

THE RADICAL HUMANIST



ESTABLISHED : APRIL 1937

(Formerly in the name of 'INDEPENDENT INDIA'
from April 1937 to March 1949)

Founder
M.N. ROY

Vol. 85 Number 5

AUGUST 2021

Rs. 15 / MONTH

'A stain on govt's reputation which will last forever': Jyoti Punwani

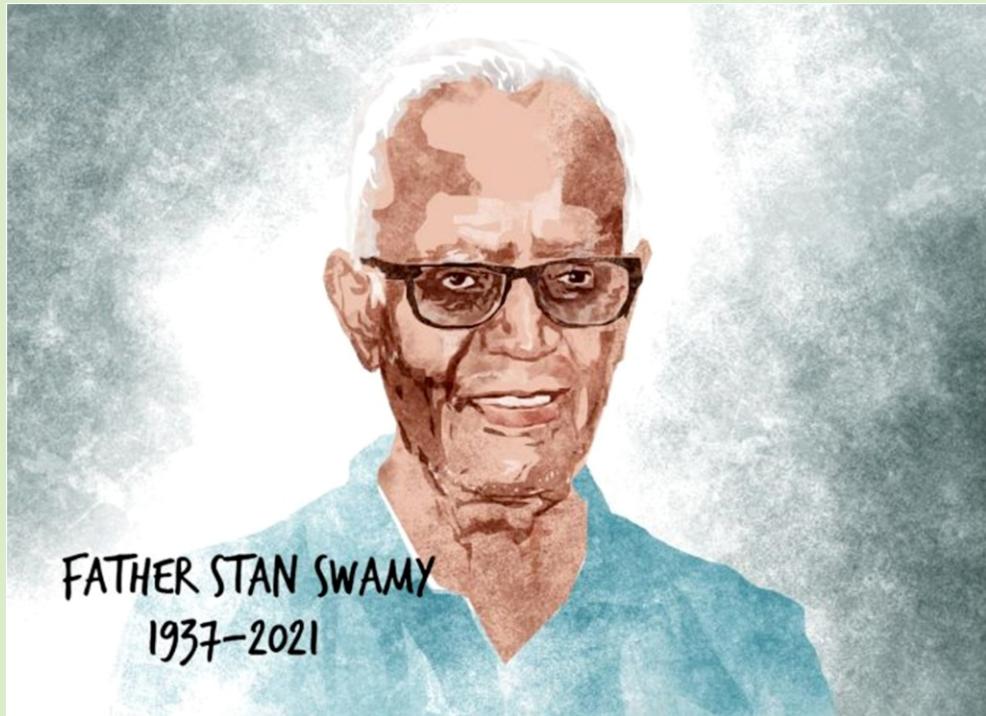


Illustration: Dominic Xavier/Rediff.com

'Stan's death is the culmination of a series of acts of abominable cruelty on the part of the Indian State.': Jean Dreze

In Memoriam:



Stan Swamy's custodial death ends charade of 'Gandhi in London, Godse in Gwalior'

With a deep sense of pride, the late Chief Justice JS Verma used to recount how he saved India the embarrassment of having the UN Human Rights Commission evaluate the Gujarat killings of 2002. He told Mary Robinson that it was not necessary, as Indian institutions — in this case, primarily the National Human Rights Commission, which he was heading — were on the job and had prepared a meticulous account of state failure and complicity.

In the case of 84-year old Jesuit priest Father Stan Swamy's custodial death, India may have denied itself that luxury. A quick recap: No trial. No conviction. Father Stan Swamy was interrogated, then dragged to Taloja jail, away from his home in Ranchi in October 2020, in the midst of a global pandemic, and held as an undertrial. He was denied a straw — an Alzheimer's patient, he couldn't drink water without one — and bail, despite telling the court that his functioning had been impaired by his time in jail. He was forcibly hospitalised, at his own cost.

The point was that the state could do so, with the full support of a judiciary which allowed for 16 human rights lawyers, trade unionists, activists, writers and intellectuals to be kept in

Seema Chishti, The India Cable

custody indefinitely despite there being no prospect of an imminent trial. The charges? Letters, which apparently establish a conspiracy to overthrow the elected government. In April, a US digital forensic firm provided evidence to the NIA that the so-called letters, at least 10 of them, on which this entire case rests, were planted by a computer attack on the laptop of one of those arrested, activist Rona Wilson, before he was taken into custody. Now, it turns out, evidence was also planted on Surendra Gadling's phone.

In Father Stan's case, the manner in which he has been accused and incarcerated leads to a single point — the intentions of the political project towards independent institutions, the law and minorities.

- The rule by law, instead of law, is brought home forcefully by this case. The way the National Investigation Agency was brought in, the use of the notorious UAPA to lawfully but unconstitutionally name individuals as terrorists and violate their right to life and liberty, was a vivid illustration of the pattern at play. Use the law to attack and break down the rule of law.

(To be Contd....on Page - 4)

THE RADICAL HUMANIST

Vol. 85 Number 5, August 2021

Monthly journal of the Indian Renaissance Institute
Devoted to the development of the Renaissance Movement and to the promotion of human rights, scientific temper, rational thinking and a humanist view of life.

Founder Editor:

M.N. Roy

Advisor:

Dr. Narisetti Innaiah

Editor:

Mahi Pal Singh

Editorial Board:

Ramesh Awasthi, N.D. Pancholi,
Dipavali Sen, Sangeeta Mall

Printer and Publisher:

Sheo Raj Singh

Send articles and reports to:

Mahi Pal Singh at Raghav Vihar, Phase- 3,
Prem Nagar, Dehradun- 248007. (Uttarakhand)
(M) 9312206414

or E-mail them to:

theradicalhumanist@gmail.com or
mahipalsinghrh@gmail.com

**Please send Subscription/Donation
Cheques in favour of :**

The Radical Humanist to:

Sheo Raj Singh,
3821/7, Kanhaiya Nagar,
Tri Nagar Delhi- 110035. (M) 9891928222.
Email ID: srsingh3821@gmail.com

Subscriptions can also be transferred directly to :

The Radical Humanist, Current Account Number 0349201821034, IFSC Code CNRB0000349, Canara Bank, Maharani Bagh, New Delhi- 110014.

Please Note: Authors will bear sole accountability for corroborating the facts that they give in their write-ups. Neither the IRI/the Publisher, nor the Editor of this journal will be responsible for testing the validity and authenticity of statements & information cited by the authors. Also, sometimes some articles published in this journal may carry opinions not similar to the Radical Humanist philosophy; but they would be entertained here if the need is felt to debate and discuss them.

CONTENTS :

	Page No.
In Memoriam:	
Stan Swamy's custodial death ends charade of 'Gandhi in London, Godse in Gwalior' Seema Chishti	2
Stan Swamy: A systemic failure HT Editorial	5
Darkness at noon, felled by the judiciary Ajit Prakash Shah	6
Who is guilty—Stan Swamy or those who kept him behind bars? Alok Rai	9
'A stain on govt's reputation which will last forever' Jyoti Punwani	11
Repeal UAPA	14
Stan Swamy death: Oppn leaders and activists call for fixing accountability	15
Father Stan Swamy Sagari Chhabra	17
Obituary:	
Ms. Manju Ray and Mr. Vikramjeet Sikand are no more	17
Editorial:	
Black Laws like UAPA and Sedition Law Must be Repealed and those who Misuse them held Accountable and Punished Mahi Pal Singh	18
Articles and Features:	
Justice delivery system is headed towards a disaster. Judges must take responsibility. Shailesh Gandhi & Arun Joshi	21
Keeping people, not profits, at the centre of reforms Sitaram Yechury	22
Is Mamata reason for Uttarakhand CM resignation? Rashme Sehgal	24
The Villains of the Second Wave of Covid-19: At Kumbh, some not tested, others not given... Shiv Sunny, Sandeep Rawat	27
Will the electorate hold the BJP government responsible for the suffering during the... Ashutosh Varshney, Amit Ahuja	29
What is the reason behind PM Modi's council of ministers reshuffle? Neerja Chowdhury	31
The Act of Registering FIR under Section 66A Sakshi Nenawati	33
Goodbye Dilip Kumar, creator of our first dreams of love Mrinal Pande	34
THE KING CAN DO NO WRONG'	36
Utopian Vistas:	
The Lost Legacy of Emma Goldman and M.N. Roy Prof. Sachidananda Mohanty	37

Stan Swamy's custodial death...

Contd. from page - (2)

- The way institutions, especially the judiciary and the media, whose patriotic duty it is to question and interrogate breakdowns in the system and call them out, failed to stand up. This underlined how powerless not only Swamy, but every Indian, had become, without the right to recourse of any kind. The case supposedly involves the 'overthrow' of the Union government, which made it necessary to suspend the freedoms of so many people, but it is not important enough to be heard. After The Washington Post and The Reporters' Collective reported on the findings of the US forensic firm Arsenal Consulting, its second report was submitted to the special NIA court on March 27, 2021. The matter is now before the Bombay High Court.
- It is no coincidence that Father Stan Swamy is a Jesuit Priest in central India, where the Sangh Parivar has targeted missionaries. Despite demographic evidence to the contrary, paranoia is seen in several BJP states about 'conversions', and several anti-conversion laws have been rushed through, often as ordinances. The insensitivity of the Indian state is not indifference. It signals encouragement to the base of the ruling party.

Now, there are consequences. Observers overseas are seeing through the carefully crafted and duplicitous narrative, in which dissenters are quietly silenced at home while internationally, India pretends that Gandhi's statues will continue to be built and Nehruvian liberalism will persist. Just last month, PM Modi told the G7 in a session titled 'Open Societies and Open Economies', according to the Foreign Ministry: "As the world's largest democracy, India is a natural ally for the G7 and Guest Countries to defend shared values from authoritarianism, terrorism and violent

extremism, disinformation and infodemics and economic coercion."

It's a posture of strategic importance to Modi's government, especially in the post-Trump world. The international media unsparingly held up the mirror to India during the callous handling of the pandemic, but the death of Father Stan concerns the fundamentals of democracy and may threaten membership of an international club, which this government so values. The European Union has spoken up and India will continue to face embarrassment at all international fora.

The unconstitutionality of downgrading the status of J&K and making it the world's largest open jail in a democracy may have just simmered and not hurt the ruling party's quest for 'Gandhi in London and Godse in Gwalior' in the beginning. But there came a time when political gaslighting finally ceased to be an issue that could be 'managed' at home, often by not even hearing habeas corpus petitions or silencing by jailing public representatives, including three former chief ministers, under draconian laws. India is firmly ahead in certain global rankings ? it's the internet shutdown capital of the world. The global order immediately recognised Swamy's custodial death as a violation of basic freedoms, which democracies must protect.

The farmers' protest too finally caught public attention internationally when it became a free speech issue, as internet access was cut. Of what use would India be to the Western powers it is so anxious to be on the right side of, when its internal democratic environment resembles that of Turkey or Russia?

The ghost of Justice JS Verma may not have won this round with the UNHRC. Father Stan Swamy lives on to fight another day.

(I. Fr. Stan Swamy was suffering from Parkinson's, and not Alzheimer's.

II. He was hospitalised after he, eventually, had consented to it after having initially refusing the offer by the HC - in lieu of bail.

Stan Swamy: A systemic failure

The Dalit and tribal activist's death should prompt the executive and judiciary to re-examine their approach

Eight months after he was arrested under the Unlawful (Activities) Prevention Act (UAPA), Father Stan Swamy, an activist who worked with tribals in Jharkhand, died on Monday. The 84-year-old died of cardiac arrest, but had a history of illness, including Parkinson's and a recent Covid-19 infection. But this must not be treated as a natural death. His death is an outcome of India's disturbing political climate, where civil society activists are painted as anti-national and the law is abused for partisan purposes. It is an outcome of politicised investigative agencies, which now face allegations of having planted evidence in the broader case (Bhima Koregaon-Elgar Parishad) where Swamy was an accused. And it is an outcome of a broken judicial system which has developed its own extreme brand of bail jurisprudence, where even those who are entitled to it on humanitarian grounds and pose no threat are kept in prison.

The fundamental problem is political illiberalism. And this spans ideological lines. The Congress came up with the draconian anti-terror legislative frameworks, did not hesitate to charge protesters with sedition (remember Kudankulam), and deployed State surveillance on political rivals and civil society leaders. But the Bharatiya Janata Party-led government has built on this, making UAPA

even more draconian and showing a deep distrust of civil society. Politically uncomfortable with assertive Ambedkarite and subaltern politics, the government often clubs activism on Dalit and tribal issues within the democratic framework with being a Maoist. The Bhima Koregaon case, where some of India's finest public-spirited individuals such as Sudha Bharadwaj (arrested in August 2018) and Anand Teltumbde (arrested in April 2020) have been in prison, rests on weak evidence.

The National Investigative Agency (NIA) is India's premier counter-terrorist body. But in this case, despite no incriminating evidence of Swamy's complicity in violence, and based on flimsy charges, NIA not just arrested him but opposed his bail and didn't factor in his age and health.

The NIA special court rejected his bail petitions, including on the grounds that "collective interests of society", a vague, legally untenable category, must prevail over personal liberty and didn't enable his medical care early on. The Bombay High Court too didn't cover itself in glory in delaying his bail, not allowing Swamy's final wish to be in Ranchi. Swamy's death must force the regime to revise its ways, courts to have a hard look at their evolving jurisprudence, and citizens to speak up for prisoners of conscience.

Courtesy **The Hindustan Times** editorial,
JUL 07, 2021 

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

Darkness at noon, felled by the judiciary

Ajit Prakash Shah



Posterity will blame the judiciary for the incarceration and unfortunate death of Father Stan Swamy

It has been 81 years since Arthur Koestler's *Darkness at Noon* was first published. The novel is set in the backdrop of the Great Purge of the late 1930s in the Soviet Union under Stalin. This period was marked by, among other things, political repression, police surveillance, general suspicion of the opposition, imprisonment, and executions. Decades on, thousands of miles away, darkness fell at noon in India too, when Father Stan Swamy passed away at a private hospital in Mumbai on July 5. Ominously reminiscent of the macabre world Koestler had drawn, Fr. Swamy's death is much more than the death of an activist accused of terrorist activities. It is the result of a systemic abuse of majoritarian authority and disregard for the rule of law.

His life in a nutshell

For many, Fr. Swamy will be remembered as an inspiration. A Jesuit priest, he chose to

make the upliftment of marginalised communities in Jharkhand his life's work. He lived and worked in a single room, prolifically writing (over 70 books are credited to him) on dispossessed people. He was an activist for most of his life, and used the legal system to fight for the rights of those who were being unfairly targeted, and thought that the Constitution would help in securing justice, even moving the Jharkhand High Court in a public interest litigation on undertrials. When doing all of this, surely, he would never have imagined that his fate would be decided by the very system he used and believed in.

It started in August 2018, when the Pune police raided Fr. Swamy's single-room home, seized his computer, cell phone, books and some classical music cassettes. Another raid took place in June 2019. Finally, on October 8, 2020, Fr. Swamy was arrested by the National

Investigation Agency (NIA), under the Unlawful Activities (Prevention) Act (UAPA), the 16th to join a roster of professors, activists, writers, and public intellectuals, as a suspect in the Bhima-Koregaon case. Fr. Swamy, aged over 80, remained an accused, in the custody of the state, till his death. Besides being arrested for what many believe to be improbable causes, and being possibly the oldest person ever accused of terrorism in India, the most tragic story is how his detention was handled by the state, by the police and worst of all, by the courts.

Fr. Swamy was arrested on flimsy evidence of some propaganda material and communication with other activists in the field, such as Sudha Bharadwaj and Varavara Rao, who were also arrested for similar charges. The authenticity of some of the allegedly indicting documentation, including a key report, has been questioned by international forensic data experts. But the state defended its arrest arguing that these issues must be gone into only during trial, and that the accused — i.e., Fr. Swamy — should remain in jail until then.

Pointer to judicial decline

This is the outcome also of the problematic Watali judgment, which I discuss in subsequent paragraphs. Repeated pleas for medical assistance by Fr. Swamy were consistently ignored or dismissed. Medical reports taken on record clearly showed that Fr. Swamy had the degenerative Parkinson's disease, and could not even do basic tasks, such as holding a spoon, writing, walking or bathing. Indeed, the court noted that he had a severe hearing problem, and was physically very weak. But even that did not move them. Every regular bail application that was filed by his lawyers was unequivocally rejected. When he applied for medical bail, the court kept adjourning the matter, and merely offered him the services of a private hospital. In my opinion, this demonstrates a lack of sensitivity on the part of the judges, which is deeply saddening.

The series of events that led to Fr. Swamy's eventual and tragic passing is testimony to the judicial decline that we have seen in recent years, which coincidentally or not, appears to be coterminous with the current political regime in India.

Why is the political establishment, and the police, so emboldened to pursue cases under UAPA against individuals like Fr. Swamy? A key reason, undoubtedly, is the weak judiciary we have today. Indeed, our judiciary today suffers from a great many flaws besides mere weakness. In Fr. Swamy's case, the judges displayed apathy of a shocking order. It is perplexing when, on the one hand, the Chief Justice of India grandiloquently states that personal liberties and fundamental rights must be protected, and courts do precisely the opposite.

A weakened central principle

It would not be too bold to suggest that the idea of the "presumption of innocence" — a central principle of criminal law and procedure — is on a terribly weak footing these days in our country, and this should worry all of us greatly.

The source of this worry is the Supreme Court of India itself. Its April 2019 decision in *National Investigation Agency vs Zahoor Ahmad Shah Watali* on the interpretation of the UAPA has affected all downstream decisions involving the statute. This decision has created a new doctrine, which is that effectively, an accused must remain in custody throughout the period of the trial, even if it is eventually proven that the evidence against the person was inadmissible, and the accused is finally acquitted. The illogic of this veers on the absurd: Why must an accused remain in jail only to be eventually acquitted?

According to the decision, in considering bail applications under the UAPA, courts must presume every allegation made in the First Information Report to be correct. Further, bail

can now be obtained only if the accused produces material to contradict the prosecution. In other words, the burden rests on the accused to disprove the allegations, which is virtually impossible in most cases. The decision has essentially excluded the admissibility of evidence at the stage of bail. By doing so, it has effectively excluded the Evidence Act itself, which arguably makes the decision unconstitutional. Bail hearings under the UAPA are now nothing more than mere farce. With such high barriers of proof, it is now impossible for an accused to obtain bail, and is in fact a convenient tool to put a person behind bars indefinitely. It is nothing short of a nightmare come true for arrestees.

This is being abused by the government, police and prosecution liberally: now, all dissenters are routinely implicated under (wild and improbable) charges of sedition or criminal conspiracy and under the UAPA. Due to the Supreme Court judgment, High Courts have their hands tied, and must perforce refuse bail, as disproving the case is virtually impossible. As a result of this decision, for instance, a High Court judge can no longer really adjudicate and assess the evidence in a case. All cases must now follow this straitjacketed formula of refusing bail. The effect is nearly identical to the draconian preventive detention laws that existed during the Emergency, where courts deprived people access to judicial remedy. If we want to prevent the disasters of that era, this decision must be urgently reversed or diluted, otherwise we run the risk of personal liberties being compromised very easily.

The most flagrant abuse of the UAPA, and constant rejection of bail applications of those accused as a means of silencing opposing voices, can be seen in the Bhima Koregaon cases, including Fr. Swamy's case, as well as the cases pertaining to protests against the Citizenship (Amendment) Act (CAA), where mere thought is elevated to a crime. In multiple

instances, evidence is untenable, sometimes even arguably planted, and generally weak overall. But as a consequence of UAPA being applied, the accused cannot even get bail. Courts cannot go into the merits of the case due to the Supreme Court judgment.

An issue for the judiciary

When courts do go into such matters, as in the instance of the Delhi High Court granting bail to three young activists accused in a conspiracy relating to the 2020 riots in Delhi, the Supreme Court uncharacteristically decides to weigh in. The Supreme Court reportedly expressed "surprise" and dissatisfaction at the High Court's decision, giving the direction that the decision will "not to be treated as precedent by any court" to give similar reliefs. Specifically, the Supreme Court reportedly said that "in a bail application, a 100-page judgment discussing all laws is surprising us", perhaps forgetting that the case that started it all, i.e., the Watali judgment of the Supreme Court, was itself a judgment in a bail matter! This seems to imply that only the Supreme Court can hold forth on matters of statutory interpretation, and that High Courts — which are constitutional courts in their own right — may not? By extension, if statutes ought not to be examined at all by High Courts, does this mean that individual arrestees must languish in jail till, say, the constitutional validity of the statutes under which they are arrested are decided? Surely, this would be completely irrational.

Posterity will blame the judiciary for the incarceration and unfortunate death of Fr. Swamy, and the continued imprisonment of so many others like him. But voices will continue to rise in protest. As Fr. Swamy himself said, though, "we will still sing in the chorus. A caged bird can still sing."

Ajit Prakash Shah is Former Chief Justice, Delhi High Court and Former Chairperson, Law Commission of India

Courtesy **The Hindu**, 8 July 2021. 

Who is guilty — Stan Swamy or those who kept him behind bars?

Alok Rai writes: The impunity of the state and its agents in destroying lives at will must be reined in. It cannot be legitimised by any electoral ‘mandate’.

Alok Rai

Ah, so the sly old seditious has slipped away. On Monday afternoon, Father Stan Swamy died in state custody. But the canny state, which had recognised that he intended to use a sippy cup as a terrorist device, and so took its time giving it to him, that state can surely claim that this was no ordinary death. It was a seditious act. They will stop at nothing, these dangerous Urban Naxals. They will do anything to malign the noble state.

First, there were all the people who were dying of the virus, dying on hospital floors, dying on city pavements, bringing the fair name of the country into disrepute. But there were proper “nationalists” around who sought to prevent the spectacle of the burning pyres, the car park cremations, from being photographed and becoming public knowledge. And now Stan Swamy’s gone and died. Surely he knew that dying like this will be showing the country in a bad light. And, this is my case, he knew it! He is on record as having said that it will not be long now — to the court that denied him permission to return to Jharkhand. Even if the state did not have evidence of sedition earlier, surely they have it now. Stan Swamy’s death was a seditious act! Guilty as charged — though they might not, yet, have charged him with the “crime” of dying in state custody.

Of course, the 84-year old had already spent a considerable time in custody, since the time that he was picked up from that charitable mission where he was ostensibly providing welfare services for the poorest “tribals” — as we call the original inhabitants of this land. Well, it will now become that much more difficult for

the state to gather evidence against him — can’t that count as obstructing the course of justice, perhaps even as destruction of evidence i.e. himself? But surely they must have some evidence already, because they arrested him in the first place, right? And now that they can’t gather any more evidence against him — or, at least, he can’t commit any more illegal acts — they must consolidate what they have already, and duly subject him to a posthumous trial. The “collective interest” which trumped his plea for bail on health grounds, demands no less. And surely his dying like this — in state custody! — this must be clinching evidence. If his life didn’t yield enough to convict him, surely the manner of his leaving it, does.

But yes, since he is unlikely any more to be able to intimidate witnesses, or tamper with evidence — or, indeed, commit any more anti-national acts, having already committed the ultimate anti-national act — the honourable judges who denied him bail, should consider granting him bail now. Father Stan Swamy must be allowed to be free, in death.

At the online condolence meeting in the evening, there was much talk, particularly among Stan Swamy’s Jesuit colleagues, about the importance of “reconciliation”. Well, religious people have their ways, but those of us who are non-religious must resolve to remain unreconciled, carry forward the noble burden of “sedition” that Stan Swamy has left behind. It will not be easy.

First, there is the hard work of fighting for Adivasi rights — the rights of some of the most marginal sections of our society. These rights,

to their land and their livelihoods, are under imminent threat from a corporate-driven model of vikas. But this fight will not be only against corporate greed. It will also be against those who carefully denigrate Adivasi into vanavasi, since the former name complicates the fanciful “Aryan” claim to being the original inhabitants of this ancient land. The whole invasion-conversion-based clutch of Sanghi ideologies rest on this necessary fraud.

And if that — being able to look at the innocent, bewildered faces of the dispossessed “tribals”, and not feel ashamed — wasn’t hard enough, Stan Swamy was engaged, right till the end, with the rights of the lakhs of prisoners who are held for years — unconvicted, untried, uncharged even — in fetid prisons. Stan Swamy’s heroic refusal to be sent to hospital has to be seen in this light: Either let me go and live out my last days among my people, in Jharkhand, he said, or send me back to jail. The judge chose wisely, in the collective interest. (May I please be allowed to secede from that “collective”?)

But, while this continent of misery — our own gulag archipelago — of the forgotten prisoners is scandal enough, there is yet another that I wish to flag in this moment of shame and sorrow. This is the question of accountability. There have to be identifiable people at every stage of this tale of horror. Name them — name the policemen, the lawyers, the judges, the jailers — and hold them responsible for their actions, and the consequences of those actions, the

shattered hopes, the lives destroyed. Either Stan Swamy — that kind, gentle man — was guilty. Or the people and the processes that brought him to this end are guilty. This question cannot be left unanswered. The impunity of the state and its agents — destroying lives at will, the mere accounting of which will take years — this must be reined in, it cannot be legitimised by any electoral “mandate”.

Surprisingly, this apparently impossible problem admits of a really simple solution. State impunity rests on the legally untenable survival of the notion of sovereign immunity for the state and its agents. This notion derives from a pre-democratic, pre-republican, pre-constitutional age. Its only and limited contemporary role is in the matter of international interactions. In a constitutional republic, there can be no sovereign. The state, and its agents are all subject to the law, and the constitution. And, despite the existence of malignant legal draftsmen, even the law is subject to the law and the constitution. The ending of sovereign immunity will spell the end of malignant state impunity. The criminals who hunt under cover of immunity — in uniform and out of it, cloaked in the armour of office — will stand exposed. And, perhaps, become human, again.

This column first appeared in the print edition on July 7, 2021 under the title ‘Do not go gentle’. The writer taught in the department of English, Delhi University

Courtesy **The Indian Express**,
7 July 2021. 

Readers' Comments

Very good issue (July 2021), Mahi Pal ji.

Dr. Narisetti Innaiah

Thanks a lot. Hearty congratulations for the excellent coverage and very telling and daring cover page of the July issue of the R H. Someone has to call a spade a spade. **S.N. Shukla**
Excellent Cover.

Cheers!

<https://lohiatoday.files.wordpress.com/2021/06/rh-2021-07.pdf>

Qurban Ali

‘A stain on govt’s reputation which will last forever’

Jyoti Punwani

‘Stan’s death is the culmination of a series of acts of abominable cruelty on the part of the Indian State.’

Jyoti Punwani attends Monday’s online condolence meeting for Father Stan Swamy, the Jesuit priest and respected tribal rights activist, who passed into the ages on Monday.



The mails used to pop up in my inbox from 2009 onwards: Father Stan Swamy’s writings in *Sanhati*, the Web site that has since 2006 been documenting the struggles of the rural poor, posted by one of his admirers.

Going through them today, one can’t help but feel that the Jesuit priest writing about the injustices meted out to the Adivasis of Jharkhand, was documenting his own final months.

Father Stan wrote about the way the government — both at the state and at the Centre — was helping companies take over Adivasi land to get at the rich resources that lay beneath.

When the Adivasis opposed these takeovers, the State would label them Maoists, arrest them under UAPA, and let them rot in jail on terror charges, he wrote.

In October 2020, Father Stan, vice-president of the People’s Union of Civil Liberties’s Jharkhand unit, was arrested under UAPA in the Bhima Koregaon case on the charge of helping Maoists, thrown in a jail far away from his home, and left to rot there.

Even while documenting the State’s attempts to bypass laws that protected Adivasis such as the PESA [Panchayats (Extension to Scheduled Areas) Act], and the Forest Rights Act, Father Stan would celebrate the Adivasis’ non-violent yet successful fight to keep corporates out.

Alas! We are not in a position to celebrate Father Stan’s non-violent resistance to the State that branded him a terrorist at the age of 84, despite having found nothing on him, which led them to conduct as many as three raids on his modest home.

“His home was so small, you could finish searching it in two hours,” recalled Mihir Desai, Father Stan’s lawyer in the Bhima Koregaon case.

Mihir, who has known Father Stan for 30 years, had stayed with him a number of times in Bagicha, the institute he had set up for Adivasis, where they learnt about their rights.

Father Stan occupied only one small room in the institute, remembered Mihir. “He had a bed, a chair, a computer, that’s it,” recalled Siraj Dutta,

who worked with him on many campaigns.

It was this simplicity that probably helped him adjust to prison life more smoothly than could be expected of an 84 year old, felt Mihir.

Indeed, Father Stan's initial letters from Taloja Jail (*external link*) spoke more about the humanity he saw around him than the difficulties he faced: The sipper and straw he used as a Parkinson's patient were misplaced during his arrest and he had to go to court to get them.

The sessions court gave the NIA 20 days to file a reply to his request, an order that retired Supreme Court Justice Madan Lokur described, in an online condolence meeting on Monday evening, as "simply inhuman".

This wasn't the only inhumanity faced by the man who saw humanity all around him even when behind bars.

As economist Jean Dreze put it, "Stan's death is the culmination of a series of acts of abominable cruelty on the part of the Indian State."

The cessions Court denied him medical bail twice, the first time soon after his arrest when he pointed out that he faced a higher risk from contracting Covid in jail; the second time in March this year when he said that his hearing had deteriorated in jail and that he had been admitted to the prison hospital once already.

Ultimately, his initial fear came true. Father Stan contracted Covid in jail, but the authorities didn't test him even after he complained of fever, diarrhoea and breathlessness.

Not even on the three visits to J J hospital in south central Mumbai, the last on the orders of the high court was Father Stan tested. He was diagnosed with Covid only at the Holy Family Hospital where he was admitted under the high court's orders on May 28.

Since then he was in the ICU, frail but still mentally alert. Just a week back, said his close friend Father Joe Xavier, he was asking about his co-accused in Taloja Jail.

Though he was well looked after at the Holy Family Hospital, Father Stan's deep desire to go

back and be with those he called 'My people' — the Adivasis of Jharkhand — remained unfulfilled till the end.

In an unusual move, the high court spoke directly with him through video conferencing on May 21.

That's when he told the judges he would prefer to die (*external link*) in prison if he wasn't allowed to go back to his 'friends' in Ranchi.

Just how close the Tamil Nadu-born, Manila-educated priest was to Adivasis was revealed by the three family members who spoke at the condolence meeting.

All of them said the same thing: Whenever Father Stan visited them, all he spoke about was the Adivasis among whom he lived.

"You could say he too was an Adivasi," said his niece's husband.

"What is the purpose of your life?" his niece's daughter Lincy recalled Father Stan asking her. "You will work, marry, have children and die." It was from him that they learnt the meaning of a life well-lived. "He certainly didn't deserve to die the way he did," she said.



IMAGE: 'He certainly didn't deserve to die the way he did,' Lincy, Father Stan's granddaughter, tells the condolence meeting for Father Stan.

When Nandini Sundar, professor of sociology at the Delhi School of Economics, first approached Father Stan in 2003 for help in researching tenurial laws, he asked her sternly how her research would help Adivasis.

"I had no answer, but soon he relented and helped us a lot," she recalled. She met him often

after that; “I feel so lucky to have known him,” she told [Rediff.com](#).

Father Stan didn’t only fight for the Constitutional rights of the Adivasis to ‘jal, jangal aur zameen’ or help them learn about their rights. He also worked hard to document the indignities they were suffering.

He and tribal activist Gladston Dungdung painstakingly documented in 2010, the names and locations of the 88 schools in Jharkhand that had been taken over by the security forces as part of the UPA government’s Operation Green Hunt against tribals.

Such a takeover deprived Adivasi children not only of education but also of the midday meal provided in schools, which was for many of them, the only proper meal they ate, Father Stan pointed out. In 2014, at the age of 77, Father Stan documented the arrests and killings of Adivasis in Jharkhand from January 2011-August 2014.

According to Kavita Srivastava, President, PUCL, Rajasthan, “That’s what got the government really upset. This study was filed as a PIL in the Ranchi high court. The government did not wish to be held accountable towards the falsely incarcerated prisoners.”



IMAGE: UN Special Rapporteur on Human Rights Mary Lawlor speaks at the condolence meeting for Father Stan.

In 2017, Father Stan joined the Persecuted Prisoners Solidarity Committee, formed to fight for Adivasis languishing in jail as undertrials.

Ironically, this dedication to Adivasis led Father Stan to finally become one such persecuted

prisoner left to languish in jail as an undertrial.

In August 2018, Jharkhand’s then Bharatiya Janata Party government charged 81-year-old Father Stan and 19 other activists with sedition, and also under Section 66 A of the IT Act which had by then been struck down by the Supreme Court. The reason? His support to the Adivasis’ ‘Pathalgadi’ movement.

The movement saw Adivasis erect stone plaques in their villages as a sign of their right to self-governance.

Erecting such plaques was their traditional custom of marking graves. After the PESA Act was passed in 1996, former IAS officer B D Sharma advised Adivasis to inscribe the provisions of the Constitution on these plaques.

In the Pathalgadi movement, the Adivasis inscribed the provisions of PESA on these plaques as a sign of opposition to the state government’s moves to dilute this and other laws guaranteeing their rights over their land.

The movement’s supporters also announced, quoting the Constitution, that government and mining company officials could not enter their villages without Gram Sabha’s permission.

Father Stan’s support to this powerful Adivasi resistance movement, which the State branded Maoist, finally led to his arrest in the Bhima Koregaon case.

Within nine months of his arrest, he passed away — still a prisoner.

At the condolence meeting, office-bearers of international human rights organisations including the UN Special Rapporteur on Human Rights Mary Lawlor spoke of how unacceptable it was that a human rights defender like Fr Stan Swamy could be jailed in a democracy like India.

His death in custody was “a stain on the reputation of the Indian authorities which will last forever,” said Lawlor.

Will this harsh condemnation make any difference to those who put Father Stan in jail?

**Feature Presentation: Rajesh Alva/
Rediff.com** 

Repeal UAPA

The statue has no place in a democracy

The death of the priest Stan Swamy, who was arrested in October last year under the Unlawful Activities (Prevention) Act, or UAPA, offers the government an opportunity to revisit this 54-year-old law. As with the outmoded sedition laws, the UAPA is out of sync with a country that flaunts democratic credentials in international forums. The UAPA in its current form is an inversion of basic legal precepts. It enables the state to arrest and incarcerate citizens almost indefinitely. Bail under the law is extremely difficult to obtain, since courts are required to depend on police documents to presume the guilt of the accused. Recent amendments extended the pre-charge sheet custody period from 90 days to 180 days but even this time period is observed more in the breach. Activists arrested in the Bhima-Koregaon case, under which Stan Swamy was picked up for alleged links with Maoist terror organisations, have been in prison for three years, for instance. It also allows courts to provide for the attachment of property equivalent to the proceeds of terrorism involved in the offence, which potentially reduces the economic ability of the accused to fight a legal case.

The UAPA became a terror law after amendments were introduced in 2004. But successive amendments between 2008, after the Mumbai terror attacks and 2019 significantly expanded the scope of the act. Ironically the UAPA has come to resemble two previous and hugely controversial terror laws. One was the Terrorist and Disruptive Activities Prevention Act (TADA), passed under the backdrop of the turmoil in Punjab, which was allowed to lapse in 1995 after a vortex of criticism by human rights activists for giving the security agencies the carte blanche to

arrest and torture citizens. The second was the equally infamous Prevention of Terrorism Act (POTA), which allowed, among other things, confessions obtained by the police to be submitted in evidence. This law was allowed to lapse in 2004 to stem rising criticism against its misuse by some states. But the elevation of the UAPA to the country's chief terror law has enabled governments to extend, with creative variations, the spirit of TADA and POTA to stifle dissent. This became easier after a 2019 amendment that allowed the government to name individuals as terrorists. Previously, only organisations could be given this tag.

Underlining this motive is the fact that, according to the home ministry data, there has been a 72 per cent increase in the number of arrests made under the UAPA between 2015 and 2019. The same source shows that the conviction rate has only been roughly 2 per cent, underlining the weak grounds on which these cases are built. Yet, scores of activists, journalists, and students languish in jail under this law. Recently, the courts – notably the Delhi High Court – have reminded the government of the distinction between protests, which are a legitimate activity in a functioning democracy, and an act of terrorism, in granting bail to three student protesters arrested under this law. The gratuitous cruelty with which Stan Swamy was treated, even though the investigating agencies had not required his arrest, reflects the zealous overreach of state authorities that such laws encourage. India is increasingly being placed in the same league as regimes in Hungary, Turkey, Brazil and the Philippines for its authoritarian bent.

Repealing the UAPA would be a good way of salvaging the country's reputation. 

Stan Swamy death: Oppn leaders and activists call for fixing accountability

Opposition leaders and activists hit out at the Centre after the death of Jesuit priest and activist Stan Swamy on Monday, saying it should be held accountable for the “ruthless” and “inhuman treatment” meted out to the 84-year-old who was suffering from multiple ailments and awaiting bail on medical grounds.

They termed Swamy’s death a “custodial murder” and alleged that the Centre and the judges who repeatedly denied bail to him had “blood on their hands”.

Swamy was arrested by the National Investigation Agency from Ranchi in October 2020 under the stringent Unlawful Activities Prevention Act in connection with the Elgar Parishad case and lodged at the Taloja Central Jail in Navi Mumbai.

He died at the Holy Family Hospital, where he was admitted on May 29, in Mumbai on Monday, a day after he suffered a cardiac arrest and was put on ventilator support.

Taking to Twitter, senior Congress leader Rahul Gandhi said Swamy deserved justice and humaneness.

Expressing shock over Swamy’s death, Jharkhand Chief Minister Hemant Soren said the central government should be held accountable for its “absolute apathy” towards the octogenarian.

“Shocked to learn about the demise of Father Stan Swamy. He dedicated his life to working for tribal rights. I had strongly opposed his arrest & incarceration. The Union government should be answerable for absolute apathy and non-provision of timely medical services, leading to his death,” he said in a tweet.

Left parties too alleged that “inhuman treatment” was meted out to Swamy and demanded that all those responsible for his death

be arrested.

Communist Party of India-Marxist general secretary Sitaram Yechury said he was “deeply pained and outraged” over Swamy’s death.

“A jesuit priest & social activist he tirelessly helped the marginalised. Draconian UAPA custody, inhuman treatment since October 2020 with no charge established. Accountability must be fixed for this murder in custody,” he tweeted.

The Tamil Nadu state committee of the CPI-M announced that it would hold state-wide demonstrations on July 8 to protest the injustice that Swamy faced.

All those arrested in Bhima Koregaon and other cases with “political motives” should be released, CPI-M state secretary K Balakrishnan said in a statement.

In a statement, the CPI alleged that Swamy was denied medical treatment.

“His death raises several questions regarding the judiciary, treatment in custody, denial of medical facilities, torture in custody... The party demands arrest of all those responsible for foisting false cases on him, his continued detention and inhuman treatment. They should be held accountable for his death and given proper punishment,” it said.

The Elgar Parishad case relates to alleged inflammatory speeches made by some activists at a conclave held in Pune on December 31, 2017.

Police claim these speeches triggered violence the next day near the Koregaon-Bhima war memorial located on the outskirts of the city and that the conclave was organised by people with alleged Maoist links.

Kavita Krishnan, a member of the Communist Party of India (Marxist-Leninist) politburo, tweeted, “It’s over. Modi and Shah have accomplished the custodial killing of the gentle Jesuit social worker Fr Stan Swamy, who

spent his life serving the oppressed. I hope the judges who denied him bail never get to sleep at night: they have blood on their hands.”

Kerala Chief Minister Pinarayi Vijayan said it was unjustifiable that a man who fought all through his life for our society’s most downtrodden had to die in custody.

“Such travesty of justice should have no place in our democracy. Heartfelt condolences!” he tweeted.

Anti-graft crusader and RTI activist Anjali Bhardwaj termed Swamy’s death an “institutional murder”.

“With UAPA, the process is the punishment. The death of 84-year-old Father Stan Swamy should be recognised for what it is - institutional murder. RIP Father Stan,” she tweeted.

Rights activist Shabnam Hashmi spoke in the same vein.

“#StanSwamy passes away. Fr. Stan Swamy passes away as undertrial in state custody under fake charges under UAPA, NIA, sedition. This is not death, this is custodial murder. Government has to be held accountable,” she said in a tweet.

Karwan-e-Mohabbat, a people’s campaign devoted to equality, freedom and justice said, “Father Stan Swamy has died. He is now free. The state that inflicted cruelties on this brave, noble soul has murder on its hands”.

On Saturday, the Bombay high court extended Swamy’s stay at the hospital till July 6 after his lawyer Mihir Desai informed a bench

of justices S S Shinde and N J Jamadar that he was still undergoing treatment at the ICU of the Holy Family Hospital.

Swamy had challenged in the court a provision of the UAPA dealing with the grant of bail, contending that it created an “insurmountable hurdle” for those seeking relief.

According to Desai, Swamy was the oldest among the 16 accused arrested in the Elgar Parishad case and, possibly the oldest in India be charged under the UAPA

Others arrested in connection with the case include some of India’s most respected scholars, lawyers, academicians and activists.

Desai told the HC on Monday that he had no grievances against the court and the private hospital where Swamy was treated, but he could not say the same for the NIA, which is probing the Elgar Parishad-Maoist links case, and the state prison authorities.

He alleged the NIA had been negligent in providing timely and adequate medical aid to Swamy and asked the HC to initiate a judicial inquiry into the circumstances that led to the undertrial activist’s death.

“The NIA did not seek Swamy’s custody even for a single day, but kept on opposing his bail pleas,” he said.

Swamy suffered from Parkinson’s disease and several other ailments. During his custody, he had also tested positive for COVID-19.

Courtesy Rediff.com, 5 July 2021. 

Readers' Comments

Dear Sri. Mahi Pal Singh,

Received the July issue of RH.

Very kind of you to include the photo on the cover page. It would certainly give a message to the struggling farmers that individuals apart from actual farmers are solidly behind the tillers of the soil who are really the backbone of the community.

Without farmers, no one can survive, sustain their lives, be it the Prime Minister or a Post Man.

“JAI KISAN JAI JAWAN”

Regards

P.A. Pouran

Advocate, PUCL, Kerala.

Father Stan Swamy

Sagari Chhabra*

Father, forgive us,
For we know not what we do;
We only know how to
Keep a man of god
Without a sipper and a glass;
Nothing now, leaves us aghast.
As your health ebbed away,
You told them,
'It is possible I may die soon,
For I can neither bathe
Nor eat on my own';
But they did disown,
Not only you, but our entire humanity,
By denying you bail,
Keeping you suffering
For two hundred and thirty four days in jail.
Afflicted with Parkinsons coupled with Covid
Your breath slowly ebbed away;
Then they placed you on a ventilator;
At your bail hearing they said,
They will get to it a day later.
It is then that the doctor declared,
Your lordships he did die yesterday;
But it was not just you,
It was our conscience they did slay.
Father, I weep for you,
For your gentle spirit
Your good Christian ways,

The mosaic you brought
Into these hard, concrete days.
In prison you said,
The pain and smiles of the under-trials
Brought you closer to god;
That you were not alone;
Those who worked with the adivasis
Were branded as naxals and told to atone.
They insisted you were a terrorist,
So easy to call god's pilgrim this name;
O, how will we be able
To overcome our collective shame?
You were tied to a cross
And so were we;
With every nail hammered
The soul of India bled,
But you are not dead;
We love you Father,
Will carry your name to our lips,
Resurrection is but the continuing of the good
fight;
O father, lead us kindly into the light.

7th July 2021

*(**Sagari Chhabra** is an award-winning
author & film-maker. She is director of
the Hamaara Itihaas archives)
Courtesy **Mainstream**, VOL LIX
No 30, New Delhi, July 10, 2021 

Ms. Manju Ray is no more

I inform with heavy heart that Ms. Manju Ray wife of late Shri Subhankar Ray, life member of IRI, renowned scientist and eminent radical humanist, is no more. She passed away last night (30th June 2021) in a hospital in Kolkata after a brief illness.

- **N.D. Pancholi**

Mr. Vikramjeet Sikand is no more

A veteran radical humanist Mr. Vikramjeet Sikand also breathed his last on 24th June, 2021. On behalf of the radical humanist community I pay our respectful tributes to Ms. Manju Ray and Sh. Vikramjeet Sikand and convey our condolences to the family members and friends of the deceased radical humanists.

- **Mahi Pal Singh**

Editorial :

Black Laws like UAPA and Sedition Law Must be Repealed and those who Misuse them held Accountable and Punished

Mahi Pal Singh

It has become a trend now, even more than at the time of the United Progressive Alliance (UPA) government led by the Congress till 2014, for political masters sitting in the government to quell dissent and criticism of the policies and actions of the government and its leaders by using stringent laws like Unlawful Activities Prevention Act (UAPA), Anti-terror laws or the outdated colonial Sedition law under Section 124A of the Indian Penal Code (IPC). They portray dissenters – social activists, painters, poets, writers, journalists, students, intellectuals and thinkers – not as those who disagree with the political rulers and their policies – but as terrorists, outlaws, anti-nationalists and as those who are out to divide and break the country. They were all named as ‘Urban Naxals’ by leaders of the ruling BJP government. Even farmers who have been agitating at Delhi borders for repeal of the three farm laws enacted by the Modi government and demanding guarantee of Minimum Support Price (MSP) for their farm produce were labelled as Khalistanis, anti-nationals and terrorists. The government (mis)uses the police and other central agencies like the CBI and other enforcement agencies at its command to terrorise, arrest and incarcerate innocent people to restrain them from expressing their views before the people. High level police officers willingly oblige their political masters in the hope of getting returns for their services rendered to these political masters in the form of high posts after their retirement from regular jobs, even party tickets for elections and ministerial posts.

These government officers, who take the oath of the Constitution to perform their duties faithfully and in an unbiased manner, do just the opposite of that. Take, for example, the manner

in which the Delhi police acted during the 2020 riots in East Delhi during the anti-CAA agitations. People, mostly Muslim women, sat on peaceful *dharnas* in various parts of Delhi against the Citizenship (Amendment) Act because they considered it anti-people, particularly against the Muslims. One such *dharna* at Shaheen Bagh near Jamia Millia was the beginning of all such *dharnas* which spread not only to other parts of Delhi but to some other parts of the country also. These *dharnas* were absolutely peaceful and were gaining support among people of other faiths also, including the students of institutions of higher learning like the Jawaharlal Nehru University and Jamia Millia Islamia and also the secular intellectual class everywhere. But their spread to other places had the government worrying and it started looking for ways to quell the movement. First the BJP’s well known leaders like Parvesh Verma, an MP from Delhi and Anurag Thakur, a central minister in the Modi government, called these protesters ‘*gaddars*’ (anti-nationals), pro-Pakistanis etc. and in the same vein Anurag Thakur advised their followers ‘*Desh ke gaddaron ko, goli maro saalon ko*’ (shoot these traitors) at an election rally and following his hint a young person reached the protest site at Jamia Millia within a few days on 30th January 2020, where students were peacefully protesting against the CAA, and fired a shot at the protesters in full view of the heavy police contingent injuring a student and got away easily without any hindrance. He was identified and apprehended later. Emboldened by very light punishment, as a juvenile of 17 years then, for this crime, he made a provocative hate speech encouraging attacks on Muslims at a *mahapanchayat* in Haryana and was arrested later. A Pataudi court rejected his bail application on 15th

July terming his offence as “serious and severe” saying that the consequences of this can be “far more dangerous” and “may translate into communal violence”.

Exactly this happened earlier when at another protest site in East Delhi Kapil Mishra, a BJP convert from Aam Aadmi Party, warned the anti-CAA protesters to vacate the place or face the consequences. When he issued that warning and a hint to his supporters to do what he wished them to do, which they actually started doing from the very next day, the Deputy Commissioner of Police of that area was seen standing with him without even moving his lips. The very next day, picking up the hint from their leader, the BJP supporters started indulging in large scale arson and rioting not only at that spot at Maujpur but also in a very large area of East Delhi predominantly occupied by Muslims. Whole residential areas and shops at Shiv Vihar were burnt, many religious places were desecrated or burnt and people were brutalised and even killed. This continued for three days all over East Delhi. Muslims were fleeing with their women and children to places of safety, even to their villages in UP. There was no help from the police as the police phone numbers were not being picked up. And when the police did reach there, though after a long wait of one full day allowing the rioters a free hand, they did not help the victims in any manner. They were seen either just sitting and watching the rioters do their work or cooperating with the rioters, and breaking CCTV cameras to destroy the evidence. It is now on record that they brutally beat up young Muslim boys grievously injuring many and resulting in the death of some.

When it came for inquiry and filing FIRs, it were the victims themselves who were caught, tortured and put behind the bars. There was no mercy or medical treatment available to them. In the whole exercise, there was absolutely no question of taking any action against Parvesh Verma, Anuj Thakur or Kapil Mishra, either from the police, which is directly under the union home ministry headed by Amit Shah, or the ruling party

to which they belong. After all these hate-mongers were the flag-bearers of the communal divide which is the main plank on which the BJP wins elections. The more venom you spew against the minority communities, particularly Muslims, the higher your status grows in the BJP and you can hope to be rewarded with a ministerial post or some other important position in the party. When there were anti-Sikh riots in 1984 in Delhi, there was tacit support of the Congress government to the rioters but when a PUCL fact finding report – Who Are the Guilty? - came out, even the Congress had to take action against its leaders named in the report, like Sajjan Kumar, who is in jail now with life imprisonment, and Jagdish Tytler, who escaped punishment but lost his ministerial post and party ticket forever. No such thing can be expected of the BJP government and the party in case of its three leaders who are directly responsible for the East Delhi riots. It should not be difficult to imagine why. Now during the trial the courts are reprimanding the police officers for filing false FIRs against innocent people.

In several other cases of dissenters, who have been incarcerated for long periods under very stringent and anti-democratic laws, bails are being granted to the innocent people by courts also declaring that the cases against them are baseless. We know that the cases against intellectuals and activists arrested in the Bhima-Koregaon violent clashes case which took place on 1st January 2018 near Sanaswadi at Pune in Maharashtra, between two caste groups — Mahars and Marathas - accusing them of being part of the Elgar Parishad, a coalition of over 250 Dalit and other social activists who came together to mark the 200th anniversary of the victory of Mahars over the caste Marathas in the battle of Bhima-Koregaon, are also false and fabricated. Yet they have been in jail for a long time and have not got any respite even from the judiciary. The charge that they were planning to kill Modi, the Prime Minister, was added to the other charges to make the offence look more serious and ensure that they remain in jails for a very long time. Some of them

have been very sick, yet there is no bail for them. Stan Swamy's death is no less than the judicial murder of a true social servant. And those who had really fomented violence at Bhima Koregaon, for which these innocent people have been incarcerated, are loitering freely because they are supporters of the RSS and the Hindutva brigade. A report by a multi-member "fact finding committee" led by deputy mayor Siddharth Dhende submitted that right-wing activists Sambhaji Bhide and Milind Ekbote had pre-planned the entire violence. On 2 January 2018, the Pune police even filed an FIR against Sambhaji Bhide alias 'Guruji' and the founder of ultra right wing group Shiv Pratap Bhoomi Mukti Andolan. Milind Ekbote, accusing them of instigating violence in Shaniwar Wada at Pune where the meeting had taken place. Instead of arresting them, in June 2018, the Pune Police arrested several activists including Dalit activist and co-organiser of the Elgar Parishad event Sudhir Dhawale, Nagpur University professor Shoma Sen and human rights activist Rona Wilson under UAPA. They were accused of being conspirators of the Bhima-Koregaon violence. At whose behest the whole narrative was changed and the dissenting intellectuals and activists were framed, while the real conspirators kept free, should not be difficult to imagine. It was BJP government in Maharashtra then.

In August 2018 alleging a Maoist link to them the police arrested activists and intellectuals Sudha Bharadwaj, Gautam Navlakha, Arun Ferreira, Varavara Rao, Vernon Gonsalves, and many more later, in the same case. In October 2020 Father Stan Swamy was named in the chargesheet as an accused for planning to bring together Dalit and Muslim forces to 'bring down the fascist government at the centre' and arrested under charges of UAPA and sedition. The story of his incarceration and later judicial murder is well known now.

Those police officers who filed false and fabricated charge sheets against innocent persons at the behest of their political masters

should be held accountable and punished by the courts for their deeds of omission and commission. Only that can deter them to some extent from blindly obeying the illegal orders of those political masters. After the Emergency of 1975, the Shah Commission had warned the bureaucracy not to obey the illegal orders of their political masters. But most of them continue to do so, particularly those belonging to the police force and the enforcement agencies who use their authority to coerce innocent persons, because either they are spineless people who should not have been in the seats of authority or they do so willingly in the hope of getting remunerative and influential appointments in return for their illegal work from those political masters after their retirement from government service. There are hundreds of examples of retired officers and even judicial officers getting rewarded by governments for favours shown by them during their tenure of service. The guilty should be identified and punished; otherwise the innocent will continue to suffer and the culprits will continue to prosper; Stan Swamy will continue to be incarcerated and killed and our democracy will remain phoney. The judiciary must also introspect to see whether it has judiciously fulfilled its role as the protector of the life and liberties of the people. It is true that provisions in the laws like the UAPA to some extent bind the hands of the judges, but it is equally true that the higher judiciary has the power to strike down any law which runs against the spirit of the basic structure of the Constitution of which Fundamental Rights are an integral part. It is baffling as to why the judiciary has tolerated the existence of such laws on the statute book.

The black laws like the UAPA and the 'sedition' law, which are misused to harass, torture and incarcerate innocent people by the political class must be repealed as such laws have no place in a democracy. If civil society can force the government to repeal these black laws, it will be a befitting tribute of the civil society to Father Stan Swamy. 

Articles and Features :

Justice delivery system is headed towards a disaster. Judges must take responsibility. Here's what they must do

Shailesh Gandhi & Arun Joshi

Currently, the number of pending cases in our courts is 446 lakh and by 2022 it will cross 500 lakh. The justice delivery system is hurtling towards a disaster. We believe there are simple solutions to avert this:

1. Reduce pendency of cases by filling sanctioned judicial positions.

A detailed analysis shows that between 2006 and 2017, the average increase in pendency was about 2.5% per year whereas the average vacancy in the sanctioned judicial positions was about 21%. Any schoolboy can figure out that if the sanctioned positions had been filled the pendency would have gone down each year.

The responsibility of selecting judges is largely with the judiciary itself.

The subordinate judiciary is selected by a competitive examination. To understand the issue let us look at one Haryana Judicial Services Examination: Of the 14,000 candidates who appeared for the preliminary exam only 1,282 made it to the main written test, and of them 1,273 failed. Only 9 candidates were called for interviews against 107 posts advertised.

The IT industry often hires 1,00,000 employees in a single year and they take the best on offer. The IITs admit about 11,000 students each year with the same approach and do not have more than 1% vacancies. Selection of judges should follow the same approach to fill the sanctioned positions.

For high courts, 33% positions are filled by promotion from the subordinate judiciary and the rest are recruited by direct offers to the advocates who have successful practice. A simple and sensible option would be to promote 80% from the subordinate judiciary.

The responsibility to ensure near zero

vacancies should be placed on the chief justices of the high courts and CJI – and they should be held accountable. Currently, nobody believes they are accountable, and filling judicial vacancies is not considered a matter of priority.

2. Improve working by using technology

The e-Committee of the Supreme Court has been in existence since 2005. It has made four outstanding recommendations which are not being followed:

- (i) Computer algorithm to decide on case listing, case allocation and adjournments with only a 5% override given to judges.
- (ii) E-filing in all courts. The committee put together detailed SOPs on how petitions, affidavits, payment of fees can all be done electronically without lawyers or litigants having to travel to courts. This should be implemented in all seriousness. By eliminating paper, it would also save 3 lakh trees annually.
- (iii) Virtual Hearings: Covid prompted the courts to adopt virtual hearings. However, virtual hearings were held only in some cases and physical hearings were held in most. In pre-Covid years, increase in pendency of cases in all courts used to be about 4.7 lakh cases. In 2020 alone, it increased by a whopping 51 lakh. Unless virtual hearings are adopted, the backlog of cases will cross 5 crore by 2022. The dysfunctional justice system will get permanently overwhelmed.

(To be Contd....on Page - 26)

Keeping people, not profits, at the centre of reforms

Wealth is the monetisation of value created by the working class with their toil. Respect these value creators first

Sitaram Yechury



Farmers' supporters protest against the three farm laws outside Raj Niwas on completion of seven months of farmers' agitation in New Delhi on June 26. (ANI)

The 30-year anniversary of economic reforms in India comes in the backdrop of the continuing unprecedented struggle by our farmers against the three new agri laws and for a legal guarantee of a minimum support price (MSP) regime. These evoke memories of the Champaran satyagraha against forcible Indigo plantations a century ago, corporate farming, destruction of petty production (through Narendra Modi's policy of demonetisation), and food shortages.

Global and Indian experience has shown that the reform decades have been solely focused on maximising profits at the expense of impoverishing people, growing poverty, exponentially widening economic inequalities, and a sharp fall in domestic demand in all countries. The global economic slowdown and its impact on people's life were devastatingly magnified with the onset of the pandemic that continues to ravage. This is a reminder of what Marx had once said: "Capitalism has conjured up such gigantic means of production and of exchange, it is like the sorcerer who is no longer able to control the powers of the nether world whom he has called up by his spells."

Even during this pandemic year, the rich have

become wealthier. 16 American billionaires are worth at least twice as much as they were in March last year. Indian billionaires have obscenely fattened their wealth. Global poverty and hunger have sharply grown, impoverishing billions.

India's reform decades have sharply increased economic inequalities by focusing on being profit-centric rather than being people-centric. Prime Minister (PM) Modi exhorts us to respect wealth creators. Wealth is nothing but the monetisation of value, that is produced by the working people. It is the value creators that need to be respected for the overall wealth of our people.

Along with abolishing the Planning Commission, the Modi government abandoned the basic nutritional norm to measure poverty levels that India followed since Independence. The nutrition norm was fixed at 2,200 calories per person per day in rural and 2,100 calories in urban India. The NSS large sample survey shows that, according to this norm, 58% in rural and 57% in urban India in 1993-94 were below this poverty line. The next similar NSS survey, taking into account the same norms, for 2011-12 shows the percentages were 68 and 65

respectively. The next large sample survey was done in 2017-18. But these NSS findings were suppressed by the government to conceal the truth. It is also destroying our world-acclaimed database institutions. The data that leaked to the media showed an absolute drop of nine per cent in per capita real consumption expenditure (not just food) in rural India.

Clearly, there was an unprecedented increase in absolute poverty in both rural and urban India even before the pandemic struck. The situation since has become worse.

Today, the Global Hunger Index places India in the “serious category”. NFHS-5 shows alarming growth of malnutrition, particularly among children, infant mortality and other indices. In May, India was downgraded by two ranks in the SDG global index. During the past year, Pew Research Centre estimates that the number of people below poverty line in India has grown from 60 to 134 million. India has contributed 57.3% to the growth of the global poor last year, even as 59.3% of our middle classes have slipped into poverty.

What has emerged since 2014 is a venal cocktail of the fusion of corporate-communal nexus. This aggressively pursues profit maximisation through the loot of national assets, large-scale privatisation of the public sector, public utilities and mineral resources. This results in unprecedented levels of crony capitalism and political corruption. This is accompanied by ruthless attacks on people’s democratic rights, civil liberties and human rights, treating all dissent as anti-national, indiscriminately arresting people under draconian laws such as Unlawful Activities (Prevention) Act/sedition, a process that undermines the Indian Constitution and its guarantees to the people.

This has led the global organisations to declare India an “electoral autocracy”. The global economic freedom index places India at 105, worsening from 79 last year. Human Freedom Index ranks India 111, down from 94.

The UNDP Human Development Index pushed us down to 131 from 129 last year. Along with growing misery for the vast majority of our people, this rising authoritarianism is moving close to Mussolini’s ominous definition of fascism as a “fusion of corporates with governance”.

Globally, the bankruptcy of neoliberal reforms to revive the economy is being increasingly recognised. All advanced countries have announced stimulus packages of massive State expenditures, anathema to neoliberalism. These are aimed at reviving domestic demand and economic activity. British Prime Minister Boris Johnson prefaced a recent speech advocating increased governmental expenditures by saying: “I am not a Communist, but....”.

The Modi government, however, is reticent to hike expenditure even while writing off huge unpaid loans taken by its cronies. It imposes more crushing burdens on the people through daily fuel price hikes and consequent overall inflation. This is depressing domestic demand further, deepening economic recession.

We, in India, need to seriously introspect about this reform trajectory and reorient our priorities — strengthen agriculture and food security; invest in health and education; sharply increase public investments to build our much-needed infrastructure, both economic and social, to generate jobs and bolster domestic demand. And this is not for humanitarian concerns alone. This is the only way for an equitable economic revival. Along with it, we must prioritise ecological concerns, appropriate technology and, most importantly, reject all divisive polarising trends that disrupt our social harmony feeding obscurantism and irrationalism, dehumanising our society.

Such are the people-centric, not profit-centric, reforms India needs today.

Sitaram Yechury is the general secretary of the Communist Party of India (Marxist)

Courtesy **The Hindustan Times**, JUL 02, 2021. 

Is Mamata reason for Uttarakhand CM resignation?

Rashme Sehgal

Opposition leaders believe this entire plan has been put in place to ensure that Mamata Banerjee is kept out of office in West Bengal.

Rashme Sehgal reports.

Is Uttarakhand Chief Minister Tirath Singh Rawat's resignation one more ploy for the Bharatiya Janata Party to hit out at West Bengal Chief Minister Mamata Banerjee?

Rawat emerged from a closed door meeting with BJP big wigs in Delhi on Friday claiming he was tendering his resignation in order to avoid a 'Constitutional crisis' in the state.

His reference was to the fact that the Election Commission was unlikely to conduct by-elections in Uttarakhand in the near future due to the prevailing COVID-19 situation.

Was such a comment made after consulting the EC and Constitutional experts or was this just a face saving device allowing him to make an easy exit?

Opposition leaders believe this entire plan has been put in place to ensure that Mamata Banerjee, a chief minister who is not afraid to spar with the prime minister, be kept out of office in West Bengal.

Congress MLA Karan Mahara, deputy leader of the Opposition in the Uttarakhand assembly, described Tirath Singh as 'the sacrificial goat' who had been sacrificed to ensure that Mamata did not get elected.'

'The target is not Rawat,' Mahra said, 'but Mamata Banerjee. 'The way she has challenged the prime minister. We all know the PM does not accept any challenges. We have seen what happened to L K Advani and Murli Manohar Joshi.'

State Congress vice president Suryakant Dhasmana pointed out that the BJP was

determined to ensure that "not holding a by-election in Uttarakhand provided them with the pretext of putting pressure on the EC to stall Mamata Banerjee's by-election."

Tirath Singh Rawat, a member of the Lok Sabha, had to get elected to the state assembly within six months of his appointment as chief minister.

Tirath Singh had two opportunities to fight by-elections, but failed to capitalise on either because he feared he would lose both.

In May, a by-poll for the Salt assembly seat in Uttarakhand was held, but Tirath Singh did not fight it because he stated he was then suffering from COVID-19.

Two other assembly seats are presently vacant, the Haldwani assembly seat and the Gangotri assembly seat.

The former seat falls in the Kumaon region. Tirath Singh is a Garhwali and since both regions share a history of animosity, this is one Laxman Rekha he did not want to cross.

Gangotri falls in the Garhwal region and is a celebrated place for Hindu pilgrimage.

Rawat was not keen to contest this seat either. The cancellation of the Char Dham yatra this year made him unpopular with the local populace who earn their livelihood from tourism.

BJP President Jagat Prakash Nadda and his think-tank also wanted to avoid a by-election at this stage.

The Covid death figure in this small hilly state is said to have touched the 50,000 figure though the official number of deaths are around 10,000.

But with Uttarakhand having the second highest death rate in the country, people in the state have become extremely critical of the lack of health facilities especially in the interior areas.

Dhasmana points out that Uttarakhand is still recovering from having a chief minister foisted on them who moved from one blunder to another.

From stating that women should not wear '**ripped jeans**' (as these were indecent) to claiming America had ruled India for two hundred years.

During the Kumbh Mela celebrations at Haridwar he waxed lyrical on how goddess Ganga would ensure 'the Corona virus would not spread'.

The Kumbh Mela did turn out to be a super spreading event which was one of the key factors that triggered the second wave in north India.

Tirath Singh Rawat's undoing was his reported proximity to Sharat Pant, the owner of a company accused of having conducted nearly 100,000 **fake Covid tests** during the Kumbh Mela.

The BJP leadership was upset that Pant flaunted his links with senior party leaders on social media prior to getting this contract.

Pant posted photographs of himself with senior BJP ministers including Agriculture Minister Narendra Tomar, HRD Minister Ramesh Pokhriyal and Textile Minister Smriti Irani and Tirath Singh Rawat.

The proposal for Pant's company to conduct the tests had reportedly been rejected by the earlier Trivendra Singh Rawat government.

Tirath Singh Rawat has not resigned from his Lok Sabha seat even though he was chief minister of the state for four months.

He would have had to resign if he had won an assembly election which did not happen.

There is an earlier precedent of a chief minister retaining his parliamentary seat.

Giridhar Gamang, who remained an MP and was appointed Odisha chief minister.

And so, two months later, Gamang went to Parliament and cast his vote in a no confidence motion moved against the Atal Bihari Vajpayee government. This resulted in the fall of the BJP-led National Democratic Alliance government in 1999.

"Four months are left before the code of conduct will be announced in our state. We have already seen three chief ministers in one year. What will this new chief minister be able to achieve in a period of four months?" asks Dhasmana.

Would the Election Commission have opposed the holding of a by-election in Uttarakhand as had been declared by Tirath Singh Rawat? This question was posed to Om Prakash Rawat, a former chief election commissioner, who stated that while the Representation of People's Act 1951 categorically states that in case of a vacancy in either House of Parliament, if the remaining term of that seat was more than one year, the EC was mandated to hold a by-election.

"They cannot do away with this law," says O P Rawat.

Going on to explain Mamata Banerjee's position, Rawat explains, "In the case of Mamata Banerjee, she has to get elected within six months of having taken the oath. She has till November 5 to get elected."

"There is no compulsion on the EC to hold it within the six month period. If corona is getting worse, then they may not hold it," says the former CEC.

"Since the Election Commission of India has stated that they will not hold election till September end, they can hold it in October which gives her enough time to contest. But the final decision rests with the EC," O P Rawat added.

Commenting on Tirath Singh Rawat's statement that he had resigned because this

was not the appropriate time to hold an election, the former CEC said, "It is not within his jurisdiction to make comments on the Election Commission. His comments do not hold any water as he has not officially consulted the Election Commission either."

"Holding an election is always a tricky affair and especially one in October since that will be close to the state assembly elections and will be a clear indicator of which way the wind is blowing," O P Rawat explains.

"Of course a by-election could be held in Uttarakhand in October. In any case, corona is ebbing throughout the country except in a few pockets in Maharashtra and Kerala," adds the former CEC.

Drawing a comparison between the situation in Uttarakhand and West Bengal, Indira Jaising, the former additional solicitor general, believes the BJP game plan to thwart Mamata Banerjee's bid for re-election will unfold only if they can 'persuade' the EC to issue an order delaying the holding of this crucial by-election.

Says Jaising, "Right now we do not know. There is little doubt that Mamata Banerjee needs to get elected within a six-month time frame. But if the EC does issue a formal order, the West Bengal CM can question it and appeal against it before the Supreme Court."

Jaising also points out that the coronavirus situation was different in different states. "Covid is presently receding in a majority of states," she maintains.

When this question was posed before legal luminary Dushyant Dave on whether the EC could cite Covid to disallow a by-election elections in West Bengal, Dave replies, "I don't think this argument will hold water before the law court. Elections were held in Bihar, West Bengal, Tamil Nadu and Puducherry at the height of the pandemic. How can they stop this now? The courts will not permit it."

There is a new chief election commissioner. All eyes are on him as to what decisions he will take.

**Feature Presentation: Aslam Hunani/
Rediff.com** 

Justice delivery system is headed towards...

Contd. from page - (21)

(iv) Virtual Always: So, all courts must switch to virtual mode immediately and start disposing cases at their normal speed to begin with. Even after Covid crisis goes, it will be beneficial to continue hybrid virtual courts.

This would make access to justice easier for lawyers and litigants. Required hardware is available in all courts. Lawyers are already using software and video calls. When first and second standard students are learning in a virtual mode, legal fraternity should not quibble.

Let's note that many government services have shown significant delivery improvement: public health, education, income tax returns, postal services, passport services, rail reservations etc. The only service that has clearly deteriorated is the judicial delivery system. We must correct this to get a justice system we deserve.

All suggestions above were inspired by the e-Committee recommendations and by Supreme Court directions. We hope the CJI treats this as an urgent suo motu PIL and converts the Covid calamity into an opportunity.

Courts must take the responsibility for judicial delivery and accept that they are accountable.

Shailesh Gandhi is former Central Information Commissioner. **Arun Joshi** is a technical consultant.

Courtesy Edit Page, **The Times of India**, June 22, 2021. 

The Villains of the Second Wave of Covid-19: At Kumbh, some not tested, others not given results

Roughly 9.1 million people thronged the Kumbh mela this year despite experts saying the crowds and rampant violation of Covid protocol could spark a surge in infections.

Shiv Sunny, Sandeep Rawat



Allegations of fake testing surfaced last week after a Faridkot resident complained to the authorities that he received a message for collecting his Covid report despite never having been tested. (Reuters)

When an ambulance rolled into an akhada in Haridwar early in April to carry out Covid tests of the Kumbh Mela pilgrims assembled there, scores of seers queued up outside with their identity proofs.

Over the next few hours, the ambulance staff took down their names, phone and Aadhaar numbers, but conducted no tests. "We waited and waited while the staff had meals at our bhandara. A few hours later, they drove away without testing any of us. They never provided any reason," recounted Govind Das, a Naga sadhu at the Panch Nirmohi Ani Akhada, one of the smaller akhadas, in Haridwar.

Three testing camps were held at the akhada in the first half of April. Sita Ram, a seer, said

he got tested on two occasions but neither received a text confirming the test nor any results.

Many of the akhada's members had similar complaints: Sample collectors not conducting tests, not taking down their contact details and not informing them of results. Similar allegations were levelled by members of at least two other akhadas.

Together, they pointed to new allegations that, in addition to fudging data about 100,000 rapid antigen tests during the Mahakumbh in April, some labs conducted no tests at all.

"We will probe whether the accused private labs carried out tests in the first place. We'll also simultaneously probe if the tests they

seemed to carry out were genuine or just an eyewash,” said Haridwar senior superintendent of police (SSP) Senthil Avoodai Krishnaraj.

Roughly 9.1 million people thronged the Kumbh mela this year despite experts saying the crowds and rampant violation of Covid protocol could spark a surge in infections. Many Kumbh returnees contracted Covid and infected others in various states, said authorities. At the time, the mela administration said it was taking all possible precautions by conducting rapid tests and holding on-site testing camps.

But allegations of fake testing surfaced last week after a Faridkot resident complained to the authorities that he received a message for collecting his Covid report despite never having been tested. The complaint triggered a probe that unearthed roughly 100,000 fake rapid antigen tests. Three firms – a Delhi-based lab, a Hisar-based lab and a Noida-based private agency – have been booked.

“Testing camps were held at this akhada three times during the Kumbh Mela. Only once did they even bother to take the phone numbers of the saints they tested. If they were not going to tell us our results, we don’t know why they even kept visiting us,” said Rajender Das, president of the Panch Nirmohi Ani Akhada.

At the Nirvaani Ani Akhada, which has 1,000 members, Chittaranjan Das said that two camps over a week were held in April and around 300 seers gave their swab samples, but to no avail. “The testing staff wouldn’t even ask for our phone numbers. They said they would give us our results in a day or two,” said Chittaranjan.

When the results didn’t arrive, the seers confronted the sample collectors when they returned a week later. “This time they assured us that the results would surely be given the next day. The results never came,” Chittaranjan added.

But other members said after the altercation, the lab staff took away two seers with them. “The seer arguing with them was told to being

Covid-positive. Another saint who had shaved his head earlier in the day was also taken away on the pretext that he had come in contact with the ‘infected’ man,” said Ram Vijay, a member.

The two men were sent back to the akhada less than a week later, Vijay added. For Covid patients and their contacts, two-week isolation is mandatory.

At the Sri Panchayati Niranjani Akhada, which is among the biggest akhadas, seers received their results either within a couple of hours or two days.

But some still reported problems. Jagat Bharti, a member, said he received a result at a camp organised by the akhada but got no results when he was tested outside. Mahant Ravinder Puri, secretary of this akhada, said one camp where 50 seers were tested here yielded no results despite a follow up. “Since we were worried about the results, we got all these 50 seers tested again at a private lab outside,” said Puri.

Harbeer Singh, additional mela officer, said, “I had nothing to do with the testing process and was mainly involved with coordinating with the akhadas”.

Haridwar SSP said that the SIT will visit the akhadas as part of their probe to know if the tests carried out on them were authentic.

“We are carrying out the probe in a planned way. The tests that were carried out have a trail that can be used to ascertain their authenticity. We are still probing if there was malafide in the testing process, or negligence, or they were bonafide. If crime was committed, it will be caught,” said Krishnaraj.

He said that the probe, which began with two private labs, will soon extend to all other labs. Shambhu Kumar Jha, the chief medical officer (CMO) of Haridwar, was unavailable for comment despite repeated phone calls, text messages and visits to his office.

Courtesy **The Hindustan Times**, JUN 22, 2021. 

Will the electorate hold the BJP government responsible for the suffering during the pandemic?

Ashutosh Varshney, Amit Ahuja write: Whether or not a democratic government can bring joy and happiness, one of its key responsibilities is to prevent mass suffering, or alleviate its severity.



A relative of a Covid victim breaks down outside a mortuary in New Delhi.
(Express Photo: Tashi Tobgyal)

Ashutosh Varshney, Amit Ahuja

Will the catastrophic misery inflicted by Covid's second wave hurt the BJP's electoral fortunes? This is a significant political question for India, but governments and observers worldwide are also curious. If America was the capital of Covid-19 suffering in 2020, India became one in 2021. The pandemic undoubtedly contributed to Donald Trump's election defeat. Will it electorally hurt Narendra Modi, too?

A big difference, of course, is that US elections took place within months of the Covid-19 outbreak. Modi has three more years to go before the next national elections. That Modi's standing has been dented is beyond doubt, but we also know that democratic politics permits narrative-shifting possibilities. Today's narrative may not last.

One only has to recall how after the BJP's three state election defeats in December 2018, a new political issue arose after the Pulwama attack by February 2019. The CSDS-Lokniti data shows that national security became one of the greatest determinants of Modi's victory by May 2019. The political narrative was transformed, and a massive election victory followed. The BJP might in any case have won, but the Pulwama-Balakot episodes made the victory so much more possible.

India's current preoccupation with Covid is understandable. The nation has seen nothing comparable since the Bengal famine of 1943, which was before Independence. But much can happen in the coming three years. Any analysis of the impact of Covid on the 2024 elections

will be far too speculative.

But one can legitimately focus on something coming up soon. State elections in Uttar Pradesh (UP) are due by March 2022. During 1998-2014, UP had lost its customary national significance, for those in power in Delhi did not depend critically on UP. But since 2014, UP has become the foundation of Modi's national power. Though originally from Gujarat, Modi has picked Varanasi as his election fortress. Out of UP's 80 Lok Sabha seats, the BJP won 71 in 2014, 62 in 2019. And in the 2017 state elections, reversing a long trend, the BJP swept aside every major party in an unprecedented victory. Without UP, Modi simply would not have had a parliamentary majority in 2014 and 2019. UP is central to his political fortunes.

Will Covid influence the UP election results? Perhaps no other state has suffered as much. The misery included the horror of a large number of dead bodies in the Ganga. In north India, post-crematory ashes are customarily dispersed in the Ganga. Even a thoroughly non-religious Nehru wrote that, after his death, his ashes should be scattered at the Ganga-Yamuna confluence in Allahabad.

But dead bodies are another matter altogether. Dead bodies are not generally thrown into the river, or buried in the river sands. Unless forced, few would like to treat their deceased spouse, children and parents so disgracefully. The emotional toll of such acts can be enormous. Suryakant Tripathi Nirala, the great Hindi poet, described watching thousands of bodies floating in the Ganga in 1918, when the Spanish flu hit India. Back then, the colonial government was not obliged to seek the mandate of the masses. But the BJP in UP has to return to the voters in 2022.

Here, then, is the key question: How will the suffering be interpreted by the masses? Who will be held responsible for it? The answer to this question will heavily determine what happens in UP next year.

Analysts have long noted that human suffering is especially susceptible to religious reasoning. The "extraordinary survival" of religions over the centuries, writes Benedict Anderson, "attests to their ... response to the overwhelming burden of human suffering — disease, mutilation, grief, age, and death. Why was I born blind? Why is my best friend paralysed? Why is my daughter retarded? The religions attempted to explain. The great weakness of all evolutionary/progressive thought ... is that such questions are answered with impatient silence."

Invocation of fate is also a roughly similar idea. *Vidhi ka Vidhan*, simply translated as destiny, is a popular adage

... And in the words of the poet Sahir Ludhianvi, "*aadmi ko chaahiye waqt se dar kar rahe, kaun jaane kis ghadi waqt ka badle mizaaj*" (Human beings should be afraid of fate. Who knows when fate will alter its benign gaze?). Such mass beliefs have a long foundation.

Will the masses in UP attribute their grief and distress to fate, destiny, God's will? Or will they hold the government responsible? Without a proper survey, it is hard to be confident about how grief will be interpreted. In all probability, multiple interpretations will exist. Some may not blame the government, but others will. One reason for that is simply the multiplicity of meanings normally assigned to different kinds of suffering.

If my parents die after the doctors did their best to save them, it is not the same as my parents dying because something as elemental as oxygen was not available, or hospital beds were incomprehensibly scarce. Why could the government, with all its resources, not provide oxygen, or build make-shift hospitals? Similarly, the agony of cremating one's child is very different from the torture of not getting enough firewood to cremate her and being forced to float her body in the Ganges.

(To be Contd....on Page - 33)

What is the reason behind PM Modi's council of ministers reshuffle?

Neerja Chowdhury writes: It aims to protect Brand Modi, distance the government from Covid criticism and reach out to OBCs ahead of UP poll.



Neerja Chowdhury

The newly-appointed Cabinet Ministers.
(Twitter/
@NarendraModi)

The Prime Minister has tried to re-seize the political initiative with his Wednesday reshuffle of the council of ministers. Since April, he has been on the back foot. When the second Covid-19 wave hit the country, many died reportedly from oxygen shortages and a general lack of government preparedness. Losing West Bengal also did not help, particularly when the Prime Minister and Home Minister had campaigned intensively in the state.

The reshuffle has turned out to be more than an exercise to fill vacancies. Few had believed that Narendra Modi could axe a dozen ministers, for it would amount to admitting that all had not been well. With his tough leader image, Modi is not given to undoing his decisions. But that is precisely what he did on Wednesday. He sacked 12 ministers, particularly those at the head of ministries, which had brought criticism to the government in the last year and more.

There was the inept handling of the second Covid wave, and Union health minister Harsh Vardhan has had to go. There was mass migration last year, with lakhs trudging back to their villages, something India will take a long time to live down, and labour minister Santosh Gangwar was shown the door. Education

minister Ramesh Pokhriyal was axed for the confusion that prevails in the education sector.

The sacking of Ravi Shankar Prasad and Prakash Javadekar, who were fielded most frequently to defend the government, came as a greater surprise. As Communications, Electronics and Information Technology Minister, Ravi Shankar Prasad's handling of the impasse with Twitter and the increased criticism of Modi on the microblogging site, may have cost Prasad his job. It was social media that built Modi's image in the first place, helping him to bypass conventional media. Javadekar, too, may have been found wanting for his inability to prevent criticism of the government in the media, domestic and foreign.

It is hardly a secret that the government is driven by the Prime Minister's Office, not by individual ministers. The ministers could not have done what they did without the clearance of the PMO. Ministers today essentially play the role of implementers. It is possible that the roadmap suggested by the PMO was not operationalised to the satisfaction of the PM.

Given the unhappiness at the way the second Covid wave was handled, some heads had to roll. Else, the anger would have singed the Prime

Minister further. According to surveys, his ratings had fallen after April. Even middle-class families, once solidly behind him, were becoming disenchanted. Almost every family had lost someone they knew, or knew of, to Covid.

The PM has signalled that he wants a purposeful government. That there has to be accountability in a parliamentary democracy. And that the new entrants have to shape up. Protecting Brand Modi was an important part of the exercise. By holding only ministers responsible, the PM has made a distinction between those individuals and the Modi sarkar.

Modi has his eye on the forthcoming state elections in 2022 and 2023 — and the general elections in 2024, and beyond. The PM has tried to represent every state of India, in some cases sub-regions in states, as well as different castes, particularly OBCs, Dalits and tribals, in his ministry. For the first time, there are 11 women ministers in the government. Women have emerged as an important vote bank, and bailed out Nitish Kumar in the recent Bihar elections and Himanta Biswa Sarma in Assam.

While every state is important, it is Uttar Pradesh that is critical. In 2014, had UP not elected 71 BJP MPs, it would have been a hung Parliament, and Modi's political trajectory might have been very different. If the party loses ground in 2022, it will lose steam for 2024. With seven new inductees from the state, the number of ministers from UP has gone up to 15 — in other words, one-fifth of the total strength, which is supposed to send its own message.

The BJP is especially reaching out to the OBCs again, whose support in UP is vital for it to ward off the challenge from the Samajwadi Party-RLD combine. The "mandalisation" of the BJP is taking place; the party can no longer be called a Brahmin-Bania outfit. There are now 27 OBC ministers out of 77 in the Modi ministry. Modi is the first OBC to sit on the prime minister's chair. In 2014, his OBC credentials were talked about in undertones. Now, he may

decide to play the OBC card more openly.

Undoubtedly, satta mein shirkat (participation in power), as former Prime Minister VP Singh used to say, has its own logic. But will it offset the resentment that has been brewing in UP with the loss of life and livelihoods, and the growing anger amongst farmers, particularly in Western UP?

When Modi came to power in 2014, the Atal-Advani era in BJP came to a close. In 2019, the phase dominated by "Gen X leaders" also came to an end. Arun Jaitley, Sushma Swaraj, Ananth Kumar passed away. Venkaiah Naidu became the vice-president. Now, there are only a handful of leaders left in government from the "old BJP" such as Rajnath Singh and Nitin Gadkari. The latter has lost one of the ministries—MSMEs—which was under him.

The PM is now putting in place his own team. It is a young ministry, the average age being 58 years. Modi is known to favour former bureaucrats, professionals and experts more than old-school professional politicians. The new whizkid is Wharton-educated Ashwini Vaishnaw, who has been given railways and IT to turn around. There are experienced hands in Jyotiraditya Scindia and Sarbananda Sonowal. The question is this: Will they, and others, get the space to generate new ideas, innovate, take decisions and be given the freedom to make mistakes, so as to be able to deliver?

The new ministry is rich in symbolism. But with petrol prices crossing the Rs 100/litre mark, 230 million reportedly under the poverty line, millions of jobs reportedly lost in the organised sector alone since the pandemic began, and a third Covid wave a possibility, people will need more than symbolism to disregard their suffering.

This column first appeared in the print edition on July 9, 2021 under the title 'Fire and firewall'.

The writer is a senior journalist.

Courtesy **The Indian Express**, 9 July 2021. 

The Act of Registering FIR under Section 66A

Sakshi Nenawati

On Monday Supreme Court expressed shock over the practice of filing FIRs under Section 66A of the IT Act. This was struck down by a high court in a 2015 ruling in the Shreya Singhal case. A bench headed by Justice RF Nariman was hearing an application made by the People's Union for Civil Liberties (PUCL) seeking various directions and directions against fire under the provision of section 66A.

A bench headed by Justice RF Nariman was hearing an application made by the People's Union for Civil Liberties (PUCL) seeking various directions and directions against FIR under the provision of section 66A.

Shreya Singhal say "Wonderful. That's all I say. is a 2015 verdict. What's going on is terrible", observed Justice Nariman, as the petition was taken up.

Senior advocate Sanjay Parikh, appearing for the petitioner, submitted that even after the provision, thousands of cases have been filed across the country.

Attorney General for India KK Venugopal said that if the provision has been struck down by the Bench, it is still in the bare act. Only in the footnote, it is mentioned that SC has struck.

"In any case, the police is not going to look at the footnote", Justice Nariman said mildly. It suggested that in bare acts, next to the provision, it should be mentioned in brackets that the provision has been struck down.

It is clear that Section 66A arbitrarily, excessively, and inadequately attacks the right to free speech and undermines the balance between such a right and the reasonable restrictions imposed on such a right, "Justice Nariman noted in the judgment.

This section is also unconstitutional in that it contains within its sweep protected speech and speech which is innocent and is useful in such a way as to be used in such a way as to have a pacifying effect on free speech and, therefore, must be killed based on overbread.

Courtesy Lawcutor, 8 July 2021. 

Will the electorate hold the BJP...

Contd. from page - (30)

Even religiously rooted human beings don't consider all kinds of grief to be equal. Some are more easily linked to fate, others are inflicted by those in power — by their policies, or by their sheer absence in times of need. Whether or not a democratic government can bring joy and happiness, one of its key responsibilities is to prevent mass suffering, or alleviate its severity. At a time of deep collective agony and pain, a democratic government's virtual disappearance — or its appearance only to punish citizens, journalists and health professionals doing their job — borders on brutish incomprehensibility.

It is the last set of meanings that the BJP should be afraid of. In the standard non-religious discourse, it is simply called governance failure. Not *vidhi ka vidhan*, but *sarkar ka vidhan*. Not fate, but the government's acts of omission and commission. If that is what a significant proportion of UP's electorate has come to believe, can BJP rulers in Delhi and Lucknow alter that narrative? As of now, we don't know the answer to either question.

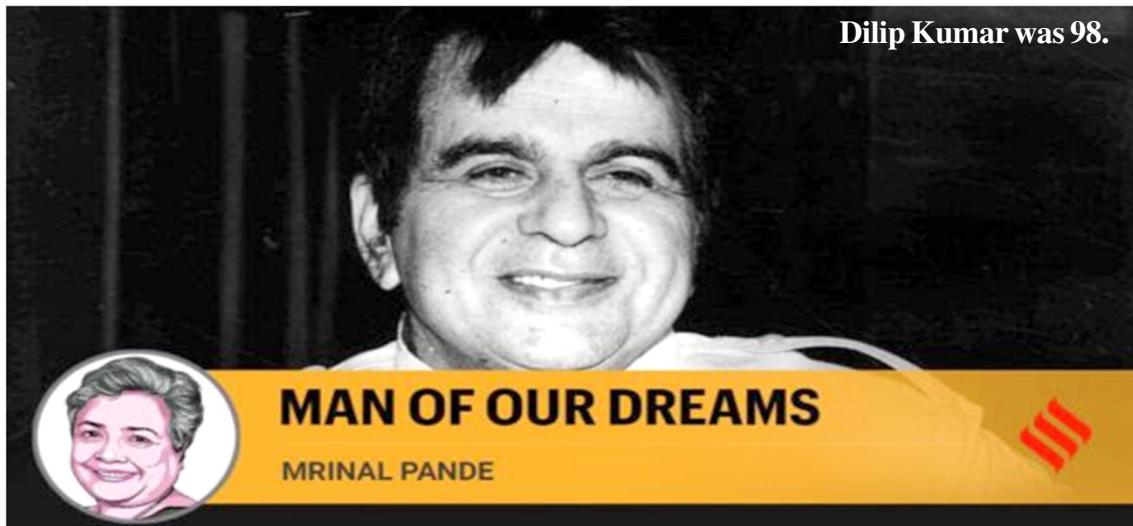
This column first appeared in the print edition on June 24, 2021 under the title 'Politics after pandemic'. Varshney is Sol Goldman Professor of International Studies and the Social Sciences at Brown University. Ahuja is Associate Professor of Political Science, University of California, Santa Barbara

Courtesy The Indian Express, June 24, 2021. 

Goodbye Dilip Kumar, creator of our first dreams of love

Mrinal Pande writes: Dilip Kumar's films encapsulated the bits of us which remain important but to which we have the least access

Mrinal Pande



He was the star of my favourite film, *Madhumati* (1958). It was the first film shot in the Kumaon hills near our town of Nainital. For a few weeks, all of us in school strained our ears, above the teachers' unending lessons, to hear the song, *Aaja re pardesi*, reverberating down in the valley, where the film was being shot. All day, the haunting music rippled and resonated around us. The film was sold out in the local Laxmi Theatres as soon as it was released, and its songs became synonymous with our town — to us at least. Young men took to lurching with a Dilip Kumar gait, with sweaters tied around their necks. Our old retainer muttered angrily, "Bhoot lag gaya sabko Dilip Kumar ka! (Everyone's been bitten by the Dilip Kumar bug!)"

Dilip Kumar, of course, became a megastar in the 1950s. Our young aunts cut out *Filmfare* covers on which the Big Three — Dilip, Dev Anand and Raj Kapoor — appeared and reappeared. On the few occasions they allowed us to accompany them to movie theatres, we

watched them sob unashamedly as tears ran down our cheeks. I now realise that, perhaps, similar forces that had led Emily Bronte to create a Heathcliff in *Wuthering Heights* — restrictive Indian society of the 1950s, where love was a four-letter word — had willed Hindi films to throw up a brooding, intense and tragic hero like Dilip Kumar.

For the Indian subcontinent, Muhammad Yusuf Khan aka Dilip Kumar will undeniably remain one of the greatest popular filmstars of old Bollywood. And I judge him as a great star by putting him to a simple test I have for locating the few real nuggets of gold in the dirt of our popular culture. How much pleasure does he/she give? And how low do we have to stoop to enjoy that pleasure? The answer when it comes to Dilip Kumar: Not that low, really. A good example of this is *Devdas*, the hero of Sarat Chandra Chattopadhyay's Bengali novel by the same name. It has been adapted into several films in Bengali and Hindi. But the 1955 Hindi version still shines in my mind.

It has Dilip Kumar playing Devdas; the ethereal Bengali actress Suchitra Sen as Paro, and Vyjayanthimala playing the gold-hearted courtesan who takes a broken young lover under her wing only to lose him to heavy drinking. Dilip Kumar's Devdas created a template for musical films based on tales of unrequited love, where young love is doomed from the start.

One of the most popular marching songs in the 1950s was from his film Shaheed (Watan ki raah mein watan ke naujawan shaheed hon); it is played at the funeral of the hero, who has left his beloved and laid his life down for his country. Truth be told, how many of us in India know, when we are young, what to do with the two equally compelling pulls of Duty and Grand Love? Dilip Kumar's role in Shaheed and later as Shahzada Salim in K Asif's magnum opus, Mughal-e-Azam, still throw this question in our face. In Mughal-e-Azam, a larger-than-life father is ambitious about turning his heir apparent into a future emperor. Dilip Kumar and the veteran Prithviraj Kapoor give memorable performances. But Dilip, to my mind, is subtler. One silent but withering glance from him undoes a thunderous oratory emanating from those royal lips.

In the 1960s, Dilip Kumar surprised us in films like Ganga Jamuna and Ram Aur Shyam. Even later, came Saudagar (1991), where he was pitted against another veteran actor Raj Kumar. To my delight, he pulled it off, effortlessly mixing memory with desire, comedy with anger.

In retrospect, Dilip Kumar's films are about the dream lives of the peoples of this subcontinent. They encapsulate those bits of us that are still important but to which we have the least access. Isn't it a shame that we watch a movie (now increasingly on OTT platforms, rather than in a theatre), only to laugh or gasp at the dirty talk of gangsters, gangster-like policemen, and politicians, full of foul gaalis and paan masala? Go back to Devdas. Suchitra Sen

as Paro looking into her lover's eyes, while lighting a kerosene lamp, and forgetting herself till the flame burns her finger. Compare it to that too-suave and buttoned-up Devdas of Shah Rukh Khan and an overdressed Paro played by Aishwarya Rai in the 2002 film, and you get the drift. In contrast, Dilip Kumar's quizzical half-smile and unblinking eyes are as suggestive about the state of being as totally in love as possible.

It appears that Bollywood, of late, has been recycling its actors. Shah Rukh Khan turned into Dilip Kumar, Ranbir Kapoor into Raj Kapoor, and Ranveer Singh into a latter-day Dev Anand. And that's a poisoned chalice. But a graceful presence that refuses to break into superficial gestures, and a genuinely submissive attitude to female beauty were unique to Dilip Kumar. As a lover, Dilip Kumar played a man who worships women, from Madhubala to Nutan, with a deference bordering on the Platonic. He reacts to their overtures, instead of initiating them aggressively in the classic masculine mode. This keeps his vulnerability intact in the eyes of a female audience.

The range that Dilip Kumar could and did play, despite frequently sloppy scripts and shoddy editing, was enormous. But his own persona was bigger than the sum of all those parts. It cannot be reduced to the parable of a Muslim who gave himself a Hindu name and created films like Shaheed and Ganga Jamuna. There was nothing sterile or vain about him even when he had crossed his eighties and lived the life of a recluse, loved and cared for by his faithful wife. Goodbye Dilip Kumar, the creator of so many of our first youthful dreams of love. They don't make them like you anymore.

This column first appeared in the print edition on July 8, 2021 under the title 'Man of our dreams'. The writer is former chairperson, Prasar Bharati

Courtesy The Indian Express, July 8, 2021 

THE KING CAN DO NO WRONG'

: Raju Z. Moray

The King was on a roll,
The King was on a song..
All the King's men said:
"The King can do no wrong!"

Using henchmen like cattle
The King had won big battle
A few setbacks here and there
King's poise wouldn't rattle

The King ruled, his men spied
They clapped as the King lied
Soon there came a time when
All were taken for a royal ride!

Freedoms got whittled away
All were under the King's sway
In the pitch dark they dreamt
Of sunrise on a promised day!

The King mastered the game
No avenue would now be same

And if something did go wrong
Predecessors were to blame!

Then invisible forces attacked
Bodies on bodies got stacked
Skills for such viral skirmishes
King's overfed generals lacked

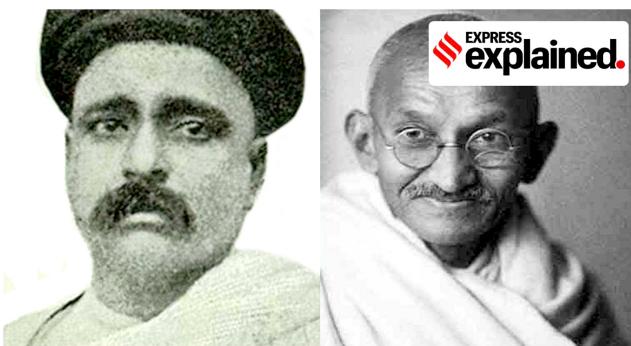
Only undertakers understood
When King ran out of all wood
That the King's fawning minions
Had never been up to any good.

The herd believed it was too late
To change the food on the plate
So they swallowed unpalatables,
Resigning themselves to their fate!

The King started behaving weird
Weeping with his quivering beard
But poets still pen his eulogies
For he is venerated (and feared)!

Dr. Ramesh Awasthi shared Sangeeta Kamat's facebook post

Frontline: K.M. Munshi's amendment had removed "sedition" from the Constitution, arguing that its scope was too broad to be compatible with free speech in a democracy, but the Supreme Court's judgment in the Kedar Nath Singh case in 1962 brought it back by the back door.



Both Tilak and Gandhi were tried for 'sedition' under the colonial rule

The sedition law which is enshrined in Section 124A of the Indian Penal Code (IPC) was introduced by the British government in 1870 to tackle dissent against colonial rule.

Utopian Vistas:

The Lost Legacy of Emma Goldman and M.N. Roy

Prof. Sachidananda Mohanty

How does the retrieval of two forgotten narratives help us in charting out utopian vistas, relevant to our own times?

New Interdisciplinarity

Beginning with a landmark publication in 1991 called *Marvelous Possessions: The Wonder of the New World*,ⁱ avant-garde literary-cultural critic and leading exponent of an influential movement called New Historicism, Stephen Greenblatt argued against ‘disciplinary hegemony’ and found in ‘interdisciplinarity an important means of generating new knowledge’.ⁱⁱ Critiquing the long-accepted notion of ‘objective’ historiography, the Harvard critic maintained that ‘historical truth arises from the inadequacy of the story that is told.’ Examining closely the diaries of Christopher Columbus regarding his voyages to the New World, originally scripted by the explorer in Spanish, Greenblatt unveiled, with extraordinary originality and insight, the ideological underpinnings of Columbus’ ‘discovery’ of America. New Historicism led to important consequences, including revisionist history, viewed from the standpoint of the experience of the marginalized and forgotten people.

Forgotten Narratives

Following Greenblatt, I shall try and restore, in this essay, two seminal narratives to public attention. I shall endeavour to show that the near disappearance of the twin narratives has not been accidental.

Indeed, there are underlying political, ideological and institutional reasons that may help explain as to why the memories of the two figures who played a pivotal role during the first half of the 20th century on the

world scene have been tragically glossed over and lost to later generations. I shall also argue that the retrieval of the two is relevant to our times.

Towering personalities in their own times

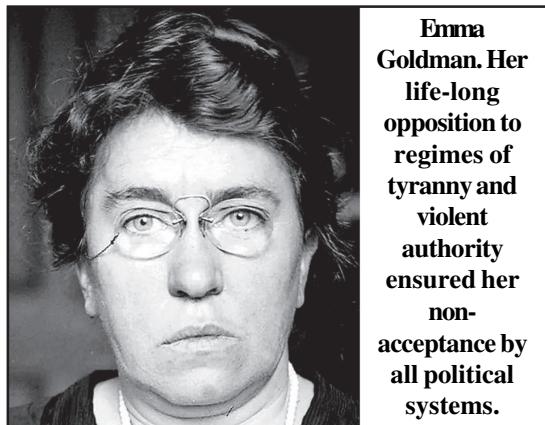
Emma Goldman and M.N. Roy were towering personalities in their own times, who chartered out political and literary paths for themselves. Both were part of long-established philosophical and political tradition; both aligned with the Bolshevik Revolution of 1917 in Russia and lent it support [Roy for a longer period], but because of their independent, dissenting and original thinking, both parted company from Bolshevism in due course. Recent work by independent historiansⁱⁱⁱ such as Anne Applebaum, Donald Rayfield, Tim Tzouliadis

Vladimir
Lenin,
Maxim
Gorki
(behind
Lenin),
M.N. Roy
(right,
extreme),
and others.
A 1920
picture.
Photo- The
Hindu
archives.



and Amy Knight, based on declassified papers of the Soviet archives, would help explain the serious reservations of figures like Goldman and Roy regarding the nature of the Bolshevik regime, acknowledged by a growing number of Marxist sympathizers today. Such works are also to be seen against the background of the classic study by David Caute entitled *The Fellow-Travelers: Intellectual Friends of Communism*, 1988.^{iv}

Indeed, Goldman and Roy had the foresight to see the nature of the system that would unfold in the erstwhile Soviet Union. They maintained that while the October Revolution of 1917 was unquestionably timely, momentous and epoch-making, it went paradoxically against some of its own cherished beliefs.^v



Emma Goldman. Her life-long opposition to regimes of tyranny and violent authority ensured her non-acceptance by all political systems.

Regrettably, both Goldman and Roy have been treated as renegades in orthodox Marxist circles, and appropriated as anti-communists in partisan sections.^{vi} They seem to be largely missing in the New Left circles as well. This is a loss to the intellectual history of Marxism and to the future possibilities of the movement, especially in the era of late capitalism and 'globalization' of the world which have caused wide-spread disenchantments in economic and cultural terms throughout the world.

I suggest that both Goldman and Roy, despite differences with official Communism, were lifelong supporters of Socialism of the cooperative

kind. Towards the end of his life and career, Roy championed what was called Radical Humanism which also had an important component of cooperative Socialism.

Missed opportunities

The Centenary of the October Revolution in 2017, rightfully celebratory in character, did not seem to carry, deeper introspections [honourable exceptions apart] regarding the Bolshevik movement and its critique by sympathetic adversaries, barring the mandatory critique of Stalinism. The amnesia is unfortunate and needs to be discarded for a more complete account of the movement and its future possibilities.

Emma Goldman: The Radical Free-thinker

Emma Goldman's birth into a Jewish family in Lithuania on 27 June 1869 in the former Russian Empire, her life in the adopted United States as an immigrant, involvement in revolutionary trade union, suffragette, working class, birth control, and feminist movements, her literary work through the anarchist journal *Mother Earth* in 1906, an autobiography *Living My Life*^{vii} along with five other books, her deportation to Russia in 1917, meeting with the various factions of the October Revolution, fateful encounter with Lenin along with her life companion Alexander Berkman, in March 1920, her affinity for cooperative socialism and reverence for Kropotkin, her two seminal works *My Disillusionment in Russia* and *My Further Disillusionment in Russia*, and, finally, her strong views on the prison-system, atheism, freedom of speech, marriage, free love and homosexuality, ensure her contemporary relevance. She died on 14 May, 1940 at Toronto, Canada practically unsung, and is sadly missing today in the public domain.

Against regimes of tranny and violent authority

Goldman's life-long opposition to regime of tyranny and violent authority ensured her non-acceptance by all political systems, although she participated heroically in major revolutions including the Spanish Civil War and the October

Revolution. I would therefore make a claim for the preservations of all documents related to the life and times of Emma Goldman, and make them easily available to the present generation of interested students of culture, dealing with freedom, dissidence and internment, systems of belief, faith and atheism, as well as various forms of utopian living at the national and international level.

M. N. Roy: The Thinker as the Revolutionary

Similarly, M.N. Roy who was born as Manabendra Nath Bhattacharya on 22 March, 1887 in the Bengal Presidency of British India and died on 25 January 1954 at Dehradun, has nearly disappeared from public memory in the East and West, despite his monumental achievements as an eminent revolutionary and writer who rubbed shoulder with Lenin and the leading lights of the Comintern, [the Communist International]. His early revolutionary-nationalistic work through *Jugantar*, active participation in the Indo-German Conspiracy in 1914, founding of the Mexican Communist Party in 1917 and the Communist Party of India, [Tashkent group], in October, 1920, delegate to Congress of the Communist International and Stalin's representation to China, expulsion from the Comintern by Stalin in December 1929, arrival in India and being sentenced to 12 years imprisonment in 1932 in the Kanpur Conspiracy case, meeting with Nehru, Bose and Gandhi, his differences with Gandhi, the Congress Party and the Indian Communists, his support of the Allied Powers during World War – II against the Nazi Germany, Japan and Italy, [the latter as in the case of Sri Aurobindo] differences from the Congress, his major publications like *New Humanism* and 'the establishment of Radical Humanism as an alternative to Capitalism and Communism,' make him, like Goldman, an equally eminent thinker and man of action of the 20th Century.

What is most remarkable is that at the suggestion of Lenin, Roy prepared his own thesis

as a supplement to Lenin's *Preliminary Draft Theses on the National and the Colonial Questions*.^{viii}

Clearly there is an urgent need to reclaim the narrative of M.N. Roy with all the rich complexity present in his life and work^{ix}. Roy met Lenin in May 1920 while Goldman did so in March 1920. While the young Roy, somewhat overawed, comes out with unqualified admiration, the older and more experienced Goldman, is not taken in by Lenin's claims and his view that freedom is a 'bourgeois luxury' that has no place during the Revolution. In fact, as events would reveal, Roy was to discover the real nature of the Bolshevik tyranny in 1929 when he was expelled from the Comintern by Stalin. He manages to escape narrowly through the timely help of a Russian colleague, to India and chart out the new stage of his revolutionary and literary life.

Emma Goldman's meeting with Lenin, March, 1920

As Goldman writes:

The interview with Lenin was arranged by Balabanova. "You must see Ilyich, talk to him about the things that are disturbing you and the work you would like to do," she had said. But some time passed before the opportunity came. At last, one day Balabanova called up to ask whether I could go at once. Lenin had sent his car and we were quickly driven over to the Kremlin, passed without question by the guards, and at last ushered into the workroom of the all-powerful President of the People's Commissars.

*** *** *** ***

I broached the subject of the Anarchists in Russia. I showed him a letter I had received from Martens, the Soviet representative in America, shortly before my deportation. Martens asserted that the Anarchists in Russia enjoyed full freedom of speech and press. Since my arrival I found scores of Anarchists in prison and their press suppressed. I explained that I could not think

of working with the Soviet Government so long as my comrades were in prison for opinion's sake. I also told him of the resolutions of the Moscow Anarchist Conference. He listened patiently and promised to bring the matter to the attention of his party. "But as to free speech", he remarked, "that is, of course, a bourgeois notion. There can be no free speech in a revolutionary period. We have the peasantry against us because we can give them nothing in return for their bread. We will have them on our side when we have something to exchange. Then you can have all the free speech you want — but not now.^x

M.N. Roy's meeting with Lenin, May, 1920

Roy recollects in his autobiography: The entrance to the office of the President of the Council of People's Commissars was guarded by an army of secretaries headed by an oldish woman. Unassuming in behavior, plain in looks and rather shabbily attired, she was evidently efficient with her unobtrusive authority. Pin drop silence reigned in the large room occupied by Lenin's personal Secretariat, which was composed of about a dozen people.

*** *** *** ***

I was escorted into the Secretariat. Engrossed in their respective preoccupation, the inmates took no notice of me. But St. Peter of the Bolshevik heaven was always on the alert. She stood up, looked at the big clock on the wall, and silently came forward to take over the charge from the subordinate colleague who had escorted from the entrance of the palace. She conducted me towards a tall silver and gold door, pushed it open gently, just enough for one to pass, and with a motion of the head bade me enter. I stepped in, and the door silently closed behind me.

*** *** *** ***

Nearly a head shorter, he tilted his red goatee almost to a horizontal position to look at my

face quizzically. I was embarrassed, did not know what to say. He helped me out with a banter: "You are young! I expected a grey-bearded wise man from the East". The ice of initial nervousness broken, I found words to protest against the disparagement of my seven and twenty years.

Lenin laughed, obviously to put an awe-struck worshipper at ease. Though much too overwhelmed by the experience of a great event to observe details, I was struck by the impish look...The impish smile did not betray cynicism. Lenin was the most unmitigated optimist. Not only was he convinced unshakably that Marxism was the final truth, but he believed equally firmly in its inevitable triumph. He combined the fervor of the prophet with the devotion of the evangelist.^{xi}

Looking back at a later period, Roy mused in his autobiography: 'Lenin might have turned the course of the revolution to a more fruitful direction. The New Economic Policy was the signal. Its unfoldment might have headed off the subsequent relapse into terrorism and coercion, which destroyed the utopian ideal of Communism.'^{xii}

Future: Cooperative Socialism?

Could Lenin have tried out a newer form of Socialism through his New Economic policy had his life not been cut short, as M.N. Roy muses? Such questions would remain hypothetical, but it was central to Roy, especially in his later days. As V.M. Tarkunde, one of the best civil- rights exponents of his time wrote about Roy's economic and political philosophy in memorable terms:

Contrary to economic thinking which was then current, Roy gave priority in the People's Plan to the development of agriculture and small-scale industry. The Indian State, according to the Draft Constitution of Free India, was to be organized on the basis of a countrywide network of Peoples' Committees having wide powers such as initiating legislation,

expressing opinion on pending bills, recall of representatives and referendum on important national issues.^{xiii}

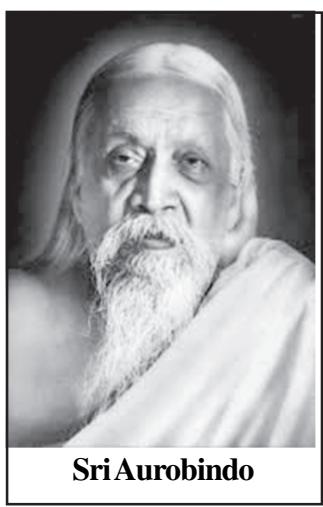
This was indeed a clarion call for a decentralized approach to development based on people's participation at the State and regional level, an approach that is still waiting for its day in India.

Sri Aurobindo

Goldman and Roy were not the only ones to have faith in cooperative socialism. In the postscript chapter of his important political treatise called *The Ideal of Human Unity*, Sri Aurobindo was to write with great insight about the future course of events. He wrote at the height of the Cold War in 1950:

It is not that the principles of Communism necessitate any such results or that its system must lead to a termite civilization or the suppression of the individual; it could well be, on the contrary, a means at once of the fulfilment of the individual and the perfect harmony of a collective being. The already developed systems which go by the name are not really Communism but constructions of an inordinately rigid State Socialism. But

Socialism itself might develop away from Marxist groove and evolve less rigid modes; a cooperative Socialism, for instance, without any bureaucratic rigor of a coercive administration, of a Police State, might one day come into existence...^{xiv}



Sri Aurobindo

Conclusion

This then could be the lasting legacy of Emma Goldman and M. N. Roy, a move towards greater unity and equality among mankind, based

on the principles of freedom and cooperation, enunciated by forgotten thinkers such as Goldman, Kropotkin and their followers. In varied measures, the approach finds strength in Roy as well; it resonates today with a growing body of experiments in community living throughout the world, outside the pale of the all-powerful State.

Prof. Sachidananda Mohanty is former Professor and Head of the Department of English, University of Hyderabad. He is the former Vice Chancellor of the Central University of Odisha. His latest book is: *Cosmopolitan Modernity in Early 20th Century India*, Routledge 2nd Edition, Global and South Asian, 2018.

Note: An earlier version of this article had appeared in *Frontline*, 16 July 2021. Due credit is given here to the Editor of *Frontline* for publication of the article.

¹ *Marvelous Possessions: The Wonder of the New World*, Oxford, Clarendon Press, 1991; Chicago: University of Chicago Press, 1991.

² *The Greenblatt Reader*, edited by Michael Payne, MA: Blackwell Publishing, USA, 2005.p3. Gratefully acknowledge a personal copy received from Professor Greenblatt in 2005 at Harvard University, Cambridge, Mass.

³ See, among others, *Gulag: A History*, by Anne Applebaum, London: Penguin Books, 2003; *The Forsaken: An American Tragedy in Stalin's Russia* by Tim Tzouliadis, London: Penguin Books, 2008; *Stalin and His Hangmen*, by Donald Rayfield, Viking, 2004; London 2005; *Beria: Stalin's First Lieutenant* by Amy Knight, Princeton: Princeton University Press, 1993.

⁴ *The Fellow-Travelers: Intellectual Friends of Communism*, by David Caute, New Haven, Yale University Press, 1988. Caute underlines the political and ideological circumstances that led to the pronounced affinity most intellectuals of the times had towards Bolshevik Communism in Russia during the first half of

the 20th Century. By far the best book on the subject.

⁵ One of the first moves made by the Bolsheviks who seized power from the Social Democrat Kerensky, was to establish the All-Russian Extraordinary Commission (commonly known as Cheka) to deal with counter-revolutionary activities. The approach was laid down by Felix Dzerzhinsky, the founder of Cheka, who defended the organization in unequivocal terms:

‘We stand for organized terror - this should be frankly admitted. Terror is an absolute necessity during times of revolution. Our aim is to fight against the enemies of the Soviet Government and of the new order of life. We judge quickly. In most cases only a day passes between the apprehension of the criminal and his sentence. When confronted with evidence criminals in almost every case confess; and what argument can have greater weight than a criminal’s own confession?’ https://www.goodreads.com/author/quotes/480078.Felix_Dzerzhinsky, accessed on 27.5.21.

Initially meant to defend the new Russian State against elements of the old guard, subversives, hoarders and criminals, Cheka soon acquired extralegal authority, especially after the failed assassination of Lenin on 30 August 1918 by Fanya Kaplan, a member of the Social Revolutionary Party, one of the many political factions that functioned underground during the early days of the Revolution.

For a good understanding of this subject, see, *Russia and the Cult of State Security: The Chekist Tradition, From Lenin to Putin* by Julie Fedor, Routledge, 2013.

⁶ Upon her return to England from Russia, after the initial spirit of welcome by well-known thinker-writers like Harold Laski and Rebecca West, Emma did not get the hearings she expected due to the pro-Bolshevik sentiments then current in the continent. See <https://theanarchistlibrary.org/library/emma-goldman-living-my-life>.

living-my-life. Accessed on 28.5.21.

⁷ <https://theanarchistlibrary.org/library/emma-goldman-living-my-life>. Accessed on 28.5.21.

⁸ Sibnarayan Ray, *In Freedom’s Quest: Life of M.N. Roy* (Vol. 1: 1887–1922). Calcutta: Minerva Associates, 1998, pp.93-94. An important and sympathetic publication in recent years has been by Kris Manjapra entitled *M.N.Roy: Marxism and Colonial Cosmopolitanism*, New Delhi : Routledge India, 2010. Manjapra’s study, excellent as it is, sadly, does not seem to find many takers even in elite departments of History, Political Science, Philosophy and Cultural Studies in India.

⁹ It is true, the Oxford University Press has brought out the *Selected Works of M.N. Roy* from 1987 through 1997, A total of 4 volumes were edited and published by Sibnarayan Ray. Unfortunately, the project was abandoned in 2008 following the demise of Ray, a great loss to Roy scholarship. The volumes are not widely publicized.

¹⁰ See Emma Goldman, *My Disillusionment in Russia*, New York: Doubleday Page and Company, 1923, pp.47-51. Also see, the letter of Kropotkin to Lenin in *Cosmopolitan Modernity in Early 20th Century India* by Sachidananda Mohanty, New Delhi: Routledge 2nd edition, Global and South Asian, 2018. pp. 8-9.

¹¹ See *Mint-on-Sunday* Stalin’s Youngman: M.N. Roy and the Russian Revolution: First Meeting with Lenin. <https://www.livemint.com> > Sundayapp > Stalins-youngman, Accessed on 26.5.21.

¹² <https://www.livemint.com> > Sundayapp > Stalins-youngman, Accessed on 26.5.21.

¹³ V.M.Tarkunde, ‘Introduction’ to *Men I Met* by M.N.Roy, New Delhi: Ajanta Publications,1968;rpt.1981. The book offers pen portraits of many world-famous figures Roy met in his career.

¹⁴ Sri Aurobindo, *The Ideal of Human Unity*, [First edition, 1919]; rpt. Pondicherry: Sri Aurobindo Ashram, 1998. 

**UN Secretary General reprimands Indian Government about atrocities on children in Kashmir.
Shameful for Indian Government**

"I remain concerned by grave violations against children in Jammu and Kashmir and call upon the Government to take preventive measures to protect children, including by ending the use of pellets against children, ensuring that children are not associated in any way to security forces, and endorsing the Safe Schools Declaration and the Vancouver Principles. I am alarmed at the detention and torture of children and concerned by the military use of schools. I urge the Government to ensure that children are detained as a measure of last resort and for the shortest appropriate period of time, and to prevent all forms of ill-treatment in detention. I also urge the Government to ensure the implementation of the Juvenile Justice (Care and Protection of Children) Act, 2015, to address the use of children for illegal activities and the situation of detained children."

Dr. Ramesh Awasthi, Chairperson, Indian Renaissance Institute (IRI)

Postal Regn. No.: DL(E)- 20/5537/2021-23

Total Pages : 44

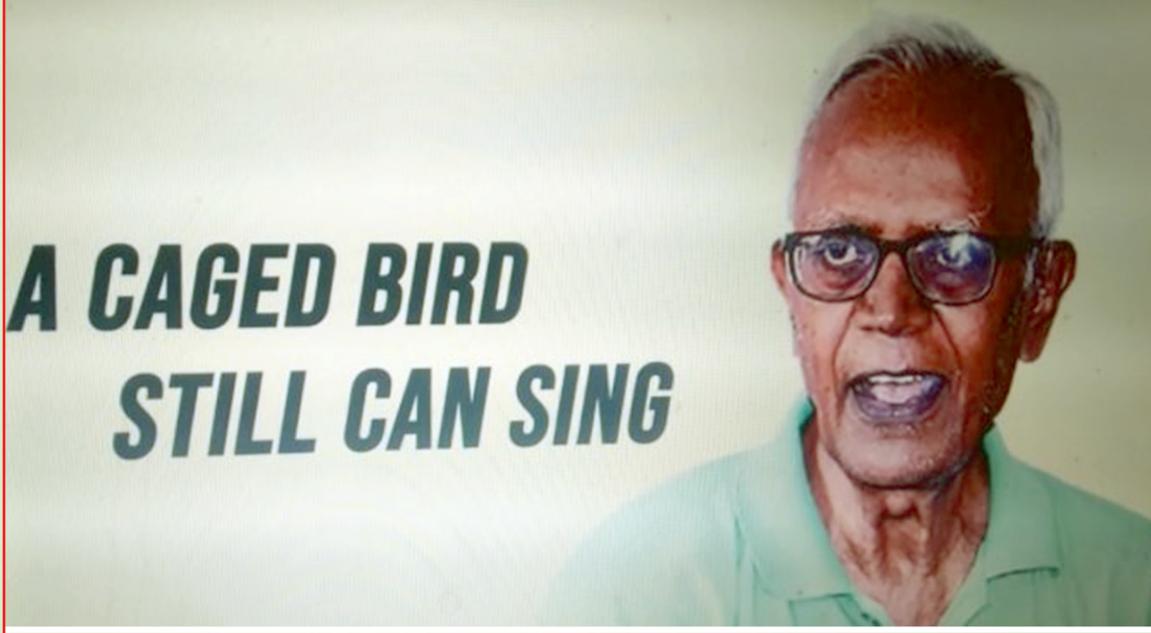
RNI No. 43049/85

Posting: 1-2 August 2021 at Krishna Nagar H.O. Delhi-51

Date of Pub.: 27-28 July, 2021

Father Stan Swamy

(26.04.1937 – 05.07.2021)



**A CAGED BIRD
STILL CAN SING**



**AND WE'LL STILL
SING OF
FREEDOM**

Printed and Published by **Sheo Raj Singh**, on behalf of the Indian Renaissance Institute at
A-1/103, Satyam Apartments, Vasundhra Enclave, Delhi- 110096. (M.) 9891928222
printed at **Subhashini Offset Printers, F-10, Jagdish Nagar, Patel Nagar III, Ghaziabad-201001 (UP)**
Editor: **Mahi Pal Singh**, Raghav Vihar, Phase- 3, Prem Nagar, Dehradun- 248007. (Uttarakhand)