

# THE RADICAL HUMANIST



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**Man: The Creator and Emancipator**  
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**Premnath Bazaz, as I knew him**  
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Vol. 82 Number 9, December 2018

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### Founder Editor:

M.N.Roy

### Advisor:

Dr. Narisetti Innaiah

### Editor:

Mahi Pal Singh

### Editorial Board:

Ramesh Awasthi, Rekha Saraswat,  
N.D. Pancholi, Dipavali Sen

### Printer and Publisher :

Satish Chandra Varma

### Send articles and reports to:

**Mahi Pal Singh** at E-21/5-6,  
Sector 3, Rohini, Delhi- 110085.  
(M) 09312206414, 09015020456, 07042548234

### or E-mail them to:

theradicalhumanist@gmail.com or  
mahipalsinghrh@gmail.com

### Please send Subscription/Donation Cheques in favour of

### THE RADICAL HUMANIST to:

**Satish Chandra Varma, Treasurer IRI,**  
A-1/103, Satyam Apartments, Vasundhara Enclave,  
Delhi- 110096.  
(M) 9811587576.  
Email ID: scvarma17@gmail.com

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## **Editorial :**

# **Justice at last to the Victims of Hashimpura Massacre**

**Mahi Pal Singh**

Jessica Lal, a Delhi-based model and restaurant worker was shot in 1999 at a New Delhi restaurant by Siddharth Vashisht, better known as Manu Sharma when Jessica, along with actor and model Shayan Munshi, were closing the bar at the restaurant where they worked. They were approached by Manu and his two friends. Infuriated by Jessica's refusal to serve them drinks after the bar closed, Manu fatally shot Jessica. The killer is the son of the wealthy, influential, and intimidating Haryana politician, Vinod Sharma, a close aide of the then chief minister of Haryana, Bhupinder Singh Hooda.

The subsequent investigation and trial were foiled by Manu's family, who did not hesitate to use their political, financial, and law enforcement connections to intimidate, coerce, and bribe the majority of the witnesses to the crime.

Consequently in February 2006, the court acquitted Manu and his friends, citing lack of sufficient evidence. This set off a public outcry and widespread protests. Even a film named *No One Killed Jessica* based on the true story was made. The backlash forced the re-opening of the investigation, which was placed on a judicial fast track. In December 2006, Manu was found guilty and sentenced to life imprisonment.

In another case an Additional District Judge of Delhi gave a judgment in the long awaited case, known as 'Hashimpura massacre', on 21<sup>st</sup> March, 2015 in which all the 16 policemen of 'Provincial Armed Constabulary' better known as PAC, a police force of U.P. State, accused of murdering 42 Muslim innocent young men were acquitted giving them benefit of doubt. The judgment, which came after 28 years of the incident which took place on the mid-night

of 22<sup>nd</sup> /23<sup>rd</sup> May 1987, was described as 'travesty of justice' by all human rights activists who believe in the 'rule of law'.

Before the incident, there was curfew in the Meerut city following communal riots during March to June 1987 with death toll of 350, and in the name of search of illegal arms 644 persons (all Muslims) were randomly picked up from their homes and were arrested. The charge against the policemen was that out of those 644 persons who had been rounded up around 42 young and able bodied persons were selected, taken in a truck to upper Ganga canal, Murad Nagar, near Meerut, shot some of them one by one, threw their dead bodies in the river, took rest of them to Hindon river and completed the process of killing and throwing them in the Hindon river waters. The PAC Jawans left the place under the impression that all persons thrown by them in the waters were dead. However 5 of them somehow survived and an FIR (Crime No. 110/87) was registered on the intervening night 22/23 May 1987 at Police Station Link District Ghaziabad on the complaint of one injured, namely Babuddin.

As the news of the incident spread across the media, minority rights organisations and human rights organisations voiced their outrage. The human rights body, People's Union for Civil Liberties (PUCL), appointed an investigation committee comprising the then PUCL President, (former Justice) Rajindar Sachar, I. K. Gujral (who later became Prime Minister of India), Prof A M Khusro, Prof Dalip Swamy, and Prof K C Gupta, and the committee brought out its report on 23 June 1987. In the report, which cast serious doubt on the conduct of the police (PAC), the PUCL noted:

“During our visit to Hashimpura we were told how on 22nd May people of the locality were carried in trucks in hundreds. They are said to have been beaten by the police. We were given a list of 41 Persons who were said to have been carried by the police on 22.5.87 from Hashimpura but whose whereabouts are not known in as much they are not to be found in any of the jail and their relations do not know where they are and it is suspected that they have been victims of police brutality, possibly leading to their death. A list is attached along with my letter. Out of this list I may mention that one of the persons who told us was Zamil Ahmed S/o Quadir mentioned at Serial No. 1 of the list. Similarly, Mohd Iqlak S/o Mohd Yasin (serial No. 3) met us personally and told us of their misery. We were also told that this list has been supplied to the Commissioner for Relief which evidently means that responsibility has been taken for claiming that these people are missing since 22.5.87.

This is too serious a matter to be allowed to be proceeded with leisurely. Our organisation feels that Human Rights and Right to Live is too fundamental a matter and any violation of it must receive immediate attention of the authorities concerned. I am not aware of what the district administration or the UP Government is doing in the matter. I would, however, request that immediate high level enquiry may be instituted so that some confidence is restored to the minorities.”

In both the cases the trial magistrates acquitted the accused on the plea of ‘insufficient evidence’ against them although in the Hashimpura case there were witnesses no less than Vibhuti Narain Rai, Superintendent of Police, Ghaziabad, and Naseem Zaidi, District Magistrate, Ghaziabad, apart from the survivors of the massacre. It seems that in delivering their judgments in both the cases the trial magistrates had not acted in an unbiased and fair manner. In the Jessica Lal case the trial magistrate was

obviously under political pressure and in the Hashimpura case the judge himself was communally biased. It is clear from the reversal of the judgment in the case by the Delhi High Court.

The Delhi High Court on 31<sup>st</sup> October 2018 sentenced 16 former policemen to life imprisonment for killing 42 people of a minority community in Hashimpura locality of Uttar Pradesh’s Meerut in 1987. A bench of Justices S Muralidhar and Vinod Goel reversed a trial court’s verdict which had acquitted the accused. The high court termed the massacre “targeted killing” of unarmed and defenceless people by the police. It convicted the 16 former Provincial Armed Constabulary (PAC) personnel for murder, kidnapping, criminal conspiracy and destruction of evidence under the Indian Penal Code. It said the evidence against the PAC personnel is “clinching” in nature and the charges against them stand true beyond reasonable doubt. While sentencing all the convicts to life imprisonment, the court said the families of the victims had to wait for 31 years to get justice.

After the High Court’s verdict, it has become quite clear that the PAC Jawans had acted in a communally biased manner and brutally massacred the innocent people belonging to the minority community in a pre-planned manner grossly misusing their authority and weapons. Every incident of violence and killing is condemnable but when such violence and killing takes place at the hands of those who are supposed to maintain peace, law and order and honour rule of law needs to be dealt with an iron hand and given exemplary punishment. The Delhi High Court has done exactly that. It has administered justice to the innocent victims of the mass massacre and also increased respect for the rule of law and justice in the hearts of ordinary law-abiding people. One can only wish that justice in the case had come a couple of decades ago. 

# There's No God. No One Directs Our Fate: Stephen Hawking In His Last Book

*Stephen Hawking is known for his work in cosmology and theoretical physics, notably for Hawking radiation and his work on black holes.*



**At the age of 20, he was diagnosed with Motor Neuron Disease. (File)**

**London:** “There is no God. No one created the universe and no one directs our fate,” celebrated physicist and a known atheist Stephen Hawking writes in his final book, which also covers important existential questions such as creation of the universe, alien intelligence, space colonisation and artificial intelligence.

Published by John Murray (a Hachette company), “Brief Answers to the Big Questions” is a selection of the late cosmologist’s most profound, accessible, and timely reflections from his personal archive.

“For centuries, it was believed that disabled

people like me were living under a curse that was inflicted by God. Well, I suppose it’s possible that I’ve upset someone up there, but I prefer to think that everything can be explained another way, by the laws of nature,” he wrote in the chapter titled “Is There a God?”

He says he uses the word ‘God’ in an impersonal sense, like Albert Einstein did, for the laws of nature, so knowing the mind of God is knowing the laws of nature.

“My prediction is that we will know the mind of God by the end of this century.”

According to Stephen Hawking, who died in March, the universe is the ultimate free lunch

and if the “universe adds up to nothing, then you don’t need a God to create it”.

Did he have faith?

He answers, “We are each free to believe what we want, and it’s my view that the simplest explanation is that there is no God. No one created the universe and no one directs our fate.”

He then goes on to write: “This leads me to a profound realisation - there is probably no heaven and afterlife either. I think belief in an afterlife is just wishful thinking. There is no reliable evidence for it, and it flies in the face of everything we know in science.”

After Stephen Hawking’s death, his Estate decided to go forward with the project of publishing the book.

His daughter Lucy says communication was so important to Hawking in his lifetime and “we see this book as part of his legacy, bringing together his thoughts, humour, theories and writing into one beautiful edition”.

Stephen Hawking, who is known for his work in cosmology and theoretical physics,

notably for Hawking radiation and his work on black holes, was the director of research at the Centre for Theoretical Cosmology and Lucasian Professor of Mathematics at the University of Cambridge.

At the age of 20, he was diagnosed with Motor Neuron Disease, also known as ALS or Lou Gehrig’s disease) and was given two years to live. His abilities to move and communicate were increasingly limited, as he was confined to a wheelchair and eventually forced to speak through a voice synthesiser.

When he died in March, at the age of 76, he was the longest living MND survivor. His battle with the disease was featured in the film “The Theory of Everything” for which actor Eddie Redmayne, who played Hawking, received 2015’s Best Actor Oscar.

Stephen Hawking has authored “A Brief History of Time”, which has sold over 13 million copies worldwide and shot back to the top of bestseller lists after his death, and many other books.

Courtesy [PTI](#), October 19, 2018 

## ‘Naming and shaming these culprits on social media is the only option’

Tanushree Dutta

tells Subhash K Jha.

**Thanks to you, the #MeToo movement has found its wings in India. Do you feel a sense of responsibility?**

I feel this has gone far beyond me now.

It is something I never thought I’d trigger off, but I have.

It gives me a sense of purpose.

I never knew fate had this planned for me.

**Do you feel the #MeToo movement in Bollywood doesn’t have the A-list voices that its counterpart in the US does?**

You mean, why have the popular actresses not spoken up? You will have to ask them.

**‘Taking the legal route is not easy — it shames you, drains you emotionally and financially.’**

**‘The culprits get the best legal aid and fight long, costly legal battles while the victims cannot afford it.’**

After giving the #MeToo movement wings in India, **Tanushree Dutta** takes a step back to introspect.

“Many of the voices you are hearing today belong to women who came to the film industry with dreams but were driven away into anonymity by the predators, their morale, self-confidence and career destroyed,” Tanushree

We all know that many of them have their own stories to tell.

Some like Sonam Kapoor have spoken.

Having said that, I feel segregating the #MeToo voices into A-list and B-list is doing the movement a disservice. Every woman, who has been harmed, damaged and destroyed, is equally important.

**Agreed. But when Uma Thurman or Angelina Jolie spoke about it, they brought attention and heft to the #MeToo campaign.**

Yes, I'd love to have the big stars speak out, but I suspect they won't.

There is so much stigma attached to the topic of sexual violation.

Even today, women and not the perpetrators are questioned, ostracized, harangued and their reputation smashed and shredded.

Can you believe it? The victim is shamed!

When a girl is violated, *ghar ki izzat* is seen to be threatened.

*Arre*, how is a crime as grave as rape or molestation a threat to *ghar ki izzat*?

**Do you think this mindset stops successful voices from sharing their experiences in India?**

This oath of secrecy is what stops the movement from growing in our country.

**You think it is easy for women to come forward and open up about their experiences?**

Many of the voices you are hearing today belong to women who came to the film industry with dreams but were driven away into anonymity by the predators, their morale, self-confidence and career destroyed.

**You think it was easy for me to speak about my experience?**

It took me 10 years to heal through spiritual guidance.

**Were you prepared for this movement that you have started?**

Not at all! If I knew about it, I'd have never come to India for this so-called holiday.

I am glad one doesn't know God's plans.

If one does, one would probably be frightened of doing what one is supposed to.

**Now that you are the face of the #MeToo movement in India, are you happy with the way it is going?**

At last, at least a debate on sexual misconduct is raging across the country.

It is a healthy and positive sign.

What really irks me is that these empowered women in positions of responsibility coming on television to condemn the brave women who have come forward with their #MeToo stories, calling them publicity seekers.

This is so frustrating and self-defeating.

Do these entitled women realise how much guts it takes to narrate your story of violation?

**Merely speaking about it on social media without legal follow-ups is pretty much self-defeating.**

It is not! In fact, naming and shaming these culprits on social media is the only option.

Taking the legal route is not easy — it shames you, drains you emotionally and financially.

Many times, the culprits get the best legal aid and fight long, costly legal battles while the victims cannot afford it.

**Do you see any change in the way victims are positioned since the violation happened to you 10 years ago?**

There is a change, but not enough.

Ten years ago when I approached the police, my efforts were blocked.

I faced the same hurdles again this time, but I was better equipped to handle it.

The #MeToo movement has given me confidence and strength.

**Why do we call it the #Metoo movement? Why do we have to ape the West?**

Sexual violation is not about the West or the East. It is a global shame that binds all survivors as sisters.

Courtesy [Rediff.com](http://Rediff.com), October 16, 2018 

**Hit the nail right on its head:**

## **‘Narendra Modi and the Sangh Parivar are Trying to Appropriate the Strongly Secular Netaji’**

**Subhashini Ali**

**The author’s parents, Capt. Lakshmi Sehgal and Prem Sehgal, were officers in the Azad Hind Fauj. Capt. Lakshmi’s 104th birth anniversary falls on October 24.**

**Subhas Chandra Bose is remembered by Indians on so many days and for so many reasons all over the country. Not only on various dates associated with important events in his life – his birthday, his adventurous escape from house arrest, his arrival in Singapore, proclamation of the Arzi-Hukumat-e-Azad Hind (the name given by Subhas to the Provisional Government) – his tremendous contribution to the emergence of a free, secular India and his immense charisma are recalled quite often. When various leaders fall short of peoples’ expectations, he is remembered as someone who could have, perhaps, avoided their shortcomings and errors.**

Since the motivation for the PM Modi’s decision to commemorate the formation of the Provisional Government of Azad Hind was very different from that behind Nehru’s in 1947, the latest event itself was less than inspiring. In fact, it brought to mind Marx’ prophetic statement that when history repeats itself, it does so as farce.

The invitation to Modi’s event did not mention Subhas’s name. In fact, the only name it mentioned was Modi’s own, in bold and large letters. It was as if every other name, of those past and of those present, was a threat, a risk not to be taken.

No other person spoke on the occasion. No other person sat on the dais. It is usual, on such occasions, for members of families associated with what is being commemorated to be invited. This did not happen. There are members of families of those who were ministers in the Provisional Government of Azad Hind who are supportive of the prime minister. Not many, but there are some. None of them was invited.

It was the prime minister and the prime

minister alone who, wearing his appropriated black cap, stood on the dais, waving his arms, rolling his eyes, remembering Subhas very little, instead castigating Nehru and constantly and saying nothing at all about Subhas’s Provisional Government of Azad Hind Government or his INA.

When one thinks about it, there was little that he could have said. Had he spoken about Subhas’s government, could he have used its official name? Could he have mentioned its motto – ‘Ittefaq, Aitmad, Qurbani’?

If he had mentioned the trial, could he have said that one of the three officers was named Shah Nawaz Khan? While speaking of the trial, which Sanghi luminaries could he have named as having fought the case when, in fact, there were none? Bhulabhai Desai, Tej Bahadur Sapru, Asif Ali and Jawaharlal Nehru himself were all Congressmen. Modi, naturally therefore, chose to say nothing about what he was supposedly commemorating. The one time he referred to the Provisional Government he used its English translation.

V.D. Savarkar, the founder of the Hindu Mahasabha and mentor of many in the RSS, was venomous in his attacks on Subhas, whom he named a ‘Hindu jehadi’. The reason for this was the militant spirit of secularism that Subhas displayed all his life. As Congress President, he forced through a ban on any Congressman becoming a member of either the Mahasabha or the Muslim League. Sangh Parivar member, Sarvesh Tiwari, writes “In his weekly, Subhas wrote on May 4, 1940 ‘...the Indian National Congress has put into its constitution a clause to the effect that no member of a communal organisation like Hindu Mahasabha and Muslim League can be a member of an elective committee of Congress’. He goes on to say that ‘When Shyama Prasad Mookerjee joined the Hindu Mahasabha, Dr. Mookerjee wrote in his diary that Bose met him and told him if he went about building Hindu Mahasabha as a political body in Bengal, “He would see to it, by force if need be, that it was broken before it was really born. “ (emphasis by the author.)

After the INA was formed, Savarkar and his supporters attacked it and its leader in the vilest of terms. This is not surprising when one considers what Savarkar himself was doing at the time. At the 23rd session of the Hindu Mahasabha in Bhagalpur, in 1941, he said “...every branch of the Hindu Mahasabha in every town and village must actively engage itself in rousing the Hindu people to join the army, navy, the aerial forces and the different war-craft manufactories...We must flood the (British) army, the navy and the aerial forces with millions of Hindu warriors with Hindu *Sanghatanists*’ heart.”

Sangh Parivar leaders attacked Subhas incessantly. He dared to reserve jobs for Muslims when he was elected to lead the Calcutta Corporation because he was aware of the tremendous injustice that they faced in recruitment. As Congress president, he was unsparing in his attacks on communal politics.

He was a standard-bearer of Hindu-Muslim unity. As the sipah-salar of the INA (his phrase for ‘commander-in-chief’), one of his first acts was to place a *chadar* at the *mazar* of Bahadur Shah Zafar in Rangoon as homage to one whom he acknowledged as the leader of the greatest expression of Hindu-Muslim unity, the Mutiny of 1857. He vowed then that he would bring Zafar’s remains and bury them with full honours at the Red Fort, a Moghul monument and seat of power; his chosen symbol for Free India. At the same time, he insisted that all officers and soldiers of the INA should eat together, celebrate festivals together, sleep in the same quarters and observe camaraderie in thought and deed.}

A BJP loyalist from Madhya Pradesh declared more than a week ago that Prime Minister Narendra Modi was lord Vishnu himself (*sakshaat Vishnu Bhagwan*). Many may not have taken him seriously, but after hearing the prime minister’s October 21 speech – rather, watching it, as his public appearances before a mic are more performance than substance – one cannot help but feel that perhaps he took the loyalist’s assertion quite seriously. Nothing else can explain the cap on his head.

Subhas Chandra Bose is remembered by Indians on so many days and for so many reasons all over the country. Not only on various dates associated with important events in his life – his birthday, his adventurous escape from house arrest, his arrival in Singapore, proclamation of the Arzi-Hukumat-e-Azad Hind (the name given by Subhas to the Provisional Government) – his tremendous contribution to the emergence of a free, secular India and his immense charisma are recalled quite often. When various leaders fall short of peoples’ expectations, he is remembered as someone who could have, perhaps, avoided their shortcomings and errors.

It is interesting that the present prime minister forgets this constant remembering of Subhas

because of his obsession with wanting to erase all memories of the contribution of Jawaharlal Nehru to our project of nation-building. On October 21, when Modi was to honour the memory of Subhas and his proclamation of the Provisional Government, he could not resist repeating his favourite criticism of Nehru, that he was a dynast. The son of an important, aristocratic personage in the galaxy of early Indian freedom fighters, Nehru ensured that not only would he become the first prime minister of India but that he would be followed by his daughter and then his descendants—so goes the criticism. In order to achieve his dynastic ambitions, Nehru, according to the prime minister, did everything in his power to erase the contributions and even the memory of towering leaders like Sardar Patel and Subhas.

Broad hints are thrown on various occasions that not just the memory but the person of Subhas too was eliminated by Nehru. It is not difficult to disprove these allegations by the incontrovertible evidence of the close relationship that Nehru shared with both Subhas and also Sardar Patel. Of course, Nehru had serious differences with them, differences that these men of real stature could freely discuss, opine about and fight for, but these never lessened their mutual respect and dependence. Had it not been so, Nehru would not have chosen the Red Fort to unfurl the flag of independent India, a monument so closely associated in the public perception with the memory of Subhas.

Not only had the trial of his closest officers been held there, a trial that had mesmerised and galvanised the entire country, but his slogan of 'Dilli Chalo' was accompanied with a visual of the national flag flying on the ramparts of the Red Fort. It was this Red Fort, indelibly imprinted in public memory with the names of Subhas and his Azad Hind Fauj, from which Nehru chose to hoist the first Tricolour of the Indian nation. His choice was dictated not only by the mood of the nation but also by a generous

and spontaneous desire to honour the contribution of his friend and comrade, Subhas, to making this moment possible.

Since the motivation for the PM Modi's decision to commemorate the formation of the Provisional Government of Azad Hind was very different from that behind Nehru's in 1947, the latest event itself was less than inspiring. In fact, it brought to mind Marx' prophetic statement that when history repeats itself, it does so as farce.

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It was the prime minister and the prime minister alone who, wearing his appropriated black cap, stood on the dais, waving his arms, rolling his eyes, remembering Subhas very little, instead castigating Nehru and constantly and saying nothing at all about Subhas's Provisional Government of Azad Hind Government or his INA.

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were none? Bhulabhai Desai, Tej Bahadur Sapru, Asif Ali and Jawaharlal Nehru himself were all Congressmen. Modi, naturally therefore, chose to say nothing about what he was supposedly commemorating. The one time he referred to the Provisional Government he used its English translation.

These omissions were not because of amnesia on the prime minister's part and not only due to his communal prejudices. These omissions were necessary because of the role his Sangh Parivar played during the freedom struggle and because of its particular antipathy towards Subhas.

V.D. Savarkar, the founder of the Hindu Mahasabha and mentor of many in the RSS, was venomous in his attacks on Subhas, whom he named a 'Hindu jehadi'. The reason for this was the militant spirit of secularism that Subhas displayed all his life. As Congress President, he forced through a ban on any Congressman becoming a member of either the Mahasabha or the Muslim League. Sangh Parivar member, Sarvesh Tiwari, writes "In his weekly, Subhas wrote on May 4, 1940 '...the Indian National Congress has put into its constitution a clause to the effect that no member of a communal organisation like Hindu Mahasabha and Muslim League can be a member of an elective committee of Congress'. He goes on to say that 'When Shyama Prasad Mookerjee joined the Hindu Mahasabha, Dr. Mookerjee wrote in his diary that Bose met him and told him if he went about building Hindu Mahasabha as a political body in Bengal, "He would see to it, by force if need be, that it was broken before it was really born. " (emphasis by the author.)

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every town and village must actively engage itself in rousing the Hindu people to join the army, navy, the aerial forces and the different war-craft manufactories...We must flood the (British) army, the navy and the aerial forces with millions of Hindu warriors with Hindu Sanghatanists' heart."

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In actual fact, in the course of erasing the contribution of Nehru in the most brazen fashion, the prime minister and his cohorts are also erasing memories of an even greater 'enemy', Subhas, the militant secular-nationalist. It is not only his cap that the prime minister is appropriating but his persona that he and his fellow Sanghis have been trying in the last few years to transform into that of a fellow Hindutvadi.

It is not surprising, therefore, that the celebrations of October 21 were followed by the BJP troll army circulating the official photograph of the cabinet of ministers of Arzi

Hukumat-e-Azad Hind with one important amendment – the only woman minister in the Cabinet was replaced by the prime minister. Perhaps, in due course, Subhas himself will be replaced by him. The appropriation of the cap is, perhaps, just the beginning of the assumption of a new avatar.

**Subhashini Ali** is a former member of parliament from Kanpur and politburo member of the Communist Party of India (Marxist). Her parents, Capt. Lakshmi Sehgal and Prem Sehgal, were officers in the Azad Hind Fauj. Capt. Lakshmi's 104th birth anniversary falls on October 24. 

## Kashmir's Infamous Prisons Are Destroying The State's Troubled Youth

From mental health crises to lifelong trauma, thousands of youths put through the state's notorious prison system are often unable to heal.

Azaan Javaid

*Conversations on Kashmir often focus on the immediacy of the violence, the encounters, the arbitrary arrests and the human rights abuses in the valley.*

SRINAGAR, Kashmir — After 90 hours in a 6 feet by 3 feet isolation cell, 19-year-old Rehmatullah Padder was dragged to barrack 22 in Block 6 of the Kot Bhalwal jail in Jammu.

It was August 2016, and Padder had been arrested by the police in Doda, beaten and then starved of all human contact for four days in a windowless cell—save for an unseen figure that delivered his meals through a crack under the door—before finally being pushed into a barrack full of strangers.

As Padder lay silent for the next several hours, his fellow inmates kept an eye on him—they were well aware of the devastating effects of Kashmir's infamous isolation cells on adults, let alone a teenager.

Suddenly, Padder rose to his feet, staggered to the centre of the room and sang the Azaan, the Islamic call to prayer. A hush descended across the barracks, as many supposedly hardened inmates were moved to tears.

"It was one of the most heartbreakingly beautiful Azaans I have ever heard," a fellow former inmate recalled in a conversation with *HuffPost India*.

"There was so much pain in his voice that it moved many of us to tears," said Khurram

Parvez, a noted human rights activist and coordinator of Jammu Kashmir Coalition of Civil Society, (JKCCS), who was arrested during the 2016 summer agitation and sent to the same prison as Padder. "I was told that after his first recitation, a few of the inmates were moved so much that they walked up to him and designated him as the muezzin (who recites the prayer) till his incarceration ended."

**Human rights activist Khurram Parvez was arrested during the 2016 summer agitation and sent to the same prison as Padder.**

Padder would sing the prison Azaan for 17 months before he returned home to Dessa, his village in Doda. But when he got back home, he wasn't the same.

Prison, Padder said in an interview, is like a shadow. "You may leave prison but it doesn't leave you."

### The effects of incarceration

Conversations on Kashmir often focus on the immediacy of the violence, the encounters, the arbitrary arrests and the human rights abuses in the valley. Yet, comparatively little attention is paid to the lingering effects that prolonged

detention, incarceration and interrogation have on the thousands of young men who are put through the state's notorious prison system.

Interviews with former detainees like Padder, rights activists, family members of the detained, and policemen paint a bleak picture of life after incarceration in Kashmir. These experiences offer an insight into why the alienation of Kashmiri youth from the Indian state is so complete.

In February this year, Kashmir's home department told the assembly that 14,210 stone-pelters were arrested from 2015 to 2017. 4,173 FIRs were registered and 1,114 people were booked under the controversial Public Security Act (PSA). Of these, 94 were detained in 2015, 660 in 2016 and 360 in 2017, the department said.

Last year, the Union Ministry of Home Affairs and the state government announced an "amnesty" against first-time stone pelters. The state government recommended that cases against 4,961 stone-pelters be closed.

Activists who spoke to *HuffPost India* said the number of arrests do not reflect the true impact of the carceral system.

"The brutalisation youth suffer at the time of detention or interrogation (police custody) is so bad that being sent to jail ironically comes as a relief," said Parvez of the JKCCS.

Parvez added that the "jail experience" for a youth is multi-layered and so are the ramifications and aftermaths. Parvez believes that while the majority of Kashmir's population might have experienced conflict-related trauma, those who suffer "brutalisation at detention and interrogation centres" are particularly vulnerable.

A survey conducted by Médecins Sans Frontières (MSF) in 2016 found that nearly 45% of Kashmir's adult population suffer from some form of mental distress. A majority—93%—have experienced conflict-related trauma.

"Some are arrested on false, fabricated charges, others for throwing stones and some

are arrested for political activity or participating in demonstrations," Parvez said.

The real problem, he said, is not in the jails but in police stations and interrogation centres where the youth are tortured.

"A very small percentage of youth who go to jails become militants. Thousands have been arrested in the valley, yet there are around 200 local militants. In fact, the senior leaders lodged in the jails are responsible for counselling the youth. They tell the youth to complete their studies and contribute to Kashmir through different means. These leaders instil some sanity among these brutalized youth," Parvez said.

#### **'A single day lived free'**

Padder, who sang the "heartbreaking" Azaan, was arrested by the Jammu and Kashmir police for allegedly being "a threat to the security of the state and maintenance of public order" and booked twice under the PSA.

This was a month after he had participated in a demonstration held against civilian killings in Kashmir during protests that had erupted after Hizbul Mujahideen commander Burhan Wani was gunned down by government forces on 8 July 2016.

Before he was jailed, Padder was known as an excellent student, a champion of human rights and someone with exceptional oratory skills. He intended to pursue a career in social sciences.

"The time spent inside the prison was extremely bad, especially the first few weeks. I was thrashed brutally when I was arrested for participating in a peaceful demonstration. I will never forget how I was made to strip in front of a dozen policemen before entering the jail. But my time in the isolation cell is something that will haunt me the most. I was numb and when I was finally introduced into the local jail population, I knew something had changed in me. Faith is what brought me back to whatever some people refer to as normalcy," Padder said.

**Now 21, Padder says he lives by the motto 'a single day lived free is better than**

### **a lifetime under slavery'.**

After his release from prison, he hasn't been able to get back to his studies, due to the never-ending court hearings and constant summons from local authorities whenever there is any "trouble" in the region.

"I remember how the younger inmates including me were forced to do menial work. I don't believe any work is below me but the way they ordered us around was humiliating. Hurling abuses, pushing around, shoving were the least of our troubles," said the Doda resident.

"Enduring oppression graciously is a quality but to accept slavery as a way of life is a sin," said Padder, who has now been out of jail for nine months.

There is no clear link to suggest that those brutalised by the prison system join the militancy—the number of active militants in Kashmir pale in comparison to those arrested every month.

Yet, Kashmir's new-age militancy, which has erupted in the past five years, does have examples of studious young men whose positions on the militancy hardened after a spell in prison—sometimes on trumped-up charges.

Among the most prominent is Hizbul Mujahideen's current operational commander Riyaz Naikoo, who was a maths teacher at a private school until he was arrested in the unrest that broke out after teenager Tufail Ahmad Mattoo was killed by a tear gas shell. Then there is Mehraj-ud-Din Bangroo, who was killed in a gun battle last week in Srinagar. There is also Zubair Turray from South Kashmir's Shopian region, who was an activist with a separatist group before joining the Hizbul Mujahideen in May 2017. He had been arrested on multiple occasions. Turray was finally gunned down in April this year.

**There are examples of studious young men whose positions on the militancy hardened after a spell in prison. Among the most prominent is Hizbul Mujahideen's**

### **current operational commander Riyaz Naikoo.**

Sajad Gilkar, of Nowhatta, Srinagar, who was involved in multiple incidents of stone-pelting, had also been arrested many times before his final detention in the summer of 2016. He was released in January 2017. Six months later, he joined the Hizbul Mujahideen. He was killed within two weeks of becoming a militant

Dr Arshad Hussain, a leading psychiatrist in the Valley, told *HuffPost India* that some people who spend time in jail pathologise their behaviour and build coping mechanisms accordingly.

"Some turn to faith, some repress their memories, some turn to social media while others turn towards altruism," he said. Many of his patients, he added, preferred to discuss their day-to-day challenges instead of their experiences in prison.

Senior advocate Mir Shafqat Hussain, who has fought many cases related to the PSA, said the experience of jail can "silence the youth forever" or make them "battle-hardened".

"Let's take the example of Mehraj (Bangroo). He was an ex-militant who was arrested in early 2000s and served his time in prison, following which he resumed normal life. In 2006-07, he was arrested again on charges of hurling a grenade in Srinagar that resulted in killing of two CRPF men. The police showed seven CRPF men as witnesses to the case and produced their statements to the judge, in which it was claimed that they saw Mehraj throw a grenade at a CRPF bunker in Safakadal area. This is when I took over the case and it took me three years to get all the CRPF men back to Kashmir in front of the concerned judge to give their statements. All of them said they had no idea who Mehraj was," said Hussain.

Bangroo was released soon after that, but Hussain said he continued to face harassment until he finally joined the Lashkar-e-Toiba

"There are numerous cases of young boys, even minors, being booked under PSA

repeatedly till they become battle-hardened. Their story does not end with them being released from jails. The life after is full of harassment,” said Hussain.

### **The impact on many**

In Kashmir’s close-knit society, arresting one person could have ramifications on families and sometimes even entire villages

“I am handling cases of Ghulam Mohammad Khan and Mohammad Subhan of Sopore who are in their mid-70s and have been repeatedly booked under PSA. Can you imagine the impact of their continued detention on their families? The younger lot in the family, how will they rationalise what is being done to their elders?,” Hussain asked.

*HuffPost India* spoke to 70-year-old separatist leader Ghulam Mohammad Hubi, who has been jailed 11 times since 1984. The longest stretch was from 2001-2004 and the most recent one was in 2016, during the Burhan Wani protests.

### **What did the crackdown of political activists in late '80s yield? An insurgency that refuses to die down.**

Cracking down on protesters, said Hubi, would just end up making them “hardcore”.

The elderly leader spent a lot of his time in jail interacting with young men who would end up there on charges of stone-pelting and holding demonstrations.

“What did the crackdown of political activists in late '80s yield? An insurgency that refuses to die down. Yet, the government of India thinks they can deploy same policies that have failed to make a mark here since 1947. The youth are coming to the streets more than ever before and if this doesn’t concern all the parties in the Kashmir dispute, than what will?” asked Hubi.

The behaviour of the jail staff has changed for the worse over the decades, he said.

“Today a policeman believes they are the law. This is only pushing today’s youth into a corner,” Hubi said.

However, three senior police officers, who spoke on condition of anonymity, dismissed allegations of brutality.

“We live in an information age. Do people really believe that these so-called crimes by policemen against civilians can remain hidden? The answer is ‘no’. This idea of brutalisation of protestors is nothing but exaggeration,” said one of the officers

Another officer, posted in Srinagar, defended the PSA and termed it as a preventive tool.

“If you check the records of these youth who are detained, you will come to know they are repeat offenders. We only invoke PSA because we are assured that the concerned individual will engage in anti-social activities once out of jail,” the officer said.

Legal experts and activists, however, argue that PSA and detention, besides “destroying families”, also ensure that the youth have an uncertain future ahead of them.

**Legal experts and activists argue that PSA and detention, besides destroying families, also ensure that the youth have an uncertain future ahead of them.**

Bashir Ahmed Mir, 46, and his son Raees, who live in North Kashmir’s Baramulla district, are still living under the weight of a double trauma—that of having been imprisoned, and in the same barrack.

Mir says that Raees was 16 when he was arrested on charges of stone-pelting in August 2016. Twenty days later, as Mir was knocking on all doors to get his son out of jail, he too was arrested and sent to Kot Bhalwal jail.

“As soon as I entered the prison, I was led towards the isolation cells. Someone saw me and informed Raees that I was also in the prison and being taken into the cell. He was in the barracks at that point of time and started weeping and yelling and begged the authorities not to take me to the isolation cell. Jail staffers inquired how he was related to me and when he said that he was my son, they left me and

him alone. They later lodged us together in the same barrack. Barrack No. 10," Mir told HuffPost India.

While Raees spent eight months in prison, his father was released after 19 months.

Mir used to run a small provisional store, which he says was raided by government forces along with his home. Now he drives children to school, and hopes to repay the money he owes his former suppliers someday. His sons, including Raees, work as labourers with a private company which is installing mobile phone towers in north Kashmir. Apart from Raees, the others are doing well for themselves.

Mir said besides the mental trauma, Raees' "case history" and constant summons by

authorities make it difficult for him to work.

Raees was unwilling to talk to *HuffPost India*. The reason, said his father, was in "trauma".

"I don't know how to put it, but we have kind of developed a special relationship after our time in jail. I won't say it's a happy one but it's definitely something which I don't share with other members of my family. Maybe it's the ordeal we faced together. He weeps occasionally, there are days when I break down too. But there are also days when I see anger in his eyes. I hope every day that things will return to normal but deep down, I know that both of us have changed," said Mir.

Courtesy **HuffPost India**, 25/10/2018 

## **“Independent Judiciary” Concept and Practice**

**K. Pratap Reddy**

1. The concept of Independent Judiciary, or Judicial Independence, as the case may be, is as ancient as the beginning of Human Civilization. Even in the days of Absolute Monarchies, wherein a King was conceived to be the source of Law, Executive and Administration of Law and Justice, it was an accepted Norm of civilization, that the KING must be just and impartial in ALL Three functions of the State, i.e., Legislative, Executive and Judicial. It was a common concept of ALL civilizations, Indian/Aryan, Greek, Roman and the Semitic civilizations even in B.C. era. It is a different question to what extent this concept was followed or practiced.

2. Leaving apart the mythological Era of both the western and eastern civilizations, there DID EXIST REAL, CANDID AND HISTORICALLY AVAILABLE EVIDENCE OF VARIOUS TEXTS on this aspect. Kautilya's "ARTHSHASTRA" written in 3<sup>rd</sup> Century B.C., is an undeniable evidence of this

aspect in India both in Principle and Practice. Coming to the modern era, beginning from the 18<sup>th</sup> century following the writings of Montesquieu, Voltaire, John Stuart Mill, and later on Harold J. Laski and Dicey, not only the concept of a responsible Government i.e., the Government responsible to the people but the enlarged concept of SOVEREIGNTY OF THE PEOPLE had become the Norm of ALL Civilized, Democratic and Popular Governments, the world over.

3. The concept of "SOVEREIGNTY OF PEOPLE" must necessarily be read in the context of people of a particular REGION, NATION OR COUNTRY within some geographical limits, either based on a common Religion, Civilization or Race, or otherwise, which are now called as "Nation States".

4. Following the acceptance of the Concept of the SOVEREIGNTY OF PEOPLE of a country or a Nation, the necessary question that arises how the so-called SOVEREIGN

PEOPLE of the country or Nation will govern themselves in various fields of Socio, Political, and Economic fields of administration including the administration of Justice for resolving the disputes between persons and persons and the question of Protection of Rights and Privileges of the people as against the “STATE”.

5(a). It cannot be denied that in ALL functions of a Nation or a “Nation State” comprising of “Sovereign People” there must be a LAW, defining, prescribing and/or limiting the functions of these three important functions of a State. Thus there must be, in the first place a body which WILL MAKE or LAY DOWN Law or Laws inasmuch as the “WHOLE PEOPLE”, Sovereign as they may be, cannot make Law, which necessitates the creation of a BODY chosen, elected or nominated or otherwise processed to make a Representative Body of the multitudinous number of the Sovereign people to make Laws governing and/or relating to various aspects indicated above of the people at large. This body may be called by any name such as PARLIAMENT, LEGISLATIVE ASSEMBLY or by any other Nomenclature as chosen by the people.

5(b). The next function of a Nation-State is to create and form a body to implement the Laws and more particularly, to protect the people from foreign invasions. This aspect of Nation-State of implementing Laws, in the modern days, is the responsibility of Executive wing of the Nation-State.

5(c). The last, but not the least, function of a Nation-State is the administration of Justice according to the law made by the process mentioned above in the Sub Para 5(a). In the modern days, the Jurisprudential Concept of this functioning of the Nation-State, namely, administration of Justice according to law must be independent of two other wings of the Nation-State i.e., the Legislature and the Executive wings thereof.

6. Now, coming to the modern Jurisprudential

concept of functioning of the Nation-State, comprising the three wings of a Nation-State, namely, the Legislature, the Executive and the judicial wings, it was found necessary to have an instrument named as “Constitution” of the State, defining and distributing the functions of these three wings of Nation-State, namely, the Legislative, the Executive and the Judicial.

8. Now coming back to the original subject of this essay, namely, the concept of an Independent Judiciary, more particularly, in the premises of the Indian Constitution, how far and to what extent this concept of “Independence of Judiciary” is being followed and practiced in our country, India—that is BHARAT. To answer this question, let us have a glimpse of the provisions of the Constitution of India dealing with the creation and functioning of the judicial system in India.

9. Being a Federal State that India is as declared in Article 1 of Constitution of India, there are necessarily a Union Legislature, Union Executive and Union Judiciary at the centre and likewise, each one of the Federal States also having its own Legislature, Executive and Judiciary.

10. Now, let us confine to the constitution or creation of Union Judiciary and its functioning. While Clause (1) of Article 124 of the Constitution declares that there shall be a Supreme Court of India consisting of Chief Justice and not more than 30 other Judges, Clause (2) of Article 124 provides that the Judges of the Supreme Court shall be appointed by the President AFTER consultation of such of the Judges of Supreme Court and of High Courts of the States as the President may deem necessary for the purpose. Clauses (iv) and (v) of Article 124 also provide for the removal of any Judge of the Supreme Court or High Courts, of course, with a lengthy procedure prescribed therefore.

11. The point that I am stressing is that both the powers of appointment and removal of the

Judges of Supreme Court vest in the President of India, which is always according to the advice of the Council of Ministers as provided for in Article 74 of the Constitution.

12. Now coming to the creation of the High Courts in the States, the following are the provisions under the Constitution. While Articles 214 to 216 mandate the creation of High Court for each of the state, Articles 217 and 218 provide a similar procedure for appointment and removal of the Judges of the High Courts, in the same manner as provided for in various clauses of Article 124 of the Constitution. This power of the President must again be read along with Article 74 of the Constitution of India, that is to say, the President shall act according to the advice of Council of Ministers of the union led by the Prime Minister.

13. While, Article 125 provides for the payment of the salaries and such other privileges and allowances to the judges of Supreme Court as may from time to time be determined by Parliament by law, Articles 126 to 128 of the Constitution provide for appointment of an “acting Chief Justice” when necessary to the Supreme Court, appointment of *ad hoc* Judges and attendance of retired Judges as selected by the Chief Justice of the Supreme Court with the prior approval of the President. Article 130 provides for the sitting of Supreme Court of India at Delhi or at such other places as Chief Justice of India may “WITH THE APPROVAL” of the President determine from time to time.

14. While I have referred to the powers of the President and the Parliament as regards the appointment, removal and payment of salaries and allowances, and other functions of the Judges of the Supreme Court and High Courts, it is NOT my intension to undermine the position of the Supreme Court and High Courts, much less, degrade their position and importance under the Constitution. It is only for the purpose of highlighting the provisions of the Constitution

with regard to the appointment, removal, payment of salaries, etc., and other functions of the Judges of the Supreme Court and High Courts, prescribed and provided for BY THE CONSTITUTION.

15. I will now, refer to the functions of the Supreme Court and the High Courts of our Sovereign, Democratic, Republic, in order to understand the expectations, faith and confidence of the SOVEREIGN PEOPLE OF INDIA in the matter of PROTECTION of their Fundamental Rights as against the STATE, and maintaining the Federal structure of our Nation and other BASIC FEATURES of the Constitution and resolving the common disputes between persons and persons.

16. While, Article 32 of the Constitution confers jurisdiction on Supreme Court of India for the enforcement of Fundamental Rights of citizens as against the State, as provided for in the PART III of the Constitution, Article 131 of the Constitution provides EXCLUSIVE ORIGINAL JURISDICTION on the Supreme Court of India to decide any dispute in between the Government of India and one or more states or between the Government of India or a State or States on one side and one or more states on the other or between two or more states. It is one of the most important functions of the Supreme Court in order to maintain the Federal Structure of India, which is one of the BASIC FEATURES of our Constitution.

17. Article 132 to Article 136 confer the appellate jurisdiction to the Supreme Court as against any judgment or order or proceedings of any High Court in India. Article 137 confers power on Supreme Court of India to review its own judgments. While, Articles 138 to 140 provide for the enlargement of and providing supplemental powers on the Supreme Court as provided for by Parliament by law, Article 141 declares that the law laid by the Supreme Court shall be binding on all courts within the territory of India. Apart from all these powers, Article

129 of the Constitution declares that the Supreme shall be a Court of Record and shall have all powers of such a court including the power to punish for contempt of itself, which has been experienced in the recent case of conviction of Mr. Justice Kannan, a Judge of Madras High Court.

18. Apart from the specified powers under various provision of the Constitution as indicated above, in a modern state where the concept of “RULE OF LAW” is an accepted Basic Feature of the Constitution, the Supreme Court has also an unwritten but well recognised power of “Judicial Review” with respect to both Legislative and Executive functions of not only of Union of India but also of any state in Union of India. The Supreme Court is also conferred with the special jurisdiction of consultation of matters which are referred to it by President of India under Article 143 of the Constitution. Article 144 mandates that all authorities, Civil and Judicial, in the territory of India shall act in aid of the Supreme Court. Article 145 confers the power on Supreme Court of India, of course, with the approval of the President for making rules regulating generally and including the matters referred to in Clauses (a) to (j) therein and sub clauses (ii) to (v) thereof.

19. Now, let us have a picture of the Constitution of High Courts of states and appointment of Judges thereto and their powers, functions and jurisdiction. While, Article 214 mandates that there shall be a High Court in each state, Article 215 declares that every High Court shall be a court of record and shall have all the powers of such a court including the power of punishment for contempt of itself. While Article 216 declares that every High Court shall consist of a Chief Justice and such other Judges as the President may from time to time deem necessary to appoint them, Article 217 provides the procedure of appointing Judges of High Courts. Article 218 declares that the same procedure for removal of Judges of High

Courts as provided for in Clause (iv) and Clause (v) of Article 124. Article 221 provides for payment of salaries and allowances as determined by law by Parliament.

20. The most important provisions, declaring the powers and functions of High Courts are dealt with in Articles 226 and 227 of the Constitution. While, Article 226 confers same powers of protection of Fundamental Rights of citizens against the state actions as provided for in Article 32, it also confers power on the High Courts, OR FOR ANY OTHER PURPOSE, but confined to the territorial limits of the High Courts. Article 227 of the Constitution also confer the power of “Judicial Review” on the High Courts to review both the Legislative and Executive functions of a state but limited to territorial limits of a High Court, both against state concerned or against any other authority, including union of India, if, such actions affect or relate to the territorial limits of the High Court concerned.

21. Apart from the specific powers conferred directly on the Supreme Court and High Courts under the provisions referred to above, one more aspect must also be considered as regard to the provisions of Part IV of the Constitution, containing “Directive Principles of State Policy”. While it is, no doubt, true that Article 137 of the Constitution in Part IV declares that the provision contained in Part IV, shall not be enforceable by any court, but at the same time declares that the principles enumerated in Part IV are nevertheless, fundamental in the governance of the country, and it shall be the duty of the state to apply those principles in making laws.

22. In the first 2 ½ decades after enacting the Constitution, there was a continuous dispute whether the provisions of Part IV of the Constitution can be made subject to any decision of the higher judiciary i.e., Supreme Court and High Courts, it was in 1973, the largest ever constituted “Constitution Bench” of the

Supreme Court in the well-known case of “KESHAVANANDA BHARATI” declared that the provisions of PART III and IV of the Constitution, TOGETHER CONSTITUTE THE CORE OF THE CONSTITUTION AND THAT THEY CONSTITUTE THE TRUE SPIRIT OF THE CONSTITUTION AND THAT THEY REPRESENT THE OBJECTIVES OF THE CONSTITUTION, based upon the humanitarian socialist precepts which was the aim of Indian social revolution and that both of them viz., The “Fundamental Rights and Directive Principles of State Policy” form part of the basis of human rights. Thus, the position as exists now is that both the Supreme Court and High Courts in states should interpret the laws in such a manner as to achieve the objectives incorporated in Part IV in the Constitution as well, along with their DUTY to protect the Fundamental Rights of the SOVEREIGN PEOPLE, reserved to themselves in the Constitution itself.

23. Now having highlighted the purview of the jurisdiction and powers of the higher judiciary under the constitution, namely, the Supreme Court and the High Courts, it becomes very much necessary to discuss the importance and essentiality of both these institutions, namely, the Supreme Court in centre and High Courts in states all of which must necessarily function with total freedom and independence from the other two branches of the state, namely, Legislative and Executive wings.

24. While, it is, no doubt, true that are no specific provisions in the Constitution, providing for and much less guaranteeing the so-called “INDEPENDENCE OF JUDICIARY”, it is nonetheless, important that this WING of the STATE, namely, JUDICIARY must necessarily be INDEPENDENT of the other two wings of the State, namely, the LEGISLATURE and executive for the reasons provided hereunder.

(a) While the PEOPLE ARE SOVEREIGN in a MODERN STATE, they

have to necessarily delegate some of their powers to different wings of the State in order to have AN ORDERLY functioning of the State while RESERVING TO THEMSELVES some RIGHTS which are popularly known as FUNDAMENTAL RIGHTS in almost ALL CONSTITUTIONS OF MODERN STATES. The power to preserve and guaranteeing from violation of these Fundamental Rights of the people is entrusted to the Higher Judiciary in India to the Supreme Court and High Courts as provided for under Articles 32 and 226 of our Constitution.

(b) Since India is Federal State and various powers of the state – INDIA THAT IS BHARAT as declared in Article 1 of the Constitution – are distributed among the UNION and its constituent States in three separate Lists of SCHEDULE VII of the Constitution, the power to preserve and safeguard the distribution of those powers is also assigned to Higher Judiciary, more particularly, the Supreme Court under Article 131 of the Constitution and also to some extent to the High Courts under Article 226 as provided for therein.

(c) Article 131 of our Constitution confers SPECIAL AND ORIGINAL JURISDICTION on the Supreme Court of India to decide any dispute:-

- (i) Between the Government of India and one or more States;
- (ii) Between the Government of India and any State or States on one side and one or more other states on the other;
- (iii) Between two or more states

25. Since these powers and functions conferred exclusively on the Higher Judiciary as referred to in the preceding paragraphs, it necessarily involves the protection of Fundamental Rights of the individuals as against

the actions of the State, i.e., the Governments of the Union (Central Government) and also against the Governments of the constituent states on the one hand and resolving the disputes between the Union and states on the second and also disputes between different states as referred to hereinabove, it is absolutely necessary that this third wing of the state viz., Higher Judiciary must be ABSOLUTELY INDEPENDENT of the other two wings of State, viz., Legislature and Executive. In fact it constitutes the FAITH, CONFIDENCE and BELIEF of the SOVEREIGN PEOPLE that their INDIVIDUAL Rights in Part III of Constitution and the powers of their Respective states under Schedule VII of the Constitution ARE NOT VOILATED.

26. Now, the principal question, which is the real subject matter of this essay is, what the concept of Independence of Judiciary or Judicial Independence, as the case may be. Has it to be a separate body out of Constitution or has it to be one of the three wings of the Constitution. As narrated in the preceding paragraphs of this essay, it is obvious that this third wing of the state, namely, Judiciary is created by various provisions of the Constitution, which itself is enacted and adopted by the Sovereign people in process of a prolonged deliberations of almost three years i.e., 2 years 11 months 17 days, by the Constituent Assembly. It is, therefore, obvious that this third wing of the State, namely, Judiciary, is also a creation by the Sovereign People.

27. The question that has to be addressed, discussed and understood in the context is that, how to and in what manner this third wing of State, namely, Judiciary should be made independent of other two wings. While the process of the appointment of Judges of the Supreme Court and High Court is provided for and made part of the same Constitution as the other two wings, the answer to the concept of "Independence of Judiciary" does not mean that

this wing is totally and absolutely independent of either the two wings of the State or much less, the provisions of the Constitution itself.

28. The real meaning of the "INDEPENDENCE OF JUDICIARY" lies in the answer to question i.e., "HOW INDEPENDENT ARE THE PERSONS IN THEIR ACTIONS, CONCEPT, CHARACTER, CAREER AND DISPOSITION OF MIND AND ACTION". The solution that appears to me, in all my humility, is that the persons who are responsible for, or endowed with the duty of selecting and appointing the persons to see to how "independent" is such person in discharge of his duties as a Judge. In the first two decades of inception of the Constitution, this process of selecting persons of independent character and disposition was duly and satisfactorily performed by the persons and institutions responsible for selecting the Judge. The institution of Judiciary was found to be the ABSOLUTELY INDEPENDENT OF OTHER TWO WINGS, for the first two decades after the inception of the Constitution.

29. In the recently published book by Fali S. Nariman, a doyen of the Indian Bar, under the title of "GOD SAVE THE HON'BLE SUPREME COURT" had narrated in Chapter II thereof under the caption of "THE CITADEL NEVER FALLS: EXCEPT FROM WITHIN", as to how the fall of the Judiciary in India began. The reference to what he calls as "first supersession's case", where the dictatorial Prime Minister, Mrs. Indira Gandhi purporting to be disappointed with judgment of the majority Judges in the "Bank Nationalisation Case", superseded three senior most Judges of the Supreme Court, namely, J.M. Shelat, K.S. Hegde and A.N. Grover, and appointed the No.4 in the seniority, namely, Justice A.N. Ray as Chief Justice of India. The second case referred to by Mr. Nariman is the case of "ADM Jabalpur", where the majority Judges had,

according to Mr. Fali S. Nariman, ALMOST EXTINGUISHED THE LAMPS OF PERSONAL LIBERTY IN THOS DARK DAYS OF INTERNAL EMERGENCY, negating the Fundamental Rights including the Right to Life in Part III of the Constitution.

30. Having allowed the Judiciary to fall from within, the Supreme Court seems to have made some efforts in the late 1990's, to emerge as an independent institution, by creating the unacceptable and unconstitutional theory of "Judicial Collegium" or "Collegium System", as it is being called now, which has naturally, created a dissenting response from not only the other two wings of the State, but also from the public at large. Mr. Nariman quotes DR. Aharon Barack, a former Chief Justice of ISRAEL, which is follows:- "An essential condition for realising the judicial role is public confidence in the judge...It means public confidence that judges are not interested parties to the legal struggle and that they are not fighting for their own power but to protect the Constitution and democracy".

31. In all my humility, I am not saying that there is NO remedy whatsoever for restoration of dignity of our Higher Judiciary and to restore the confidence of the people in them to protect their Fundamental Rights, the essential features of the Constitution and the democracy. In my opinion, the following are few remedies which may help to restore the dignity of Higher Judiciary.

32. While, it is, no doubt, true that Clause (iii) of Article 124 provides three sources for the selection of Judges of Supreme Court and High Court, which are, (a) The person being a citizen of India, and (b) the person being a Judge of a High court of one or two or more such Courts in succession for a period of five years; or (c) the person being at least ten years as an advocate of a High Court or of two or more such Courts in succession; or (d) being a distinguished jurist. But in practice, most of the

judges are being selected from Judges of High Courts and rarely from the bar. The last source of selection of Judge of Supreme Court, namely, JURISTS has not been resorted to yet.

33. Since the highest or the largest source of appointment of Judges to the Supreme Court is from the Judges of High Court, we have to examine, how Judges of High Courts are being appointed. The Chief Justice of High Court, in practice plays a major role, while, no doubt, the Governor of the State and Chief Justice of India are also involved as mentioned in Article 217 of the Constitution. Now recently, more particularly, after 1990, a very questionable practice has been established, that the Chief Justice of High Court must not be of the same High Court but must be from any other High Court. This disharmonious practice of a Chief Justice from some other Court has, to say the least, created many more problems in the process of selection of proper persons for appointment of Judges of High Courts. Any person coming as the Chief Justice from other High Courts would not be having any personal knowledge about the character, calibre, and capacity of the person to be selected or recommended for appointing him as Judge of the High Court. He has to depend on the advice and knowledge of other persons who will have their own likes and dislikes and with no responsibility whatsoever.

34. In the earlier days, the Chief Justice of High Court was always from the same High Court, who would be having very long time, personal knowledge and assessment and would have personal knowledge on the character, calibre, and knowledge of laws of the person whom he recommends for the post of Judge of High Court. Now a days, another practice that has come into vogue, more often than not, that the persons who are being chosen to the post of Judge of High Court are the Government Pleaders, without knowing and much less, identifying the fact that, more often than not,

that those persons are recommended by the politicians, such as, MLAs, Ministers and other political elements. One can imagine that, if a person is appointed as a Judge of Higher Judiciary recommended by political person, how he could be independent of political influence to discharge his duties. I am not saying that all Government Pleaders are having the same character and calibre, but what I am stressing upon is, the difference of character and calibre in between the Government Pleaders and other senior advocates of the bar to be compared before selecting a judge of High Courts.

35. In my humble opinion the persons to be chosen and/or recommended to be appointed as High Court Judges must be from senior most members of the bar, commanding great respect from both the Bench and Bar, assessing their Income Tax returns and their personal reputation of character. It is sometimes being said that most of the SENIOR MEMBERS are not inclined to accept their being appointed as Judge of High Court. The question depends upon, when and what stage of their practice and age, the offer is made to the ABOVE ALL, what is MOST important is the INDEPENDENT CHARACTER of the person chosen; this is sometimes more important than the knowledge of the person or personal income which can be earned by any means, other than his being independent. I can say without any fear of contradiction THERE ARE STILL ENOUGH MEMBERS OF THE BAR who are committed to serve the NATION without expecting any favour from any authority either during or after retirement as Judge. THE ONLY THING THAT REMAINS IS AN HONEST AND UNATTACHED RECOMMENDATION, of a TRULY INDEPENDENT PERSON OF CHARACTER AND CALIBRE with ADEQUATE knowledge of law and having the amiable, charismatic attitude of further learning from whatever source it may come.

36. The Founding Fathers of the Constitution

have, no doubt, provided some measures purporting to provide for the Independence of Judiciary, but during the long experience of our Judicial Administration, they are being proved to be inadequate. For instances, while clause (7) of Article 124 of the Constitution prohibits a retired Judge of the Supreme Court from practicing in any court or before any authority in India, Article 220 prohibits a retired Judge of High Court from practicing in any court or authority in India, except the Supreme Court or any other High Court.

37. This prohibition, either under clause (7) of Article 124 or under Article 220 of the Constitution, purporting to prohibit the retired Judges of the Supreme Court and of High Courts would be, according to my humble submission, against the Fundamental Right provided for under Clause (g) of Article 19 of the Constitution, which guarantees to all citizens right to practice in any profession including the profession of law. It may kindly be appreciated that the prohibitions under Article 124 and under Article 220 of the Constitution, do not contain any non-obstante Clause, such as, "NOTWITHSTANDING ANY PROVISION IN THE CONSTITUTION". In my humble opinion, even if such a non-obstante clause is provided for in the respective provisions, it would have led to questioning the constitutional validity of such prohibition.

38. While prohibiting retired Judges of the Supreme Court or of High Courts from practicing in the courts of India and appointing them to various Tribunals, Commissions, such as, Lokayuktha, Human Rights Commission, Inter-state River Water Dispute Tribunals, would with enormous powers of adjudication, in my humble opinion, subject to correction, is likely to give arise to apprehension of these appointments being subject to some political influence, more particularly, in the context of the present day political structure existing in the country. In order to avoid such apprehensions

or doubts, more particularly, for guaranteeing "AN ABSOLUTE JUDICIAL INDEPENDENCE" the practice of appointing retired Judges to any institution must be stopped and restore their fundamentally guaranteed Right to practice in all Courts and opportunity to write books on various Socio-Political and Constitutional aspects, which will certainly guide the future generations.

39. The question as to why learned retired Judges of either Supreme Court or High Courts are not challenging the Constitutional validity of the prohibition of practice in clause (vii) of Article 124 is very easy to answer. Why should they (the retired Judges) resort to such process of challenging the constitutional validity of their prohibition from practice then there are greater facilities of being reappointed to various Tribunals with perks and various other remunerative facilities being provided to them by reappointing them to various tribunals etc., as mentioned herein.

40. Sometimes, questions are being raised, as to how and from which sources or from which Sections of the society such Tribunals named in the preceding paragraph are to be filled. The answer is very simple. If under Article 124 of the Constitution, persons practicing as lawyers in Supreme Court and High Courts for Ten years can be directly appointed as Judges of the Apex Court and High Courts which are endowed with enormous powers of protection of Fundamental Rights,

adjudicating disputes between the Union and its constituent Federal States and disputes between States & States and the responsibility of maintaining the BASIC FEDERAL STRUCTURE of the Union of India and with the power of Judicial Review of ALL the adjudication of ALL the TRIBUNALS mentioned above, how can such a question of paucity of sources from where the appointments to the Tribunals mentioned above be raised. To put it in other words the answer is to same procedure as provided for the appointment of Judges to the Supreme Court and to High Courts.

40. The other Remedy, in my humble opinion, is to make necessary, mandatory constitutional provision or provisions to appoint the WORKING JUDGES themselves, either of the Supreme Court or High Courts to be appointed to the various Tribunals named above, and if necessary to enlarge the age of retirement from 65 to 70 in case of Supreme Court Judges and from 62 to 65 in case of High Court Judges. In any case, this practice of appointment of Retired Judges must be avoided for reasons indicated above, which will most certainly affect the very concept of INDEPENDENCE OF JUDICIARY BOTH IN PRINCIPLE AND PRACTICE.

**Sh. K. Pratap Reddy** is Senior Advocate of Andhra Pradesh High court at Hyderabad. He is a regular contributor to **The Radical Humanist**. 

## **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. Some of Roy's important books are also available at that site.*

**- Mahi Pal Singh**

# Man: The Creator and Emancipator

Geologists have estimated the age of earth around six billion years and life in the form of iota began to appear on surface of earth approximately one and half billion years. This means earth was barren of life for about four and half billion years. When life first appeared not in the form of human being but in the insignificant smallest of the smallest form having no will, conscious or any aspiration on the surface of earth it could have any purpose. When this life evolved in the form of Homo Sapien purpose could not be attributed to life. It was not a dead matter. This live being became aware of his surroundings and also of environment resulting into consciousness than intelligence and will. This consciousness, will and intelligence incite man to change the inimical environment to protect him from destruction of his very existence and compelled him to acquire knowledge about his natural surroundings in order to combat inimical life destructive forces that gave birth to science.

In view of this world humanity has now to develop ideology that can incite all human beings to inculcate the loyalty to the entire planet earth from which all human beings and all other live creatures have evolved. In order to survive we must include the entire planet earth's material environment that protects life.

Today thanks to revolution in communication technology geographic and social, even cultural distances have considerably reduced and influenced each other and pressurizing present national states, national politics and economic ideology must come to an end and develop planet as one nation populated by human species.

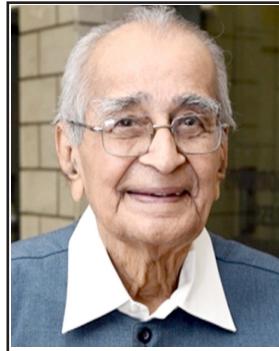
Late Paul Kurtz observed that humanism has a special significance for the worldwide civilization that is emerging. For the first time in human history beings have become an

integral part of a planetary community. Indeed, no part of humanity isolation or ignorance, indifferent to the needs of and interests, sufferings and achievements of other human beings. The human environment is now truly global. Whatever happens in one corner of the world is or should be concerned to all.

Even International Humanist and Ethical Union Congress says, it is dramatically clear today that earth is made up of interdependent nation states and whatever happens in one part of the earth affects all the rest. Wherever human rights are violated all humanity suffers. The basic premise of this global ethics is that each of us has a stake in developing universal moral awareness; each of us has responsibility to the world community at large.

Today the world is a long way from achieving these noble objectives mentioned by Paul Kurtz and International Humanist and Ethical Union Congress even though it is need of the day. Therefore for its very existence humanity is required to search out and find out instrument that can achieve unity among entire humanity.

Life is not a gift of God. Biological evolution has exploded this lie. It is now well established that life is evolved from inanimate matter. This is well supported by a large section of biological scientists who intensely believe that in remote past life has originated on earth from dead inanimate matter as the result of natural biological process. There is nothing extraneous or extraneous element enters the nature of



**Ramesh Konde**

man during the process of emergence of Homo-Sapiens from an inanimate. All human attributes and innate potentialities could be deduced from the background of biological evolution.

There is also evidence that life has evolved and not a gift or creation of non-existence God. The matter in all living animals including human beings is that of inorganic nature. There is not a substance in animal tissues which are not primarily drawn from the rocks, water, air, etc. This establishes that life has evolved from inanimate matters. The element that constitutes living is all to be found in inorganic nature. There are no elements that are peculiar to living organism.

Nature exists from time immemorial. Not the creature of supernatural being, God or any other being. It is prior to appearance of Homo-Sapien. It is the ground on which all life evolved. Biological evolution of life does not respect the ties of blood, special loyalty to nation, race, class, religion or political parties. Therefore only biological evolution of life on our planet can bring the unity among all humanity.

Except ignorance religious dogmatism, all other who may be in minority, whose reasoning critical faculty is not dead and have innate curiosity to seek true knowledge and have the courage to accept biological evolution of life is a fact and this fact attracts that all on earth is originated during the course of mechanical process of natural biological evolution.

In view of this universal truth is corroborated by the science of biological evolution that all human beings are biologically similarly constructed. Of course, what is stored in genes are not identical. Therefore, individual human freedom must never be suppressed.

It is also a fact that man is born with tremendous potentialities. What is stored in genes one would know when they are unfolded. The fact is during man's life time

all the potentialities are never unfolded. This is an endless process. Therefore individual human freedom must never be suppressed.

Man is product of biological evolution is born with innate potentialities. Only when these potentialities are unfolded and come to the surface one would know what is stored in genes. Therefore need of the day is to establish free and open society that could help all constituents of society to unfold their innate potentialities.

Late Roy had explained that when life first appeared on the surface of earth, it could not have any purpose. When life resulted into evolution in the form of Homo Sapien purpose could not be attributed to life. He was not a dead matter. Being live he becomes aware of his environment. This awareness results first into consciousness than intelligence and will in respond to environment.

The purpose of human life results from the characteristic feature of subhuman biological evolution called struggle for existence. This consciousness, intelligence and will incite man to change environment to protect man from destruction of his very existence. For this man was forced to acquire knowledge about his natural environment in order to combat inimical life destructive forces. This gave birth to science. Scientific knowledge is always acquaintance with reality of environment that leads to objective truth.

Man has evolved from physical universe. It is now well established that man is the highest product of biological evolution. Human history begins from evolution of Homo Sapien on earth. He just becomes aware of his surroundings. This results into development of consciousness then intelligence and will to alter surroundings to protect it and to help its existence to gain freedom from the natural surroundings that could have destroyed his very existence. This is how human freedom can be traced to struggle for existence.

In view of this, human freedom can be traced to biological evolution on man's appearance on earth as the result of biological evolution, he was forced to free himself from the tyranny of natural phenomena that hostile environment was dominated by carnivorous animals: more powerful than man that was threatening his very existence. This can be called first stone of freedom was laid. Therefore, it can be said that human values are derived from biological struggle for existence. Therefore, it can be called biological heritage. Accordingly late Roy, all human attributes like, intelligence, reason, will, instinct, intuition are all rooted in biological evolution. In view of this it can be safely be said that knowledge of biological evolution can illuminate the path of human freedom and man is potentially rational and moral impulse is an integral part of human nature. From this it can be deduced that only reason is available to man that can discriminate moral from immoral behaviour of human beings.

According to J. Huxley, the biological evolution in physical sense now almost came to an end. Now man has become dominant product of biological evolution. Man has embarked for the psycho-social evolution which is primarily cultural and ideological where man has become a dominant figure having intellectually well organized with mental capacity only to further advance is through brain and mind. Therefore evolution becomes primarily and increasingly cultural dependent. Culture changes where dominant system of ideas which guide, thoughts and actions.

In view of this struggle for existence becomes struggle for ideas and values. They can never be static and absolute for all the time. Therefore traditional ideas and values should be critically examined in the light of growth of knowledge to attain human freedom and happiness. To achieve this man must have developed mutual aid and cooperative feelings

because man alone was helpless creature and would not have survived.

Human potentialities are stored in genes of human. Unless these potentialities are unfolded man would never know what is stored in genes. Therefore nature and nurture play an important role. Of course, both essential what is inherited is genetic. What is acquired in thought is by nurture. Therefore society should not put restrictions on the unfoldment on inheritance of gene. In view of this individual freedom must never be suppressed.

However equality before law, equality as citizen, equal opportunity to all human are not dependent on genetic endowment. These are human rights and values as biological human being, all human beings have equal rights. But as regards genetic potentialities are concerned they are different and are not identical. Of course all men are born with innate genetic potentialities. It is social, political and economic enouncement that determines how and which potentialities would be realized during man's life time existence and development. Therefore Humanists advocate in order to achieve above, all individuals must have freedom to realize his innate potentialities, not obstructing unfoldment of other human individuals. This mutual aid and cooperative feelings must have developed during biological evolution of Homo Sapien. In absence of these impulses human race would not have survived.

Homo Sapien did carry the biological urge of cooperation with his fellow beings for his very survival led to development of the urge of cooperation, kindness, mutual aid within its own tribe. This helped man of ancient time to survive in hostile environment.

According to A.M. Winchester; that man is soft, weak animal and no physically match for the powerful muscles and claws of other aggressive animals that might wish to destroy him. Man stands superior only in his intellect and thought that has developed him to the

dominant position that he now occupies on the earth.

The universal genetic code is important evidence that all life shares common origin. All living things are discarded from common ancestors. This evidence comes from certain similarities between species and also from fossils records.

The application of knowledge of biological evolution of life to human activities can help humanity to know our common values and improve our social relations. Because biology is identical in all humankind irrespective of their nationality, cast, creed and religion.

It is the biological evolution which has conclusively established that man and all other forms of life are the result of not supernatural act of creation of god but of an infinitely long process of biological evolution stretching over at least two million years. The scientific theory of biological evolution provides synthetic account of human origin. It is based upon evidence drawn from wide range of science.

To develop loyalty to human species, knowledge of biological evolution must reach every hearth and home. This is the need of the day to forge human unity.

When human species appeared on earth its first concern was to preserve its existence. For this he was forced to understand natural environment that was benign as well as hostile. However to understand biological, man has to imbibe and cultivate the scientific outlook.

As explained earlier human being was physically weak and soft was totally physically incapable to face and match then existing carnivorous aggressive, physically strong animals capable to destroy the very existence of Homo Sapien. Realizing this inherent physical weakness, man must have learnt to develop artificial weapons to protect himself. This placed him on par for his struggle for existence successfully against physically more powerful animal on earth. This could not have

been possible if man was not a thinking animal that led to creating everything on our earth.

Man is not just adopting animal. With the help of tools, created by his own inherent imaginary, man changes the environment to suite him for his existence. Therefore, it can safely be said that creation begins on the appearance of man on earth. This distinguishes man from lower animals who cannot create but just adapt to environment.

It is said that it took nearly about billions years to evolve human being. Man is the only animal conscious of it and whether he likes or not he is responsible for the whole future evolution with particular reference to social, political and economic system. Therefore he has to be totally absorbed in all the activities that take place on our earth and not on imaginary non-existing so called other world.

Man by inherent nature is a curious and inquiring animal who aspire to know his surroundings for his very existence. Man differs from any previous dominant type of animals that he can consciously formulate values to free him from divine tutelage to take up struggle for temporal freedom.

J. Bronwasky observed that man is singular creature. He has set of gifts which make him unique among animals so that unlike them he is not a figure in the landscape. He is shaper of the landscape. Who has made his home in every continent and not locked in environment but can change it to suite him.

Man is the most creative animal who carries and expresses largest store of varieties. Therefore individual freedom must never be suppressed. Even the growth of science is the result of man's endeavour. Even this creative urge helped him to grow from savagery to present civilization.

Man in struggle for existence goes beyond organic adaptation and makes use of weapons, tools, etc of his own creations.

Biological evolution came to an end some

about fifty thousand years ago. Man has entered into psycho-social evolutionary process where ideas and values developed by man plays a dominant role.

Human existence is not a passive. Existence implies action. He does not just respond to his environment but ask questions. According to Arthur Koestler that the exploratory drive is now recognized to be a primary biological instinct as basic as instinct of hunger and sex.

Human existence is subject to natural phenomena requires to find ways and means to control them. This gave birth to science to explain natural phenomena to protect his existence.

Universe is law governed, nothing happens without a cause. Law governedness is reason in nature. Being product of this law governed universe man the product of this universe, inherits this reason and becomes creative animal.

During the process to free man from the tyrannical forces of nature it must have revealed to individual man, he alone was not match to face successfully forces of nature, further revealed to him that other individuals are also struggling for existence, he must have sought their cooperation to combat inimical forces of nature successfully. This must have resulted into moral impulse being form and must have realized moral living was necessary for the success of struggle for existence.

This struggle for existence can be called struggle for freedom that results into progressive removal of all impediments and restrictions on the unfoldment of human potentialities.

Man is born with tremendous potentialities. Therefore freedom can be defined as supreme values. This urge for freedom is the essence of human existence. The various natural forces, phenomena wild animals and inimical forces would have destroyed human species, cooperation efforts on the part of human

beings was necessary to protect as well as to free human beings from the danger of complete extinction.

Scientists say man is essentially and basically rational animal. This rationality is the foundation of man's moral behaviour that discriminates good from evil and even right from wrong.

As observed by J. Huxley; man is the product of nearly three million years of evolution in whose evolutionary process has become conscious of itself and whether he likes or not he is responsible for the whole future evolution on our planet. He is the sole agent capable of effective major advance and revealing new possibilities for evolving life.

Late E. Fromm observed that biological adaptive aggressiveness is response to threat to vital interest. It is phylogenetically programmed. It is common to animal and man. It is not spontaneous but reactive and defensive. It aims at the removal of threat either by destroying or by removing. Biologically non-adaptive malignant aggressiveness destructions and cruelty is not defence against a threat, is not phylogenetically programmed. This characteristic is only in man. It is biologically harmful because it is socially disruptive. Malignant aggressiveness threat is not an instinct, it is human potential rooted in the very condition of human existence. The malignant of man's aggression is not innate and is not ineradicably.

There is inherent impulse in man to fight for freedom because it is the condition for man's growth, health and his well being.

Man is always in need of a social system in which he a place in which his relation to others are relatively stable and supported by generally accepted values and ideas. Human in modern industrial society, genuine social personal ties with each other has largely disappeared. The result is the modern man even in thought he is

part of crowd and he feels isolated and lonely. He has no conviction to share with others. His opinions are determined by mass psychology created by power hungry politicians. He is carried away by slogans and outdated ideologies he gets from communication media.

In India even though science, particularly of biological evolution has made tremendous progress, Indians still not have freed him necrophilia's character. For them only the past is experienced a concrete real and not present or future. What is dead rules their life. Again Indians are ready to become nothing and becomes means for glory of non-existence God who represents neither justice nor love, man is sufficiently prepared to accept the role of servant to the economic and political machine and eventually to dictator.

In response to all this irrational believer, Late Roy (died in 25 January 1954) has developed philosophy or we may call it ideology called Scientific Humanism wherein he stated that man must be the measure of everything. There is no higher or more dignified than human existence. The conscious attempt to control and shape the future seems to be distinctly human activity. It is one feature that distinguishes human being from other living animals with whom he shares house on our planet earth.

Man by nature is non-conformist; otherwise man would be still living contended under the primal conditions of savage.

Man realizes his individuality as the member of society. In order to exist in society which would help him to live and grow, individual has to adjust to the needs and even sentiments of other members of society without sacrificing individual freedom.

Life itself has no purpose. Only when life expresses through highly complex human forms, develops such expression as intelligence, will and conscious then only we attribute purpose to life.

Primitive man was helpless before the natural forces; modern man is helpless before social, political and economic forces of his own creation. Therefore battlefield lies within man's attitude. Therefore humanists have to make all efforts and to strive to ensure that ideas of human freedom is rooted in needs of personality of man to influence his activities and also his life of personal conducts to help the growth of people's participating in genuine democracy.

The basic principles of true democracy as explained by Radical Humanism is that people as a whole determines their own fate and destiny and can decide pertaining to matters of common interests and concerns. It is experienced that true democracy cannot work creatively and effectively where large members of society are alienated from the working of the state government. This results into insurmountable gap between rulers and the ruled.

Indian democracy is organized as at present results in the alienation of large section of people to participate effectively in the administration of the operation of state government. The result is modern alienated citizens have likes and dislikes, prejudices and opinion but bereft of any conviction. This is an open field available to power hungry politicians to exploit common people for self aggrandizement.

We have experienced that the present arrangement of society is not conducive to the democratic way of life because small members of rich elite have all power to exploit majority of population.

Democracy can really be meaningful and also inspiring ideal if its object is to achieve liberty, equality and fraternity are rooted in all spheres of life of man be it political, economic or social including cultural life of man.

To achieve this, distance between the rulers and ruled must be considerably reduced. This

can be achieved if acquired and accumulated scientific knowledge reaches home and heart of people at large.

Except on the basis of a democratization of scientific knowledge and rational thought effective democracy is not possible unless the purifying influence of intelligence, integrity, wisdom, moral excellence of human values are brought to bear upon political organization and economic administration of society, the democratic way of life can never be realized.

Radical Humanism had indicated that democracy in the political, social and economic field can be sustained if the majority of people cherish to an adequate extent the basic values of freedom equality and fraternity.

In the first place there must be conscious and integrated efforts to stimulate among people the urge for freedom, deserve to rely upon themselves, the spirit of free thinking and will never to submit to external authority by exchanging their freedom for the security of slave.

A new Renaissance based on Rationalization Cosmopolitan Humanism is essential for democracy to be realized. Only true democracy can create economic, political and social and even cultural conditions for the full development of the individual's personality. Only in democracy man ceases to play thing in the hands of things.

It is now well evident that liberal parliamentary democracy as practiced today is not sufficient pre-condition for peaceful just society. It has focused its attention on formal rights of people but has neglected actual rights to be engaged by common man who forms the majority of society.

Liberal democratic ideas have failed to pay attention to the economic concentration of power in the hands of private and corporate system. Thus the human rights of citizens which the constitution has recognized as fundamental rights of citizens have become

valued to only rich elites. For common people who form the majority of people remains theoretically abstraction.

Existing prevailing representative liberal parliamentary democracy is defective. This is borne out by practice of this democracy in number of countries. Under it, it is now well established that all individuals except few insignificant minority rich elites and who do not suffer from economic disability, do not have sufficient and adequate means as well as opportunities to unfold their innate biological potentialities.

Radical Humanist philosophy propounded by Late Roy does not desire to destroy liberal parliamentary representative democracy. It at least provides an opportunity to those persons who desire to work for freedom to expand parliamentary democracy into people's participatory organized democracy. These opportunities could be utilized to expand and develop true and genuine democracy where none of the constituents of society suffers from political and economic disability that inhibits unfoldment of man and woman of their innate potentialities.

To achieve the goal of participatory organized democracy Late Roy had tentatively suggested that the structure of democracy should be based and founded on pyramid that is central parliament as apex house founded on people's committees at the grass-roots level. This will facilitates the large section of people of society to effectively to participate in all the activities of the states apex body and society be at social, political or economic can express their candid opinion to facilitate the apex body to arrive at true and correct decision conducive to welfare and happiness in respect of all the constituents of human society.

**Sh. Ramesh Korde** is a Radical Humanist of 89 years age, associated with the Radical Humanist movement since 1950. 

## **Punjab Blasphemy Law Violates Constitution and is an Attack on Democratic Rights of Citizens**

Punjab assembly recently passed a bill for an addition to IPC clause 295 to give life imprisonment for any 'injury, damage or sacrilege' of four religious books, (Guru Granth Sahib, Koran, Bible and Gita) 'with the intention to hurt the religious feelings of the people'. This is the first time in independent India that a punishment usually given for wilfully murdering another human being has been recommended for defilement of religious books. In an article in Times of India (6/9/2018), Punjab chief minister Capt Amrinder Singh of Congress has justified the bill and tried to explain its context. From 2015 to 2017 before the last assembly elections, the state had witnessed more than one hundred cases of sacrilege of Guru Granth Sahib, the holy book of Sikhs who form the majority in the state, and its torn pages were found at many places. Two people were killed in police firing on people protesting against this sacrilege. According to him, these acts of sacrilege were a conspiracy to spread communal unrest and amounted to 'national security threat that needs to be dealt with an iron hand'. A similar bill was passed by the earlier Shiromani Akali Dal (SAD) government, asking for life imprisonment only for the defilement of Guru Granth Sahib. The bill was returned by the NDA central government with the argument that in singling out the holy book of Sikhs it went against the principle of secularism enshrined in the Indian constitution. Amrinder Singh government has now added the other three religious books, to make the bill 'secular'. Many commentators, civil rights organisations and a group of retired bureaucrats have decried the bill. They have highlighted its anti-secular character, threat to freedom of

expression, and potential for gross misuse by state authorities and fundamentalist forces. It needs to be noted that no major political party or organization of the state has come out against the bill. Only Dr Dharamveer Gandhi, the MP from Patiala, and non-parliamentary left groups in the state have given public statements against the bill. Some sections within Congress like Mr Chidambaram have expressed their disagreement with the bill, but they are a small minority.

The bill and the political support it has received are a sign of longstanding misunderstandings of secularism and political and administrative malpractices in India. Given the scale and number of incidents of sacrilege of Guru Granth Sahib in 2015-16, it is reasonable to assume that these were result of a conspiracy to agitate Sikhs for definite political ends. Further, it is also likely that this conspiracy enjoyed political patronage from certain sections of the political class of Punjab. The chief minister uses the image of 'iron hand' a number of times in his article to emphasise the necessity of a tough response. Yet the fact remains that for nearly three years Punjab police and the two successive governments have completely failed to bring perpetrators of this communal conspiracy to book. This is not an uncommon occurrence. The most abominable communal conspiracy of the post independent India was for the destruction of Babri mosque in 1992. However, no one has been punished for that heinous crime till date. Needless to say, failures of state authority to apprehend and punish perpetrators of communal conspiracies have only emboldened communal forces. No 'tough' law can cover up this dereliction of a

primary duty by Indian state.

Punjab government believe that their law is secular since it prescribes equal punishment for sacrilege of books of all major religions. It is further argued that the motivation for the bill is not to protect any religious sentiment, which would be the case with religion based laws like Sharia laws in Pakistan, but to defeat plans of spreading communal strife. The latter it is claimed is a purely secular motivation without any sectarian interests. Both arguments are based upon a gross misunderstanding of secularism. Democratic states are expected to be secular so that every citizen enjoys equal right of religious freedom without any hindrance from the state or other citizens. Hence, by definition a secular state cannot encourage deliberate and mischievous sacrilege against any religion. However, it does not mean that it has to show 'equal respect' to all religious practices. If any religious practice is found to violate requirements of democracy, then a secular state can declare it illegal. This is what the Constitution of India did with untouchability. This means that religious sentiments do not a priori enjoy greater privilege or value than other public sentiments. There is no reason why the hurt to religious feelings should attract greater punishment than the hurt caused by misogynist or casteist abuses. In fact since the latter are invariably meant to humiliate and assert power over women and Dalits, these should attract greater punishment. Any just legal system determines the severity of the crime on the basis of its fundamental values, and gives punishment in accordance with the degree of crime. By declaring sacrilege to be in the class of most serious crimes, the bill demands that religious sentiments enjoy greater importance than constitutional values like freedom from oppression, and fundamental rights.

The second argument in favour of the bill confuses 'hurt to religious feelings' with communal strife. Believers of a religion can

claim to be hurt by any number of statements or actions by others. In India the most commonly claimed causes of hurt to religious sentiments have been books, films, and scholarly research. The bill further adds to the quiver of hurt to religious sentiments by very mischievously adding 'sacrilege' to the list. The latter is a theological concept. Its practical implications are determined by religious doctrines, whose interpretations are the privilege of a religious establishment. Hence, the bill pushes Indian legal system very dangerously towards theocracy. All of the above do not have any connection with communal strife. The latter occurs when public peace is affected due to a clash, physical attack on citizens, or destruction of property. If a group of believers claiming to be hurt by a statement or action by someone else go on a rampage, then they are responsible for communal strife, and need to be punished. Passing on the guilt of communal strife to the supposed cause of the hurt cannot be sustained legally.

The bill shifts the constitutional balance between fundamental rights of freedom of expression and religion on the one side and the powers of the state machinery and organized social bodies to restrain these rights on the other. In the current social context when rationalists like Dr Dabholkar, Dr Panasare, Prof Kalburgi and Gauri Lankesh have been murdered for hurting Hindutva religious sentiments, M Farook of Coimbatore was hacked to death by Islamic fundamentalists for declaring himself to be an atheist, and lynch mobs are targeting minority citizens in the name of cow protection, it is necessary to reaffirm the primacy of rights to life, freedom of expression, and conscience. The bill goes in the opposite direction and willy-nilly strengthens the hand of fundamentalists. It needs to be noted that article 19(1) of the constitution does not permit any restraint on the freedom of speech on the basis of sacrilege. The right to freedom of religion includes the right to critically

assess existing religious beliefs to fashion different beliefs. That is how any religious reform takes place. Many Sikhs in Punjab keep Guru Granth Sahib at home and pray to it. Anyone seeking personal vendetta may claim 'injury (or) damage' to the book kept at someone's home. The bill appears to be designed for misuse. Internal reform, rationalist critique, scholarly investigations, and everyday religious practices, any of these can be declared crimes under the bill.

While the two successive governments of Punjab failed to nab conspirators of the desecration of Guru Granth Sahib in 2015-16, the people of Punjab gave a fitting reply to the conspiracy by not falling for it. Public peace was largely maintained and the state had a

peaceful transition of government in subsequent elections. Instead of learning from the people, both the Congress and the SAD are taking Punjab along a dangerous path that will gladden only communal fundamentalists. Both parties are kowtowing to communal fundamentalist demands that are against constitutional secularism and freedoms of expression and religion.

People's Alliance for Secularism and Democracy demands that the bill passed by the Punjab assembly be scrapped. If the Amrinder Singh Government persists with it, then the central government should prevent it from becoming the law of the land.

**Battini Rao**, Convenor PADS (95339 75195, [battini.rao@gmail.com](mailto:battini.rao@gmail.com)) 

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# **Yogi Vemana, the Rationalist Philosopher & People's poet**

**P.A.S. Prasad**

He was born on Karthick Purnima in the year 1652, in the village Mugachintapalli, near Kondaveedu in a well-to-do family in Andhra Pradesh. He was named Vemareddi. In his youth, he indulged in vices of the young of well-to-do families. But soon he realised the futility of living that way. He left his homely comforts and turned ascetic. He became known as Yogi Vemana. He was so enlightened and incisive in his observations of the frailties, short comings and hypocrisy and ritualistic beliefs prevalent in society that he was able to encapsulates the crystallise human experience in simple four lined poems. Every poem bears his name in the last line. His poems could be understood very easily by the most common uneducated people. They mirrored the human folly epigrammatically. They are quoted in ordinary conversations among people to make a point even today. They are taught in nursery schools. He became popular among the masses and much hated by the elite. He was far ahead of his times. Much relevant then, now and surely in future. I am quoting below some of his sayings to illustrate his wisdom. Out of many poems, I am citing a few.

He vehemently criticised the caste system and the exploitation of the downtrodden. He urged for equality among all castes and he certainly was the first communist/socialist and rationalist in the world.

1. By reciting Rama's name, a forest hunter became a Brahmin (referring to the evolution of Valmiki). Caste does not impart greatness, character makes great.

2. A wise man is actually upper-caste, but never caste has relevance by birth.

3. Referring to oneness of god, he says, cattle have different colours but milk is of one colour.

Flowers are different but worship is the same.

4. Why fools worship stones imparting divinity when divinity resides in the living. He questioned the pandits. A society if rid of religions is the best for the welfare of all.

5. Religions have been created mindlessly to create confusion just like a dog gets agitated in a room of walled mirror, seeing its own image as a different dog.

6. He teaches distribution of wealth of the rich and that the aim and object of accumulated wealth is equitable distribution, to remove poverty and for the welfare of people.

7. He exhorts parents to marry their children according to their liking and matching with their age.

8. He says looking after elderly parents with love and respect is the duty of children. Children having no kindness for their aged ones then why are they born and why do they not die.

9. When a person deserving to be killed is at your mercy, forgiving him is the best punishment.

10. Vemana is compassionate towards all living beings. He sees god in all so much so that he says killing any living being is killing the god in the being.

11. Good deeds have permanent indestructible positions. A mind free of worry is also like wise an asset.

12. Being true to the word given is like assured longevity of a hundred years. Getting drunk is less harmful than telling lies. The head may become bald with age but not so the thoughts.

1. He has a low opinion of rulers. He says if reins of ruling are given to the mean minded, he will drive away all the wise men.

2. No one should get closer to the

rulers. They cannot be trusted, however well and loyally served. It is like friendship with a snake.

3. He compares salt and camphor, they look alike. Just so in humans. Do not be deceived by mere appearance.

Vemana laid down guidelines for a happy and enduring peaceful living based on common sense, compassion; rationally without superstition. The simplicity of his poems cannot be translated into any language to make them acquire the power of proverbs in daily usage by all sections of people. The great C.P. Brown who lived in the 19th century in Andhra, rendered great service to the Telugu language, even though British born. He translated Vemana's poems into English.

The A.P. govt. established the Yogi Vemana University in 2006 in Cudappah district in honour of the great reformer, people's poet. But sadly the chief ministers of both the Telugu states are diametrically opposite Vemana's ideals. They are far away from a rational scientific temper. Both the C.Ms are ritualistic, obsessed with astrological predictions living, in places as per *vastu*. Making temple offerings on auspicious days and so on is only setting bad example to people in the modern age of flights to mars. They

patronise gurus and priests and so on.

It is their sense of insecurity driving them into forgetting the values and guidelines of Yogi Vemana.

Lastly, it is pertinent to note that in the 1988 edition of the then USSR publication of *Indian Philosophy in Modern Times* by V. Brodov, after examining the various Indian systems of philosophy of various authorities right from the Vedic times to the middle of the 19th century, it is observed in the third para page 143, "In the south of the country, extremely popular among the Andhra people were the works of the outstanding poet and thinker Vemana, permeated with love of freedom, glorifying reason and calling in question traditional beliefs."

**Sh. P.A.S. Prasad** is a veteran Radical Humanist aged 82 years from Andhra Pradesh. He retired as Legal Manager, Coal India Ltd. and had received education from Andhra, Calcutta, Ranchi and Nagpur universities. He was influenced with M.N. Roy when he read Roy's "Fragments from a Prisoner's Diary" at a very early age and thereafter became a follower of Roy. He has been contributing articles to **The Radical Humanist**.

Contact: Mobile No. 09879545389

Email: [sudhesh1959@gmail.com](mailto:sudhesh1959@gmail.com) and [sudhesh1959@yahoo.co.in](mailto:sudhesh1959@yahoo.co.in) 

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Please send your digital passport size photograph and your brief resume if it is being sent for the first time to the RH.

A note whether it has also been published elsewhere or is being sent exclusively for the RH should also be attached with it.

**- Mahi Pal Singh, Editor, The Radical Humanist**

# Premnath Bazaz, as I knew him

**Dr. Narisetti Innaiah**

I met Mr Premnath Bazaz at Hyderabad, during 1972. He came to participate in the All India Radical Humanist conference held at New M.L.A quarters hall which was organised by me. All stalwarts of humanist movement like Vithal Mahadeo Tarkunde, Mr V.B Karnik, Dr Gauri, M.V. Ramamurthy, Avula Gopalakrishna Murthy and so on participated in it. Mr Premnath requested me to take him to Mr V R Narla famous editor of Telugu daily Andhra Jyothi. I took him and both of them spent very valuable time, discussed about Gita. Narla was contemplating to write a critique on Gita. Premnath was already planned to write a treatise on Gita. Hence both had common theme. After discussion they became good friends and continued their friendship.

Premnath Bazaz who came to Hyderabad for the first time wished to visit some places and went round in auto. He was staying in Dwaraka hotel which is near to the humanist conference venue. After returning from old city Mr Premnath left auto and found that he lost his purse. He complained to the hotel management and police complaint was lodged. Meanwhile the auto driver returned the money purse of Mr Premnath to the hotel counter saying one gentle man who travelled in his auto lost his purse. Premnath was surprised to find the money was intact in the purse. He offered one thousand rupees to the auto driver and it was lot of money in 1970s.

Afterwards Premnath and myself continued our friendship. He toured USA couple of times, gave talks, and participated in the meetings of Kashmiri association.

Premnath joined M N Roy and Radical Humanist movement much later and became an expert contributor on Kashmiri affairs in Radical Humanist.

Premnath had five daughters Gauri, Indu, Vitasta, Vijay and Madhu.

Among them Gauri was very active in the radical humanist movement who became activist and toured USA. She married Suyesh Malik who was editor of Radical Humanist for some time.

I knew Gauri who visited my house in Hyderabad and later we used to meet in USA. I introduced Edd Doer, the humanist leader to Gauri and we had nice lunch and pleasant discussions during 1992.

I had correspondence with Premnath Bazaz .

His monumental book The Historical Role of Bhagavad Gita was highly controversial among Hindus but welcomed by scholarly world in the West.

As Kashmiri Pandit Mr Premnath contributed for sane solutions but he was not allowed to stay in Kashmir. He was physically assaulted. As a friend of Sheikh Abdullah in Kashmir politics Mr Bazaz gave sane solutions. He was physically assaulted and banned from Kashmir. Thus Mr Premnath was forced to stay in India but kept close connections to Kashmir and contributed for the enrichment of its cultural life. His book Daughters of the Vitasta is a history of Kashmiri women.

A good speaker in English and Urdu, Mr Premnath was an outstanding scholar on Kashmiri affairs.

His daughter Gauri died in USA. Pamposh the grandson of Premnath is in USA as a practicing doctor.

**Dr. Narisetti Innaiah** is former Director, Centre for Inquiry (CFI), India. He did his Ph.D. on Philosophy of Modern Science. He is a veteran Radical Humanist who has translated maximum books written by M.N. Roy as well as other books on humanism into Telugu. He has written books in English and Telugu on humanism, exposing blind belief systems, and translations of M N Roy, Richard Dawkins, Paul Kurtz, V R Narla, Sibnarayan Ray, VB Karnik, Agehananda Bharati, Sam Harris etc. 

## # MeToo Statement :

As organizations, networks, and individuals working on gender and social justice, we have gathered at a national seminar in Pune to discuss “engaging men and boys in care work”. We note with concern the increasing reports of sexual harassment in the NGO and voluntary sector. We are particularly disturbed to hear that men working on issues of gender justice and human rights have also been identified in these reports.

The #MeToo campaign has finally provided space for women to speak out after years and sometimes even decades. We stand in solidarity with all survivors of sexual harassment who have bravely come forward to share their experiences. We extend our support to all women, including those who choose to remain silent or anonymous.

We emphasize it is imperative for all organizations to set up committees to address sexual harassment in accordance with the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. We affirm our conviction that all work spaces should be safe and enabling, where everyone can work without the fear of

discrimination, violence, or harassment, and where prompt and timely redress mechanisms are put in place.

- Sangat - A Feminist Network; Kamla Bhasin, Meenal Manolika, Nastasia Paul Gera, and Nidhi Gupta
- Mahila Sarvangeen Utkarsh Mandal (MASUM); Ramesh Awasthi and Manisha Gupte
- Centre for Health and Social Justice; Rimjhim Jain
- Men Engage Global Alliance; Abhijit Das
- Forum to Engage Men; Satish Singh Akshara; Nandita Shah and Nandita Gandhi
- Vikalp Santhan; Yogesh Vaishnav
- Swayam; Swati Sanyal
- Men Against Violence and Abuse (MAVA); Altamash & Suraj
- Jeeva; Mira Sadgopal
- Parichiti; Anchita Ghatak
- Purush Uvach; Geetali V.M. and Mukund Kirdat
- Astha Priyadarshini
- Bharati Sharma 

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## Book Review Section:

# ***The Flavours of Nationalism Recipes for Love, Hate and Friendship***

Nandita Haksar, Speaking Tiger Publishing Pvt Ltd,  
New Delhi, 2018, cover illustration Ranganath  
Krishnamani, paperback, pp 234, , Rs 350

This extraordinary book is dedicated to the street vendors, in solidarity with their struggles. For, in an India torn by caste-ism, communalism and regionalism, the author finds hope for democracy, if any, in the streets where people crowd round vendors selling *gol gappe, chhole bhature, kebab and pav bhaji* (p 180).

As an intrepid advocate and activist, Nandita Haksar needs no introduction, especially in the pages of *The Radical Humanist*. Her illustrious parents apart, her long and happy married life with a Naga fellow-student, her fight at various courts of India for various unusual cases have made her symbolic of the fight for justice against insurmountable odds.

Nandita Haksar belonged to the community of Kashmiri Pandits although she was born in London and travelled widely even as a child. In ‘Meat-eating Brahmins from Kashmir’, the first chapter, she includes rich and authentic details of Kashmiri cooking, with recipes for Khubani and Raan, and a picture of a bottle of mango chutney called *bichhua*.

The second chapter named ‘Growing Up Indian’ describes how “Papa (that is, P.N. Haksar) “emphasized that a big part of being Indian was to appreciate other people’s culture and food while being proud of our own” (p 45).”Everywhere we went, I saw how Amma and Papa used food as an instrument to build friendships” ( p 58).In fact, P.N. Haksar , it is mentioned, was an excellent cook and made Kashmiri food for an UN delegation. In 1970

Nandita joined Delhi University and in 1971 witnessed Bangladesh being born. She remembered visiting the ravaged country and experiencing its wonderful hospitality even in those harrowing times – in the form of a *hilsa* fish the villagers caught fresh from the pond and cooked for their visitors. But she ends the chapter asking how relevant that upbringing was to the India in the contemporary world. Could culture and cuisine form bridges across regions and religions?

Next comes ‘Feminist Furies’, a chapter in which Nandita exposes how gender-bias can be found even among dedicated Leftist. Love grew between her and Sebastian Hongray as she cooked and shared meals together. They shared their commitment to human-rights work with housework. Nandita found the Nagas, although patriarchic, quite free from the feeling that their co-worker should also cook and clean for them just because she happened to be a woman, After a civil marriage in Imphal and a Catholic blessing in Ukhrul, Nandita happily cooked for Sebastian’s uncle, taking care to put in lots of chillies in the fish preparation she made for them with fermented bamboo shoots. An illness in 1996 led to Nandita and Sebastian shifting from south Delhi to Chorao Island in Goa. Nandita mentions her subsequent domestic helps, in Goa and Delhi, with appreciation for their contribution but awareness of their social exploitation.



Reviewed by  
**Dipavali Sen**

‘Flavours of Class, Caste, Religion and Ethnicity’, the fourth chapter, begins with a reference to the increasing rich-and-poor divide India was developing, and the Global Hunger Index of 2017. There are references to P. Sainath, Achuyuta Samanta, Shankar Guha Neogi, Abdul Majid, and Nandita’s bold stands on various issues of injustice. Nandita also gives a first-hand account of her trip into the Andaman Islands, with a photograph of the board listing the Do’s and Don’ts of the Jarawa area. Nandita also describes her shock when she saw the television report of Babri Masjid demolition at Dimapur right after a sumptuous dinner with two Naga friends which included mithun meat. She still holds on to her conviction that “the vast majority of our people are not hate-filled fanatics” (p 177). She ends the chapter recalling how she accompanied a Burmese refugee woman to help her find accommodation on the outskirts of Delhi, and witnessed “people cross barriers of religion and community to extend solidarity to each other” (pp 179). The notable recipe here is of Naga chicken liver chutney.

In the fifth and last chapter ‘Globalization in Goa’, Nandita describes taking up the case of two Iraqi who had strayed into Goa, and how they cooked biriyani the Iraqi way – without masala. In 2010 she and her husband shifted from Chorao to Panaji, conceding the need to be near medical facilities and modern amenities. She observed and wrote honestly about how the food landscape had changed in Goa. The international food industry had entered with its bottles, cans and packages of precooked and processed foods. Junk food had entered Indian markets when Rajiv Gandhi was the prime minister and despite some protests from environmentalists and activists, been accepted all over India, including Goa. The country’s fishing industry had been opened up to large foreign trawlers, with protests from fishermen led by church fathers in Kerala. (In the honour of Father James who was part of that agitation,

Nandita includes his recipe for Ginger Wine that he had made himself.). Products of transnational companies, like Coca Cola, continued to make their inroads into India. At the same time there were uninformed feeling over beef-eating, rising to what Nandita calls a cacophony (p 226), even as there were farmers’ unrests, suicides, and rampant malnourishment as well as starvation. Nandita still has a dream – a country where we all feel we belong equally” which “can only happen if we can all at least sit together with dignity and a sense of equality and eat at the same table or on the floor- not only the food each of us relishes but also learn to enjoy the sheer diversity of cultures and cuisine..” (p 228). She ends the book with an Afterword calling for the removal of taboos about eating or sharing food so that a truly democratic, secular and socialist India may emerge. This ties up beautifully with her introductory ‘The Justice of Eating’ where she had introduced the theme of her book, quoting Pablo Neruda’s ‘The Great Tablecloth’. References and Acknowledgements follow, both written in the author’s warm and individual style.

Jean Dreze who had been involved in drafting the original version of the Food Security Act, had commented:”Folk songs, historical records, direct observations, consumer expenditure surveys, and a host of other sources point to the absorbing role of food in Indian culture” (‘Food and Nutrition’, The New Oxford Companion to Economics in India, ed. Basu, K. and Maertens, p 246). This book will definitely become part of that body of information. But what Nandita Haksar is change in action and attitude in line with the Nehruvian idea of ‘university in diversity’. This book is a wonderful read, in both style and content. It should make a dent upon age-old thoughts and practices. It should go beyond cooking and eating and go straight to the heart and change it. But will it? Will its ideas be given a chance? The proof of the pudding is in the eating, I cannot help adding. 

# Meeting Professor Robert C. North in Stanford

Radical Humanists are familiar with the name of Professor Robert C. North who published 'M.N. Roy's Mission in China' and put Roy in proper perspective for his role in International communist movement. I called on him and had an hour long chat about Roy.

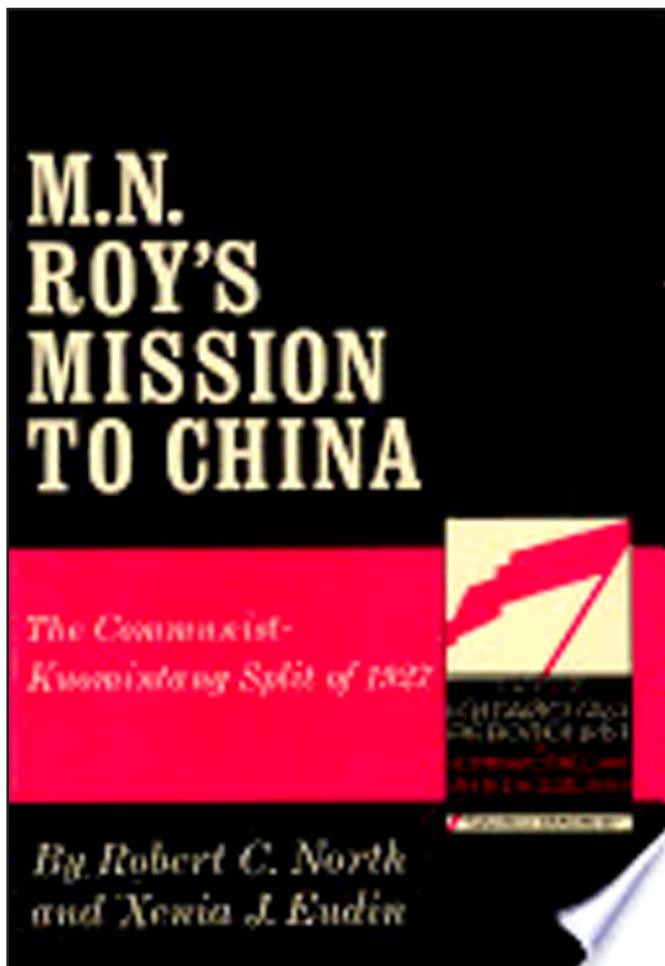
Robert North is now 83 and still driving his own car. He invited me to lunch in the faculty club of Stanford University (Palo alto, California, USA) on 14<sup>th</sup> July, 1998. He is soft spoken and clear in his thinking. I asked him curious questions of his first meeting with Roy in Dehra Dun during 50s. He vividly remembers M.N. Roy and Ellen Roy. He has all praise for the hospitality of Ellen and the outstanding revelations of Roy about Lenin and his role in China. Professor North was granted Ford Foundation scholarship to visit China and study communist revolution but the Chinese authorities denied him visa. Ford Foundation advised him to select alternative country. North selected India. By that time he was vaguely familiar with the role of Roy in China. With the help of friends in India he called on M.N. Roy in Dehra Dun in 50s where Roy welcomed him to answer all his questions.

Dr. Gauri Malik, who is at present in USA on a visit told me that her father Premnath Bazaz, Ram Singh and others accompanied North to Dehra Dun. She remembers Professor North's visit vividly.

Professor North says that many of secret documents and valuable papers concerning Lenin-Roy correspondence

**Dr. Narisetti Innaiah**

and other papers are kept in the Sneevliet, Jack Horner Archives of Institute of Social History in Amsterdam. Once he visited that Institute and the papers were kept at his disposal. But the head of Institute, who is related to Sneevliet family refused him the access of those papers and he had to quit. Professor North says some of his papers related to Roy and Lenin were also given to that Institute and they never returned. He lamented for that.



(I enquired from the Institute of Social History at Amsterdam for the papers of Professor North but they replied saying no such papers were with them. Earlier they supplied the letters of Evelyn Trent addressed to Sneevliet on M.N. Roy to me.)

Professor North even now treats M.N. Roy as charismatic hero compared to the Mexican revolutionary which he depicted in his novel *Revolution in San Marcos*. He expressed his wish to Evelyn in a letter and said that he wanted to write the biography of M.N. Roy but that remained as a wish only.

Commenting on Evelyn Trent, Professor North said that she was a 'difficult woman' who could not answer many of his questions.

After interviewing M.N. Roy in Dehra Dun, Professor North temporarily rented out a house in Hyderabad and stayed, where his wife delivered a boy in a private nursing home. He enjoyed Hyderabad which was scarcely populated in those days and quite place to live in.

During late 80s Professor Robert C. North participated in a Humanist camp at Bombay and stayed with his family friend Mr. Gadgil.

Now Professor North is working on a fictionalized work of Second World War in which he worked in Philippines. He wanted to avoid controversies about personalities and hence giving fiction orientation. He promised me to search for papers relating to M.N. Roy and Lenin and send whenever he could lay his hand. Professor North is emeritus professor in the faculty of Stanford University. He is not in touch with humanists in USA but he remembers Professor Sib Narayan Ray and V.M. Tarkunde in India.

Stanford University is a beautiful campus with high academic standards. Evelyn Trent, Dhangopal Mukherjee studied in this university early decade of this century where M.N. Roy met them. It is a part of history.

**\*Professor**

**Robert C. North** died in 2002. 

## Decentralization and a pluralist society

(i) *One need not go to people only to catch their votes; to help them cast their votes intelligently would be an immensely more important work. The electorate should be asked to examine the programmes of all the parties, to see if the promises can be fulfilled or, if fulfilled, will really improve matters. As the electorate gradually becomes critical and discriminating, the time will come when the voters of a locality will tell candidates of all parties to leave them alone; amongst themselves they will find men in whom they can have confidence and who will remain responsible to them between two elections. Once that happens, the end of the party system will begin, and with the parties, the main cause for concentration of power, will disappear. In the process, we shall already have laid down the foundation of a decentralized State of local republics, which combine all functions of the State as they effect the local life...Being thus reared upon a broad foundation of direct democracies, the State will be really democratic. Thus, a pluralist modern society can be built up, at the same time doing away with centralization of power in politics and economics.*

(ii) *"It is true that the common people are illiterate; they may not be able to govern the country. But at the same time, is it not a fact that left to themselves, even the most ignorant peasants can manage their affairs better than our present government? The distrust for the ability of the common people to think for themselves and take care of themselves is only a pretext for seizing power in their name and abusing that power to suppress their liberty."*

- M.N. Roy



**'Robert C. North and Dr. Narisetti Innaiah'**

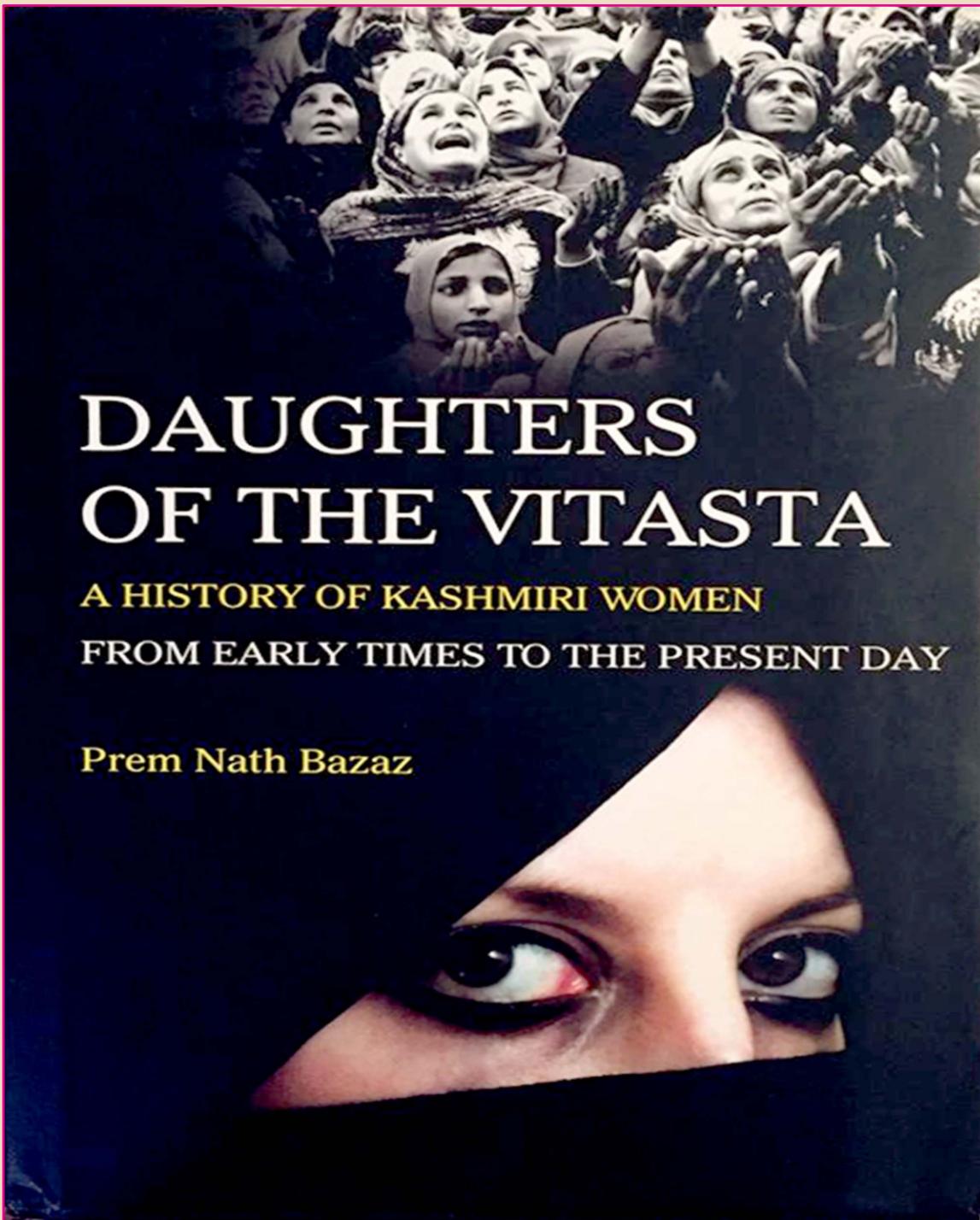
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