

# THE RADICAL HUMANIST



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Founder

M.N. ROY

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One of the most powerful pictures I've  
ever seen

**If the people stand...**

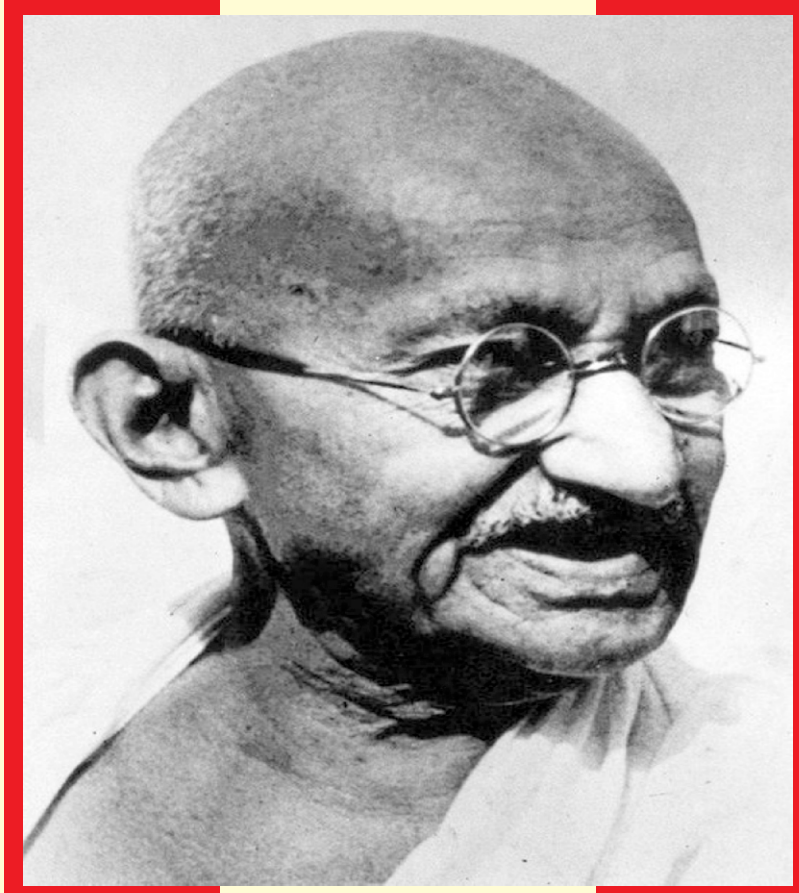


**... the game is over**

Courtesy M.G. Devasahayam

**621**

## Nobel Prize



#OnThisDay (18 November) in 1948 the Norwegian Nobel Committee – who selects the Nobel Peace Prize laureates - decided to make no award that year on the grounds that “there was no suitable living candidate”.

Mahatma Gandhi was nominated for the Nobel Peace Prize in 1937, 1938, 1939, 1947 and, finally, a few days before he was murdered in January 1948. The omission has been publicly regretted by later members of the Nobel Committee; when the Dalai Lama was awarded the peace prize in 1989, the chairman of the committee said that this was “in part a tribute to the memory of Mahatma Gandhi”.

Learn more: <https://bit.ly/2Phsg2V>

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

# THE RADICAL HUMANIST

**Vol. 85 Number 9, December 2021**

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Movement and to the promotion of human  
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## **Editorial :**

# **Hail the Victory of the Indian Farmers!**

**Mahi Pal Singh**

When Prime Minister Modi appeared on the TV on 18 November morning in his own style of suddenly appearing on the TV and declaring an important matter of policy change, he again had an important announcement to make. Taking a complete U-turn from defending the three contentious farm laws his government and party leaders have been strongly defending at every forum and against which the farmers have been agitating for nearly one year under the banner of the Samukta Kisan Morcha consisting of 40 farmers' unions, he declared that his government was repealing them. This declaration of repealing the three farm laws is important because the farmer unions had declared their intent to continue the agitation until they were withdrawn. But by itself, it is mere reversal of the harm done to the country's farmers by the Modi government and does not in any way contain any measure to promote the welfare of the farming community.

The question is whether it was a change of heart and a goodwill gesture towards the agitating farmers who have lost about 750 of their colleagues during their movement and the realization of the real condition of farmers in the country who earn only Rs. 27 per day even as per government estimates, which persuaded the Prime Minister to repeal the three farm laws. Had it been so, he would have simultaneously declared a plan to give a legal guarantee of Minimum Support Price (MSP) for their farm produce and withdrawal of all cases against the farmers filed during the agitation meant to intimidate them, along with some mechanism to address their future difficulties. In his address, he 'apologised' to the 'countrymen' for not being able to convince 'some' farmers about the benefits of the three farm laws, and not to the

farmers for treating them very shabbily; at the same time he also did not say a single word of condolence for the 750 farmers who made the supreme sacrifice for the cause of the farming community or a word of sympathy for their families who lost their bread winners. The answer obviously is a big 'NO'. It is clearly a face saving move and a political manoeuvre in an attempt to avoid a complete rout in the assembly elections which are just three months away in which three important states of Uttar Pradesh, Punjab and Uttarakhand are involved and in which the farmers' movement was projected to have a deep impact. Only a day earlier, Satya Pal Malik, a BJP appointed Governor and an important leader of the party had declared on a TV channel that the BJP was going to lose the assembly election in all these important states very badly and that there would hardly be any Member of Parliament of the BJP in the Lok Sabha in 2024 if the government did not concede the demands of the farmers. High unemployment rate, sky high prices of petrol, diesel, LPG and edible oils, vegetables and other consumable items along with the farmer woes would really have brought the BJP down in the coming assembly elections. That would really have been fatal for Prime Minister Modi's desire to be the Prime Minister of the country for the third time in 2024.

The Prime Minister's 19<sup>th</sup> November declaration should also be seen in the light of the government's earlier declaration of reducing the excise duty on petrol and diesel nominally by Rs. 5 and Rs. 10 respectively on 4<sup>th</sup> November, the Diwali day. It had come after a continuous increase of paise 35 every day on both for several months taking the prices of both to a never before high of Rs. 120 and 110.

The relief was too late and too little. In the light of the coming elections the move was an expected one, though no relief was given on the price of LPG cylinder whose prices were increased by Rs. 350 within a few months (and the steep rise on the cost of chemical fertilizers, needed by the farmers before the sowing season, announced a few days earlier). The people know it very well that they would not be increased now till the results of the assembly elections are out. The move is similar to the time more than two months before the West Bengal assembly elections when the prices of petrol and diesel were stopped to be increased and immediately after the declaration of the election results they started to be increased.

In the victory of the farmers' movement, we have seen the rise of the people's power. This has shown that the game of the BJP is over. If the people stand up, they can force Prime Minister Modi to sack Ajay Mishra, the Union Minister of State for Home, father of Ashish Mishra, who is one of the main villain and accused in the Lakhimpur Kheri conspiracy and murder of four innocent and unsuspecting farmers by crushing them wantonly under the wheels of his vehicle on 3<sup>rd</sup> October 2021 (though the retaliatory killing of some BJP workers accompanying him and involved in the act, is also condemnable), and the Modi government to withdraw the CAA and labour codes and also stop the sale of national assets. 🌈

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### **Articles and Features :**

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## **Accused in Lakhimpur case being favoured: SC**

***Eight people died in that incident on October 3 — four farmers, three Bharatiya Janata Party (BJP) workers, and a journalist, who, the state said on Monday, was also killed when a vehicle ran over him, not lynched by farmers as originally claimed in some quarters.***

**Utkarsh Anand**

The investigation into the Lakhimpur Kheri incident appears to be favouring the “main accused” in the case, the Supreme Court said on Monday, pushing for the appointment of a retired high court judge from outside Uttar Pradesh to oversee the probe and “infuse fairness, independence and faith” into it.

Monday's comments by the apex court continue the trend of its criticism of the way the state has handled the investigation in the case where a convoy, in which at least one vehicle belonged to a Union minister, ran over farmers protesting three controversial laws, leading them to run amok and lynch some of the occupants of the vehicles. Eight people died

in that incident on October 3 — four farmers, three Bharatiya Janata Party (BJP) workers, and a journalist, who, the state said on Monday, was also killed when a vehicle ran over him, not lynched by farmers as originally claimed in some quarters.

Ashish Mishra, the son of the minister, is one of the accused in one of the two cases (the convoy running over farmers) being investigated. His arrest came only after the court criticised, on October 9, the kid-gloves treatment he seemed to be receiving from the police.

“We are very sorry to say this but prima facie, it appears that one particular accused is sought to be given benefit by overlapping the



two FIRs in the case...evidence is collected...in a way to protect the main accused,” remarked a bench, headed by Chief Justice of India (CJI) NV Ramana, while hearing the case registered by the top court on its own motion (suo motu) .

The other case being investigated by the police has to do with the lynchings of some of the occupants of vehicles in the convoy, and the court was perturbed that some of the evidence being collected in this case was aimed at protecting the “main accused”.

The court did not name Mishra, the son of the junior Union minister of home affairs Ajay Mishra ‘Teni’.

To be sure, on Monday, the state said it has “clinching evidence” of Mishra’s presence at the scene (something he and his father have consistently denied), but that forensic reports on this are awaited.

The bench, which included justices Surya Kant and Hima Kohli, underscored the need for appointing a retired high court judge from outside the state to monitor the probe after finding out that the investigation in the farmers’ murder case (FIR no 219) could be adversely impacted by the manner in which the UP Police were recording evidence in the case relating to the murder of three BJP workers (FIR no 220) .

It added that the court does not have confidence in the judicial commission appointed by the UP government. On October 7, the UP government set up a judicial commission, headed by retired Allahabad high court judge PK Srivastava, to probe the incident.

The court’s views on having a former high court judge to independently oversee the probe and ward off any mix-up of evidence were fortified by the revelation that local journalist Raman Kashyap was not murdered by the protesting farmers, as widely perceived, but run over by the offending vehicle that fatally knocked down the four farmers.

On his part, senior counsel Harish Salve, appearing for the UP government, told the

bench that the police have “clinching evidence” in the form of videos and call detail records (CDRs) to show the presence of Ashish Mishra on the spot, and that forensic reports were awaited.

Commenting on the delay in getting the reports from the forensic science laboratory (on the video clips of the incident) and also on non-seizure of mobile phones of all the accused, the bench said: “We gave you 10 days after the last date but nothing has been done. This is not going the way we wanted it to.”

The police have identified a total of 16 accused in the case. While Mishra and 12 others were arrested over the past few weeks, the three others are the three BJP workers lynched in the aftermath.

On Monday, when the Supreme Court took up the latest status report submitted by the UP government in a sealed envelope, it pointed out certain statements recorded by the police during the course of the investigation into the death of the three BJP workers. The bench noted that at least 50 witnesses in the BJP workers’ murder case (FIR no 220), in their statements to the police, sought to exonerate the “main accused” in the farmers’ murder case (FIR no 219).

“We are very sorry to say this but prima facie, it appears that one particular accused is sought to be given benefit by overlapping the two FIRs. Now, it is being said that there are two FIRs and the evidence collected in one FIR will be used in another. Evidence in the FIR no 220 is being collected in a way to protect the main accused. You can very well understand the fate of the case in such a scenario,” the bench pointed out to Salve.

The senior lawyer replied that it was after the Supreme Court’s direction on October 26 that the police started recording statements of witnesses in the second FIR relating to BJP workers’ death.

“Some of these witnesses started giving exculpatory statements against the accused in

the other FIR. There are a lot of people who are trying to exculpate the accused in the farmers' case. They appear for their statements in FIR no 220 but start giving evidence about FIR no 219. The police also have this problem but they will have to record statements of everyone," Salve argued.

The bench, however, observed that the two FIRs should be investigated separately.

"What appears to us is that this SIT (special investigation team) is unable to maintain an investigative distance between the different FIRs. They are not bound to record the statements of whosoever is coming forward. The witnesses must have something substantial to say. Otherwise, it will become oral evidence in one case versus oral evidence in another case," said the bench.

It added: "To ensure that there is no mix-up of evidence in the case, we are inclined to appoint a former judge of a different high court to monitor this probe. We are not confident about your state judicial commission to oversee it. Let a former judge monitor everything till the charge sheet is filed."

The bench proposed the names of justices Ranjit Singh and Rakesh Kumar, both retired judges of the Punjab & Haryana high court, asking Salve to come back with instructions on Friday about the state's preference of a judge when the matter is next heard.

The bench emphasised that there were three sets of murders in the case — of the four farmers; three political workers; and a journalist. "Each one should be investigated independently and taken to a logical conclusion," it added.

At this, Salve said that the investigations have now disclosed that the journalist was also crushed by the offending vehicle. "He was earlier thought to be with Ashish Mishra but then it was seen that he was also crushed by the car with the farmers. His case has now been transferred to the FIR on the farmers' death," the lawyer said.

The disclosure prompted the bench to remark: "This is why we are saying let a former high court judge oversee the investigation... that is why monitoring is required. The cause of death (of the journalist) was earlier being shown as something entirely different. The impression given to us was that the journalist was also in the car," the bench told Salve, who replied that there are political overtones to this case.

The bench retorted: "We don't want to add to any political overtone or any other tone. We don't want to monitor each and everything. Let a retired high court judge look at everything till the chargesheet is filed. This is the only solution."

At this point, senior advocate Arun Bhardwaj registered a complaint on behalf of the widow of BJP worker Shyam Sunder Nishad, who was among the three lynched allegedly by the furious crowd .

Bhardwaj showed a picture to claim that Nishad was initially in the custody of the policemen but was later lynched by the mob. The lawyer said that Nishad's family has lost faith in the state police and wants the Central Bureau of Investigation (CBI) to take over the investigation into Nishad's death.

But the bench replied: "We are not giving it to the CBI. CBI is not the solution to everything. We want a retired high court judge to monitor the probe and filing of separate charge sheets. We want to protect the evidence collected."

On October 26, the UP government informed the Supreme Court that all the 16 accused, including the three BJP workers who were later allegedly lynched, have been identified by eyewitnesses in the case. The state did not name any accused though.

On October 20, the bench asked the UP Police to pull up its socks and record witnesses' statements before a judicial magistrate under Section 164 as quickly as possible to dispel the impression that the state is "dragging its feet".

Courtesy **Hindustan Times**, November 9, 2021. 

# **Lakhimpur Kheri violence: Weapon seized from Union Minister Ajay Mishra's son was fired, confirms FSL report**

A forensic report has confirmed that weapons recovered from Union Minister Ajay Mishra's son Ashish Mishra and others after the Lakhimpur violence had been fired. Protesting farmers had alleged that Ashish Mishra had opened fire. Though the Forensic Science Laboratory (FSL) report confirmed that the weapons had been discharged, it does not specify whether they were fired on the day of the violence or some other day. Four weapons, including a rifle belonging to Ashish Mishra alias Monu Mishra, had been seized following the Lakhimpur violence. A pistol owned by Ankit Das, nephew of former Union Minister Akhilesh Das, and a repeater gun, which was with Das' bodyguard Lateef Kale, were also among them. A forensic report of the fourth weapon, a revolver owned by Das' aide Satya Prakash, is awaited.

"Of the four weapons sent for ballistic examination to the FSL, it has been confirmed that firing took place from three, including Ashish Mishra's rifle. However, the report did not confirm when the firing took place," a senior official said in Lakhimpur.

The special investigation team (SIT) probing the case is yet to issue an official statement on the FSL report. After the arrest of Ashish Mishra, Das and Kale, the SIT had recovered their licensed weapons – a rifle, pistol, revolver and a repeater gun – and sent them for forensic examination on October 15.

According to the First Information Report (FIR) registered by the police on a complaint of Jagjit Singh, a native of Bahraich district, the entire episode was "premeditated" for which the "conspiracy was hatched" by the Minister and his son.

The FIR stated that the farmers had gathered at the sports ground of the Maharaja Agrasen Inter-College on October 3 and they wanted to peacefully show black flags to Ashish Mishra and Uttar Pradesh Deputy Chief Minister Keshav Prasad Maurya, who were visiting Banbirpur.

"Around 3 p.m., Ashish Mishra, along with 15-20 armed men, in three speeding four-wheelers, reached the protest spot in Banbirpur. Ashish Mishra, who was seated on the left side of a Mahindra Thar, opened gunfire. The Thar mowed down the crowd and sped ahead," the FIR stated.

"Because of the firing, farmer Gurvinder Singh, son of Sukhwinder, a resident of Matronia in Nanpara, died," it stated. However, two successive autopsies conducted on Gurvinder Singh had ruled out bullet injuries.

Ashish Mishra and 15-20 unnamed men were mentioned as accused and charged with murder, criminal conspiracy, rash driving and rioting among others. Of them, police have so far arrested 13.

Minister Ajay Mishra had refuted the allegations that his son was involved in the episode that took place near his native Banbirpur village in the Tikonia area of the district.

The FIR has been lodged under Indian Penal Code Sections 147, 148, 149 (all three related to rioting), 279 (rash driving), 338 (causes grievous hurt to any person by doing any act so rashly or negligently as to endanger human life), 304A (causing death by negligence), 302 (murder) and 120B (party to a criminal conspiracy).

Courtesy **The Hindu**, 10 November, 2021. 



# PUCL condemns Tripura Police's case on lawyers for fact-finding report on communal violence

07 November 2021

The Caravan

*On 5 November, the People's Union for Civil Liberties released a statement that criticised the Tripura police for booking lawyers, who undertook a fact-finding exercise on the recent violence in the state, under the Unlawful Activities (Prevention) Act. The statement is reproduced below:*

The PUCL strongly condemns the Tripura Police for registering a FIR dated 03rd November, 2021 under the UAPA and other draconian provision of the IPC against a team of advocates from Delhi, the "Lawyers for Democracy", for conducting a Fact Finding Enquiry into communal violence incidents in Tripura in mid-end October, 2021. It is clear that the police have invoked the draconian provisions of UAPA law only because of the findings of the FFT that the large scale violence which destroyed numerous homes, shops, mosques and other properties of Muslims in many towns in Tripura was the result of orchestrated violence unleashed by Hindu majoritarian groups like the VHP and HJM, against minority Muslims with the tacit connivance and conscious abdication of their duties by the Tripura police.

What is most shocking is that the West Agartala Police Station has sent a notice u/s 41 A of the Criminal Procedure Code to Advocates Mukesh, National Co-Convener, AILAJ and member of PUCL- Delhi and Advocate Ansar Indori of the National Confederation of Human Rights Organizations (NCHRO) imputing that it was their social media posts, statements and Report which were responsible for "promoting enmity between religious groups as well as provoking people of different religious communities to commit breach of peace".

The absurdity of the police accusation and

the malice underlying the police case becomes evident by the fact that the Fact Finding Team of the Delhi Advocates visited Tripura on 29th and 30th October, 2021 AFTER the outbreak of communal violence which occurred between 12th to 26th October, 2021. The team neither abetted nor provoked the violence, so even the lodging of the FIR by the police is nothing but a case of abuse of powers.

What is most disturbing for all those who are concerned about human rights in India is that the Tripura police are seeking to criminalize what is not only a constitutional freedom but also a constitutional and democratic duty of every citizen, to seek the truth about incidents of communal violence so as to fix accountability and transparency from the political and bureaucratic executive. In this case, the Tripura police is seeking to criminalise a Fact Finding exercise as the role of the police and state administration have been exposed.

**The Context: What triggered the FIR against the advocates?**

What is the crime that the Tripura Police are ostensibly investigating?

What advocates Mukesh and Ansar Indori, as well as advocates Ehtesham Hashmi and Amit Srivastav did is to take seriously the Fundamental duty under Art 51A(h) - to 'promote "harmony and the spirit of brotherhood" as well as the duty to 'cherish and follow the

noble ideals which inspired our national struggle for freedom'. With this constitutional motivation founded in a search for truth and justice, disturbed by the violence in Tripura, they went to Tripura to understand the root cause of the violence.

They produced a report titled, 'Humanity under attack in Tripura' which documents the attacks on Muslim establishments and the vandalization of mosques and the terrible impact of the violence in creating insecurity in the minority population which took place in several districts between approximately 12th to 26th October, 2021. The report quite unambiguously points to the role of the Vishwa Hindu Parishad and other right wing, Hindutva based groups in instigating the violence and the complicity of the state in allowing that to happen.

Evidently the findings in the Report as well as the wide publicity the report got in the media were not to the liking of the Tripura government as it was quite clearly pointing to the role of majoritarian extremist organisations in the violence as well as the complicity of the BJP – ruled state in the violence.

It is undoubtedly a desire to control the narrative on the violence that has prompted the Tripura Police to issue the notice. The state also seeks to send out a message, that fact finding is a risky endeavor especially if you are challenging the narrative of the current dispensation. Such wanton prosecution is also meant to send a chilling message to others from joining such Fact Finding exercises in the future, especially in BJP ruled states.

#### **UAPA against the Advocates: Vindictive action to silence truth**

What exposes the Tripura police action against the Delhi lawyers as a brazen, undisguised attempt to silence truth and to terrify and frighten future fact finding exercises are actions initiated by the Tripura High Court.

On 29.10.2021 the CJ's Bench of the Tripura High Court Suo Motu took cognisance of

incidents of violence on 26th October, 2021 in North Tripura district, Unakoti District and Sipahijala Districts. The High Court order notes that the Advocate General of Tripura had submitted a Note stating that a Vishwa Hindu Parishad rally of over 3500 people had been organised in Panisagar of North Tripura district to protest against attacks in Bangla Desh in Hindus during the Puja period. During the rally clashes occurred in which 3 shops were burnt down, 3 houses damaged and mosques damaged. The Report of the Advocate General lists the various FIRs registered in several districts where communal violence had taken place.

The HC while deprecating the spread of morphed and "false, fictitious or fabricated news articles or footages" being spread in social media also pointed out that "The media has every right, as part of their activities, to publish the truth. It should not be allowed to spread untruth and spread communal passion".

Similarly, on 2nd November, 2021, the NHRC also took on file a complaint filed by the TMC against the communal violence in Tripura and asked the Chief Secretary and the DGP of Tripura to file a status report before the NHRC in 4 weeks.

It is very clear that from mid-October onwards as reports started getting published about attacks during Durga puja on Hindus in Bangla Desh, tension started building up in many parts of Tripura, especially in parts where former BanglaDesh origin Hindus had settled in. Several media reports points out that prior to the incidents of 26th October, 2021, the VHP, Hindu Jagran Manch and their affiliated organisations had organised numerous rallies and gatherings where the mood was markedly aggressive and demands made for retaliation against Muslims in Tripura. For example the Vishwa Hindu Parishad (VHP) and other Hindutva groups wanted to take processions in Futamati, Maharani and Hirapur area of Gomati district,

which are minority dominated. When police refused permission, stone pelting occurred, injuring policemen and others.

Similarly, on Thursday, 21st October, 2021, a 10,000 strong rally of VHP was organised in Dharmanagar in North Tripura District while another rally was organised in Agartala of West Tripura district by 13 Hindutva related organisations.

So very clearly, the atmosphere in Tripura from mid- October, 2021 was surcharged with feeling of communal hostilities against the minorities. This resulted in a series of attacks against Muslim owned properties. Although the district police in some districts had taken pre-emptive action in several places to curb outbreak of violence, there were allegations that the state police had not effectively taken action in time and had by acts of omission and commission aided the right wing, Hindutva based majoritarian groups to attack with impunity minority Muslim houses, properties and religious places of worship.

This being the fact situation, the Fact Finding exercise undertaken by the 4-member team of Advocates was to visit the affected areas and gain a first-hand understanding of how events unfolded, by talking to the victims and various parties involved. Their Report indicated that they had spoken to the police officials also. It is for this act of truth finding that the advocates are being penalized by a UAPA based criminal case.

**First they came for the journalists; then the student activists, now the advocates ...**

Over the last few years, we have seen the Indian Government assiduously going after all independent voices which seek to challenge its narrative and question its policies. Journalists have been targets of attack under this regime. A study by the Free Speech Collective has documented that there have been 198 serious attacks on journalists documented in the period between 2014 and 2019, including 36 in 2019 alone.

The notice under UAPA to Mukesh and Indori escalates the attack to now include advocates. Advocates perform a vital role in a democracy. Beyond the important function of legal representation, advocates have historically played the role of public spirited individuals in the quest for justice. Advocates have played a seminal role in India's freedom struggle too.

**Mahatma Gandhi and the innovation of the Fact Finding Enquiry**

The lawyer who innovated an understanding of the use of the law going beyond legal representation was Mahatma Gandhi. In 1917 he invented the practice of using 'Fact- finding Report' in the Indian context doing an initial study regarding the condition of the indigo workers in Champaran district in Bihar. Gandhiji had gone to Champaran to find the truth about a problem known as Tinkathia which was a regulation that forced the tenants to grow indigo on 3 katha out of 20 katha of their land for the benefit of the white landlords, who made indigo from it and exported.

The British were uncomfortable with his presence and Gandhiji was ordered to leave Champaran and when he refused he was tried for disobeying the order. He admitted his disregard of the order and said to the court:

I have disregarded the order served upon me, not for want of respect for lawful authority but in obedience to the higher law of our being - the voice of conscience.

What is important to note is that the British Raj did not jail Gandhiji. Not only was the expulsion order withdrawn but Gandhiji was allowed to make his own inquiry and later made a member of the official inquiry committee looking into the peasants' complaints. In October this Committee unanimously asked for an abolition of the Tinkathia system.

The FFT practice by Gandhiji was thereafter expanded into a full-fledged exercise exposing the horrible atrocities inflicted on innocent Indians by the British forces in Jallianwala Bagh. A team

headed by Gandhiji visited the Punjab and spoke to scores of affected people to reconstruct what truly occurred in Jallianwala Bagh. The resultant report on the Jallianwala Bagh massacre and its aftermath challenge the British colonial state's smug and self-serving narrative that the firing was necessitated because of unruly and violent crowds of locals. Gandhiji's Report sought to establish the truth of what happened in Jallianwala Bagh.

As Gandhiji himself says, "I would recommend a perusal of this report to anyone who wants to have an idea of the kind of atrocities that were perpetrated on the Punjab people. All that I wish to say here about it is that there is not a single conscious exaggeration in it anywhere, and every statement made in it is substantiated by evidence".

Mukesh, Ansar Indori and other team mates, in undertaking a Fact-finding exercise and producing a report on communal violence in Tripura are following in the footsteps of Gandhiji. What they are doing is producing a document which will tell the story of what happened from the viewpoint of the victims. As such it is an important narrative, especially when the state seeks to control the narrative.

We should note that since the 1980's Fact Finding exercises have been repeatedly undertaken in a wide variety of settings to counter attempts of the State to cover up its lapses, omissions and commissions leading to serious violations. Former Supreme Court judges like Justices VR Krishna Iyer and PB Sawant and High Court judges including Justices AP Shah, Hosbet Suresh, and others have led FF teams in incidents like the Gujarat pogrom following the Godhra killings, into encounter killings and so on. The UN Human Rights Council and other bodies also respect and accept the report of Citizens' Fact Finding Teams into incidents of human rights abuse or violation of socio-economic and cultural rights by state agencies.

### **PUCL opposes criminalizing Fact Finding Enquiries**

Advocates Mukesh, Indori and others should not be criminalized for undertaking the fact-finding but should rather be appreciated for undertaking what after all is the fundamental duty of the Indian citizen. It is also a matter of some irony that the colonial state never thought of invoking anti-terror provisions against Gandhiji for doing a fact-finding, but the current regime seems quite comfortable with trampling upon the fundamental right of expression and association using the heavy handed instrument of the UAPA.

We applaud Mukesh, Indori and his team mates for fearlessly performing their fundamental duty of honouring the ideals of the freedom struggle and demand that the Tripura police withdraw the notice and drop the prosecution with immediate effect. The legal basis to the notice is untenable as their fact-finding did not provoke any violence even as per the notice of the police and there is no reason to consider it an unlawful activity. They went to study and document the violence that had already occurred. By considering the legitimate freedom of speech and expression in both its off line and on line avatars as unlawful activity, the Tripura police are overstepping the bounds of their legal authority and without any legitimate cause violating constitutionally protected rights. By asking that Mukesh and Indori remove their social media posts, they overstep the limited authority they have been conferred in Section 41-A of the IPC.

PUCL stands with those who undertook the fact-finding exercise as 'fact-finding' is the essence of human rights work. To criminalize fact-finding is to in effect criminalize human rights work itself. This would violate India's international commitment under the 1999 UN declaration pertaining to human rights defenders as well as the constitutional commitment to protect the rights of opinion, expression and association.

( To be Contd....on Page - 16 )

# 15 years after SC's order, police reforms languish



*To achieve the prime minister's vision of a SMART and efficient police, the IPS leadership across the states must call for wide-ranging reforms within the system*

**Yashovardhan Azad**

It is unrealistic to expect CMs to allow autonomy to the police beyond a certain degree. In every democracy, the police function under a mayor or elected government, and in ours, where grassroots politics constantly hovers round *thanas, kachahris and tehsils*, it's difficult to conceive of a police force that is impervious to political overtures. (HT archive)

On the 15th anniversary of Police Reforms Day, here is a question — why hasn't the Supreme Court (SC)'s order on police reforms, delivered on September 22, 2006, been implemented yet? What are the impediments to reforms aimed at making the police more efficient, free from extraneous influences, and responsive to people's needs?

The first direction of the SC was the selection of a police chief from a list of three senior-most officials, prepared by the Union Public Service Commission (UPSC), and second, ensuring a fixed tenure for officers in operational posts. The court then directed the constitution of Police Establishment Board (PEB), comprising the director-general of police (DGP) and senior officers, to issue transfer orders of officers below deputy superintendent of police (DSP)-rank and formulating proposals of DSPs and above. These orders were meant to give requisite autonomy to the police.

Putting the imprimatur firmly of a people's police, the reforms also envisaged constitution of a State Security Commission (SSC), headed by the home minister and comprising the leaders of Opposition, senior officials and members of the public to oversee police role and functions. A

police complaint authority to entertain complaints against the police was also to be set up at the district-level as well as in the state. And finally, to make the police more professional and focused, investigation and law and order functions were to be separated with different officers handling them.

The reforms stumbled at the first test. No chief minister (CM) would let go his or her power to choose their DGP, to gain the latter's personal loyalty. The CM's claim is their right, since police is a state subject. The idea of fixed tenures is anathema to politicians, babus and even some senior cops because it takes away their power to wield authority. PEBs face the brunt of their ire, with informal orders coming from the top to tweak the transfer list. A year ago, a state earned the dubious distinction of one set of station house officers (SHOs) orders passed on note-sheets of a set of legislators, only to be cancelled for the posting of another set of SHOs on note-sheets of another set of legislators. No government takes the formation of an SSC, which would ensure immunity to the police from political pressure seriously. And it is the same story with the police complaints authority, which has a mere advisory role.

The only SC direction, which has indeed been implemented, is the separation of investigation and law and order functions because this does not directly hurt politicians and bureaucrats, though a human resource crunch is proving to be a great hindrance. A recent Comptroller and Auditor General (CAG) report on the Delhi Police reveals the shortages faced by the force even in



the Capital.

And therein, lies the story of reforms, buried under mounds of files in the home ministry. Justice KT Thomas, while reviewing the progress of reforms, was aghast at the ingenious ways adopted by the states to skirt them. The SC watches helplessly as states pass acts or executive instructions, ignoring the court's key directions. The Centre could have enacted the Model Police Act, 2006, prepared by Soli Sorabjee, senior Indian Police Service (IPS) and Indian Administrative Service (IAS) officers, non-governmental organisations (NGOs) and members of the public, but it refrained from doing so. Meanwhile, other reports by illustrious names such as Julio Ribeiro, K Padmanabhaiah and VS Malimath lie in the archives, largely ignored. These reports incorporated changes suggested by another report of National Police Commission (1977), also lying in the archives.

Is there hope? It is unrealistic to expect CMs to allow autonomy to the police beyond a certain degree. In every democracy, the police function under a mayor or elected government, and in ours, where grassroots politics constantly hovers round *thanas*, *kachahris* and *tehsils*, it's difficult to conceive of a police force that is impervious to political overtures.

But reforms are not only about tenures and autonomy. Despite the fixed two-year tenure of the Central Bureau of Investigation (CBI) chief, the organisation's actions, in some cases, have smacked of political bias. In a democracy, the police must act as per the law of the land and should be accountable to the public.

To achieve the Prime Minister's vision of a SMART and efficient police, the Indian Police Service (IPS) leadership across the states must sound the bugle, calling for wide-ranging reforms within the system.

First, the chiefs should stamp out the misuse of the Unlawful (Activities) Prevention Act (UAPA) and Sedition Act. Second, the police must not pander to communal or caste interests.


Third, crimes against women should be taken as top priority. Four, speeding up processes, innovating and ensuring a wider public interface should be the hallmark of the reformed approach in the digital age. And finally, cutting out the deadwood and taking stringent action against lawless elements within the force are also imperative.

In terms of process, DGPs must set out a bold and purposeful agenda for their annual conferences, which should be open to the public, with agenda items also invited from the public. The display of police expertise may be an internal affair but the outcomes should be for all to see.

Institutionally, the ministry of home affairs is unwieldy and obsolete for new-age policing. An internal security ministry must be carved out, to be manned by professionals only and supervised by the national security adviser (NSA) and home minister. Wide-ranging reforms also call for closer interaction with corporate India, industry, IITs, universities, NGOs, retired professionals, and startups, among others, to enhance capability in dealing with online crimes, Artificial Intelligence, training, modern weaponry, law and order, attitudinal changes and in dealing with crimes against women.

There are welcome signs from a few Members of Parliament calling for surveillance reforms and parliamentary oversight of intelligence agencies. Similarly, think-tanks, civil society, NGOs and academia too should raise their voice in support for wider reforms. The time is ripe to enact the model Police Act of 2006 for the whole country to usher in new-age policing to match the vision of a new India.

**Yashovardhan Azad** is chairman, DeepStrat. He is a former Central Information Commissioner and a retired IPS officer who has served as Secretary, Security and special director, Intelligence Bureau. The views expressed are personal.

Courtesy **The Hindustan Times**, Sep 21, 2021. 

## Politics :

# Families Allege Undertrials Accused in Terror Cases Being Tortured, Harassed By Police

*Families of alleged members of the banned SIMI say the accused are being tortured, kept in solitary confinement and denied meetings with their lawyers.*



*Family members of the undertrials outside the National Human Rights Commission. Courtesy: Ansar Indori/ NCHRO*

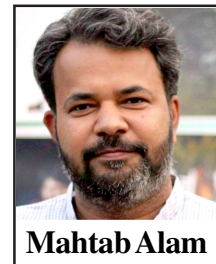
**New Delhi:** Every time they visit the Bhopal jail after travelling nearly 170 km from Ujjain, the families of alleged members of the banned Students Islamic Movement of India (SIMI) who have been charged in various terror cases told *The Wire*, police officials and jail staff don't allow them to meet their relatives for more than five minutes – though the stipulated time is 20 minutes. Even those five minutes are spent heavily surround Anti-Terror Squad (ATS) personnel and jail staff. In addition, they allege that their relatives have been routinely tortured, humiliated and forced to shout anti-Islam and anti-Muslim slogans, apart from not being allowed to meet their lawyers.

All this started, claim family members, after the controversial 'encounter' in Bhopal on October 31 last year in which eight accused were killed, who according to the police had escaped from the Bhopal Central Prison the previous night. The family members have been

filing complaints at all the available judicial and administrative forums in the state, but their pleas have not been heard so far. They even wrote to the president and the chief justice of the Supreme Court. Three

accused have also deposed before the trial court about the alleged torture and continuous harassment they are facing, but no action has been taken so far. After not getting any response from the authorities in the state, they came to Delhi on Wednesday (May 24) to petition the National Human Rights Commission (NHRC).

"This is the last resort for us," says Farzana Bi, wife of Mohammad Adil, of the 21 undertrials who is allegedly facing human rights violations. Explaining the situations, she says, "Whenever we go to meet [Adil], we are harassed. We are hardly allowed to meet him



**Mahtab Alam**


for more than five minutes. They [the accused] are threatened against telling us what is happening to them.” She also alleges that her husband is being kept in solitary confinement and is not allowed to meet other inmates. According to Farzana, medical treatment was also denied to her husband, despite him having a kidney stone. “His eyesight is also weakening day by day,” she adds, “Even when we provided spectacles they were not handed over to him.”

Three other women, Shaman Praveen, wife of Mohammad Jawed, Ambareen, wife of Mohammad Irfan and Najma Bi, wife of Mohammad Zubair, have similar complaints about the attitude of jail officials.

In their petition to the NHRC, signed by family members of ten of the 21 accused, they have asked for an independent investigation into the allegations of torture and human rights violation of the undertrials. They also requested a medical examination by independent doctors, because they fear that their family members are being fed adulterated food items and as a result they are becoming weaker day by day. The petitioners in their letter note that, “There is a common feeling by several of these UTs (undertrials) that they may be killed by jail authorities. In several cases, UTs fear for their

lives and fear that it will be shown as a case of suicide.”

Other family members and several members of human rights organisations accompanied the wives of four of the accused to also file a separate petition demanding an inquiry into alleged instances of restrictions on meeting relatives and lawyers, inadequate access to medical treatment and basic necessities, and torture and inhuman treatment, including death threats, by jail authorities. Madhuri, an activist with the People’s Union of Civil Liberties, Madhya Pradesh, who is accompanying the families, says, “Immediately a team should be sent by the NHRC [to meet the undertrials] comprising its members or members of the NGO groups associated with the commission, so that all 21 undertrials can speak freely and without fear of repercussions.” Hearing the family members on Wednesday, Justice (retired) D. Murugesan, a member of the commission, promised that an inquiry will be launched soon.

**Mahtab Alam** is an activist-turned-journalist and writer. He writes on issues related to politics, law, literature and human rights, and tweets @MahtabNama  
Courtesy **The Wire**, 25/May/2017 

**Contd. from page - (12)**

## **PUCL condemns Tripura Police's case....**

We demand that the FIR registered against the lawyer’s team of Mukesh, Indori and others be immediately withdrawn and no further action is undertaken pursuant to the Notice. We also demand that the Conclusion of the FFT Report be implemented in letter and spirit so that all officials found to be complicit in abdicating their responsibility to enforce the law fairly, fearlessly and impartially and failed to prevent communal violence in different parts of Tripura state in October, 2021 are prosecuted. It is equally important that all those who were responsible for the communal attacks also be criminally prosecuted.

These measures will be the necessary efforts to ensure that Tripura again enjoys communal harmony and peace which marked its history for decades after independence.

**Ravi Kiran Jain**, President, National PUCL; **Dr. V. Suresh**, National Gen. Secretary, PUCL 

# Extrajudicial Killings in UP Being Covered Up, Even NHRC Flouting Norms: Report

*Extrajudicial Killings in UP Being Covered Up, Even NHRC Flouting Norms: Report*

Jahanvi Sen



**New Delhi:** A new report by civil society organisations has highlighted how a culture of impunity is allegedly being pushed at all levels after ‘extrajudicial killings’ in Uttar Pradesh, with the police regularly being let off the hook for their ‘illegal’ actions without proper investigation.

While extrajudicial killings are not a new phenomenon in India, and have been witnessed across the country and over decades, the current Yogi Adityanath-led government in Uttar Pradesh has been blatant in its support for the police violence against those seen to be breaking the law. In fact, the chief minister himself has touted this as a win for the state government, showing how it is tough on law and order. In this situation, it is perhaps unsurprising that the police officers responsible for alleged extrajudicial killings are not held to account.

Since March 2017, news reports suggest 8,472 instances of police firings have taken place, leading to the deaths of 146 men and bullet injuries to 3,302 more.

In ‘Extinguishing Law and Life: Police Killings and Cover Up in the state of Uttar Pradesh’, three civil society organisations – Youth for Human Rights Documentation, Citizens Against Hate and People’s Watch – have studied 17 cases of alleged extrajudicial killings in the state, which took place between March 2017 and March 2018 and led to 18 people’s deaths. In all of these cases, the report has found glaring inconsistencies in the probe and a circumvention of due process.

The report is based on legal and official documents, obtained largely from the National Human Rights Commission (NHRC).

In a stark pointer to how these cases are dealt with in the state, the report notes that not even a single one of these instances resulted in an FIR against the police officers allegedly involved. Instead, in all of the cases, FIRs were filed *against the victim(s)* – for charges including attempt to murder (Indian Penal Code Section 307). This, the report argues, was done



to support the police claim that the killings were “in self-defence”.

At every step of the required investigation after a death in custody, the report has found, authorities failed to correctly follow procedures in these 17 cases. This despite the fact that both the Supreme Court (in *People’s Union for Civil Liberties vs State of Maharashtra*, 2014) and NHRC have laid out guidelines on how alleged extrajudicial killings are to be probed. The vague wording of some of these guidelines, the authors of the report argue, is what allows different levels of authorities – from police officers and executive magistrates to the NHRC itself – to thwart a proper investigation.

The FIRs filed against the victims, the report says, follow an almost identical pattern, suggesting that the police is perhaps just using the same story again and again to try and justify its violence. After that, the initial investigation is often carried out by a police officer from the same police station as the officers involved in the killing – making it difficult to believe that it was indeed an independent probe, the report notes. Then, at some point, the investigation is transferred to another police station, but that seems to be only an eyewash to comply with *PUCCL* guidelines, according to the authors.

Even the “independent” investigation by a different police station were not promising, and easily believed the police officers’ “self-defence” narrative without question, despite questionable evidence. “...the justification of self defence for murder has to be proved and determined through a judicial trial. The Police’s defence cannot be presumed from the police version or confirmed through an investigation,” the report notes.

There are several factual inconsistencies in the police’s version of events in these cases, the report notes. The post-mortem reports on the victims often show the use of lethal force, including multiple gunshot wounds and even broken bones, which does not suggest a genuine

‘encounter’ took place. The police, on the other hand, received only very minor injuries in these so-called ‘encounters’.

Judicial magistrates too did not question the police version of events, accepting the investigation officers’ ‘closure reports’ at face value:

“In 11 out of 16 cases where a Closure Report was filed by the police, there appears to be an abdication of judicial powers by the Magistrate who has unquestioningly accepted the Closure of the investigation. By naming the deceased as “accused” in these cases, the requirement of the Court to issue notice to the victim family before closing the case was done away with. Instead, Magistrates issued notice to the police officer, the complainant in the FIR, who in turn gives a “no objection” letter to close the investigation. Through this process, the Judicial Magistrates accept the closure of the investigation.”

All of the 17 cases studied were probed by the NHRC. In 12 of these cases, the Commission has found that there was no foul play by the police. One case was transferred to the UP State Human Rights Commission; two others are still being probed; and the authors could not ascertain the status of one case. In only one of the 17 cases did the NHRC decide that the police had acted in an illegal manner; but even in that one, while ordering compensation to be paid to the victims’ family, the Commission did not say anything about the lack of an FIR against the accused police officers.

The report raises several questions about the NHRC’s probes.

“The other inquiries by the NHRC [other than the one in which the Commission said it was a ‘fake encounter’] that overlook the factual contradictions and inconsistencies in the police narrative. It also turns a blind eye to violations of procedural and substantive law, for instance, the registration of all FIRs against the deceased victims and no FIRs against the police; closing



the investigation on the grounds of the police version of self defence, no judicial determination of the justification of self defence, violations in the collection and securing of evidence from the scene of crime, often done by police officers belonging to the same Police Station as the police involved in the killings.”

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Another failure of the NHRC, the report notes, is its decision to ignore the many threats being faced by the victims’ families. Victims’ families and human rights defenders wrote to the NHRC talking about threats they were facing from the police and authorities while trying to get justice. “The NHRC neither responded to, nor took on record the letters pertaining to persecution of victims’ families,” the report notes.

It is particularly disturbing that the NHRC itself, which framed guidelines on how extrajudicial killings should be investigated, is allowing norms to be openly flouted, the

report notes:

“With an overwhelmingly clean chit for the UP Police, one would expect the NHRC’s orders exonerating police officers suspected of such grave human rights violations to be based on watertight grounds and reasoning. Yet, the analysis of the NHRC’s final closure orders contains glaring contradictions as reflected in the police versions of the facts, significant breaches of procedural and substantive mandates, and gaps in evidence. These have either been overlooked or justified to arrive at the final conclusion. Breaches of its own guidelines and precedents have also been condoned.”

Justice Madan B. Lokur, a retired judge of the Supreme Court, spoke at the report release on Friday (October 29) evening. He argued that reports like this are important because they bring out the “extent of the cover up” in cases like this, and highlight the injustices being done.

“I think the judiciary has been a bit of a disappointment,” Justice Lokur said. “In Manipur, for instance, we don’t know what happened [in cases of extrajudicial killings] despite the Supreme Court issuing an order.”

“Even the NHRC and state human rights commissions are doing nothing... what is the use of having these bodies if they do nothing?” he asked. “Police accountability commissions, ordered way back by the SC in the *Prakash Singh* judgment, do not function. Civil society is unable to do anything. That’s where reports like become important, bringing out the facts even if they are uncomfortable.”

Courtesy **The Wire**, 29/Oct/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**

# How the ‘anda cell’ is used to discipline prison inmates

*Jinee Lokaneeta writes: Although it does not exist in prison manuals, it’s a well-known element of Indian jails.*

**Jinee Lokaneeta**

French philosopher Michel Foucault in his classic, *Discipline and Punish*, writes about how executions as spectacles are gradually replaced in modern societies by disciplinary power in prisons, where the focus is on confinement and targeting the soul of a person with the help of experts. A trace of torture always remains as a part of punishment, notes Foucault, though modern states tend to deny that.

The torturous practice of solitary confinement, whether for 24 hours or a large part of a day, remains a key feature of modern prisons, sometimes by another name. The continued use of an “anda” (egg-shaped) cell or high security cell in the Indian context appears to be, in effect, the use of solitary confinement — defined by many as cruel, inhuman and degrading treatment or torture — by another name. The news that eminent journalist and human rights activist and scholar implicated in the Bhima Koregaon case, Gautam Navlakha, has been moved to an “anda” circle in Taloja jail on October 12 is just another reminder that imprisonment itself appears inadequate for the state. Instead, there is a constant need to continually break the body and soul of a person by making the conditions more challenging. Nils Melzer, UN Special Rapporteur on torture, in 2020 noted: “The severe and often irreparable psychological and physical consequences of solitary confinement and social exclusion are well documented and can range from progressively severe forms of anxiety, stress, and depression to cognitive impairment and suicidal tendencies.”

One of the most vivid descriptions of the

“anda” cell in the Indian context was in Arun Ferreira’s 2014 prison memoir *Colours of the Cage*. “The anda barracks are a cluster of windowless cells nestling against a high oval perimeter wall, a maximum-security zone within the high security confines of the Nagpur Central Jail... You can’t see anything outside: No greenery, no sky. There is a watchtower in the center of the anda, and from the top, the yard must actually resemble an enormous, air-tight concrete egg. But there’s a vital difference. The anda is impossible to break out of. Rather it’s designed to make inmates crack.”

Navlakha writes, as reported in a press statement circulated by his partner Sahba Husain: “Confinement in the anda circle means denial of fresh air/oxygen as there is not a single tree or plant in the open space of the circle. And we are forbidden to step outside of the anda circle.... In other words, we spend 16 hours out of 24 cooped inside our cell and the eight hours we are let out we are confined to a corridor for our daily walk on cemented floor surrounded by high walls all around.”

It is unclear whether the “anda cell” is authorised by prison manuals. At times, the arbitrariness of these actions suggest that these are the discretionary actions of “petty sovereigns”, a term that Judith Butler has famously used for post-9/11 actions of US officials at Guantanamo Bay, Cuba, and rendition sites. The use of a particular state action in India can, of course, depend on the identity of a person — Muslim, Dalit, Adivasi, poor, woman, transgender, though they can impact those beyond the continually criminalised communities

to include human rights activists, lawyers, and Bollywood actors, including Sanjay Dutt. Thus, the anda cells remain a much-publicised element of Indian jails, existing through an informally created infrastructure of discretionary authority and thereby avoiding scrutiny.

Navlakha's partner alleges that not only has he been moved to the anda cell, his phone calls to family and lawyers have been stopped using the pretext that in-person mulaqats (meetings) have been renewed. So far, the two weekly calls were the only way that Navlakha was able to communicate with his family. In conditions of 16-hour confinement in a concrete cell block, given his precarious health as a 70-year-old, the lack of possible communication will lead to his situation worsening. The right to speak to a lawyer, who often becomes one of the only contacts to the outside world, is an essential right (reiterated by the Chief Justice Ramana recently) and its denial is an intentional attempt to worsen the person's condition in custody. Mulaqat, a basic lifeline again, becomes a highly discretionary power, as described by Kobad Ghandy in his recent memoir, *Fractured Freedom*, about his 10 years in prison.

African-American literary scholar Dennis R Childs writes about the "architectural violence" in the US prison context. Here, it is the denial of meaningful human contact, the

ability to access fresh air and greenery in the confines of the anda cell and being deprived of basic communication to the outside world through calls to family, and lawyers in the absence of mulaqat, which together make these conditions torturous and must be challenged as such. "Life in the anda makes one crave for news of the outside. There was one particular spot in the anda where we could view a few leaves of the trees beyond the wall," wrote Ferreira. In the Sunil Batra case, the Supreme Court wrote: "If the prisoner breaks down because of mental torture, psychic pressure or physical infliction beyond the licit limits of lawful imprisonment, the prison administration shall be liable for the excess." The question, however, is how long can the "anda cell" and lack of basic rights be considered within the limits of lawful imprisonment?

*This column first appeared in the print edition on October 28, 2021 under the title 'Breaking the prisoner'. The writer is professor in political science and international relations at Drew University. She is author of The Truth Machines: Policing, Violence and Scientific Interrogations in India (University of Michigan Press, Orient Blackswan, 2020)*

Courtesy **The Indian Express**, October 29, 2021. 

### **Readers' Comments**

*Dear Sri Mahi Pal Singh,*

*Glad to receive the October issue.*

*Face cover is very communicative and illustrative.*

*The articles are very lucid, expose the ground realities, the sordid state of affairs prevailing, subsisting, succinctly describe the hurdles we have to encounter with to safeguard the integrity, the secularism, the judiciary and last but not least the democracy of our great country.*

*Regards,  
Adv. P.A. Pouran*

# Booking citizens for ‘cheering for Pakistan’ shows disregard for the law, Constitution

*The judiciary must not turn a blind eye to this latest round of excessive and unlawful action. It needs to throw out these cases and tell the police, in no uncertain terms, why their action violates the Constitution.*

A cricket match was fought and lost. Team India brushed off the disappointment and the defeat — as well as the inflammable mix of emotions that can overwhelm India-Pakistan cricket matches. Virat Kohli and his men walked up to the Pakistan players and congratulated them. In doing so, they refused to be turned into gladiators fighting a proxy battle of jingoism. To millions of young people watching them, they sent out important messages. That players are united on the common ground of sport, that when you have lost and are feeling lousy about it, you still congratulate the winner. That’s not just sportsmanship, that’s decency. But that’s thrown out of the window in these polarised times when the IPC is weaponised by the state at the drop of a dissenting line. So, days after Union Home Minister Amit Shah said he was reaching out to the young, the Jammu and Kashmir Police registered a case under the draconian anti-terror law, UAPA, against unknown students in two Srinagar medical colleges for “cheering for Pakistan” in the T20 match. There’s no evidence that their cheering was part of any incitement to violence. In Congress-ruled Rajasthan, the police arrested a schoolteacher for a social media post, again, ostensibly in support of the Pakistan cricket team. In Agra, the UP police arrested three Kashmiri students in Agra, and slapped cases against four other people. Chief Minister Yogi Adityanath has come down even harder on this fictional crime — he has promised sedition charges.

In each of these cases, the police is guilty of blatant violation of Constitutional norms and guarantees. This disturbing, absurd script has played out before. Be it in a case of sedition against a school in Karnataka for staging a play, or a 22-year-old for raising slogans, or another young woman for climate change activism. What would the men in uniform, who now appear to be in service of a thin-skinned nationalism rather than the Constitution, have made of the thriller of a Test match in Chennai in 1999, when the entire Chepauk stadium stood up to applaud the Pakistan side after it defeated India? How many cases could they have filed then? Does the faith of the audience matter? Is Pakistan the problem? Or, will applauding New Zealand be seditious too? This absurdity needs to be checked.

The judiciary has time and again laid down guidelines for the application of the colonial-era sedition law (only to see them routinely flouted) and asked the government to examine its remit. It must not turn a blind eye to this latest round of excessive and unlawful action. It needs to throw out these cases and tell the police, in no uncertain terms, why their action violates the Constitution. Locking up a citizen for cheering a rival nation during a game is a self-goal in a democracy.

Courtesy **Editorial, The Indian Express**, October 29, 2021.

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*This editorial first appeared in the print edition on October 29, 2021 under the title ‘Ovation & sedition’.* 🌈

# How do we read the Supreme Court's Pegasus order

*Apar Gupta writes: The Supreme Court's move for independent probe is an important step towards fixing accountability.*

**Apar Gupta**

The Supreme Court of India has appointed a committee presided by Justice (Retd.) R V Raveendran to inquire into the Pegasus revelations.

The judgment comes at a time when the principal author of the judgment and the Chief Justice of India N V Ramana, has noted, in the context of institutional independence, that when there is “a lot of discussion about the pressure from the executive, it is also imperative to start a discourse as to how social media trends can affect institutions.”

Here is a tacit acknowledgement of a general environment in which public trust is lacking in the judiciary. In this backdrop, the order of the court constituting the committee attains significance for three clear reasons.

The first is the court's continuing insistence on transparency and disclosure by the Union government. When the batch of petitions came for active hearing before the Supreme Court of India in August, the Union government first sought time to study them, and thereafter refused to provide any meaningful response.

The only filing made in court was a limited affidavit, containing short paragraphs of generalised denials and the sole annexure of a statement by the Minister for Electronics and IT before Parliament. Immediately, the Supreme Court pointed out that these are inadequate and provided further time. However, till date this is the only written statement filed in court by the government.

Such a legal stratagem can obstruct a fair

judicial determination, but it is far from novel. As noted by the court in the Anuradha Bhasin judgment on the internet shutdown in Jammu and Kashmir, “the State initially claimed privilege, subsequently dropped the claim and produced certain sample orders, citing difficulty in producing all the orders before this Court.

In our opinion, this is not a valid ground to refuse production of orders before the Court...” This trend is unbecoming of the seriousness of constitutional adjudication, and the Supreme Court notes with dismay a similar tactic in oral arguments when, “the learned Solicitor General suggested that many of these reports are motivated and self-serving”. As per the court, “such an omnibus oral allegation is not sufficient...” It further noted, “There has only been an omnibus and vague denial in the limited affidavit”.

Hence, it is clear from a reading of the judgment, that the court has accurately assessed the need for disclosures by the Union government on Pegasus, beyond bald denials and ad hominem attacks.

The second reason is the Supreme Court's firm approach towards the national security submissions by the Union government. There are two aspects to this argument that are unbundled by the judgement. The first relates to the refusal to provide any information to the court. Here, the court states, “we had made it clear... we would not push... to provide any information that would impact national security”.

The court correctly applied the settled



convention on legal pleadings and affidavits by asking the government to, “necessarily plead and prove the facts which indicate that the information sought must be kept secret as their divulgence would affect national security concerns.”

However, as noted above, this was not done. The second aspect of the national security argument is how the court balances it with the fundamental right to privacy. Here, drawing from the framework of the K S Puttaswamy judgment on the right to privacy, where the standards of legality, necessity and proportionality are prescribed, the court specifically states that, “national security cannot be the bugbear that the judiciary shies away from, by virtue of its mere mentioning” and, “mere invocation of national security by the State does not render the Court a mute spectator”.

These are significant observations that, when followed as precedent, will bolster confidence in constitutional adjudications especially when courts demand evidence on arguments of “national security” to avoid generalised statements made to evade accountability.

The third and final feature of the judgment is rejecting the suggestion by the Solicitor-General to constitute a government committee of experts.

Here, the court correctly notes that even though the Pegasus revelations were first made on November 1, 2019 (**‘WhatsApp confirms: Israeli spyware was used to snoop on Indian journalists, activists’**, IE), there has been little movement on any official inquiry.

It also records the genuine apprehension of the petitioners, many of whom are victims of Pegasus, that since the sale of this malware can only be made to governments, they fear the involvement of state agencies. The court strikes a fine balance by

constituting an independent committee, “taking into account the public importance and the alleged scope and nature of the large-scale violation of the fundamental rights of the citizens of the country”.


The court’s terms of reference include queries on, “What steps/actions have been taken by the Union of India after reports were published in the year 2019 about hacking of WhatsApp accounts”, and, “Whether any Pegasus suite of spyware was acquired by the Union of India, or any State Government, or any central or state agency for use against the citizens of India”. The constitution of this committee marks an important step towards accountability for the victims and the larger public on the use of Pegasus.

At the same time, it is important to be measured in public response. The Supreme Court has, by any objective assessment, observed fidelity to constitutional adjudication. It comes at a time when there exists a perceptible disenchantment with institutional responses to violations of rights and threats to our democracy.

Hence, the constitution of this committee provides hope. At the same time, any honest assessment should consider the more challenging tasks ahead. These include the functioning of the committee and the cooperation of government witnesses, the publication of the report so as to ensure public confidence and, ultimately, the directions and remedy provided by the Supreme Court. Just as public confidence is not broken by a single action, repairing it will be a long road.

*This column first appeared in the print edition on October 28, 2021 under the title ‘Pushback on Pegasus’. The writer is the executive director of the Internet Freedom Foundation.*

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Courtesy **The Indian Express**,  
October 29, 2021. 

# Brutal interruption

The blood stains get deeper in Kashmir



Representational image. Shutterstock

**Luv Puri**

The recent, targeted assassinations in Kashmir bear an imprint of both the past as well as portents for the future. So far this year, 32 civilians, including 21 Kashmiri Muslims and 23 political workers, have been killed by militants.

The killings of the pharmacist, M.L. Bindroo, two school teachers, including a Sikh lady, and poor economic migrants from various states have set off a fear psychosis, particularly among minorities. Such killings of vulnerable civilians have taken place in the past. In 1990-91, along with political activists, several prominent persons, such as the vice-chancellor of Kashmir University, Mushir-ul-Haq, the general manager of HMT, H.L. Khera, public servants like the state Doordarshan director, Lassa Kaul, and information officer, P.N. Handoo, were assassinated. Respected Kashmiri Islamic figures of the stature of the 87-year-old Maulana Masoodi and Mirwaiz Maulvi Mohammad Farooq Shah were also killed.

Besides such targeted killings in the Valley, Jammu and Kashmir also saw large-scale

massacres of religious and ethnic minorities between 1990 and 2007. Nearly 35 per cent of these took place in areas across the Pir Panjal in religiously and ethnically heterogeneous Jammu. There were the massacres of 26 Kashmiri Pandits in Ganderbal's Wandhama village on the intervening night of January 25 and 26, 1998, and on March 23, 2003, 24 Pandits were killed in Kulgam's Nadimarg village as well.

This new spate of targeted assassinations marks a departure from the past in terms of the tactical peculiarity employed by militants and the political context they are aiming to capitalize. First, in over 31 years of militancy, an outfit owning up to the killings of apolitical, vulnerable civilians is rare. Militant groups were mindful of the popular revulsion they would trigger. For instance, the arrest of the Seraiki-speaking Mohammad Abdullah, the Multan-born teenager, one of the attackers in the Qasim Nagar massacre of 29 slum dwellers on July 13, 2002, proved to be the handiwork of the Lashkar-e-Toiba. In recent cases, The Resistance Force

has claimed responsibility immediately. It seems that the TRF does not fear any popular backlash in the Valley although no society can condone attacks on unarmed civilians. The reasons for that are not difficult to discern.

After the changes brought about by the abrogation of Article 370, mass-scale hysteria about the possibility of a demographic change has swept the Valley. TRF, a motley group of militants from diverse organizational backgrounds, thinks it can capitalize on this anxiety. On June 1, 2020, it released a statement saying that “any Indian who comes with an intention to settle in Kashmir will be treated as an agent of RSS and not as civilian and will be dealt with appropriately.” This was preceded by the killing of five migrant labourers from West Bengal and truckers from outside the state in October 2019. A 70-year-old jeweller from Punjab, who had lived in Srinagar for the last four decades, was killed by militants on January 1, 2021. He had apparently got a domicile certificate — in line with the new regulations in 2020 — and had expanded his business by buying more properties. On February 17, the son of the owner of a popular vegetarian eatery of Punjabi background was killed. Several Punjabi Hindu families, particularly those from the Khatri caste, possessed permanent resident certificate, Kashmir’s domicile document before August 5, 2019. Some had come to Kashmir much before 1947 from undivided Punjab and had been an integral part of Srinagar’s retail business.

On-the-ground facts belie the claims of demographic change. Covid-19 and the lack of a secure environment in the last two years failed to attract human and financial capital to Kashmir. Only two persons from outside of Jammu and Kashmir have purchased properties in the Union territory since the abrogation of Article 370. As per the 2011 census, the number of the people who came from outside the former state and are long-time residents is a mere 0.16

million, an insignificant number to make an immediate dent on Jammu and Kashmir’s demography, even if many of them are able to satisfy the new stringent conditions of domicile order.

The school teachers as well as the Late Mr Bindroo possessed Permanent Residence Certificates. The presence of those being labelled ‘outsiders’ — economic migrants — is a reflection of Kashmir’s structural economy. The land reforms in the 1950s, inspired by leftist influence from Punjab, had catapulted Jammu and Kashmir to attain one of the lowest levels of poverty in the region. Land beyond the ceiling was distributed to tillers without compensation to the owners, an unprecedented event in the subcontinent’s history. In Kashmir, the daily wage rate of a carpenter and mason is Rs 700 while a non-skilled labourer gets Rs 500. The labour force from poorer areas thus fills the Valley’s deficient supply of labour.

The Centre can address the anxiety around demographic change within Kashmir with proactive communication, but this goes against the *raison d’être* of the abrogation of Article 370 and may not be electorally attractive in other states. In an environment in which facts on the ground do not match the rhetoric in support of the abrogation of Article 370, a different reality is being internalized in Kashmir and is being amplified in echo chambers of social media platforms. No member of the local political class, which stands diminished after 2019, is willing to contest the narrative with facts. From the security lens, the consequences of a weakened organic mainstream political class, with fewer engagements with the local populace, can be fatal. The interface between the political class and the local security apparatus contributed to pre-empting many a security as well as political challenge. This chain has been interrupted.

**Luv Puri** is the author of *Across the LoC*.

Courtesy **The Telegraph Online**, 2 November 2021. 

# Modi Govt's Attitude to Protests Shows Farm Laws Are Little More Than Concession to Big Business

*How strongly the ruling party is committed to its pro-business stance is indicated by its willingness to continue to antagonise such a large section of the Indian population.*

**Uma Shankari and Arun Kumar**

The huge mahapanchayat organised by farmers in Muzaffarnagar of Uttar Pradesh in which participants came from 22 states of India shows growing unity among the Indian farmers.

A resolve was expressed to continue to confront the government on the issue of the repeal of the three Farm Acts which they characterise as anti-farmer. Seventeen more such rallies are planned in the coming months and a Bharat Bandh will be observed on September 27. All this indicates that active pressure is being once again built against the government, after a lull.

Prime Minister Narendra Modi, addressing the nation on the occasion of the 75th Independence Day, justified his government's stance towards the farmers. A few days before that at the annual session of the CII on August 11, 2021, he explicitly lauded the Farm Acts by stating that they connect agriculture to the markets.

Such a stand is prolonging the standoff with the peacefully protesting farmers because the prime minister is implying that the Acts are here to stay. The prime minister's stand is in sharp contrast with the government's conciliatory stance towards big business. At the CII meeting, he said that the abolition of retrospective taxation rectifies a past mistake and that it will strengthen trust between the government and industry. He also pointed to the reduction in the corporate tax rates in 2019.

The PM added that reforms are being implemented out of conviction and not compulsion. The conviction clearly is to help business and the Farm Acts are another concession to them.

Farmers have been voicing this fear and pointing to the contrast in the government's attitude towards big business and themselves. The toughening of the government's stand is also indicated by the instruction of an SDM to break the heads of the farmers protesting against the Haryana chief minister.

## **Farmers' distress**

While Indian agriculture has flourished with output rising, farmers have been facing a crisis in their lives. This is visible in suicides, indebtedness, malnutrition and large-scale migration from rural areas. Farmers have been fleeing to cities and abandoning agriculture. But the pandemic has proved that this is no panacea for them. As much as 80% of the poor have complained that they cannot even buy one week of supplies. Many returned to the villages and sought employment under MGNREGS but not all of them managed to obtain work under it.

The story of farmers' distress has been brewing for long and is the result of surplus from agriculture being drained out for 'development'. Farmers' wages (crop prices) have been kept low so that cheap food can be made available to non-agriculture, to ensure cheap labour for industrialisation, urbanisation and cheap exports to finance imports of luxuries for the well off.

With WTO coming into being in 1995, subsidies were reduced and import-export restrictions were relaxed. Consequently, cost of cultivation rose while prices remained in check.

This increased farmers' losses. Meanwhile, aspirations of rural youth have risen due to high pressure advertising but the means of fulfilling them declined. This has resulted in rising



frustration and despair among the young who, therefore, want to quit farming.

### **Change required but not through these Acts**

Farmers have been agitating for change but, not for what the present Farm Acts will bring about.

The government says that the Acts will give the farmers 'choice' by creating 'free markets'. But 85% of farmers are small and marginal and they are not free to sell where they may want to, where the price may be higher.

They have little surplus to justify transporting it to distant markets. Further, they are indebted and usually have to sell to the local trader from whom they may have borrowed. Even if they borrow from the local bank, they have to repay the loan by selling the produce during the post-harvest period when the price is low. Since a lot of the produce floods the markets at that time, they have to wait to sell in the markets and therefore, they are forced to sell to the local traders. So, the idea that the Acts will give the farmers a 'choice' sounds theoretically good but is hardly realistic.

Further, it is said that only 6% of the farmers are able to sell at the Minimum Support Price or MSP. Out of the hundreds of crops, MSP exists for 23 crops and mainly for three crops. The implication is that for the rest, the market is 'free'. If the 'free' market was as desirable as is made out by the proponents of the Bills, why would farmers be in dire straits and protesting?

The 6% who sell at MSP don't want the APMC to be weakened since they fear they would be squeezed out by the corporates over time.

Initially, outside the APMC market, they may get a higher price but once this drives the APMC *mandis* to the ground, they would be at the mercy of the big players who could squeeze the price. In the recent past, taxi aggregators initially offered low fares and once the local competition had been driven out, raised fares to the disadvantage of

consumers and drivers. Effectively, 85% of farmers have already been in the 'free' market and have been losing out due to their weak position in it.

### **APMC and MSP are crucial**

Private traders have always existed in food produce markets. The MSP is a price received only in government regulated markets.

Farmers have complained that it does not cover their costs, yet, it plays the important role of a benchmark around which markets function. It signals to farmers and traders what price to expect.

As there are millions of farmers producing in diverse conditions (climatic and other factors), they do not have the pricing power to determine the price they will receive for their produce. They are shortchanged easily by the traders who buy cheap and sell dear outside agriculture.

The traders often pay the farmers less than the MSP, depending not only on demand and supply situation but also on their clout at the local level vis-a-vis the farmer. Invariably the farmers lose out.

Therefore, the farmers have demanded expansion of government-regulated markets to enable them to get the MSP.

Through the three Acts, the government is doing the opposite – deregulating the markets and leaving the farmers, especially the small ones, at the mercy of national and global companies. Yes, they have suffered at the hands of the local traders but at least they are the known devils who have often extended assistance during times of distress.

The large companies that would dominate the 'free' markets would not procure directly from crores of farmers so they would appoint aggregators.

All this would make the system impersonal and to the disadvantage of small and marginal farmers.

Most of the small traders would also get squeezed out by this system and that is why they



too support the farmers' protest against the Acts.

### **Other concerns**

It is also argued that at present, crops are grown in environmentally adverse conditions. For instance, cotton is often grown in unsuitable soils and climate conditions only because it commands a better price. Similar arguments exist for paddy and sugarcane. This is damaging the environment and leading to a higher subsidy bill.

Proponents also argue that the government's subsidy bill will decline as excess stocks will not be held by the government. Further, it is said private investment in agricultural infrastructure will rise as corporates enter the field and that this will benefit the farmers.

But this contradicts the government's current stand that MSP and APMC *mandis* are not being eliminated – farmers know that they will simply wither away as the big corporates enter agriculture trade.



The alternative is to declare MSP for all crops so that the relative profitability for all crops would be the same and farmers will grow agro-climatically suitable crops. Further, if workers are paid a living wage (and the MSP accounts for that) demand would rise and so would prices of agricultural produce. Government subsidies due to excess stocks will automatically decline. Procurement would be required only at the margin, when the prices fall below the MSP.

Further, the cropping pattern will change as profitability of other crops rises and farmers shift to growing the crop most suited to their agro-climatic conditions. In brief, the environment would be benefitted, surplus stocks will dwindle, subsidies will decrease and farming would become more viable.

Clearly, the government needs to stop looking at agriculture from the lens of corporates, as the prime minister's speeches imply, and focus on farmers' issues.

Instead, under the guise of dealing with the pandemic, government has been emboldened to push its pro-business agenda. As a reaction, the farmers are organising huge protests and exposing the anti-farmer stand of the government. How strongly the ruling party is committed to its pro-business stance is indicated by its willingness to continue to alienate such a large section of the Indian population. If further evidence was

required it is provided by the very meagre increase in MSP for the next Rabi crop at a time when input costs have risen, whether it be diesel, pesticides or fertilisers.

The government needs to realise that its obduracy in not arriving at a settlement with the farmers will set back the investment climate and affect the recovery of the economy – which is badly required.

It needs to be asked as to whether it is now time that the prime minister admits that the Farm Acts were a mistake and build trust with farmers, just as he says he has done with industry in the case of retrospective taxation.

**Dr. Uma Shankari** is with the Rythu Swarajya Vedika, Telangana-Andhra Pradesh, and **Arun Kumar** is the Malcolm Adiseshiah Chair Professor at the Institute of Social Sciences.

Courtesy **The Wire**, 12 September 2021. 🌈

## **Refugees in india:**

# **India, through the eyes of refugees, sometimes seems like a giant prison**

*The fight for rights of refugees is really a way of preserving Indian democracy*

**Nandita Haksar**

It is almost winter.

In Vasant Vihar, a posh colony in South Delhi, the new multi-storeyed apartments are decked in fairy lights. There are no old fashioned lamps. The families are preparing for Diwali and their homes are filled with boxes of sweets and anticipation of celebration. The puja corners have new idols.

Down one leafy, quiet lane of the colony is a B2/16 a large house but we cannot see it because the gates are shut tightly. There are barriers around the building and security men standing more alert than the occasional guards outside the apartments.

Below the barriers are a few tiny tents pitched in a row. These are refugees, who have been protesting here for several weeks. They were not always inside tents. Some weeks ago, they had slept in the open. When it rained, they had taken shelter in the nearby market. Then someone – they did not know the lady's name – had given them these tents.

After a month, the refugees attracted some media attention. In *The Times of India*, for instance, a report by Priyangi Agarwal offered snapshot portraits of each of the protestors and highlighted their demand for resettlement.

But the refugees did not get to talk to the United Nations High Commissioner for Refugees. They said that they do not have access to anyone within the office. Sometimes they are able to talk to the refugees working within the office but "how can refugee help a refugee?"

Some of the residents of Vasant Vihar did bring them food but the refugees said the security

guards did not allow them to give it to them. However, when my husband and I went with food, they allowed us to give them the food and water. That is when we invited the refugees to our home.

They said food was not the problem. It was the total insecurity.

By the end of July, the UNHCR in India had registered a total of 42,882 refugees and asylum-seekers. Of them, 15,402 were from Afghanistan and 23,478 from Myanmar.

The refugees we spoke to, many from Somalia, Congo, Sudan and Myanmar, all said they had chosen to come to India rather than go to Europe because they thought India would welcome them and they would be better off. But here they had no rights at all.

The refugees cannot legally work, have access to educational institutions or open a bank account. Even if they are recognised by the UNHCR, their refugee card gives them no protection from criminals or the intimidation from the police.

Two Iraqi refugees said that though they were recognised refugees within the mandate of the UNHCR but that did not give them protection. They showed us videos that they claimed were of an Afghan refugee being beaten by the police outside the UNHCR office. The Afghan's hands were bleeding. An Iraqi refugee, Mahdi, claimed that the police were careful to beat outside the range of the CCTV.

One woman from Africa said that her daughter had been raped, she had no security. Another woman said they faced racism every

day; “We are called kaala and when we go to buy vegetables they double the price. We are refugees, how can we pay?”

For the refugees in India, the entire country seems to be a prison.

On November 2, Mohammad, an Iraqi refugee phoned me to say the police had come and arrested his brother and asked if we could come. He sent us videos of the day’s events. African refugees had come, mostly women and children. Mehdi, an Iraqi refugee was sitting with little African children, infants really and playing a drum.

Then the children walked away when they saw the police trying to arrest the refugees. The refugees said they were angry because no one in UNHCR was willing to speak to them.

Bruce, a refugee from Congo and a leader of the group, said in the past the UNHCR had been much more approachable. But now they did not answer his calls.

I can confirm his allegation. When I first went to UNHCR in 1990, it seemed like a safe harbour. Refugees would be in and out of the office and as a lawyer representing them I felt welcome. But over the years it had become very bureaucratic.

A refugee from Myanmar who has been in India since 1990 said that in 2017 the Foreigners Regional Registration Officer had stopped issuing residential permits and long-term visas to them. As a result, the refugees could not apply for Aadhaar cards, get driving licenses or work. This meant that the refugees had to earn a living by illegal means.

A UNHCR report admits that there “were critical gaps in 2020, with over one third of the needs of people of concern being unmet by the available budget. Only 2,840 of 9,000 refugees and asylum-seekers with specific needs could be supported with cash assistance, leaving many with inadequate support.”

The report also admits that “only 20% of eligible children, due to insufficient funding, and

women and girls did not benefit from distribution of sanitary napkins according to the level of needs”.

I know one Chin refugee who is worried how he will cover the hospital expenses when his wife delivers their baby. He said the UNHCR used to send an interpreter with refugees who needed medical attention but now they do not. The hospital that is on the UNHCR list in Delhi’s Vikaspuri does not have a good reputation among the refugees. The Myanmar refugees said they were treated very badly there.

How could anyone blame the refugees for being angry?

That evening, the refugees vented their anger and some threw a few stones. Someone inside the UNHCR office called the police. This made the refugees even angrier. The police hit some. Bruce was hurt and so were several others. Then the police tried to take the refugees into their van.

They took two women, one Afghan woman and an African. And they picked up Mehdi and his fellow Iraqi, Mohammad. But the African women pulled out Mohammad and screamed, “He is our brother”. Mohammad said he had never seen such strong women.

The refugees refused to leave till the three were returned. Finally, the police asked Sebastian, my husband, to intervene and managed to get the UNHCR to open the gates. A senior police official there said that since the UNHCR had called in the police, they had to take action. The UNHCR representative said he had no authority to say anything. But he would ask his bosses on Monday.

The refugee is a product of the most barbaric aspects of humanity: of wars, of torture and of deadly conflicts. The fact the refugee keeps alive his or her hope in the dire situations is a symbol of resilience of human beings.

The fight for rights of refugees is really a way of preserving Indian democracy.

( To be Contd....on Page - 36 )

# Collective surrender

*The story of New India is not being written by Narendra Modi alone*

Asim Ali



***German dictator Adolf Hitler (1889 - 1945) leaving the Siemens works, after making his final speech prior to the German election. Photo by Keystone/Getty Images***

Historians of Nazi Germany have always been troubled with one central question: how could one of the most advanced, sophisticated countries of Europe descend into the depths of barbarism in such a short span of time, culminating in the murder of millions of people? Some historians, called the intentionalists, emphasized the importance of Hitler's master plan as outlined in *Mein Kampf*, while other historians, called the functionalists, minimized the importance of Hitler and focused on the Nazi party machinery.

The British historian, Sir Ian Kershaw, one of the most influential historians of Nazi Germany, synthesized these two approaches in his theory of "cumulative radicalisation" to explain the horrors of Nazi Germany. The radical and inhumane atrocities committed by Nazi Germany, according to Kershaw, were not

dependent on the directions of Hitler, but grew out of the initiative of party bosses, bureaucrats and professionals who drew on his charismatic authority. "...Hitler's authority gave implicit backing and sanction to those whose actions, however inhumane, however radical, fell within the general and vague ideological remit of furthering the aims of the Fuhrer," wrote Kershaw.

Thus, in Kershaw's telling, the increasing radicalization of Nazi Germany, the accelerating "erosion of civilised values" and "spiralling radicalisation of discrimination and persecution", was driven not just by ideological extremism but also by competition within the party and State machinery for "power, prestige and enrichment". Social and political advancement depended on "working towards the Fuhrer" (a phrase Kershaw borrows from a Nazi minister).



This phrase denoted activist action, carried out by both State and civil society actors, to realize the vision of Hitler. The ill-defined nature of Hitler's ideological vision ('racial purity', 'national redemption') and the non-interventionist style of Hitler perfectly suited this 'cumulative radicalisation' as the followers of the Fuhrer, with often conflicting social motivations, sought to outdo each other in radical programmes of persecution. "One might denounce neighbours to the Gestapo, slur a business competitor's 'Aryan' credentials, or nominate patients for the euthanasia program: this was all 'working towards the Fuhrer'." Kershaw contrasted this chaotic authoritarianism with the more programmatic authoritarianism of Stalinist Russia.

India is, of course, not quite Nazi Germany on the brink of Holocaust, but this concept of 'cumulative radicalisation' is a useful mechanism to explain the country's plunge towards the kind of violence and persecution that has been the hallmark of the Narendra Modi regime. The Modi government has not introduced a new system of governance. We have the same Constitution and the same governing institutions. Yet, over these last seven years, it has managed to transform the political culture in such a way that important functionaries in both State and civil society are incentivized to undermine the rule of law and the principles of equal citizenship as long as it appears to be in consonance with the political vision of Modi and his party.

Most metrics of India's 'growing authoritarianism' derive from the executive actions of the government or the laws passed by Parliament. These might include laws such as the Citizenship (Amendment) Act, the UAPA Act, 2019 or the new internet rules compromising the privacy mechanisms of social media providers. Yet, this 'radicalization from above' is only part of the story. Equally, if not more, important is the 'radicalization from

below'. These are the actions of fairly low-level party functionaries, policemen, government bureaucrats, lawyers, judges, journalists and right-wing vigilantes who are shaping the reality of the country everyday through their individual actions.

A few incidents just over the last month can be furnished as evidence of India's accelerating pace of radicalization where persecution of Muslims has assumed an endemic character. In Indore, a Muslim family of eight was attacked by *Hindutva* mobs in order to force them to leave their village. The police filed a first information report not just against the alleged perpetrators but also against their victims, a family of blacksmiths. In Indore city, four Muslim students were arrested for the crime of participating in a college *garba* event. In Assam, two Muslims were shot dead by the police during an eviction drive that is part of a State policy, which disproportionately targets Bengali-speaking Muslims. Across three northern states, *Hindutva* groups roamed the streets forcibly closing Muslim-owned meat shops during the festival of Navaratri.

There is a common thread linking all these incidents — the role of the local police and bureaucracy in implementing, protecting or sanctioning various forms of violence against Muslims. Under the current regime, the State machinery is slowly freeing itself from the binds of the rule of law and embracing the insidious dynamic of vigilantism.

The political scientist, Pradeep Chhibber, professor at the University of California, Berkeley, provided the clearest articulation of this political culture of vigilantism in an article earlier this year which merits being quoted at some length here. "The vanguard of this (Modi) regime are legions of vigilantes; these are ordinary citizens, businessmen, journalists, and of course, bureaucrats. They are the new regime's foot soldiers, led not by the government openly, but by low-level officials and ordinary



citizens seeking to ingratiate themselves with the powerful,” wrote Chhibber.

Surveying events such as the arrest of the climate change activist, Disha Ravi, the Delhi police’s atrociously partisan investigation of the Delhi riots, and the attacks on movies and television shows, Chhibber concluded that “[i]n many of these cases, there is often no high-level directive from the government or top party leadership.” In a passage that strongly echoes the concept of Kershaw’s ‘cumulative radicalisation’, Chhibber underlined the internal logic of the new vigilantism: “Mid-level bureaucrats, police officials, local politicians, and activists take it upon themselves to enthusiastically promote what they perceive to be the government’s interests. These individuals want to prove their loyalty through actions they perceive might enhance their political or career chances.”


Almost all institutions of the country — the media, judiciary, security agencies, tax agencies — have become increasingly corroded by this logic of ‘cumulative radicalisation’. To these can be added the Narcotics Control Bureau, where overzealous officers are presently carrying out a crusade against Bollywood in the name of curbing the menace of drug consumption. When Sameer Wankhede, Mumbai zonal director of the NCB executed the raid that led to the arrest of Aryan Khan, the son of Shah Rukh Khan, he must presumably have been cognizant of the satisfaction of his political masters at the prized catch. The quantity of drugs recovered were quite insignificant, and there is purportedly no direct evidence of the culpability of Aryan Khan. However, Wankhede has managed to bring the most prominent Muslim man in the country to his knees, which ultimately might have been the point, as the presence of a local BJP politician in the raid party suggests.

This ‘cumulative radicalisation’ is nurtured by the strategic silence of Modi, allowing his underlings and followers to interpret his will and

compete for his favours, while escaping responsibility if things go sour. His vision of a ‘Hindu *rashtra*’ is never explicitly spelt out, but only signalled, especially through appointments to high office. Perhaps the most consequential policy decision of the Modi years has been installing Yogi Adityanath, a controversial monk then mainly known for running a violent anti-Muslim outfit, to the throne of Uttar Pradesh. As the political journalist, D.K. Singh, has written, Yogi Adityanath has since emerged as the model for all other BJP chief ministers and seeded a perverse competition among them on who can go the furthest in clamping down on dissent and persecuting Muslims.

A good example is Himanta Biswa Sarma, who has started the first six months of his tenure as chief minister by imposing a stringent cow slaughter ban, allegedly encouraging fake encounters, slapping UAPA charges over social media posts and intensifying eviction drives of Bengali-speaking Muslims. Since Sarma comes from a Congress lineage, it stands to reason that personal advancement in the party rather than purely ideological motives lie behind his radicalism.

The story of ‘New India’ is not being written by Modi alone; some of its pages are being written by people like Himanta Biswa Sarma and Yogi Adityanath; and still others are being written by innumerable obscure Indians, be it a judge denying bail to dissidents or Dalit activists, or a journalist spreading invidious propaganda against farm law protesters, or a policeman arresting Muslims on trumped-up charges. Yet, all of them are, in a sense, ‘working towards Modi’ and towards his party. ‘New India’ is being constructed on the building blocks of ideological extremism and is cemented by the greed of those who wish to prosper from it. This is the ‘cumulative radicalisation’ which opens the door for all kinds of atrocities.

Courtesy **The Telegraph Online**, 16.10.2021. 

# Whatever happened to the Constitution, Mr. CM?

*Bommai came up with a strange explanation that moral policing occurs  
'when moral values in society diminish'*

**Ravi Joshi**

Karnataka Chief Minister Basavaraj Bommai must be considered a towering intellect compared to many ministers and chief ministers belonging to his party who are not just lacking in education but make a brazen show of it each time they open their mouth. Bommai, after all, grew up in the intellectual milieu of his father S R Bommai, Ramakrishna Hegde, J H Patel and others of the Janata Parivar, broadly aligned with the 'Left of Centre' ideology and apparently the radical humanism of M N Roy. Trained as an engineer and exposed to this intellectual upbringing, Bommai should be able to analyse social phenomena with a 'humanist' and 'progressive' approach and give them 'rational' explanations.

How such a mind can accept the illogic and unreason of his current ideological home, Hindutva, a toxic religiosity used for political purposes, is an unresolved puzzle. But such ideological compromises produce some bizarre formulations, as Bommai has demonstrated.

Recently, while defending the vigilante forces of Dakshina Kannada district, Bommai came up with a strange explanation that moral policing occurs "when moral values in society diminish." What he said, in effect, was that the goon squads of Mangaluru and Dakshina Kannada threatening and assaulting the local youth are, in his view, the guardians of our morality, and that their victims were lacking in "morality" and deserved to be censured, threatened or beaten up. That formulation reflects a rather disturbing mindset.

To put the Chief Minister's statement in context, it must be noted that "in recent days, Dakshina Kannada district has seen several cases of young people belonging to different faiths, travelling together or socialising, being confronted, threatened or attacked by right-wing activists"

as one newspaper reported on October 14.

To that, Bommai said that these incidents were to be seen through the prism of "action and reaction". He argued that "moral values are needed in society" and that it is "improper for young people to act in a way that affects social values."

The "action" in this case was boys and girls of different faiths travelling together or socialising, which is certainly not an offence under any law. And the "reaction" was threats and attacks by right-wing activists. That clearly is an offence, and the vigilantes should have been booked under any of the sections of IPC ranging from Sections 319 to 324 or 504, 506 and 509. Instead, they are being extolled by the Chief Minister as 'Dharma Rakshaks', like the 'Gau Rakshaks' in Uttar Pradesh who go around lynching Muslims.

Firstly, since when did the government or a political party or its goons become the custodians of our morals? When we vote a party to power, we certainly do not grant them the power to legislate on who our daughters should marry or who our children should marry or who our children should fraternise with, do we? Such encroachments into our personal and social lives can only be seen in totalitarian systems. As far as I know, we are not yet in a totalitarian system and those we have elected to govern us have to do so in a constitutional democracy wherein "We, the people... have solemnly resolved to secure to ourselves Justice, Liberty, Equality and Fraternity" as the foundational principles on which the accountability of all governance rests. This lofty ideal – 'Fraternity, assuring the dignity of the individual and (unity and integrity of the nation)' was inserted at the insistence of

Babasaheb Ambedkar precisely to prevent the division and polarisation of our society on religious and caste lines. It's a sad turn that those who have taken the oath of office to "bear true faith and allegiance to the Constitution of India" are working to wreck it.

Secondly, how has the government determined that our "moral values" have diminished or are diminishing? From what standards have they fallen and who sets those standards? Thirdly, has the government outsourced the task of upholding our "moral values" to a bunch of vigilantes? And what exactly are they upholding — Manu Smriti and unquestioned patriarchy that subjugates women?

The vigilantes must have been put behind bars. Instead, a BJP MLA goes to the police station and receives them on their release, just as Jayant Sinha, a former Union minister went and garlanded eight persons convicted of lynching a Muslim man to death when they were released on bail in Hazaribagh in July 2018. Are our elected representatives being directed by some authority other than their oath to uphold the Constitution to go and express solidarity with self-appointed custodians of our "moral values"?

Apparently, members of the Sangh Parivar believe that they are the chosen ones to protect our "Dharma". And the RSS Sarsanghachalak Mohan Bhagwat seems to think this is the moment for them to fulfill their "mission". The very confused man goes about one day exhorting Muslims to integrate into the larger Hindu community "as their DNA is the same" and on another day rages against Muslims whose population, according to him, is outgrowing Hindu population, or exhorting Hindu girls not to defy their patriarchal diktat in marrying outside their religion. Not only are these men now above the law but they are shaping the law of the land — the 'Love Jihad' laws in many BJP states, for instance.

As if to assure the Sarsanghachalak, the Chief Minister has reiterated that "a law against religious

conversion in Karnataka is being contemplated and will be framed soon." He is, no doubt, looking to the example set by his counterpart in UP, Yogi Adityanath. Here Bommai will do well to remember that voters in Karnataka did not take warmly to the election campaigns of Amit Shah and Yogi Adityanath and that probably was one of the factors for BS Yediyurappa's failure to win a majority in 2018.

Note also, Chief Minister, that this is a land ruled by both the Wadiyars and Tipu Sultan; shaped by the philosophy of both Basavanna and Shishunala Sharifa.

Let not Nagpur, Lucknow or the Gujarat model guide our policymaking here in Karnataka. They have nothing to offer except a toxic brand of religious polarisation. Let us be true to our own history, culture and genius. Let the Constitution be our guide.

(The writer is a former Cabinet Secretariat official)

Courtesy **Deccan Herald**, Oct 22, 2021. 🌈

**Contd. from page - (31)**

## **India, through the eyes...**

Looking at India through the eyes of these refugees, we can see how racist and how inhuman we have become. Why does my country seem like a prison to the refugees who chose to come here because they had heard India was the biggest democracy of all?

Once again it is clear that India must enact some law to protect refugees. The human rights movement in India has never really taken up the rights of refugees. Till India has a law, the UNHCR has to find a way to protect the refugees and become a safe harbour for them instead of a bureaucratic machine without heart and soul.

**Nandita Haksar** is a human rights lawyer and author, most recently, of *The Flavours of Nationalism*.

Courtesy **Scroll.in**, Nov 04, 2021. 🌈

# Science and Philosophy by M.N. Roy

*Continued from the last issue ...*

Summarized by **Vinod Jain**

## Chapter 2

### Science and Philosophy

Modern scientific theories have a profound philosophical significance; it is to render the old division of labour between science and philosophy untenable. Digging deeper and deeper into the secrets of nature, science has come up against problems, the solution of which was previously left to philosophy.

The total body of repeatedly verified facts, collected through observations and experiments, is the basis of legitimate philosophical deductions.

One of the essential features of scientific enquiry is disregard for authority.

The philosophical significance of modern science is that it is disputing the claim of philosophy to an autonomous existence. The problem of philosophy — cosmological, ontological, epistemological — can all be progressively solved only in the light of scientific knowledge. That light burns brighter today than ever before.

The function of philosophy is to explain existence as a whole. An explanation of existence requires knowledge of existence. Knowledge about the different phases of existence is gathered by the various branches of science. The function of philosophy is to coordinate the entire body of scientific knowledge into a comprehensive theory of nature and life. The function of science is to describe; that of philosophy is to explain. Therefore, philosophy is called the science of sciences.

Physics today deals with categories which defy direct experience. Even the finest instruments of observation are of no avail. Mathematics is the main instrument of theoretical physics. But mathematical symbols represent physical entities; in any case, entities

which exist outside the mind of the scientist. Otherwise, results obtained through highly abstract mathematical reasoning could not be verified by observable facts of nature. Mathematical equations are not empty conventions. They describe relations between physical events.

Dualism results from the supposition that the “metaphysical” entities are essentially different from the things of the world of experience: and dualism vitiates philosophy.

Philosophy has always disliked dualism, because of its essentially theological implications. Modern scientific philosophy is decidedly opposed to any dualist doctrine. Dualism has haunted modern philosophy ever since the day of its founder. Descartes freed philosophy from theology, but placed it under the hegemony of the mind, which he conceived as an immaterial substance. The antithetical concepts of mind and matter, essentially different, could not be reconciled by speculative thought. The development of natural sciences brought the reconciliation within reach. Modern psychology, aided by physiology, began to unravel the mysteries of the mind. With its dynamic conception of matter, new physics has successfully taken the last hurdle.

Having abolished dualism ontologically ( between the physical and the metaphysical ) as well as epistemologically ( between matter and mind ), new physics has debunked metaphysics.

By its very nature, science can never go mystic. Its function is to acquire knowledge. Science is not omniscient. But it stands firmly by the claim to know. Mysticism results from ignorance. It makes virtue of ignorance.

Bertrand Russell writes: “Science has two

purposes. On the one hand, there is a desire to know as much as possible of the facts in the region concerned; on the other hand, there is the attempt to embrace all the known facts in the smallest possible number of general laws". ( "Analysis of Matter" ). These purposes are obviously irreconcilable with any brand of mysticism — metaphysical, logical or out-and-out spiritualist. New physics has not learned all the facts concerning the region of its research. It knows there is much more to learn; and it proposes to push ahead with the purpose. It knows no mysticism which rests content with marvelling ( be filled with wonder ) of the unknowable.

The other purpose, with which Russell credits science, not only makes it the helpmate of philosophy, but inspires it to invade the realm of metaphysics. General laws of science have philosophical validity. Only in their revealing light can the problem of philosophy be solved. Laws of science represent a knowledge of nature. Knowledge of nature enables us to tackle more successfully the problem of existence — of life, life being a part of nature. Russell is also of the opinion that, by its very nature, science gradually invades the preserves of philosophy, and experience becomes the infallible key for the solution of all philosophical problems. When the boundary line between science and philosophy thus disappears, no room is left for mysticism. New physics represents a great advance towards a grand synthesis of human knowledge.

Discovery of new facts is the condition for greater knowledge. And when the facts are really of a new order, old theories require amending. The discoveries of new physics, instead of encouraging mysticism, have just the opposite philosophical implication. The following, written by the American philosopher Charles Pierce well ahead of time, has a much greater bearing about the present state of our physical knowledge than all the contemporary mystic — metaphysical speculations:—

"Experience teaches by means of a series of surprises. It is through the conflict of our explanations with what happens in reality that we learn. Even in scientific experiments, nothing is learned from an experiment which only confirms a prior hypothesis: it is the surprise of a new disclosure that counts. This element of surprise, moreover, indicates interaction between the self and the world, and so disproves any subjective idealism."

There is still another strategem for going around the difficulty of the external world, without which no physics is possible. But it only spoils the case of subjective idealism. Professor Hermann Weyl writes: "Physics is not at all concerned with the material contents of reality; what forms the subject of its knowledge is a simply formal view or statement of it." ("Space, Time and Matter").

What Weyl really means is that physics can describe only the process of becoming; being is a metaphysical conception, which need not be postulated for the purpose of physics. But the metaphysical concept of being can be really eliminated only by suppressing the dualist notion of being and becoming. That requires a dynamic conception of matter. The new physics provides that. It has discovered that the something which distinguishes the world from nothing is being and becoming at the same time. Absolute being can be conceived only in abstraction. Becoming is the essence of being. The stuff of the world is not static, but dynamic. It is never in an inert state. Wherever it is, it is in the state of becoming. In the absence of becoming, there is nothing; being becomes real in becoming. But, on the other hand, absolute being, that is, being abstracted from becoming, is conceivable logically, whereas becoming logically presupposes being. It can only take place on the background of being.

*To be continued in the next issue...*

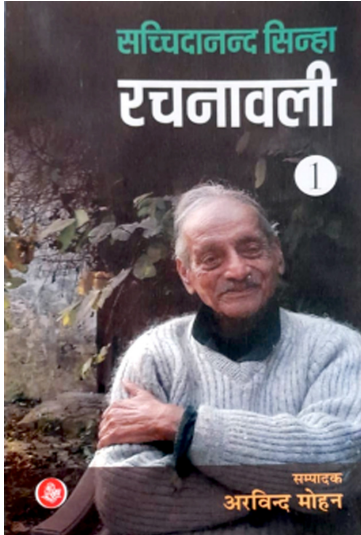
**Mr. Vinod Jain** is a senior radical humanist. 🌈



## **Book Review :**

# **Sinha's Writing: An Alternative Vision of Socialism**

**Dr. Prem Singh**



*The aim of consumerism, which the rulers of these [socialist] economies had promoted, when they aspired to surpass the United States in the standard of life, conceived in terms of capitalist West, forced them to abandon their socialist objective. The consumerist standards of the Western world could be achieved only by providing very high incomes to a few in highly competitive industries. So, inequalities in income, reduction of employment, and finally the abandonment of other socialist objectives - all forced their way in to the so-called socialist societies. The economies were in total disarray. The "market socialist economy" could get in steam now only by streamlining itself into a full-fledged market economy, i. e. a modern capitalist economy.*

Sachchidanand Sinha, 'Socialism: a manifesto for survival', P. 21, Maral Prakashan, Muzaffarpur, 1999.



The collective works of socialist thinker Sachchidanand Sinha, an astute thinker-critic of modern industrial civilization and, simultaneously, a serious scholar of art and

culture, has been published in the form of 'Sachchidanand Sinha Rachnavali'. Senior journalist, translator and researcher Arvind Mohan has edited this eight-volume seminal

anthology. The publication is done by Rajkamal Prakashan, Delhi. Sachchidanand Sinha wrote extensively in English and Hindi. (Though he also knows French and German.) Only a few English writings of Sinha were translated into Hindi. The editor of the Rachnavali himself had translated 'Caste System: Myths, Reality, Challenge' in Hindi, which was published by Rajkamal Prakashan itself.

'Caste System: Myths, Reality, Challenge' by Sinha is a unique work on the much debated and researched subject of caste system in India. The book, at the time of its publication was reviewed prominently in Times Literary Supplement. Sinha's other major works in English such as 'The Internal Colony', 'Socialism and Power', 'The Bitter harvest', 'Emergency in Perspective: Reprieve and Challenge', 'Adventures of Liberty', 'The Permanent Crisis in India: After Janata, What?' 'The Unarmed Prophet', 'Chaos and Creation', 'Socialism: a manifesto for survival' – are made available in Hindi in the Rachnavali along with the major Hindi works such as 'Zindagi Sabhyata Ke Hashiye Par', 'Bharatiya Rashtriyata Aur Sampradayikata', 'Manav Sabhyata Aur Rashtira-Rajya', 'Samajwad Ke Badhate Kadam', 'Upbhokta Sanskriti', 'Marxvad Ko Kaise Samajhen', 'Poonji Ka Antim Adhyaya', 'Naxali Andolan Ka Vaicharik Sankat', 'Sanskriti Aur Samajwad', 'Sanskriti Vimarsh' Poonjiwad Ka Patjhad', 'Loktantr Ki Chunautiyan' etc. Sinha has said that the inspiration for the writing of these books came from the various problems that emerged during the socialist movement and the efforts made to solve them.

The writing of a 94-year-old Sinha spanned a period of about sixty years along with his political activities as a socialist worker. His life, as he himself once said, "has been like a wandering cloud in the sky". The editor and his associates have done the arduous task of collecting the entire material of such a person's

writings. The compilation of the Rachnavali is thematical and not chronological. This method has made it convenient for the readers to purchase a particular volume of the topic of their interest.

The preface of the first volume of the Rachnavali has been written by Sinha himself. In the preface, he has described about his stay in Bombay, Delhi and Bihar, giving a brief account of his political activism starting with the Quit India Movement of 1942. The material collected in all eight volumes has also been introduced by the author for the benefit of readers. The editor has compiled the material under following themes : In the first volume 'art, culture and socialism', in the second 'freedom, nationality, peasant problems and urban poverty', in the third 'Gandhi, Lohia, JP and Naxalism', in the fourth 'emergency, the experiment of the Janata Party, the Punjab crisis and political coalition', in the fifth 'caste, casteism and communalism', in the sixth 'new socialism, old socialism', in the seventh 'liberalisation, globalization and future' and 'internal colonialism and Bihar-centred exploitation' in the last eighth volume.

A detailed analysis of this vast material is not possible in this introductory review of Rachnavali. However, some features of Sinha's thoughts and his philosopher persona can be outlined in brief. Sinha's writing is simultaneously conceptual-theoretic and critical. He is not an expert-scholar. From art to science, he perceives the endeavour of human-being in totality. That is why he has studied almost all the disciplines of modern scholarship/research such as political science, economics, sociology, history, theology, psychology, anthropology, aesthetics etc. His vast and deep study of various subjects is reflected in his theoretical as well as critical writing. A reading of the Rachnavali reveals that the author has deeply delved into the intellectual debates, movements, crisis and

solutions inherent in the making of the nineteenth, twentieth and twenty-first centuries of the modern era. Sinha, in his intellectual venture, stands as a thinker of the entire humanity on a global scale who challenges the much debated and desired concept of 'globalization with a human face'. Not only the friendly critics of liberalisation-globalization advocate possibility of such an idea, even staunch opponents of globalisation feel enchanted/delighted by that. In this debate Sinha propounds a doctrine of "Socialism with a new face" vis-à-vis 'globalization with a human face' as the only future for survival of mankind.

One gets an insight into the overall writing of Sinha that invokes a vision for the future of humanity. This vision has been informed by the basic values like equality, democracy, decentralization, individual freedom, non-violence, dignity of labour, renunciation, co-existence and, of course, morality. All these values are central to his writing, on the basis of which he presents a socialist alternative to the capitalist model of development and way of life. It is a special feature about Sinha that he has imbibed these values in his life as well. He has not been associated with any university or research institute. Due to his participation in the freedom movement, he left studies after schooling. Always depending on public libraries, he never maintained a personal library to facilitate his studies. He never accepts awards for his works. Once, making observation on growing demand for facilities/ comforts by scholars in India, he stated that during the British period, British officers doing academic and research work used to travel to far-flung areas during their vacations without special facilities. Sinha seems to believe, like Gandhi, that man's life is not for consumerist enjoyment, but primarily for thoughts, the capacity of which nature has given only to human-beings.

Not only in capitalism, but also in the prevailing models of socialism, the consumerist tendency is at the core of the concept of development. The phenomenon of globalization has brought this trend to its climax. Sinha opposes the blind consumerist thrust of modern civilization, plagued by wars, civil wars, conspiracies, inequalities, displacements, environmental destruction, natural disasters and an acute lack of morality, with a suitable alternative. Sinha, thus, does not entrap into the idea of "sustainability" generally appreciated by scholars/activists while professing the capitalist-consumerist model of development with a full thrust. Sinha, at the end of his book 'Socialism: a manifesto for survival' remembers Gandhi: "In the context [of consumerist thrust of modern civilization] we may remember Gandhi's words, 'the world has enough for everyone's need but not enough for everyone's greed.'"

Obviously, the central theme of Sinha's writing is socialism. From the concept of utopian/Fabian socialism to the scientific doctrine of Marxist socialism, he has thoroughly analysed the various models of socialism experimented and practiced in different parts of the world. Sinha believes that no genius is epoch-neutral, nor are the knowledge, science and technology. Thereby he refutes pertinacity of scholars and leaders towards eternality and universality of any thinker or doctrine. He categorically negates Marxism's deterministic notion of socialism/communism. He makes a careful review of certain reciprocal points of communism and capitalism such as industrialism, inventionism, technologyism, productionism, consumerism etc. According to Sinha the reason for the defeat of socialism in the face of capitalism was not only its obsession with power and authoritarianism, but also due to these mutually agreed factors. Like Dr. Ram Manohar Lohia, Sinha accepts democracy, decentralisation, moderate consumption and

civil/individual liberties as the inherent qualities of socialism, and not as a distant goal. Here he seems to accept the theory of immediacy as propounded by Dr. Lohia in the line of Gandhi.

Sinha also grapples with the morality question in Marxism. He accepts that in Marx the moral element is not lacking. Sinha states that one “would be struck by the underlying note of moral indignation” in the Capital when Marx elaborately explains the inhuman conditions of workers under the factory system. However, according to Sinha, Marx “does not put this moral view at the center of his socialist theory”.

One aspect of Sinha’s scholarship attracts attention i.e. his writing has taken place outside academic/research institutions. Needless to say, during the neoliberal era, there has been a huge devaluation of authentic knowledge and research undertaken in institutions. In the name of new education and knowledge of a ‘new India’, skilled labourers are being prepared to serve the high capitalist system and economy. That facility too is available for a limited population. An entire industry of publishing books and research papers in exchange of money for promotions has been established in the country. The officials of universities and research institutes themselves extend their tenures and fix the perquisites, appoint themselves as senior professors and professor emeritus. Apart from trivialization, commercialisation and communalization of education and knowledge is being done irresponsibly by rulers of the day. The scholars at the helm of universities/institutions readily and happily co-operate with the neoliberal-communal agenda of governments. All of Sinha’s writing has happened outside institutions. As institutional system of knowledge/research is on fast decline, Sinha’s writing opens up a window of possibilities for the genuine knowledge/research outside the institutionalized framework.

I would like to mention a reminiscence here. I was a Fellow at the Indian Institute of

Advanced Studies IAS), Shimla, from 1991-1994. Prof. JS Grewal, a historian of repute, was the Director. I requested him to invite Sinha as a National Fellow at the Institute. Sinha’s two books ‘Caste System’ and ‘Socialism and Power’ were available in the library of the Institute which I showed to Prof. Grewal. Prof. Randhir Singh, Prof. JD Sethi and Prof. GS Bhalla were working as national fellows at that time. Prof. Grewal asked me which university or institute Sinha was associated with. He was quite surprised when I told him that he was just a political worker. Prof. Grewal agreed and asked me to inquire with Sinha ji when he could come Shimla as a National Fellow initially for two years. I wrote a letter to him in this regard. He replied promptly as he does always, if he had been living in Delhi, he would definitely have come. In 1987, Sinha had returned from Delhi to village Manika in Bihar. I thought it was good in a way. It would have pained him to witness the overwhelming facilities/comforts the Institute had to offer.

Sinha is a widely read writer in Hindi. Especially the researchers of Hindi medium of various subjects will be immensely benefited by the Rachnavali. If the entire Rachnavali or part of it would be published in other Indian languages, the scope of the benefit will increase. The English version should also be published. I wish some good publisher would undertake this important task. It would have been better if the index was maintained in the end of every volume of the Rachnavali.


#### **Sachchidanand Sinha Rachnavali**

(Collected Works of Sachchidanand Sinha),  
Volumes: 8

Editor Arvind Mohan

Rajkamal Prakashan, Delhi

Price: Paperback edition: Rs 4000

**Dr. Prem Singh teaches in the Dept. of Hindi, University of Delhi, Delhi – 110007.** 





**Dr. Narisetti Innaiah and late Dr, Gauri Bazaz Malik, a former Chairperson of IRI, in the US in 1992 when Dr. Innaiah visited the US for the first time and Dr. Gauri Bazaz Malik was living there with her daughter-in-law.**



# The Supreme Court Inquiry on Pegasus spyware

What a disgrace for the Indian government to be criticized by the Supreme Court for refusing to disclose details.

There is every reason to suspect that the Indian Government used this spyware for surveillance over citizens amounting to gross violation of constitutional rights of citizens.

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



THEGUARDIAN.COM

**Indian Supreme Court orders inquiry into state's use of Pegasus spyware**

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