, even in the event of death also Aadhar Card is going to be essential, then whether "soul is immortal or the Aadhaar Card is immortal" may become a subject matter of discussion. In the prisons, the

No. allotted to a prisoner becomes important and his name is given rather lesser importance and in the same vein, it is being felt that a common man of India shall be transformed into a group each possessing respective Aadhaar Card No. Do not feel surprised if the Mobile No., Bank Account No., Car No. etc. are linked to Aadhaar Card No. in the future. Even against such thoughtless steps people do not raise their voice of protest and hence it appears as if "People's inner spirit has become dormant or extinct". People do not need to feel fearful at all. Since in a country where thousands of people had made sacrifice to secure the freedom, how can that nation's people meekly surrender or kneel-down before the ruling regime?

While sharing his views with all of us Ravish Kumar sadly says that Govt. exerts strong influence over the media. Media has degenerated to 'Godi Media' (silenced and surrendered to the laps)! Variety or novelty has been nullified or voided. While all are talking in the same tone, it becomes quite hard to predict as to what picture shall emerge of the democratic values in the future. Appreciating the courage of Gujarat's people, he told "You have not broken down" even in the face of foul politics played since 2002 and despite present predicament prevalent in the State.

Gautam Thaker, National President,
Indian Radical Humanist Association 

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Kashmir - A Paradise Lost

Immrinder S. Ahluwalia

A case of never ending armed conflict, deepening trust deficit, chasms too deep to cross, conflicting narratives, confused citizenry and a brutal violent past which is manifesting into the present and future of Kashmir and endeavouring to tear its society apart.

A straight from the heart and not political view from an “Indian” as my Kashmir Brethren would like to address me who loves Kashmir and its magnificent culture, food, sights and sound and above all its people.



As an “Indian” and as a person who holds Kashmir and its people close to my heart but who is pained to see that the armed conflict and violent bloodbath have become a way of life in Kashmir, I write this piece in the hope that one day the violence, bloodshed and bloodletting will end in Kashmir and the citizenry of Kashmir on one hand and the powers that be in Kashmir in particular and India in general on the other hand will realize that the path to peace can be achieved only through hard compromises and with addressing the aspirations of the people of Kashmir and most importantly the youth of Kashmir in an honest way..

Someone told me during my last visit to Kashmir, “Allah will never forgive us for all this killing, maiming of human lives, bloodbath” et all.

I was too petrified to give a reply to this, but a thought did come in my mind at that time that probably Allah/ God/ Waheguru may have left a long time ago from beautiful Kashmir with all this violence,, bloodshed and bloodletting.

As a Sikh youth in post 1984 Punjab and India till around 1995, we of Sikh faith as a whole faced the kind of violent environment which has been manifesting in Kashmir since 1990.

Post 1984 genocide on Sikhs and documented excesses on innocent Sikh populace, we were pushed into a situation where violence seemed justifiable and as a means to safeguard religion. Our whole identity was torn apart and an eye for an eye was a narrative which was given

relevance.

Suddenly the feeling which was in the air at that time was that in our lives, democracy had no meaning and whatever governments we had were against us. The militancy, extremism and terrorism that followed consumed our lives. Excesses on the part of militants and terrorists were carried out and the bloodletting which ensued caused enormous collateral damage.

However better sense prevailed and the Sikh community as a whole realized that militants and extremists killing innocent people and blowing up planes were no less guilty than those people who had done excesses in the Delhi Sikh riots and elsewhere.

Having come out of that period of 1984 till around 1995, Punjab has grown vibrant, successful, peaceful and totally progressive state, *udta Punjab* notwithstanding. And Sikhs and Punjabis have benefited for not giving up on democracy and peace.

Drawing comparisons between Punjab and Kashmir might be like comparing apples and oranges, but the similarity between the situations are all too glaring for all to see.

The sights and sounds which emerged from Kashmir in the July 2016 uprising and subsequent days has showcased a society gone horribly wrong.

On one hand internet was switched off and Kashmir was cut off from rest of the world throwing Kashmir back to the dark ages. Various

protest calendars on weekly basis were issued which threw the whole of the society into chaos. What followed was a visible criminalization of society where the self styled keepers of Kashmiri faith attacked fellow Kashmiris and old Kashmiri shopkeepers for opening shops in contravention of the hardliners diktats, girls were attacked for riding scooters, scooters were burned, people forced to obey or face punishment, schools were torched etc etc, shops not allowed to open etc etc.

Paramilitary and Police forces too appeared ill prepared to handle the mayhem and operated in a manner which left a lot to be desired.

Time has come for Kashmiris to think, like the Sikh community had thought then post 1984 till 1995 that is what we want. Get sucked in a society which is suspicious, burning, criminalized and which goes nowhere other than doom.

We Sikhs emerged from the mayhem which engulfed us from that period of 1984 till around 1995 and emerged a saner and wise community. Now is the time for Kashmiri and its society to do the same.

Has the time come for the rightful integration of the people of Kashmir, and again most importantly the youth of Kashmir into Indian society? To my mind, the answer is yes. Kashmir's youth are already pursuing education and careers in other parts of India.

But the integration of these Kashmiri youth is still a work in progress as we view them as "KASHMIRIS" and hence the clashes at universities and workplaces that we hear and see often on media.

As a person who does not wear his religion on his sleeves, I do think that the integration of the people of Kashmir, and again most importantly the youth of Kashmir into Indian society must happen and should happen and the mindset of a lot of people including Kashmiri youth and youths from other parts of India must

change to this effect to make it happen.

We may berate Indian democracy from time to time, and democracy in India has its flaws but it's a working democracy and its holding on. So the interests of Kashmir citizenry and the future of Kashmir's youth is best served in a state which has a working democracy where opportunities are equal to one and all and seldom not based on religion and nativity.

And "Kashmiriat" is too strong not to survive in Indian "Jamhooriyat". It can and it will.

I often wonder, who after the separatists, who after the hardliners, what after armed conflict, what after no more blood is left to shed, what after no more bullet is left to fire, what after no more stone is left to pelt..

This answer to "Who" and "what" lies with the youth of Kashmir. They have to determine what the present and future of Kashmir will be.

While the senior citizenry of Kashmir is bogged down by the history of J & K and holding on to the history and hence calls from Azadi, UNO's resolutions and self determination and all, the youth of Kashmir has to determine whether the price paid to pursue these were too huge and irreversible with all the deaths, spilling of blood, lost future of kids and youth, poverty, absence of employment, loss of business and work, lack of infrastructure and generations and generations of lives destroyed.

I think the time has come history should be bagged and consigned to record rooms (Be it for the time being) and development, progress, business opportunities, jobs, education and empowerment to men, women and youth should take precedence over everything else. And that won't happen unless and until people of Kashmir won't be receptive to such a change.

Let the youth of Kashmir be a guide rather than be guided by the people who are weighed down by history.

I am a commoner and I can't advice the powers that be in India on Kashmir but has the time come for the powers that be in India on Kashmir to deliberate on whether its about time for the phasing out of AFSPA from the urban areas i.e. towns and cities and whether its about time for getting the armed forces out of towns and cities as it has built such a environment of distrust and hatred and is becoming counter-productive and whether its about time for lessening of CRPF pickets from towns and cities and replacing them with J & K Police pickets as sense of calm won't return if a situation of calm cannot be exhibited.

Has the time come for the powers that be in India on Kashmir to deliberate that the way forward now is strengthening the border with Pakistan with the armed forces and to let the J & K police be the first ring of law and order and the CRPF the second line of Law and order and the armed forces be the outer ring of defence.

Involving the youth of Kashmir in localized law and order involving them, educating them, guiding them is also the way forward in my opinion..

These are the questions which should be deliberated by all shareholders in Kashmir and a way forward should be sought. 'KASHMIRIAT', 'JAMHOORIYAT' and 'INSANIYAT' should no longer remain just words

I am positive that the Powers that be in state and centre are seized of the situation in J & K and would like normalcy and peace to return in the state at the earliest.

For long the moderate voices in Kashmir have been shrill and have tended to be bulldozed by hard-line views. Let that be the case no more. The intellectual, moderates and people who think that the present and future of the citizenry of Kashmir, their lives, aspirations, livelihood should be paramount must rise and work to that effect rather than worrying about a bullet with their name on it.

When all the guns fall silent, when the stones are no longer pelted, when life is over and above everything else, when education and jobs and business and livelihood become a priority and not a dream, when law and order is handled with sense and sensibilities, when peace becomes a priority with everyone, then the right path will have been achieved.

I read somewhere about the effects of "ARMED CONFLICT" on youths in Kashmir.

Any type of conflict, be it armed or otherwise on children and youth anywhere, leave alone Kashmir is huge be it a conflict in a family or between societies or between races or nations.

The people of Kashmir should also deliberate about whether its time for them to welcome back the Kashmiri Pandits with open arms as the exodus of Kashmiri Pandits was a blot on Kashmriat.

Kashmir and Kashmriat can never be complete without the Kashmiri Pandits coming back and that blot has to be wiped out. AND NOW.

Its time for the powers that be in India on Kashmir and the Kashmir society to get together and look ahead NOW otherwise Kashmir which is on the brink will implode. Kashmir and its people deserve peace and prosperity

I am neither a writer nor aligned to any political belief as I believe writers are too damn politically correct and have too obvious leanings I have endeavoured to write this piece as a layman who loves Kashmir and its magnificent culture, food, sights and sound and above all its people.

TIME HAS COME UPON US TO RECLAIM OUR LOST PARADISE AND BRING IT TO ITS PAST GLORY.

Immrinder S. Ahluwalia, Jalandhar (Punjab).

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Sharm inko magar nahin aati- Yet they do not feel ashamed

1. You let the city burn: HC slams Haryana govt for violence over Ram Rahim verdict

A three-judge bench of the high court made several scathing observations, taking apart the government's defence for not reining in Dera Sacha Sauda followers.

Shailee Dogra and Neeraj Mohan

The Punjab and Haryana high court indicted the Haryana government on Saturday for failing to control violence after the rape conviction of an influential "godman", adding to calls for the chief minister to take responsibility for clashes that singed five states and claimed 34 lives.

A three-judge bench of the high court made several scathing observations, taking apart the government's defence for not reining in Dera Sacha Sauda followers, who ran riot on Friday to protest against their flamboyant chief Gurmeet Ram Rahim Singh's conviction for raping two women 15 years ago.

"This was a political surrender to lure vote banks," the court observed, asking the state why it couldn't stop 200,000 followers of the sect from gathering in Panchkula despite prohibitory orders.

Courtesy Chandigarh Hindustan Times, Aug 27, 2017

2. BJP leaders with Gurmeet Ram Rahim

Images of Bharatiya Janata Party (BJP) leaders with the Dera Sacha Sauda chief Gurmeet Ram Rahim Singh who has been convicted for raping two women sadhvis in 2002



3. Ministers gave money, others sought blessings: How BJP, Congress dabbled with Dera chief Gurmeet Ram Rahim

Both the Congress and the BJP have sought electoral favours from Dera chief Ram Rahim, who was convicted in rape by CBI court yesterday.

Prabhash K Dutta

Founded in 1948 by Shah Mastana Balochistani, Sirsa-based Dera Sacha Sauda of Gurmeet Ram Rahim - now convicted for raping two sadhus - has followers in several states including Haryana, Punjab and Rajasthan. The followers of Ram Rahim are mainly Dalits but he has sizeable support base among Sikhs, Muslims and Christians in Haryana and Punjab.

Gurmeet Ram Rahim has always claimed to be apolitical, but his Dera Sacha Sauda launched its political affairs wing (PAW) in 2007. It was the same year when there were massive protests against Ram Rahim in Punjab after his photographs showed him in dress resembling Guru Gobind Singh, the tenth Sikh guru. The PAW was meant to "advise" his followers on which candidate or party to vote for in the elections.

Gurmeet Ram Rahim is said to be boastful of his clout to influence the outcome of the polls in Haryana and Punjab. He claims to have about five crore followers, most of them in Haryana and Punjab.

2014 ELECTIONS AND RAM RAHIM

Ram Rahim had remained a rather unknown political force till 2014 Lok Sabha elections, when the BJP sought support of the Dera Sacha Sauda. Ram Rahim announced his support for the BJP. He was, in turn, praised by the then prime ministerial candidate Narendra Modi.

Prime Minister Narendra Modi would again

praise Ram Rahim when the latter supported the Clean India campaign and was seen holding broom with Haryana Chief Minister Manohar Lal Khattar.

Ahead of Haryana Assembly elections, the BJP in-charge of the state Kailash Vijayvargiya took as many as 44 candidates to the Dera Sacha Sauda seeking "blessings" of Ram Rahim. Support of Ram Rahim augured well for the BJP in both the Lok Sabha and Vidhan Sabha elections in Haryana. The BJP formed government in Haryana.

However, Ram Rahim's "blessings" to the BJP did not win it the Delhi Assembly elections in 2015.

RAM RAHIM AND CONGRESS

Ram Rahim has four children - daughters Amanpreet Kaur, Charanpreet Kaur and Honeypreet Kaur, and son Jasmeet Singh. Honeypreet is his adopted daughter. She was the one who accompanied him till Rohtak jail after Ram Rahim was convicted by a CBI court in Panchkula.

Jasmeet is married to the daughter of senior Congress leader Harminder Singh Jassi, who is a former Punjab MLA. He lost to Aam Aadmi Party candidate Jagdev Singh in this year's Assembly election from Maur constituency in Bathinda.

In 2007, Ram Rahim had extended support to the Congress as he felt that the Shiromani Akali Dal-BJP government of the time had targeted his followers in the state. But, the Congress lost the elections.

Ram Rahim did not announce support for any political party in 2012. He asked his supporters to vote for some candidates on "merit". Ahead of this year's Punjab election, both the BJP and Congress approached Ram Rahim for support. Ram Rahim supported the BJP in the last Punjab Assembly election. The BJP lost.

BJP MINISTERS DONATING MONEY TO RAM RAHIM

Though, the “blessings” of Ram Rahim has not worked for the BJP since 2014 Haryana Assembly elections, the party leaders have not lost any love for the Dera chief. At least three Haryana ministers have given him Rs 1.12 crore collectively since August last year.

Just 10 days before the verdict was pronounced by the Panchkula CBI court convicting Ram Rahim of raping two *sadhus* at his Dera, powerful Haryana minister Ram Vilas Sharma paid visit to Ram Rahim on August 15 - the birthday of Dera chief.

Haryana Education Minister Ram Vilas Sharma donated Rs 51 lakh from his ministry’s discretionary quota ‘to promote sports’ in the Dera. Ram Vilas Sharma was also the guest at the Dera Sacha Sauda on August 15 to celebrate Ram Rahim’s birthday.

Exactly a year ago, another influential Haryana minister Anil Vij had donated Rs 50 lakh out of his discretionary quota for “encouraging games” in Dera. “I could not give more than Rs 50 lakh out of discretionary fund. Had it been possible, I would have given more,” Anil Vij had been quoted by media then as saying.

Later, Rohtak MLA and Minister of State for Urban Local Bodies in Haryana Manish Grover made a donation of Rs 11 lakh from his discretionary fund to the Dera Sacha Sauda of Ram Rahim.

The fact that Gurmeet Ram Rahim was provided Z-plus security cover long before the BJP came in power at the Centre and Haryana is statement of the political clout of the rape convict Dera chief.

Courtesy **India Today.in**, New Delhi, August 26, 2017

4. BJP’s Sakshi Maharaj Defends Rape Convict Ram Rahim Singh,

Blames Court

That incurable foot-in-the-mouth disease

Huffpost Staff

BJP MP Sakshi Maharaj on Friday came out in support of Dera Sacha Sauda chief Gurmeet Ram Rahim Singh, who was convicted earlier in the day of rape by a CBI court in Haryana.

Reacting to the mayhem unleashed by Singh’s supporter since the news of the ruling became public, the BJP leader said there was only one person (ie. the woman who accused him of rape) against Singh, while crores support him.

“Crores of people are supporting Ram Rahim, and only one person is complaining against him. Is one person right or are crores of people right?” the BJP MP from Uttar Pradesh’s Unnao district said.

“There is so much of ruckus over it, law and order has been disturbed, people are dying... Shouldn’t this be a consideration?” he added.

Not content to stop at victim-blaming, he then went to blame the legal system for failing to see the point he was making. If a bigger chaos erupts in the following days, Maharaj warned, the court will have to bear the blame for it, not the goons who unleash it.

Last, but not the least, the member of the saffron party couldn’t resist throwing in some communal colour to the indefensible crime that he was passionately defending.

“Can the Supreme Court or High Court call the Shahi Imam (head) of Jama Masjid in this manner? He is also wanted in many cases... Is he their relative?” he said. “Ram Rahim is a simple man so he is being harassed.”

At least 30 people have died in violence that erupted after the Dera chief was convicted and this is all that a member of the party that rules Haryana, as well as the Centre, had to say to it.

Courtesy **Huffpost** 25/08/2017 



Panchkula Burning at the hands of Dera followers



A security personnel at the scene of violence in Panchkula on Friday, the 25th August 2017

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