

# THE RADICAL HUMANIST



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Founder  
M.N. ROY

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**Statue of M.N. Roy being installed at Amaravati,  
Andhra Pradesh in December 2019**

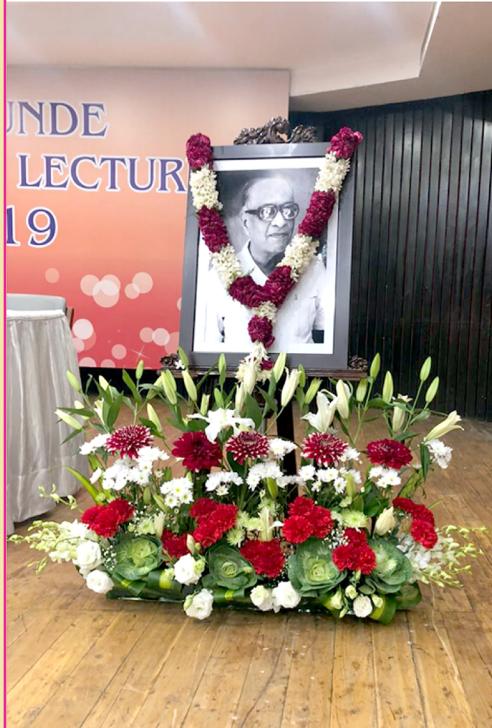


**M.N. Roy**  
(21 March 1887 – 25 January 1954)

**598**

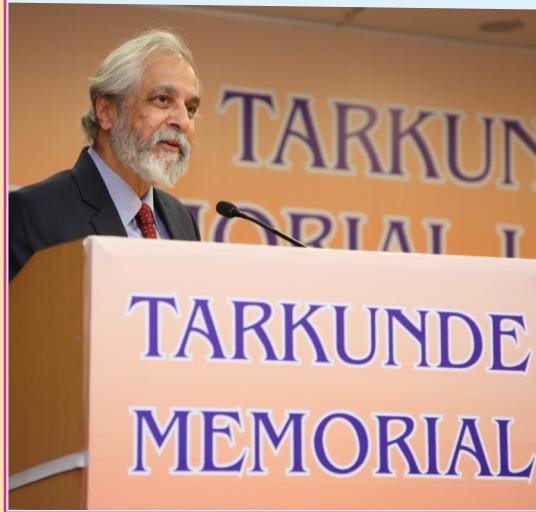
**12<sup>th</sup> V.M. Tarkunde Memorial Lecture,  
6<sup>th</sup> December 2019, New Delhi**

**Justice V.M. Tarkunde  
(3<sup>rd</sup> July 1909 – 22<sup>nd</sup> March 2004)**



**Romila Thaper Delivering the Lecture,  
Justice Madan B. Lokur sitting on her left**

**Justice Madan B. Lokur addressing the audience**



# THE RADICAL HUMANIST

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## **RENUNCIATION, DISSENT AND SATYAGRAHA**

**Romila Thapar**

It is indeed an immense honour for me to have been invited to speak in memory of Mr. VM Tarkunde. He was without doubt among the strongest pillars of civil rights and democracy that we have had in recent times. If we survive the present as a democracy, it will be because of people like him and the values they gave to our society. Mr. Tarkunde had a long association with MN Roy as well as the Indian Radical Humanist Movement, and later with the establishing of the People's Union for Civil Liberties. This was when I came to know him, when he was both a mentor and a neighbour. I was fortunate to have had many conversations with him. In fact he was just the kind of person who would have given us strength and confidence had he been alive today. It is a privilege for me to dedicate what I have to say to his memory.

And this, all the more so as we are also remembering today the ghastly act of the 6 December 1992, when the Babri Masjid was will fully torn down- stone by stone. Through this act an important symbol of our civilization was reduced to rubble. The rubble remains as a reminder.

I shall be speaking this evening on a subject that was of general interest in the past. And although the interest may have declined, the theme is of critical importance to the present. I am referring to the right of the citizen to dissent - as part of the right to free speech. The right to dissent has come to be recognized as such in modern times, but its actual practice goes back many centuries.

However much we may wish it, Indian society - as every other society –has not been a seamless harmonious unity, with little or no

contradiction. As with others we too had our share of intolerance and violence and the clash of ideas. Dissenting voices were many. They had a much wider articulation in the past than we choose to recognize.

Let me briefly clarify what I mean by dissent. It is in essence the disagreement that a person or persons may have with others, or more publicly with some of the institutions that govern our pattern of life. Institutions have a long history but the right to question their functioning is recent. Earlier only the elite had this right but today it extends - in theory at least - to all citizens. In earlier times the right was often argued over, but did not become a public issue. Implicit in having these rights is the exercising of dissent where thought appropriate. This has an historical continuity even if its forms have changed.

In historical terms the social relationship of earlier times, was encapsulated as that of the lord and the subject. This has given way to anew construction in the form of the relationship between the citizen and the state. This historical change coincided with the emergence of industrialization and capitalism through the evolving of the middle-class controlling the new technology, and was expressed in the new identities that came with the emergence of nationalism.

This phase marks an alteration in governance. Secular democracies replaced kingship and representatives from all sections of society had rights of equal status. This helps to integrate the secular, the democratic, and the national. In a true democracy the right to dissent and the demand for social justice are core concepts. Since it includes all citizens, its inclusiveness

requires it to be secular.

Since *satyagraha* was so integral a form of nationalism let me say a few words about nationalism. In India, its initial and overwhelming form was anti-colonial nationalism, common to most erstwhile colonies. This implied the assertion of the free citizen ready to challenge political orthodoxies of various kinds. The construction of this identity recognizes that it is new nevertheless it seeks legitimacy from the past. So history becomes crucial. As was common to most colonies, the colonial reading of the colony's earlier history that contributed to formulating its identity was from the perspective of the colonizer. The colonial writing of Indian history led to the emergence of a legitimate anti-colonial nationalism, but also to two less legitimate forms, those of religious nationalisms. Less legitimate because nationalism ideally endorses a single all-inclusive identity whereas religious nationalism endorses a single selected identity that is not all-inclusive and excludes all but the one.

The colonial comprehension of India was founded on the two-nation theory. James Mill argued in 1818 that Indian history was essentially that of two nations – the Hindu and the Muslim – and that the two had been permanently hostile to each other. Colonial scholarship based itself on this idea and its implications. This theory was also loyally followed by both religious nationalisms – Hindu and Muslim. The concept of the Islamic state and of the Hindu Rashtra, the latter based on the Hindutva version of history, are each rooted in the colonial understanding of Indian history. Each of the two excluded the other and each distanced itself from anti-colonial nationalism.

Anti-colonial nationalism however, saw India as a nation of citizens who, irrespective of origins and with substantially a similar identity, were all of equal status and were coming together in the demand for independence. It was all-inclusive and secular in its demand for a democratic

nation-state. It envisaged no primary or exclusive citizens as in the case of the two so-called religious nationalisms. Nationalism if defined by a single identity becomes majoritarianism.

Unlike the religious nationalisms, anti-colonial nationalism did not exclude dissent, neither in its own evolution nor in opposing colonial authority. This was one of the differences separating anti-colonial nationalism from religious nationalisms. Anti-colonial nationalism incorporated various forms of opposition to colonial rule. The most striking of these was the *satyagraha* of Gandhi. It seems to me that it echoes in some ways the earlier historical concepts of dissent that surface at various times in Indian history. But my argument is less concerned with Gandhi's use of these ideas in constructing *satyagraha*, and more with how they have been appropriated by the public. What explains the overwhelming response to Gandhi's *satyagraha*?

I would like to begin on a personal note by speaking about how my interest was aroused. There was one occasion a lifetime ago, when I very briefly met Gandhi and exchanged half a sentence on a simple matter. In a curious way it came to symbolize for me the need to go beyond the obvious, to search for what I like to call, the context of thought and action.

I was in school in Pune in the early 1940s. Gandhi, when not in jail would hold prayer meetings that we as young budding nationalists, made a point to attend. One evening I took my autograph album to the meeting and with much trepidation requested Gandhi to sign in it. (There were no mobile phones in those days or else I might have asked for a selfie). He signed in the book and when handing it back to me asked me why I was wearing a silk *salvar-kameez*, adding that I should only wear *khadi*. I readily agreed and assured him that I would do so. But what did *khadi* mean other than its being a kind of textile, and in some way associated with

Gandhi's ideas? This question remained unanswered until many years later when, searching for the context, I began to comprehend the meaning of *satyagraha* – and not just the concept but how it became relevant to anti-colonial nationalism. Even more important for me, was how and why did it resonate with the many who participated in the national movement. Without this resonance it would have remained just a slogan.

The events of the 1940s, the Quit India movement and the mutiny in the Royal Indian Navy, had their own message. Independence was imminent and the future was enveloped in debate. How would a colony be transformed into a secular democracy? What was going to be our identity as Indians, as free citizens. We would have a new relationship with the state – a state of our making. The constitution was in a sense the covenant between the citizen and the state, recording the rights and obligations of each. Hovering over all these questions were those concerning the methods that we had used to attain independence. What marked our movement as distinctive it was said, was the concept of *satyagraha*.

Over the years I have asked myself why this concept became such a bed-rock specifically in Indian anti-colonial nationalism. Predictably, it failed to find any place in the two religious nationalisms – the Hindu and the Muslim. These religious nationalisms converted the two religions into political agencies – the Muslim League supporting an Islamic state and the Hindutva version of Hinduism becoming the base for a Hindu Rashtra. In the politics of these, the chickens of the colonial interpretation of Indian history and culture, came home to roost.

To understand the context, I would like to go back a little in time and briefly trace the flow of some ideas that I regard as foundational to Indian civilization. These have had a noticeable presence in Indian society for two millennia. Since religion has become central to politics I

would like to look at the way in which we in modern times, have given shape to our religions and how this differs from the past.

In the last two centuries, Indian religions have been reconstructed largely along the lines suggested by colonial scholarship. This was seldom seriously challenged and therefore came to be accepted. The focus has been on belief, ritual and texts, with little space for analyzing the reach of religion into society. What social forms did it create or endorse and how might these have differed from what was there before.

When a religious teaching acquires a following, it establishes institutions that are initially places of worship – *chaityas, viharas, mandirs, masjids, gurdwaras, churches*. Monuments are not just architectural features. They exercise control over those that use them as places of worship, and as institutions of socialization bonding society to religious norms. At this point ideological support or opposition becomes a matter of asserting domination. This can be met by acceptance from some and dissent and disagreement from others, sometimes becoming protest.

Religions in India were generally not viewed as monolithic, and especially not so in their practice. Religion was articulated more often in the form of a range of juxtaposed sects, some marginally linked with existing ones, others distant. In pre-modern times the religion of a person was identified more often by sect or caste and less frequently by an over-arching label of Hindu or Muslim. Even in the last century we saw the birth of a new deity in Santoshi Ma and a new sect following the Sai Baba.

However, colonial perceptions of Indian religions projected a different form. Religious sects that seemed similar were bonded together under a few distinctive labels. Thus the label of Hinduism included, apart from Vaishnavas, Shaivas and Shaktas, almost all others – such as Buddhists, Jainas, Charvakas, Sikhs. These latter actually originated from an opposition

to Hindu belief and worship. Even as late as the sixteenth century the Buddhists, Jainas and Charvakas were regarded as alien by the *brahmanas*. Madhusudan Sarasvati lists them and also the *turushkas* – the name used for those that came from Central Asia and were Muslim – and describes them as *nastika* and *mleccha*. They were dismissed as non-believers because even if they worshipped Allah they did not believe in the Vedic and Puranic deities.

Within the label of Hindu as defined by colonial scholarship then, some sects contradicted each other's teaching and practice. The implications of this were ignored and uniformity was insisted on. The nineteenth century middle class interest in religion was largely confined to its own social boundaries, virtually unconcerned with the religions of what we now call SCs, STs and OBCs. Interest in the religion of these *avarnas*, those outside caste, was casual and of little importance in the definition of Hinduism or Islam or any other religion.

Not recognizing the role of sects each religion was treated as monolithic and uniform. Nor was it recognized that every religion has adherents but it also has dissidents who question its belief and practice. Serious contradictions have been resolved at times only by changes in the code and creed. Despite this, religious persecution was practiced, but generally between the sects, as for example, between the Vaishnava Bairagis and the Shaiva Dashnamis. Even now dissenting opinions can evolve into marginal sects that can find an almost unnoticed place in the spectrum of religious sects.

Sects shape the nature of Indian religions. Each religion is a collective of sects some of whom are proximate to the orthodoxy and some are far removed. Belief can be flexible and accommodating. Adherence to code and creed links religion to society in which caste plays a major role. This is true for all religions in India. For the larger number of people in the past, the sect was a legitimate religious identity. Hence

the easy mixing of religious observances among a range of sects in earlier times, when all religious festivals were open to everyone, barring of course the Dalits. This form militates against a unified, monolithic, over-arching religious structure. Caste and region had a presence in the making of a religion. Orthodoxy tended to gravitate to the core with dissenting groups at the periphery. Some degree of dissent was therefore always present.

Dissent takes various forms. In philosophical argument dissenting opinions are necessary if theories are to be tested and advanced. The presence of the dissent was acknowledged and in more sophisticated discussions it had an assigned place in the argument. The recommended procedure, perhaps akin to some legal procedures, and to the dialectical method, was simple. The argument has first to state as fully and correctly as possible the views of the opponent – the *purvapaksha*. Then follow the views of the proponent – the *pratipaksha*. After this comes the debate and a possible resolution or *siddhanta*. This would have been the pattern in the many debates between the Buddhists and the Brahmanas referred to in texts.

The presence of dissent in religion is equally clear. Mention is made since early times of *dharma*, but of two parallel and distinctive streams, that of the Brahmanas and that of the Shramanas. The collective name of Shramanism has been given by modern scholars to the heterodox sects of the Buddhists, Jainas, Ajivikas, and some even include the Charvakas. These were the dissident sects whose teaching was in disagreement with Vedic Brahmanism and later Puranic Hinduism. They denied the Vedic deities, the divine revelation of the texts, and the ritual of sacrifice. Brahman texts refer to the Shramanas as the *nastikas*, the non-believers.

The Shramaṇa *dharmas* gave substantial attention to social ethics. This was expressed in their absolute commitment to *ahimsa* /non-

violence, to compassion, and to working towards the social good. Social ethics were not absent in Brahmanism but became increasingly ambivalent with the influence of caste laws.

For the first few centuries up to the Christian era, Buddhist and Jaina sects had a well-respected social presence and received royal and elite patronage. This however changed when in the post-Gupta period Brahmanism came to dominate the political scene. By medieval times Buddhism had been exiled from India but had become a powerful religion in Asia. Jainism was limited to western India and parts of the peninsula. By colonial times almost all non-Muslim sects were labeled as Hindu, even those that were not. The geographical identity mutated into a religious identity.

The dissenting ideas of the Shramanas were expressed in part by their beliefs and practices that did not coincide with Brahmanism and their pattern of life being alternate to that of established society. Monasteries enabled an alternate way of life. They flourished on handsome royal donations, on grants from merchant donors and support from lay-followers.

Shramanas as renouncers should not be confused with ascetics. The true ascetic performs his funeral rituals as a prelude to declaring himself dead to family and social connections and goes away to live in solitude. He seeks wisdom through meditation and searches for release from rebirth. It is a moot point whether Gandhi can properly be called an ascetic. That he was influenced by the philosophy of the renouncers would perhaps seem more accurate, and that is what I would like to argue.

Let me try and explain what I mean by the renouncers. Two *dharmas* are mentioned as visible on the Indian landscape, starting from about mid-millennium BC, and are referred to as those of the Brahmanas and the Shramanas. This gave rise to major debates. The Greek visitor to Mauryan India at that time, Megasthenes, refers to the two as the

Brahmanas and the Sarmanes. The edicts of the Mauryan Emperor Ashoka have many references to *bahmanam-samanam*, a compound term for the sects. The grammarian of Sanskrit, Patanjali, when referring to *dharma* mentions only these two, and compares their relationship to that between the snake and the mongoose. These were the dominant two with multiple sects not conforming strictly to either.

The early *Puranas* demonstrate the antagonism between the two in their hostile remarks on the Shramanas. In the eleventh century AD, Al-Biruni describes the Brahmana religion at length and also mentions those that oppose it as the Sammaniyas. The second millennium AD witnessed the rise of a series of sects – the Bhakti *sants* of diverse Vaishnava and Shaiva and other persuasions. Many Sufi schools were also established and active. Some supported the rulers and some opposed the *mullahs* and *qazis*. There was much exchange of belief and ideas with the Bhakti *sants*. Their followers were a mix across the range of sects, at shrines such as Hinglaj and at *khanqahs* in the Multan area of southern Panjab and the Doab.

Dissent did not lead only to the founding of renunciatory orders. It extended to discussing religion as an agency of social norms. The dissent of the renouncers took diverse forms some of which were continued by the Bhakti *sants*. The views of Kabir, Dadu, Ravidas and others underlined social ethics, and questioned caste. We tend to set this aspect aside in our single-minded focus on religion alone. Historically therefore, there was a continuing multiplicity in religious beliefs with some sects clearly dissenting from established views.

Renunciation therefore became a parallel stream to the orthodox, ritual-based patterns of religions. Religious institutions mushroomed through the patronage of the elite. There were flourishing *agraharas* and *mathas* as well as temples richly endowed and established from the late first millennium AD and continuing

throughout the second. The Sufi *khanqahs* were equally impressive. Much of popular religion was propagated by Bhakti and Sufi teachers. Folk literature and the poems and myths on local deities drawing from all religious traditions, are evidence of this. Renunciation and dissent take on something of a continuing counter-culture from earlier times.

The sects of the renouncers were open to all. They could and sometimes did question the *dharma-shastra* rules. So they were open to all. The alternate society did not arise out of a violent social revolution but it envisaged social change as coming from a process of osmosis. It was essentially a way of stating and legitimizing dissent by persuading people to its ways of thinking, with an emphasis on social ethics and freedom to chose whom to worship. This freedom also imbued renouncers with a degree of moral authority in the eyes of people at large. Social equality and justice were demands that were not readily supported by established religions except occasionally in theory. The act of renunciation became an expression of dissent.

Foremost in the ethical code of most renunciatory sects was negating violence of any kind. The concept of *ahimsa* as physical violence, is variously discussed and continues to be discussed. Is non-violence tied to bodily needs that might discourage violence? What was consumed as food therefore, was important to some, for whom the diet had to be vegetarian. Fasting was a form of bodily purification and control. But undertaking a fast even to death for personal reasons was not the same as a fast in support of social protest.

The articulation of protest took diverse forms in different cultures and societies. Unlike in China where peasants' revolts of a violent kind were known, in India, peasant protest in earlier times, resorted to migrating to a neighbouring kingdom. We are told that kings feared such migrations since they resulted in a loss of revenue.

Urban protests took different forms. One of these was included in the repertoire of Gandhi. It was known by various names one among which was *dharna*. Its success lay in its being undertaken by a particular body of people - the *charan* and *bhat*. These were bards, regarded as repositories of knowledge that was crucial to legitimizing the power of the ruler. This is another instance of people investing authority not in an officially designated person but someone viewed as respected and integral to society. Today with social change they do not perform their earlier functions, but recognizing their role gives a glimpse of how societies operated not so long ago.

Some activities of these bards were essential to power. Authority needs legitimisation. The bards maintained the genealogies of the rulers and occasionally of the important functionaries, through which they became the keepers of the history of the dynasty. They legitimized the dynasty through a claim to its history. The status of those in authority was asserted by the *charan* through alluding to the believed historical evidence of clan and caste. The *charans* themselves had a low social status, but since early times they had been treated as inviolate, and were called upon to arbitrate in disputes.

Authority is of various kinds. In some situations moral authority takes precedence over the political. It goes with the belief that a particular kind of person being what he is and does, has moral authority. The *charan* had it. He would take up the protest of the people, once he was convinced of its legitimacy. To support the protest, he would position himself at the threshold of the royal residence, and go on a hunger strike until there was a resolution of the conflict, or alternatively the nearness of his death by voluntary starvation.

The effectiveness of the fast was dependent on the person fasting being someone who commanded moral authority, and was respected by both rulers and subjects. His power was

intangible, but based on this respect. His protest was legitimate if it focused on a demand for justice. If the *charan* lost his life owing to the fast, the ruler was doomed. Thus the moral threat posed by the fast was feared. The dual purpose of the fast as dissent and a moral threat was not unknown in earlier forms of registering protest. The fast subsumed the protest and diverted it from becoming violent.

Can one see in this some parallels to the use of the fast by Gandhi. The British Raj may not have admitted it publicly but each of his fasts was a matter of anxiety to their political control, he being the leading national figure. The title of *mahatma* in turn recognized his moral authority with the people. The fast was a protest against injustice but also carried a grave threat should it have taken its toll. This was understood by all.

But let me turn to the implications of this activity. Dissent of various degrees was at the core of the renunciatory tradition. Can we then ask whether Gandhi's *satyagraha* drew to some degree, from this tradition, either consciously or subconsciously? More central to my argument is that this feature probably encouraged the massive public response to *satyagraha*. Is there a link between the essence of Shramana renunciation and the resonance of the people to Gandhi's *satyagraha*.

His understanding of the concept drew from the authors he read and wrote about who have been much discussed: Tolstoy, Thoreau, and Ruskin in particular. He had lengthy conversations with Raichandbhai, on the Jaina religion, as he would also have done with his mother and others in Gujarat. He read many texts of the Hindu sects as well. My concern is more with trying to understand what it was that struck a public chord in this particular form of protest.

His reading of the texts associated with Hinduism was of a different genre, as for example, his careful reading of the *Gita* and the attraction of *brahmacharya*. Could the prevalence of alternative cultural patterns from

the past have nudged him into an instinctive response? The imprint may have been less apparent than we have realized? Did the form of and justification for *satyagraha* reach out to a stronger tradition of expressing dissent? Some have argued that it was the ideal of *brahmacharya* that he was emulating. But this was not born out of dissent, and on the contrary was acceptable to orthodoxy and focused not on the social ethic but the individual. *Satyagraha* was primarily a political statement.

Parallels with renouncers are more noticeable in the making of the practitioner, the *satyagrahi*. To be effective a period of training was preferred, although there were exceptions. There is some mention of taking vows or consenting to observe certain rules. Once accepted, the discipline of living in the *ashrama* was reasonably strict. *Satyagraha* was not a monastic order, nevertheless it had its own rules, relationships and identity.

To assert a greater moral force, it was preferable that the *satyagrahi* be celibate, although this was not insisted upon. Protest included the non-violent *swadeshi* movement – the boycott of foreign goods, especially cloth, was linked to industrialization in Britain. This was part of civil disobedience with its much broader concerns. Objections to mill-made cloth and the wearing of *khadi*, was not intended as a Luddite movement but as registering another form of dissent and explaining why it was necessary.

Some symbols of renunciation also surface. Underlying *satyagraha* lay the force of moral authority – soul force- of the person calling for civil disobedience. This in a sense echoed what also gave authority to renouncers of various kinds, and in diverse ways. That Gandhi was named a *mahatma*, an honour that interestingly he did not reject, was partially recognition of his moral authority.

A fundamental requirement of *satyagraha*, as also in the Shramana religions, was to refrain

from using violence. Violence destroys moral authority. *Ahimsa* faced two kinds of opposition: that of the colonial power and its continued violence against nationalist protestors; and that of Indians in authority some of whom doubted its effectiveness in directing protest.

The commitment to non-violence and truth also underlined the idea of tolerance. All religions were to be equally respected. This came from *satyagraha* not having its own singular religious identity, although one of the religions was perhaps more equal than others. However, there was a moral right to break the law if it caused wide-spread suffering. But who had the right to judge? Was Gandhi assuming this right strengthened by being called a *mahatma*? The dilemma becomes more acute if one accepts what one may call the contingent *ahimsa* of the *Gita*, that where evil prevails it can be fought with violence. Yet the *satyagrahi* tried to persuade the other to his view in non-violent ways and through a system where the means and the ends are not contradictory.

A more complicated issue was present when *satyagraha* was practiced in the larger social context. This involved the equality of all castes including the outcastes. Did the equal status of all castes as frequently maintained among dissenting sects apply to both the *varna* and *avarna* members of society or only to the former? How was the hierarchy to be countered in practice? Gandhi tried but to little effect.

Many maintain that the actions of one's previous life, determine one's birth in this life. But if actions are evaluated according to the *dharma-shastra* codes then the codes would have to be discarded if the hierarchy is to be annulled. Few argued for this.

The Shramana sects claimed that the monasteries did not observe caste. On a wider social scale it was some of the Bhakti *sants* who also opposed caste, particularly those who came from the lowest castes. For Gandhi, if the *varna* castes began doing the demeaning jobs allotted

to the *avarnas*, the stigma might go. But caste by now had many other ramifications as well. Unlike the renouncer the *satyagrahi* did not necessarily discard his caste identity.

The appeal of *satyagraha* is evident from the large numbers that responded when the call was given for civil disobedience. We have to ask what went into the making of this form of defiance. Could there have been an echo of the persistence of dissent that still surfaced when injustice was experienced? It galvanized national sentiment, but it also diverted this sentiment away from violent revolution, when it came to channelling it into protest. This was true to type as such movements even in the past had steered away from violent revolution. In the colonial situation *satyagraha* forced both the protestors and the authority against whom they were protesting – be it over salt, or cloth, or the freedom of a people – to give the protest visibility. It underlined a claim to status by the colonized by fore-fronting moral authority against colonial power. This was outside the experience of the colonizer.

Admittedly Gandhi, in his readings, lists little that goes back to the texts of the Shramanas. His formal interest in such sources seems marginal, especially compared to his intensive study of the *Bhagvad-Gita*. However, that *satyagraha* could envelop dissent rather than violent protest suggests that these ideas did have a presence, however inaudible. Given the complexities of thought, society and politics, in the first half of the twentieth century in India, it would seem that a major player on the scene, may have held on to the truth of some forms of dissent from the Indian past, and used them almost instinctively to recreate a new form of dissent.

One could ask whether Gandhi's endorsement of the *Gita* was a seeming contradiction of the insistence on non-violence in *satyagraha*. The translation he chose to read frequently – apart from the Gujarati – was curiously the English translation by Edwin Arnold, *The Song*

*Celestial*, published in 1885. The potential of the *Gita* to be the single sacred book of Hinduism, the equivalent of the Bible and the Quran was being discussed at the time.

The *Gita* and the segments added to it are thought to date to around the turn of the Christian era. There were regular commentaries on it over the centuries. It surfaced in a big way in the nineteenth century and rode the European Orientalist wave that was searching for wisdom from the East. The Theosophists adopted it as their central text and gave it wide diffusion. Inevitably many Indians wrote on it as a representative text. Some saw it as an allegory and this excluded questions of historicity. WB Yeats, TS Eliot and Christopher Isherwood, all flirted with its ideas. Its appropriation by many nationalists was possibly because it could be used to endorse even violent political action as the duty of those fighting for rightful demands and justice. If colonial rule was evil then violence against it was justified.

What is perhaps curious is that the question of violence and political action should have drawn so heavily on the *Gita*. A more challenging text is the twelfth book of the Shanti Parvan of the *Mahabharata* that unambiguously focuses precisely on this subject. This segment of the epic is dated generally to the post-Mauryan period. Subsequent to the battle at Kurushetra, Yudhisthira was expected to take up the kingship, but he initially refused to do so, preferring to retire to the forest. His objection to ruling was that kingship involves many levels of violence and he was averse to these.

He asked how any war can be called *dharmic* when it is the duty of some such as the *kshatriya* to kill others? His grandfather Bhishma still lying on a bed of arrows from the battle, justified such killing as the ruler needing to defend the realm. This conversation is a fine example of dissent explored through debate. Yudhisthira eventually agreed – although I think with a very heavy heart.

*Ahimsa* as contingent, would obviously be opposed by those for whom *ahimsa* was absolute. Yudhisthira has a moral and ethical objection to violence. This debate reflected the discussions on violence at this time, perhaps enhanced by the views of the Emperor Ashoka in support of *ahimsa*, as has been argued by various scholars. Was the centrality of *ahimsa* in this conversation a concession to Shramanic thought? Unlike Nehru, Gandhi had a perfunctory interest in Buddhism. Nor was he particularly interested in a sequential study of the past. History, was perhaps not a subject of great intellectual interest for him.

That there were occasions of violent and intolerant actions in our past is undeniable. That there were also legitimate traditions of non-violent dissent, is also undeniable. The forms of the latter changed in conformity with a changing society and we have to recognize the forms and how they were used and when. Gandhi created new forms of dissent. Yudhisthira's statements on political violence seem to argue that when religious ideas and their implications become agencies of political mobilization, their fundamental purpose changes. The political determines thoughts and actions. The continuation of the right to dissent, to disagree, to debate, can be seen in the varied manner in which it has been formulated. *Satyagraha* has been one effective form in recent times.

In many ways the right to dissent has been high-lighted by the coming of the nation-state in our history. It calls for a new relationship involving the rights of the citizen and the obligations of the state. It remains open to the citizen immersed in the ideology of secular democratic nationalism to articulate this new relationship, by reiterating the right to dissent. And it needs the state to acknowledge the validity of this right.

The lecture is available at [www.youtube.com](http://www.youtube.com/watch?v=bmlyyH-aWKQ) at <http://www.youtube.com/watch?v=bmlyyH-aWKQ> 

**CFD Press Release :**

## **CITIZENS AMENDMENT BILL: A BLACK SPOT ON INDIAN DEMOCRACY - MUST BE ABROGATED**

The passing of the Citizens Amendment Bill I.e. CAB by the Indian Parliament on 11<sup>th</sup> December, 2019 is one of the most shameful provisions ever passed by it since Independence. The arguments advanced by Amit Shah, the Home Minister and other members of the ruling coalition, in support of CAB are on their face value superfluous and hollow. The Bill is poisonous, horrifyingly wicked and patently discriminatory measure. It is shocking that Narendra Modi, the Prime Minister of India, said that CAB is in line with India's centuries old ethos of assimilation and belief in humanitarian values when this Bill in its essence is quite opposite of what our traditions of tolerance and fraternity stand for. It is ironical that such shameful measure has been passed by the Indian Parliament when we in India are celebrating the 550<sup>th</sup> birth anniversary year of Guru Nanak and 150<sup>th</sup> birth anniversary year of Mahatma Gandhi both of whom laid emphasis on unity of human race and universal brotherhood. Those who claim to be champions of Hindu religion should remember what Guru Nanak said, "He who regards all men equal is religious." and exhorted all men to share their wealth with the poor and deprived without any consideration of caste or creed. The very concept of Gurudwaras is to provide shelter and relief to all without any distinction of religion or nationality. It was deplorable to see the members, especially of Akali Dal, coming in support of the Bill which is a total antithesis of what Gurus have taught. We are proud of the song "VAISHNAV JAN TO TENE KAHIE JO PEER PARAIE JAANE RE" (he alone is noble who understands and feels the pain of others). India's centuries old ethos flow from the age old concept 'Vasudev Kutumbkam' i.e. all humanity is our family. Our saints Budhha, Mahavir, Tulsidas, Guru Nanak, Kabir, Tukaram, Vivekanand and many others never preached or promoted any theory of hate or discrimination on the basis of caste or creed. This Bill is totally in contravention of India's centuries old ethos of assimilation and belief in humanitarian values, the values which were cherished by us during our freedom struggle and which have found due expression in our Constitution. The passing of the Bill is a black spot on Indian democracy. Sooner the ugly spot is washed away the better. We should not wait for the judiciary to rise and undo the mischief. Sometimes judiciary also fails the people. A robust democratic people's movement is the need of the hour calling for abrogation of this heinous measure which is a direct assault on our age old ethos and constitutional values. No doubt we shall overcome.

**S.R.Hiremath**

Presidebt

**N.D. Pancholi**

General Secretary

**Anil Sinha**

Secretary

# M N Roy as International Journalist

**Dr. Narisetti Innaiah**

Manabendranath Roy (1887-1954) commenced his journalistic career in Mexico around 1917. As soon as he and his first wife Evelyn Trent reached Mexico from USA, they quickly engaged a Spanish teacher and learnt the language. Then they commenced their writings in English and Spanish in local dailies and weeklies. That was the beginning of Roy's journalistic career.

Roy couple reached Moscow by 1919 and played vital role in international communist politics. Very soon they established offices in European centers for their activities and started journals.

THE MASSES was the first journal with articles and news to communicate with Indian communists and international comrades. Most of the articles and news were collected by Evelyn Trent Roy the first wife of Roy and then M N Roy contributed important items from Moscow. 'The Masses' journal was bundled and shipped from Europe to Indian ports, both west and east side. Similarly they started International press correspondence (IMPRECOR) to update the developments to comrades. They were good education to Indian communists. Of course clandestinely they were circulated. Very often British intelligence scented the circulation and seized them. Sometimes the bundles were seized at ports also. Even then somehow some journals escaped the intelligence eyes and reached comrades. In turn comrades circulated them secretly and also translated them into Marathi, Bengali, Gujarati and Telugu.

Roy gave both theoretical and practical suggestions to comrades.

From 1927 onwards these journals were stopped. Evelyn went away to USA and Roy reached by land to Karachi under the name of

Mahmood.

After release from prison in 1936 Roy started the first journal under the banner INDEPENDENT INDIA. His second wife Allen supported him in producing enormous literature and news. That has become beacon light to comrades who differ with Gandhi, Bose and Jawaharlal Nehru. Though limited in circulation, 'Independent India' played crucial role to show the alternative.

As soon as 1942 Roy conducted political schools and camps. Then he changed 'Independent India' to the journal THE RADICAL HUMANIST weekly which stood a beacon light to radical thinkers. Though others contributed to the journal, the main articles were supplied by Allen and M N Roy.

Soon M N Roy started bi-annual journal called THE MARXIAN WAY.

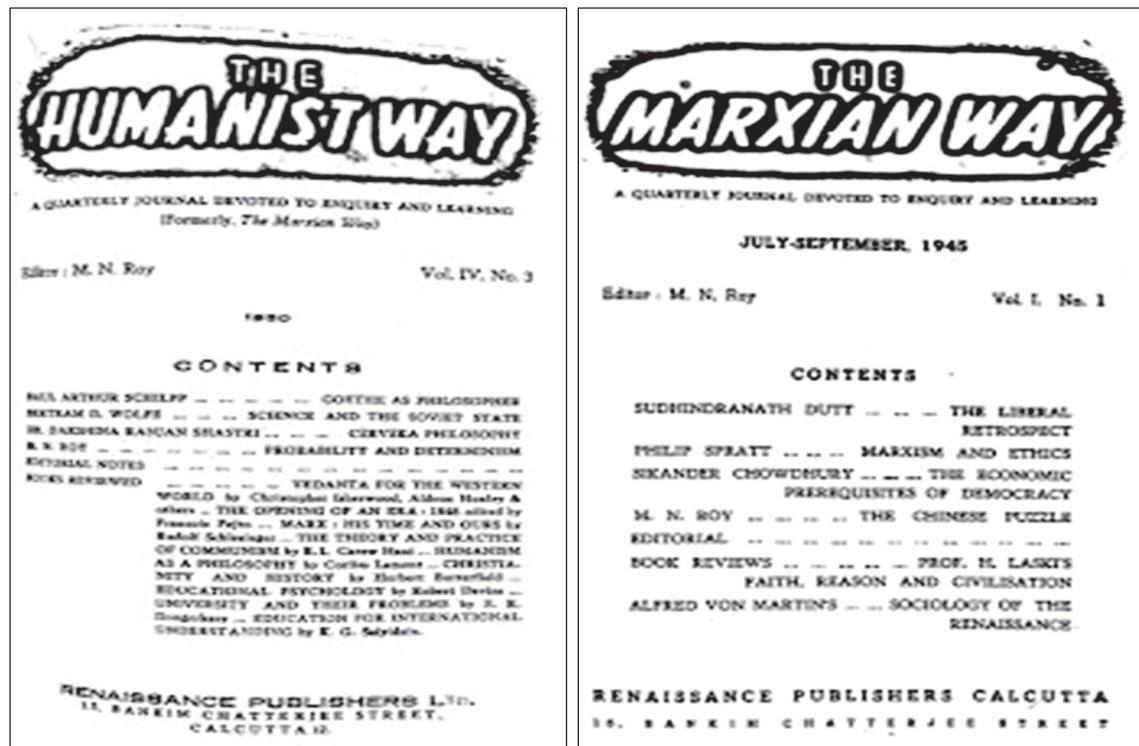
Apart from Roy some eminent thinkers and followers of Roy contributed theoretical articles to it. In the transition period Roy evolved as a full-fledged humanist and then changed the title of the journal to THE HUMANIST WAY. It was bi-annual. The articles were really world standard. G R Dalvi, Laxman Sastri Joshi, Daya Krishna, Raj Krishna, Abu Sayeed Abu, A.B Shah, G D Parekh, and others enriched the journal. It was intellectual feast for readers.

Though all the journals faced difficulties and problems, which led to stoppage in due course, Roy never stopped The Radical Humanist journal. It continued and consistently Allen stood in all difficulties. After Roy's death Allen and Sibnarayan Ray carried on the journal. Then came all the other stalwart humanists who sacrificed their incomes and time to the continuation of The Radical Humanist journal. Almost all radical humanist intellectuals joined hands to continue The Radical Humanist weekly.

Many editors changed and managements shuffled but the journal never stopped. The Radical Humanist journal is on the way to hit a century.

Several humanist scholars from abroad

contributed articles the journal, thanks to the attraction M N Roy. Roy will be remembered not only as a humanist but as a journalist too! 



# ‘If Babri Masjid Was Still Standing, Would SC Have Had it Demolished?’ Justice A.K. Ganguly

*The former Supreme Court justice said that Babri Masjid demolition has been “given a premium” by the Supreme Court in spite of it being a crime.*



**Former Supreme Court Judge A.K. Ganguly**

“Now the Supreme Court says that underneath the mosque there was some structure. But there are no facts to show that that structure was a temple. The Supreme Court’s verdict says they don’t have evidence to say that a temple was demolished and a mosque was built. There could have been any structure below – a Buddhist stupa, a Jain structure, a church. But it may not have been a temple. So on what basis did the Supreme Court find that the land belongs to Hindus or to Ram Lalla?”

Ganguly agreed with legal scholars like Faizan Mustafa who has also analysed the Supreme Court’s verdict and said that the court has chosen the Hindu faith over the Islamic faith. “Can you settle a title based on the faith of one party?” asked Justice Ganguly.

The Supreme Court’s verdict last week makes references to the accounts of various travellers who had written about observing Hindus offering prayers at the site of the Babri Masjid. The court said that it relied on this to conclude that Hindus had once used the Babri Masjid site as a place of worship. The Muslim

parties also produced various records of their hold on the land, but the court said that the travellers’ accounts preceded the land and revenue documents which the Muslim sides produced.

While the judgment is unanimous and signed by the five-judge constitution bench, one of the judges has recorded a separate view on the question – “Whether the disputed structure is the birth-place of Lord Ram according to the faith and belief of the Hindu devotees”.

This judge, whose name is not revealed, writes at the end of his 116 page “addendum”:

“It is thus concluded on the conclusion that faith and belief of Hindus since prior to construction of Mosque and subsequent thereto has always been that Janmaasthan of Lord Ram is the place where Babri Mosque has been constructed.”

Ganguly said that the fact that this note is unsigned is also a deviation from standard practice of judgments and calls it “very strange and very serious. A judgment of the Supreme Court is a very serious matter.”

# The Majoritarian Assumptions That Birthed a Populist Verdict

Irfan Ahmad

The Supreme Court judgment unjustly placed the onus on Muslims to prove that the Babri Masjid was built without destroying a prior Hindu structure.

The judgment delivered by India's Supreme Court on the long-pending Ayodhya dispute is nothing less than shocking. Prime Minister Narendra Modi hailed the judgement as one that brought a "new dawn". However, one wonders how!

Briefly, the judgment validates the Hindu claim that the Babri mosque, built in the sixteenth century by "Muslim invaders" and in place until 1992, was constructed on the ruins of a Hindu temple – believed to be the birthplace of Lord Ram. As is well known, mobilised kar sevaks, in cahoots with the state agencies, demolished the mosque on December 6, 1992.

The SC has ordered the central government to establish a trust and build the Ram temple. However, recognising that "Muslims have been wrongly deprived of a mosque" built "well over 450 years ago," it ordered allotting a separate plot of land to the Muslim Waqf board elsewhere. Notably, while the order makes it obligatory for the government to build a temple, a similar obligation regarding the mosque is missing. The order states that the Waqf board "would be at liberty" to build a mosque.

It is my argument that the SC judgment is profoundly populist.

It is populist because it is based on a prior unverifiable Hindu majoritarian assumption that Lord Rama was born exactly on the same spot where the Babri Masjid stood. Unjustly placing the onus on Muslims to prove that Babri Masjid was built without destroying a prior Hindu structure, the 1045-page judgement appears as

an exercise –at times, fairly a rushed one – to validate the Hindu majoritarian assumption. A similar example of judicial populism is the recent remark by Justice S.R. Sen of the Meghalaya high court that India should have been declared a "Hindu country."

## Majoritarian assumptions in the judgement

There are two core elements of judicial populism. Firstly, judicial populism, writes Upendra Baxi, "identifies the will of the people with justice and morality" to disregard the process of evidence formation, fidelity to fairness and the non-negotiable idea of justice. Second, as I have argued elsewhere, one important feature of Indian populism is the very notion of "authentic" people as coterminous with Hindus, with Muslims being outsiders and alien to the nation.

The assumption that belief of the Hindu majority equals justice is manifest in the judgement as follows:

"It is thus concluded on the conclusion that faith and belief of Hindus since prior to construction of Mosque and subsequent thereto has always been that Janmaasthan [birthplace] of Lord Ram is the place where Babri Mosque has been constructed."

Leaving aside the tautology in the sentence – it is thus concluded on the conclusion – curiously, the judgement places belief of Hindus beyond time: "always."

Yet, it unsuccessfully attempts to provide evidence to Hindus' belief. Referring to Hindu scriptures, the judgment states that the belief of Hindus about the birthplace of Lord Ram cannot be "groundless". Do these scriptures specify the exact location of Lord Ram's

birthplace as the same spot as Babri masjid's? Certainly not! Unaddressed also remains the debate, as noted by anthropologist of Hinduism, Peter van der Veer, about whether Ayodhya of the epic Ramayana is the same as the contemporary Ayodhya.

The urge to prove the exact birthplace is such that the judgement approvingly cites the statement of one witness, Rajinder Singh (a Hindu, as an analyst speculates). Singh claims that his study of books on "Sikh Cult" makes it "evident" that the "disputed land is a birthplace of Shri Ramchanderji and Guru Nanak Dev [Sikhism's founder] had sought the darshan of Shri Ram Janam Bhoomi Temple." Anmol Singh shows the inauthenticity of the entire claim, including the absent citation. Mark that Sikhism is pejoratively called a cult, not a faith.

### Faces of alterity

Logically, the burden of proof to demonstrate their respective claims could have been placed on either of the parties to the dispute or both. But by placing this burden singularly on Muslims, the judgment favours Hindus even though archaeological evidence offers no categorical proof that Babri Masjid was built by demolishing a prior structure.

However, it also asserts that the mosque was not built on a "virgin" land. To this end, it refers to artefacts "pertaining to Hindu religious places" found during excavation. Leaving aside the certitude of this "evidence" and the conclusion drawn therefrom, the crucial question that excavation became possible only after the mosque's destruction is left as unworthy of any discussion.

Anthropologists studying archaeology maintain that excavation is not an impartial study of "reality" or "fact" but instead their creation, which in turn re-arrange both reality and fact, often as neat layers or sequences. Such concerns about precise chronologies and periodisation are often implicated in

nationalism, which in India is at once against and beholden to colonialism.

One key colonial strategic invention was the depiction of Muslims as conquerors-invaders-outsiders and of Hindus as indigenous-subjugated whom the British liberated from Muslims' tyranny. As Prime Minister, Modi staged this notion of Muslims as outsiders in one of his first speeches in the Parliament when he used the phrase "twelve hundred years of servitude."

The British depicted Muslims as foreigners to polarise Hindus and Muslims against each other and present their own foreign conquest as enlightened. Historian Barbara Metcalf observes that *The History of India, as Told by Its Own Historians* (1849) by Henry Elliot was one such strategic manual.

The judgment displays this assumption right on the introductory page: "The lands of our country have witnessed invasions and dissensions." On the next page, it mentions the rule of Mughal emperor as "conquest" that demolished the ancient Ram temple. Elsewhere, it approvingly cites, "with emphasis supplied," a colonial gazetteer, which portrays Babur as a "conqueror."

Importantly, the judgement doubts the interpretation of inscriptions on the mosque, including its precise year of construction, by Alois Führer, a German orientalist. A similar doubt is absent about Führer's other opinion cited in the judgment: "The old temple of Ramachandra at Janamasthanam must have been a very fine one, for...its columns have been used by the Musalmans in the construction of Babar's masjid."

This absence shows subscription to colonial history erected on lies and fantasies. When the British captured Kabul in 1842, they destroyed the central mosque of Ghazna and spuriously claimed its main gate as the gate of Somnath temple. According to historian Mannan Ahmed Asif, to brand Muslim rule as tyranny and

consolidate the British East India Company's domination, Lord Ellenborough (d. 1871) presented the alleged gate of the Somnath temple to Hindu leaders as "memorial of your humiliation", which was also a "record of your national glory." The so-called Somnath gate was then taken in a procession and Hindus exhorted to pay respect to.

My argument is not that Muslim rulers did not destroy temples. Certainly, they did. But they also offered patronage and grants to temples. Likewise, Hindu rulers too destroyed places of worships of other faiths. Anthropologist Peter van der Veer details competition and violent conflict among the Ramanandî order of monks in Ayodhya.

What I stress is the British creation of history as a polarising paradigm, its subsequent institutionalisation as hegemonic knowledge and its widespread currency in our very present. Lala Lajpat Rai (d. 1928), a famous Hindu freedom fighter, noted the wicked effect of colonial knowledge:

At that time, a book on Indian history called *Waqiat-i-Hind* used to be taught at Government schools. That book created in me the feeling that Mussalmans had subjected the Hindus to great tyranny. Gradually the respect for Islam that I had acquired from early training began to change into hatred because of study of *Waqiat-i-Hind*.

A powerful example of the polarising paradigm of colonial history between us-Hindus versus them-Muslims is the misleading distinction between Indic and foreign religions. While Hinduism, Buddhism, Jainism and Sikhism are deemed Indian or indigenous, Islam and Christianity are branded as foreign. Though the judgment denies this distinction in the specific context of non-human as juristic personality, this premise informs the judgment throughout. At times, denial as a disclaimer is needed precisely because of the presence of that which is denied.

### **Faith and belief in justice**

My argument and critique of the judgment as an Indian citizen are calls for decolonial jurisprudence liberated simultaneously from colonialism and its close kin, nationalism. Even for the postcolonial Indian period, the judgement continues to use the colonial term Mohammedan rather than Muslim.

My call for a decolonial jurisprudence is difficult to secure. However, it is not impossible. Integral to this jurisprudence is the premise that there are also faiths and beliefs other than the ones the judgment appears to be preoccupied with.

It is the faith and belief of citizens – agnostic, atheist, religious, secular and the like – in democracy and justice beyond the logic of fear and lure. At least, it was this faithful hope that awakened me in the chilling cold during the wee hours of the night on November 8 in Germany to read the SC judgment.

Honorable judges, can democracy and judiciary become faithful to such a hope in justice? A hope, which is not only mine! It is also the hope of a people interpretatively interrupted and yet to be recognised!

*Irfan Ahmad is a political anthropologist and senior research fellow at Max Planck Institute for the Study of Religious and Ethnic Diversity, Göttingen, Germany. With Pralay Kanungo, he is the co-editor of The Algebra of Warfare-Welfare: A Long View of India's 2014 Election (Oxford University Press, 2019). He tweets @IrfanHindustan.* 

# Hyderabad 'encounter': Taliban-style justice has no place in Indian Constitution, say legal experts

*Justice Kolse-Patil said one particular agency should not be blamed for delay in dispensation of justice. "Sometimes the police, sometimes lawyers and even court too are responsible for delay in delivering verdicts," he said.*

**Manoj More**



**Justice P B Sawant, retired Supreme Court judge**

DESCRIBING the police 'encounter' of four accused in the rape and murder of 27-year-old woman veterinary doctor in Hyderabad as "Taliban style justice that has no place in our Constitution", retired Supreme Court judge, Justice P B Sawant, Friday said "such dispensation of justice reflects poorly on our judicial system".

"Everything should happen as per the laid down law, within the framework of the law... Such Taliban-style justice is not warranted," Justice Sawant said.

Stating that it was the wrong way of ensuring justice, Justice Sawant said the incident should be probed thoroughly to find out what exactly happened. "There is a need to find out whether the police theory is true and whether the encounter was a real one and not a fake encounter...," he said.

Justice Sawant said that police are arguing that the accused tried to attack them with stones and sticks which

provoked them to fire. "In this instance, the police could have shot the fleeing accused in the leg. Why did they shoot on the upper part of their bodies?...," he said.

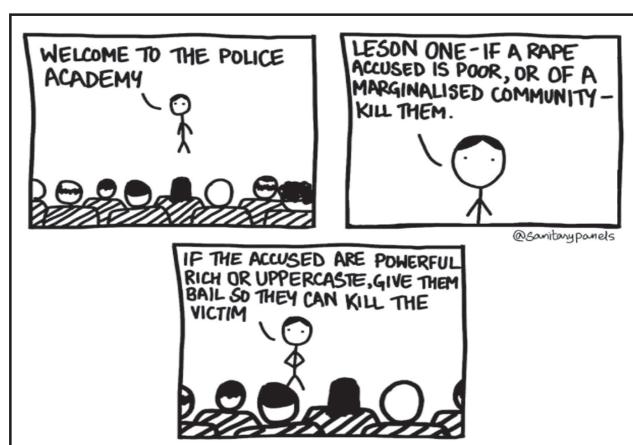
As for the celebratory mood among people across the country, Justice Sawant said the anger of the people and the celebrations are not out of place but "reflects poorly on the existing judicial system". "We need to overhaul the system to ensure that in

such heinous crimes, justice is delivered quickly and after following due process of law," he said.

Justice Sawant said rape and murder related cases should be segregated from other crimes and get priority in courts.

"There should be a deadline of around three months in which the case should conclude. If this is not done, then people will lose their faith in the judiciary," he said.

(To be Contd....on Page - 31 )



# Explained: What NHRC, SC have said on encounter killings

**Extra-judicial or “encounter” killings have been a contested and divisive police procedure for decades. This is what the National Human Rights Commission (NHRC) and the Supreme Court have said on the proper procedures to be followed during such action by police.**

By Explained Desk

While several voices, including senior officials and public figures, have hailed the **killing by police of all four accused** in the Hyderabad rape-murder case early on Friday, questions have also been raised over the legality and propriety of the police action.

Extra-judicial or “encounter” killings have been a contested and divisive police procedure for decades. This is what the National Human Rights Commission (NHRC) and the Supreme Court have said on the proper procedures to be followed during such action by police.

## National Human Rights Commission’s guidelines

In March 1997, Justice M N Venkatachaliah, then chairperson of the NHRC, wrote to all Chief Ministers to say that “the Commission has been receiving complaints from the members of the general public and from the non-governmental organisations that instances of fake encounters by the police are on the increase and that police kill persons instead of subjecting them to due process of law if offences are alleged against them”.

Justice Venkatachaliah, who was Chief Justice of India in 1993-94, underlined that “under our laws the police have not been conferred any right to take away the life of another person”, and “if, by his act, the policeman kills a person, he commits the offence of culpable homicide whether amounting to the offence of murder or not unless it is proved that

such killing was not an offence under the law”.

The only two circumstances in which such killing would not constitute an offence were (i) “if death is caused in the exercise of the right of private defence”, and (ii) under Section 46 of the CrPC, which “authorises the police to use force, extending upto the causing of death, as may be necessary to arrest the person accused of an offence punishable with death or imprisonment for life”.

In the light of this, the NHRC asked all states and Union Territories to ensure that police follow a set of guidelines in cases where death is caused in police encounters. They were:

\* “When the... in-charge of a Police Station receives information about the deaths in an encounter between the Police party and others, he shall enter that information in the appropriate register

\* “Information as received shall be regarded as sufficient to suspect the commission of a cognizable offence and immediate steps should be taken to investigate the facts and circumstances leading to the death to ascertain what, if any, offence was committed and by whom. \* “As the police officers belonging to the same Police Station are the members of the encounter party, it is appropriate that the cases are made over for investigation to some other independent investigation agency, such as State CID.

\* “Question of granting of compensation to

the dependents of the deceased may be considered in cases ending in conviction, if police officers are prosecuted on the basis of the results of the investigation.”

Subsequently, in May 2010, then NHRC acting chairperson Justice G P Mathur repeated the crux of the 1997 letter, and underlined that “the police does not have a right to take away the life of a person”.

The 2010 NHRC note recalled that its “guidelines were conveyed to all the States/UTs vide letter dated 29.3.1997, which were further revised vide letter dated 2.12.2003”.

Even so, the note said, “the Commission finds that most of the States are not following the recommendations issued by it in the true spirit”.

Thereafter, the NHRC expanded the guidelines, adding several new procedures, including:

- \* “Whenever a specific complaint is made against the police alleging commission of a criminal act... which makes out a cognisable case of culpable homicide, an FIR to this effect must be registered under appropriate sections of the IPC...”

- \* “A magisterial enquiry must be held in all cases of death which occurs in the course of police action, as expeditiously as possible, preferably within three months...”

- \* “All cases of deaths in police action in the states shall be reported to the Commission by the Senior Superintendent of Police/ Superintendent of Police of the District within 48 hours of such death in (a given) format...”

- \* “A second report must be sent in all cases... to the Commission within three months providing... information (including) post mortem report, inquest report, findings of the magisterial enquiry/enquiry by senior officers...”

#### **Directions by the Supreme Court**

In ‘People’s Union for Civil Liberties & Anr vs State of Maharashtra and Ors’ (September 23, 2014) a Bench of then Chief Justice of India R M Lodha and Justice Rohinton F Nariman

issued a detailed 16-point procedure “to be followed in the matters of investigating police encounters in the cases of death as the standard procedure for thorough, effective and independent investigation”.

Some of these directives were:

- “Whenever the police is in receipt of any intelligence or tip-off regarding criminal movements or activities pertaining to the commission of grave criminal offence, it shall be reduced into writing in some form (preferably into case diary) or in some electronic form.”

- “If pursuant to the tip-off or receipt of any intelligence, as above, encounter takes place and firearm is used by the police party and as a result of that, death occurs, an FIR to that effect shall be registered and the same shall be forwarded to the court under Section 157 of the Code without any delay.”

- “An independent investigation into the incident/encounter shall be conducted by the CID or police team of another police station under the supervision of a senior officer (at least a level above the head of the police party engaged in the encounter).”

- “A Magisterial inquiry under Section 176 of the Code must invariably be held in all cases of death which occur in the course of police firing and a report thereof must be sent to Judicial Magistrate having jurisdiction under Section 190 of the Code.”

- “The involvement of NHRC is not necessary unless there is serious doubt about independent and impartial investigation. However, the information of the incident without any delay must be sent to NHRC or the State Human Rights Commission, as the case may be.”

- “The court directed that these “requirements/norms must be strictly observed in all cases of death and grievous injury in police encounters by treating them as law declared under Article 141 of the Constitution of India”.

Courtesy **The Indian Express**, December 7, 2019

# The fountainhead of India's economic malaise



**Manmohan Singh**

## The citizenry's distrust in institutions and lack of confidence in the government have caused a prolonged slowdown

The state of

India's economy is deeply worrying. I say this, not as a member of the Opposition political party, but as a citizen of this country and as a student of economics. By now, the facts are evident to all — nominal GDP growth is at a 15-year low; unemployment is at a 45-year high; household consumption is at a four-decade low; bad loans in banks are at an all-time high; growth in electricity generation is at a 15-year low — the list of highs and lows is long and distressing. But the state of the economy is worrying not because of these disturbing statistics. These are mere manifestations of a deeper underlying malaise that plagues the nation's economy today.

A nation's state of the economy is also a function and reflection of the state of its society. The functioning of any economy is the result of the combined set of exchanges and social interactions among its people and institutions. Mutual trust and self-confidence are the bedrock of such social transactions among people that foster economic growth. Our social fabric of trust and confidence is now torn and ruptured.

### Industrialists live in fear

There is a palpable climate of fear in our society today. Many industrialists tell me that they live in fear of harassment by government authorities. Bankers are reluctant to make new

loans, for fear of retribution. Entrepreneurs are hesitant to put up fresh projects, for fear of failure attributed to ulterior motives. Technology start-ups, an important new engine of economic growth and jobs, seem to live under a shadow of constant surveillance and deep suspicion. Policymakers in government and other institutions are scared to speak the truth or engage in intellectually honest policy discussions. There is profound fear and distrust among people who act as agents of economic growth. When there is such distrust, it adversely impacts economic transactions in a society. When transactions among people and institutions are negatively impacted, it leads to a slowdown of economic activity, and eventually, stagnation. This perilous state of fear, distrust and lack of confidence among citizens is a fundamental reason for our sharp economic slowdown

There is an air of helplessness too. Aggrieved citizens find nowhere to go to air their grievances. Public trust in independent institutions, such as the media, judiciary, regulatory authorities and investigative agencies, has been severely eroded. With the erosion of trust, there is a lack of a support system for people to seek refuge against unlawful tax harassment or unfair regulations. This makes entrepreneurs lose their risk appetite even further for undertaking new projects and creating jobs. This toxic combination of deep distrust, pervasive fear and a sense of hopelessness in our society is stifling economic activity, and hence, economic growth.

The root cause of this rupturing of our social fabric is the Modi government's 'mala fide unless proven otherwise' doctrine of governance. The premise of the government's policy framework seems to be that economic participants have mala-fide intent unless they

can prove otherwise. This suspicion that every industrialist, banker, policymaker, regulator, entrepreneur and citizen is out to defraud the government has led to a complete breakdown of trust in our society. This has halted economic development, with bankers unable to lend, industrialists unable to invest and policymakers unable to act.

The Modi government seems to view everything and everyone through a tainted prism of suspicion and distrust due to which every policy of previous governments are presumed to be of bad intent, every loan sanctioned considered undeserving and every new industrial project deemed to be crony in nature. And the government has positioned itself as some saviour, resorting to foolhardy moral-policing policies such as demonetisation, which have proved to be ill-thought-out and catastrophic. Wrongful evil characterisation of everyone and a ‘good-vs.-evil governance’ doctrine cannot be a recipe for healthy economic growth.

The role of social trust in economic development has been well-documented, right from the times of Adam Smith to the modern-day discipline of behavioural economics. The tearing of our social fabric of trust is the fountainhead of our current economic malaise. For economic growth to revive, it is very important that our torn social fabric of fear and distrust be stitched and knitted together to enthuse trust and confidence. It is very important for businessmen, capital providers and workers to feel confident and exuberant rather than being fearful and nervous. This is possible only if the government sheds its ‘mala fide-unless-proven-otherwise’ doctrine and begin to trust India’s entrepreneurs.

India’s economy is perched in a precarious state currently. Incomes are not growing. Household consumption is slowing. People are dipping into their savings to maintain similar levels of consumption. Headline GDP growth

is accruing almost entirely to the creamy layer at the top.

### **Risk of stagflation**

The real worrying trend is that the most recent retail inflation numbers have shown a sharp increase, especially the food inflation figure. Retail inflation is expected to rise even further in the coming months. Continued increase in inflation combined with stagnant demand and high unemployment will lead to what economists term as ‘stagflation’, a dangerous territory from which it becomes very hard for large economies to recover. While we are currently not in stagflation territory yet, it is prudent to act quickly to restore consumption demand through fiscal policy measures since the impact of monetary policy seems muted.

It is my belief that India’s fragile economic situation calls for the twin policy actions of boosting demand through fiscal policy and reviving private investment through ‘social policy’ by inspiring trust and confidence in the economic participants in our society.

India is now a \$3-trillion global economic powerhouse driven largely by private enterprise. It is not a tiny command and control economy that can be bullied and directed at will. Nor can it be managed through colourful headlines and noisy media commentary. Shooting down messengers of bad news or shutting off economic reports and data is juvenile and does not behove a rising global economic powerhouse. No amount of subterfuge can hide the performance and analysis of a \$3-trillion market economy of 1.2 billion people. Economic participants respond to social and economic incentives, not diktats or coercions or public relations.

Sadly, this self-inflicted economic wound comes at a time when there is a unique and opportune moment in the global economy for India to capitalise.

**(To be Contd....on Page - 42)**

# People are afraid to criticise the Centre, industrialist Rahul Bajaj tells Amit Shah

***Bajaj noted that no one else from the business community would raise this matter.***

Industrialist and Bajaj Group Chairperson Rahul Bajaj raised concerns on Saturday over people's fear when it comes to criticising the ruling Bharatiya Janata Party at the Centre, *The Indian Express* reported. The businessman directed the questions to Finance Minister Nirmala Sitharaman, Home Minister Amit Shah, and Railway Minister Piyush Goyal at *The Economic Times*' ET Awards 2019 event in Mumbai.

"During UPA-II [second term of the Congress-led United Progressive Alliance], we could abuse anyone," Bajaj said. "You are doing good work, but if we want to openly criticise you, [but] there is no confidence you will appreciate that. I may be wrong but everyone feels that." Bajaj noted that no one else from the business community would raise this matter.

Several industrialists, including Reliance Industries Limited Chief Managing Director Mukesh Ambani, Aditya Birla Group Chairperson Kumar Mangalam Nirla, and Bharti Enterprises Chairman Sunil Bharti Mittal attended the event.

Bajaj also highlighted the alleged remarks of BJP MP from Bhopal Pragya Singh Thakur in the Lok Sabha on Mahatma Gandhi's assassin Nathuram Godse, and said that she had been included in a defence panel despite Prime Minister Narendra Modi saying that he would not be able to forgive her.

Thakur on Friday apologised in the Lok Sabha for her controversial remarks, adding that she did not "call Nathuram Godse a 'deshbhakt'". She said that her statement had been "distorted", but offered an apology if she had hurt anyone's feelings.

The industrialist on Saturday said that instances of mob lynchings in the country had created an intolerant environment. "We don't want to say certain things but we see that until now no one has been convicted," he said.

Shah said that there was no need for anyone to be afraid, and said that if such a situation existed then the administration would work towards improving it, *The Print* reported. The home minister added that the government was being run in a transparent manner and that it was not worried about opposition.

The minister said that senior BJP leaders had condemned Thakur's statements and that neither the government nor the saffron party supported what the MP had said. Addressing the matter of lynchings, Shah said that they occurred in the past as well but had reduced now. He claimed that the media did not report on lynching cases where the punishment has been doled out to the accused.

Bajaj voiced his concerns a day after the Centre released the Gross Domestic Product figures for the July-September quarter, which contracted to 4.5%. This was the slowest growth rate in more than six years, and the sixth straight quarter of slowdown.

Hours after the numbers were released, former Prime Minister Manmohan Singh on Friday said he was deeply worried about the current state of the Indian economy. "We need to change current climate in our society from one of fear to one of confidence for our economy to start growing at 8% per annum," he had said. The government has repeatedly denied the economy is in recession.

Courtesy **Scroll.in**, December 5th 2019 

# Who Wants Clean Legislatures?

S.N. Shukla

At the time of adoption of the Constitution, Dr. Rajendra Prasad in his address to the Constituent Assembly had said that *If the people who are elected are lacking in character and integrity the Constitution cannot help the country* and that “*India needs today nothing more than a set of honest men who will have the interest of the country before them*”. These observations apply with greater force today.

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

As Lord Krishna had said in Bhagavat Gita

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

(meaning whatsoever a highly placed person does, the same is done by others as well. Whatever standards he sets, people follow). Therefore, it is imperative that our legislators, like Caesar’s wife, must be above suspicion. This is necessary because they not only make laws but also, and more importantly, because they control the entire administrative system. The present day sad spectacle of even Central

Ministers, Chief Ministers being sent to jail, which was unheard of earlier, is the direct fall out of lacunae in our electoral system which permits the corrupt and criminals to grab political power. *Unless this is checked, it is futile to expect any improvement in governance and administration.* As pointed out by the then President in his address in 2015 in the Central Hall of Parliament House:”*If the Gangotri gets polluted, neither Ganga nor any of its tributaries can stay unpolluted*”.

The unanimous resolution titled ‘Agenda for India’ adopted by the Parliament at the time of Golden Jubilee of Independence in 1997 began by saying that “*political life and process be free of the adverse impact on governance of undesirable extraneous factors including criminalization.*” However, nothing worthwhile has been done by the successive governments in the last 21 years to restore and maintain purity of the highest democratic institutions of Parliament and State Legislatures by preventing entry of persons with criminal background in these August bodies. Due to lacunae in the existing law, over the years number of persons with criminal background has shown alarming increase in Lok Sabha and State Legislatures. As per the information compiled by the Association for Democratic Reforms, even after introduction of the requirement for giving details of criminal cases in the additional affidavit, the number of such members has been showing continuous increase in Lok Sabha and state Assemblies. The percentage of tainted Lok Sabha members with criminal cases increased from 30% in 2009 to 34% in 2014 and 43% in 2019 and of those with serious criminal cases has doubled from 14% to 29% in the last ten years. *Remarkable achievement indeed.* These

figures speak for themselves. Soon we may have government of the tainted by the tainted and for the tainted.

Notably, while considering the recommendation of the Law Commission that disqualification for membership of Parliament/ State Legislature should be effective, subject to certain safeguards, upon framing of charges, the Supreme Court had passed an interim order dated 10.3.2014 in the WP (Civil) No. 536 of 2011 (Public Interest Foundation & Ors. Vs. UoI & Another) directing that “in relation to sitting MPs and MLAs who have charges framed against them for the offences which are specified in Section 8(1), 8(2) and 8(3) of the RP Act, the trial shall be concluded as speedily and expeditiously as may be possible and *in no case later than one year from the date of the framing of charge(s)*.

During the campaign for Lok Sabha elections in 2014 the present Prime Minister had also said that he would request the Supreme Court to fast track criminal cases against MPs to rid the Parliament of criminal elements. After assuming office he again emphasized the urgent need to cleanse Parliament of members with tainted record. However, the aforesaid direction of the Court and the PM’s exhortation have had little impact on expediting disposal of the criminal cases against the sitting MPs/ MLAs/MLCs.

Thereupon, Lok Prahar filed an intervention application in 2014 in the aforesaid matter of great national importance having a direct bearing on the successful functioning and the future of Democracy in the country. *However, not only the PM’s promise of taint free Parliament by 2015 remained unfulfilled but the situation has only worsened as shown above.* Despite vigorous monitoring of the compliance of the aforesaid direction by the Court in another PIL, the *prima facie* obnoxious situation, which was not envisaged by the framers of our Constitution, of the legislators

charged by the court for serious criminal offences merrily continuing to be law makers persists.

Meanwhile, vide order dated 8.3.2016, the WP(C) No.536/2011 was referred to Constitution Bench, for decision in view of the following question- *“Whether disqualification for membership can be laid down by the Court beyond Article 102(a) to (d) and the law made by Parliament under Article 102(e) ?”*

The answer to the above question is an emphatic YES as persons charged by a court for an offence punishable with imprisonment for 5 years or more are clearly liable to be declared as disqualified for being elected and for being Member of Parliament or State Legislature in view of the following-

(1) The Preamble of our Constitution contains the resolve to secure to all its citizens social, economic and political justice. Such persons can hardly be expected to secure justice to the persons aggrieved by their criminal act(s). For this reason they can also not be said to owe allegiance to the Constitution, as stipulated in the oath taken by them twice- as a candidate and after being elected.

(2) According to Article 51A(a) of the Constitution it is the fundamental duty of every citizen of India to abide by the Constitution. Likewise, clause (i) of the said Article mandates every citizen of India to abjure violence. Evidently, these provisions apply with greater force to legislators who are in a position to subvert the criminal justice system in cases against them by influencing the police and investigating agencies.

(3) As held by the Apex Court, in the case of P.V. Narasimha Rao Vs. State (CBI/SPE) reported in (1998) 4 SCC 626, a Member of Parliament or State Legislator is a public servant. When a person charged in a crime

involving moral turpitude is considered unsuitable for a job under the Government, it is rather incongruous that such persons can become law makers who control the civil servants. Treating legislators on a different footing amounts to a clear violation of Article 14 of the Constitution in terms of the law laid down in the case of Subramanian Swamy (2014) 8 SCC 682 that if the object of classification itself is discriminatory the classification cannot be said to be reasonable.

(4) On the question as to when the disqualification should be triggered, the Law Commission in its 244th Report (February 2014) had made the following recommendations-

*“Disqualification upon conviction has proved to be incapable of curbing the growing criminalisation of politics, owing to long delays in trials and rare convictions. The law needs to evolve to pose an effective deterrence, and to prevent subversion of the process of justice.” and “The stage of framing of charges is based on adequate levels of judicial scrutiny, and disqualification at the stage of charging, if accompanied by substantial attendant legal safeguards to prevent misuse, has significant potential in curbing the spread of criminalisation of politics”.*

(5) The Constitution Bench in the case of Manoj Narula (2014) 9 SCC 1(Para 1) had observed: “*For democracy to survive, it is fundamental that the best available men should be chosen as the people’s representatives for the proper governance of the country and the same can best be achieved through men of high moral and ethical values who win the elections on a positive vote.....”.*

(6) Since Rule of Law has been held to be a basic feature of the Constitution, a person who is in conflict with law, evidently cannot be said to be abiding by the Constitution. In this

connection the following observations of Hon’ble Mr. Justice Kurian in the case of Manoj Narula (*supra*) are directly relevant-

“6. ....The simple question is, whether a person who has come in conflict with law and, in particular, in conflict with law on offences involving moral turpitude and laws specified by the Parliament under Chapter III of The Representation of the People Act, 1951, would be in a position to conscientiously and faithfully discharge his duties as Minister and that too, without any fear or favour ?,” and

“8. Under Section 228 of the Code of Criminal Procedure, 1973 (hereinafter referred to as ‘Cr.PC’), charge is framed by the court only if the Judge (the Magistrate – under Section 240 Cr.PC) is of the opinion that there is ground for presumption that the accused has committed an offence, .. Is there not a cloud on his innocence at that stage? Is it not a stage where his integrity is questioned? If so, is it not a stage where the person has come in conflict with law, and if so, is it desirable in a country governed by rule of law to entrust the executive power with such a person who is already in conflict with law? Will any reasonably prudent master leave the keys of his chest with a servant whose integrity is doubted ?....What to say more, a candidate involved in any criminal case and facing trial, is not appointed in any civil service because of the alleged criminal antecedents, until acquitted”.

(7) In view of the inaction on the part of Executive and the Legislature to check entry of persons facing serious criminal charges, *despite the unanimous Resolution adopted by the Parliament itself 21 years ago,*

intervention by the Apex Court was evidently necessary to restore and maintain the purity of our Temples of Democracy and to ensure that our elected representatives are men of character and integrity *as envisaged by the framers of our Constitution.*

(8) As held by this Hon'ble Court in the case of Vineet Narain,

"There are ample powers conferred by Article 32 read with Article 142 to make orders which have the effect of law by virtue of Article 141 and there is mended to all authorities to act in aid of the orders of this Courts as provided in Article 144 of the Constitution. In a catena of decisions of this Court this power has been recognised and exercised if need be, by issuing necessary directions to fill the vacuum till such time the legislature steps in to cover the gap or the executive discharges its role". The same view has been reiterated in several other cases wherein it was held that if there is a buffer zone unoccupied by Legislature or Executive, *which is detrimental to public interest, judiciary must occupy the field to sub-serve public interest.*

(9) Under the circumstances it was expedient in the interest of restoring and maintaining the purity of our legislative bodies that the question was answered in the affirmative and it was declared that, pending enactment of law in this regard, persons charge sheeted for offences punishable with imprisonment of 5 years or more shall be disqualified for becoming and being a legislator after one year from the date of framing of the charge(s) by the court and the Election Commission of India was asked to take requisite follow up action under Article 324 accordingly. However, while answering the issue in the negative the writ petition was disposed of vide judgment dated 25.9.2018 with certain cosmetic and unenforceable directions which cannot check entry of such persons in the legislatures.

A perusal of the judgment would show that

it is 'all sound and fury signifying nothing' and that it suffers from several grave errors of law apparent on the face of the record as detailed below -

- (1) While noticing in para 20 of the judgment Lok Prahar's contention that continuation of persons charge sheeted by the Court for an offence punishable with imprisonment of 5 years is violative of Article 14 of the Constitution in terms of the decisions in the cases of Narshima Rao and Subramanian Swamy the writ petition was disposed of *without deciding this issue.*
- (2) The Writ Petition was disposed of without addressing the other submissions made in para 6 of the intervention application that the aforesaid persons cannot be allowed to become legislators since Rule of Law has been held to be a basic feature of the Constitution and persons in conflict with law cannot be said to abide by the Constitution and abjure violence as required of every citizen by Article 51-A (a) and
  - (i) nor can they be said to owe allegiance to Constitution as stipulated in the oaths to be taken by them, as brought out in paras 6 to 8 of the judgment of Hon'ble Mr. Justice Joseph Kurian in the case of Manoj Narula.
- (3) The *judgment even failed to notice even the 21 years old unanimous Resolution of Parliament* on the occasion of the Golden Jubilee of Independence which began with the mandate to free *political life and process from criminalization.*
- (4) The conclusion in para 107 of the judgment that in view of separation of powers the directions sought to the Election Commission were not

constitutionally permissible is not in consonance with the other equally well accepted doctrine of ‘Checks and Balances’.

(5) While observing that the Law Commission’s recommendation for proposed amendment vividly exhibit “the concern of the society about the progressing trend to criminalisation in politics that has the proclivity and the propensity to send *shivers down the spine of constitutional democracy*”, the judgment ignored that these recommendations have not been acted upon for no valid reason.

(6) The judgment failed to appreciate and act, as per the role assigned to the Apex Court by the Constitution, on the deplorable situation that despite various reports, the unanimous Resolution of Parliament, recommendations of the Election Commission (1997), National Commission to Review the Working of the Constitution (2002), Department related Parliamentary Standing Committee on 15.3.2007 and Law Commission (2014), and repeated exhortations of the Apex Court *neither successive Parliaments nor the Central Governments had taken any action to tackle the problem of increasing criminalisation*.

(7) In view of the position stated above, going by opposition by the political class and deliberate inaction by the successive governments to any such electoral reform there was no basis at all for the observation in para 119 of the judgment that “*We are sure the law making wing of the democracy of this country will take it upon itself to cure the malignancy*”.

(8) The recommendation to Parliament in para 108 of the judgment even if acted upon, which itself is only a wishful proposition, will not provide any solution to the problem as the suggested measure is neither plausible and workable nor will it result in achieving decriminalisation of politics as imagined in the judgment.

(9) The observation in para 106 of the judgment that the Court cannot make the law is contrary to the decisions in cases of *Vishakha*, *Vineet Narain* and a host of other cases like the NJAC case which virtually rewrote the Constitution in the matter of appointment of judges.

(10) While endorsing the submission of the Id. Attorney General that the Court should not issue a mandamus to the Parliament to pass legislation but can only recommend, the judgment ignores that the Court *could certainly issue Mandamus to respondent no. 1 to at least bring up within indicated time limit suitable legislation to debar persons as per recommendations of NCRWC, the Election Commission of India and Law Commission*.

(11) The answer to the issue referred to the Constitution Bench for the decision is not in consonance with the law laid down in a catena of cases that where there is failure on the part of Legislature and Executive, the Apex Court can issue necessary directions to fill in the gap to sub-serve public good and that in exceptional circumstances where there is inaction by Executive, as in the present case, the judiciary must step in, in exercise of its constitutional obligations to provide solutions. Again, it has been held that it is permissible to issue directions if the law does not provide solution to a problem, as an interim measure, till the proper law is enacted by the Legislature as in the present case.

(12) The judgment is not in consonance with the following observations in the case of Vipulbhai M. Chaudhary Vs. Gujarat Cooperative Milk Marketing Federation Limited and others (2015) 8 SCC 1, which was directly applicable to the instant case -

“Where the Constitution has conceived a particular structure of certain institutions, the legislative bodies are bound to mould the statutes accordingly. Despite the constitutional mandate, if the legislative body concerned does not carry out the required structural changes in the statutes, then, it is the duty of the court to provide the statute with the meaning as per the Constitution. As a general rule of interpretation, no doubt, nothing is to be added to or taken from a statute. *However, when there are adequate grounds to justify an inference, it is the bounden duty of the court to do so.*” (Para 26), (emphasis supplied)) and

“In the background of the constitutional mandate, *the question is not what the statute does say but what the statute must say*. If the Act or the Rules or the bye-laws do not say what they should say in terms of the Constitution, *it is the duty of the court to read the constitutional spirit and concept into the Acts*”. (Para 42) (emphasis supplied).

The million dollar question is as to whether ‘We the People’ should remain remediless even when the successive governments shamelessly fail to act on the 21 years old unanimous Resolution of the Parliament. We can only hope that at least the ‘Custodian of the Constitution’ will not let down the Nation and review its aforesaid judgment in the facts and circumstances stated above.

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

## Hyderabad ‘encounter’: Taliban-style... Contd. from page 20 ...

Justice B G Kolse-Patil, a retired Bombay High Court judge, said police did not have the right to dispense justice. “Justice should be dispensed only by the courts. The Constitution has created three agencies like the legislative, the executive and the judiciary. Each has a role to play. They are inter-dependent,” he said.

Justice Kolse-Patil said even if an offence is committed in front of a judge, he cannot go to the court and convict the accused. “He will have to follow the due procedure of law. The judge will have to stand in the witness box and testify. The court will have to follow all the legal procedure before giving its ruling,” he said.

Justice Kolse-Patil said, “The judiciary is not able to deliver justice on time. The rulers, instead of strengthening the courts, are looking the other way. Instead of making courts ‘majboot’ (strong), they are making courts ‘majboor’ (helpless). This has led to frustration among justice seekers. As a result, people are celebrating out of court justice like it has happened in Hyderabad,” he said.

Justice Kolse-Patil said one particular agency should not be blamed for delay in dispensation of justice. “Sometimes the police, sometimes lawyers and even court too are responsible for delay in delivering verdicts,” he said.

Stopping short of criticising the police action, senior lawyer Ujjwal Nikam said, “The Hyderabad Police’s action should make the government and the judiciary introspect and take steps for quick delivery of justice in such heinous crime. It is necessary to restore people’s faith in the system, otherwise it will lead to anarchy in the country.”

Courtesy **The Indian Express**, December 7, 2019 

# In Man's Own Image

## By Ellen Roy and Sibnarayan Ray

### Part III Towards a free society-I

Simplified by Vinod Jain

In his continuing attempt to achieve individual freedom in social life, man has ever been faced with a dilemma on which his peace and welfare has been hanging; a dilemma which has often divided mankind into conflicting loyalties. It has always been a challenge to man's creative ingenuity, and which at times lead to great disasters.

That dilemma of freedom arises from the relation of individual to society. The individual for his very survival and security requires the help of a society of individuals. There are the individuals and their various inter-relations. These relations, partly subsisting in habits and customs, constitute the framework of a society; their existence, however, is conditional on the existence of the individuals.

The satisfaction of the needs and impulses of an individual or a group of individuals may deprive others of the satisfaction of their needs and impulses. It may even lead to the inhibition, persecution and enslaving of the deprived. As large number of individuals enter into social relationships, functional division of labour and responsibilities becomes necessary. In this division, some may specialize in certain type of functions which make them wield enormous influence, while others due to their place in social life are never given any opportunity to grow. In this kind of concentration of power in some and resultant inequity, the original purpose of social organization was forgotten. The aim of laws, conventions and institutions became the smooth and effective functioning of the machine (the social system). In consequence of this maladjustment, society came to appear as the enemy of the individual. And with society, the family, the church, the state, economic institutions and juristic conventions, tended to become means

of exploitation of the majority of individuals in a society by its privileged minority.

The problem has been basic in human history. We can here consider two major and most decisive trends which culminated after the European Renaissance into the social philosophies of liberalism and socialism.

#### 1. The Social Philosophy of Liberalism

The greatness of the liberal movement is proved by the decisive evidence that much of what is cherished in social history in the form of values, institutions, laws and customs are logically and empirically associated with liberal philosophy. From the glorious days of Athens to the recent resistance to totalitarianism in Europe (during world war), the sustaining framework and source of nourishment of human liberty, peace, welfare, decency, and creativeness have mostly been the liberal values and institutions.

The more important of the institutional expressions of this liberal social philosophy have been parliamentary polity, *laissez faire* economy, secular education and public administration, and a formally egalitarian legal and judicial system.

The most basic and abiding principle of liberalism is its recognition of the fact that the purpose of social organization is individual growth and welfare, that individual freedom is the supreme value in social life.

In its moral attitude liberalism is at least theoretically, egalitarian (believing that all people are equal and deserve equal rights and opportunities). Society is only a means to help individuals assert their human dignity and fulfil their individual potentialities of growth.

At a certain stage of its development, the liberal philosophy made a most paradoxical union of modern science with religious beliefs which described the character of the rationalist

movement in post renaissance Europe.

In this enthusiastic and unsound confusion of nature with society, of inorganic with organic, of the atom with the individual, of science with morality, liberalism simultaneously made great achievements and got involved in the process of its ultimate decay.

In the list of liberalism's abiding achievements is its recognition that (a) man is a unit in the law-governed universe (its implication is that going beyond human knowledge and into a spiritual area is *not* human nature); (b) its emphasis on the need of a scientific study of human beings and their conduct; (c) its assertion (following the case of atom in Physics) that the individual unit is the basic component of social institutions; (d) its stress on the objective and universal nature of human needs, values and modes of relational adjustment; (e) its belief that these universal modes are objective and can be grasped through rational enquiry and scientific investigation.

Liberalism introduced the method and spirit of the natural sciences to human life, thus laying the foundation of various anthropological and social sciences (like anthropology, psychology, economics, pedagogy, politics, jurisprudence), and creating the psychological atmosphere of a democratic social order in which freedom of opinion were a cherished value, the equal rights of citizenship were being at least theoretically accorded to every normal adult human being, toleration to dissenting voices became a normal attitude,

The rule of privileged persons or groups of persons on others came to be replaced by the impersonal authority of law. In short, liberalism laid the foundation of a free rational society of equal and responsible human beings.

And yet, despite its great achievements and abiding contributions, liberalism suffered from certain grave defects and inadequacies which ultimately brought about its ideological disintegration in the late 19th century and its institutional collapse after the first world war.

Ironically enough, what survived that crisis were those very elements of liberalism, ideological and institutional, which were its least abiding achievements and some of which were responsible for its disastrous end. This was the passage from renaissance liberalism to modern totalitarianism.

The first serious defect of liberalism derives from the principle of applying the method and outlook of science to the study of man and his society. In this, 18th and 19th century liberalism was handicapped by the absence of extensive and systematized knowledge about human nature. The Newtonian universe was conceived as a pattern of atoms existing in masses and set in motion by an external agency, energy or force; the atoms were conceived as inert. Applying this conception to human society as mass endowed with inertia and moved by forces and laws beyond the control of the atomic unit. This social perspective took away from the individual his creative potentiality; the individual was no more than the atomic medium.

Society was believed to have certain "natural" laws; these were universal, immutable, causally determined; they had the perfection of a geometrical theorem. The liberals tacitly believed that God had ordained natural processes to subserve human ends, the perfection of a geometrical theorem was invested with a moral perfection, thus taking away from the human individual his distinctive attribute of moral endeavor. The liberal finally reduced individuality to atomic inertia. This reduction of individuality and reason into elements and "natural laws" in the name of science was also taken over by the "scientific socialists".

The fallacy of the position is quite obvious. Basing itself on the prevailing mechanical materialism of the "natural sciences", liberalism could not explain its own cherished values. In this process the human individual was utterly annihilated. Yet this was not necessary. The universe is surely law-governed; but there is no

evidence to think it is moral. Morality is postulated (suggest or accept that (something) is true, as a basis for a theory or discussion) on will, feeling and consciousness. The human individual, because he can feel, can choose, and know, is alone capable of becoming a moral agent. But the liberal did not think in these terms.

There were certain disastrous practical consequences issuing from this false identification of man and nature in liberal philosophy.

The first of these consequences is seen in the liberal theory of the state. The state is a creation of human ingenuity. It was devised to help in the growth and development of the individuals composing it. But the liberal dissociated state from society. Society (he thought) was based on the natural laws of providence. The liberal thought of the state as a negative restrictive agency—kind of police (that) may see that the individuals obeyed the laws. This is the basic assumption of *laissez faire* social philosophy. It suggests that the state is a coercive institution and not essential to social life. On the other, it suggests that the sanction of state is force and power, not the reason or moral sense of man. It prepares the ground for the totalitarian power states. The logical culmination of the liberal theory of state was first anarchism and then totalitarianism.

The second weak spot of liberal philosophy was its concept of “economic man”. In the 18th and early 19th centuries the phenomenal growth of the new economy demanded elaborately analytical study of its principles and processes. The traders and Industrialists had come to displace other social groups in the control of the social order. A science of economics developed. Between the physiocrats and Malthus, Western Europe constructed the new departmental science of economics. The economic interpreter of history, Marx, on his own admission, only give the finishing touch of a master theoretician to the ideas which had come to hold together the social understanding of the average intelligent man of Western Europe since Vico and Locke.

Liberalism, which had developed out of the multifold creativeness of the man of the renaissance, artists and adventurers, scholars and trader-industrialists, philosophers and social “revolutionaries”, scientists, technicians, explorers and legislators attenuated (make weaker) into an attitude to sterile indifference to all human activities except the economic, and thence into a fast using defence of the concepts of private ownership, profit-motive, effective demand and “free trade”.

Centering round the concept of the economic man was evolved a moral outlook which ultimately denied the original spirit of liberal ethics and prepared the psychological background for modern totalitarianism.

Further, by reducing the state to a negative institution and deriving its sanction from concentrated coercive power, liberalism in practice reduced political activity to scramble for power. This had several ruinous consequences. It repelled the more detached and enlightened members of society from participation in political life; it reduced administration into governance; it created an atmosphere in which the *demos* developed a lust for power without any sense of responsibility or desire for creative work through the state. The formalization of democracy marked the beginning of the process of its own dissolution; for, in this atmosphere, unscrupulous demagogues and power politicians came to wield enormous control by inciting mass violence.

Finally, what hastened the collapse of the liberal order was the obvious existence of gross economic inequality in liberal society under the credo of non-interference in the “natural process” of social adjustment. In these circumstances liberalism had either to restate its philosophy and radically reconstruct its institutional framework or succumb. In most countries during the period between the two world wars in the present century liberalism succumbed before the onslaught of aggressive totalitarian forces.

To be continued... 

## **Minutes of the Board of Trustees Meeting held on 16th- 17th November 2019 at Pune**

**The following members/invitee members attended the BoT Meeting:**

1. Dr. Ramesh Awasthi	9. Apurba Dasgupta
2. N.D. Pancholi	10. Sheo Raj Singh
3. Kiran Nanavati	11. Bhaskar Sur
4. S.C. Jain	12. Rajender K. Sharma
5. S.C. Varma	13. Sangeeta Mall
6. Mahi Pal Singh	14. Debabrata Pal
7. Mohd. Nazimuddin	15. K. Srinivasa Chary
8. G. Veeranna	

**Dr. Ramesh Awasthi presided over the meeting.**

1. First of all the members stood in silence to pay their tributes to Sh. Narottam Vyas, a life trustee of the IRI, who died on 4th July 2019 and Prof. Suman Oak, a staunch rationalist and radical humanist who died on 25th October 2019, in the period after the last BoT meeting on 6th April 2019.

2. Then the minutes of the BoT meeting held on 6th April 2019 at GPF, New Delhi were presented, discussed and approved.

3. Regarding 13, Mohini Road, Dehra Dun the opinion of the Trustees was that no decision can be taken unless the judgment comes from the Uttarakhand High Court. It was decided to wait for the judgment and take a decision at an appropriate time after that.

4. The proposal of Ms. Anjali Chakraborty to hold a seminar on 'Presidential Democracy is a need of the hour?' was not accepted as it was felt that more pressing issues face the country which need more and immediate attention.

5. The Editorial Board of The Radical Humanist was reconstituted. Now the members of the Editorial Board are: Dr. Ramesh Awasthi, N.D. Pancholi, Dipavali Sen and Sangeeta Mall.

6. Dr. R.M. Pal's long-standing proposal to declare Prof. Sibnarayan Ray's biography of M.N. Roy as the official biography by the IRI

was not accepted.

7. It was decided to hold the next BoT Meeting at Inkollu, near Chirala in Andhra Pradesh on 9th and 10th February. (The decision to hold the next meeting was, however, postponed by the BoT Members through a unanimous resolution.)

8. It was decided to revive the IRHA through activities and to hold the first such meeting/seminar at Delhi by IRHA, Delhi. It was also decided that study camps in collaboration with various rationalist organizations, NGOs, human rights groups etc. should be organized.

9. Ms. Sangeeta Mall volunteered and was entrusted with the task of finding out ways and means to make available to the IRHA the funds lying in the account of IRHA at Mumbai to improve its functioning.

10. Mahi Pal Singh was made a life trustee to fill in the vacancy created by the demise of Sh. Narottam Vyas. The vacancy of an elected trustee created by the elevation of Mahi Pal Singh as life trustee was filled by electing Mr. Sheo Raj Singh as a trustee.

11. It was decided to approach Renaissance Publishers for publication of Roy's books on condition of purchase of 100 copies by the IRI.

In the evening on 16th November, 2019

a discussion on ‘Challenges to Rationalist Movements in India: What is the way Forward?’ was held. Dr. Hamid Dabholkar of Maharashtra Andhashraddha Nirmulan Samiti, Maharashtra, Mr. Avinash Patil, National Vice-President of Federation of Indian Rationalist Association, Maharashtra, G. Veeranna, President, Andhra Pradesh Rationalist Association, K. Srivanasa Chary, Vice-President of Andhra Pradesh Rationalist association and Mr. Kiran Nanavati, member of the Board of Trustees, IRI gave their

presentations. Mr. N.D. Pancholi, Vice-Chairman, IRI and Dr. Ramesh Awasthi, Chairman, IRI, also addressed the meeting to introduce Indian Renaissance Institute and its activities to the audience.

On 17th November 2019 a discussion on the ‘Political Situation in the Country and the Role of Radical Humanists’ was held in which Dr. Awasthi, N.D. Pancholi, Bhaskar Sur and other members took part.

**Mahi Pal Singh** (Secretary, IRI)

12 December 2019 

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*Two papers presented at the seminar on ‘Challenges to the Rationalist Movements in India: What is the way Forward?’, 16th November 2019, Pune.*

## **Challenges to Rationalist Movements in India: What is the way Forward?**

**Dr. Gumma Veeranna**

I am Dr. Gumma Veeranna, President of Andhra Pradesh Rationalist Association and Vice-president of Rationalist Association of India. I have been working in the Rationalist and Humanist movements for the last 40 years. I am the author of more than 10 books in Telugu and I translated six books from English to Telugu including M.N. Roy’s Science and Philosophy and V.M. Tarkunde’s Radical Humanism. I was awarded Ph.D. degree by Potti Sreeramulu Telugu University in 2016 for my research work on the ‘writings of Ravipudi Venkatadri – Rationalism and Humanism’.

Andhra Pradesh Rationalist Association is established in May, 1979 at Eluru, West Godavari District of Andhra Pradesh. A. Suryanarayana, the then General Secretary of Indian Rationalist Association, Madras and M.V. Ramamurthy, Hyderabad persuaded Ravipudi Venkatadri to accept the post of the president of A. P. R. A. Accordingly R. Venkatadri was elected as the president of the

association. Indian Rationalist Association is the continuation of Rationalist Association of India which was started in Bombay in 1930. It was reestablished in 1949 with the initiation of Ramanathan of Madras. Our A.P.R.A. is affiliated to Rationalist Association of India (RAI). Similarly Kerala Rationalist Association [Yuktivada Sangham] and Telangana Rationalist Association are also affiliated to R.A.I.

R. Venkatadri started a school at his native village Nagandla in Prakasham district of A.P. in 1943 in memory of Tripurani Ramaswamy, a great writer and critique of Puranas. Venkatadri attended study camps held at Dehradun and Mussorie organized by M.N. Roy during 1940’s. He started writing books since 1946 and published more than 80 books on Rationalism, Religion, Science, Secularism, Atheism, Marxism and Humanism etc.

He started a monthly magazine ‘Hetuvadi’ [Rationalist] in 1982 in order to achieve the aims and objectives of R.A.I. As the editor of the

magazine he is publishing it continuously for the last 38 years without interruption. He also started 'Hema Publications' in 1993 and published more than 100 titles on Rationalism and Humanism. He segregated his books subject wise and reprinted them in 23 volumes. On invitation he gave lectures in many universities in A.P. At present his age is 98 and he is translating his books from Telugu to English. He is active and attending study camps and conferences. He is called as 'Andhra M.N.Roy'. He received Kaviraju Tripuramani Ramaswamy Trust award with Rs.100000 for his lifetime achievement in rationalist movement from K.R. Narayanan, the then Vice president of India in 1996.

A.P.R.A. has conducted hundreds of study camps on Rationalism and Humanism. Annual conferences of R.A.I. and biennial conferences of A.P.R.A. were conducted regularly at different places since 1979. Seminars, debates, training camps and public meetings were organized by the association. At present Dariya Vali is the general secretary of A.P.R.A.

The literature produced by A.P.R.A. is unique and I think there is no other state which has produced such literature in any language. Kerala Rationalist Association [Yuktivada Sangham] is also publishing a monthly magazine 'Yukti Rajyam'. They are also publishing rationalist and humanist literature in Malayalam and English.

Thousands of readers are being influenced by our literature. Many new writers and speakers are emerging and they are actively participating in the Rationalist and Humanist movement. We conducted successfully the silver jubilee celebrations of A.P.R.A. in 2004, Silver jubilee of 'hetuvadi' magazine in 2007. We are planning to conduct annual conference of R.A.I., biennial conference of A.P.R.A. and anniversary function of Radical Humanist Center including 99th birthday celebrations of.

Ravipudi Venkatadri at Inkollu during 8th, 9th, and 10th of February 2020.

Ravi Subbarao, retired post master and radical humanist donated 10 cents of land at Inkollu, Prakasham Dist, A.P. With the help of rationalist friends we built 'Radical Humanist Center' having Meeting Hall, Library Room and Guest Room. Now it is working as head quarters office for Rationalist movement in A.P. and Telangana.

At present Ravipudi Venkatadri is the chairman and Srinivas Pattathanam is the vice-chairman of I.R.A. Kurra Hanumantharao is the president, Dr. Gumma Veeranna and Dr. PRaghavan are the vice presidents of I.R.A. Meduri Satyanarayana is the general secretary and Shaik Babu is the treasurer.

Telangana Rationalist Association was formed in 2014 when the state is divided and Telangana state is formed. Several study camps were organized in Hyderabad and Toopran in Medak district. Biennial conferences were also conducted. At present Adiyala Shankar is the president of the Telangana Rationalist Association. K. Srinivasa Chary is the vice president and Jitta Venkatesham is the general secretary of the association.

### **Rationalist movement is facing major problems throughout the country. Let us consider some of them.**

- Old generation is gradually disappearing and no new generation is emerging in its place in the Rationalist Movement.
- Religious fanatics are attacking the leaders of the rationalists in the movement and outside the movement. They are killing the persons who talk or write about the religious superstitions. The murders of Narendra Dabholkar, Kalburgi, Gauri Lankesh etc. are some of them.

- B.J.P. Government is adopting and implementing fascist and anti-democratic policies throughout the country.
- There is threat to the fundamental rights of the people assured by our constitution. Undeclared emergency conditions are prevailing in the country. People are not aware of the present political situation.
- Some people are making complaints to the police against the rationalists and the concerned state governments are also taking actions by arresting the rationalists.
- When Dr Innaiah Narishetti organized a meeting at press club in Hyderabad in which Taslima Nasreen was participated, some of the muslim fanatics attacked the meeting with the support of local muslim M.L.A.
- One of the rationalist friend collected some published essays written by different authors criticizing Islam and reprinted as a book. He was arrested by the police and put in a jail. N. Innaiah and M. Subbarao also arrested on that occasion since their addresses were given in the book for obtaining copies of the book.
- In another occasion Viswa Hindu Parishad people destroyed our meeting when we are explaining the causes of solar and lunar eclipses in Hyderabad.

**Remedies to overcome the above problems: The following actions may help us to face the above problems.**

- Literature is very important tool to bring the philosophical revolution in Indian society. Therefore publication and distribution of literature should be continued in all Indian languages. Printing and distribution of small

- booklets in different languages is essential.
- We have to make arrangements for translation our literature from one language to another language.
- We have to influence students and youth by conducting special programs in their schools, colleges and Universities.
- We have to make arrangements to utilize the print and electronic media. Without the support of electronic media it is not possible to spread our ideology in the public.
- We have to strengthen our radical humanist movement by creating new branches in the states and conduct regular meetings.
- Arrangements may be made to reach our literature to all the government and non-government libraries in the country.
- Utilization of social media is also very important. We have to create WhatsApp groups and send messages and opinions on the public issues.
- Similarly capable persons may write on the current national problems to the daily news papers in the country.

People should be educated about the dangers of religious fundamentalism as well as fascism in India. 

<sup>1</sup> *Kali Chaudas* is a day preceding annual festival Diwali among Hindus.

There is a popular belief linking exorcism and ghost related rituals in Hindu crematoriums during midnight of *Kali Chaudas*. So, it is believed that ghosts or souls would visit crematorium during this night every year.

<sup>2</sup> Banerjee A, Dave N; *On Kali Chaudas, AMC turns ghostbusters*; Ahmedabad Mirror; 28/11/2019; p4

<sup>3</sup> Fifteenth day, a first full moon, after annual festival Diwali.

<sup>4</sup> Advertisement; Gujarat Samachar, 28/5/2019.

# Rationalist Movement and Challenges in Gujarat

## A paper for Indian Renaissance Institute Meeting on November 16, 2019

### At S. M. Joshi Hall, Pune.

**Kiran Nanavati**

Gujarat experienced its own share of upheaval while struggling to spread rationalism and scientific temper in the society. A bold attempt seen during first half of twentieth century is in way of a publication *Ishwar No Inkaar* (Negating god) by Narsinh Patel and it became more known only when the movement was structured in later half of century. Dr. Abrham Kovoov from Sri Lanka visiting Gujarat in early seventies encouraged few activists to take up the cause. His lecture-cum-demonstration on miracle exposure and demystifying myths behind rituals enthused several reformists. Couple of organisations launched included Gujarat Rationalist Association (GRA) and Vadodara Rationalist Association to initiate deliberations on subject.

Gujaratis in Mumbai braced up for this cause in mid-seventies. Yahyabhai Lokhandwala, then president of Indian Rationalist Association, joined hands with his colleague M. K Samant to lure youths. Thus, a group of Gujarati youth floated *Chamatkar Chakasani Kendra* (Miracle Scrutiny Centre) and Marathi group launched *Lok Vigyan Sangathan* (Peoples' Science Assembly). They were tasked to learn experiments popular as miracles, including hypnosis to denounce witchcraft. Print media and Doordarshan television channel (only channel at that time) in their respective languages took note of this. Their telecast popularized the concept and set the ball rolling in Mumbai.

*Maharashtra Vigyan Jatha* (Maharashtra Science Pilgrimage) in early eighties was thumping success. Yahyabhai passed on this success story to Gujarati youths and lured them to replicate it for Gujarat. He delegated the mission to Ajay Rationalist and Kiran Nanavati

(are now known as Ajay-Kiran duo). They travelled across Gujarat to contact, coordinate and arrange fifteen days long programmes itinerary for 40cities, towns and villages. B. Premanand from Tamil Nadu led *Gujarat Vigyan Yatra* (Gujarat Science Pilgrimage) in early eighties and his challenge of "rupees one lac reward for flawless miracle" conveyed desired message to mainstream society. The event also helped reach out to reformists spread across State. This eventually linked people who were eager to spread such awareness in society. Contact list from *Vigyan Yatra* was further enriched and first successful rationalist conference, called *Buddhishtha Sammelan*, was held under convenership of Jayanti Patel, already a forerunner in various reforms including propagating humanism.

Humanist Movement was ingrained in Gujarat since 1940's under leadership of Chandrakant Daru; thus efforts to promote secular, rationalist and scientific attitude was already underway. Many such humanists joined rationalist movement, along with others including thinkers, professors, writers and progressive individuals across social strata. Couple of successful *sammelans* in different parts of Gujarat facilitated revitalizing erstwhile Gujarat Rationalist Association (GRA), which had been dormant for long time; Bipin Shroff, a humanist was entrusted leading the same.

1980's and 1990's witnessed upsurge of rationalist movement in Gujarat with enthusiastic activists in various regions individually and jointly emerging with novel ideas to counter so-called miraculous incidents; ideas evolved for vivid activities; miracle-exposure programmes; experimenting and

formulating 2-day curriculum for teaching such programmes; identifying and inducting new faces; challenging and exposing so-called miracles; seeking judiciary's intervention in appropriate cases; utilizing print media by writing articles, publishing booklets, periodicals, opinion in newspapers; lectures in educational institutes; exploring digital media of All India Radio and Doordarshan by way of interviews, talks, dramatics.

Media suitably acknowledged. Various column writers focused on perils of superstitions and powers of scientific temper. Mainstream veteran author and columnist Yasin Dalal succeeded in publishing such views in most widely circulated Gujarati daily. Likewise, Raman Pathak could get a weekly column named after him in reputed daily of south Gujarat and fearlessly expressed his views for many years. Two monthly periodicals dedicated only for this cause included 'Rationalist Patrika' by Ajay-Kiran duo launched in mid-eighties and published for a decade. This was soon followed by 'Vaishwik Manavvad' (Global Humanism) initially groomed by Jayanti Patel and went on for longer duration. 'Satyanveshan' by *Satya Shodhak Sabha*, started much earlier and steered by Babubhai Desai for long time, is ongoing while covering various social awareness topics along with rationalism. Dr. B. A. Parikh, also at helm of *Sabha*, authored *Vigyanane Alaukik Ghatanao* (Science & Supernatural Occurrences) explained basics and was widely circulated across Gujarat. Altering surnames to suit ideology is not new. Gujarat also witnessed new surnames like Rationalist, Vidrohi (rebel), Jadugar (magician) and Skeptic.

It was a long struggle by many and in varied capacity. One of the foremost achievement of this struggle was of altering societal opinion towards rationalism, albeit cursorily. Term *nastik* (atheist) tagged immoral had become

acceptable; 'rationalism' had entered as new terminology in vocabulary.

This has been outcome of many activists across Gujarat struggling from the front; naming few ground-level ones apart from those already mentioned include Jeram Desai, Sombhai Prajapati, Natubhai Patel Zingara, Abdul Vakani, Bhupesh Shah, Chatur Jadugar, Lankesh Chakravarty, Jamnadas Kotecha and many others. There have been numerous others as well, and this is not entire list of activists even till mid-nineties. Number of people will be well beyond couple of hundreds when we count even those who kept joining the struggle as time moved on and have been carrying the torch even in present times. It is not be possible to mention all names, but their contribution cannot be undermined for success of the movement.

Activities stabilised by later half of nineties. Several activists moved on and new faces, younger as well as seniors, were joining the movement. Endeavor to propagate rational values in society continued unabated. Several activities continued and new ones emerged. Onset of digitalization helped carve new set of interventions. Most activities already listed are continuing at ground level under umbrella organisation Gujarat Mumbai Rationalist Association (GMRA).

Major ongoing successful events include spending *kali chaudas* 1 night at crematorium for conveying fallacy of ghosts visiting the site during nights; miracle-exposure demonstrations; donating body of deceased relatives to medical colleges; workshops on various subjects like denouncing astrology with facts of astronomy; exposing so-called miracles. Print media is accommodating more writers inscribing rational values, as columnists and also in the relevant news; local television news channels conduct debates on such issues while inviting rationalist among penalists; advocacy with government for necessary

actions, wherever applicable. It is heartening that few government officials are able support the cause, media highlight that as well and activists laud their initiatives.

Ahmedabad Municipal Corporation (AMC) along with GMRA undertook an awareness drive at the Saptarishi Moksh Dham (crematorium) to dispel the myths and superstition associated with *Kali Chaudas*. This is first instance of AMC participating. ... “AMC played active role this time. It removed the items people leave on crossroads as part of the rituals in the night itself; as these things are accident hazards” –*Lankesh Chakravarty, Rationalist*. ... “Through this drive, we wanted to create an awareness that there are no ghosts and no magic. These are just tricks. We deliberately held the programme at a crematorium.” –*Bhavin Solanki, AMC incharge health officer*.<sup>2</sup>

Digitalization has been round the corner since onset of this century and Gujaratis have been utilizing benefits of social media; commenting and posting opinions on anti-superstitions events, uploading video document serial on fundamentals of rationalism, operating blogs for uploading views and literatures. There have been few efforts by rationalist-activists that have not been fructifying since long; Engendering by increasing women activists (transgender has not yet been in focus); establishing administrative structure from district-level upwards. However, efforts to realize them are ongoing.

Communalism was knocking the door since more than two decades and Gujarat soon became synonym with it. Activists were already finding ways to tackle their unacceptability in mainstream society; debates are still around basic issues like whether it is appropriate to participate in religious rituals in family. However, these are non-threatening issues when we look at the larger challenges rationalist face in propagating rational values.

Difficulties intensified when societal opinions for religious freedom altered drastically with changes in polity. There was time when people opposing rational values used means ranging from debates and brawl to open conflicts; it also involved physical threats sometimes. However, State apparatus used to intervene and douse the matter, just like they do in any other public clatters.

A case of rationalists intervening in witchcraft ritual among tribal in Shamlaji, a town bordering Rajasthan, makes perfect case of physical attacks. On *Kartiki Poornima*<sup>3</sup> tribals visit a area having small poodles of knee-deep water in outskirts of Shamlaji. A family would bring a person (mostly female) believed as witch-possessed. Father and/or brothers and other relatives forcefully dip this person in water in semi-nude condition, splashing water continuously till witch is presumed to have left the body. We visited during mid-nineties with intent to spread awareness, without much success though. During one such visit, when political scenario had altered and right wing forces had taken over State administration, group of youths flaunting sticks and dagger attacked us. They initially started verbal altercation like letting people continue their traditional faiths and non-Hindus be rebuked for ills in their rituals. Local police intervened when one of us was beaten. They took us to police station and then escorted us till we were safe and out of district boundary.

One of the leading frontline High Court lawyers took up the case that led it to curb evils in the practices. High Court directed administration to segregate bathing places with curtains for women and men and prohibit any violence. However, we could not get similar judgement in public interest litigation (PIL) for a ritual wherein large quantity of ghee is drained on roads in one night. This has been going on since centuries in a village Rupal of Gandhinagar district. This ghee is poured over

wooden *Palli*, a sort of palanquin. This procession of this *palli* is taken around village. It stops at every crossroads, each having drums and tractors full of ghee, which is poured over *palli* and it runs on roads. Traditionally, it is said that only Valmiki Community (sanitation workers) members have the right to collect ghee-running-on-road and use it; presumably because they have a duty to keep village clean. A newspaper reported that in 1994, 25,000 kilogram of ghee was poured in one night; this has now reached to around 4 lac kilogram worth about Rs.20 crore in 2019. Our endeavour of PIL in mid-nineties to alter the practice just a bit did not go well in High Court. The please was to not allow ghee to run to ground, but collect it in pure form and use it as they please. We were to learn later that we could have argued the case differently for receiving desired judgement. Though, frontline activists were under threat and abuse throughout the struggle.

This has changed now. Not only in *Pallicase*, but also in other activities to wade of superstitions. The latest being, organisers of public events encounter messages in person or over phone with a curt request to refrain from such activites. This is like a silent threat to organisers to refrain from such activities. They have command over the situation and

therefore do not feel the need of taking violent measures to pass on the message. Administration is on their side by aiding Hindu sentiments. Some of the instances worth mentioning are; booklet by State Ministry on pilgrim places avoids mentioning non-Hindu places; Government department conducting workshops on training on religious rituals and also advertising it.

**Ritual Training Course for Garo-Brahmin Community:** A training course is arranged at Vadodara district for youths of Garo-Brahmin, an extremely backward community among Schedule Caste, for imparting various cultures in them so they can avail alternative employment ... (details of eligibility, timings etc.) ... -R.B. Vasava, Dy. Director, Schedule Caste Welfare, Vadodara.<sup>4</sup>

Rationalist-activists were quick to object. Though such objections notwithstanding, State continues its march towards such Hinduisation. When monsoon was delayed this year, Chief Minister planned yagna for good monsoon, but retracted after severe objections. Thus challenges are no longer limited to tackling mere religious outlook of society, they have now widened with a need to wrestle with administration also while trying to develop the scientific temper, humanism and the spirit of inquiry and reform. 

## The fountainhead of India's ...

The slowing down of China's economy and exports has opened up a large export opportunity for India to fill. India should aim to garner an elephant's share of this export opportunity by fostering a climate of confidence and economic dynamism away from the current climate of fear, distrust and pessimism. With the government having an absolute majority in the Lok Sabha and the global oil prices being low, this is a once-in-a-generation economic opportunity to catapult India to the next phase of economic development and create new jobs for hundreds of millions of our youth. I urge the Prime Minister to set aside his deep-rooted suspicion of industrialists and entrepreneurs and nurse us back to a confident and mutually trustworthy society that can revive the animal spirits and help our economy soar.

**Contd. from page 24 ...**

**Dr. Manmohan Singh was the Prime Minister of India from 2004 to 2014**

November 18, 2019 

## Board of Trustees Meeting, Indian Renaissance Institute, 16 November 2019, Pune



From Left: Satish Chandra Varma (Treasurer), N.D. Pancholi (Vice-Chairman),  
Mahi Pal Singh (Secretary), Dr. Ramesh Awasthi (Chairman)

**Meeting of THE INDIAN RENAISSANCE INSTITUTE  
(Founded by M.N. Roy, Ellen Roy, V.M. Tarkunde and V.B.  
Karnik) on 'Challenges to Rationalist Movements in India:  
What is the way Forward?' on 16 November 2019 at S.M.  
Joshi Socialist Foundation, PUNE**



From Left: Dr. Veeranna Gumma, Hamid Dabholkar,  
Dr. Ramesh Awasthi, K. Srinivasa Chary and Kiran Nanavati

**M.N. Roy, great  
freedom fighter,  
visionary political  
thinker and  
intellectual activist,  
prolific writer,  
crusader for  
individual freedom  
and founder of the  
philosophy of  
Radical Humanism.**

**On his sixty-fifth  
death anniversary  
this month we pay  
our respectful  
tributes to the all  
time great  
humanist.**

**(21 March 1887 –  
25 January 1954)**

