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Govt's ego problem coming in way of resolving issues, says farmer union leader

A stalemate continued on January 4 between the government and a representative group of thousands of protesting farmers, as the unions stuck to their demand for the repeal of three farm laws right from the beginning of the meeting even as the ministers listed various benefits of the Acts. Protesting farmers who have been camping at Delhi borders for the last 40 days braving the bone-chilling cold and now rains have threatened to intensify their protest if their two major demands — repeal of the three new farm laws and legal backing for the minimum support price (MSP) — are not accepted by the government. The farmer unions have said they will take out a tractor parade towards Delhi on January 26, Republic Day, if their demands are not met.

(Deccan Herald, Jan 5, 2021)



It's not the government's ego; it is just one man's ego who wants to go down in history as a strong man of India in highest office. He is taking the country down along with himself.

— Dr. Ramesh Awasthi, Chairman, Indian Renaissance Institute

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Editorial :

One Man's Ego Stalemating Solution to the Farmers' Agitation

Mahi Pal Singh

The farmers' agitation demanding the repeal of the three farm laws passed by the centre which the farmers view as anti-farmers, and for giving a legal status to the Minimum Support Price (MSP) for their farm produce is still continuing even after sixty days as on 23rd January 2021. A solution to the problem does not seem to be in sight as the farmers who have been agitating at the Delhi borders braving extreme cold and rain for the last two months are not ready to settle for anything less as they are facing a threat to their very survival in the form of these three farm laws. Ten rounds of talks with the group of ministers till 20th of January have not yielded any acceptable solution to the biggest farmer crisis since independence. In the last meeting the government side offered to put on hold the implementation of the controversial laws for 1-1.5 year, which in any case have been put on hold by the Supreme Court for the time being, to discuss and find a solution through a common committee. The farmers' unions perceive it merely as a tactic to bring about an end to their agitation and not as a genuine attempt to solve their problems which, in any case have been forced upon them by the central government itself through these farm laws. That is why the farmers' unions have decided to reject the government's proposal and to continue their agitation although during this agitation no less than 147 farmers have died at the Delhi borders because of extremely inimical weather conditions, some of them committing suicide in protest against the anti-farmer attitude of the Modi government. They have also decided to go ahead with their plan to hold their tractor parade on Delhi's Outer Ring Road on the

Republic Day, 26th January 2021 peacefully and in a dignified manner. On the other hand the Narendra Modi led National Democratic Alliance (NDA) government is adamant on not repealing the three farm laws and giving a legal guarantee for MSP. It is also trying to stop their tractor parade through police intervention which is directly under the Union Government's Home Ministry headed by Amit Shah.

The government's attitude from the very beginning of their agitation has been anti-farmer. As the agitation progressively intensified, the BJP also intensified its attacks on the agitation. First they said that it was an agitation of Punjab and Haryana farmers only. Then their Ministers, Chief Ministers, MPs, party functionaries and party spoke persons started defaming the agitation by alleging that it was being led by Naxals, Khalistanis, China and Pak supporters, leftists etc. etc. and that it was being supported financially by anti-India forces sitting in foreign countries and that the so-called farmers were enjoying sumptuous meals and facilities at the Delhi borders. 40 farmer leaders and those running the *langar* for the farmers gathered there have been snapped with NIA notices to discourage them from supporting the agitation. From the very beginning of the agitation, all the party functionaries including the Prime Minister, Narendra Modi himself, have been saying that the agitating farmers did not represent the whole farming community. They went on addressing clusters of farmers in Gujarat, Madhya Pradesh and elsewhere telling them that the farm laws were for their benefit and that the agitating farmers were trying to deprive them of these benefits. They tried to bring about a division

among the farmers. Obviously at the behest of the BJP, one or two groups of farmers belonging to the BJP got themselves registered in December 2020 and went to the Agriculture Minister supporting the farm laws. BJP supporting intellectuals started issuing statements in favour of the controversial farm laws. Four of them even found place in the Supreme Court formed committee to look into the whole issue of the laws, the farmers' demands etc. and come out with a report. This reminds one of committed judiciary which was witnessed earlier during the regime of Mrs. Indira Gandhi. Of course, as the farmers had declared a day before the announcement of the committee by the Supreme Court that they would not go before that committee as it was a political question and only the government and the farmers' unions could decide the matter through talks. After watching the composition of the committee, they became doubly sure that it was not meant to redress their grievances.

Because of the money and political power that Prime Minister Mr. Narendra Modi wields, a very large section of the electronic and print media has been neglecting or opposing the farmers' point of view and supporting the government's side, even the mud-slinging on the farmers by calling the farmers Naxals, Khalistanis anti-nationals, pro-Pakistan and pro-China etc by the leaders of the BJP including its ministers, chief ministers MPs and party spokesmen, because it has become the BJP's and Modi's '*god media*' as defined by Ravish Kumar of NDTV. This phrase brings to mind two similar phrases – 'laptop' and 'lapdog', of course the latter being very close in character and appropriate for this phrase. Ever since the BJP came to power in 2014 and Mr. Narendra Modi headed the BJP led NDA government, the so-called '*god-media*' has been singing paeans in his praise, even for his militaristic and ultra nationalistic utterances which have done no good to the country in any way, attributing

even the valour of our defence forces to him, and criticizing only the opposition leaders and parties, practically running a parallel election campaign in favour of the BJP and its leader. In a democracy the media is supposed to be a watchdog of human rights and to raise people's issues and question the policies and actions of the government which seem to go against the people. But except a few honourable exceptions, by and large the media has rid itself of this sacred duty. Otherwise, how does one see its deafening silence on the death of 174 agitating farmers which has failed to attract the attention, not to speak of any sympathy or words of condolence by Mr. Modi or other BJP leaders on their tragic demise, leaving behind their weeping families. Of course, there is absolutely no question of declaring any financial aid to the bereaved families by the government. Of course, understanding the nature of Mr. Modi and the BJP, nobody expected such a gesture of sympathy and kindness from them.

Mr. Modi and his party, the BJP, have been showing utter contempt for the farming community agitating for saving themselves from the grave danger to their survival they see looming large in the form of the three farm laws. On the other hand they have been describing these laws as beneficial to the farming community. They have said time and again that the farmers are being misled. This clearly shows that they are treating the farmers as a bunch of uneducated fools who do not know what is good or bad for them although there are hundreds, nay thousands, of farmers who are more educated than Mr. Modi himself and anybody else in his cabinet or party. If Mr. Modi is really concerned for the welfare of the farmers, he should be sympathetic to the women, old men and even children who are gathered at the Delhi borders. He should immediately, in fact he should have already done so earlier, repeal the three farm laws as demanded by the farmers and provide a legal framework for MSP for the farm

produce. If the farmers are really fools and do not want to gain from his farm bills, as he is alleging, he should tell them to 'go to hell' and repeal the acts and leave them alone, to prosper or perish at their own free will, as any other sane person would have done. But he is bent upon thrusting the promised future benefits down their necks in spite of their strong resistance, as he did in the case of demonetization, which, of course, never came. The problem is that, as alleged by the farmers, he has pawned his conscience in exchange for the coffers of Adani and Ambani for his election funds. After all his only priority is winning elections and keeping himself in power and he can do so only in the way he has done it so far, through use of money power, ultra-nationalistic utterances, dividing and polarizing people on religious basis, militaristic gimmicks and controlling media to his advantage, even if he has to put behind the bars hundreds of dissenting writers and intellectuals on false and concocted charges for it.

The heartlessness of Modi did not attract the media attention when hundreds of people died because of the ill-thought demonetization move imposed by him and he did not utter a single word of sympathy for the dead and their families, or for those who died or lost their jobs because of the hastily and ill-planned GST, or for those who died on their way home after losing their jobs and livelihoods suddenly as a result of sudden and abrupt imposition of lock down in the wake of Covid-19 outbreak without proper planning by the Prime Minister, walking on foot along with their families for hundreds of kilometers. It is good that he sympathized with those 23 people who died under the roof of the hall of a crematorium in Muradnagar in U.P. and quickly declared a financial aid of Rs. 2 lakh to each of the victims's families. It is also welcome that he quickly reacted to condole the deaths of 5 workers of the Serum Institute, the Covishield manufacturing unit at Pune, in a fire incident

on 21st January, 2021. Nobody can have any objection on his calling Saurav Ganguli, a former Indian cricket captain, to enquire about his health when the latter came out of a hospital in Kolkata after being treated for a minor heart problem even if Mr. Modi was enamored of him because there were rumors of his joining the BJP in West Bengal which is expected to go to the polls in a few months and Mr. Modi and his party are hell-bent at winning the assembly elections there by all means, fair or foul. All these incidents have been sincerely and meticulously reported in the media with words of praise showered over Mr. Modi's head profusely. Only Mr. Modi's utter and willful silence on the deaths of agitating farmers, the sufferings of their families who are accompanying them, and thousands of victims of his own doing in the wake of demonetization, GST implementation and lock down, did not find any mention in most of the media. The media is prompt and pro-active in supporting and praising him for everything, however insignificant, but not for criticizing or questioning him on anything, however inimical to the interests of ordinary people. How can such media be described if not as '*godi-media*'?

In spite of his only election centric strategy there is hardly any state election the BJP has won during the last four years. Yet he is portrayed as the most powerful and the best Prime Minister the country has had although for his failure to respond to the farmers' demands, even Atal Bihari Vajpayee would have reminded him to fulfill his obligation under 'Rajdharm' as he did after the Gujarat communal killings which Mr. Modi did not control as the Chief Minister of the state. Whatever elections he has won is because there is a divided opposition and people have voted for him because they realize that no government is no substitute to even the worst and most undemocratic government like the one he heads.

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Articles and Features :

All citizens should stand with the protesting farmers. At stake is India's food self-sufficiency and sovereignty

Aruna Roy

The farmers' protest is our protest, in a more direct sense than we imagine. Food is basic to our lives and farmers have made us self-sufficient in food. Were it not for the public distribution system (PDS), grain procurement at minimum support price (MSP), and bumper harvests, we would have continually faced widespread hunger and starvation, in independent India.

This architecture of self-sufficiency is threatened by these three contentious laws. The social scientist Susan George, writing in the 80s, in her book called *How the Other Half Dies*, shows how control over farming and food production leads to loss of food and national sovereignty. Dependence on outside "market forces" is enslaving. Corporate control over purchase will end with farmers having lost control over contracts, choice of production, and land, making India vulnerable to foreign pressure and blockades.

Among other things, the Farmers' Produce Trade and Commerce (Promotion and Facilitation) Act, 2020, popularly termed the 'APMC Bypass Law', will undermine the MSP regime – at least for rice and wheat. MSP is a guarantee to the growers of food that their produce will be bought by government at a price where their subsistence will be supported. This guarantee will collapse if the regulated markets are deregulated. This minimum guaranteed price helps protect the farmer from market fluctuation.

Earlier, all sales and purchases, including private transactions, had to go through a regulated "mandi". The APMC Bypass Law encourages transactions of produce outside the

agricultural produce marketing committee. Private mandis will be exempted from taxation, mandated in APMC mandis. Companies trading directly with farmers, will push down the price of produce, leading to exploitation in this agricultural "free market". The other critical danger to food self-sufficiency is when companies start demanding cash crops, not subsistence crops. To quote a Punjabi farmer, "Bihar did away with the APMC in 2006. What do we have now? Bihari farmers coming as workers to Punjab. We have the APMC and you see none of us going to Bihar for work, do you?"

The mandis send surplus on to the FCI godowns, and via them to the PDS ration shops. Even during massive Covid-19 counter-migration, the existence of PDS prevented mass hunger and death. The weakening of the mandi system has dire implications for the country's food sovereignty and people's food security.

Under the Farmers' (Empowerment and Protection) Agreement on Price Assurance and Farm Services Act, 2020, commonly termed as the 'Contract Farming law', the buyer and seller can enter directly into a contract even before sowing at a predetermined price, most often at the cost of the farmer. Previously, contract farming led to a rise of farmer indebtedness, due to loss of autonomy over farming decisions, 'quality-based' mass rejections of produce etc. Furthermore, provisions in these laws take away legal and judicial recourse to the farmers. Denied access to a court of law, they will be manipulated between the market and political vested interest. This goes against the basic constitutional principle of separation of powers between the executive and the judiciary.

The Essential Commodities (Amendment) Act, 2020, popularly known as the ‘Food Hoarding (Freedom of Corporates) Act’, removes regulations on prices and stock limits, thus permitting hoarding. Agro-business is the best business, because human beings have to eat to survive, and are forced to buy food at any price. Since undermining the MSP would weaken procurement and the PDS, the marginalised, unable to afford market prices, will be victims of hunger. Hoarding also allows traders to undercut prices – the farmers will be forced to sell at a loss.

If the mandi and the current system of state procurement is removed, corporate agro-business will determine the de facto price, and control purchase and storage. Eventually, PDS will become ineffective and the government will abrogate its responsibility to distribute food grain to those in need. The ordinary consumer will also be held hostage to the manipulations of transnational agro-business. Fundamentally, can such a set of laws be passed without consultation and consent of the farmers and the people?

These laws represent a radical shift from food self-sufficiency, and a working public distribution system – both vital to our sovereignty and strength as a nation. All citizens will be directly affected by this change and need to stand with the farmers, to demand the rescinding of these Acts. We need a new agricultural policy framework, drawn up in full consultation with the farmers of India.

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One Man's Ego Stalemating...

It is a headstrong reaction and one man's ego that is coming in the way of an amicable and honourable settlement of the farmers' problem. However, he must understand that the farmers who feed the whole country including those soldiers who defend the country on the borders and in whose name he has won a few important elections, deserve a better deal and that even strategically his neglect of the farmers can harm him and his party very badly as it is harming the cause of the farmers as well as that of the country. If its farmers and workers suffer, how can the country prosper? 🌈

between the executive and the judiciary.

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Aruna Roy is a social activist and cofounder of Mazdoor Kisan Shakti Sangathan (MKSS).

Courtesy **The Times of India**, December 22, 2020. 🌈

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

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

Far from liberating farmers, farm laws put them at the mercy of government

Jean Dreze

Synopsis

It is, of course, right to make space for regulation in the trade area. The idea that unregulated markets serve the public interest, quite flawed in general, is also odd in the case of agricultural marketing. Unregulated agricultural markets often raise problems related to uncertainty, equity, collusion, quality control, asymmetric information, economies of scale, contract enforcement and abuse of non-economic power, among other possible sources of so-called 'market failure'.

There is no prize for guessing that these powers will be largely exercised on behalf of agribusiness and other corporate interests.

It is not difficult to take sides in the ongoing dispute between India's farmers and GoI. On one side is a sea of brave, astute farmers who are giving us a beautiful example of solidarity and non-violent protest. On the other, an authoritarian government is doing its best to vilify and divide their movement. Naturally, one's heart goes out to the farmers. That, however, does not settle the merits of the case. Could it be that the farmers are mistaken or misled? That is what GoI and its supporters are trying to argue.

The farmers, they claim, are confused about their own interests. Unbeknown to them, they stand to gain from the three Acts that the government magnanimously passed for their benefit, particularly the Farmers' Produce Trade and Commerce (Promotion and Facilitation) Act 2020. The argument is something like this. Until now, farmers were forced to sell agricultural produce through mandis managed by the Agricultural Produce Market Committees (APMCs).

These APMCs are controlled by people who exploit them. The Act—nicknamed 'APMC Bypass Act'—does not disband the APMCs, but it creates a new trade area outside the

APMCs, where farmers will be free to sell to anyone they like. This will be a liberation for them. Appealing as it may sound, this argument is misleading. For starters, the claim that farmers were not free to sell outside APMC mandis until now is incorrect.

As informed scholars have pointed out, the bulk of agricultural marketing, in fact, takes place outside APMC mandis. It is true that in the case of specific commodities and areas, such as wheat and rice in Punjab, most of the marketing goes through APMC mandis. But that is because farmers get a good price there—the minimum support price (MSP). It is the wholesale traders, not the farmers or intermediaries, who are restricted from trading outside APMC mandis under some states' APMC Acts.

Further, the presumption that the non-APMC trade area will be a sort of 'free market' is unfounded. Nothing in the 'APMC Bypass Act' prevents trade regulation. On the contrary, the Act can be seen as creating a new framework for trade regulation—an odd framework where APMC mandis will be regulated by the state government and other areas by the central government.

Seeding Big Business

Indeed, the Act gives sweeping powers to the central government to regulate trade in the so-called 'trade area' — that is, outside the APMC mandis. The 'APMC Bypass Act' could also be described as a 'Dual Regulation of Agricultural Marketing Act', or DRAMA.

It is, of course, right to make space for regulation in the trade area. The idea that unregulated markets serve the public interest, quite flawed in general, is also odd in the case of agricultural marketing. Unregulated agricultural markets often raise problems related to uncertainty, equity, collusion, quality control, asymmetric information, economies of scale, contract enforcement and abuse of non-economic power, among other possible sources of so-called 'market failure'.

That is why agricultural markets typically involve some regulation, or various forms of collective action such as farmers' cooperatives. The success of dairy cooperatives in India illustrates the value of constructive departures from the free market in this field. So, the real question is not regulation versus free trade, but what sort of regulation we should expect in the trade area. DRAMA does not answer this question. It merely lists possible regulation issues—such as 'mode of trading, fees, technical parameters..., logistics arrangements, quality assessment, timely payment... and such other matters'—and gives all the powers to the central government. In this respect, it is similar to the recent labour codes. It is worth noting that the power to make rules under DRAMA is exclusively assigned to the central government — the state governments are out of the game.

There is no prize for guessing that these powers will be largely exercised on behalf of agribusiness and other corporate interests. The text of DRAMA suggests that the central government's main focus is on electronic trade. The aim seems to be to create a national electronic trade ecosystem under the control of

the Centre. Quite likely, it will involve things like mandatory Aadhaar, digital payments, data harvesting, fintech experiments, the so-called 'agri stack', and that sort of jazz—ostensibly to help farmers, but with business interests firmly in mind.

Judging from recent experiences of similar centralisation in other contexts, such as the National Rural Employment Guarantee Act (NREGA) and the goods and services tax (GST), there are likely to be serious 'teething problems' with this new ecosystem, at the very least. But, more importantly, centralisation will make it harder for farmers and state governments to have any say in marketing arrangements in the trade area.

Seen in this light, DRAMA is hardly a liberation for farmers. Further, the future of APMC mandis is not clear in the new scheme of things. A mandi is a natural way of facilitating both regulation and collective action in agricultural marketing. It is a kind of public good. Perhaps the APMC Acts, despite recent reforms, have not done justice to this aspect of the mandis. But that is not immutable.

Agro to Profit Algo

In the new regime, the mandis may find it harder to survive. To compete with the trade area, they may have to reduce their fees. A reduction in inflated fees would not be a bad thing. But beyond that, reduced fees will make it harder for mandis to provide public infrastructure and facilities—unless state governments or local authorities step in. The decline of mandis, if it happens, is unlikely to help the farmers.

None of this is to deny that there are serious issues of efficiency, equity and sustainability with the current regime of agricultural marketing. But the 'dual regulation' framework is hardly an answer. It is poor economics, fails to address the core issues, and reduces farmers' control on the marketing system.

(To be Contd....on Page - 8)

For the first time in seven years, PM Modi is beginning to look weak

Tavleen Singh writes: The farmers have shown Narendra Modi that this kind of contempt for the people is not something that even the most powerful political leaders can get away with. The PM has been forced finally to step out of his echo chamber into the real world.

Tavleen Singh

Till the farmers brought their trolleys, tractors and their protest to the borders of Delhi, Narendra Modi had the image of being the most powerful Prime Minister of India ever. This has changed. For the first time in seven years, he is beginning to look weak. Not just because the farmers openly attack him personally on national television but because he seems no longer to know what to do. So, his attempts to reach out to the protesting farmers are confused and confusing. One day he goes off to address farmers in Kutch and explains to them the virtues of the new farm laws. The next day it is some other group of farmers in Madhya Pradesh that he talks to but never directly to those who have been sitting on Delhi's northern borders now for more than a month. Then there was that visit to Rakab Ganj Sahib gurudwara that was so transparent an attempt to placate protesting Sikh farmers that they would have seen it for exactly what it was.

All of this came after weeks in which he allowed his ministers and party spokesmen to use television debates and social media platforms to malign the protesting farmers as Khalistanis and Naxalites. When the Prime Minister changed track and began his efforts at placation even the most abusive of these spokesmen started to temper their abuse by praising the farmers as 'equal to God because they feed mankind'. On the part of the government the softening has included assurances that every change that the farmers want will be made in the three new farm laws. This must mean that

there are serious flaws in the laws.

Unfortunately for Modi his conciliatory gestures have come too late. It is no longer just about the farm laws, it is about other things. For a start there is the arrogance with which they were brought. In the words of one of the protesting farmers, "You tell us that these will be beneficial for us but why are you trying to give us benefits that we do not want?" So many farmers said this or something similar that famous TV anchors who usually exhibit their loyalty to the government in every show, began to tell BJP spokesmen that instead of trying to convince them of the benefits of these laws they should convince the protesting farmers. Courtesy Indian Express, December 27, 2020. 🌈

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Far from liberating farmers...

What they need is not the central government's 'tough love' but a real say in reforms that concern them. And what the country needs is reforms that serve the interests of citizens—farmers and consumers. The private interests of agribusiness, software companies and data brokers should have little weight, if any.

The writer is visiting professor, Department of Economics, Ranchi University, Jharkhand.

Courtesy **Economic Times**, Dec 23, 2020 🌈



‘A policy on agriculture should have the farmer at the centre, but government is keeping them on the periphery’

Farmers’ unions are to recommence negotiations with the Centre this week on the three farm laws. Hannan Mollah, a member of CPM’s politburo and general secretary of All India Kisan Sabha (AIKS), who is one of the main coordinators of the protests, spoke to Mohua Chatterjee about their goal:

It has been a month already. How long can you go on?

This movement did not start overnight. On June 5 when the ordinances were brought, we marked it as a death knell for farmers. On June 10, more than 10,000 copies of the ordinance were burnt in 600 districts and we started formulating our demands. We saw that the purpose of the bill was to turn farmer-based agriculture to corporate-based agriculture.

The government took no notice. We wanted them to listen to us. It has been six months. The farmers have no deadline. They are ready to sit for another six months or more, but they have made up their minds to not go back without achieving something. The mood of the movement is something they [Centre] are misjudging. The government is trying to divide us, divert us, tire us out; it will not happen.

Why should the government give in?

This is very different from anything in the past. There are four main characteristics of this movement. First, it is the largest kisan movement since Independence. Second, there are 500 organisations under one umbrella – Samyukta Kisan Morcha – and there is not a single point of difference between them. The unique unity, in this movement, is its biggest strength. Third, such a huge movement has been most peaceful. Fourth, the determination of the farmers. This is

what the government is failing to understand.

What are the farmers targeting?

A single point agenda – to ensure repeal of the three farm Acts. This is because they are pro-corporate and anti-farmer. So this movement has a new feature. It is the first all-India movement against corporates, since Independence. It is anti-government and anti-corporate. We appeal to people to boycott those brands. Starting from December 26, picketing outside Ambani-Adani owned shops, malls, outlets will continue. Urban middle class groups, teachers, students and workers, have been roped in as the establishments are in urban centres and farmers are in rural areas.

What if the government does not withdraw the laws?

Agriculture policy has to be country specific. What works in Singapore cannot work here. Reforms are needed, we agree and we have been saying it for a long time. We are not against reform. For last five years we have been asking for MSP to be implemented and the Swaminathan Committee recommendations to be implemented.

Loan waiver should be given at least once to allow the farmers to be able to reach a normal. Farmers across the country have been committing suicide because of debt. The cost of production plus 50% of that should be the price of crops. Maximum crops should be included in

MSP. Only 6% farmers get the benefit. All farmers should get the benefit of MSP and it should cover all crops. There should be assured procurement, whether it is by government or by private buyers. If anybody pays less than MSP then they should be punished. Present MSP is a farce. Every state in consultation with the Centre should fix MSP in different states.

These problems should be addressed. Any policy on agriculture should have the farmer at the centre of it, but the government is keeping the kisan on the periphery and bringing in pro-corporate reforms with corporates at the centre of the policy. This policy of the government is targeted to totally remove the kisan from the narrative.

How did the movement grow?

After June and July, on August 9 we called for 'Jail Bhao' and several lakh farmers responded in more than 600 districts. On

September 14 we called for a protest demanding, do not bring the laws without talking to farmers, but government passed them, violating all rules. Then we said, listen to us before implementing. So after four months, we decided to resist implementation of the laws. On September 25 we called it resistance day and there was a virtual Bharat Bandh without a formal call. Still the government did not listen. We did 'Rasta Roko' on November 5 when national highways were blocked and also locally in states. Then on November 26 the Constitution Day, we called for 'Dilli Chalo' march, when all else failed. We divided it into two parts. Five states close to the capital were to march to Delhi – Punjab, Haryana, Rajasthan, UP, Uttarakhand. The others were to march to state capitals since the coronavirus prevented people from travelling far.

Courtesy The Times of India, December 27, 2020. 🌈

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'India Heading Towards Being a Failed State'

The basic structure of the Constitution (Fundamental Rights and Federalism) is under severe assault and free and fair elections have become a thing of the past, says former IAS M.G. Devasahayam.

M.G. Devasahayam

Dear Friends,

I am speaking on behalf of the Constitutional Conduct Group of former Civil Servants and People-First Movement who have expressed strong solidarity with the farmers and the causes for which they are struggling. I will deal with the subject with a bit of historical perspective.

'Emergency' declared in June 1975 extinguished freedom and liberty in a large and vibrant democracy. With presidential proclamation under Article 352, Fundamental Rights were suspended. Part III of the Constitution stood ravaged.

This 'Emergency' had ripped apart the delicately crafted and carefully nurtured fabric of India's democracy. As the Civil Rights stalwart Rajni Kothari put it: "It was a state off-limits, a government that hijacked the whole edifice of the state, a ruling party and leader who in effect treated the state as their personal estate. It was the imposition of a highly concentrated apparatus of power on a fundamentally federal society and the turning over of this centralised apparatus for personal survival and family aggrandisement. It was one big swoop overtaking the whole country spreading a psychosis of fear and terror with the new upstarts storming away through whatever came their way, pulling it all down and calling boo to it all. And it happened in this country after 28 years of democratic functioning".

Though the nation recovered in 21 months because of the free and fair election held in 1977, Emergency's deep wounds still persist. India's democracy had diminished substantially.

The neo-liberal era that commenced in early

nineties ravaged the concept of 'welfare state' as embedded in the Directive Principles of State Policy (Part IV of the Constitution). These are guidelines to the governments to be kept in mind while framing laws and policies. They are the instruments of instructions in the governance of the country. Directive principles are classified as social & economic charter, social security charter & community welfare charter. The principles laid down therein are considered fundamental in the governance of the country, making it the duty of the State to apply these principles in making laws to establish a just society in the country.

The cardinal principles of state policy that ushered India as a 'welfare state' are: 1. That the citizens, men and women equally, have the right to an adequate means to livelihood; 2. That the ownership and control of the material resources of the community are so distributed as best to sub serve the common good; 3. That the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment.

Abandonment of welfare state in the last about 30 years has resulted in extreme concentration of wealth and socio-economic iniquities in the country. The richest 10% of Indians own over 75% of the country's wealth and the bottom 60%, own less than 5%. The super-rich 1% own 51.5%. India is the second most inequitable country in the world. Wealth of Indian billionaires rose by Rs 2,200 crore a day in 2018 and is continuously going up. While millions sink below poverty, and do not know from where their next meal will come from, number of billionaires has been growing

faster than ever.

Post 2014, particularly post the 2019 Parliament election and more so during the past nine months of pandemic curfew, both Part III and Part IV of the Constitution stand ravaged and decimated. The laws enacted during this period and policies brought forward has shrunk democracy almost to the point of extinction. In the recent years and months, India's democracy has been called into question by international watchdogs. In the 2019 Democracy Index released by the intelligence unit of The Economist Group, London, India had slipped by 10 ranks to 51st position — a big downgrade. The Index categorised India under “flawed democracies.”

Post Parliament Election-2019 there has been a sharp decline. The 2020 ‘Democracy Report’ by the V-Dem Institute based at the University of Gothenburg puts India in the league of countries who have seen significant slides into authoritarianism. India's democratic process is ‘on a Path of Steep Decline’, the Report says.

This is because the basic structure of the Constitution (Fundamental Rights and Federalism) is under severe assault and free and fair elections have become the thing of the past.

As to the economy, this government has been deliberately pumping, promoting and enriching a bunch of rich Oligarchs. The CEO of Niti Aayog, Prime Minister's Think Tank has spilt the beans: “For the first time in India, a government has thought big in terms of size and scale and said we want to produce global champions. Nobody had the political will and the courage to say that we want to support five companies who want to be global champions. Everyone used to say ... I want to support everyone in India, I want to get votes from everyone.” But this “Global championship of Oligarchs” is not happening fast the way Prime Minister wanted, because India had “too much democracy”.

Sum and substance is that Government should finish off everything small—Agriculture, Industry, Commerce, Trade, Informal Sector (i.e. 80% of India)—and propitiate only the big by transferring wealth and public assets to a few Oligarchs. The laws and policies mooted by Niti Ayog and being implemented by the government bear testimony to this. Farming laws, which has led to the massive farmer unrest, form important part of this devious agenda. So are the laws and policies concerning Infrastructure, Electricity, Labour, Public Sector, Education, Banking, Livestock, Marine resources and other areas unleashed since 2014.

In the event the Oligarchs are gloating and bloating while the nation and the vast majority of its people shrink and shrivel. *The Economist*, the most respected global magazine recently reported that the net worth of Mukesh Ambani had gone up by 350% since November 2016. The net worth of Gautam Adani has gone up by 750% in the same period. And all this happened in an economy that has been in decline and, particularly so during the pandemic curfew that has turned India into a nation of starving millions.

Part III is the heart of India's Constitution and Part IV its lungs. With the heart and lungs virtually gone what is left of the body?!

In the event, one has a lurking premonition that India is heading towards a “Failed State” as defined by Robert Rothberg in his seminal book, “*When States Fail: Causes and Consequences*”:

“Failed states offer unparalleled economic opportunity - but only for a privileged few. Those around the ruler or ruling oligarchy grow richer while their less fortunate brethren starve.... The privilege of making real money when everything else is deteriorating is confined to clients of the ruling elite.... The nation-state's responsibility to maximise the well-being and prosperity of all its citizens is conspicuously absent, if it ever existed.... Corruption flourishes in many states, but in failed states it often does so on an unusually

destructive scale. There is widespread petty or lubricating corruption as a matter of course, but escalating levels of venal corruption mark failed states.”

With its democracy ‘on a Path of Steep Decline’ and its economy turning predatory and Oligarchic, India is heading towards being a ‘failed state’. One can’t even comprehend that a nation wherein live one-sixth of the human race is facing such humongous predicament. This is what happens when inspired by fascist forces, country’s Constitution is under continuous assault and passing through one crisis after another. This cannot be countenanced and it is time “We, The People” must rise and stand as one to uphold our Constitution and defend

our democracy.

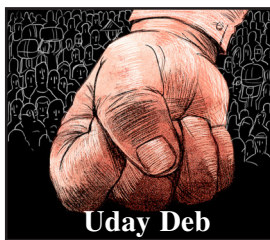
The humble and self-effacing farmers have risen up and are leading the way. And let us all follow... Truly so as Savant Thiruvalluvar has said in his immortal Tamil Classic *Thirukkural*: “*uzhudhundu vaazhvare vazhvar, matrellore thozhundu pin selbavar* (Only those who plough the land live and lead, all else follow with folded hands).”

Bravo, the Brave farmers. May God be with you all....

(M.G. Devasahayam is a former Army and IAS Officer. The speech was delivered in Janata Parliament. The views are personal.)

Courtesy NewsClick, 22 Dec 2020 🌈

2020: Year of the big state: State power ruled supreme this year at the cost of individual freedoms



quashing lockdowns. In March, India slammed down what has been described as one of the world’s harshest lockdowns. The economy collapsed. Millions of migrant workers took to the streets to walk thousands of miles home. As the year draws to a close, night curfew is back in Maharashtra and uncertainty persists over the spread of coronavirus. There is no uncertainty however on the fact that overwhelming state power is now intruding into and controlling our lives.

2020 was the year of the Big State. Today the state can constrain fundamental freedoms and personal liberty in unprecedented ways. Yes, a health pandemic demands intelligent well-focused state action, yet in India’s case state power tends

2020 was a bleak year for individual freedom. Governments across the world fought the Covid pandemic through liberty-

to manifest in coercive, violent ways. Migrants toiling on highways, many dying enroute, became a symbol of how the state’s lack of compassion can push citizens to the brink. Additionally, India’s highly centralised lockdown with Union home ministry issuing guidelines and amendments for all of India meant local conditions were largely ignored and countless small enterprises forced to close by Delhi’s diktat.

A dominant image of the lockdown was the sight of lathi wielding police beating and threatening migrants and street vendors, forcing citizens to do squats or even hop along the road for being unaware of rules. In UP migrant workers were sprayed with disinfectant. A lasting legacy of the lockdown was the way citizens had to sacrifice basic dignity and self esteem.

Indiscriminate police power was used to scapegoat citizens when the Tablighi Jamaat event, held at Delhi’s Nizamuddin markaz in March, was appallingly targeted. Goaded on by jingoist sections of the media, communal labeling

Sagarika Ghose

became widespread as Tablighis were painted as “super spreaders” and Jamaat participants were hounded and charged by police across states. Almost all police cases against foreigners who attended the Jamaat have now collapsed, courts lambasting police for failing to provide even “an iota of evidence”.

During a health crisis, panic-stricken citizens can easily give up on their personal freedom. When citizens are vulnerable, if state power is used without remorse and restraint, it can destroy the very arsenal that is needed to fight the virus – namely a healthy, active society and a functioning economy.

In 2020, state power reigned supreme in other ways too. The anti terror UAPA law has been used against students and civil liberties campaigners in a manner that defies due process of law. Academics, writers and poets are languishing in jail without bail. While citizens’ private information is scrutinised, the state is receding into extreme opacity. The PM Cares Fund, set up to receive Covid donations, is a government entity yet placed outside the ambit of the RTI. Citizens are not allowed to know who the donors are or how much they have contributed.

UP’s Prohibition of Unlawful Conversion of Religion Ordinance 2020 or “love jihad” law is taking a horrendous toll on citizens’ personal freedom. Consenting adults who have freely chosen to convert and marry are being treated as criminals. A Moradabad couple was persecuted by police even though they kept insisting there was no forced conversion. The woman was sent to a shelter home and miscarried, the man was jailed. In another recent case, a teenager was arrested for walking to a pizza parlour with a friend from a different religion. The state is snatching away the right to love.


Citizens’ right to personal food choices is also under threat from state policing. Maharashtra has already passed anti cow slaughter laws. Now

Karnataka is seeking to pass a similar law – a drive which has resulted in halting of beef supplies to neighbouring Goa where the Catholic population consumes beef particularly at Christmas. India’s founders steered clear of using state power to dictate personal choices. Gandhi opposed cattle slaughter but because he also viewed state power with extreme suspicion, he never campaigned for cow protection to be enforceable by law. State governments misuse state power as much as the Centre: across India citizens can be jailed for social media posts criticising the ruling dispensation.

Use of state power can also be seen in the way farm bills of 2020 have been passed. Whatever the merits in the bills, the manner in which they were pushed through in a pandemic has created a trust deficit. A top down centralising approach tends to rob the reforms agenda of grassroots connect and create fears of even greater – not lesser – state control. An RTI query has revealed that the Centre has no records of any discussions or meetings with farm organisations before finalising the bills.

In a health emergency and economic downturn, democratic debate and free speech are vital for citizens to express their grievances and needs. The cancellation of Parliament’s winter session is another example of state power shutting down discussions. When the heavy hand of the Big State moves to crush people instead of negotiating, there is invariably a backlash.

2020 began with a citizens’ uprising in defence of the Constitution in Shaheen Bagh, the site now part of the lexicon of protests in India. As the year ends, another venue is set to enter the protest lexicon. Lakhs of citizens are braving the winter chill to protest at Delhi’s Singhu border. From Shaheen to Singhu, citizens are in uproar. 2020 saw the apogee of state power. This trend needs to be reversed in 2021: a robust democracy is about We the people, not us the bloated state.

Courtesy **The Times of India**, December 29, 2020 

Using hateful labels to split society is being the real *tukde tukde* gang

Sagarika Ghose

Constant labelling is the mark of a hopelessly polarised society. Lakhs of farmers protesting outside Delhi in north India's bitter winter have been called a range of names from 'Khalistanis' to 'agents of Pakistan and China' to 'anti-nationals'. Over 30 farmers have lost their lives in the protest, some succumbing to cardiac arrests and a Sikh priest dying by suicide. Yet the genuineness of *kisans* is still being cast into doubt, suspicions are being raised on social media on farmers' source of funding, including how farmers can afford to eat California almonds.

The default term to discredit those who disagree — '*tukde tukde gang*' — has been used. No less than a Union minister has said that the '*tukde tukde gang*' is using farm protests to destroy national unity. The question arises: who is the real *tukde tukde* gang? Who are the people actually trying to divide society?

Shouldn't those who divide young married couples on the basis of religion be called the *tukde tukde* gang? A Moradabad interfaith couple who was on its way to get their marriage registered when they were accosted by alleged Bajrang Dal activists who heckled them, videotaped them and turned them over to the police, even though the woman kept insisting that she had married and converted of her own free will. Another UP teenager was arrested for going for a walk with a friend from a different religion. Young lovers unite the nation through bonds of love, those who attempt to forcibly break up harmonious relationships on grounds of religion are surely the real *tukde tukde* gang.

What about those who try to divide people on the basis of their personal food and drink choices? A few years ago, a student at IIT

Madras was severely beaten for holding a beef festival. A group of women drinking beer at a pub in Mangalore were dragged out by the hair by the Hindutva outfit Sri Ram Sena and beaten for apparently damaging Indian culture. Today, those eating biryani are attacked and stigmatised as somehow suspect, biryani now being the shorthand for all things "Muslim". A Haryana *khap* leader declared that the consumption of chowmein was linked to rising instances of rape. Aren't those who divide Indians on the basis of whether or not they consume beef, biryani, chowmein or do or do not drink beer in pubs, the real *tukde tukde* gang?

States are also being divided on the basis of food choices. Beef is the traditional cuisine of Goa's Catholic population, but it is now in short supply because Karnataka's strict anti-cow slaughter law has put a halt to meat trade across state borders. Dividing Indians on the basis of the food they eat is deeply damaging to social unity.

Labelling on the basis of personal food choices or regional cultural diversities or exercise of the right to protest means that simply being "different" can make you a criminal. Citizens can be ostracised, become targets of vigilantes, leaving little space for diversity or contrarian views. By sharp contrast, in other democracies, concerted attempts are being made to recognise and uphold racial and cultural diversity.

Seeds of division are being sown in every election. In Bengal, there is a brazen attempt to pit Hindus vs Muslims ahead of the polls. In the recent Hyderabad civic polls, BJP leaders promised to rid the city of "Nizam's rule" and to drive away "Pakistanis" and "Rohingyas". In Kashmir, the Valley's political alliance was


called the “Gupkar gang”. When the opposition is painted as breakers of India, can there be a fair fight?

It’s not just politics. Media newsrooms are being divided on the basis of “us” and “them”; Bollywood is divided between movie stars who are with ‘us’ and those who are not; campuses, academics, writers, poets are divided according to those who are loyal to the ruling dispensation and those who are not. Jawaharlal Nehru University is seen as a hotbed of the *tukde tukde* gang simply because it is associated with Left-leaning scholars. Communities in India that worship Ravan and Mahishasur and not Rama are accused of opposing India.

When diversities from the Hindutva

monolith are dubbed as anti-Indian or seen as agents plotting the downfall of India only because of their particular religion, food, drink, region, state or the nature of their protests, then seeds of terrible divisions are sown and violent witch-hunts in society are encouraged. Every section of society gets split down the middle and national unity is destroyed. That’s why those who hurl the epithet ‘*tukde tukde*’, are in fact the real *tukde tukde* gang.

Sagarika Ghose *has been a journalist for over three decades, starting her career with The Times of India, subsequently moving to Outlook magazine and The Indian Express.*

Courtesy **The Times of India**, January 3, 2021 

Press Release of the Janta Parliament’s Special Kisan Session with Political Representatives

The resolutions passed and questions raised in the earlier six sessions of the Special Kisan Session of the Janta Parliament were posed today to the political parties which were represented by senior leaders from the Congress, TMC, CPI-ML, CPI, RJD, VCK, AIFB, SP and CPI(M).

What followed was a dialogue between the members of the presidium, who were P. Sainath, Aruna Roy, M G Devasahayam, Annie Raja, and Thomas Franco and the political party representatives. The session was conducted by P. Sainath, senior journalist on behalf of the presidium.

There was unanimous solidarity for the historic farmers struggle for the repeal of the three farm laws passed by the central government, by all the political parties who were present for the session today. And all parties attending agreed that a special session of the Parliament needed to be convened to discuss legalisation of MSP as well as other aspects of

the agrarian crisis. Some even said that maybe in the budget session two-three days should be exclusively kept for this.

On the SC order of the formation of a new committee, they all asked why not go with the decision of previous committees. And that a committee report already exists in the form of the Swaminathan Committee and what the government needed to do was to implement the Swaminathan Committee’s report.

K. Raju and Rajeev Gowda from the Indian National Congress joined. They said that the Congress party supports the demand for a legal MSP that is backed by procurement. A written statement (attached) sent by Sonia Gandhi was also read out where she highlighted that Congress led state governments have constitutionally passed laws against the central farm acts and that they will pursue this further legally to get approval from the President.

Dipankar Bhattacharya of the CPI-ML stated that his party stands with the farmers and that

there should be repeal and not a pause of the farm laws. He also said that the Public Distribution System must be universalised to ensure food security as well as higher procurement of crops by the government.

D. Raja of the Communist Party of India said that all their class and mass organisations have been participating in the on-going farmer protests. He said that the purpose of the three farm laws are to serve the corporates.

Sukhendu Sekhar Roy of the TMC spoke about the undermining of Parliament during the passage of these laws. He also said that agriculture is essentially a state subject and that by these laws there has been an intrusion by the centre on a state subject. He added that apart from a special session of Parliament, the laws should also be sent to a Select Committee for proper stakeholder consultation.

Prof. Manoj K. Jha of the RJD, one of the parties that has gone to the Supreme Court over the farm laws, brought to notice that governments around the world have taken advantage of the pandemic. He said that although he is an MP in the Rajya Sabha, in the Monsoon Session, he had to sit in the Lok Sabha and so could not do anything even though he was agitated by the way that the laws were passed in the Rajya Sabha. He also confided that he felt that the opposition parties have not done enough and not got out of their comfort zone to resist the various autocratic measures taken by the government. He also informed the gathering that on 30th January 2021, in Bihar, RJD and all opposition parties will be forming a human chain to oppose the farm laws.

Dr. D. Ravikumar, MP from Viduthalai

Chiruthaigal Katchi (VCK) party said that due to the way that the Parliament was organised during the pandemic, there wasn't sufficient time to discuss the farm laws. He said that some of them were getting time to address the Parliament at midnight. G. Devarajan of the All India Forward Bloc said that he has been to the Singhu border.

Ghanshyam Tiwari of the Samajwadi Party said that Amazon and other online marts will soon be selling farmer produce with companies like Adani at the backend to supply and deliver farmers' produce.

Sitaram Yechury of the CPI(M) said that his party stands with the farmers position to not talk to any committee. He asked if consultations are being held now, what was the need to pass these laws in a truncated session of Parliament without a proper vote. He said that the government - and not any committee - must speak to the farmers and all other stakeholders and then bring any new laws.

In the end members of presidium presented their views on the three farm laws. Aruna Roy asked political parties present in Janta Parliament to spread awareness about the three farm laws via their district level committees. She added that political parties should ask the Gram Sabhas to pass a resolution to repeal the three farm laws on 26th January. P. Sainth requested formation of 'Save Farmer, Save Nation' committees and organise a ground level boycott of the products by corporates which are directly harming the farmers.

Link to video of Janta Parliament - Special Kisan Session with Political Representatives - <https://www.facebook.com/jansarokar2019/videos/3646978145367891/> 

The Radical Humanist on Website

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

– Mahi Pal Singh

‘Judiciary has put personal liberty, human rights on back-burner’

Justice Lokur (retd) says Supreme Court could have definitely done much better than it did this year

Satya Prakash

The Supreme Court’s handling of cases relating to personal freedom came in for severe criticism on Tuesday from former Supreme Court Judge Madan B Lokur, former Attorney General Mukul Rohatgi, former Law Minister Kapil Sibal and activist Medha Patkar who questioned the court’s priorities in handling of issues of human rights and personal liberty.

“Yes you are right...unfortunately in the last two years or so I think the idea of social justice has really gone on the backburner. And unfortunately this year because of the pandemic that certain situations had arisen where I think the Supreme Court should have been far more active than it ever was to look after the interest of people...migrants for example persons who were thrown out of jobs variety of people from all walks of life...

“But I think the Supreme Court could have definitely done much better than it did this year. So really I would agree with you that over the last couple of years the idea of social justice has gone on the backburner. It’s unfortunate. I suppose we have to live with it,” Justice Lokur – who used to head the social justice bench – said during a panel discussion on ‘Personal Freedom and Judiciary’ moderated by TV journalist Rajdeep Sardesai.

The panel discussion was organised on launch of ‘In pursuit of Justice: An autobiography’ by late Justice Rajindar Sachar, a former Chief Justice of the Delhi High Court.

Sibal was scathing in his criticism of the top court for its handling of issues of detentions in Kashmir, petitions against CAA and handling of the migrant crisis.


“The fact of the matter is that the Supreme Court has lost its way. Not just two years ago but several years ago. What’s happening in the Supreme Court today is that issues that are highly political are taken up. Issues that deal with liberty are brushed under the carpet. There were people in Kashmir who were detained for over a year...the Supreme Court took no notice of it,” Sibal said.

Agreeing with Justice Lokur, Rohatgi said, “The prime place which was given in the Constitution—and the Supreme Court is the conscience keeper of the nation—to cases of infraction of liberty and the like have been pushed back and what comes to mind are cases of habeas cases and other cases which are now taking anywhere between six months to a year to decide.

“They were always treated with utmost priority. A habeas corpus case was taken up immediately and decided within two weeks. But that’s not so. Other things seem to have taken over.”

However, Rohatgi added a word of caution, saying, “It’s very well to blame somebody. But I think the Supreme Court has also taken on too much. The role of a traditional court has long been lost. If you take on too much sometimes your priorities differ and this kind of inconsistencies come but yes, the Supreme Court should shrug off this inaction on these kind of cases and take them up vigorously.”

Both Sibal and Patkar said corporate matters were being given more importance.

Courtesy **Tribune News Service**, New Delhi, December 22, 2020. 

Making a mockery of the Country's poor and COVID-19 affected

S.N. Shukla

During the freedom struggle Mahatma Gandhi in March 1931 wrote : *"I am working for winning swaraj for those toiling and unemployed millions who do not get even a square meal a day and have to scratch along with a piece of stale roti and a pinch of salt"*. As quoted in the 'Thought for the Day' in the Times of India dated 28.6.2018 Gandhiji also said: *"Poverty is the worst form of violence"*

While addressing the BJP Parliamentary party after being elected as its leader in May 2014, the present Prime Minister also reportedly said *"Sarkar woh ho jo gareebon ke liye soche, jo gareebon ki sune, jo gareebon ke liye jiye, nayi sarkar gareebon ke liye samarpit hai."* Again in his message to the Supreme Court Bar Association on the occasion of National Law Day on 26.11.2014 the PM expressed his concern for the deprived sections of the society. However, the chasm between his words and the actions speaks loudly for itself in the persistence of his government, even in these difficult times, in the implementation of the totally unnecessary avoidable mega project of the Central Vista Redevelopment (actually destruction) in New Delhi at the expense the poor people and those affected by the Covid19 pandemic, in utter disregard of the aforesaid words of the Father of the Nation and even the constitutional mandate despite having taken the oath of allegiance to the Constitution.

The Preamble of the Constitution contains the **resolve** to secure to **all** the citizens Justice, social, economical and political. Evidently, there can be no social and political justice without economic justice. As put by the former CJI Mr. Justice (retd.) R.C.Lahoti in his book 'Preamble: the Spirit and Backbone of the Constitution of

India', *"This is the sum total of the aspirations incorporated in part IV of the Constitution relating to the Directive Principles of State Policy."*

Article 21 of the Constitution protects right to life. It guarantees and derives there from the minimum of the needs of existence including better tomorrow. It has been held that right to life includes the right to live with basic human dignity with necessities of life such as nutrition, clothing, food, shelter over the head, facilities for cultural and socio-economic well being of **every** individual.

While clarifying the object and purpose of Article 37 in the Constituent Assembly, Prof. Sibhan Lal Saxena had said: **"I, therefore, think that this chapter is not merely a chapter of pious wishes, but a chapter containing great principles..... This is a very important chapter which lays down the principles which will govern the policy of the State and which, therefore, will ensure to the people of the country the realisation of the great ideals laid down in the Preamble"**. (Constituent Assembly Debates Vol.VII date 19.11.1948).

Likewise, the following statement of Dr. Ambedkar while replying to the debate on Article 38 is highly relevant:-

"While we have established political democracy, it is also the desire that we should lay down as our ideal economic democracy. We do not want merely to lay down a mechanism to enable people to come and capture power. The Constitution also wishes to lay down an ideal before those who would be forming the Government." and

"I think, if the friends who are agitated over this question bear in mind what I have

said just now that our object in framing this Constitution is really two fold : (i) to lay down the form of political democracy, and (ii) to lay down that our ideal is economic democracy and also to prescribe that *every Government whatever, it is in power, shall strive to bring about economic democracy, much of the misunderstanding under which most members are labouring will disappear.*” (Constituent Assembly Debates Vol.VII date-19.11.1948)

As held by the Apex Court in the case of *Bandhua Mukti Morcha v. Union of India* (1984) 3 SCC 161 right to live with human dignity enshrined in Article 21 derives its life breath from the Directive Principles of State Policy and particularly clause (e) and (f) of Article 39 and Articles 41 and 42 and at the least, therefore, it must include protection of the health and strength of workers, men and women, and of the tender age of children against abuse, opportunities and facilities for children to develop in a healthy manner and in conditions of freedom and dignity, educational facilities, just and humane conditions of work and maternity relief. These are the minimum requirements which must exist in order to enable a person to live with human dignity. This position has been reiterated by the Apex Court in several subsequent cases like those reported in (1985) 3 SCC 545, (1992) 2 SCC 343, (1996) 2 SCC 549 and (1997) 5 SCC 10,

Likewise, in AIR 1950 SC 27 it was held that the Directive Principles be regarded as being not temporarily will of majority but as *‘the deliberate wisdom of the nation manifested when settling the paramount and permanent law of the country’*. In (1992) 3 SCC 666 it was held that *“The Preamble promises and the directive principles are a mandate to the State to eradicate poverty so that poor of this country can enjoy the right to life guaranteed under the Constitution.* Again, in AIR 1997 SC 645 (para 38) the Directive

Principles were described as the forerunners of the UN Convention on the Rights to Development as an inalienable human rights.

Thus, *it is settled law that it is the duty of the State to follow the Directive Principles in the matter of administration* as well as in the making of laws since they embody the aims and objectives of the Welfare State. The directive principles have been held to supplement the fundamental rights for achieving the welfare of the people. However, *because of lack of genuine adequate concern of successive governments and wrong priorities in allocation of limited public resources in disregard of the aforesaid Directive Principles to serve their own personal and political interests*, even after 70 years about one fourth population of the country is living below the poverty line deprived of the aforesaid basic essentials.

In this connection it is relevant that as reported in the Financial Express dated 16.10.2018 as per **Global Hunger Index** prepared by Welthungerhilfe India ranked **103rd** among 119 countries and *is among the 45 countries that have “serious levels of hunger.”* As per one UN Study *1/3rd of world’s extreme poor are in India.* According to the first ‘World Inequality Report’ in December 2017 by World Inequality Lab (WIL), *inequality in India has risen substantially since the 1980s. Apparently, the benefits of the development and growth have not gone in the same proportion to the poor* who also have the right to a life of dignity guaranteed by Article 21 as held by the Apex Court. It goes without saying that poverty directly adversely affects right to life guaranteed under Article 21 of the Constitution. As per National Crime Research Bureau Report 2016, *out of 133623 persons who committed suicide in the country in the year 2015, more than 70% were having annual income of less than Rs 1 lakh.*

In view of the aforesaid incontrovertible

facts and legal position, the Rs.20,000 crore (which may increase substantially till its completion) Central Vista “re-development” (in effect ‘purposive destruction’) project cannot be justified at all by any logic or line of argument in the face of the aforesaid constitutional provisions and the pronouncements of the Apex court.. In the first place, it is beyond understanding as to what public good is going to be served by it and what is the need for such an **unproductive and wasteful vanity** project for self aggrandizement *which has nothing to do with the welfare of the People* but only seeks to deface **for self glorification** (as evident from its foundation being laid by the Prime Minister instead of the President or even Vice –President/Speaker) the historical boulevard which has been a witness to the great events of the country’s independence and subsequent conversion into a great Nation. This malafide objective behind the project is clearly evident from the surreptitious manner in which the Central government decided in May 2015 to withdraw from UNESCO India’s nomination for World Heritage City tag for Delhi’s Imperial Cities after pursuing it for a decade.

Vide online RTI request dated 27.4.2020 this writer had sought information from the CPIO of the Ministry of Housing and Urban Affairs about land use change notification, administrative and financial approvals for the said project, total cost of the said project with component wise breakup and sources of its funding, amounts provided for the said project in the budgets for 2019-20 and 2020-21, likely dates of start and completion, and present status of the project. This information should have been available in the Ministry itself. Still the request was transferred to the CPWD who retransferred it to the CPIO of the concerned Superintendent Engineer. But there was no response even from him in gross violation of the legal requirement to provide information within 30 days. Reluctance to share the

information was itself indicative of some great incentive for its secrecy. The refusal to disclose the information was itself an indication of the requirements of the relevant laws having not been complied, but the Apex Court glossed over it while upholding the project.

Moreover, there was no material to establish the sudden need for a new Parliament building. *It is beyond comprehension that when the developed nations like UK and USA can do with their much older Parliament buildings why our country must undertake such unnecessary extravagant project.* Still, Expert Appraisal Committee (EAC) of the Ministry of Environment cleared the project despite nearly **1300** objections and observation that “The EAC is considering this project when the entire country is under lockdown and dealing with a health emergency. At a time of COVID-19 pandemic, we need to prioritise government spending for medical facilities and public health infrastructure. *It is extremely unfortunate that the proposal for constructing a new Parliament continues to be treated as a priority and listed for environmental approval.*”

The hush hush and opaque manner in which the government rushed through the necessary approvals for the project in parts with lightening speed itself raises big question mark about the real purpose of the project. Notably, after its clearance by the EAC of the Environment Ministry on 22.4.2020, the Central Vista Committee of the CPWD cleared the plan for new Parliament building the **very next day** on 23.4.2020 despite requests from members from IIA and the Institute of Town Planners for adjournment and having the meeting after the conditions of movement are eased due to their inability to join the meeting through video conferencing. As per the minutes of the said meeting, it was held “*keeping in view the importance of the project in nation’s interest and the time scale for its implementation.*”

The public had the right to know as to what **national** interest is going to be served by the project, and why it deserved priority over requirement of funds to fight the pandemic, removal of the freeze on DA/DR and MPLAD scheme, revival of the economy and, *even thereafter*, to provide for the basic amenities to the BPL population and health care to all in terms of their fundamental right guaranteed under Article 21 and mandated in the Directive Principles. Evidently, all these highly relevant considerations meant nothing while fixing time scale for implementation this project as per the sweet will of the top boss. Significantly, 60 former bureaucrats and diplomats had expressed deep concern about the project and urged the Central Government to see its fallacy when "enormous funds are required for strengthening public health system, to provide assistance to people and to rebuild the economy." However, for some inexplicable reason, in utter disregard of these public sentiments the Central government showed the audacity of persisting with the project.

The tearing hurry for execution of the project, for the reasons best known to the powers that be only, is also evident from the manner in which the CPWD's consultant tried to obtain approval of the Delhi Urban Art Commission (DUAC) for the new Parliament building without even giving basic details on landscape, parking, day-lighting and ventilation. Understandably, the DUAC, set up by the Parliament in 1973 to advise the Centre on matters of preservation, development and maintenance of the aesthetic quality of the capital's urban and environmental design had initially returned the proposal to CPWD for providing these details. A group of nearly 90 architects, historians, environmentalists, academicians and artists had also written to the DUAC to reject the proposal for new Parliament building alone, pointing out that it would be "*inappropriate, misleading, and illegal for the DUAC to limit itself only*

to the Parliament building as part of its review", since the Apex Court had emphasized that **all matters** relating to the Central Vista project be placed before it as part of the ongoing hearings. Accordingly, DUAC should have considered only a comprehensive proposal of the entire Central Vista project and, while doing so ask for public comments to inform its decision. They had also demanded that the appraisal of project materials should include an assessment of the potential to repurpose the present Parliament and other buildings to meet future functional demands, and a heritage impact assessment of the proposed new buildings on the Central Vista and the measures to safeguard its heritage value. Apparently, these very valid points had to be addressed while considering the need and desirability of the **entire project**. Still DUAC cleared the isolated proposal for new Parliament building.

There can be no justification for wasting huge precious public money on such *totally unnecessary and avoidable* project as long as even the basic needs of more than one fourth population of the country are not fully met. Indulging in the Nawabi project of Central Vista redevelopment is nothing but a cruel joke on the hapless poor and indefensible criminal waste of public money at the expense of the sizeable BPL population of the country.

The justification given in support of the project given in the counter affidavit filed by the Central government before the Supreme Court did not meet the aforesaid very valid incontrovertible points. The high sounding empty rhetoric of Prime Minister at the time of foundation laying ceremony was clearly an eye wash considering the manner in which it was rushed through in these difficult times without taking the opposition into confidence even while the Apex Court was seized of the matter. The audacity of going ahead with this exorbitant vanity project costing an indefinite amount of more than 20000 crores, speaks volumes about

not only the respect the arrogant central government has for it but also exposes the hollowness of their much trumpeted concern for the poor since apart from being a one man show for self aggrandisement at public expense it has nothing to do with **any real public good** for 'We the People'.

On the contrary, all right thinking persons will agree about the gross ill timing of the project in the present circumstances when the central/state governments are short of funds to even meet the requirements for fighting the pandemic and when even the basic needs of food, clothing and shelter, in terms of the fundamental right of life guaranteed under Article 21 and provisions of the Directive Principles of State Policy and the law laid down by the Apex Court, of more than one fourth of the population living below the poverty line are yet to be met. Apart from the lack of any genuine public good to be served by this project, the very legitimate basic question as to why the existing buildings cannot be repaired and beautified and used to meet present and future needs by additions and alterations does not seem to have been examined in depth before granting approval to the wholly unnecessary luxury project. One fails to understand the need for a three times bigger building for Parliament considering the dismal record of dwindling number of days and hours of its sittings, attendance of members and duration and quality of debate even on important matters like budget and enactments great public concern. One can see the futility of the mega project when the Parliament is becoming increasingly unproductive and being made

irrelevant and even its existing magnificent building bears a deserted look for most part of the year. Likewise, construction of several additional sprawling office buildings runs contrary to the declared policy of 'minimum government' and minimizing the number of employees. Moreover, huge recurring annual amount required for the staff and the upkeep of the new Parliament and office buildings will be an avoidable unnecessary unproductive burden on the exchequer.

In view of the position stated above, this project could not be permitted in terms of the law laid down in the case of Bandhua Mukti Morcha (cited above) that **"no State-neither the Central Government nor any State Government—has the right to take any action which will deprive a person of the enjoyment of these basic essentials"** and again in (1992) 3 SCC 666 that **"The State action or inaction which defeats the constitutional mandate is per se arbitrary and cannot be sustained"**. We had fondly hoped that the Apex Court as 'Sentinel qui vive' would stop this criminal waste of public money for self glorification. However, coming after an unnecessarily prolonged hearing, the majority decision in the face of the aforesaid pronouncements has been a great disappointment as **"All sound and fury signifying nothing"**. One can only hope that it will get reconsidered after an open Court hearing on a review petition for which the poor of the country, Daridranarayan as Gandhiji called them shall be ever grateful.

S.N. Shukla is I.A.S. (retd.), Advocate 

"The people of this country have a right to know every public act, everything, that is done in a public way, by their public functionaries. They are entitled to know the particulars of every public transaction in all its bearing."

Justice K K Mathew, former Judge, Supreme Court of India, (1975)

‘Is there no justice in this country?’

Shobha Warriier

‘He was tortured in police custody.’

“‘Do you not have any rape cases to write about in Kerala?’”

“‘Why is it that a Muslim from Kerala has so much sympathy for a Dalit woman in UP?’”

“‘Why did Rahul Gandhi visit your wife?’”

‘These were the kind of questions the UP police asked him.’



IMAGE: Members of the Kerala Union of Working Journalists hold a candlelight vigil at Jantar Mantar in New Delhi to protest the arrest of journalist Sidhique Kappan by the Uttar Pradesh police. **Photograph:** ANI Photo

When **Shobha Warriier/rediff.com** spoke to **Raihana Sidhique**, arrested journalist Sidhique Kappan’s wife, in November, she was hopeful that her husband would be granted bail by the highest court.

All her hopes were dashed when the Supreme Court listened to the arguments of the Uttar Pradesh government and **adjourned the bail plea**. The hearing has now been postponed to January 21, 2021.

On the 5th of October, Sidhique was **arrested in Mathura** along with three other people who were members of the Campus Front of India when he was on his way to cover the gruesome rape and murder of a **Dalit woman in Hathras**.

“I was very hopeful of him getting bail when I spoke to you last. The way they (*the UP*

government) are adding more and more cases on him, I am getting scared. I am crying so much that sometimes I feel my heart will explode and I will die...” weeps Raihana.

Opposing your husband’s bail plea application, the UP government argued two days ago that he had links with the banned organisation SIMI and he was working under the cover as a journalist while being a member of the Popular Front of India...

It is not true at all. They have been lying profusely, each time a different lie just to see that he does not get bail.

My husband is not a member of the PFI, and he has no connection with SIMI. They first said he was a member of the PFI, but what evidence do they have to establish that? What evidence do they have about his connection with SIMI?

Every time his bail application comes for hearing, they come up with a new allegation. Then, KUWJ (*Kerala Union of Working Journalists*) provides evidences to show that their allegations were wrong.

So, next time, they come up with a new allegation. That's the pattern they are following.

At the beginning, the UP government alleged that Kappan was a member of the PFI and the three others in the car were members of Campus Front. Their argument was that he had worked with the paper published by PFI, *Tejas* earlier...

Yes, he had worked with *Tejas* as a journalist. The paper had not just Sidhique Kappan as a journalist; they were many people working. Does that mean all those people who worked in *Tejas* were PFI members? Just because he worked with *Tejas*, will he become a member of the PFI?

For argument sake, even if he is a PFI member, is becoming a member of the PFI not allowed? Is it a banned organisation? As far as I know, the PFI is not banned in India.

But the fact is, he is not a member of the PFI, but he had worked with *Tejas* first. But when it was folded up, he worked for *Talsamayam*. When that also stopped publication, he started working for *Azhimugham*. In between, he worked for *Veekshanam* and *Mangalam* also for a few months.

There is proper evidence to show that he worked for all these publications.

He was the secretary of the Kerala Union of Working Journalists. Do you think the other journalists were fools to make a PFI member their union Secretary?

Why do you think they are talking about links to SIMI now, and not PFI?

PFI is not a banned organisation while SIMI is. I found out that it was formed in 1977 and banned in 2001. You know, Ikka (*Sidhique Kappan*) is only 41 years old. At what age do

you think he might have joined and worked for SIMI?

You have to understand that Ikka is a journalist and he has met so many people in his career. He was friends with people belonging to the RSS, the BJP, the Congress, the Communists as he meets all of them as a journalist. Similarly, he may be friends with the members of the PFI also. Remember, he worked with their publication, *Tejas*.

Why are they not saying this man has connections with the RSS, the BJP, the Communists and the Congress? Why are they only talking about the PFI?

The enforcement directorate says the Hathras trip was funded by PFI...

First, they were talking about Rs 100 crores and a Web site created by him. Now, we don't hear about that at all. I don't know where that hundred crores and the Web site vanished.

So far, KUWJ had provided the evidence against all their accusations. When they see that the accusations were wrong, they create new ones.

Every single accusation is a lie.

Have they been able to see a single paisa in Sidhique Kappan's account?



Raihana with her husband Sidhique Kappan.
Photo Kind courtesy Raihana Sidhique

What the ED accuses the Kappan and the PFI is money laundering. They say that because the Campus Front did not have an account, all the money was sent through the personal account of one Rauf who was arrested the other day...

Tell me, what is Kappan's connection in all this? They have not been able to prove that he was a member of the PFI. They have not been able to find any money in Kappan's account.

I don't know whether they are going to put money in his account to trap him. Till now, except the salary he was getting from *Azhimugham*, you will not find anything extra in his account.

What wrong has he done except that he was in the car with them?

I am told this Rauf is a businessman. My question is, did this Rauf give any money to Sidhique for the trip? Why is there no evidence to show that?

They say Sidhique Kappan is not a journalist. Can anyone who knows him say that he is not a journalist?

For the last 10 years, he has been working as a journalist from Delhi. If he was not a journalist, how did he become the secretary of the Kerala Union of Working Journalists? They can also read what he has written so far.

On this trip, he was carrying the laptop given by *Azhimugham*. Now, they say he had in his laptop bag the *Tejas* ID card. That was the ID card he had when he was working for *Tejas*. But *Azhimugham* has given written statement to the court that Kappan was working for them.

What I cannot understand is we get to hear only the lies perpetrated by them.

When you say, them, do you mean the UP government?

The UP government. They are the people who arrested him and put him in police custody first.

I do not know who is behind this conspiracy and why this is happening.

They come up with a new list of people that

Sidhique knows, every time the bail application comes up. Won't a journalist know many people? Won't a journalist interact with people belonging to all political parties?

Do you think the mistake Kappan made was go with those three people belonging to the Campus Front?

Just because he went with them, he will not become a member of the PFI. What about all these years of his career as a journalist? Has his work so far, no value?

He only wanted to go to Hathras to write the story as it was a burning issue then. I am sure he would not have thought in his wildest dreams that the trip would end up like this, and he would be in jail.

If he knew he would be arrested by the police, do you think he would make such a trip with them?

In fact, he was asking around whether any other journalist was going to Hathras as he wanted to go there to write a story.

He went there after Rahul Gandhi and Priyanka Gandhi were **stopped from entering Hathras**.

My question is, why was only Sidhique Kappan arrested? What about the other journalists who went there? Did no one go?

Is it because this man has a Muslim name? Is it because he is from Kerala?

Yes, they achieved one thing. That was the end of what happened at Hathras.

Is anyone talking or writing about that girl or the incident now?

Those who tortured and murdered the girl mercilessly are roaming around freely while the man who went to write about is in jail. What kind of justice is this?

The only intention they have is he should not get bail.

When they found that the PFI angle did not work, they brought in SIMI. Now, he is being connected to the **Delhi riots**.

The UP government in its affidavit says

that Kappan has been constantly in touch with those involved in the Delhi riots... What do you say about that?

What can I say? They may even connect him to all the other riots that has happened in the country.

I am told some other problem that happened in UP on the 4th of October has also been attributed to the person who went there on the 5th.

His bail plea has been postponed for one-and-a-half months.

Is it fair to keep an innocent man inside and not even grant him bail? Is there no justice in this country?

When we spoke in November, you had not been able to get in touch with him. Were you able to speak to him after that?

At that time, I was not even sure whether he was alive. We had no touch with him for one-and-a-half months. Not even the lawyer could talk to him.

After the court order, I was able to talk to him once a week, and the lawyer was able to meet him. For a month, we spoke once in a week, then he was given permission to talk every day.

Was he upset?

No, he was not upset. He told me, 'Why should I be scared when I didn't do any wrong? I went there to cover a story. I was arrested under the orders from the top'.

He tells me all the time to be strong. I asked him whether the police tortured him, initially he said, no.

But when I went on asking him, he finally confessed that he was tortured when he was in police custody.

This happened on the 5th and 6th of October when he did not agree with the allegations.

The UP government told the court that Kappan did not cooperate in the questioning...

Yes, they wanted him to agree to all the lies

they said. When they asked, 'Are you a terrorist, he was supposed to say, yes, I am a terrorist. When they asked, 'Were you involved with PFI?', he should say, yes, I am. When they asked, 'Did you get Rs 100 crores?', he should say, yes, I got Rs 100 crores.

Because he did not say yes to all the accusations, it was non-cooperation.

All this torture was because he was from Kerala.

Why is it so?

The other three people who were arrested along with him were not physically tortured. Only Sidhique Kappan, who is from Kerala, was tortured. I don't know why. Do they hate Keralites that much?

'Do you not have any rape cases to write about in Kerala? Why is it that a Muslim from Kerala has so much sympathy for a Dalit woman in UP? Why did Rahul Gandhi visit your wife?' These were the kind of questions the UP police asked him.

You met Rahul Gandhi when he came to Malappuram. Was it to give a petition?

I went to Wayanad, requested him to help me. He never visited our house. Then I met him again in Malappuram. He said, he would pass on my petition to Priyanka Gandhi.

Though he promised to help, he has not done anything.

The Kerala chief minister also has not done anything.

Is Kappan getting his diabetic medicines regularly? You were worried because he was diabetic.

After he was moved to judicial custody, things are okay. Because they are given food only two times a day, sugar level is normal. He gets his medicines also.

But ever since the new allegations of his links with SIMI came, he has not called me. When we spoke last Friday, he said he would call the next day, but I am yet to get a call from him. I am very worried now.

This has become your fight now....

I am fighting for him because I know he is innocent. And all the journalists who still stand by him also know what kind of a person he is.

I am fighting because there is this 90-year-old *Umma* who has been crying all her waking hours for her son.

I am fighting for my three children.

We are an ordinary family, we are not terrorists.

You should come and see how harmoniously we live with our neighbours who are Hindus.

During the Sabarimala season, when the woman of the house could not cook food, we sent food from our house. That's the kind of relationship we have with our neighbours. And

they call us religious fanatics.

From where do you get the courage to fight?

Is he not my husband? Who else will fight for him but me?

As he has not done anything wrong, I am sure he will get justice.

But unless all the journalists unite and fight for his release, I feel they will make him a terrorist and keep him there.

Now that things are dragging on endlessly, I am getting scared. I have not heard from him for a week, and I am all the more scared now.

I am crying so much that sometimes I feel my heart will explode and I will die.

Courtesy **Rediff.com**, 18 December 2020. 🌈

Readers' Comments

Dear Mahi Pal Singh,

Just wanted to tell you how much I liked your editorial article in the December RH.

Thank you,

Yours Sincerely,

Kamesh

Sir,

Thank you and the same to you at RH! The issue (January 2021) is quite attractive.

Dipavali

Dear Shri Mahi Pal Singh,

My deepest condolences to the RH family as well as the family of Shri S.C.Varma on his recent demise. His services to RH family as well as other institutes related to M.N. Roy are immeasurable.

Have you listened to the PM's speech this morning while inaugurating the vaccine programme? It is pertinent to note that he recited two golden lines in Telugu from the famous patriotic song of the foremost Telugu poet Gurujada Apparao. You were kind enough to publish my English translation of the immortal song in the Oct. 18 issue of the RH along with the photo of his statue in Visakhapatnam. I quote my translation of the poignant lines in Telugu recited by the PM. "Give up some self gain to render help to others...a country means not mere clay, a country means people." But our PM did not demonstrate this precept into practice while plunging people into inhumanly implemented demonetisation and Carona lock down. Let us hope he will practice this precept into practice in future.

If you deem it fit, please consider publishing this in the next issue of the RH.

P.A.S. Prasad

Choosing My Religion: ‘Freedom of Religion Laws’ to Curb Liberty

Ram Puniyani

Indian Constitution gives us the right to practice, preach and propagate our religion. To not to follow any religion is also a matter of right for the individual. Now in our country as we are facing declining GDP, worsening economic situation, rising prices-unemployment-farmers suicides and currently farmer's agitation, some of our state Governments are more worried about the interfaith marriages and conversions. Some of them are busy putting forth the laws to prevent conversions. As such conversions have been nagging issue since last few decades but currently they are being attributed as the goal behind inter faith marriages. BJP ruled states and particularly UP, are busy formulating the laws to punish those who are involved in the process of conversions. Parallel to the efforts of state Governments, the vigilante groups are having a gala time harassing couples to 'save their religion'!

Conversion, mainly away from Hinduism, is yet again coming to fore. The UP Government is planning an ordinance against organizations which are involved in conversion process. As per this organizations will lose their registration and face dire consequences. The ordinance demands a two-month notice to be given to the local administration. The local administration will have the power to decide whether your intended act is legal or not. And of course the burden of proof will be on the converts and the persons converting them. There is a special; mention of SC/ST and women. Many states are now vying to bring in anti 'Love jihad' and anti-conversion laws. There are many individual cases where couples and their relatives are

being tormented by groups in the name of conversion and love jihad. Many of the laws being framed by the states are mostly against many provisions of Indian constitution.

During freedom movement, Arya Samaj had started Shuddhi movement to bring back those who had embraced other religions. Similarly Tablighi Jamat was active with the parallel campaign of Tanzim to convert people into Islam. The biggest conversion of twentieth Century was of course the one undertaken by Bhimrao Ambedkar. This conversion as such tells us the real cause of the conversions into other religions. Ambedkar, a dalit, got the highest of degrees and on return he had to face the ignominy of being untouchable. In his struggles for social justice and for dignified life his, his major conclusions were that Hindus cannot be a nation due to the caste hierarchy. Hinduism is dominated by Brahmanical values. This is what made him declare that 'I was born a Hindu that was not in my hands but I will not die a Hindu'.

His exploration led him to Buddhism, which formed that basis of his decision to embrace Buddhism along with over three lakh followers. Law Professor Sameena Dalwai, in her article draws our attention to the fact that had the present type of laws would have been there, Ambedkar might be behind the bars by now. The architect of Indian Constitution was for Liberty. Liberty does include right to our choice to follow any faith of our liking, or to be an agnostic or atheist as well.

While many people have not been exercising their right to choose their religion, many have done so in the past. That's how Islam, Christianity, Sikhism and Buddhism spread in India. Buddhism did face a painful

trajectory as it was attacked by elite intolerant traditions within Hinduism, which are totally against the concept of equality as propounded by Buddhism. Birth based inequality is peculiar feature of some sects prevailing here, with the sanction of Holy Scriptures. As a practice it is also part of other religions to some extent.

While today so many obstacles are being erected for the odd one opting to change one's religion, history has seen streams of conversions, minor and major, to Islam and Christianity. Indian history has seen conversions mainly due to two factors. One is the tyranny of caste oppression. Swami Vivekananda tells us, "and The Mohammedan conquest of India came as a salvation of the downtrodden, to the poor. That is why one fifth of our people have become Mohammedans. It was not the sword that did it all. It would be the height of madness to think that it was all the work of sword and fire. It was to gain their liberty from the... zaminders and from the Priest, and as a consequence you find in Bengal there are more Mohammedans than Hindus amongst cultivators, because there were so many zaminders there." (Selected Works of Swami Vivekananda, Vol.3, 12th edition, 1979.p.294.Extracted from the sayings of Swami Vivekananda compiled in 'Proletariat! Win Equal Rights' Advaita Ashram, Calcutta, 1984 p.16.).

Many a conversions did take place also

due to the social interaction and spiritual quest also. Some victor Kings also put humiliating condition of acceptance of their religion by the defeated kings. In India it was mainly the interaction with Sufi saints that many took to Islam. One interesting example is that of Dileep Kumar becoming A.R. Rahman, under the influence of a Sufi saint.

The second phenomenon is that of Christian missionaries. They have been working on issues of health and education in remote areas also. A couple of decades ago Pastor Stains was done to death on pretext of conversion (1999) and in 2008 anti Christian violence has been orchestrated in places like Kandhamal in particular. The extent of this conversion is not very huge if we see that despite centuries of work, the Christian population in India as per the census of 2011 is 2.3%. (First Church was set up by St. Thomas in AD 52).

Political phenomena of 'reconversion to Hinduism' are not far behind as witnessed in Agra, where the pavement dwellers were promised the BPL card and ration card. They were lured to come to a puja and declared that now they are Hindus. Ghar Wapsi by giving bath in hot springs in Adivasi areas is very much there. This is a political move to bring these sections into the fold of caste hierarchy, yet again. 🌈

Articles/Reports for The Radical Humanist

Dear Friends,

Please mail your articles/reports for publication in the RH to: theradicalhumanist@gmail.com or mahipalsinghrh@gmail.com or post them to: **Mahi Pal Singh, Raghav Vihar Phase-3, Smith Nagar, Prem Nagar, Dehradun, 248007 (Uttarakhand)**

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

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

- Mahi Pal Singh, Editor, The Radical Humanist

DDC Poll Results Are an Emphatic Rejection of the Scrapping of J&K's Special Status

The core of Kashmir's secular politics remains in place, and Kashmiriyat has yet again triumphed over sectarian majoritarianism.

Badri Raina

The ruling Bharatiya Janata Party (BJP) is busy making a virtue of necessity.

All the “correct” noises are being made about how the democratic process has been restored in the downgraded erstwhile state of Jammu and Kashmir.

As if the voter in that beleaguered part of the country came out on the say-so of the government of the day.

That they did so owes entirely to their political sagacity, but clearly, they did not do so to notch up credit for the establishment.

Rather the contrary, it turns out.

Backdrop

Beginning August 5, 2019, the long-held Hindutva plan for the erstwhile state started to operate.

The ideological project to incorporate Kashmir into the majoritarian paradigm was inaugurated by the clandestine reading down of Article 370. This required the enforced silencing of the political voice of the Valley, especially.

Consequently, the move was accompanied by the draconian confinement of mainstream leaders and the humiliating downgrading of the state into a Union Territory — never done before in the post-Independence history of the republic — and the imposition of direct Central rule.

This measure at one stroke robbed the state assembly of its constitutionally mandated prerogative to speak for the continuation or not of Jammu and Kashmir's ‘special status’.

For a whole calendar year, unrelenting propaganda was unleashed to claim that the

mainstream leaders and parties had lost the favour of the people at large who had now decided to go over to the grand vision of the numero uno to effect “development” in the state under the aegis of the ruling party and the benevolent political dispensation of the honourable lieutenant governor.

The question as to why such leaders needed to be incarcerated if they had indeed become defunct remained unanswered. As was the question as to why they were asked to sign bonds committing to not raise the matter of Article 370 in public were they to be let out if indeed Kashmiris no longer cared a hoot for the historical identity bestowed on them by provisions of Articles 370 and 35A.

The constitution of District Development Councils and the announcement of elections to these bodies were canny moves to depoliticise the state, and redirect popular activity to the ostensibly apolitical agenda of setting drains in order, planting electric poles, repairing roads and bridges, and giving young Kashmiris the opportunity to distinguish themselves in healthful sports events.

It was to be understood that an elected assembly was of peripheral concern to Kashmiris who now saw the great benefits of stilling their misdirected political disquiet in favour of uncomplaining cooperation with “nationalist” properties.

Always rubbishing the intervention of “foreign” voices in the matter of the Centre's doings in the state as mischievous efforts to bring Indian democracy into disrepute, the Central government thought nothing of inviting

chosen representatives of foreign nations to the Valley to certify the laudable democratic exertions of the Modi government *vis-a-vis* Jammu and Kashmir which, it was propagated, had lagged far behind the rest of the country in economic opportunities owing to the “special status” bestowed wrongfully on it by the “appeasing” Congress regimes of the past.

All that in the teeth of voluminous statistics that emphatically showed that the erstwhile state had in fact been doing far better in the arena of “development” than even the beloved state of Gujarat.

The final showpiece in this elaborately built deception was the declaration of elections to the district development councils.

All the “correct” noises about the grand restoration of democracy to the state’s people notwithstanding, the canny calculation of the powers-that-be was that the mainstream parties were too pulverised and relegated to venture into a participation in these projected elections. Thus, the electoral move was propelled by the anticipation that the ruling BJP would have an open field, and the opportunity of a lifetime to occupy the entire political space in the state.

A king’s party was floated as a substitute to the mainstream parties to show that local politics was alive and free to partake of the new democratic vision.

The mainstream parties

Ruthlessly excluded from any conversation with the people, these parties found themselves in an unenviable dilemma.

But they had the sagacity to understand that if they did not participate in the DDC elections, the boycott could not but spell a veritable political doom for them.

They understood that if they did not exert to reclaim political space given this opportunity of elections to the councils, another opportunity may not be forthcoming in a long foreseeable future. They also understood that merely participating was not enough and that a defeat at the hands of the BJP juggernaut would once and for all consign them to the category of “dynastic” have-beens who had now lost all hold among the Kashmiris.

The coming into being of the Gupkar Alliance was thus both a necessity and an astute realpolitik.



National Conference leader Farooq Abdullah and PDP chief Mehbooba Mufti and other leaders look on as People’s Alliance for Gupkar Declaration spokesperson Sajjad Lone speaks to the media after a meeting in Srinagar, October 24, 2020. Photo: PTI/S. Irfan

The campaign

Stunned by the resolve of the mainstream to give it a battle, the only two courses open to the ruling establishment were either to rescind the elections on one pretext or another, or make it as intractable as possible for the Alliance candidates to freely campaign among the electorate.

Events clearly had overtaken the Centre and the BJP to risk the opprobrium of cancelling the projected elections. Thus the second course was adopted. Candidates of the Alliance — now dubbed the “Gupkar Gang”— were sought to be corralled within closed confines on the pretext of security threats to them, while candidates of the BJP roamed freely with security cover from the state.

Mainstream campaign

Against the official campaign that sought to malign politics and run on the “development” thesis, the mainstream knew that any return of political credibility to them could result only if they forthrightly campaigned against the reading down of Article 370 and for the restoration of “special status” granted to the state by the constitution of India after prolonged negotiations in the Constituent Assembly.

Thus, the Alliance was named People’s Alliance for the Gupkar Declaration.

That declaration, as we know, had stated as its objective opposing the rescinding of “special status” and striving for its reinstatement. That this bold principled resolve to stand by their commitment to the removed Article was, predictably, maligned was proof of their extra-nationalist loyalties to “separatism”.

The result

During the campaign, whichever media group thrust a microphone into a voter’s mouth, they were told that people had determined to vote now for the new vision for the state strenuously propagated by the Centre and the

ruling party.

But the results show that the people of Kashmir had a monumental con in mind.

Whoever may have taken the campaign voices seriously would not have but come to the conclusion that the BJP was set to sweep the state, the Valley included.

Yet, look at what has happened. Not only has the Alliance swept the Kashmir province but has registered victories in as many as 35 seats in the Jammu province. In contrast, the BJP has garnered a measly three seats in the Valley, owing principally to poor candidate selection by the Alliance in these seats.

Clearly, any media propaganda on behalf of the establishment that the results once again show a cleavage between the Hindu-dominated Jammu province and a Muslim-dominated Valley is just that —propaganda. The salutary fact is that whereas Hindutva has failed to conquer the Valley contrarily, it is the mainstream that has once again shown that its hegemony extends to large areas of the Jammu province as well. That the National Conference has 25 seats and the Congress 17 in the Jammu province puts paid to that sectarian thesis.

This may justly be interpreted as living proof that the core of Kashmir’s secular politics remains in place, and, if you like, that Kashmiriyat has yet again triumphed over sectarian majoritarianism.

Truly a consequence that brings heart and hope to a nation overwhelmed by forces of cultural and political reaction, and suffocated by authoritarian governance. Consider that even some Pandit candidates have won their seats on mainstream tickets.

Recalling Gandhi, Kashmir still shows the way.

This resounding affirmation of mainstream politics gives just basis for it to claim that their agenda of the restoration of “special status” has a mandate from the people — a claim that may not be rationally contested by a regime that

never fails to claim that its 37% popular vote in the General Elections of 2019 gives it the right to do whatever it likes, wherever it likes.

Never at a loss for polemical points, the ruling BJP now seeks to proffer the argument that it has polled equal or more votes than the Alliance. Needless to counter that they might not have said this had they more seats than the Alliance and had the Alliance more votes than they did.

The future

Project DDC elections having failed for the ruling BJP, the government of the day may be more than hamstrung now to resort once again to draconian measures, to once again debilitate the career of mainstream politics and leaders in the state. Nor may it be so easy — given the ongoing historic farmer's agitation — to clamp down on public mass activity in the state as heretofore.

Equally, the establishment may think twice now to fulfil its commitment of restoring statehood to Jammu and Kashmir or holding elections to a new assembly.


Given that the new domicile laws have bitten hard in both provinces of the union territory, it may not be easy to contain popular mobilisation against these new measures that affect one and all in the state.

A situation may arise in which Kashmiris in both provinces find themselves obliged to come together, Hindutva notwithstanding, to battle together to regain what has been lost.

Never to forget that the democratic world watches events in Kashmir, and the new presidency in the United States may not be as obliging in the matter as Donald Trump.

More than a millennium ago, Kalhana Pandit, the author of *Rajtaringini*, a text close to the official heart, had this for an epigraph: "Kashmiris can never be won over by force, only by love."

Well, that love can only best express itself in the Centre's acceptance of the demand for the restoration of Article 370, and the jettisoning of the Hindutva project *vis-a-vis* Kashmir.

Badri Raina has taught at Delhi University. 

Why is Democracy Weak in India

The democratic values of liberty, equality and fraternity are only a popular version of the scientific humanist values of freedom, rationalism and self-sustained morality.

Democracy in India is weak and unstable because these humanist democratic values have not been adequately disseminated among the people. That is why in India the spirit for freedom and self-reliance remains submerged under the traditions of submission and servitude, why blind faith predominates over rationalism, why morality is overwhelmed by corruption and injustice, and why casteism and communalism continue to thrive. A renaissance movement based on Radical Humanist values is necessary for the all round political, economic and social transformation of India society.

(From the Preamble to the **Constitution of Indian Radical Humanist Association**)

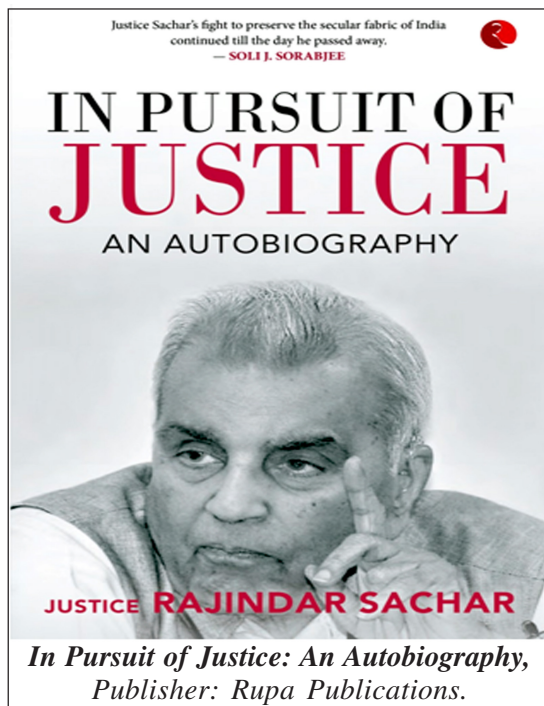
Book Review :

Justice Rajindar Sachar's Autobiography Is a Glimpse into How Close Law Is to Politics

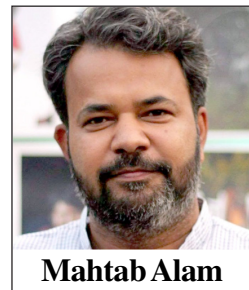
From V.P. Singh to corporate donations to political parties, 'In Pursuit of Justice' is a deep dive into the world that a proud socialist called his own.



Justice Rajindar Sachar. Photo: Wikimedia Commons/Public Domain.



In the first week of September 2012, a public meeting was organised by the People's Union for Civil Liberties (PUCL) and a few other organisations at Hindi Bhawan, New Delhi, to felicitate Allahabad based activist-journalist Seema Azad and activist Vishwavijay after their release from jail.



Mahtab Alam

Justice Rajindar Sachar was one of the main speakers at the meeting as he had been very active in the campaign for the release of both activists.

I, as an active member of PUCL back then, was given the responsibility of conducting the meeting that day. While inviting Justice Sachar to grace the podium, I introduced him as the former Chief Justice of Delhi high court. Before

addressing the public meeting, he said, “*Yaar, ‘judge’ kah kar mat bulaya kar. Aajkal judges ka standards bahut gir gaya hai...ye kah diya kar ki purane socialist hain.*”

‘Please don’t introduce me as a judge. Their standards have fallen quite low these days. You can say that I am a veteran socialist.’

It is while reading his autobiography, *In Pursuit of Justice*, that I realise that his comment was less on the state of judges and more about his wish to be known and remembered as someone committed to the idea of socialism.

The book has been posthumously published and is to be launched today, December 22 — which happens to be his birthday, as well as the day of his retirement as chief justice of the Delhi high court.

He passed away on April 20, 2018, at age of 94 in Delhi.

Electoral politics

Before becoming an additional judge of the Delhi high court, he was very active in politics. In fact, politics was his first preference, and only after realising that it was not possible for him to be a part of active politics and do public service did he agree to become a judge.

Justice Sachar was of the view that “in a democratic system, leadership coupled with a presence in the legislature is what gives real strength to political parties — they enjoy greater respect, and, I would say, are able to propagate their policies with greater impact”.

In his autobiography, he also notes, “I feel that many of our leading social activists, such as Aruna Roy, who exclude themselves from the electoral fray, do not realise that without a political set-up and without a political presence in the legislature, the impact they have on public opinion and public support is much less.”

Though he is widely acknowledged, and rightly so, for what is better known as the Sachar Committee Report (2006), he also led several

other committees during his lifetime. One of his lesser-known (and acknowledged) works is as the chairman of the high-powered expert committee on Companies and the Monopolies and Restrictive Trade Practices Acts, which submitted its report in 1978.

Of the many matters the committee dealt with in the course of their review of the Companies Act, two are still very relevant and continue to be debated. One is the issue of workers’ inclusion in a company’s board of directors and the other, of corporate houses making political contributions.

With regard to workers’ inclusion in the board of directors, the committee made several favourable recommendations, taking a cue from the Directive Principles of State Policy in the constitution, and other important policy documents, such as the report of the Planning Commission, and in consultation with industry bodies and labour unions.

On the question of companies making political contributions, the committee recommended its prohibition. According to Justice Sachar, “This recommendation was unanimous and approved by industrialists, trade unions and representatives of political parties. There was an apprehension that ‘if corporate donations were permitted, the danger to democracy can be well visualised’.”

“It is unfortunate that the High Powered Committee’s recommendation of not allowing political donations was not included in the Companies Act or the current Companies Act of 2013. On the contrary, the law has been made easier,” notes Justice Sachar with much dismay.

However, this did not deter him from advocating for a ban on corporate funding to political parties as he firmly believed that “clean politics demands no corporate funding to political parties”. Thanks to the rejection of the committee’s recommendation, there has been a steady rise in corporate funding to political parties.

In March last year, the election commission of India told the Supreme Court that the electoral bond project and removal of caps on the extent of corporate funding would have “serious repercussions/impact on the transparency aspect of political finance/funding of political parties”.

V.P. Singh as Prime Minister

Another lesser-known fact about Justice Sachar is that had he (then retired) not intervened just in time, it would have been difficult for V.P. Singh to become the prime minister of India in 1989, despite the fact that during the campaign, he (Singh) was the face of the seven-party anti-Congress alliance, the National Front.

Justice Sachar quite vividly recalls in his autobiography how, after the elections that year, he had received a call from veteran journalist and his brother-in-law Kuldip Nayar asking him to join the latter at Haryana Bhavan without much delay.

“I went there and found Chaudhary Devi Lal, Kuldip and J.D. Sethi (he became a member of the Planning Commission in 1990) in a huddle. Devi Lal was saying that he was committed to supporting Chandra Shekhar’s name for prime ministership. Since Kuldip was aware that I had known Devi Lal from the time he was an MLA and had also represented him in the high court in a number of cases, including election petitions, he had called me to persuade Devi Lal to support Singh. I asked Devi Lal why he had decided to put forward Chandra Shekhar’s name as prime minister. He replied, “What can I do?” Chandra Shekhar says, “I am such a big leader and I cannot be under V.P. Singh. He is a newcomer compared to me.”

To this, Justice Sachar reasoned that Chandra Shekhar might be a bigger leader than Singh in that sense, but there was no doubt that

the people had voted for Singh.

”As for the point that Chandra Shekhar was senior to Singh in politics, I laughingly told Devi Lal: ‘You know Chandra Shekhar was a member of the Socialist Party before he went over to the Congress. If I were to say that I was in the party national executive when he was only a district president and so I am senior to him and a bigger leader, how stupid that would be!’ Hearing this Devi Lal said Chandra Shekhar had told him that he had the support of many. I told him that Chandra Shekhar was depending solely on his support.”

According to Justice Sachar, at that time, Devi Lal was being pressurised by his son, Om Prakash Chautala, to support Chandra Shekhar as he had been given to understand that he would be made the chief minister of Haryana.

Moreover, writes Justice Sachar, “There was the refrain that Chandra Shekhar had the support of many.” To which he said: “Forget it, I know the Janata (party) people. When Chandra



V.P. Singh. Photo: File

Shekhar tells you they will all vote for him, that is not so. That part you can forget.” This made Devi Lal change his mind.

“Accordingly, a plan was put in place. On 1 December 1989, the Janata Dal parliamentary board met to elect its leader. (V.P.) Singh proposed the name of Devi Lal, and Chandra

Shekhar seconded it. Then Devi Lal stood up and took the name not of Chandra Shekhar but of Singh, saying that he had been the face of the election campaign against the Rajiv Gandhi government. (Chandra) Shekhar probably never forgave us for that,” notes Justice Sachar.

Judges and philosophical thinking

On the frequently asked question of why judges take a different view of the same point, Justice Sachar remarks, “It’s a fallacy to think of judges as machines and expect them to deliver the same results in a particular situation.” According to him, “for every judge’s decision is influenced by the major inarticulate premise that plays a role in his or her thinking. A person’s philosophical thinking, which is developed even before he becomes a judge, has a great deal to do with how he arrives at his judgement.”

He further adds, “Though judges try to be impartial and objective, it would be misleading to think that their decisions are not influenced by their ideas on issues such as gender equality and labour relations, to name a few.”

In Pursuit of Justice is insightful on several counts, and if one were to name a few, it not

only provides a ringside view of the Indian judiciary and the functioning of judges, it also helps one to understand the close relationship between law and politics, how to handle pressure while holding public office, why justice should be preferred over law.

The book has chapters on almost every important issue or event which has affected India in one way or the other over the last seven decades. Right from Partition to the Kashmir conundrum to the emergency to the anti-Sikh violence to the Indian Muslims, it covers a wide range of issues that affected India, its polity and society.

Remarkably, while it is a no holds barred account of Sachar’s life, there is hardly anything in it which can be termed sensational. But that does not make it boring. It is one of the most engaging books that I have read in the recent past, and what keeps it captivating are the stories that fill its pages. And there are lots of them.

The book will interest anyone who is even slightly interested in understanding realpolitik, the importance of public service, and how one can, without compromising with her/his principles, make a lasting impact on public life. 🌈

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M.N. Roy's Literature in Telugu

The Writing of Late Sib Narayan Ray's 'LIFE OF M.N. ROY'

translated by Innaiah Nariseti and published by Potti Srimulu Telugu University

The translation was done while Sib Ray was publishing it serially and by the time it was complete, the translation was also ready. Then it was published and released by Indumati Parekh and Justice Avula Sambasivarao at the University. The function was presided over by the registrar of the University.

Sib Ray expressed surprise for the speed at which the task was completed. Sib Narayan Ray was invited to a function at Hyderabad where he saw the publication in book form and expressed his happiness.

The book was sold rapidly and received well.

Telugu Akademi at Hyderabad got almost all the writings of M.N. Roy published in Telugu and they were sold fast. They marketed well through book exhibitions and shops including their own.

Here are the details of those books:

1. Reason, Romanticism and Revolution - 2 Volumes
translated by Innaiah Nariseti and edited by Dr. C. Narayanareddi (Vice Chancellor of open Univerisity and Telugu University)
A special function was arranged at Hyderabad Journalists' Union office to release the books and Narayanareddi made a good speech on that occasion.
2. Revolution and Counter Revolution in China: translated by Innaiah Nariseti
3. Russian Revolution: translated by Innaiah Nariseti
4. Parties, Power and Politics
5. Life of M.N. Roy by V.B. Karnik: translated by Innaiah
6. Brief sketch of M.N. Roy's life by V.B. Karnik: translated into Telugu by Innaiah Nariseti

Now the books are not available since all of them were exhibited and sold out.

All are awaiting republication. But on line copies are available with kinigi.com website from Hyderabad.

India in Transition by M.N. Roy was translated by Innaiah Nariseti and edited by Dr. C. Narayanareddi. It is still awaiting publication. Since Telugu Akademi was split into Andhra and Telengana, there is much delay due to administrative causes.

Radical humanist friends might take up similar attempts through the academic bodies available in their respective states.

Innaiah Nariseti

A rare photograph of two of the truly great Indians of all times: Dr. Ambedkar and Periyar. What revolutionaries they were!



Views of the committee members on Farm Bills selected by Supreme Court :



Reforms are needed in order to make agriculture competitive.

- Bhupinder Singh Mann



There is no need to withdraw these laws, which have opened up opportunities for farmers

- Anil Ghanwat



The economic rationale of these pieces of legislation is to provide greater choice and freedom to farmers to sell their produce and to buyers to buy and store, thereby creating competition in agricultural marketing.

- Ashok Gulati



Any dilution in the farm laws will constrain Indian agriculture to harness emerging global opportunities.

- DR. P K Joshi

It is a pro government committee appointed by the BJP government through the Supreme Court. An effort to fool the farmers to withdraw their movement. But the farmers understand the politics of committees.

(Bhupinder Singh Mann has since resigned from the Committee after the Farmers' Unions declared that they would not appear before the pro-government and 'committed' Committee, committed to the three farm laws, which they see as anti-farmers and want to be repealed.)

– Dr. Ramesh Awasthi, Chairman, Indian Renaissance Institute

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