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this current Crop Season (AIKSCC)

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Vol. 81 Number 9, December 2017

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Articles and Features:

Judiciary Embarrassed

The Supreme Court Collegium while taking understandable self pride for its open functioning when it put its Resolution dated, 8th October, 2017 on the website to the effect amongst other, “THAT the decisions henceforth taken by the Collegium indicating the reasons shall be put on the website of the Supreme Court, when the recommendations is/are sent to the government of India, with regard to the cases relating to.....elevation to the post of Chief Justice of High Court....”(emphasis supplied) would have still more enhanced its worth had it at the same time given the reasons for not appointing Justice Jayant Patel the senior most judge of Karnataka High Court as its permanent Chief Justice. To me this action of the collegium has with respect embarrassed the judiciary and reminds me of Urdu couplet, “The house got burnt with its own house lantern” is a loose colloquial translation of the Urdu couplet namely “Ghar Ko Aag Lag Gai , Ghar ke Chirag Se”, which shockingly hit me when I read of resignation of Justice Jayant Patel of Karnataka High Court.

Justice Jayant Patel, while he was the acting Chief Justice in the Gujarat High Court, directed CBI investigation in to Ishrat Jahan fake encounter case, which involved the name of Amit Shah, who was then the Home Minister of Gujarat and who is now the President of BJP. All of a sudden Justice Jayant Patel was transferred to High Court of Karnataka in February 2016.

The present Chief Justice of Karnataka High Court was due to retire on 09.10.2017. In usual course Justice Patel should have been made a permanent Chief Justice of Karnataka High Court. But suddenly the Supreme Court collegium orders his transfer to Mumbai High Court (where he would be 3rd in seniority) Hardly had this

news made to the public, collegiums changed orders for his transfer to Allahabad High Court where he would be no 2.

One can appreciate Justice Patel’s anguish and even more his resentment at this

unexplained action of the collegiums, so he sent in his resignation to the President. Both Karnataka High Court and Gujarat High Court Bar Associations held protest and boycotted the courts for a day.

In order to justify the cancellation of transfer of Justice Patel to Mumbai High Court and then transfer to Allahabad High Court immediately thereafter a feeble explanation was got published in the newspaper that in Allahabad he would rank higher than he would have been in Mumbai High Court, (as if the injustice of being denied rightful claim to be the Chief Justice could in any way be lessened).

Justice Patel lived upto the reputation of sitting judges when notwithstanding this grave provocation he refused to answer questions as to the reason for his resignation, citing “institutional discipline”

We should be all praise for Justice Patel’s dignified response. But this question touches the serious issue of independence of the judiciary and the functioning of the collegiums system. Therefore uncomfortable questions must be asked by the legal fraternity, and those with all respect, must be answered by the collegium in detail because it is well established that the Bench and



**Justice (Retd.)
Rajindar Sachar**

Bar are the two wheels of same chariot, and any deformity in either of them can only spell the ruin of administration and independence of the Judiciary. More so now that the collegium has decided to swing the pendulum to the other extreme of recording reasons why it has declined to promote the senior most judge to the office of Chief Justice and sharing it with the public.

May I in this case make a wild guess – could it be that the executive which was bent on harming Justice Patel felt that (in case of Justice Patel agreeing to go to Mumbai) he will at least be in more familiar surroundings, as there is a strong link between Mumbai and Ahmadabad. But as the viciousness of Modi government was determined to keep Justice Patel isolated, which he would be if he were to be sent to Allahabad, a place probably where he may not have gone throughout his life. I feel sad that Executive could have been able to use such an influence on the collegium – maybe I am mistaken. If so, a greater reason for the collegium to make those reasons known to public, especially to the Supreme Court Bar Association and other Bar Associations, (especially Karnataka High Court Bar Association.) and Bar Council of India.

This is not in any way provocation for confrontation with the collegium. It is only in recognition of the fact that this incident has shaken the whole Bar in India and all aspects of this case should be publically disclosed and discussed.

I would therefore suggest that Supreme Court Bar Association and Bar Council of India take the lead and jointly discuss out this matter with the Supreme Court collegium to prevent patent arbitrariness, which will make the Executive decision supreme thus harming irretrievably the

independence of judiciary.

I hope the collegium does not take offence and make it a matter of undue superiority and take the stand that this matter, notwithstanding that it has disturbed the whole Bar of India, it will not discuss it with the Bar because it is its sole privilege. May I in all humility submit that this assumption proceeds on the belief that the judges are immune to human frailties even while making non-judicial decisions (such as appointments and transfers). This self-glorification is not accepted even by members of the judiciary itself vide expostulation of Justice Frankfurter of the US Supreme Court that “all power is of an encroaching nature. Judicial power is not immune to this human weakness. It must also be on guard against encroaching beyond its proper bounds and not the less so since the only restraint upon it is self-restraint”.

The former Chief Justice AS Anand, reminded the judges that though “our function is divine, the problem begins when we start thinking that we have become divine”.

If I sound a bit harsh, I can only invoke the caveat of Justice Holmes of the U.S. Supreme Court, who said, “I trust that no one will understand me to be speaking with disrespect of the law because I criticize it so freely.....But one may criticize even what one reveres.....And I should show less than devotion, if I did not do what in me lies to improve it.”

Dated: 09/10/2017, New Delhi

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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

Supreme Court reopens Gandhi's case

I think the Supreme Court's order to appoint an amicus curie in Mahatma Gandhi's assassination is important. More about how it happened and why, are two points which need to be pursued. The plea filed by Dr. Pankaj Phadnis, a trustee of Abhinav Bharat, however, suggests a foreign hand. But that remains to be proven.

I recall that the assassination was the biggest security lapse. I was working as the news desk of Anjam an Urdu daily when PTI tele-printer rang the bell which a news agency would do only in rare cases. I jumped from the desk to see the story. It said Mahatma Gandhi shot. There was no other detail. I asked my colleague, who had a motorbike, to drop me at the Birla House where there was practically no security. One person manned an apology for the door.

Today, when Mahatma Gandhi's assassination is recalled with a sense of loss and sorrow, the point forgotten is that it was the biggest lapse of security. The government had ample

evidence to infer that a radical Hindu group was out to kill Mahatma. Yet very little security was provided to counter the plot.

Only 48 hours earlier, had Madan Lal of the radical group, placed a bomb at the back wall of Gandhiji's prayer meeting platform. I used to attend the prayer meeting. I was there on the day the blast took place. The Mahatma showed no concern and conducted prayers as if nothing had happened. I too thought that it must be a cracker. Only when I read the following day newspapers did I realise how close Gandhiji was to death.

Sardar Patel was then the Home Minister. He submitted his resignation to admit his failure. But Prime Minister Jawaharlal Nehru told him that the Mahatma wanted both of them to build the modern India. Even the ban on the RSS was

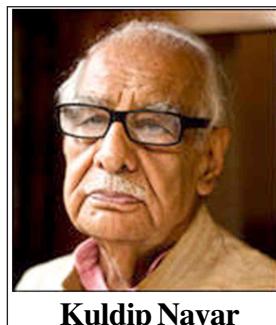
lifted.

The Home Ministry at that time should have probed more to understand how deep the Hindu right had spread. Even Sardar Patel had remarked at that time that the RSS had created an "atmosphere" where something like this could happen. When I joined the ministry in 1955 as Information Officer and served there for nearly 10 years, I tried to find some leads. There was not a shred of evidence to make me infer that the case was thoroughly probed. Or, maybe, there is something incriminating involving some persons in the government that the government does not want to disclose. The Archives of India has not yet got from the Home Ministry even the papers on the Transfer of Power, a title which the British used to bring out a three-volume book within two or three years of their departure to tell their side of the story.

Soon after the Mahatma's assassination, when I reached the Birla House, I did not see anybody guarding the place where Gandhiji fell after having been shot dead. Some blood was on the path leading to the prayer platform. There was no policeman around to ensure the preservation of blood, important evidence.

Why has no government gone back to those days to reconstruct events? I can understand the BJP's diffidence because its mentor, the RSS, did not want any probe even to begin with. But the Congress governments should have perhaps dug deeper.

The only piece of information is the trial and the judgment delivered by the then Punjab High Court at Shimla. It is an open secret that some ladies of civil society knitted pullovers for Godse.



Kuldip Nayar

The government, for the reasons known to it, has been reticent on these things.

The 132-year history of the Congress hardly brings out what the followers of Gandhiji went through after his assassination and what they are going through today. The government looks at them with suspicion as if they try to oust the government. The power which the BJP wields is unchecked. In a democratic set up, Prime Minister Narendra Modi has cornered all the power and rules the country by himself. The party pays lip sympathy and put up his photo at the meetings and that too because it attracts votes. Even otherwise, the Mahatma hardly fits into the free market economy and the inequitable growth.

No doubt, the law and order machinery at that time bungled. But it is strange that no police officer of that time has left a plausible account of the events leading to the assassination. It is

true that a few Hindu extremists were arrested. Yet I believe that the plot was larger, involving scores of people at high places. The confession of Swami Aseemanand connected with the Malegaon bomb blasts, has shown that the network of Hindu ultras was quite wide. So must have been the case when Gandhiji was shot dead.

Tushar Gandhi, who moved for the first time in the Apex Court, said he can explain his locus in the case and opposed the plea, saying there was no point in reopening of the case. The apex court, which has appointed a senior advocate as an amicus curiae in the matter, said it would wait for his report before going ahead with the case.

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

An Appeal For Donations **For Republishing books written by M.N. Roy & other Humanist Literature**

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OPINION:

Turn the economic ship around

Muhammad Yunus

We need to apply the potential of social business to solve problems of inequality and unemployment

In 1976, Muhammad Yunus launched Grameen Bank in Bangladesh, which made capital available to the poor, especially women. As he writes in his new book, A World of Three Zeros: The New Economics of Zero Poverty, Zero Unemployment, and Zero Net Carbon Emissions, the impact of microcredit in enabling millions of people to lift themselves out of poverty helped to expose the shortcomings of a traditional banking system. As he travelled across the world, Yunus found that low-income people in the world's richest nations were suffering from the same problems the poor faced in poorer nations: lack of institutional services, health care, inadequate education, substandard housing, and so forth. Yunus, who won the Nobel Peace Prize in 2006, argues that problems of poverty are failures of our economic system. An excerpt:

For too long, we've tolerated the persistence of poverty, unemployment, and environmental destruction, as if these are natural calamities completely out of human control, or, at best, unavoidable costs of economic growth. They are not. They are failures of our economic system — and since the economic system was created by human beings, these failures can be corrected if human beings choose to replace that economic system with a new system that more accurately reflects human nature, human needs, and human desires.

Economics of social business

Remember, the central problem with capitalism as it is now practised is that the system recognises only one goal — the selfish pursuit of

individual profit. As a result, only businesses designed around this goal are recognised and supported. Yet millions of people around the world are eager to pursue other goals, including the elimination of poverty, unemployment, and environmental degradation. All three can be dramatically reduced if we simply begin designing businesses with these goals in mind. And that is where social business plays a crucial role.

Social business offers advantages that are available neither to profit-maximising companies nor to traditional charities. The freedom from profit pressures and from the demands of profit-seeking investors helps make social businesses viable even in circumstances where current capitalist markets fail — where the rate of return on an investment is near zero, but where the social return is very high. And because a social business is designed to generate revenues and thereby become self-sustaining, it is free from the need to constantly attract new streams of donor funding to stay afloat, which drains the time and energy of so many people in the non-profit arena.

Thus, the economics of social business can be simple and sustainable, as illustrated by successful experiments that have already been launched in both the developing world and the wealthy nations.

We live in a particularly suitable time for these experiments with new forms of business, since electronic technologies for information and communication can play a huge role in amplifying the power of individual entrepreneurs. A social business owner who devises a product or service that helps the poor or benefits society

in some other way may be able to attract a wide market by using social networking and other online tools to spread the word. Thanks to the Internet, good ideas can spread more rapidly, and proven business models can grow to scale more quickly and easily than ever. Health care, education, marketing, financial services, and many other economic arenas can be revolutionised through the combined power of social business and technology.

It's exciting to observe how these new economic concepts have been spreading around the globe through the efforts of entrepreneurs, executives, academics, students, and political leaders. Now it's time to apply the potential of social business to solving the problems of inequality, unemployment and environmental decay — all symptoms of the broken engine of capitalism.

We owe it to future generations to begin moving towards a world of three zeros: zero poverty, zero unemployment, and zero net carbon emissions. A new economic system in which social business plays an essential role can enable us to achieve this goal.

Crisis of capitalism

Humankind as a whole is living in a time of unparalleled prosperity, fuelled in part by revolutions in knowledge. This prosperity has changed the lives of many. Yet billions of people still suffer from poverty, hunger and disease. And in the last decade, several major crises have combined forces to bring even greater misery and frustration to the world's bottom 4 billion people.

Few people foresaw these crises. The 21st century began with high hopes and idealistic dreams, encapsulated in the UN initiative known as the Millennium Development Goals (MDGs). Many of us were convinced that the coming decades would bring unprecedented wealth and prosperity, not just for a few but for all people on this planet.

The establishment of the MDGs led to

significant progress on several fronts in the battle against poverty. Sadly, however, 2008 will go down in history as the year of a rude awakening about the gross weaknesses in our capitalist system. It was the year of the food price crisis, the oil price crisis, the financial crisis, and the ever-worsening environmental crisis. In combination, these crises caused a profound loss of faith among people who thought they had full understanding of and control over the global system.

Let's start by considering the food crisis. Early in 2008, the United Nations World Food Programme (WFP) reported dreadful news: more than 73 million people in 78 countries were facing the reality of reduced food rations. We saw headlines reporting news of a sort that many people assumed we would never experience again: skyrocketing prices for staple foodstuffs like grains and vegetables (wheat alone having risen 200% since the year 2000), food shortages in many countries, rising rates of death from malnutrition, and even food riots threatening the stability of countries around the globe.

Since the June 2008 peak in global food prices, prices have continued to fluctuate, reaching another record high in 2011. As of 2016, they had fallen slightly, bringing a bit of short-term relief to millions. But continuing high food prices have created tremendous pressure in the lives of poor people, for whom basic food can consume as much as two-thirds of their income.

We need to consider how the evolution of the world economy and, in particular, of the system whereby food is produced and distributed has led us to today's dilemma. Perhaps surprisingly, the economic, political, and business practices of the developed world have a profound impact on the availability of food in the poor nations of the world. Thus, solving the global food problem will require a redesign of the international framework, not merely a series of local or even regional reforms.

Courtesy **The Hindu**, September 25, 2017 

ECI's credibility undermined

M.G. Devasahayam

The plenary mandate of the ECI requires it to stay vigilant and autonomous. It must also come down heavily on parties and candidates who are turning our democracy into a farce.

Commenting on the failure of the Election Commission of India (ECI) to declare the election schedule of Gujarat along with that for Himachal Pradesh, The Tribune editorial has this to say: “Whatever be the election commission’s calculations, the Nirvachan Sadan’s institutional prestige and reputation stand somewhat diminished.”

According to former Chief Election Commissioner (CEC) SY Quraishi, this act of the ECI has created a “ground of suspicion” as Prime Minister Narendra Modi is expected to visit Gujarat on October 16 to address a rally wherein he is likely to shower ‘goodies’ on the state’s voters.

I would go further to say that this episode has cast a shadow on the very credibility of ECI.

EC's mandate

The Constitution of India mandates the ECI with the superintendence, direction and control of the preparation of the electoral rolls for, and the conduct of, all elections to Parliament, state legislatures as well as president and vice-president. In the Mohinder Singh Gill vs Chief Election Commissioner (1978. 2 SCR-272) case, the Supreme Court ruled that Article 324 is a reservoir of power to act for the avowed purpose of pushing forward a free and fair election with expedition....” The commission shall be responsible for the rule of law, act bona fide and be amenable to the norms of natural justice insofar as conformance to such canons can reasonably and realistically be required of it as fair play-in-action in a most important area of constitutional order, viz, elections.” In a catena of cases, the apex court has observed that fair and free elections are a basic feature of the

Constitution.

In order to perform such an exalted role, the ECI has been given the same status as that of the Supreme Court and the election commissioners are on a par with the apex court judges and the CEC enjoys the same constitutional protection. It is, therefore, imperative on the part of ECI to ensure electoral integrity by all means and not remain tied to the apron strings of the government or succumb to the ruling party wielding the baton.

EC panders to parties

But unfortunately, the ECI has not covered itself with glory on this front and in the conduct of elections it does not consult the people, the real stakeholders and does not implement Article 324 in letter and spirit. Instead, it panders to the political parties, that are only interested in grabbing power by fair or foul means. Elections have become a mere tool to facilitate this.

We saw this glaringly in the Tamil Nadu Election-2016 where money power and freebies were in full flow. The role of money power is described by the ECI in its order rescinding the election in Aravakurichi and Thanjavur assembly constituencies: “Decision is based on the Commission’s assessment about the vitiated atmosphere in the constituencies created by the illegal use of money power to allure the electorate by unethical and unlawful means resorted to by the candidates and the parties.” This was applicable mutatis mutandis to almost the entire state.

The ECI’s Model Code of Conduct-2014 (MCC) on freebies directs political parties and candidates to “avoid making those promises which are likely to vitiate the purity of the election

process or exert undue influence on the voters in exercising their franchise.” Also, in the interest of transparency, level playing field and credibility of promises, manifestos should “reflect the rationale for the promises and broadly indicate the ways and means to meet the financial requirements for it.”

The election manifesto released by the AIADMK, then headed by J. Jayalalaithaa, on May 5, 2016, just 10 days before the polling date, was in total violation of the Supreme Court judgment and the MCC. The EC did not take any action on these blatant violations except issuing a belated notice, that too on representation from civil society. No further action was taken and post-poll surveys clearly revealed that the massive freebies in the manifesto were the clincher.

Added to this was the serious matter of the seizure of huge cash of Rs 570 crore at Tiruppur, just two nights before election that had raised suspicion of humungous electoral bribing. A totally unbelievable story was put out that this huge cache of cash moving from Coimbatore to Vizag belonged to the State Bank of India. Grapevine had it that this money belonged to a national party. Since this happened in an election-bound state under the watch of the ECI with severe restrictions on cash movement, it is its responsibility to order investigation and ascertain facts.

But in all this, the action of the ECI has been indifferent and tardy to say the least. Rescinded elections in the Aravakurichi and Thanjavur assembly constituencies were conducted after six months with the very same candidates contesting the elections, with the corrupt ones winning them. On the blatant violation of the MCC in the election manifesto, only mild rebuke was given to the AIADMK whereas the ECI had the powers to suspend or withdraw recognition of that political party under Section 16A of The Election Symbols (Reservation and Allotment) Order, 1968 as amended. As for the cash cache, the ECI passed the buck and the matter was

hushed up.

Similar other happenings have dented the credibility of the ECI.

No law on appointment of ECs

This is so because though the commission represents “We, the people”, in actual practice it is under the thumb of the government of the day and by extension, the politicians of the ruling party. The Constitution provides that appointments of the election commissioners (ECs) will be made subject to the provision of an enabling law made in that behalf by Parliament. But till date, there is no such law and appointments are being done through an arbitrary, non-transparent, executive process, as if rewarding a favourite with a post-retirement sinecure. The Supreme Court has recently pointed this out, adding that leaving the appointment wholly in the hands of the political executive is not a sound basis for preserving the independence of the ECI.

Because the ECs are appointed by the government of the day, it makes the authority feel like a proprietor who expects the appointee to toe the line set by it. While appointments in statutory bodies are made through the collegium system, not doing so for the constitutional posts of EC looks bizarre. The double standards adopted by the ECI vis-à-vis Gujarat elections can be attributed to this severe flaw.

Such a situation cannot be countenanced. The plenary mandate of the ECI requires this constitutional institution to stand independent and autonomous and come down heavily on political parties and candidates who are increasingly turning India’s democracy into a farce. The ECI should also regulate the entire funding of political parties and their expenses during elections. Only this will provide a level playing field, which is the essence of free and fair election.

Sooner this is done the better. Only then can the ECI regain its credibility, without which India’s democracy would only turn more farcical.

Courtesy **The Tribune**, Tuesday, October 24, 2017

The writer is a former IAS officer. 

Who Wants Clean Legislatures?

S.N. Shukla

At the time of adoption of the Constitution, Dr. Rajendra Prasad in his address to the Constituent Assembly had said- “Whatever the Constitution may or may not provide, the welfare of the country will depend upon the way in which the country is administered. That will depend upon the men who administer it. If the people who are elected are capable and men of *character and integrity*, they would be able to make the best even of a defective Constitution. If they are lacking in these, the Constitution cannot help the country.”

The resolution titled ‘Agenda for India’ adopted by the Parliament at the time of Golden Jubilee of Independence in 1997 began 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.*”

Long thereafter, the Chief Election Commissioner of India sent a proposal to the Prime Minister in July 2004 to disqualify candidates accused in cases, filed six months before an election, of an offence punishable by imprisonment of five years or more, even when trial is pending, given that the Court has framed charges against the person. However, it has been gathering dust despite its endorsement by the Law Commission in February 2014. Thus, nothing significant has been done by the successive governments in the last 20 years to restore and maintain purity of the highest democratic institutions of Parliament and State Legislatures by preventing entry of persons with criminal background in these August bodies. So much for the respect of governments of all hues for the *unanimous* resolution of the Parliament. Consequently, the number of persons with

criminal background has shown alarming increase over the years in Lok Sabha and State Legislatures. As per the information compiled by the Association for Democratic Reforms, even after introduction of the requirement for giving details of criminal cases in the contestants’ affidavits, the number of such members has been showing continuous increase in Lok Sabha and state Assemblies. In the present Lok Sabha it is 185 (34%) and in the present UP Assembly it is 143 (36%). Very soon it may touch the majority mark and we may have *governments of the tainted, by the tainted, and for the tainted.*

The Supreme Court took the first major step towards much needed political cleansing by striking down on 10.7.2013 in its land mark judgment in the writ petitions filed by Lok Prahar and Lily Thomas, in that order, the 62 years old *prima facie* obnoxious provision in Section 8(4) of the Representation of the People Act, 1951 which permitted even murder convicts to continue as “*Hon’ble*” members of Parliament/ State Legislature.

Subsequently, 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) to the following effect-

“11. Presently, we feel that a direction may be issued in respect of MPs/MLAs who have charges framed against them for conclusion of the trial expeditiously to ensure the maintenance of probity of public office

12. We, accordingly, direct 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. If for some extraordinary circumstances the concerned court is being not able to conclude the trial within one year from the date of framing of charge(s), such court would submit the report to the Chief Justice of the respective High Court indicating special reasons for not adhering to the above time limit and delay in conclusion of the trial. In such situation, the Chief Justice may issue appropriate directions to the concerned court extending the time for conclusion of the trial.

13. List the matter after six months.”

Thereafter, during the campaign for the last Lok Sabha elections the present Prime Minister also said that he would request the Supreme Court to fast track criminal cases against MPs to rid the Parliament of criminal elements. After assuming office he again emphasized the urgent need to cleanse Parliament of members with tainted record through judicial intervention and exhorted the newly elected MPs to get criminal cases against them expedited so that they are absolved of the taint in case they were wrongly implicated.

However, even after rather belated letters from the Union Home Secretary to the state Chief Secretaries and from the Union Home Minister to the Chief Ministers, the aforesaid directions of the Apex Court and the PM’s exhortation seem to have had little impact on expediting disposal of the criminal cases against the sitting MPs/MLAs/MLCs. This is apparent from the fact that even more than five months after the Apex Court order neither the Central nor the State Governments had the details of such cases in which charges had been framed against sitting legislators. This writer’s RTI applications to the CPIO, Ministry of Law &

Justice , PIO Home department of UP government and PIO of the UP CM’s office drew a blank. In the absence of this vital information monitoring compliance of the Supreme Court direction and requisite action on the part of the concerned authorities in this regard was just not possible.

Only after complaint and second appeal to the State Information Commission, the PIO of UP Prosecution Directorate vide his letter dated 8.12.2015 supplied details regarding disposal of criminal cases against sitting MP/MLAs/MLCs charge sheeted by the courts. According to this information, criminal cases in which charges were framed prior to 10.3.2014 were still pending against 2 MPs, 1 MLC, and 34 MLAs. Charges against the MLC were framed in October **2007** while charges against the 2 MPs were framed in February **2008** and January **2011**. Significantly, out of criminal cases decided after 10.3.2014 against 42 MPs/MLAs/MLCs, cases only against 2 MPs and 2 MLAs resulted in conviction which speaks for itself.

Vide application dated 11.6.2015 information was also sought from the Registrar General, Allahabad High Court about action taken on the direction in para 12 of the Apex Court’s order. In response, the CPIO of Allahabad High Court simply made available copies of the circular letters dated 4.7.2015 and 6.1.2015 without indicating the outcome thereof. The CPIO’s reply also did not enclose copies of the replies sent to the Union Ministers for Home and Law in respect of their letters to the Chief Justice regarding action on the aforesaid directions of the Apex Court. In the absence of the above information, it is not known as to whether the directions in the circular letter dated 9.7.2014 were complied with by the District and Sessions Judges/OSDs and direction given in para 12 of the order dated 10.3.2014 of the Apex Court was being followed. Accordingly, an appeal was preferred on 5.10.2015 to the First Appellate Authority of the High Court for directing the

CPIO to provide the information on the points mentioned above. However, it was dismissed.

Another RTI applicant had sought information from the PIOs of the High Courts information about total no. of criminal cases pending in subordinate courts on 31.3.2014 against MPs/MLAs/MLCs in which charges were already framed by the Court till 31.3.2013 and number of such cases disposed of till 30.9.2014 and pending on 1.10.2014. Information as to whether explanations for non-disposal of cases which remained pending was submitted to the Chief Justices by **all** the concerned District and Session Judges in terms of the order dated 10.3.2014 and If not, action taken by the Chief Justice against the defaulting District and Session Judges was also sought. However, the response from the High Courts was not very encouraging. Out of responses received from 13 High courts only one partly replied the queries. Others mostly evaded the query citing technical reasons like application not being in the required format etc.

No wonder that despite the previous UP State Legislative Assembly having 188 MLAs with criminal cases, only one was disqualified upon conviction after the landmark historic decision of the Supreme Court in July 2013. Likewise, not one MP has been convicted to attract disqualification even though the present Lok Sabha has 53 MPs against whom charges had been framed prior to their election and face disqualification if convicted.

The replies of the Public Information Officers of the Central and State Governments show the indifference and callousness of the concerned authorities to ensure that the commendable initiative of the Apex Court for cleansing the Temples of the Democracy bore desired fruit at the earliest and the PM's promise of taint free Parliament by **2015** was fulfilled. Under the circumstances, the top judiciary is the only hope for the country.

Accordingly, Lok Prahar filed a PIL Writ Petition No.10562 (M/B) of 2016 in the

Lucknow Bench of Allahabad High Court for effectuating prompt and meaningful implementation of the directions in the order dated 10.3.2014 of the Apex Court for restoring the purity of our highest legislative bodies. At the time of preliminary hearing of the writ petition it was submitted that the directions of the Apex Court for disposal within 1 year have remained un-compiled for more than 2 years despite letters from the Union Home Secretary, Union Home Minister, and Mr. Justice (retd.) Kamleshwar Nath, President of the UP Chapter of Transparency International. It was also submitted that as per the decision of the Constitution Bench in Bhopal Sugar Industries Ltd. Vs. ITO reported in AIR 1961 SC 182, mandamus can be issued where an authority refuses to obey the superior authority as in the present case. However, the writ petition was dismissed ignoring the aforesaid submissions *without even issuing notice to the opposite parties.*

Having failed to get any relief from the High Court the petitioner organisation filed SLP (C) No. 22079 of 2016 for implementation of the directions of the Apex Court and enforcement of the Rule of Law in this matter of great national importance. The said SLP involved determination of following important questions of law of far reaching public importance-

- (i) Whether, in view of the decision of this Hon'ble Court reported in AIR 1987 SC 1628 the petitioner's writ petition in such an important matter concerning the purity of highest legislative bodies could be dismissed summarily without even issuing notice to the respondents?
- (ii) Whether, the said writ petition could be dismissed on the ground that **second** Mandamus could not be issued even though the direction in the order dated

10.3.2014 in the writ petition (c) no. 536 of 2011 was for disposal of criminal cases against sitting MPs/MLAs/MLCs *within a year of framing of charges* and the prayer in the writ petition was for directing the respondents to ensure compliance of the said direction of the Apex Court?

- (iii) Whether, the respondents were not duty bound to ensure compliance of the orders of the Apex Court and whether the writ petition could be dismissed ignoring the law laid down by the Constitution Bench reported in AIR 1961 SC 182 cited in the writ petition and at the time of hearing?
- (iv) Whether, the civil society should be left helpless even in such cases of glaring non-compliance of the orders of the Apex Court in such matters of great national and public importance?
- (v) Whether, in view of the infirmities in the impugned judgment pointed out in the Synopsis/List of Dates and the answers to the above questions, the order dismissing the petitioner's writ petition can be sustained in the special and exceptional circumstances of this case?

However, the SLP was dismissed on 29.8.2016 with the following order-

"Heard.

We do not see any merit in this special leave petition, which is hereby dismissed.

Pending applications shall also stand disposed of".

Thereupon, a Review Petition (C) No. 9 of 2017 was filed submitting that the order dated 29.8.2016 does not deal with the questions

of law raised and the grounds taken in the SLP. Nor does it make any mention of the submissions made and the rulings cited at the time of hearing of the SLP. As brought out in the review petition, summary refusal to even entertain the writ petition in this matter of great public importance concerning the purity of our highest Legislative bodies and the enforcement of the interim order dated 10.3.2014 in WP(C) No. 536 of 2011 and consequently, the future of democracy in the country, clearly warranted interference under Article 136 in the special and exceptional circumstances of the case and as such it was a fit case for exercise of the power under Article 137 of the Constitution and granting personal hearing for the reasons detailed in the Review Petition and the application for oral hearing. In the said review petition the following questions of law were raised-

- (i) Whether, summary dismissal of a writ petition under Article 226 of the Constitution for enforcement of the direction dated 10.3.2014 for ensuring purity of our highest legislative bodies did not constitute a special and exceptional circumstance to attract jurisdiction under Article 136 of the Constitution?
- (ii) Whether, in view of the non-implementation of the direction dated 10.3.2014, the petitioner's SLP against the dismissal of the WP for compliance of the said direction could be dismissed in limine overlooking the decision of the Constitution Bench in AIR 1961 SC 182 cited in the SLP and as the time of hearing of the SLP?
- (iii) Whether, the impugned judgment in such a matter of great public importance could be, and should be, allowed to stand when it is apparent from the record that the prayer in the writ petition was NOT for a second Mandamus or any clarifica-

tion or addition in the order dated 10.3.2014 *as wrongly stated in the impugned order?*

- (iv) Whether, the SLP could be dismissed when it is apparent from the record that summary dismissal of the WP in such an important matter concerning the purity of highest legislative bodies without even issuing notice to the respondents was not sustainable in terms of the decision of this Apex Court reported in AIR 1987 SC 1628 ?
- (v) Whether, the dismissal of the SLP was in consonance with the repeated concern of the Apex Court about increasing criminalization of politics and consequent mis-governance affecting the life and liberty of the people as expressed in various recent decisions of the Apex Court?
- (vi) Whether, the SLP against dismissal of the WP for enforcement of interim order in WP (C) No. 536 of 2011 could be dismissed when, in view of the importance of the issue regarding disqualification of charge sheeted MPs/MLAs/MLCs, the main matter stands referred to the Constitution Bench?

However, the review petition was also dismissed rejecting the application for oral hearing saying that “*We do not find any ground therein warranting reconsideration of the order impugned*”. Under the circumstances, the big question is that, in view of the natural reluctance of the parliamentarians, for obvious reasons, to debar persons charged by the court even with heinous crimes, in case

the High Court and Supreme Court do not intervene to ensure time bound enforcement of the directions in the order dated 10.3.2014 of the Apex Court even in such a matter of great public importance then what is the remedy and who will do the much needed cleansing of our increasingly polluted Legislatures?

In this context the latest order dated 1.11.2017 in the writ petition (c) no. 699 of 2016 filed by another advocate has come as a bright ray of hope. By the said order the Hon’ble Court has directed the competent authority in the Union Government to lay before the Court within six weeks information regarding disposal of criminal cases declared by MPs and MLAs in 2014, as envisaged by the Court’s order dated 10.3.2014 and the outcome thereof and also details of the criminal cases registered against present or former MPs/MLAs between 2014 and 2017 along with details of disposal of such cases. The Hon’ble Court has also directed that a scheme for setting up Special Courts to deal with criminal cases involving political persons on the lines of Fast Track Courts be also laid before the Court on the next date fixed (13.12.2017) so that the issues regarding operationalising the scheme may be dealt with by interacting with the representatives of the respective state governments, if necessary, depending on the availability of funds from the Central Government. Evidently, this will go the long way in preventing continuance and entry of persons with criminal background in the Parliament and State Legislatures and fulfilling the Prime Minister’s overdue promise for making Parliament taint free by 2015.

S.N. Shukla, is I.A.S. (retd.), Advocate, General Secretary, Lok Prahar 

“Where a society has chosen to accept democracy as its credal faith, it is elementary that the citizens ought to know what their government is doing.”

Justice P N Bhagwati, former Chief Justice, Supreme Court of India, (1981)

Is Narendra Modi a populist?

The old narrative about India's Prime Minister is not dead, but a new one is emerging

Over the last six months, I have participated in several panels on populism, spread as far apart as the United States, India and Australia. Some questions have repeatedly appeared: Is Narendra Modi a populist? Does Modi's India share some political characteristics with Donald Trump's US, Rodrigo Duterte's Philippines, Recep Tayyip Erdogan's Turkey, Viktor Orban's Hungary?

The World Economic Forum's recent India Summit in Delhi also had a panel on populism, where I spoke. This forum does not spend energy on arcane academic matters. It reflects what is uppermost in the minds of business leaders worldwide. Populism is now a larger concern.

In 2014, soon after Modi's rise to power, political analysts did not ask whether he was a populist. His 2014 victory, many argued, was based on a campaign whose two principal planks were, one, a rage against corruption and dynastic politics and, two, a fervent plea for governance and India's economic revival. Unlike L.K. Advani's rousing 1991 campaign trope, "*garv se kaho hum Hindu hain* (say with pride we are Hindus)", a pro-Hindu master narrative was missing in Modi's election speeches. Voter surveys conducted by Lokniti's National Election Study 2014 also did not show that Modi's victory was a vote for Hindu nationalism.

In international circles, this early narrative about Modi is losing its salience. The world has begun to notice the lynching of Muslims, the BJP's preoccupation with cow protection, Modi's aversion to the press and his direct communication with the masses through Twitter and "Mann Ki Baat", his preference for leaders

such as Yogi Adityanath, known for their pro-Hindu private militia, not disbanded even after ascension to power. Allowing vigilante forces is the opposite of democratic governance.

Alongside, it is now felt that, for Modi, India's economy was a secondary concern. The decline in India's economic growth rate is being viewed as a self-inflicted wound. The world could not understand how the demonetisation of 86 per cent of an economy's currency, especially if 93 per cent of the work force is informal and cash-dependent, could possibly unleash economic dynamism in the short to medium run.

The old narrative about Modi is, of course, still not dead, but a new one is trying to emerge. And the new narrative is taking the following form. Modi might still be very popular, but for him, ideology triumphs over governance, civil liberties are less important than political conformity, and enforcement of a Hindu majoritarian politics is more significant than India's economic ascendancy. Hurting minorities also contradicts a core promise of his campaign: "Sabka saath sabka vikas (If all are brought together, each will be lifted economically)".

But what does all of this have to do with populism? For conceptual clarity, we need to turn to the social sciences which have studied populism, especially in the West and Latin America.

At the heart of the concept of populism is the distinction between "popular" and "populist". Jawaharlal Nehru and Barack Obama were popular, winning huge electoral majorities, but they were not populists. In their political conduct were absent the core ideas of populism: That democracy is primarily about elections, and the customary institutions of oversight — the press,

judiciary, intelligence agencies etc — which normally constrain democratic governments between elections must follow electoral verdicts, not the law; that some leaders authentically represent the wishes of the masses, while others are corrupt and moral crooks to be tamed by the state and mass hysteria; that charisma is higher than the law; that the constitution matters less than a crusade on behalf of the masses.

These populist ideas can take two forms: Populism of the left, and populism of the right. The former, economic at its core, pursues economic redistribution on behalf of the poor. The latter, culturally oriented, believes that the majority community owns the nation, and minorities are dependents and supplicants, not carriers of rights.

In India, Indira Gandhi was the best example of left-wing populism. She combined “garibi hatao(remove poverty)” and electoral primacy, with attacks on the press and judiciary, and a demonisation of political opponents, both within and outside the party. Arguing that she, and she alone, embodied the people’s wishes, she went to the extent of suspending democracy, calling the emergency a true expression of popular will.

India has not had right-wing populism in power at the Centre, nor is Modi a typical representative of such populism. He belongs to a hybrid category. Like Indira Gandhi, he privileges electoral majorities over everything else, is hostile to the idea of an independent press and distrustful of courts, and courts mass adulmentation.

But he is different from Indira Gandhi in that, unlike her, he has a Hindu majoritarian view of the nation and is deeply unsympathetic to minorities. Absent in Indira Gandhi, racial or religious majoritarianism is a defining element of right-wing populism. The hostility of Trump, for example, to Hispanics, Blacks and Muslims, and that of European populists to minorities and immigrants is all too evident.

Modi’s economics, however, does not align

with the standard populism of the right, which relies heavily on markets and/or business classes to steer economic progress. His economic policy does have pro-market elements (new bankruptcy laws, reform of indirect taxes) and he has also not been able to hide his pro-business proclivities, but his economics concomitantly also has non-market “people oriented” elements (bank accounts for the poor, modern toilets for all, doubling farm income, farm loan waivers). Moreover, he justified demonetisation in terms of mass welfare. It is another matter that the masses have been badly hurt.

In this newspaper, Ram Madhav, a national general secretary of the BJP, summed up Modi’s appeal thus: “The mob, humble people of the country, are behind Modi... They are enjoying it” (IE, August 15). How should one react?

A populist can celebrate mob rule. But a democrat cannot. He knows that mobs are not always right: Untouchability, after all, was popular in India, as was lynching of blacks in the American south. That is why all modern democracies constrain mob sentiments with constitutions and laws. Populism and democracy are not to be confused. A conflation of mobs and democracy only leads to frequent vigilante violence, an undermining of the press and judiciary, and a weakening of law-based governance.

Would that be good for the country? This question has moved to India’s political centrestage.

Courtesy **The Indian Express**, October 23, 2017.

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Hindutva's Forward March - 2

Continued from the last issue....

If we were unhappy about Khehar Singh's performance, the appointment of his replacement Dipak Mishra to a fourteen-month term offers little relief. On November 30, 2016, Mishra made it compulsory to stand while the national anthem plays in movie theatres, though he did subsequently exempt disabled people. Then, immediately after his appointment began, he and another judge overturned a Gujarat High Court ruling that called on the state government to fully compensate the owner-trustees of the mosques, dargahs, and other religious sites damaged during the 2002 pogrom. They claimed their decision was in keeping with maintaining the "secularity of the state."

All that said, two recent rulings have partially restored the SC's reputation as a relatively independent body. First, a five-judge bench by a majority outlawed instant triple talaq, a welcome decision in its own right that also sets an important precedent for intervening in the constitutionally protected sanctity of religious personal law.

The BJP and Hindutva supporters endorsed the ruling because it rejects what they consider "Muslim privilege," allowing Modi and his cabinet to dishonestly present themselves as champions for Muslim women. But progressive feminist organizations, while welcoming the verdict, have correctly pointed out that the justices based their decision on the divorce procedure's arbitrariness, not on grounds of promoting gender justice.

The second ruling (a unanimous one by a nine-judge bench) declared privacy a fundamental right. This decision constitutes a serious blow to Modi's attempts to establish the strongest possible surveillance state.

Modi is trying to mandate the Unique Identity Card (UID), which would require every citizen

Achin Vanaik

to reveal personal details to the government. The prime minister has proposed linking this card to a host of welfare provisions and everyday services like having a mobile phone or opening a bank account. If passed, the UID scheme would create a massive database, making many citizens' personal data available to government misuse.

While arguing the case, the Modi government made three shocking arguments. It claimed that privacy cannot be a fundamental right because the constitution does not say it is, objected that "privacy" has no proper definition and is therefore too vague a legal standard, and, finally, argued that, in the Indian context, privacy represents an "elitist" notion.

The ruling did allow for restrictions on privacy in the name of "national security" and "public interest," allowing the government some leeway for pushing the UID project. Future cases will indicate how extensive and meaningful the right to privacy will remain, but this verdict opens the door for other democratic advances, including the decriminalization of private sexual behavior.

Public Education

The Sangh has long worked to influence educational institutions and practices. Their strategy has two elements — hiring politically loyal personnel and enacting politically motivated curricular revisions — that have had varying levels of success.

Even at the tertiary level, public-sector teachers come from diverse political and social backgrounds. They have years of experience, are spread across the country, and enjoy permanent tenure. Trying to secure ideological loyalty among this disparate community is a challenging and long-term project, but imposing uniformity in what is taught is a much easier

task. As a result, the Sangh has emphasized textbook revisions or changing syllabi at the higher levels.

Recently, the RSS affiliate the Shiksha Sanskriti Utthan Nyas (Education Culture Regeneration Trust, or SSUN) recommended to the National Council of Educational Research and Training (NCERT) a number of changes to the books public or private institutions use to prepare students for the secondary-level exam system certified by the Central Board of Secondary Education. There are other school boards but the CBSE is by far the most popular in the country.

During the second UPA government (2009–2014) SSUN pressured the weak Delhi University administration to remove Three Hundred Ramayanas from its undergraduate history syllabus. This scholarly work testified to the diversity of Indian religious thought. The SSUN has also recommended to the NCERT removing from existing texts the thought of Nobel Prize–recipient Rabindranath Tagore because he criticized nationalism in the name of a broader humanity, deleting former prime minister Manmohan Singh’s apology to the Sikhs for the 1984 pogrom, scrubbing the curriculum of any mention of violence against minorities, and omitting a sentence that reads “nearly two thousand Muslims were killed in Gujarat in 2002.”

The SSUN has also recommended scrubbing the curriculum of any mention of violence against minorities and omitting a sentence that reads ‘nearly two thousand Muslims were killed in Gujarat in 2002.’

Another RSS affiliate, Shiksha Bachao Andolan Samiti (Save Education Campaign Committee) is run by a Modi favorite, Dinanath Batra, a retired schoolteacher and hardline Hindutva ideologue. The SBAS successfully pressured Penguin Publishers India to withdraw and pulp all the copies of Wendy Doniger’s book *The Hindus: An Alternative History*. Since 2014,

a set of nine textbooks Batra himself wrote finally have been translated from Hindi into Gujarati and distributed to over forty thousand schools.

The University Grants Commission (UGC) determines and maintains the standards of teaching, research, and examination in universities. It is the only body that provides grants to higher educational institutions. This powerful body currently lacks a chairman, and H. R. Nagendra, Modi’s personal yoga instructor, is serving as head of the search committee that will make the final selection for this post. Can anyone doubt where the UGC is headed?

Cow Vigilantism

Expanding hegemony is not just a matter of mobilizing consent for a group’s ideologically inspired beliefs, values, and practices. It also requires generating fear: what consequences will befall those who do not agree with — let alone oppose — Hindutva politics?

The Sangh’s militant gangs and violence-prone foot soldiers play a key role in this process. Cow vigilantism promotes fear among Muslims generally and more specifically among non-Muslims in the cattle trade. No law specifically deals with targeted communal lynchings, as compared to the more generalized and indiscriminate violence in communal riots and pogroms. Cow vigilantism represents a new form of hatred that — unlike riots — does not require longer-term preparation, or an inciting incident, or a certain number of participants.

These attacks mean the state does not have to resort to violence and can cover its tracks by denouncing those who take the law into their own hands. Of course, the perpetrators know that they will almost certainly escape punishment or, at worst, receive milder penalties, particularly in BJP-ruled states. Here, Uttar Pradesh is setting the gold standard.

The secular claims many liberals make about the character of the Indian polity and constitution

received a major shock when, for the first time ever, an acting high priest of the centuries-old Gorakhpur Temple became Uttar Pradesh's chief minister. Yogi Adityanath belongs to the Nath sect, which takes *gauseva* — cow service — as a religious duty.

Each state controls animal husbandry, and many allow some cattle slaughter. But, since the central government can legislate animal cruelty provisions, it used this excuse to greatly limit the cattle trade. On May 23, it issued a notification to the Prevention of Cruelty to Animals (Regulation of Livestock Markets) Act, which imposes a virtual ban on the sale of cattle for the purposes of slaughter, which is one of the important purposes for having such markets in the first place.

The SC has ordered a stay on this attempted violation of existing laws, and the government's initiative seems unlikely to go through. In the meantime, however, Adityanath has ordered the closure of all illegal abattoirs as well as many legal ones, whose licenses are currently lapsed. The court will force him to allow renewal, but the point is that, at least in BJP-ruled states, the government is officially encouraging cow vigilantism.

In Maharashtra, the new post of "honorary animal welfare official" has been created, inviting applicants from cow protection militias and groups. Haryana already has some five thousand cow-protection activists.

On April 1, a fifty-five-year-old Muslim man, Pehlu Khan, was transporting cows to his dairy farm in Rajasthan when a mob mercilessly beat him. He succumbed to his wounds a couple of days later. The main accused in Khan's dying statement have just been let off by the Rajasthan police.

On September 5, a rowdy group of train passengers taunted Junaid Khan, a sixteen-year-old Muslim boy, for being a "beef-eater" and "anti-national." They then stabbed him to death and threw his body off the train.

According to IndiaSpend, sixty-three incidents of cow-linked violence occurred between 2010 and 2017, leading to twenty-eight deaths. The years 2014–17 account for 97 percent of these incidents, and 86 percent of those killed are Muslim.

Un-free India

Of course, cow vigilantes aren't the only ones participating in these targeted attacks. In 2005, the Congress-led government passed the Right to Information Act, which significantly enhanced public transparency. Individuals could request documents and information, and government affiliated bodies had to reply. In April of this year, the Modi government proposed an amendment to this act whereby an applicant's death would automatically end his or her written request or query.

As it is, the government has yet to implement the 2011 Whistleblower's Protection Act, and seventy Right to Information applicants have already been killed. These activists often serve as leaders of rural movements fighting to secure everyday needs for their communities. Altogether almost four hundred such activists have been murdered, assaulted, and harassed, but the police have jailed only six culprits. This amendment if passed by the Central Information Commission would only encourage life-threatening assaults on applicants.

More disturbing, however, are the links between four assassinations, including the recent assault on Gauri Lankesh. Her murder closely resembles attacks on leaders of the rationalist movement: against superstition and for promotion of a scientific temper. The victims include N. Dabholkar, who was killed in Maharashtra in 2013, G. Pansare, also in Maharashtra in 2015, and M.M. Kalburgi, in Karnataka in 2015. The bullets recovered from the Lankesh crime scene indicate that the pistol used had the same make as those that felled the other activists. In all four cases, the ambushes were carried out very professionally,

suggesting hired mercenaries.

No one has been found guilty or punished for these murders, though the needle of suspicion points to a radical right-wing Hindu group, the Sanatan Sanstha, which is based in Maharashtra but also active in Goa, Karnataka, and the Hindi belt. People belonging to this organization have been arrested in relation to the murders and for unrelated bombings, but the BJP-ruled Maharashtra government and the central Ministry of Home Affairs have given them all a clean sheet.

From time to time journalists have been killed while on duty and this deserves the widest condemnation. Indeed, five died in 2016, and three in 2015.

What sets Lankesh's murder apart from other cases is that most killings relate to the journalists' investigations into specific instances of crime, corruption, political malfeasance by politicians, powerbrokers, or the misdeeds of religious figures and the inner workings of their cult organizations. Certainly the paper she was editor of did carry out muckraking investigations but it was the general political orientation that was the problem. What connects Lankesh to Dabholkar, Pansare, and Kalburgi — none of whom were professional journalists — is that all categorically and continuously opposed Hindutva. They also wrote, spoke, and campaigned in their respective regional languages, which gave their views stronger influence among the very constituencies that the forces of Hindutva are trying to win over.

Further, those demanding justice on Lankesh's behalf have become targets of mass trolling. They routinely face accusations of being "Hindu-haters" or "anti-the new India." Trolls have welcomed these assassinations, calling them warnings to others who might want to avoid a similar fate. Unlike earlier online attacks, these seem to be pre-planned as the posts have the same basic content across Facebook, Twitter, and other social media platforms.

Not in My Name

But there's good news, too. Precisely because of Lankesh's broader journalistic interests, her death sparked a strong outcry. Thousands of people in different states and cities have held peaceful protests demanding justice.

Gauri held strong, left-wing views and was even working to bring Naxalites back into the mainstream. But her political positions have not put off those who came out on the streets for her. They recognize that she died for the basic democratic right for each person to hold her own views and express them freely, no matter how unpleasant the BJP, the Sangh, or other Hindutva organizations may find them.

Humanists, liberals, and leftists of all sorts have come together to present a common front. This civic resistance has a stronger resonance because no opposition party organized it. Parties can — and should — join in, but they should continue to play a supporting role and not try to grab the political limelight.

A loose network of activists, taking the label "Not in My Name" to protest the atmosphere of intimidation and violence that has emerged, set the precedent for the pro-Lankesh mobilizations. As the choice of name suggests, the key organizers of this movement come from the Indian middle class, who recognized this slogan's use in the West. But this action has not been confined to that social layer.

The activists have used a more decentralized protest format, with smaller groups meeting in different neighborhoods in various cities and towns. By entering communities that have different class, caste, and religious composition, Not in My Name has successfully initiated local unities.

These simultaneous meetings take place on one day in various parts of the country but also focus on a week-long campaign in a particular city. Activists have also launched peace journeys, where a small group of people visit a location where incidents of violence have occurred, meet bereaved families, hold meetings,

and gather more fellow travellers for trips to the next stop on their itinerary. Among many other positive outcomes, these journeys show the urban activists' solidarity with rural areas.

These forms of protest are sending a clear message: the people oppose the politics of hatred and violence; they defend democratic freedoms to hold and express divergent views; they celebrate India's ethnic, religious, and linguistic diversity; and that many among the better-off will stand with the downtrodden.

Will this be enough to counter Hindutva's forward march? On its own, of course, not. But we should still welcome it because, in an era of mass media and virtual communities, face-to-face discussion retains an importance we should not underestimate.

The Modi regime's greatest weakness comes from its economic failures. For example, the demonetization scheme represented a massive failure. Modi designed his program to attack the black economy's cash flow, but the most important component of the informal economy is the stock of wealth held in immovable assets or stashed abroad. The government promised that the program's success would make up for the short-term disruption to the most vulnerable people, but most of the old notes have returned

to the formal banking sector. This means that the elites, who hoarded wads of cash, have converted their wealth into legitimate bank holdings that they can now earn interest on. The scheme's mismanagement has helped lower average growth rates over the last two years. Modi's promise of greater prosperity for the vast majority has not and will not be fulfilled.

His greatest failure, however, is a structural one, embedded in his economic policies of neo-liberalism: neither he nor his government can ever provide enough good-paying jobs for the nation. The already poor and precarious will face increasing deprivation, and lower middle-class youth will watch their opportunities fade away.

How these economic frustrations will crystallize politically between now and the next general elections — and what forces will take advantage of them — remains the most important unknown.

Courtesy www.jacobinmag.com, 09.19.2017

*Achin Vanaik is a writer and social activist, a former professor at the University of Delhi and Delhi-based Fellow of the Transnational Institute, Amsterdam. He is the author of *The Painful Transition: Bourgeois Democracy in India* and *The Rise of Hindu Authoritarianism*.* 

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The (in)human face of privatisation

P.A.S. Prasad

There is this story probably by Maupassant about the heart of a merchant and his rapacity for making more and more money. The merchant on one of the voyages of his business is shipwrecked. He finds himself on an island tended by a beautiful island girl. He notices the bead strings around her neck. The beads are precious stones of varied colours which fetch millions in the civilised world out there. He starts living on the island among the friendly locals and he makes the girl his wife. During his wanderings on the island he finds and collects such stones. He packs the stones. He estimates that once he reaches his world outside, with the sackful of those stones. He would be the world's richest man. By the bye as luck would have it, a ship comes near the island. The merchant overjoyed boards the ship with his sackful of precious stones. The girl madly in love with him accompanies him. One day during the voyage as both are watching the waters of the sea, the merchant notices the beads string around the neck of the girl. In a flash his business instinct calculates the value of the stones in the string, in addition to the sack of stones. On some pretext he tells the girl to remove the string around her neck and give to him. After that when the girl is engrossed looking at the sea, the merchant suddenly pushes the girl overboard into the sea.

The greed for more and more money being the driving force to get it by any means what-so-ever was there when humans learnt business, so it is now and so it will be. Only the scale and scope have changed, ethics values playing very little part in this game

PM Narasimha Rao while initiating liberalisation measures used to assure that the human face of liberalisation would be taken care of. This is a chimera and impossibility. This is as impossible as a wolf turning vegetarian. Here

I am not going to dwell on the criminality and the staggering grip and nexus between corporate business and the state. Galbraith so realistically put it as corporate state. The state machinery, policies and success of political parties amenable to corporate control coming to power is a tragic reality. The arms bazaar, genetically engineered food grains, the corporate pharmaceuticals manipulating public health for their own advantage and the list is endless and so on. Sometimes one wonders whether the big business requires a chamber of commerce or a gas chamber for the welfare of humanity.

It is pointed out that while the state thus cannot control or exercise authority over the corporate world it can definitely stamp out the evil of private enterprise at the micro level. In India even this much is not attempted. Western countries and some countries in the far east have demonstrated that this is quite possible if the govt. machinery is committed with a machinery zeal especially in the areas of food adulteration, rural and mafasil health care education at the elementary to high school level. If this is successfully implemented the foundation is secure. The pockets of corruption at village level to the tehsil and police station can be routed out by firm exemplary commitment on the part of the district administration. This is quite possible. Only a firm will is wanting.

The evil of private enterprise at the micro level can be seen at the village level. The village milkman routinely mixes water in the milk with impunity knowing full well that is for the consumption of infants as well as the rest of the people in need of milk. The people too take it for granted being conditioned for centuries of the horrendous practice. So is the case of the village grocer, every item of consumption is adulterated. No one is bothered. Public health,

nutrition is imperceptibly damaged for generations. All this leads to the increasing cost of maintenance of public health. This can be multiplied several times at the muffasil level. We never hear of punishments being handed down to the milkman, grocer and the village tea shop hotelier.

A strong committed district administration can easily and effectively stamp out this evil in all its aspects. This is viable, feasible does not cost extra fund allocation. I do not understand why the governments of the day do not even attempt to start reforming from the bottom. The emphasis is always at the high end high sounding mega schemes involving billions of expenditure, proportionate kickbacks, scams and whatnot, while rural economy, health and other necessities of life are seriously imperilled.

If we cannot and know how to do it, we can at least learn from the western countries, where food adulteration and public health are very seriously taken and we never hear of water is mixed with milk or the grocer is cheating on adulterated items of food grains or in the weights and measures. Teams are sent abroad for study of high sounding mega purposes of nationally importance. Once the western countries also might have faced this problem but very effectively solved it. We can learn how they have done it and maintaining it that way. In our country the offerings to God Almighty on magnificent temples are not spared. We have come across reports that ghee meant for the famous *laddu prasad* and other items has been found to be adulterated. This is a typical case of the human face of private enterprise! If this is the case of a very glorified God what can be expected for lesser Gods and ordinary mortals of all the great projects being undertaken all over the country covering all spheres of our lives in this country.

Private enterprise in the muffasil areas is far worse than in the rural areas. Some values still exist in the villages. To what extent of depravity we can defend even in an exceptional case as

it was highlighted this one episode is leaves us ashamed as a nation. Many years ago it was reported from Gaya the holiest of shrines for both Hindus and Buddhists that in a hotel a customer found the little finger of small human child in the gravy he was about to eat. The horror stricken person and other customers complained with evidence. In an enquiry it was revealed that the hotel was collecting detritus from hospital surgical wards and portions of it were being mixed while preparing food items. There is no check on the working hours and wage payments in various shopping establishments. This must be the story all over the country as the mind of a businessman works that way. Make money more and more of it even if people perish and suffer around.

When we look around the scene in cities where show rooms and salesmen abound, it is heart breaking to see the advertisements in the news papers wanting dynamic result oriented young me for sales promotions it means, you beg borrow steal,, bribe , use wine women to conclude a sale or a contract

I was employed in the public sector coal company and came to know about some horrors at the time of nationalisation of coal mines of certain practices of the private coal mine owners may not be all of them. To avoid payment of workmen compensation when a workman died in an accident while on duty, alcohol was injected into the belly of the dead workman to show that the workman was drunk resulting in the fatal accident. Hence no compensation was payable in such cases. I also heard of cases of whipping the labourers to drive them for better performance. The private owners never cared for technically sound extraction of coal resulting in destruction of natural resources. They were only interested in extraction of coal by any means and making money. Late Mohan Kumaramangalam the then union minister for coal wrote a book explaining the rationale behind nationalisation. Knowing full

well the evil, efforts are now on to privatise the coal mines in gradual phases.

In conclusion it is emphasised that the evil of private enterprise can be eradicated reforming from the base level of villages working upwards to the tahsil and then at the district level. The govt. officials from the bottom up will be amenable to discipline either by cajoling or coercion to compel the village milkman to sell pure milk, the grocer to sell unadulterated quality goods and so on in all activities connected with

village life. It may be difficult initially but when people get used to such services and benefits the system itself gets stable after a time. When European countries also democracies have excellent private services available to people from the village level upwards why cannot we. The district administration implement these measures, they have the resources and power. Only firm motivation and dynamism are required to extract work from the village level employees and upwards. 

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Dastan-e-Farooqui: Of Consent, Conviction and Acquittal

Mahmood Farooqui's legal journey is far from over, the HC verdict can still be challenged.

Rakesh Shukla, Advocate

In the ancient city of Delhi, witness to hundreds of stories, in seven avatars of its existence, lived a filmmaker and artist named Mahmood Farooqui. In July 2016 denizens of the city woke up to the astounding news of the conviction of this Dastangoi performer and co-director of the acclaimed film *Peepli Live* for rape, of all crimes. The minimum sentence of seven years being mandatory under the law, Farooqui was packed off to prison to pay his debt to society. Like a story from Arabian Nights, lo and behold, on 26 September 2017, the same denizens see the picture of a smiling Farooqui cleared of the rape charge by the Delhi High Court!

An internal appeal to the Division Bench of the Delhi HC, and then to the Honourable Apex Court which is Supreme, not because it is infallible, but is because it is final, may be made

As the Punjabi saying with its pastoral flavour goes, “Kadi dhup te kaddi chaun” (At times blazing sunshine, at times shadow). However, the rollercoaster ride is far from over. The acquittal is by a single judge of the Delhi High Court. An internal appeal to the Division Bench of the Delhi High Court, and then to the Honourable Apex Court which is Supreme, not because it is infallible, but is because it is final, may be made.

It is important to keep in mind that the evidence remains the same before the courts. Sanjiv Jain, Additional Sessions Judge, Fast Track Court, Saket, New Delhi convicted Mahmood Farooqui, and Hon’ble Justice Ashutosh Kumar of the Delhi HC has acquitted him, based on the same materials and testimony. Therein lies the conundrum in the quest for truth and justice.

The testimony of the prosecutrix remains the same and yet gets a volte face in law.

In grappling with the rape law, the Verma Commission, the latest amended rape law and the presumptions in favour of women, Justice Ashutosh Kumar in something of a googly confronts us with Section 90 of the Indian Penal Code from 1860!

“Consent known to be given under fear or misconception.—A consent is not such a consent as it intended by any section of this Code, if the consent is given by a person under fear of injury, or under a misconception of fact, and if the person doing the act knows, or has reason to believe, that the consent was given in consequence of such fear or misconception...”

The lynchpin of the acquittal is the phrase, “...and if the person doing the act knows, or has reason to believe, that the consent was given in consequence of such fear or misconception...”

The High Court judge takes the view that other materials like the timelines of the arrival of the survivor, other witnesses, calling of the cab:

“...pale into insignificance when it is doubtful as to whether the appellant had the requisite mental intent of violating the prosecutrix and whether he had genuinely mistaken some verbal/ non verbal communication as consent and whether the element of fear in the mind of the prosecutrix was made known or communicated to the appellant.”

In the context of the intoxication and bipolar disorder of the accused, the judge observes:

“Though the mental makeup/condition of the appellant may not be a ground to justify any act which is prohibited under law, but the same can

be taken into consideration while deciding as to whether the appellant had the correct cognitive perception to understand the exact import of any communication by the other person.”

The commission of an offence in law requires the fulfilment of two ingredients – the actus reus, the physical acts which constitute the crime, and the mens rea, the guilty state of mind of the perpetrator. The awareness and knowledge that the prosecutrix has not consented combined with the actus reus complete the offence.

She was very scared

Going back to the judgment of the trial court that convicted Farooqui, the judge, Sanjiv Jain, had noted:

“She was very scared. She then thought two things. First thing she thought that she had seen a clip of documentary of Nirbhaya case where the rapist had said, ‘if she (victim) did not fight, she would still be alive’.”

Justice Kumar, however, observed that as the prosecutrix did not articulate these thoughts, it could not be said that the element of fear was made known to Farooqui. Therefore it could not be said that there was the necessary intention to violate on his part. It is possible that the articulation of fears by the survivor can at times egg on the perpetrator. The High Court judgment records the finding that there was room for Farooqui to be genuinely mistaken about some verbal/non-verbal communication as consent.

The testimony of the prosecutrix recorded by the trial judge reads: “He then kissed her. She said ‘no’ and pushed him away. He then tried kissing her again and said ‘I want to suck you’ but she said ‘no’. He started putting his hand up her dress and pulling down her underwear from one side. She was trying to pull up her underwear from the other side.”

“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)

The foundation of the finding of the High Court that there was “little or no resistance” and that a “feeble no” could not be deciphered as denial of consent, and there was room for a genuine mistake, is difficult to fathom. The testimony in the trial court records:

“He then held her arms and pinned her arms and body on the diwan. She said ‘no’ and struggled to push him away but he was stronger than her.”

The HC judgment seems to have given a new spin to the issue of consent, placing the perception of the perpetrator as the central point to be considered.

The HC judgment seems to have given a new spin to the issue of consent, placing the perception of the perpetrator as the central point to be considered. Mental elements like mens rea are necessarily in the arena of speculation and have no tangible existence. Intoxication and mental disorders are likely to affect cognition and perceptions of reality. There seems to have been unequivocal verbal and non-verbal communication of “no” and clear physical coercion as per the testimony of the woman survivor.

Giving the benefit of doubt to the accused on the ground of lack of cognitive perception to understand the communication in the circumstances seems to be a far stretch even by norms of progressive reform-oriented criminal jurisprudence.

Courtesy **HuffPost India**, 01/10/2017

(Advocate) Ashok Agarwal’s comment:
Well written Rakesh Shukla but I would like to point out that there is no internal appeal to a division bench in criminal matters. The next appeal from the high court decision in the Farooqui case will lie to the Supreme Court.) 

Sharm inko magar nahin aati – Yet They do not Feel Ashamed!

1. Three brothers died in Karnataka after being denied food rations for lack of Aadhaar, say activists

The district authorities blamed the deaths on alcoholism but did not dispute that the family had not received rations for six months.

Three Dalit brothers died of starvation in July near Karnataka's Gokarna town after the family was denied rations for six months because they did not have an Aadhaar card, a fact-finding report by a civil rights group has claimed.

The report, by activists from the People's Union for Civil Liberties, was submitted to the state government on October 13, three days before *Scroll.in* reported the death of an 11-year-old girl in Jharkhand whose family's ration card was not linked to Aadhaar. The child's mother told Right to Food activists that she died asking for rice.

The three brothers – Narayana, Venkataramma and Subbu Maru Mukhri – died between July 2 and July 13 in their village of Belehittala. Soon after, local activists claimed that the Maru Mukhri family, which was entitled to monthly subsidised rations because of their Below Poverty Line status, had not been given rations since December 2016 because they did not have an Aadhaar number. The men had died of hunger, they alleged. However, district officials denied the allegations of starvation deaths, claiming that the deaths had been caused by the brothers' alcoholism.

Since there was no postmortem conducted on the deceased, the exact cause of the three consecutive deaths cannot be stated for certain. However, activists who carried out the fact-finding investigation were able to confirm that the family had no foodgrains at home when

the brothers began dying in July. According to the fact-finding report, the local ration shop dealer and block-level food inspector both admitted that the Maru Mukhri family's ration card had been deleted from the Public Distribution System list because it was not linked to Aadhaar.

In repeated orders since 2013, the Supreme Court has emphasised that the possession of an Aadhaar number cannot be made mandatory to avail of any government welfare benefits, particularly to buy subsidised foodgrains under the National Food Security Act, which guarantees five kilos of a monthly supply of subsidised foodgrains per person to two-thirds of the country's population.

Despite this, Karnataka, Jharkhand, Rajasthan and several other states have made Aadhaar-linked biometric authentication compulsory at government-run ration shops. The Centre, too, made this linkage compulsory in a government order in February, and *Scroll.in's* Identity Project series has consistently reported instances of eligible families being denied rations for want of an Aadhaar.

In Karnataka itself, days after the three deaths in July, Mysore district officials deleted 80,000 ration cards from their PDS lists because they were not linked to Aadhaar, labelling them as "fake" cards.

No Aadhaar, no coupons, no ration

Narayana, Venkataramma and Subbu Maru Mukhri of Gokarna's Belehittala village belonged to the Maru Mukhri caste, Dalits who traditionally worked as farm and fishing labourers. The three brothers lived with their

85-year-old mother Nagamma Maru Mukhri and through the limited and inconsistent work they found around the village, they collectively earned around Rs 11,000 in the whole year, activists said.

According to documents accessed by the fact-finding team, the family had two ration cards – one in the name of the mother Nagamma and the other in the name of her fourth son, who lives separately with his wife and children. The records on her ration card indicate that Nagamma and her three sons last received subsidised rice, wheat and sugar in December 2016.

“After that, they didn’t officially receive any rations, although in March the ration shop dealer gave them some rice free of cost, of his own will,” said Narasimha TV, a member of the PUCL fact-finding team in Gokarna.

In his interviews with Nagamma, says Narasimha, the bereaved mother clearly stated that their problems of starvation arose after the local authorities began demanding that the ration card and Aadhaar card should be linked. “No one in the family had yet made an Aadhaar card, and they didn’t have their food coupons either,” said Narasimha.

The “food coupons” refer to the Karnataka government’s Aadhaar-authenticated coupons that Below Poverty Line citizens are expected to download in order to avail their food rations from any government ration shop in the block. “The [Congress] state government started this coupon system in 2014 because they claimed there were many bogus ration cards that needed to be deleted,” said Narasimha, who claims that the government went on to delete nearly 40,000 ration cards across the state during that year. “At that time, the government gave people just one month to link their phone numbers to their Aadhaar card, although people in tribal areas, with poor electricity and internet, couldn’t do it. Their cards automatically got deleted.”

The Maru Mukhris, say activists, missed at least two government-organised Aadhaar-making camps in Gokarna and Kumuta held in the past year. “They might have been at work,” said Narasimha. “Many people have had to miss their day’s wages in order to get these Aadhaar linkages done.”

‘Government failed in its duty’

On July 2, Subbu, 52, was the first of the Maru Mukhri brothers to die. This was followed by the death of Venkataramma, 46, on July 7 and Narayana, 55, on July 13.

After news of the first two deaths spread in the vicinity, activists from the non-profit Maha Ganapathi Samaj Seva Sangha visited the Maru Mukhri home. “We found that they had no food in the house, and they said it was because they didn’t have Aadhaar,” said Kumar Gowda, a member of the NGO. The family did not have any work or income at the time, he said. “The brothers were known to spend a lot of their income on alcohol,” the activist said. “It is possible that the mother survived because she went to a local temple to eat free food.”

According to the fact-finding report, this ironically became an excuse for some block-level officials when they were asked about the deaths. While denying that starvation could be a cause of death, the tehsildar claimed that that if the victims were really starving, they could have gone to a local place of worship to get charity food.

Despite making several efforts, *Scroll.in* was unable to reach the office or mobile numbers of the block and district-level officers.

However, Narasimha believes that irrespective of the brothers’ alcoholism or the immediate cause of death, the denial of food rations for several months cannot be brushed aside. “It is the government’s duty to provide ration to poor families, and here they failed to do it,” he said.

Courtesy *Scroll.in*,
Friday, October 20th 2017

*(Rajasthan govt ordinance shielding judges, babus a sinister attempt to abridge right of speech: PUCL
The People's Union for Civil Liberties said the Criminal Laws (Rajasthan Amendment) Ordinance, 2017 was "a sinister attempt of the Government of Rajasthan to abridge the fundamental right of speech and expression guaranteed under the Indian Constitution. ")*

Constitutional expert Shanti Bhushan said, "It is highly improper and should be quashed. What it means is politicians want to do corruption and do not want to be investigated." Jurist and former Attorney General Soli Sorabjee said the "constitutionality" of the ordinance was "very doubtful".

2. Rajasthan ordinance is against free speech, say legal experts

G. Ananthakrishnan

Legal experts have questioned the Rajasthan ordinance that prohibits investigation without prior sanction against judicial officers and public servants, and said the restrictions it imposed on the media impinged on free speech.

The ordinance, promulgated last month, prohibits investigation without prior sanction against "a Judge or a Magistrate or a public servant" for any "act done by them while acting or purporting to act in the discharge of their official duties". Under the new law, the media too cannot report on the accusation against such a person until the prosecution gets the go-ahead from the sanctioning authority, which may take up to six months. The Indian Express had on Saturday reported that the Vasundhara Raje government in Rajasthan was ready with a Bill to replace the ordinance.

Constitutional expert Shanti Bhushan said, "It is highly improper and should be quashed. What it means is politicians want to do corruption and do not want to be investigated." Jurist and former Attorney General Soli Sorabjee said the "constitutionality" of the ordinance was "very doubtful".

Law Commission Chairman Justice (retired) A P Shah wondered how the legislature could make any law for judges when the procedure for action against them have been clearly laid down by the Supreme Court.

"I have not seen the ordinance. But you have to keep certain things in mind. In the K Veeraswami vs Union of India judgment of 1991, the Supreme Court has already laid down that

complaint against a judge of a high court or Supreme Court cannot be made without the permission of the Chief Justice of the HC or the Chief Justice of India. So I'm not sure if this will apply to judges of the higher judiciary. I don't know what the ordinance seeks to achieve... Even to proceed against a magistrate, the investigative agency has to take permission from the Chief Justice of the state high court because the judge's position is very different. Otherwise, (these officers) will be exposed to all sorts of complaints."

On restrictions that the ordinance places on the media, Justice Shah said, "There is no such bar (on reporting against such officials) in the Veeraswami judgment. So it will have to be tested. This is a restriction on the free speech and expression. So whether it is reasonable, will have to be examined in the context of Article 19(2) (which imposes reasonable restrictions on fundamental right to freedom of speech and expression). He added that it might also lead to conflicts with Lokpal and Lokayukta Act.

Senior counsel Dushyant Dave said the ordinance was not just "an attempt to gag the media but also to prevent citizens from fighting corruption". In the Rajasthan Assembly session that starts on Monday, the government will bring in The Code of Criminal Procedure (Rajasthan Amendment) Bill to replace The Criminal Laws (Rajasthan Amendment) Ordinance, 2017, promulgated on September 6.

Courtesy **The Indian Express**,
October 22, 2017

3. Bilkis case convicts get jobs back. SC asks Gujarat to explain Dhananjay Mahapatra

NEW DELHI: The Supreme Court on Monday expressed surprise over the re-employment of policemen and doctors convicted by the Bombay high court of suppressing and tampering with evidence in the Bilkis Bano gang-rape case, and sought answers from the Gujarat government.

During the 2002 post-Godhra communal riots, Bilkis was gang-raped and several of her family members were murdered. Local police had filed a closure report in the case. The SC had quashed the closure report and ordered the CBI to probe the case afresh. The CBI charged 18 people, including five policemen and two doctors. The

trial court convicted 11 and awarded them life imprisonment, while acquitting the policemen and doctors. On the CBI's appeal, the HC convicted the seven.

Appearing in the case, advocate Shobha drew the attention of a bench comprising Chief Justice Dipak Misra, Justice A M Khanwilkar and Justice D Y Chandrachud to the fact that, among the seven, two policemen and two doctors were re-employed by the Gujarat government despite their conviction.

“How can the convicted persons work in police department and as doctors?” the bench asked.

Courtesy **The Times of India**, Oct 24, 2017.

4. People don't need to stand up in cinema halls for national anthem to prove their patriotism, says Supreme Court

New Delhi: The Supreme Court on Monday asked the Centre to consider modifying the national flag code that regulates the playing of the national anthem in cinema halls across the country.

The bench comprised Chief Justice Dipak Misra and Justices A M Khanwilkar and D Y Chandrachud, who stated that the court could

not ingrain patriotism within the citizens through its orders.

“People do not need to stand up in the cinema halls to prove their patriotism,” the bench said, while observing that it cannot be assumed that if a person does not stand up for national anthem, then he is “less patriotic”.

Mahatma Gandhi: “Affection cannot be manufactured or regulated by law. If one has no affection for a person or system, one should be free to give the fullest expression to his disaffection, so long as he does not contemplate, promote, or incite violence.”

Noting that the society did not need “moral policing”, a bench of Chief Justice Dipak Misra said the next time, “the government will want people to stop wearing T-shirts and shorts to cinemas saying this would disrespect the national anthem.”

It said it will not allow the government to “shoot from its shoulder” and asked it to take a call either way on the issue of regulating the playing the anthem.

Meanwhile, during the hearing, Attorney General K K Venugopal, representing the Centre, insisted that since India was a diverse country, the national anthem needs to be played in movie halls to inculcate a sense of uniformity.

Courtesy **Times Now Digital**, Oct 23, 2017.

[Note: Thanks to the wide criticism it has received from human rights groups, writers and thinkers, within 24 hours of tabling a bill (to replace the ordinance) in the Rajasthan assembly that sought to shield public servants and judges from investigation, the Vasundhara Raje government has put the controversial draft into “cold storage” by sending it to a select committee of the House.] 

Book Review Section: *Like Other Indians*

The Exodus Is Not Over : Migrations from the Ruptured Homelands of Northeast India, Nandita Haksar,

Cover photograph Sanjay Austa, Cover design Maithili Doshi Aphale, Speaking Tiger Publishing Pvt Ltd, New Delhi, 2016, pp 272, Rs 350.

Review by :-



One crucial requirement of the competitive rather than the (now abandoned) planned process of economic development is mobility of labour. Unless the factors of production can move freely, the market mechanism cannot work well. The conditions of Migrant Labour is thus a most important consideration in India, especially in the post-'90s scenario of economic reforms. But this book by Nandita Haksar shows that the conditions of migrant labour from the Northeastern region are nothing short of appalling. To talk of Globalization seems a shameful folly when the Indian citizens of the Northeast are insecure and endangered in their own country, and their mobility is unwelcome, even threatened.

Author Nandita Haksar – a lawyer, teacher, journalist and activist in the areas of human rights and women’s movement, has to her credit bold publications like *Demystifications of Law for Women* (1986) and *ABC of Naga Culture and Civilization* (2011), *The Many Faces of Kashmiri Nationalism From the Cold War to the Present Day* (2015), *Framed As A Terrorist My 14-year Struggle To Prove My Innocence* (2016). She lives in Goa, Delhi and Ukhrul, and her writings are available in Burmese and Tangkhul.

The Introduction to this book provides information as well as analysis of the problem of Northeastern migrant labour. “These migrant workers are not organized; they have to fend for themselves. They also have no reservation for jobs, no security of tenure, not even the basic protection of labour laws. On top of this, they have no financial security. Moreover, they have the responsibility of supporting not only themselves, but also their large families back in the village.

“There are absolutely no facilities for training migrant workers so that they may acquire skills and certificates. They are a part of the unorganized labour force where mainstream trade unions do not offer any security” (pp 11).

The migrants are however linked to their home “through a network of organizations, both secular and church-based” (p 18). The coming of Christianity has instilled self-respect in them but more in moral terms than political (p 23). Unable to organize themselves in effective and sustained protests against oppression, all migrants suffer homesickness (p 26). It is India’s progress in Information Technology or IT which comes to their aid here. They connect to their people and land through Facebook and WhatsApp (p 26).

The Introduction is followed by the stories of the first generation of migrant workers from the Northeast region, especially Manipur. They are not first-person accounts because the people concerned do not believe in making much of their personal difficulties and do not have appropriate words and phrases either to

express them (pp 26-28). But they have been put forward with accuracy as well as understanding and Chapters One to Twelve take the readers into the world of Atim, Yuimila, Living stone, Ramchanphy, Mayori and such others, a world most of us have no clue about.

Atim, for example, came to Delhi in 2005, leaving her final year of schooling unfinished. Unable to bear the poverty and deprivation in Ukhrul, she wanted to find work that paid. She found jobs, such as in handicrafts shops, shoe-stores and restaurants but also met unwarranted pressure from bosses and clients. In September 2009 her younger sister Ramchanphy came over from Ukhrul to soon die a gruesome death at the hands of a fellow-tenant from Bihar. Struggling with financial difficulties and parental responsibilities, Atim had to face the police and legal proceedings and discover "how heartless the judicial system was" in mainland India (p 136).

Naga students in Delhi had rallied round her at first but eventually lost interest. The self-confessed murderer began to roam round free on bail and Atim had to find shelter with Nandita Haksar. She struggled on but eventually went back to Ukhrul. Married and settled there, she is now dreaming of opening a restaurant of her own. One feels happy for this bit of peace in her life. However her story as a migrant worker is one of failure. Then book is dedicated to 1976-born Mayori of the Hongray clan in Ukhrul. She came to Delhi 1997 after finishing school, worked in a beauty parlour, taught dancing, sold cosmetics, took an interest in Naga political affairs, felt angry with the Naga underground, and got impressed by a television interview of Nandita Haksar. She wanted to assist her in work and "burst into" her life in Goa in February 2002. She had several subsequent ups and downs, selling books, selling puppies online, investing her money in fraudulent

schemes, getting cheated and again buying and selling - cars and old leather bags. She is now married to an Englishman and, since 2015, in Goa.

In contrast to migrant labour from other regions in India, those from the Northeast have an equal number of unmarried young men and women, Nandita Haksar had pointed out (pp 1-2). The book thus includes the stories of Yaokhalek, Worthing Shimray, Livingstone, Ayo, Apam and such others. Livingstone Shaiza, for one, had arrived in Goa in October 2008, and after a while, got a temporary waiter's job at a German-owned restaurant. He took to drinking, lost his father back in Ukhrul, corrected his drinking problem, started living with girlfriend Ruth and even became the President of Tangkhul Welfare Union. A baby arrived, there were more ups and downs, and eventually in March 2014, with money borrowed from Nandita Haksar, Livingstone took over the restaurant. In December 2015 he opened his own restaurant Meiphung (Hearth) in Baga, offering authentic Northeastern cuisine as well as an understanding of the problems of Northeastern migrant labour. In fact, it was the venue of the release (by Divya Kapur of Literati) of this book.

The Afterword expresses the "hope that the Northeast migrant workers, especially the women, would organize themselves and fight for their rights..." (pp 248-9). The clippings and documents in Appendix and Atim's CV gnaw at your heartstrings.

Like all Nandita Haksar's books, *The Exodus Is Not Over* is written with human touch softening its legal and political edge. It deals with the issue of migrant labourers but does not treat them as a faceless mass. It makes them become Mayori, Atim, Livingstone and so on, laughing and crying, celebrating and grieving, making mistakes and still going on ... just like us, the other Indians. 

Press Note: All India Kisan Sangharsh Coordination Committee (AIKSCC)

09 November 2017

KISAN KI LOOT Exceeds Rs. 2 Lakh Crores this current Crop Season

Farmer Organizations launch Nationwide Campaign #KisanKiLoot

Crop prices have crashed across crops and regions. All major crops selling below their price last year, much lower than the government's own Minimum Support Price (MSP)

Farmers likely to lose Rs.35,968 crores in the top 7 crops this season compared to MSP

PM Modi did not fulfil Election promise to farmers to fix MSP at Cost + 50%

Farmers estimated to lose Rs.2.03 lakh crores in the top 7 crops compared to PM's promised MSP.

AIKSCC, the largest nationwide coalition of farmers' organizations launches a unique campaign "KisanKiLoot" to highlight this betrayal of farmers by this government

Kisan Mukti Sansad, a massive farmers' rally to be organized by AIKSCC in Delhi on Nov. 20th.

The All India Kisan Sangharsh Coordination Committee (AIKSCC), the largest nationwide coalition of more than 180 farmer organizations, announced its "Kisan Ki Loot" ("#KisanKiLoot") campaign here today. This is a campaign that intends to showcase to the nation how farmers are being denied remunerative prices after all the hardships and risks that they face in producing food for the nation. In this campaign, AIKSCC volunteers are capturing the stories of hundreds of farmers across the country, and across different crops, through info-pics of farmers, to present the real picture of how farmers are unable to recover even their cost of production.

A presentation was made of a study of crop prices across the country this season. Once again, the crops are coming to the market and

farmers are facing huge losses due to low crop prices. After 4 successive seasons of drought, farmers are suffering from 3 successive seasons of low crop prices. All major crops are selling below the government's own Minimum Support Price (MSP), considering the average of official APMC market prices across hundreds of mandis over a period of 2 to 3 weeks. Just considering the top 7 crops (paddy, maize, soybean, cotton, bajra, groundnut and urad), the arrivals in mandis so far and the actual market prices, farmers have lost Rs.6,283 crores compared to the MSP. Considering the total crop that would be sold by farmers this season (Marketable Surplus), the estimated loss of farmers compared to MSP is Rs.35,968 crores. It was noted that these are the most conservative estimates because the actual prices obtained by the farmers in many cases are much below the official APMC market prices used in these estimates.

In reality, the announced MSPs are themselves highly inadequate. Prime Minister Modi and the BJP manifesto promised in the 2014 elections that the Minimum Support Price will be fixed at 50% margin above the Cost of Production. However, among the 14 crops of Kharif 2017-18, the MSPs for 7 crops have been fixed less than the C2 Cost of Production. In the other 7 crops, the margin above Cost of Production is merely 2% to 19%. Considering C2+50% as the fair remunerative price promised by the government, the loss faced by farmers is more than Rs.2.03 lakh crores. This is the true extent of #KisanKiLoot in a single season in just the top seven crops. This massive injustice

in prices is pushing farmers into debt and suicides across the country.

“This plight of our Anna Daatas is unacceptable. The millions of farmers who voted in the 2014 elections did so based on PM Modi’s promise about the MSP. However, after coming to power, his government denied this on the floor of the Parliament and in Supreme Court affidavit. The farmers will not tolerate this betrayal. Now the government is talking about doubling of farmers’ incomes. This is another ‘Joomla’ because there is absolutely no mention of the promise related to remunerative prices, which is the most direct way of raising farmers’ incomes,” said AIKSCC representatives in a press conference held in the national capital today.

AIKSCC unveiled the #KisanKiLoot campaign which will place vivid pictures of this injustice in front of the nation. The campaign consists of photographs of individual farmers with a banner that displays the loss made by the farmer due to low prices. A series of photographs of farmers from Haryana, Andhra Pradesh, Odisha and Telangana were displayed. For example, Haryana farmer Bhagat Singh sold 19 quintals of Bajra crop. While the MSP is Rs.1425 and the deserved MSP as per PM’s election promise is Rs.1917, the farmer got only Rs.1135 per quintal. This meant #KisanKiLoot of Rs.14,858. A woman farmer from Andhra Pradesh, Gaddam Lalithamma sold 31 quintals of groundnut at a mere Rs.2600 per quintal while the MSP is Rs.4450 and PM’s promised MSP would be Rs.6134. The #KisanKiLoot of this farmer is Rs.1,09,554.

“Our #KisanKiLoot campaign clearly captures the fact that farmers across the country, whatever they might be producing, don’t get the MSP that is promised. Importantly, the MSP announced does not leave any profit margin for the farmers, so how can the needs of the farmers’ families be met? It is not surprising that farmers are drowning in debt and committing suicide. The Central government

should take responsibility for this state of the farmers due to their failed promises,” said AIKSCC. A short video was shown of Mr. Modi promising in election rallies that MSP will be fixed giving 50% profit margin above the Cost of Production, followed by a clip of the Agriculture Minister stating in the Parliament that Mr. Modi never made a promise about MSP, exposing the betrayal of Indian farmers.

The AIKSCC leaders explained “The Kisan Mukti Yatra travelled around the country covering 10,000 km through 18 states, holding 500 meetings and making contact with 50 lakh farmers. The message from farmers in every corner is about the loot they are facing because of low prices, mounting debt, lack of support from the government, and failure of government promises. Starting tomorrow, the Kisan Mukti Yatra will cover North-East India, including Jorhat on November 10th, Dibrugarh on November 11th and Guwahati on November 12th. Hannan Mollah, Dr. Sunilam and Raju Shetty will participate and also demand the release of Akhil Gogoi, leader of Krishak Mukti Sangram Samiti and member of National Working Group of AIKSCC.”

“It is to address this loot of farmers that we are congregating in large numbers in Delhi on November 20th 2017 in a Kisan Mukti Sansad (a farmers’ freedom parliament) to be organised on Parliament Street. Full remunerative prices as a legal entitlement with correct cost estimations and at least a 50% profit margin over the cost of production, for all farmers and commodities, is our main demand, in addition to a demand for freedom from debt, that includes a comprehensive immediate loan waiver as well as statutory institutional mechanism that addresses farmers’ indebtedness on an ongoing basis”, said the leaders of AIKSCC. On November 20th 2017, a draft Bill encompassing the two demands will be introduced in the Kisan Mukti Sansad, that will be debated and passed by the farmers’ parliament. AIKSCC will invite

leaders of political parties and the Prime Minister to come to the Sansad only if they are ready to support the Bill and the demands.

The Press Conference was hosted by **VM Singh**, Convenor of AIKSCC, and most members of the National Working Group participated, including **Raju Shetty** of Swabhiman Shetkari Sangathan who is a Lok Sabha MP, **Yogendra Yadav** of Swaraj Abhiyan, **Hannan Mollah** of All India Kisan Sabha,

Medha Patkar of National Alliance of People's Movements, **Dr.Sunilam** of Kisan Sangharsh Samiti, **Ashish Mittal** of All India Kisan Mazdoor Sabha, **Avik Saha** of Jai Kisan Andolan, Kirankumar **Vissa** of Rythu Swarajya Vedika, **Prem Singh Gehlawat** of All India Kisan Mahasabha, **Satyawan** of All India Kisan Khet Mazdoor Sabha, **Prem Singh** of All India Kisan Federation and **Jagmohan Singh Patiala** of Bharatiya Kisan Union (Dakaunda). 

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- Mahi Pal Singh, Editor, The Radical Humanist

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Humanists' Section:

Stalin's Young Man: M.N. Roy and the Russian Revolution

A century after the Russian Revolution, we look back at those tumultuous events through the eyes of M.N. Roy, a remarkable Indian witness to the making of an epoch

The high point in M.N. Roy's turbulent political life was when he rubbed shoulders with the most important leaders of the international communist movement. Photo: Wikimedia Commons



Few Indian political leaders had as eventful a life as M.N. Roy did. He plunged into the nationalist movement after the partition of Bengal in 1905. His early idols were the Bengali revolutionaries as well as the fiery Vinayak Damodar Savarkar. Roy left India in 1915 to acquire weapons for the fight against the British. The months he spent in the US radicalized him, and Roy improbably became one of the founders of the Mexican Communist Party.

Roy later rose to the highest levels of the international communist movement, before he parted ways. He returned to India only to be sent to jail for six years by the colonial government. One result of these years of incarceration was a comprehensive critique of Marxism.

Roy would later be the guiding light of the radical humanist movement. Among its core beliefs was that freedom is for individuals rather than collectives, social progress should be measured by the amount of freedom every individual has, human beings are innately

rational, philosophy should be rooted in science rather than in religion, political change has to be preceded by a cultural renaissance and that decentralized democracy without political parties is the best way to organize political life.

His most celebrated books include *Science and Philosophy*, *New Humanism: A Manifesto* and *Reason, Romanticism and Revolution*. A more detailed look at Royist philosophy is available at the Internet Encyclopedia of Philosophy.

Roy, who died in 1954, is now a forgotten man, though some of his ideas found echoes in the total revolution movement launched by Jayaprakash Narayan in the 1970s. The high point in Roy's turbulent political life was when he rubbed shoulders with the most important leaders of the international communist movement.

Here, we present extracts from his memoirs of his days in Russia soon after the October Revolution, which took place 100 years ago this week. These extracts include his first

impressions of Moscow, pen portraits of Lenin and Stalin, the abortive effort of getting radical Indian nationalists to work with the communists and his plan to build an army for the liberation of India.

First day in Moscow

It was about noon when the train reached our destination. Lomonosov looked at his watch and declared that it was exactly on time. The railway system of Russia had been very badly dislocated by the civil war. It was years before regular train service was restored, and trains ran according to any time-table. In 1920, the entire railway system was still reserved for military transport. There was no private passenger traffic. None could simply go to a station, buy a ticket and board a train to travel. The Revolution had abolished money; consequently, there was no distinction between the rich and the poor.

Only pass-holders could use the railway for travel on official business. In order to get a meal in a restaurant or a pair of boots in a shop or board a tram-car in the city, one must produce the certificate of labour. Public life was governed by the principle of revolutionary social justice: "No work, no bread."

While leading us out of the station, Lomonosov apologised that it would take years to run a regular train service on all the lines, and proudly reminded us that Russia had the second largest railway mileage in the world. But one thing had been already achieved: on the line connecting the two capitals, no less than three trains were run daily, and they all kept the time. He added in a whisper that the second important man of the country travelled three times a week in the train which had brought us. But our privilege did not go to the extent of travelling in the same train with him. No private person was allowed to do so.

I learned later that the awe-struck reference was to Zinoviev, who travelled between the two capitals three times a week because he was President of the Leningrad Soviet, Member of

the all-powerful Political Bureau of the Communist Party and Chairman of the Executive Committee of the Communist International. A man who wore the imposing triple crown (none else had the distinction) was naturally regarded as the most important person next only to Lenin.

The political capital of the Republic had been shifted to Moscow, because Leningrad was exposed to the danger of invasion. A powerful German army was still entrenched in Finland, just across the frontier, only at a distance of a few miles. The White Army of the Tzarist General Yudenitch, backed by the German Baltic Army and encouraged by the Entente Powers, had reached the southern suburb of the city in the summer of 1919. Situated deep in the heart of the country, Moscow could not be so threatened. But being traditionally the centre of feudal power and reaction, its social and cultural atmosphere was hardly congenial for the rise of new revolutionary institutions. The medieval walled city of the Kremlin was the most incongruous seat for the headquarters of the Workers' and Peasants' Republic.

Leningrad, on the contrary, was a modern city with an industrial periphery which was the social base of the revolution. The revolution began there and spread to the rest of the country. Not only was the Petrograd proletariat the first to capture power, they also defended the new revolutionary government with their lives. Therefore, the Soviet and the Party organisation of Leningrad were given the pride of place in the revolutionary State, and dominated the political life of the Republic.

...

The vast open space in front of the station was crowded with men in uniform; rickety carriages pulled by emaciated horses lurched on the cobblestones at the risk of being smashed by motor cars which defied all usual traffic regulations. The recklessness was all the more remarkable because the madly dashing cars

were all occupied by military men. I suppose the recklessness demonstrated the feeling of power which, as I lived to learn, bred callousness to other people's lives. I was jolted out of a daze caused by the impact of first impressions, expected and unexpected, when a large black limousine stopped in front of us. The driver was in a soldier's uniform.

Lomonosov opened the door for Madame Sadoul to get in. Schlipkin gave him an address and the car moved on. We followed in another with the hood down. In the front seat by the driver sat a grim-faced soldier holding a gun in his hand. The heavy car bounced and rattled as it dashed on the cobbled road at a high speed. The streets looked deserted because all the shop windows were boarded up. Nobody seemed to loiter; all the passers-by looked purposeful.

Presently, we crossed an iron bridge on a rather narrow stream. It was the Moscow River. Driving along the river for a short distance our car swung through the iron gate into the spacious compound of what looked like a large private house. Borodin came out in the portico and led me up the magnificent wooden stair into a suite of rooms which simply took my breath away. It was not a palace; but who lived in the regal comfort and luxury of the gorgeous mansion? Borodin answered my unspoken question. In the old days, it had been the town residence of Count Gutchkov. A nobleman taken to business, he had a large share in the beet sugar industry and was known as the "Sugar King" of Russia. The revolution having abolished private property, the "Gutchkov Mansion" belonged to the State; the ground-floor was the private residence of Karakhan, Vice-Commissar of Foreign Affairs. The upper-storey was reserved for distinguished State guests. Before I could ask more questions which were rushing to my mind, Borodin conducted me to a tall window and pushed aside the thick pink satin curtain.

The Moskwa was flowing in front of the house; along the other bank there ran a high

wall behind which, in a forest of proud minarets and high church steeples, several huge golden domes glistened in the afternoon sun. That was the Kremlin. It was built several hundred years ago as a castle, but large enough to be a walled city within a much larger fortified city. So, I was in Moscow, and living right under the wall of the Kremlin.

Borodin was occupying the adjacent suite. He withdrew so that I could get ready for dinner, which was served at 5 P.M., after office hours. In the evening, I was to meet Karakhan, who was my host. The dinner was a striking contrast to the house. Served on a magnificent table in a spacious room, whose high walls were panelled with reddish brown wood, the meal consisted of cabbage soup, a slice of black bread and kasha (a kind of very dark grain, broken and cooked), Borodin informed me with grim humour that the last dish was a luxury, and the tiny bit of meat in the soup was not always available.

That was the standard meal served in all government establishments. Equality had been attained, though on a very low level, but now that the civil war was practically over, the level would rise. Compared with the conditions in the previous winter, when counterrevolutionary armies were marching on Moscow from all sides, the situation had improved considerably. In addition to the scarcity of food, there was an extreme shortage of fuel, and the temperature was far below the freezing point. Some peasants took pity, and came to the gates of the Kremlin with a cartload of wood for Lenin. The hardships experienced in Moscow were mainly due to the resistance to war communism in the countryside. The entire surplus produce of nationalised land was claimed as the share of the State. The peasants simply would not produce more than they needed for subsistence. The result was scarcity and starvation in the urban areas. Moscow with its inflated population was the worst sufferer.

Courtesy **LiveMint**, 7 November 2017. 

Albert Einstein's letter to British authorities on M.N. Roy's Arrest

The reference given at the end refers to a letter by Albert Einstein addressed to British authorities in India during 1931. When Einstein came to know that M N Roy was arrested by police in Bombay, immediately the Relativity famous scientist Einstein wrote to the British authorities in India with a request to treat M N Roy in humane way since he was an intellectual and should be treated as such.

M N Roy came to India after 15 years abroad and entered into freedom struggle along with congress leaders. He was clandestine and named himself as Mahmood, participated in Karachi congress. He also stayed for a few days with Jawaharlal Nehru at Allahabad. The British authorities haunted for M N Roy and with the help of a communist who revealed his whereabouts in Bombay, arrested him early morning. The news spread and the press highlighted the message. Seeing that news Einstein reacted immediately. At that time Einstein was in Princeton, New Jersey at the advanced study centre. He migrated to USA from Germany due to the Nazi terrorism of Hitler. Jews were targeted at that time. That is why Einstein migrated and Princeton offered him comfortable position. Einstein stayed there until his death in 1935.

How did Einstein know M N Roy? It is obvious that M N Roy along with his first wife Evelyn Trent was in Russia and Europe between 1920 and 1930. Roy thought that Germany was convenient country to establish journals and send the messages to India through ships. He founded a couple of journals like Masses, Advance Guard and clandestinely parcelled them to communists and progressives in India.

Very often M N Roy and Evelyn Trent spent time in Germany, met a number of communist leaders, poets, actors and intellectuals. During

that time M N Roy must have met and corresponded with Einstein. While pursuing his political ambitions M N Roy studied advanced scientific theories. He must have come across scientists including Einstein who was world fame by that time. He had got noble prize and his special and general theory of relativity were well known. Einstein started working on the unity theory of gravitation, relativity and new quantum theory.

When Roy was in prison in India he studied and wrote the monumental theory of Philosophical Consequences of Modern Science with special reference of determinism.

In his letters Roy expressed several doubts about the scientific theories and sent them to Ellen, his second wife who was in Germany. He was asking her to forward his letters to scientists to obtain answers. Some of the letters might have gone to Einstein too. Thus Einstein must have known both personally and through correspondence. May be that is the reason why Einstein felt that he should address letter to British authorities about M N Roy.

Later during 1950s, Einstein established Atomic Scientists' Committee and appealed for financial support. He asked Evelyn Trent for help. She was in Auburn, California at that time. She sent donations to Einstein which he duly acknowledged. It also indicated that Einstein knew Roy and Evelyn earlier.

Einstein and M N Roy died in the same year. Roy was very sick during his last days and could not pursue his scientific quest.

Further research is needed to find out the meetings of M N Roy couple with Einstein in Europe

Courtesy: <http://alberteinstein.info/vufind1/Record/EAR000002775/Copyright>

(Sent by Dr. Narisetti Innaiah) 

Fundamental Humanist Innaiah Narisetti



Innaiah Narisetti is a South Indian journalist and writer of Indian origin. He was born in 1937. At 80, He is a very active person and now seven at his near-eighty years of age. He is settled in Washington, DC in the USA for quite long now. But the distance does not deter him being in touch with his own country, India. Rather, he is aware of India better than many Indians who live are staying in India. Besides his regular visits to India, in alternate years, he is lavish enough in remaining in touch with his relatives and friends and near and dear ones on the telephone, social media and cell phone.

The release of the Bengali translation of Innaiah's book in about 2012, titled - "The Fundamentalist Movement of Andhra Pradesh" - has made his thoughts known to the Bengali readers. Innaiah is otherwise an unknown name in Bengal province. I believe that all of us may be more inspired if we get to know about the work and thought of the lifelong creative thinker and activist Innaiah.

Innaiah Narisetti, alias E Inaya, was born in a place called Reddypallam village (Chibralu) in Guntur district of Andhra Pradesh. He did his secondary education at Chibrlu; and obtained a graduation, Post graduation and PhD from Osmania University, Hyderabad. His subject for doctoral research was - "Philosophical Consequences Result of Modern Science". Since 1982, he is, by profession, a freelance journalist and writer. Before that, he worked as

Anjali Chakraborty

an editor for a Telugu fortnightly journal titled 'Prasharit' from 1972 to 1975. From 1975 to 1981 he worked as a reporter and a correspondent of a daily newspaper - 'Andhra Jyoti'. During that period, he was assigned the responsibility of the President of All India Academy of Social Sciences, Hyderabad Chapter.

During his tenure of work with 'The Andhra Jyothi', Innaiah exposed busted out a racket by the Vice Chancellor of Hyderabad University, Mr. Gurbox Singh. The Vice Chancellor Mr. Gurbox Singh had purchased some second-hand discarded books from the USA for the University and accounted them for as the new books, and misappropriated a huge amount of money. Mr. Murthy, the librarian, remained silent knowingly for the fear of losing his jobs. Reporter Innaiah performed the task of a true journalist at that time.

In his book, named 'Our Politics from Khaddar to Saffron,' published in 1998, the honest and true journalist Innaiah vehemently criticized Mr Bhavanam Venkatarama on some objectionable public matters of 1983 when the later was the Chief Minister of Andhra Pradesh for seven months, though both of them remained friends until Mr. Venkatram's death. Otherwise they had a very friendly relationship.

Innaiah's friendly nature came to light when his friend Mr. D Anjanayalu expressed his gratitude towards Innaiah after getting settled in his life in Chennai for the selfless support he received from Innaiah during his tough time.

(Translated by Rtd. Wg Cdr RK Mandal, Principal, BGS World School, Chikballapur, Karnataka)

Name of Magazine /fortnightly paper:
Bhabana-Chinta, published from
Burden, West Bengal.

Successful Humanist Training Camp

A five day Rationalist and Humanist Training Camp was held at the Radical Humanist Centre, Inkollu, Prakasham District, Andhra Pradesh from 20th September 2017 to 24th September 2017, under the supervision of Sri Ravipudi Venkatadri, a veteran Radical Humanist. 70 people participated in the training camp who had came from different places of Andhra Pradesh and Telangana States.

On 20.09.2017 training classes were conducted on Religious Fundamentalism and Geomancy, Astrology and Yoga. Shaik Babu, Treasure, Rationalist Association of India, Kari Hari Babu, Vice-President, AP. Rationalist Association, Kurra Hanumantha Rao, President, Rationalist Association of India delivered their speeches.

On 21.09.2017 Meduri Satyanarayana, General Secretary, RAI, Dr. Gumma Veeranna, president, A.P.R.A discussed in detail on the subjects 'Religion – Science – Rationalism' and 'Nationalism and Democracy' respectively.

On 22-09-2017 Kari Hari Babu spoke on the subject 'Cosmology and Evolution' in the forenoon, and Meduri Satyanarayana spoke on 'Biological evolution' in the afternoon. E.C. Meeting of APRA was held in the evening under the Chairmanship of G. Veeranna. It is proposed to hold a biennial conference of RAI and APRA for three days during the 2nd week of February, 2018 at Inkollu.

On 23.09.2017 Jasthi Janaharlal explained the subject 'Partyless Democracy and Humanism' in the morning session. In the afternoon the following books were released.

| <u>Name of the Book</u> | <u>Author</u> | <u>Released by</u> |
|---|-------------------|--------------------|
| 1) Philosophical concepts of Rationalism and Humanism. | Shaik Babu | Jasthi Jawaharlal |
| 2) Yoga – Wheather for luxury Or Disease | K. Hanumantha Rao | M. Satyanarayana |
| 3) Rationalism and Humanism | M. Satyanarayana | Gumma Veeranna |
| 4) Religiocity | M. Satyanarayana | Kari Hari Babu |
| 5) Budhism – Rationalism And Humanism | R. Venkatadri | K. HanumanthaRao. |
| 6) Indian culture and philosophy- G. Veeranna – Jasthi Jawaharlal | | |

On 24.09.2017 Kurra Hanumantha Rao and Shaik Babu spoke on Rationalism and Humanism in the morning session. In the afternoon Gumma Veeranna and Kari Hari Babu spoke on the subject 'Rationalist Humanist Movement and practice'. Delegates actively participated in the discussions throughout the Camp on all subjects.

Rationalist Humanist literature was sold at 30 percent discount rates during camp.

Boarding and lodging facilities were arranged by the Radical Humanist centre, Inkollu.

Report by: **Gumma Veeranna**, President, APRA,

Photos by **Meduri Satyanarayana**, General Secretary: RAI 



**Photos of
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TRAINING
CAMP
held at
The
Radical
Humanist
Centre,**

Inkollu, Prakasham District,
Andhra Pradesh,

20th September 2017
to
24th September 2017



Kuldip Nayar addressing a meeting of the Citizens For Democracy, 4 November 2017

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