

THE RADICAL HUMANIST



ESTABLISHED : APRIL 1937

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

Founder
M.N. ROY

Vol. 86 Number 1

APRIL 2022

Rs. 15 / MONTH



Why did you attack Iraq?

Because we thought they have nuclear.

Why don't you attack Russia?

Because they have nuclear.

625

How prophetic of Laxman? And how true!

44 years ago, in 1978 RK Laxman drew this cartoon to describe the future of the Congress. Nothing more needs to be said.



The real Congress will be so reduced in size through constant splits that a special device will be needed to see it.

THE RADICAL HUMANIST

Vol. 86 Number 1, April 2022

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

Founder Editor:

M.N. Roy

Advisor:

Dr. Narisetti Innaiah

Editor:

Mahi Pal Singh

Editorial Board:

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

Printer and Publisher:

Sheo Raj Singh

Send articles and reports to:

Mahi Pal Singh at Raghav Vihar, Phase- 3,
Prem Nagar, Dehradun- 248007. (Uttarakhand)
(M) 9312206414, (Landline): 91-1353598824

or **E-mail** them to:

theradicalhumanist@gmail.com or
mahipalsinghrh@gmail.com

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

The Radical Humanist to:

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

Subscriptions can also be transferred directly to :
The Radical Humanist, Current Account Number 0349201821034, IFSC Code CNRB0000349, Canara Bank, Maharani Bagh, New Delhi- 110014.

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

CONTENTS :

Page No.

Editorial:

Licensed to Kill? 4
Mahi Pal Singh

Notice for General Body Meetings (GBM) of the Indian Renaissance Institute (IRI) and the Board of Trustees (BoT) & Agenda 6-7

Articles and Features:

Accept 4 truths to counter BJP hegemony. 8
They offer a formula to reclaim republic in 2024

Yogendra Yadav

Arvind Narrain: Countering the totalitarian state 10
Vikhar Ahmed Sayeed

Mr. Modi, you have betrayed everything that JP stood for 14
M.G. Devasahayam

'Shoot them': Indian state police accused of murdering Muslims and Dalits 17
Hannah Ellis-Petersen & Shaikh Azizur Rahman

'19 lakh Indian kids lost at least one parent to Covid, highest in world' 20
Sushmi Dey

Home Ministry panel on AFSPA removal from Nagaland misses its deadline 21
Vijaita Singh

5 Lakh To Lose Jobs: BJP's Varun Gandhi On Banks, Railways' Privatisation 22

Hijab Row and the Politics of Avoidance 23
Sugata Srinivasaraju

Crime and Punishment: Is Indian Justice System Impartial? 25
Ram Puniyani

WHO WANTS EARLY DISPOSAL OF CASES IN HCs & SC? 27
S.N. Shukla

Stalin's young man: M.N. Roy and the Russian Revolution 32

Science and Philosophy by M.N. Roy: Substance and Causality 38
Vinod Jain

Humanism and Communism 40
Fred Edwords

Book Review:

MG Devasahayam's 'Electoral Democracy': a critical assessment of electoral process 41
Ashutosh Kumar

Editorial :

Licensed to Kill?

Mahi Pal Singh

In the state legislative elections to the five state assemblies of Uttar Pradesh, Punjab, Uttarakhand, Goa and Manipur, held in the beginning of 2022 whose results were declared on 10th March 2022, the people have given a decisive mandate to the ruling Bharatiya Janata Party (BJP) in the other four states except Punjab where the Aam Aadmi Party (AAP) has won an unprecedented victory over the ruling Congress Party, winning 92 seats in the assembly consisting of 117 seats. In all the other four states, the BJP was able to retain its governments in spite of the people's anger over high unemployment among the youth, unprecedented high price rise in petrol, diesel, LPG gas, fertilisers and all the essential consumer items including edible oils. Add to it the anger of the farming community over their year-long agitation at Delhi borders against the three farms laws brought by the central government and for the legal guarantee of Minimum Support Price (MSP) for their farm produce during which 704 of their colleagues lost their lives and also at the merciless and pre-planned crushing of four of their agitating colleagues and a journalist under the wheels of their vehicles by the main accused Ashish Mishra, the son of Ajay Kumar Mishra 'Teni', the State Minister of Home in the Modi government, at Tikunia bypass of Lakhimpur Kheri in UP. Still more unforgettable is the suffering and death of thousands of Covid-19 victims due to insufficient medical infrastructure and care and also acute shortage of oxygen so vital for the victims and the dishonourable cremation/burial of thousands of the dead ones, particularly in Uttar Pradesh and Uttarakhand, hundreds of the dead bodies seen floating in the Ganga in UP and Bihar, or

lying uncovered on the banks of the holy river in UP. All over the state the farmers have been complaining that their crops are eaten up by stray cows and bulls at night because sufficient arrangement of cow-shelters has not been made by the state government as per its claims.

It baffles every rational thinker as to how the suffering crores of people could vote for the party which has made their lives so difficult. The BJP got all the eight seats in Lakhimpur Kheri which had seen the farmers' agitation and also the lynching of four of their colleagues. The verdict of the people in a democracy is final and the people have got the governments they voted for, for reasons right or wrong. In U.P., which to a great extent decides who will rule at the centre, gave 2/3rd majority to the ruling BJP coalition led by Yogi Adityanath to rule the state for another five years. Prime Minister Modi expressed his happiness and confidence that he would easily win the 2024 parliamentary election, immediately after the results were out. Yogi Adityanath interpreted it as the verdict of the people on the good governance by his government in the last five years. So both the leaders have got what they wished for and the people have got the government they deserve.

One can only hope against all hopes that under the double engine governments of the centre and the U.P., and, of course, the other states to be ruled by the BJP, the prices of all the essential commodities, including petrol, diesel, fertilizers, cooking gas, will come down and the unemployment situation will be brought under control; the education and health care facilities will improve and the income of farmers will now get doubled by 2024, if not by 2022, as promised by Mr. Modi in 2014.

If all these promises, along with other promises for development of all, are fulfilled, then nobody would mind if Mr. Modi gets elected as the Prime Minister for the third time in 2024.

It will also be good if the poor deservedly continue to get their free ration, which in any case is guaranteed under the Right to Food, and was not a special bounty bestowed upon the starving people by Mr. Modi or Mr. Adityanath as they had been claiming during the election campaign. It will be good if the cows and bulls stop eating up the crops of farmers at night.

Law and order situation seemed to be another strong point on which the people voted for the BJP in U.P. Nobody can, or should, counter the argument that the law and order in society is necessary for leading a normal life and to progress. Nobody can, or should, again, oppose the government for bringing the mafia or criminal elements to book. But this law and order must invariably be maintained as per the rule of law. This means that neither the police nor the government are above the law and even they must not take the law into their own hands. This also means that the executive and the judiciary are separate and have their separate duties and responsibilities. This also, further, means that the human rights of every individual are sacrosanct and have to be respected by all, however highly placed in the power hierarchy. The training of the police and other law implementing officials needs to be based on these guidelines. If it were so, they would not have burnt the dead body of a dalit victim of rape at two or three at night arbitrarily or kill a businessman in a hotel, for not paying bribery, of course, not killed a Vikas Dubey, even if a criminal, in a fake encounter. In a state where the Chief Minister himself follows and promotes the '*thok do*' (shoot to kill) culture against all the tenets of law and human rights, how can the police, which may in fact be acting on the directions of the Chief Minister

himself, officials be expected to respect the rule of law.

According to the Committee Against Assault on Journalists' report, a total of 138 cases of persecution of journalists were registered in Uttar Pradesh from the time the CM took oath in 2017 and February 2022. After being pulled up by the Supreme Court the UP government had to withdrawn the 274 illegal recovery notices issued to anti-Citizenship (Amendment) Act protesters in December 2019 for damage caused to public property. Can an encounter by the police, in any condition, be justified in a democracy? Who will deny that the job of the police is to investigate and produce an accused before a court? Justice Markandey Katju (Retd.) has called such encounters 'not encounters at all but cold-blooded murders by the police'. In a landmark judgment in 2012, the Supreme Court warned against the practice of encounter: "It is not the duty of the police officers to kill the accused merely because he is a dreaded criminal." Such acts are acts of criminality and cannot be justified in the name of maintaining law and order.

And, of course, the people whose education level is not too high (and the governments are hardly interested in promoting that), cannot be expected to understand the difference between the '*thok do*' culture and the rule of law. How can they be expected to understand that even their own lives and liberties are not safe under arbitrary rulers or 'police raj' and that peace and silence in society brought about by unlawful arrests and fake encounters is no better than the silence of the grave where the dead ones cannot speak and the living ones dare not raise their voice even for their own rights or for the right causes. Unfortunately, no political party gives any space to protection and promotion of human rights in their election manifestoes. And, of course, the political leaders themselves are the least educated in

these matters or they keep such matters in perpetual abhorrence. Let us hope that the leaders will learn to respect human rights and civil liberties of the people and also to win elections and run the government without dividing people on religious basis and polarising them for their mean political ends. Then they themselves will also win respect and acceptability among all people. It will be an ideal situation for the rulers as well as for the people.

If this does not happen and the rulers, in this case the CM of UP, do not change their ways, the people will at some stage regret their decision. The rulers can also interpret the electoral verdict as justification and endorsement of their way of functioning and

the ‘*thok do*’ culture they have perpetuated and a ‘license to kill’, as James Bond 007, the hero of the popular Hollywood detective movies is supposed to possess, and the lives of journalists, dissenters and opposition leaders and workers, dalits and members of minority community and those protesting for their demands will continue to be hounded and remain in perpetual fear and danger as they have been doing in the last five years. With a popular mandate on his back the Yogi government will act against them with a renewed and greater vengeance and also more arbitrarily. That will kill whatever little democratic space remains available in U.P. That space will have to be tenaciously saved if we all have to survive. 

Notice for General Body Meetings (GBM) of the Indian Renaissance Institute (IRI) and the Board of Trustees (BoT)

In pursuance of the decision of the Board of Trustees taken in the Zoom Meeting held on 6th February 2021 and in consultation with the office bearers of the IRI, it has been decided to hold the meetings of the General Body of IRI and the Board of Trustees on 20th of April 2022 at Gandhi Peace Foundation, New Delhi. The GBM will be held in the morning session and the BoT in the afternoon session. Only the members of the Board of Trustees will be required to attend the meeting of the Board of Trustees.

All the members are invited to make arrangements for attending the same. For booking of accommodation at the GPF please email your requirement to: mahipalsinghrh@gmail.com or contact at: 9312206414. There are 3-bed rooms at the GPF and the per day rent of the rooms is Rs. 900/- which can be shared by three persons and the check-in and check-out time is 8 a.m.

Detailed agenda for the meeting is attached herewith.

Please also inform other members known to you regarding the meeting so that they may also make their travel plans well in time.

Mahi Pal Singh
(Secretary, IRI)

Dated: 4.3.2022.

Agenda of the IRI Conference, 2022

Gandhi Peace Foundation, New Delhi

20th April, 2022: First Session, 10 a.m.

1. Homage to the departed colleagues;
2. Inaugural speech of the Chairman;
3. Presentation of Secretary's report and Accounts of the IRI;
4. Presentation and Confirmation of the Minutes of the last Conference;
5. Confirmation of Membership of New Members;
6. Proposal for an amendment to the Constitution of the IRI for removal of 'unavailable' Life Trustees, who have not attended any meeting during the last four years or more.
7. Election of the Members of the Board of Trustees;
8. Any other matter with the permission of the Chairman;
9. Vote of Thanks to the General Body Members and the Chairperson.

Lunch: 1 p.m. to 2 p.m.

20th April, 2022: Second Session, 2 p.m.

***Meeting of the Board of Trustees
(For Members of the BoT only)***

1. Presentation, Discussion and Confirmation of the Minutes of the meeting of the Board of Trustees held on 6th February 2021 and Action Taken Report (ATR) by the Secretary on the decisions of the BoT;
2. Report by members about tasks assigned to them earlier by the BoT;
3. Detailed report and discussion of the state of our case about 13 Mohini Road, Dehradun
 - (a) By Mr. N.D. Pancholi
 - (b) By Mr Sheoraj Singh
4. Election of the Office-bearers of the Board of Trustees;
5. Co-option of two members as Co-opted Members of the Board of Trustees by the BoT
6. Meeting of the new Board of Trustees to begin: Necessary decisions and resolutions to be passed
7. Any other matter with the permission of the Chairperson;
8. Vote of Thanks to the Chairperson.

Accept 4 truths to counter BJP hegemony. They offer a formula to reclaim republic in 2024

*The BJP may enjoy ideological dominance today,
but counter-hegemonic politics has deeper cultural resources.
If we are determined and intelligent, we shall win.*

Yogendra Yadav

“It feels like a powerful gut punch”, read one of the many messages I received after the Uttar Pradesh election verdict. Perhaps we needed this punch to break free from our complacence, to think afresh. The outcome in UP and other four states leaves no room for debate. The breathing space that we got after the West Bengal election results and the farmers’ movement is over. The road to 2024 was always tough. It got tougher after the latest round of assembly elections. If we do not do something now, we are staring at a bleak future.

The road to the future begins with four noble truths.

First, a harsh truth: It is not just the contesting parties that were defeated in this election. Not just the Samajwadi Party that lost a winnable election, not just the Congress that did not even put up a good fight, not just the Bahujan Samaj Party (BSP) that is in terminal decline, not just the political establishment of the Punjab that was deservedly decimated. We all had stakes in this election. We, who believed in the idea of a democratic republic, we who live by the Preamble to the Constitution, we who idolise Bapu, Babasaheb and Bhagat Singh. We have been defeated. Let us not pay heed to any excuses of poll irregularities or EVM rigging (even if true, they do not explain the margin of defeat). Let there be no false consolations: a vote share increase here, the defeat of some communally tainted leaders there. The fact is that we lost it fair and square.

Second, it is not just an election that we

have lost. As political scientist Suhas Palshikar reminds us, the challenge we face is bigger, deeper and enduring. We are dealing with a hegemonic power. The Bharatiya Janata Party (BJP)’s electoral dominance is based on an infinitely superior communication, organisational work, media control and money. Prime Minister Narendra Modi’s personal charisma supplements it. This political dominance is backed by an unprecedented use of state power and street power, enough to bend all institutions and silence most voices of dissent.

Above all, there is an ideological and cultural acceptance. The BJP has managed to hijack the key cultural resources of politics in India: nationalism, Hinduism and our cultural heritage. This creates what scholar Pratap Bhanu Mehta calls “prior trust” that enables the BJP to get away with misgovernance in most of the states it won. The fact is that a vast proportion of the Indian public has been mobilised for the project of dismantling our republic.

Do we not have an alternative?

The third truth is that there is no readymade alternative. As it stands today, the Congress party can hardly lay claims to being the natural alternative. It still has the largest possible base, two state governments (Rajasthan and Chhattisgarh) and is committed to anti-BJP (as opposed to non-BJP) politics. But these are clearly not sufficient for the grand old party to retain its position as the only national alternative to the BJP.

The regional alternatives work in some regions, but not in the Hindi heartland. And they are not scalable: Trinamool Congress (TMC)'s attempt to enter Goa has fallen flat. Simple caste arithmetic is ineffective in the face of this hegemonic assault. The SP's over-reliance on social chemistry proves this. The Aam Aadmi Party (AAP) is certainly more scalable than other regional parties, but it faces multiple challenges before its claims of being a natural and national challenger can be taken seriously. It has to prove its governance claims in a normal state that is revenue deficit, demonstrate an understanding of agrarian policy and show that it is not run from *Dilli darbar* that is anathema to Punjabis. Above all, it needs to prove its secular credentials and show that it is a counter hegemonic force, not just another claimant for a slice of the hegemonic space created by the BJP.

The fourth truth is positive: we are not without potential for alternatives. The bluster about 2024 being a 'done deal' is precisely to turn our attention away from the chinks in the ruling party's armour. The BJP's dominance is geographically more limited, electorally more vulnerable and ideologically weaker than it appears. Be it the anti-CAA protest, farmers' movement or West Bengal election, it cannot withstand opponents with zeal, energy and tenacity. The BJP may enjoy ideological dominance today, but counter-hegemonic politics has deeper cultural resources. We have with us the heritage of our civilisation, the legacy of our national movement and the Constitution of India. If we are determined and intelligent, we shall win.

These four truths of contemporary Indian politics yield a *sutra* about counter-hegemonic politics: *satta se sangharsh, samaj se samvad* (resistance to power, dialogue with the people). If we pursue this two-pronged strategy with courage, acumen and conviction over the next two years, we can reclaim the republic.

The fight is in the movements

The past eight years have demonstrated that the real resistance to the present rulers has come from movements, rather than parliamentary opposition. We have seen everyday resistance to save autonomous spaces within institutions such as the judiciary, bureaucracy and universities. There are regular protests against the anti-people economic policies and sporadic eruptions on issues such as unemployment. We have also witnessed exemplary movements of resistance such as the anti-CAA protest and the farmers' movement.

So far, most of these movements have remained disconnected to one another and without a bridge to mainstream oppositional politics. Given the deepening of economic inequalities, the persistence of the unemployment crisis and rising inflation, we can expect intensification of the movements of resistance. The challenge is to support and synergise these movements, so that they link to counter-hegemonic politics.

A resolute opposition to the hegemonic power must not mean an opposition to the people who support it. Respecting popular mandate does not and must not mean applauding the outcome of every election. It would be utterly irresponsible and anti-democratic to keep quiet about the dangers that may emanate from any popular verdict. But respecting popular mandate does entail respectful listening to and engagement with the people's reasons for voting the way they did.

The outcome of the five assembly elections undermines democracy and constitutional values, but this is not the intent of the voters. This is what I discovered in my travels through UP this time. All of us face this in our everyday life with our family, friends and WhatsApp groups. People who reinforce the politics of hate are not full of hatred. We can and must speak to them with empathy and respect.

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

Arvind Narrain: Countering the totalitarian state

Arvind Narrain: The rise of right-wing ideologies owe much to the grave levels of economic inequality wrought by capitalism.



Vikhar Ahmed Sayeed

Interview with Arvind Narrain, writer and lawyer

Arvind Narrain, a Bengaluru-based lawyer and writer, is the author of India's Undeclared Emergency: Constitutionalism and the Politics of Resistance. He is visiting faculty at the School of Policy and Governance, Azim Premji University. He has co-edited Law Like Love: Queer Perspectives on Law (2011) and co-authored Breathing Life into the Constitution: Human Rights Lawyering in India (2016) and The Preamble: A Brief Introduction (2020). He is currently pursuing a PhD at the National Law School of India University, Bengaluru, the topic for which is the legal and political thought of B.R. Ambedkar. He was part of a team of lawyers that challenged Section 377 (criminalising homosexuality) of the Indian Penal Code right from the Delhi High Court in 2009 up to the Supreme Court in 2018.

In his latest book, Narrain argues that India is in the midst of an 'undeclared Emergency', which has incrementally been implemented since Narendra Modi became the Prime Minister in 2014. Narrain looks at a wide variety of historical and contemporary sources to establish his argument. In a wide-ranging interview with Frontline, Narrain discusses several issues that emerge from his book. Excerpts:

In your book you make the forceful point that what India has been witnessing since 2014 is an 'undeclared Emergency'. You say Narendra Modi's regime has "inaugurated a new kind of state". What distinguishes this 'undeclared Emergency' from the Emergency between 1975 and 1977 declared by Indira Gandhi?

The declaration of Emergency on June 25, 1975, resulted in the suspension of fundamental rights, including the right to freedom of speech and expression and the right to move courts for the enforcement of fundamental rights. Essentially, the rule of law was suspended and the judiciary in effect gave the state carte blanche for an executive rule unfettered by the Constitution. The Emergency posed the most serious threat to the Indian democratic project.

While rights violations continued even post the Emergency, they never approached the scale, gravity and systematic nature of the kind

during the Emergency, that is, until Narendra Modi's ascendancy.

The PUCL [People's Union for Civil Liberties] said in a press statement in 2018 that Modi's regime had led to a completely new order of rights violation, which it called an 'undeclared emergency' where the rights of citizens were 'being snatched away under the guise of "Patriotism and cultural nationality"'. Today freedom of speech and expression is under assault, with critics of the government facing the sombre reality of long years in prison.

During the Emergency, while the law of choice to curtail dissent was the Maintenance

of Internal Security Act [MISA], today it is the UAPA [Unlawful Activities (Prevention) Act]. Emblematic of the use of the UAPA is the arrest of the BK-16 [16 human rights activists arrested in the Bhima Koregaon case] and thousands of others around the country for what are at best ‘speech offences’, i.e., speech which should be constitutionally protected but which the government decides to prosecute using the criminal law.

The Emergency era is also invoked because the subtle mood which envelops the nation now, as it did then, is one of fear of expressing one’s opinion and of arrest as a consequence. During the Emergency era, it was the local police in each State or the Central Bureau of Investigation [CBI] which often arrested persons after the proverbial midnight knock on the door. The police emerged as the symbol of the Emergency. Under Modi’s rule, although the police continue to be an instrument of the regime, the National Investigation Agency [NIA], which functions under the direct control of the Home Ministry, has emerged as the main instrument of the government to investigate UAPA offences. Many NIA-accused never come out on bail and their trial is never conducted with a sense of urgency. Such long periods of unjust incarceration are enough to perpetuate a climate of fear.

What tips rights violations into an ‘undeclared emergency’ is the abysmal failure of all institutions of accountability, be it the media, civil society and judiciary to ensure that the government functions within the four corners of the Constitution. Of especial concern is the fact that the judiciary stands mute in the face of constitutional violations. The court has failed to hear and decide matters of undeniable constitutional importance. It has so far failed to decide on pressing issues such as the abrogation of Article 370, the constitutionality of the CAA [Citizenship Amendment Act] and the case on electoral bonds.

‘Totalitarian ambitions’

You write: **“It is undoubtedly true that the Modi regime has all the hallmarks of an authoritarian regime founded on the absolute power of the leader around whom a personality cult has been manufactured. However, Modi’s reign goes beyond these and is a regime with clear totalitarian ambitions.” Why do you characterise the BJP under Modi as a regime with “totalitarian ambitions”?**

The totalitarian ambition goes beyond power for its own sake, to a desire to control the lives of people, including the God they choose to worship, who they choose to love and what they choose to eat. If we see the range of new laws introduced in BJP States around conversion, ‘love jihad’, cattle slaughter, you get a sense of the totalitarian ambitions.

I also draw from the political scientist Juan J. Linz’s description of totalitarianism as a ‘regime form for completely organising political life and society’. In Linz’s analysis, the ambitions of a totalitarian government are far wider and its abilities far deeper than those of an authoritarian one.

A totalitarian rule goes beyond retaining total control over the state to trying to ‘politicise the masses’ and shaping individuals in accordance with its ideology. It draws its strength and support not just from its control over the levers of the state but also from organisational fronts which work at the societal level, aiming to transform society in terms of its ideology.

With the rise of Hindutva, India today seems to fit Linz’s description. The rule of Modi is buttressed by vigilante forces rooted in Hindutva ideology. The mob is a serious actor on the Indian political stage and the common sense of the people is sought to be altered in line with Hindutva thinking. Another important dimension of totalitarian rule is its ‘popularity’ with the installation of the ‘people’ as a collective tyrant spread across the length and breadth of the land.

We have to understand the totalitarian ambition of the current regime as that is what marks it as different from all previous regimes.

You have continuously relied on Hannah Arendt whose work provides a perceptive framework for understanding the German Nazi regime of Adolf Hitler. Why is the work of this political philosopher crucial in understanding the changes that India is undergoing since 2014?

Hannah Arendt, a German Jewish philosopher, narrowly escaped the Nazi persecution of Jews in Germany and was exiled to the United States. Her work philosophises on what she was to call ‘radical evil’ or ‘totalitarianism’. I have gone to her book *Eichmann in Jerusalem: A Report on the Banality of Evil* (1963) as well as *Men in Dark Times* (1970) for her insights on the Nazi regime and resistance to the same. However, her book of greatest import and which bears repeated reading in today’s [Indian] context is *The Origins of Totalitarianism* (1951), which, as critics have pointed out, has more insights in its footnotes than entire volumes on the Nazi regime. I have gone to Arendt for her insights on the role of the mob in politics, the nature of totalitarianism as well as ways in which human beings resist the impulse of totalitarianism.

In the world we live in today, where politics is based on majoritarianism and often speaks the genocidal language of elimination of minorities, undoubtedly her work is absolutely critical to understanding the contemporary moment.

Role of the judiciary

In a constitutional democracy, the power of the political executive is kept in check partially by an independent judiciary (along with the political opposition, the media and civil society), but you provide several examples of how the Supreme Court has failed to safeguard the

Constitution. This is a rather serious criticism of the apex court and, as you point out, there is an “easy complicity between the executive and the judiciary”. How has the judiciary, which is deemed to be an independent component of a constitutionally democratic state, succumbed to the political executive and legislature?

For understanding the role of the judiciary in the contemporary context, I have cited consummate insiders, namely retired judges who have given voice to the increasing sense of disquiet felt by legal scholars, lawyers and ordinary citizens. The Supreme Court has abdicated its constitutional responsibility by failing to hear and decide key matters such as the abrogation of Article 370 and the constitutionality of CAA.

After detailing the list of failures which Justice Gopal Gowda scathingly referred to as a ‘supreme failure’, I look to how the spirit of constitutionalism can be nurtured. The role of some of the High Courts during the pandemic was exemplary. We also need to draw sustenance from our constitutional tradition, with the courageous dissent by Justice H.R. Khanna in ADM Jabalpur embodying the best of our constitutional tradition.

I also go to the work of a German Jewish labour lawyer, Ernst Frankel, who argues that Nazi Germany was a dual state composed of what he calls the ‘normative state’ which is bounded by rule of law and the ‘prerogative state’ which is nothing but ‘institutionalised lawlessness’. In his analysis, Nazi Germany until the end functioned as a ‘dual state’. If India too is a ‘dual state’, then our challenge is how to expand the reach of the ‘normative state’ and limit the power of the ‘prerogative state’. It is in this context that we should go back to our founding constitutional values and work to expand the acceptance of the same in this difficult moment.

While the Hindutva project's ambition of refashioning India's society and culture in line with its majoritarian vision is clear, you also discuss the less obvious linkages between capitalism and Hindutva's Far Right ideology. Can you explain this connection?

I go to Thomas Piketty's masterly work *Capital and Ideology* (2019) where he convincingly demonstrates that inequality which results from the framework of capitalism had deleterious consequences for the social fabric. Taking a long view of history, he shows that between 1880 and 1914, the world underwent an 'inegalitarian turn', with the period post the French Revolution producing 'excessive concentration of wealth' which in turn 'exacerbated social and nationalist tensions'. These tensions were in turn exploited by the fascists, who went on to capture power in both Italy and Germany. In Piketty's analysis, the world is facing a similar crisis brought upon us by the unsustainable levels of inequality. The rise of right-wing parties and the appeal of right-wing ideologies owe much to the grave levels of economic inequality wrought by capitalism. Any attempt at addressing the appeal of Hindutva will also have to address the question of social and economic inequality.

Your book brings together a range of evidence to convincingly demonstrate how India is being fundamentally transformed. There is a sense of despair among a wide variety of Indians that the foundational constitutional vision and imagination of the country are being trampled upon perniciously. What then, is to be done, to challenge this incremental assault?

I end the book by asking the question 'what is to be done?' and then go on to highlight some of the ways in which this authoritarian regime is being resisted. My point is to bring together dissenting traditions from across the country to indicate that dissent is very much alive today.

Be it humour as dissent, dissent in the bureaucracy, the combatting of inequality, the defence of constitutional values; there are alternative viewpoints in contemporary India.

The challenge, of course, is how do all those who will eventually be targets of the Hindutva state—be it the political opposition, human rights activists, Ambedkarites, humourists, workers, farmers, Dalits, women, and others—come together. How can a united front against totalitarianism be created? These are some of the questions I grapple with at the end of the book.

Often people feel powerless to change the status quo. I specifically draw from Arendt's analysis where she demonstrates how totalitarian states thrive to create this feeling of helplessness and work to ensure that people remain isolated, alienated and alone so that they don't act together. As she puts it, '...power always comes from men acting together, isolated men are powerless by definition'.

The cost of dissent

I remember the inspirational civil liberties activist K. Balagopal, who made the point that the arrest of Binayak Sen under the sedition law was fundamentally about sending a message that dissent has costs. The psychological objective of Sen's arrest, in Balagopal's analysis, was to make people afraid that if they were ever to dissent, like Binayak Sen, they could be arrested. This sense of fear and isolation needs to be combatted.

Activities ranging from attending discussions to participating in protests are important as ways of breaking the sense of isolation. Once people begin to meet each other, the possibility of acting together opens up. When people begin to act together, the process of change is set in motion. Human solidarity creates an environment in which it is possible to actualise the World Social Forum slogan that 'another world is possible'.

Courtesy **Frontline**, Print edition: March 25, 2022. 

Mr. Modi, you have betrayed everything that JP stood for

In an open letter to PM on occasion of birth anniversary of Jayaprakash Narayan, retired IAS officer MG Devasahayam reminds him of how his govt has betrayed Lok Nayak on RSS, Kashmir & and democracy

M.G. Devasahayam

Recalling that RSS and Jan Sangh leaders — Balasaheb Deoras, AB Vajpayee and LK Advani — had taken a solemn pledge in JP's presence to give up communal politics and terminate the RSS-Jan Sangh 'dual-membership' in the event of winning the election and forming government at the Centre in 1977, the retired bureaucrat points out that they had assured JP that if any hurdle came up for this, they would not hesitate to disband the RSS. This pledge has of course been dishonoured.

The IAS officer, an ex-army officer, was the District Magistrate at Chandigarh in 1975 and technically his 'Jailor' during the Emergency. The two struck a bond and the officer took advantage of their interaction.

The open letter goes on to read as follows:

Dear Modi Ji,

October 8 was the death anniversary and October 11 the birth anniversary of Jayaprakash Narayan, popularly known as JP, 'Lok Nayak' and the 'Second Mahatma.'

Do you remember JP, Mr. Modi?

In gratitude to JP for rescuing the Jana Sangh from near-extinction, and making it part of government***, your mentor and former Prime Minister, Atal Behari Vajpayee, paid this tribute way back in 1978: "*JP was not merely the name of one person; it symbolised humanity. When one remembered Mr. Narayan two pictures came to one's mind. One was reminded of Bishmapitamah lying on a bed of arrows. There was only one difference between Bishmapitamah and Mr.*

Narayan; while the former fought for the Kauravas, the latter fought for Justice. The second picture was one of Christ on the Cross and Mr. Narayan's life reminded one of Christ's sacrifices."

I believe that before you became Prime Minister you had proclaimed JP as your hero and icon, stating that you are a product of the massive movement of youth and students led by this great revolutionary. You had also claimed his legacy.

At least now do you remember him, Mr. Modi?

Unfortunately, that does not appear to be the case, because what you have been doing for the last six years and more, and particularly in recent times, amount to the very opposite of the principles and values for which JP lived and died.

Let me remind you of these principles and values, which is the legacy JP left for future generations:

Democracy

"All power and authority of the Sovereign Independent India, its constituent parts and organs of government are derived from the people...It is these people who will control/regulate the use of natural resources for the good of the community and the nation." 'Power to the People' was JP's democracy mantra.

Freedom

"Freedom became one of the beacon lights of my life and it has remained so ever since...Above all it meant freedom of the human personality, freedom of the mind,

freedom of the spirit. This freedom has become a passion of my life and I shall not see it compromised for food, for security, for prosperity, for the glory of the state or for anything else.”

Communalism

“Although almost every religious community had its own brand of communalism, Hindu communalism was more pernicious than the others because Hindu communalism can easily masquerade as Indian nationalism and denounce all opposition to it as being anti-national.”

Development

“Idea of development envisages independent India as *sui generis*, a society unlike any other, in a class of its own that would not follow the western pattern of mega industrialisation, urbanisation and individuation. India’s would be agro-based people’s economy that would chart out a distinct course in economic growth, which would be need-based, human-scale and balanced while conserving nature and livelihoods. Such a ‘development’ process would be democratic and decentralised.”

Hindutva

“Those who attempt to equate India with Hindus and Indian history with Hindu history are only detracting from the greatness of India and the glory of Indian history and civilization. Such persons, paradoxical though this may seem, are in reality the enemies of Hinduism itself and the Hindus. Not only do they degrade the noble religion and destroy its catholicity and spirit of tolerance and harmony, but they also weaken and put asunder the fabric of the nation, of which Hindus form such a vast majority.”

Hindu Rashtra

“In the long struggle for national freedom there emerged a clear enough concept of a single, composite, non-sectarian Indian nationhood. All those who spoke about divisive

and sectarian nationalism — Hindu or Muslim — were therefore outside the pale of this nationalism, evolved during the freedom struggle. The hostile and alienating nationalism we hear about today is antithetical to the ethos of freedom struggle and against the belief of all those who helped it evolve.”

RSS

“When, following Gandhiji’s murder, the Rashtriya Swayam Sevak Sangh was under a shadow, there were many protestations made about its being entirely a cultural organisation. But apparently emboldened by the timidity of the secular forces, it has thrown its veil away and has emerged as the real force behind, and controller of, the Bharatiya Jana Sangh. The secular protestations of the Jana Sangh will never be taken seriously unless it cuts the bonds that tie it so firmly to the RSS machine. Nor can the RSS be treated as a cultural organisation as long as it remains the mentor and effective manipulator of a political party.” (1968)

“RSS should disband itself and merge with the youth and cultural organisations of the Janata Party and admit Muslims, Christians and members of other communities. RSS should give up the concept of Hindu Rashtra and adopt in its place that of Indian nationhood, which is a secular concept and embraces all communities living in India.” (1977)

Kashmir

“It will be a suicide of our soul, if India tried to suppress the Kashmiri people by force... This would mean providing for the fullest possible autonomy to them. If, in Kashmir, we continue to rule by force and suppress these people and crush them or change the racial or religious character of their state by colonization, or by any other means, then I think that means politically a most obnoxious thing to do. To think that we will eventually wear down the people and force them to accept passively the Union is to delude ourselves.”

Prime Minister, you are 70, and in a few weeks, I will be turning 80. Yet, I do not know whether I am competent to give you advice. So, I will do it with these words that JP had written to the then Prime Minister in 1975: *“You inherited a great tradition, noble values and a working democracy. Do not leave behind a miserable wreck of all that. It would take a long time to put it all together again. For it would be put together again, I have no doubt. A people who fought British imperialism and humbled it cannot accept indefinitely the indignity and shame of totalitarianism. The spirit of man can never be vanquished, no matter how deeply suppressed...”*

Yours Truly,
**Major M. G. Devasahayam IAS (Retd),
 Chairman, People-First**
 Courtesy **National Herald**, 11 Oct,
 2020. 

Contd. from page - (9)

Accept 4 truths to counter BJP...

We must form a “truth army” to speak to the people in their language and their idiom. The fortress of lies can melt sooner than we imagine.

As I conclude this piece, I received another message from the same friend who wrote about gut-punch: “I am over the hopelessness and depression and have a renewed determination now. Good that we have a real sense of the enormity of the challenge and not false hopes. Good that you are not hopeless.”

Yogendra Yadav is among the founders of *Jai Kisan Andolan* and *Swaraj India*. He tweets @YogendraYadav. Views are personal. (Edited by Prashant)

Courtesy **The Print**, 11 March, 2022. 

THE RADICAL HUMANIST SUBSCRIPTION RATES In SAARC Countries:

For one year - Rs. 300.00

For three years - Rs. 800.00

(Life subscription is only for individual subscribers and not for institutions.)

Cheques should be in favour of **The Radical Humanist**.

Note: Direct subscription can be transferred to: The Radical Humanist,

Current Account Number :- 0349201821034, IFSC Code :- CNRB0000349,

Canara Bank, Maharani Bagh, New Delhi- 110014, India.

In other Countries: Annual subscription (Air Mail) \$ 150.00; GBP 100.00

Note: Direct transfer of subscription amount from abroad may be sent to:

SWIFT Code:- CNRB0000349, MICR Code:- 110015012 in the

Current Account Number :- 0349201821034 at Canara Bank, Maharani Bagh,

New Delhi- 110014, India.

All the subscribers are requested to donate liberally so that The Radical Humanist continues to publish and spread awareness for protection of Human Rights, Civil Liberties and Democratic values.

Please send Subscription/Donation Cheques in favour of The Radical Humanist to:

SHEO RAJ SINGH, 3821/7, KANHAIYA NAGAR, TRINAGAR, DELHI – 110035.
 (M) 9891928222, E-mail: srsingh3821@gmail.com

‘Shoot them’: Indian state police accused of murdering Muslims and Dalits

Such terrible lawless BJP government in UP; hope it never comes back to power.

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

Ahead of key Uttar Pradesh elections, state police accused of being ‘mercenaries’ of hardline Hindu nationalist government

Hannah Ellis-Petersen & Shaikh Azizur Rahman in Uttar Pradesh



Fatima Begum’s son, Altaf, was said to have hanged himself in prison, but his family tell a different story. Photograph: Shaikh Azizur Rahman/The Guardian

According to police in the Indian state of Uttar Pradesh, it was suicide. The young Muslim man they had brought into their custody had, out of despair, killed himself in the police station toilets. But, as photos of the scene emerged, so too did suspicions.

The 22-year-old man, Altaf, was 165cm (5ft 5in) tall and weighed 60kg (9.5 stone), but the toilet tap he had supposedly hanged himself from was just 76cm off the ground and made of flimsy plastic. And why, as the police later claimed in court, was the CCTV in the police station mysteriously not working that day?

Family and friends tell a very different story: that Altaf, a Muslim man living in the town of

Kasganj, was in love with and planned to marry a Hindu girl. That powerful local Hindu vigilante groups opposed to interfaith unions found out and reported him to the police. And that on 9 November 2021, Altaf was arrested and tortured to death in police custody and his family pressured to keep quiet.

“The police murdered my son and then gave me money to say he was depressed and took his own life,” says Altaf’s father, Chand Miya, an illiterate mason who has taken the case to the state high court. “But I will not stay quiet, I want justice.”

Last Friday, the courts ordered Altaf’s body to be exhumed and a new postmortem

examination to be carried out.

Altaf was not the first to die in such circumstances in Uttar Pradesh, India's most populous state, which is holding a high-stakes election this month.

In six cases examined by the Guardian of deaths in custody and police shootings of suspects, allegedly in self defence, from 2018 onwards, those accused of carrying out and covering up killings are the same: the Uttar Pradesh police, under the rule of the state's chief minister, Yogi Adityanath, and his Bharatiya Janata party (BJP) government.

The victims of these alleged unlawful killings were all from the communities that Adityanath's government, with its sectarian Hindu nationalist agenda, is accused of routinely targeting and oppressing: Muslims, who make up 20% of the state's population and who have been subjected to increased lynchings, hate speech and prejudicial legislation, and Dalits, who are at the bottom of India's oppressive Hindu caste system and were previously referred to as "untouchables".

The elections will decide whether to return Adityanath's state government to power for another five years. It is being seen as a referendum on Hindu nationalist politics – the push for India to become a Hindu, rather than secular, nation – on both a state and national level, and is happening against a backdrop of rising religious intolerance and anti-Muslim hate speech in India.

Not one officer who fatally shot someone in Uttar Pradesh in the past five years faced disciplinary action

Not long after he took office in 2017, Adityanath, a hardline Hindu monk, made it clear that his agenda would be twofold: a fierce promotion of Hindu nationalism and a tough crackdown on crime. "*Agar aparadh karenge, toh thok diye jayenge* [If anyone commits a crime, he will be knocked down]," he said in June 2017.

From that point on, lawyers, activists and ex-police officers allege that "*thok denge*" – slang for "shoot them" – became unofficial policy in Uttar Pradesh. Police allegedly began carrying out "instant justice", maiming or executing those they deemed to be criminals, and were professionally rewarded for doing so.

Lawyers and families of victims describe an atmosphere of terror in Uttar Pradesh, where Muslims and lower-caste men are picked up on the streets and killed with alleged impunity by police, either in what are known as "encounter killings", in which officers fatally shoot their captives and claim it was in self-defence, or in police custody, where they are beaten or tortured to death.

The same police accused of the murders are often then responsible for the investigations. Subsequently, police reports are often not lodged, evidence and CCTV footage routinely disappears, charges filed to the courts are watered down to "accidental death" and some cases disappear altogether.

"The police are now mercenaries of the Yogi government," says Rajeev Yadav, an activist running for a seat in the forthcoming election in Azamgarh, which has a large Muslim population and has experienced multiple "encounter killings" by police.

In the past five years, according to the government, there have been more than 8,700 shootings by police in the state, including more than 3,000 incidents when allegedly escaping suspects were shot, often in the knees, and more than 150 deaths. There are rarely any eyewitnesses to these encounters, according to human rights organisations that have examined many of the cases. Not a single officer who fatally shot someone in Uttar Pradesh in the past five years has faced disciplinary action.

Two former police officers told the Guardian that in their experience most so-called "encounter killings" were falsified by police.

In the case of Kamran, a 40-year-old Muslim

water-seller from Azamgarh, police claimed he was apprehended on his way to commit a crime in Lucknow, 200 miles from his home, and then killed after a shootout with an anti-terrorism unit.

But a lawyer, Ashma Izzat, says the evidence, including a leaked police photograph that appears to show him alive and in police custody – a direct contradiction of the police account of events – demonstrated the events in November 2021 were covered up.

Kamran's body was returned to his family with signs of torture. "He had a perforated eye, dark bruising around his neck and body, a broken collar bone and leg, and four of his front teeth knocked out," said his 87-year-old father, Nasim Ahmed.

Police later filed a report that Kamran had been an absconding criminal in multiple cases with a 25,000 rupee (£250) reward on his head. But Kamran made daily visits to the police station to deliver water as part of his job, including on the day he was killed.

Uttar Pradesh has the highest number of deaths in police custody in the country. Officially, there have been 23 deaths over the past three years but Mehmood Pracha, one of the few lawyers who has taken cases of custodial killings to India's highest court, said this was likely to be a "significant undercount".

"The police hide these custody deaths when they can get away with it, and won't even tell the family," says Pracha.

In several cases, grief-stricken families said they have been pressurised or threatened by police to withdraw charges and stay silent. Faisal Husain, an 18-year-old Muslim vegetable seller from Unnao, was among those allegedly beaten to death in police custody in May 2021. The case is now in the supreme court and the Guardian listened to recordings of threats and offers of money made to Hussain's sister, Khushnuma Banu, 28, over the phone, to pressure her to withdraw the case.

In another two cases of killings in custody

examined by the Guardian, the police had not given families details of the postmortem examination, despite them being legally bound to do so.

Police claim that Arun Valmiki, a 30-year-old Dalit man from Agra, died of a heart attack in police custody in October 2021, but withheld the postmortem report from his family, who allege he was tortured and electrocuted to death by police. "Police put pressure on me to say that my brother had heart problems but it's not true – he was strong and healthy," says his brother Sonu Narwal.

Ziauddin, a 38-year-old Muslim businessman, died in police custody in March 2021 after being picked up by police for alleged theft. The police claimed he died from a heart attack during questioning despite him being in robust health.

When Ziauddin's body was returned to his family, it was covered in torture wounds, including cigarette burns, bruises around his neck and across his body, and signs he had been electrocuted, visible in photographs viewed by the Guardian. Despite almost a year of requests, the police continue to withhold the postmortem report from his family and have not submitted the legally mandated "charge sheet" to the courts. The family say they were offered money by the police to withdraw the case.

Police put pressure on me to say that my brother had heart problems but it's not true – he was strong and healthy

"He was the most kind, honest, gentle man, who had never committed a crime," said Alauddin, Ziauddin's father. "I feel so terrible that he was murdered and we will never get justice for him."

The Uttar Pradesh government denied all the allegations. "There are judicial systems in place and no extrajudicial killings have taken place. This narrative is totally false and we deny such baseless accusations," it said in a statement.

Prashant Kumar, the additional director

general of police in Uttar Pradesh, said the Uttar Pradesh police strictly follow all procedures and guidelines laid out by the courts and the National Human Rights Commission.

Kumar described a “zero-tolerance” approach to custodial killings in which guilty officers are always suspended and jailed. However, in several of the custodial death cases examined by the Guardian, junior officers were suspended but none were in prison. No senior officer or government official under the

Adityanath government has faced disciplinary action for either “encounter killings” on the street or deaths in police custody.

Kumar said there was no religious or caste bias in the police force, and no culture of silencing victims. “How can we distinguish between our own citizens? It is not possible and it is wrong,” he said. “No government can ask us to do anything which is wrong or illegal.”

Courtesy **The Guardian**, 22 February, 2022. 

Narendra Modi government's lie regarding number of deaths due to Covid nailed:

‘19 lakh Indian kids lost at least one parent to Covid, highest in world’

Sushmi Dey

NEW DELHI: Around 19.2 lakh children in India lost one or both of their parents due to Covid-19 during the initial 20 months, from March 2020 till October 2021, spanning the first two surges that devastated many families, according to estimates of a new study published in *The Lancet*.

Of the 20 countries studies, India accounted for the highest number of children orphaned by Covid associated death of at least one of their parents during the period.

Findings of the study show large differences

in the total number of orphaned children across the 20 study countries, ranging from 2,400 in Germany to 19.17 lakh in India.

Globally, over 33 lakh children have been orphaned due to loss of at least one parent between March 1, 2020 to October 30, 2021. An additional 18.33 lakh children were affected by the death of a grandparent or older adult caregiver living in their own home.

Courtesy **The Times of India**, Feb 25, 2022. 

Articles/Reports for The Radical Humanist

Dear Friends,

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

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

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

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

Home Ministry panel on AFSPA removal from Nagaland misses its deadline

Vijaita Singh

It was formed in the wake of a growing civilian anger against December 4 botched ambush by Army unit

A committee constituted by the Union Home Ministry in December to study the withdrawal of the Armed Forces (Special Powers) Act or AFSPA from Nagaland, slated to submit a report within 45-days as claimed by Chief Minister Neiphiu Rio, is yet to conclude its findings.

The panel was formed in the wake of a growing civilian anger against the botched ambush by an elite armed forces unit that led to the killing of 13 civilians at Oting in Nagaland's Mon district on December 4.

The six-member committee headed by the Registrar General of India (RGI) Vivek Joshi made a solitary visit to the State in January. Though Mr. Rio claimed on December 26 that the panel has 45-days (by February 9) to submit the report, the Home Ministry's order accessed by *The Hindu* says the committee is to make "suitable recommendations" within three months (March 26).

T.R. Zeliang of the Naga People's Front (NPF) and former Chief Minister of Nagaland said the committee has sought an extension for three-months but is likely to miss the extended deadline as well.

Mr. Zeliang who issued a joint statement with Chief Minister Neiphiu Rio announcing the constitution of the committee on December 26 told *The Hindu* that their demand is for removal of AFSPA from Nagaland, except areas along the international boundary with Myanmar and inter-State boundaries with Assam, Arunachal Pradesh and Manipur.

"Repealing of AFSPA cannot be done by the State government, it has to be done by Parliament....the process will take time. We are

demanding and conveyed to the Union government that except international border and inter-State border, the AFSPA should be removed from the entire State," Mr. Zeliang said. He said they were expecting to meet Union Home Minister Amit Shah after the Assembly elections in Manipur and Uttar Pradesh were over.

The issue has made a resonance in Manipur where Assembly elections are to be held in two-phases on February 27 and March 3.

The NPF is an ally of the Bharatiya Janta Party (BJP)-led coalition government in Manipur and is also a constituent of the Nationalist Democratic Progressive Party (NDPP)-led government in Nagaland of which the BJP is also a part of. On February 16, the NPF and the NDPP shared stage at an election rally in Manipur's Naga dominated Senapati district where the NPF and the BJP are fighting elections independently.

The announcement of the constitution of the committee was made by the Nagaland CM in Kohima on December 26, though the meeting chaired by Mr. Shah was held at North Block on December 23. Mr. Rio said in a press conference the committee will submit its report in 45-days adding that that it will look into the withdrawal of the AFSPA from not only Nagaland but in the entire northeast.

Significantly the Opposition-less Nagaland Assembly passed a resolution on December 20 demanding repeal of the AFSPA and an apology from the "appropriate authority" for the botched Army operation.

The Home Ministry is yet to issue any official statement on the subject nor it has specified the terms of reference of the committee.

The Hindu filed a Right to Information (RTI) application to know the terms of reference,

composition and the date the committee of officers expected to submit its report.

The Ministry replied that “it is not possible to reply to your RTI application” as “disclosure of information will prejudicially affect the security of state”.

However, a copy of the order accessed by *The Hindu* says “the terms of reference of the committee shall be to review the application of AFSPA in Nagaland and make suitable recommendations within a period of three [3] months.”

The AFSPA that has been in force in the northeast since 1958 gives unbridled power to the armed forces and the Central armed police

forces deployed in “disturbed areas” to kill anyone acting in contravention of law, arrest and search any premises without a warrant and protection from prosecution and legal suits without Central government’s sanction.

The December 26 joint letter issued by Mr. Rio, Mr. Zeliang and Y. Patton, Nagaland Deputy CM and who is from the BJP, said the Army unit involved in the Oting incident will face disciplinary proceedings and the identified persons who will face the enquiry will be placed under suspension with immediate effect. Mr. Zeliang said none of the other demands made in the letter have been complied with yet.

Courtesy **The Hindu**, 23 February 2022. 

5 Lakh To Lose Jobs: BJP's Varun Gandhi On Banks, Railways' Privatisation

For the last several months, the 41-year-old MP from Uttar Pradesh's Pilibhit has been expressing views on various issues - from farm laws to inflation - that are not in line with the BJP's official stand.

New Delhi: Ruling Bharatiya Janata Party (BJP) MP Varun Gandhi on Tuesday opposed any privatisation of banks and railways, claiming it will render five lakh people unemployed, and asserted that a public welfare government cannot create inequality.

For the last several months, the 41-year-old MP from Uttar Pradesh's Pilibhit has been expressing views on various issues - from farm laws to inflation - that are not in line with the BJP's official stand.

“The privatisation of banks and railways alone will lead to the forced retirement of five lakh employees, meaning they will be unemployed.

“With every job lost, hopes of lakhs of families end,” he said on Twitter, adding a public welfare government can never back steps that create economic inequality and promote capitalism.

Last month also, while in his constituency

Pilibhit, Gandhi expressed concern over rapidly increasing inflation and unemployment and said vital resources of the country are sold in the name of privatisation.

Gandhi had also slammed the choice of Santishree Dhulipudi Pandit as JNU vice-chancellor, saying such “mediocre appointments serve to damage our human capital and our youth's future”.

Referring to the major bank loan frauds, he had recently tweeted, “A ‘strong government’ is expected to take ‘strong action’ on this super corrupt system”.

Gandhi had also come out in support of farmers protesting against the agri laws. He had written to Prime Minister Narendra Modi, saying that the families of farmers who died during the stir should be given compensation of ¹ 1 crore and the demand to provide minimum support price (MSP) should also be met.

Courtesy **NDTV**, February 22, 2022. 

Hijab Row and the Politics of Avoidance

Sugata Srinivasaraju

In the last few weeks, the hijab row, which was sparked in Karnataka's hinterlands, reached the mainland swiftly and spread like wildfire across India. Suddenly, there were scenes from different corners of the nation, where young women wearing hijabs or burqas were made to wait at gates, and that 'mass of black' was a spectacle that right wing forces desired to create. It had happened effortlessly. It was a metaphorical game of 'no-entry'. Each gate where the women stood was symbolic of a nation's gate, and denial of entry was a loud universal message that was amplified through social media.

One wonders if such a thing would have happened, and would have been picked up with such spontaneity a few years ago, when BJP was not in power in Delhi? To answer that question in the affirmative is to naively assume that we have moved from being a perfect secular state to being a communal inferno, where our constitutional commitments are being put into a havan every day.

These burning questions have always existed, and have always been simmering beneath a thin skin of hesitation, often mistaken as decency. Therefore, it is safe to say that our secularism has always been skin-deep.

In the Indian mind, the state and the temple are independent and compartmentalised sovereignties. Political leadership since Independence has operated in silos and has never tried to consciously build bridges between the two because it has been beneficial, and less of a hassle, to keep them separate.

But whenever a communal issue sits like an elephant on the table, we scurry around to look for a rule book that does not allow the elephant to sit on the table. When the elephant gets bored and leaves the table, we imagine the crisis is over, but pretend to be alarmed when what was

roaming in the wild re-enters the room.

Ducking responsibility

Our political leadership has abdicated responsibility for negotiating these tough questions, which they think do not win elections but polarise them. This politics of avoidance has become a pernicious trait and it seeks to solve nothing because avoidance and silences do not seek solutions. There is only a convenient and unhappy postponement of everything. Ever since secular political parties limited their roles to being election machines, they let go the cultural track that could deliberate serious issues consuming the nation's majority. No party works on a cultural manifesto anymore, they work mostly on economic ideas because that allows them to be instructive and prescriptive. They prefer the abstraction of numbers over the abstraction of cultural ideas.

A well-meaning senior Congress leader in Karnataka made a case in a conversation to stay out of polarising issues by saying that Nehru could speak about lofty issues, and still relate to the people very much; still be adored very much and still win elections. This may be true, but it is terribly misleading to decontextualise it.

First, Nehru enjoyed the glow of Independence and the Gandhian movement in the initial decades. He was an unquestioned patriot, not because he had inherited his position, but because he had sacrificed enough to earn it. Two, Nehru relied more on reason, because the emotion, violence and displacement of partition was a gaping wound in the minds of the people. His reason and dream of a modern India was therapeutic to people in a newly democratic nation.

When the Spanish poet Pablo Neruda came to new India, he went to a laboratory in Bombay (now Mumbai) and saw young people consumed in their experiments. He saw that as a metaphor

of a new nation. Now, we are 75 years away from that moment. A lot has changed. The dreams of the nation, economic and otherwise, have changed and it is no longer Nehruvian. The dismantling happened at the hands of the Congress itself.

The nation seeks a balance that forges emotion and reason in good measure and offers a new identity that does not operate at the extremes. Fresh imagination and new leadership have humongous scope in this vacuum of hope. This new leadership is not created by wishing away things and by choosing not to see what already exists.

As a nation, in the past decades, we have tried to suppress identity issues (religion, caste, language etc) in mainstream debates and allowed silence to form around them like a moss.

This silence or suppression may not be a result of conspiracy, but it is the result of a dynamic. A result of an indolence that has become a habit.

The lack of diversity in our newsrooms also contributes to it in a big way. Caste and religion are pulled out of the bag during elections in a limited way, and exploded in a controlled manner, but put back in a kettle and on a slow simmer the rest of the time. For the poor, the lower castes, and the minorities in this country there is a different reality that never gets discussed or represented.

Political parties, which otherwise advertise a secular manifesto, are not keen to address this silence and these sensitivities. Like what is happening in Karnataka, the ground zero of the hijab controversy. Both the Congress and the Janata Dal (Secular) are not commenting on the hijab issue in clear terms. There is a murmur here and a dissatisfaction there, but care is taken to make it known that they have no definite position.

A missed opportunity

News headlines after Karnataka Congress leaders had met Rahul Gandhi recently said that

he had asked them to keep away from the hijab issue and allow the court to settle it. He reportedly said: "Since the court is seized of the matter, let us wait for the final verdict.

After the court pronounces its verdict, the party can take a view. Till that time, the leaders should not comment on the issue." The reports also said that Rahul apparently saw the hijab issue as a "trap" set by the BJP and his leaders should not "fall into it."

If what Rahul said was indeed true, because there is a possibility that the local leaders could be using this argument to save themselves from daily embarrassment, then someone has to tell the Congress that no matter what the court decides, the issue is in the public domain and a view on it cannot be postponed until the court rules.

What if the court does not rule in the favour of Muslim women? Then, will the Congress party protest against the court or further postpone the question by going on an appeal to the Supreme Court? Is there nothing called a moral position? Or is politics about a permanent search to crawl out of moral quandaries? The politics of delay and the delay in the courts is only causing greater indignity to young Muslim women.

No political party is even willing to suggest that the act of a Muslim woman, supposedly from 'conservative' background and seeking modern education, can make her own choices and decide on her own subjugation, rather than patriarchy on either side arguing for her.

That is the freedom of choice they had to argue for but sadly there is only silence all across. At the least, why did it not occur to any Congress or Janata Dal leader in the state that they could walk the young hijab-clad women to school or college and stand with them at the gates till they were let in. That was a simple thing to do but a powerful Gandhian method.

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

Crime and Punishment: Is Indian Justice System Impartial?

Ram Puniyani

Indian society has been suffering the violence of many types. Two of these the communal violence and acts of terror have shaken the very humane ethos of our society from last few decades. Communal violence which began during colonial period has by now assumed the form of a majoritarian violence directed against religious minorities. During colonial period both types of communal streams contributed to this insane phenomenon. After Independence gradually the majoritarian violence has come to dominate the fore and is tormenting religious minorities with increasing intensity. The justice delivery system has so evolved that most of the culprits of violence belonging to majority community get away without any serious punishment.

We also witnessed the terrorist violence. Starting from Mumbai bomb blasts in March 1993, after an interlude it resurfaced during the period of 2006 to 2008. After the Sankatmochan terrorist attack, we there were blasts in Malegaon, Makkah Masjid, Ajmer Dargah and Samjhauta express in particular. Ahmadabad also saw the series of blasts in 2008, when during a period of few hours many a bombs exploded killing 56 people and injuring nearly 100 people.

How has the justice system dealt with these insidious acts of crime? In the recent judgment the special Court in February 2022, awarded death penalty to 38 Muslims and gave life term to 11 more in case related to Ahmadabad blasts. The principles of justice were rightly upheld and all those who had evidence against them were given the punishment.

What about the series of blasts Malegaon to Ajmer, how has the justice been delivered? In these blasts which were mostly in places of Muslim worship and took place at a time when Muslims congregate for prayers. The tally of total

victims who died must have ranged over a couple of hundred. The justice delivery system begins with the police investigation. Initially the line of investigation in these cases was that 'All Terrorists are Muslims' and even when the victims were Muslims, another set of Muslims were arrested. When they were arrested it made front page headlines. In most cases the Muslim youth who were arrested, suffered a social boycotts and their careers were ruined. After sometime, most of these youth had to be released for the lack of any credible evidence. And their release made small news hidden in the back pages of the papers.

At around this time Hemant Karkare took over as the ATS chief (Maharashtra) and dived deep into the investigation. He came across the fact that motor cycle used in Malegaon Blast belonged to Pragya Singh Thakur, the ex member of ABVP. Incidentally she is currently the MP from Bhopal. She is one of the accused in Malegaon case but is on the bail most of the times on medical grounds. Interestingly during the bail period her pictures playing cricket or basket ball have surfaced.

Karkare's investigation led to the whole range of people: Swami Aseemanand of VHP (RSS), Lt Col. Prasad Shrinant Purohit, (Retd) Major Upadhyaya and many who had been either active or were past members of RSS and its affiliates. Swami Aseemanand in his confession in front of magistrate elaborated the whole process in which he along with other accused had set up suicide squads. In between in Nanded in Mr. Rajkondawar's house a blast took place in which two youth belonging to Bajrang Dal lost their lives.

In due course the investigation picked up and the large number of activists related to Aseemanand and Pragya Thakur were behind

the bars. Later during 26/11 terrorist attack on Mumbai, Hemant Karkare was killed. The instructions were passed on to the public prosecutor Rohini Salian to go slow on these cases. Swami Aseemanand's claim that his confession in front of the court was under coercion was accepted to release him. Most of the accused were given bail, many cases were closed. Still two workers, who are claimed to be ex-RSS pracharaks, Devendra Gupta and Bhavesh Patel are in jail for Ajmer blasts. That's about all.

Now the narrative is being constructed that UPA Government wanted to implicate the Hindu nationalists. The contrast between the Ahmadabad verdict and the lingering cases from Malegaon and other blasts are glaring. How the cases are put up in the courts is clear from what the judge acquitting Swami Aseemanand, Jagdeep Singh said, "... conclude this judgment with deep pain and anguish as a dastardly act of violence remained unpunished for want of credible and admissible evidence. There are gaping holes in the prosecution evidence and an act of terrorism has remained unsolved." In addition the prevalent biases are also operative where the social perception that all terrorists are Muslims may be guiding the outcome of many cases.

In case of communal violence the story is very different again. Starting from Mumbai violence the Shrikrishna Commission report did point out the acts of commission and omission very aptly. In Mumbai violence nearly 1000 people were killed out of which over 80% were Muslims. Despite the meticulous investigation

by the commission no single death penalty or punishment of any serious consequence. While in the bomb blast which followed (March 1993) two were given death penalty and two were given life imprisonment.

In Gujarat carnage of 2002, close to two thousand people lost their lives. Ahsan Jafri was killed in the same carnage. His case is still hanging in the court. In the same carnage, Babu Bajrangi, who openly confessed in sting operation by Tehelka that he was feeling like Maharana Pratap while playing the one day match of killing as many Muslims as possible in the three day period which was available to them! He got life imprisonment. Maya Kodnani who was found inciting the violence was also given life term but has been released.

Criminal justice has its own logic at present and its discrepancies are not matching with the democratic ethos of our Constitution. Relief and rehabilitation is another sore point after the violence and our society needs a serious introspection on that lack of the same at present. The biases and hate against minorities do seem to have seriously distorted the justice delivery system.

To cap it all in the case of 38 being given death penalty, the BJP Gujarat posted a tweet with the cartoon showing many skull cap wearing, beard sporting Muslims being hanged. Mercifully Twitter has pulled down this tweet. Such are the acts which intensify the prevalent hate.

Can we hope for a just society with equal justice delivery system for all, irrespective of their religion? 

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

WHO WANTS EARLY DISPOSAL OF CASES IN HCs & SC?

S.N. Shukla

In the case of National Textile Workers' Union v. P.R. Ramakrishnan (1983) 1 SCC 228 Hon'ble Mr. Justice Venkataramiah had observed: "*If the legislature exceeds its power, Supreme Court steps in, if the Executive exceeds its power, then also the Supreme Court steps in, but if the Supreme Court exceeds its power, what can people do?*" (emphasis supplied). This comment is equally applicable to the non-exercise of their power by the Constitutional courts which, as custodians of the Constitution, are not only required to ensure that the governments follow the Constitution, but they themselves also are expected to act on it. However, their inaction on the relevant constitutional provisions for checking increasing pendency and reducing the mounting backlog of old cases in the Supreme Court and High Courts leaves one wondering as to whom to look for the solution of this serious problem faced by hapless lakhs of litigants whose cases remain pending *not for years but for generations*.

It is not that the framers of the Constitution failed to foresee this possible alarming situation causing **avoidable** distress to millions of persons. Being persons of great intellect, experience and vision they thoughtfully provided simple practical solution to it in Articles 128 and 224-A (re-introduced in 1963) of the Constitution. Article 128 regarding Attendance of retired Judges at sittings of the Supreme

Court provides that : "Notwithstanding anything contained in this chapter the Chief Justice of India may at any time, with the previous consent of the President, request any person who has held the office of a Judge of the Supreme Court or of the Federal Court or who has held the office of a Judge of a High Court and is duly qualified for appointment as a Judge of the

Supreme Court to sit and act as a Judge of the Supreme Court..." Likewise, Article 224A regarding Appointment of retired Judges at sittings of High Courts provides that: "Notwithstanding anything in this Chapter, the Chief Justice of a High Court for any State, may with the previous consent of the President, request any person who has held the office of a Judge of that Court or of any other High Court to sit and act as a Judge of the High Court for that State....."

However, for some inexplicable reasons, known only to the powers that be, the aforesaid *beneficial enabling* provisions have remained unutilized for the last several decades, despite increasing pendency and mounting arrears of old cases to the point of situation going out of hand. Consequently, speedy justice has been eluding the litigants of the country due to *unnecessary* inordinate delay in disposal of their cases by constitutional courts. As per information available on the website of National Judicial Data Grid (HC), the total number of cases pending in various High Courts as on 15.8.2019 was 43,86,595 out of which 50% were more than 3 years old and about 18% more than **10** years old.

Even before that, General Secretary of Lok Prahar had sent a representation dated 15.10.2018 to the Chief Justice of Allahabad High Court for use of Article 224-A to meet shortage of judges. A copy of the said representation was also sent to the Secretary, Department of Justice, Ministry of Law and Justice and Private Secretary to the Union Law Minister and Principal Secretary to the Chief Justice of India for the kind consideration of the Law Minister/ CJI. However, there was no response from any of them despite letter dated 26.6.2019 from the

then Chief Justice of India to the Union Law Minister regarding tenure appointments of Supreme Court and High Court Judges under Article 128 and 224-A. While the Apex Court had its full strength of 31 Judges on 1.8.2019, there were 409 vacancies (almost 40%) against the sanctioned strength of 1079 in the High Courts.

Thereupon, a non-adversarial PIL WP (C) No. 1236/2019 was filed in the Supreme Court by Lok Prahari for fulfilling the purpose of the provisions in Articles 128 and 224-A of the Constitution to expedite dispensation of justice so that the litigants' right to speedy justice mentioned in the Preamble and guaranteed in Article 21 is not thwarted due to chronic shortage of judges in the constitutional courts resulting in huge pendency and consequent avoidable delay in disposal.

The Prayer in the said writ petition was to issue a writ, order or direction in the nature of Mandamus to the respondents to (i) make fullest use of the provisions in Articles 128 and 224-A of the Constitution to take care of the shortage of Judges in the Supreme Court and High Courts which is adversely affecting dispensation of justice within a reasonable time, (ii) have a standing Committee for quarterly review of the progress of implementation of the system evolved in pursuance of (i) above and (iii) report to the Apex Court on affidavit on quarterly basis action taken in this regard in accordance with the said system,

As detailed in the writ petition, the prayer in it was fully supported by (i) **"The need for taking urgent measures for increasing judge strength"** stressed in the **245th** Report of the Law Commission submitted in **July 2014**, (ii) The suggestion of the former Hon'ble Chief Justice of India himself in **July 2018** and his Lordship's letter to the Union Law Minister in June 2019; and (iii) reported statement of Hon'ble Mr. Justice D.Y. Chandrachud in the newspaper report in Annexure P-9 to the WP.

Finding a prima facie case the Hon'ble Court was pleased to issue notice on 19.8. 2020.

However, no response was filed even in **5** months by the respondents (Union of India, Supreme Court and all the High Courts), except the High Court of Bombay, but that also was silent on the Prayer in the writ petition. As noted by Senior Advocate Abhishek Singhvi in his article '**Challenges ahead for the judiciary**' in the Hindustan Times dated 31.12.2020, "*Why we have hardly used the constitutional power to have a large additional number of ad hoc judges under article 224A of the Constitution till the backlog is cleared, defies logic. It provides a ready-made pool of known and reliable judicial talent, tried and tested.*"

Subsequently, after considering the responses filed by the parties and detailed hearing to their senior counsel, the Hon'ble Court was pleased to pass the following order in the concluding para of the well considered judgment dated 20.4.2021 in this matter-

"66. In view of the requirements of a continuous mandamus to see how a beginning has been made, list after four months calling upon the Ministry of Justice to file a report in respect of the progress made."

However, taking advantage of the fact that under Article 224-A of the Constitution the initiative in this matter has to come from the Chief Justices of the High Courts, the Ministry has been in no mood to act on the said judgment. Consequently, as reported in the Times of India dated 13.7. 2021, 'Return of retd. Judges will likely have to wait' as the Central Government had the audacity to insist on their illogical stand of recalling retired judges only after filling up of vacancies which was already rejected by the Court in the aforesaid judgment. Moreover, the Ministry of Justice will be able to report only the status of proposals, if any, received from the High courts. It was, therefore, expedient in the interest of securing prompt effective action that the Registrar Generals of the High Courts were also required to report to the Secretary General of the Apex Court the steps taken in pursuance of

the detailed guidelines issued in the judgment and order dated 20.4.2021. Accordingly an application for modification of the said order was filed on 29.6.2021 to provide that the Registrar Generals of High Courts also file similar reports to the Secretary General of the Apex Court in respect of the progress made in appointment of ad hoc judges in terms of the aforesaid judgment.

Furthermore, the judgment dated 20.4.2021 relates to only activating the dormant provision in Article 224-A of the Constitution, but it did not deal with the Prayer in the writ petition for making use of Article 128 for dealing with the similar problem of backlog in the Apex Court and expeditious disposal of old cases pending for disposal by Constitution Bench and larger benches.. By utilizing services of retired Judges in the regular Benches hearing routine matters, adequate serving Judges can be spared to have a Standing Constitution Bench for expediting disposal of **several matters** of great Constitutional importance **pending for years**. Disposal of such cases will also expedite disposal of cases in High Courts involving questions of law of constitutional importance under consideration in these cases.

In fact, way back in **1984** the Tenth Law Commission of India in para 6.1 of its 95th Report had made the following recommendation for creation of a Constitutional Division in the Supreme Court: *“It appears to us, on a consideration of the nature of constitutional adjudication and its importance in the Indian context, that if constitutional adjudication is to maintain a certain level of quality, consistency and coherence, the creation of such a division is desideratum”*. Subsequently, the Chairman of the Law Commission in his letter dated 19.1.1988 addressed to the then Hon’ble Chief Justice of India had suggested that judges who have settled down in Delhi can be enlisted and that *“it would be good use of the underutilised installed capacity of the*

Supreme court buildingThis would entail very little expenditure and would go a great way in disposing of old cases which has brought disrepute to the system”.

The aforesaid letter had also dealt with the reason given till then for non-utilisation of the provision in Article 128 in the following words-

“ I was told that a convention has grown up three decades back that till all vacancies are filled in, the Chief Justice should not resort to Article 128 of the Constitution, The convention was established in the background of the fact that vacancies were filled in very expeditiously. The situation today is desperately different. If the convention is repeated in the altered circumstances, it would render Article 128 nugatory, which the framers of the Constitution could not have anticipated.” (emphasis supplied).

The aforesaid observation applies with greater force today. Moreover, similar objection to invocation of Article 224-A has already been rightly negated after due consideration in the present case. Thus, non-utilization of the provision in Article 128 even in the present situation is not in accordance with the intention of the framers of the Constitution and the purpose of making the provision, nullifying their intent and making the said provision redundant. Also, as noted in D.D. Basu’s Commentary on the Constitution, while absence of quorum of permanent judges is a condition precedent for exercise of power under Article 127, *there is no such condition precedent under Article 128* and such Judges may be appointed **in addition to** the sanctioned strength.

The suggestion for utilization of services of retired judges was reiterated in the 125th Report (1988) of the Law Commission as follows-

“4.3 Therefore, a suggestion was put for the consideration of the Chief Justice of India that hereafter whenever a Judge reaches the date of retirement, he should not quit but from that

day onward, unless his successor is ready to take over the provisions contained in Article 128 of the Constitution must be invoked”.

“4.6 Till such times as effective steps are taken to fill in vacancies it is recommended that the retiring Judge shall continue to be in position till such time his successor is ready to takeover. This suggestion has two distinct advantages: (i) the judge strength will remain unimpaired, and (ii) the highly experienced judge would be available with his expertise to deal with the cases expeditiously.....”.

Notably, Dr. P. C. Alexander, former Principal Secretary to the Prime Minister and Governor of Tamil Nadu and Maharashtra and later Member of Parliament in his article “Justice is pending” published in *The Asian Age* cited in Para 2.11 of the 229th Report of the Law Commission had also observed as follows-

“Again, no serious attempts are being made by the judiciary to make use of the provisions in the Constitution for engaging the services of retired judges both at the Supreme Court and at the High Courts for temporary periods for help in clearing the backlog of cases. It appears that retired judges are reluctant to serve in this capacity as they consider such service not befitting their status. There is no reason why this issue cannot be sorted out to the satisfaction of the retired judges, but the judiciary does not appear to be very keen about resorting to these Constitutional provisions.”

Hence, in view of the well considered repeated recommendations of the Law Commission and the suggestion of Dr. P.C. Alexander, the provision in Article 128 needs be gainfully used to augment forthwith the working strength of the Apex Court. By appointing 4 ad hoc Judges to sit in the regular Benches for disposal of routine cases, four permanent judges (may be future Chief Justices-to ensure continuity and consistency) can be spared to have a standing Constitution

Bench presided by the Hon’ble Chief Justice which may be expanded from time to time to larger Bench for disposal of **old** cases pending before such Benches for years. *Their disposal will also contain unnecessary multiplicity of litigation in various High Courts and, consequently, the Apex Court, due to authoritative settlement of important constitutional issues involved in such cases.* Accordingly, another application was also filed on 29.6.2021 in the pending matter for using Article 128 to augment the working strength of Apex Court and action as recommended in para 4.6 of the 125th Report of the Law Commission.

However, for some inexplicable reason both these applications have remained unlisted before the Court despite repeated requests to the Registry in the last 8 months and *the direction of the Court itself in its order dated 20.4.2021 to list the matter after 4 months.*

Consequently, in the 4 month period after the order, as on September 1, 2021, the number of vacancies in the High Courts increased to 42% (465 out of 1,098) and five High Courts (Telangana, Patna, Rajasthan, Odisha, and Delhi) had *more than 50% vacancies*. Still, intriguingly the High Courts and the Apex court have been loath to act on the judgment for utilizing Article 224-A *despite the CJI’s recent statement on 26.2.2022 at a Seminar reiterating the need to appoint more judges urgently.*

Likewise, as on 1.1.2022 the total number of Constitution Bench matters to be heard by 5, 7 & 9 Judges Benches in the Apex Court was 422, most of which were more than 3 years old *despite being matters of great constitutional importance and thereby requiring disposal on priority basis.* Significantly, in response to an RTI query seeking information about steps taken/ proposed for expeditious disposal of cases by

the aforesaid Benches the CPIO of the Apex Court, instead of providing the requisite information, has given a *totally off the point and misleading* reply. It is unbelievable, and amazing if true, that the Registry does not even have a file on this subject whose file notings were sought.. Evidently, as pointed out in an article titled '**The supreme failure**' in The Hindu dated 1.2.2022, by failing to decide key constitutional cases *in a timely way*, the Apex Court has not acted as the '*sentinel on the qui vive*.' Consequently, as reported in the Times of India dated March 2,2022, 'illustrating litigants' frustrating wait in a snail paced judiciary' the Apex Court *took 10 years to decide case after the lifer had already been released on serving 16 years imprisonment* !

Non-implementation of the judgment dated 20.4.2021 even in such a situation makes a mockery of the said judgment. and non consideration of the aforesaid applications for

modification and further relief speaks volumes about the seriousness for tackling the highly undesirable avoidable delay in dispensation of justice by constitutional courts by utilizing *already available beneficial enabling provisions* in Article 128 and 224-A of the Constitution. On the contrary, instead of appointing an Amicus Curiae to assist the Court in monitoring the compliance of its directions in the judgment dated 20.4.2021 in this case till the desired results are achieved, as done in WP (C) No in 699/2016 filed by BJP leader and advocate Ashwini Kumar Upadhyay, replying to the ANI the present CJI was reported to have said on 17.7.2021 that *pendency cannot be a useful indicator of how well or poorly the system is doing* ! One wonders, if not pendency, what else should be the norm to judge the efficacy of the system ?

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

Contd. from page - (24)

Hijab Row and the Politics of Avoidance

There was such a wonderful opportunity for leadership among political parties on the hijab issue, but they have parried it and left it to the courts. While Janata Dal (Secular) is in an existential dilemma, the Congress stalled the assembly by picking up the nationalist credentials of a much-discredited minister just to avoid discussing the hijab issue. Their politics of avoidance again tied their tongues when a right-wing activist was murdered in Shimoga and it led to mini riots. It is possible to argue that the riots were also a consequence of them blocking the assembly.

If Opposition parties have no position on issues hitting the headlines, except for making some low noise to maintain communal peace, then they are automatically allowing a certain discourse to dominate. There is a lot of anxiety in the Karnataka Congress that their 2023 return-to-power moment may be spoiled if they take moral and principled positions on communal issues. Their search for non-issues has now led them to do a padayatra for a Cauvery River project that is already in the court and can be settled only by the court.

This politics of avoidance is not new for the Congress in Karnataka. When the coastal districts were being turned into communal laboratories, and young men from lower castes were being weaponized in the late 1990s, they just vacated the space for the Sangh Parivar. Leaders like Oscar Fernandes, Veerappa Moily, Margaret Alva and BK Hariprasad among others became careerists in Delhi.

Courtesy **The Times of India**, 2 March, 2022. 

Stalin's young man: M.N. Roy and the Russian Revolution

The high point in M.N. Roy's turbulent political life was when he rubbed shoulders with the most important leaders of the international communist movement.



Indian revolutionaries in Moscow

Several Indian revolutionaries had arrived from Berlin as representatives of the defunct Indian Revolutionary Committee. On my way to Moscow, I had pleaded with the leading Indian revolutionaries in Berlin to proceed to Russia, which at that time offered them the only safe asylum and promised to be a reliable base for work to promote revolution in India. At that time, they did not seem to believe that the Russian Revolution would last; and Communism did not find favour with them. So, when at last they changed their mind and turned towards the base of world revolution, I was naturally very glad. But to my great surprise, the few representatives of the Berlin Revolutionary Committee who had already reached Moscow were rather cool in their response to my friendly attitude. However, I learned from them that they had come only as a vanguard of the Revolutionary Committee, which would before long reach Moscow in full force. I hoped that on the arrival of veteran revolutionaries like Virendranath Chattopadhyaya, Bhupendranath Dutta and others, the relation would change. I eagerly looked out for the arrival of men who with their revolutionary devotion and long experience could be expected to be good comrades and willing collaborators.

Within a short time, they all arrived to announce that the Indian Revolutionary Committee of Berlin, which alone had the authority to speak in behalf of India, had decided to shift its headquarters to Moscow, if favourable conditions were offered. Although the declaration insinuated that I had no right to speak in behalf of India, I made no secret that the plan of the Indian revolutionaries shifting their headquarters to Moscow would have my fullest support; and there could be no doubt that nowhere in the world could better conditions be obtained than in Moscow. But curiously enough, the newcomers not only tried to avoid me, but some of them actually took up an openly hostile attitude.

The Indian Revolutionary Committee of Berlin was then a thing of the past. Irrespective of whatever might have been its achievements in the earlier days, during the closing years of the war it was a divided house and had practically disintegrated. Instead of working on the authority of that legend, it would have been wiser to have made a new beginning under different circumstances.

But it seems that the news of the formation of the emigrant Indian Communist Party at Tashkent had frightened the old nationalist revolutionaries, who regarded the new body as a

challenge to their authority. If I had had the opportunity to meet the leaders of the delegation from Berlin, I could have explained the situation to their satisfaction. I did not approve of the formation of the emigrant Communist Party, and I did not believe that it had any right to speak on behalf of the workers of India, not to mention the Indian people as a whole.

The delegation of Indian revolutionaries from Berlin was composed of fourteen people, including Virendranath Chattopadhyaya, Bhupendranath Dutta, Virendranath Das Gupta, the Maharashtrian Khankhoje, Gulam Ambia Khan Luhani, Nalini Gupta. The driving force of the delegation however was Agnes Smedley, an American by birth. I had met her in America. Then she was an anarchist-pacifist. Working as private Secretary of Lajpatrai for some time, she seemed to have developed a great sympathy for India. Having learned that famous Indian revolutionaries were living in Berlin, at the conclusion of the War she came over there and became a very active member of the Indian group.

But the delegation which came to Moscow was evidently not the original Indian Revolutionary Committee of Berlin. Hardayal and Chattopadhyaya had been the two dominant figures of the Berlin Committee and as such they had clashed before long. No less ardently anti-British, Hardayal however was taken prisoner in Germany and detained on the suspicion of enemy espionage. When Germany surrendered, he escaped to Stockholm and wrote a book describing his experiences in Germany. Evidently, the experience had embittered him. He appeared to be an apologist of the British rule in India and advocated Dominion Status as against complete independence.

When in 1919 I reached Berlin, Bhupendranath Dutta was the only original member of the war-time Indian Revolutionary Committee living there.

All the others had dispersed. Virendranath Chattopadhyaya himself had gone to Stockholm to plead the case of India's independence in the International Socialist Conference there. Feeling that the Indian revolutionaries from Berlin were not very kindly disposed towards me, I left them alone so as to obviate the impression that I was trying to influence them or to stand in the way of whatever plan they might have had. But I could not help being puzzled and pained when most of them would not even speak to me. It seemed they had the entirely groundless misgiving that I might stand in their way to seeing various Russian leaders and plead their case.

Then they demanded an interview with Lenin himself. They made a great secret of the move, most probably believing that I might stand in their way. But I got the news from Lenin himself. He telephoned to me and asked me to come and see him. He enquired about the Indian revolutionaries who had come to Moscow, and if it was necessary for him to see them. If they had come to discuss any plan of revolutionary work in India, they should address themselves to the Communist International. Lenin was surprised to hear that the Indian revolutionaries were not at all well disposed towards me.

Nevertheless, I suggested that he should see them and hear what they had to say. Lenin remarked that I was in a minority of one against fourteen. I replied that he knew that I did not claim to represent anybody but myself. So, as far as I was concerned, there was no conflict between the Indian revolutionaries and myself.

Lenin enquired if I had discussed matters with them, and was surprised to hear that they would not even speak to me. Evidently in exasperation he sat back in his chair and said: "Well, select three of them to come and see me." I told him that I could not do that, he would have to contact them directly.

In the next days there was a great flutter in the Indian delegation. Lenin had agreed to grant

an interview. The Indian revolutionaries had been informed that Lenin would receive three of their representatives chosen by themselves. There were differences as regards the choice. Everybody considered himself to be more entitled to the honour and privilege than the others. I could get all this information through Nalini Gupta, the only one who did not share the general hostile attitude towards me. He was also the only one among the Indian revolutionaries in Europe who maintained some connection with the revolutionary organisations in India by frequently travelling back and forth secretly. He had met some of my friends in India and learned from them about the mission with which J had gone abroad in the beginning of the War. During his last visit to India shortly before he came to Moscow, he was instructed to contact me. So from the very beginning my relation with him was of mutual trust and confidence. He gave me the information that, although among the Indian revolutionaries there was a dispute about the selection of the three to see Lenin, there was a general agreement about the case which was to be presented on that occasion. A long thesis was being prepared under the guidance of Chattopadhyaya and Agnes Smedley to contradict my thesis adopted by the Second World Congress of the Communist International the year before. Luhani, a North-Bengal Muslim, who had come to Britain to study law, was a clever man and an accomplished speaker. But not being one of the senior members of the Berlin group, he was not chosen as one of the representatives to see Lenin. The thesis to be presented by the representatives, however, was drafted by him. The others could not prepare a well-argued document.

Agnes Smedley, backed by Chattopadhyaya, wanted to be one of the representatives to see Lenin. Her claim was opposed by all the rest of the Indians. Finally, Chatto and Dutta, as the senior-most members, were chosen by general consent. I have forgotten who was the third one;

most probably it was Khankhoje, who was chosen to obviate the allegation that the delegation was purely Bengali.

Having given them a polite and patient hearing, Lenin advised the representatives of the Indian revolutionaries to see the Secretary of the Communist International, and remarked that the Soviet Government could not actively take part in any plan for promoting revolution in other countries. The Indian revolutionary representatives returned from the coveted interview thoroughly disappointed and even angry. Dutta blurted out that Indian revolutionaries could expect no help from the Bolsheviks because they were eager to make peace with British Imperialism.

First meeting with Stalin

“So, you do not see the revolutionary significance of Pan-Islamism?” I was staggered by the directness of the question. On my protesting that I had not come to discuss politics with a dangerously sick man who was to undergo a major surgical operation the next day, he laughed and reverted to the point. I enquired how he knew of my opinion about Pan-Islamism. “From Ilyitch” (amongst his close associates, Lenin was so referred to). I had discussed the Khilafat movement with Lenin on my return from Central Asia; he referred me to Stalin, and evidently had informed the latter of my opinion. But in the first meeting with Stalin, I avoided joining issues. My object was to get a first hand measure of the man. After fifteen or twenty minutes, the general exchange of views was interrupted by a secretary who entered the room to deliver a message from the Chief Surgeon of the Kremlin Hospital. The message was that, preparatory to the operation the next morning, the patient should take no food in the evening. Why? The telephone receiver was handed over to the patient and he whispered in it a couple of sentences in a tone that commanded obedience. Borodin made a sign: we must go, Comrade Stalin

required rest. The latter sat up to shake hands and with the peculiar Stalin grin said: "We must meet again as soon as this operation business is over."

Once we were outside, Borodin asked if I had understood what Stalin had said on the telephone. I had not. The Chief Surgeon of the Kremlin at the other end had explained that the stomach of the patient must be empty when anaesthetics would be given for the operation the next morning. The patient ruled: "No anaesthetics for me; I must be conscious when my abdomen will be opened to see how it looks inside. A major intestinal operation was thus performed with local anaesthesia. It was such a serious case as to occasion doubts about the patient surviving it.

When I saw him for the second time, he had completely recovered his robust health. I faced the memorable figure in the uniform of the Red Army soldiers, a cheerful grin on the pock-marked face, smoking a pipe which he filled with several cigarettes crushed, tobacco as well as the paper. In the long Red Army soldier's coat and with the star-marked peaked cap on, he looked taller than his five feet six inches.

He frankly conceded that I was right when I had differed with the Russian members of the Turk-Bureau of the Comintern on the role of Pan-Islamism. With a grin, he added that Ilyitch was also of that opinion; had he not accepted my supplement to his Thesis on the National and Colonial Questions? The nationalist movement in the colonial countries, even in India, was politically immature. It had no revolutionary ideology. No use trying to help it with arms and money. It must be strengthened by a well-trained revolutionary cadre. The Communist University for the Toilers of the East was to be founded to serve that purpose.

I could immediately see the significance of the name chosen for the proposed training centre. It indicated that my point of view about the social

basis of the revolutionary movement in the colonial countries had been tacitly accepted. The revolutionary cadre of the anti-imperialist movement for national liberation would come from the toiling masses. My contention, when I disagreed with Lenin at the Second World Congress was that, if the nationalist movement succeeded under the leadership of the bourgeoisie, it would only mean transfer of power to the native ruling class; there would be no social revolution.

This view was not formally endorsed by the Communist International until the Fourth World Congress in 1923. But the interview with Stalin gave me the confidence that I was right, and opinion in the higher circles of the Bolshevik Party was moving towards my position.

From the amused expression on Stalin's face I could gather that he knew what was going on in my mind. That was my first experience of the Stalin method of winning the confidence of his closer associates, of such men as did not aspire to outgrow his leadership. The method was the readiness to take over the sounder parts of the point of view of others, amend it without saying so in order not to provoke resistance, and state the result as the generally agreed opinion. I was a novice; so the master took some pains to help me understand his method. His frankness was Machiavellian, Jesuitic, as I realised many years later.

But I would never regret those years of rich experience, without which I might have still remained a naïve revolutionary, burning buses and throwing acid bulbs at tram-cars, treasuring a few pistols to kill a policeman, perchance a Britisher.

Stalin reverted to the issue of Pan-Islamism and our difference about the relation of the Communists with the colonial nationalist movement generally. Marxists did not believe that any people or any religious community as a whole could be revolutionary or otherwise. The law of the class struggle determined that ultimately the nationalist bourgeoisie must turn against the

revolution, as soon as it would threaten their class interests. But as long as they led an anti-imperialist movement, they played an objectively revolutionary role, and therefore must be helped. Not only the nationalist bourgeoisie in less backward colonial countries like India and China, but even the feudal landlords, Ulehamas and Mullahs in the Islamic countries must also be helped. That was an elementary principle of the strategy of world revolution.

Having heard Stalin meekly, I dared put in a few words of doubt: How would Communism and the cause of the liberation of the proletariat be helped if the capitalist and feudal upper classes came to power? The modern Machiavelli laid his cards on the table: That should not be allowed; the proletariat in alliance with the peasantry should become the driving force of the national liberation movement, so that, at the proper moment, the revolutionary cadre, organised in the Communist Party, might lead them to transform the national liberation movement into a civil war for the social emancipation of the toiling masses.

Eventually, until my break with the Communist International in 1929, I came to be counted among "Stalin's young men," although more than once I crossed swords with the Master, not unsuccessfully. His readiness to respect an independent judgment, provided that it did not amount to heresy against the common faith, raised my esteem for him. Even today I believe that but for the intellectual cowardice, the sordid desire to be on the band-wagon and moral sycophancy on the part of his foremost followers in Russia as well as abroad, Stalin's leadership might not have degenerated into a disgusting cult of hero-worship.

Plan to raise an army of liberation

My plan was not simply to supply the frontier tribes with the sinews of war so that they could make trouble for the British-Indian Government. It would be easy enough to do so; but I was

doubtful about the consequences. The war in Europe was over. Before long, the British-Indian army would again be available for the defence of the North-Western Frontier. One could not be sure about the result of another frontier war.

Supposing that with Russian help the tribesmen gained the upper hand, the repercussion in India might reinforce the position of the British. Victorious tribesmen would almost certainly raid the neighbouring Indian towns and villages, as they had done on previous occasions. Magnified reports would spread like wild fire throughout the country, creating panic. Frightened by the spectre of a new Muslim invasion, the Hindu majority of the Indian population would look upon the British power as the only protection. Consequently, the anti-British movement would receive a setback. The alternative result of the panic might be countrywide communal riots. If the weakened political regime failed to cope with the situation, chaos would be let loose. Because there was no purposefully organised force to seize power, it would be difficult to restore order and build up a democratic regime.

A new factor had appeared on the scene, which was included in my plan. Reports had reached Moscow that, responding to a call of the Khilafat Committee, thousands of Muslims, including many educated young men, were leaving India for Turkey to join the army of Kemal Pasha. It was a religious Pan-Islamist movement. But it gave me an opportunity to contact a large number of possible recruits for an army to fight for the liberation of India instead of a lost cause.

Kemal Pasha was waging a war neither for the restoration of the Ottoman Empire, nor for the defence of the Khilafat. The abolition of the Turkish Sultanate had put an end to the revered institution of the Islamic Khilafat. The Indian Muslims, therefore, were fighting for a lost cause. The ignorant masses were moved by religious fanaticism. But the educated youth, who constituted the driving force of the movement,

were politically motivated. For them the Khilafat was a traditional symbol of Islamic unity. The disappearance of the symbol was sure to disrupt the Pan-Islamist movement, at least blunt the edge of its fanaticism.

On the rebound, the educated amongst the Indian Mujaheers might realise the pointlessness of a pilgrimage to Turkey to fight for the cause of secular nationalism. Then it should be possible to enlist them in an army of Indian liberation. My plan was to raise, equip and train such an army in Afghanistan. Using the frontier territories as the base of operation and with the mercenary support of the tribesmen, the liberation army would march into India and occupy some territory where a civil government should be established as soon as possible.

The first proclamation of the revolutionary government would outline a programme of social reform to follow national independence. It would call upon the people to rise in the rear of the enemy, so that the Liberation Army could advance

further and further into the country. The appeal should be addressed particularly to the industrial and transport workers. The entire adult population of the liberated territory would be armed, some for defence and others for enlarging the Liberation Army.

The programme of social reform outlined in the proclamation issued on the establishment of the revolutionary government would be enforced in the liberated territories; consequently, the masses would enthusiastically support the new regime. The concrete picture of freedom would have a strong appeal to the vast majority of the people, giving them the incentive to strive for it.

The vested interests throughout the land might be opposed to the revolutionary implications of national liberation; but the imperialist power, weakened by the consequences of the World War, and shaken by a popular uprising, would not be able to offer any protection to the upper-class minority, who would wish to stem the tide of the democratic national revolution. 

FORM - IV

1. Place of publication:	Delhi
2. Periodicity of publication:	Monthly
3. Printer's name:	Sheoraj Singh
Nationality:	Indian
Address:	3821/7, Kanhaiya Nagar, Trinagar, Delhi- 110035.
4. Publisher's name, Nationality, & address:	Same as in (3) above
5. Editor's name, Nationality & address:	Mahi Pal Singh , Indian, Phase-3, Raghav Vihar Prem Nagar, Dehradun-248007 (Uttarakhand)
6. Name and address of individuals who own the newspaper & partners or shareholders holding more than one percent of the total capital:	Indian Renaissance Institute F-1/A-75, Shalimar Garden Main. (Near Konark Public School), Sahibabad, Ghaziabad- 201005 (U.P.)

I, Sheoraj Singh, hereby declare that the particulars given above are true to the best of my knowledge and belief.

March 1, 2022

**Sheoraj Singh, Publisher,
The Radical Humanist**

Continued from the last issue...

Science and Philosophy by M.N. Roy

Substance and Causality

Summarized by: **Vinod Jain**

It is also not true that new physics, as represented by the Quantum Theory, has discarded the notion of substance. As a matter of fact, philosophically, it completes a task begun by the Theory of Relativity. It abolishes the notion of absoluteness regarding the remaining two categories, namely, substance and causality.

The Theory of Relativity reduces the entire cosmic scheme, including space, time, mass, motion, force, energy to one single category. The ultimate units of that fundamental reality are conceived as "events", instead of mass-points, in order to lay emphasis on its dynamic character. The world is not a static being; it is a process of becoming. Therefore, it should be interpreted in terms of "events", that is, of changes in the state of its ultimate constituents. Only that way can we get a realistic picture of the cosmic scheme. Because "events" are dynamic physical magnitudes, intervals between them are spacial as well as temporal.

The notion of simple location in space must be abandoned. Theory of Relativity compels rejection of the old definition of existence. Matter does not exist in space. On the contrary, space is a function of matter.

The Theory of Relativity indicates mathematically that mass and energy are mutually convertible. That possibility was deduced from observed facts. Thus, the way to the abolition of dualism has been discovered. Matter has been found to be of electric nature; on the other hand, it has been discovered that electricity is composed of material particles.

The concept of substance is affected by the revolution; in so far as it was identified with

mass. Mass is a property of matter; but it is variable like all other properties. The absoluteness of mass disappears already in the Theory of Relativity. Energy is a form of matter, and matter is a vibratory substance. Atomic physics has reduced matter to energy. That does not mean a denial of matter. Nobody would deny the existence of atoms or its constituents — electrons and protons. The revelation is that even electrons and protons are not the ultimate units of matter. But they are measurable entities, and no serious scientist maintains that measurable entities can emerge out of nothing.

Matter and energy are the dual manifestations of substance, which enters our experience as these manifested forms. Being realises itself in becoming.

Wave-mechanics indicates the way to a final systematisation of our knowledge of the sub-atomic world into a theoretical system, in harmony with the other branch of new physics, namely, the Theory of Relativity.

Rutherford's theory, subsequently elaborated by Niels Bohr, is as follows: the inside of an atom is like a miniature solar system. The positively charged nucleus — proton — is situated in the centre, the electrons moving around it like the planets around the sun. Practically the entire mass of the atom is concentrated in the proton. Only a very tiny fraction of it is distributed among the electrons. Yet, in size, the electrons are thousand times larger than the protons, and move at a terrific speed, sometimes nearly approaching the velocity of light.

Harvey Gibson writes: "The relatively

massive proton has been identified with the smallest known unit of positive electricity, and the electron has similarly been shown to be the smallest unit of negative electricity. Yet, each are particles of matter, in the sense that they possess mass, and are subject to gravity, and so, in its last analysis, matter is indistinguishable from electricity.” (“Two Thousand Years of Science”).

An electric current is a stream of electrons. This fact represents a great positive achievement of atomic physics. It conclusively settles an agelong, fundamental question of philosophy. Reduced to the unitary element of electricity, the materialness of Universe does not disappear into mystic nothingness. Because electricity is a thing; it exists physically.

Dr Broglie showed that light simultaneously possessed the properties both of particles and waves. This was established theoretically, by mathematical analysis, as well as through experimental observation. The general principle to be derived from the new theory of light evidently is that physical properties, which were previously to be considered as mutually exclusive, are really associated throughout the Universe. The trail to this synthetic, unitary view of the structure of matter has been blazed by the principle of relativity, which established the identity of matter and energy, and abolished the absoluteness of all concepts.

The discovery that nature knows no absolute categories will necessarily free our minds from conventional concepts, and teach it to think in terms of relativity.

The Quantum teaches us to conceive light as a phenomenon, corpuscular as well as undulatory. The principle of relativity abolishes the distinct concepts of space and time, and teaches us to visualise things in a four-dimensional continuum....Just as changes and readjustments in the theory of life do not abolish life, similarly the impending revolution in the concept of matter does not abolish matter; does not merge physics into metaphysics.

Matter is not something which exists in space and changes in time. It is the sole existence. The existence of matter is realised in its transformation into multitudinous (very numerous) patterns. The concept of space and time are derivative (something which is derived from another source) categories, representing respectively the geometrical and chronological functions of material existence. In the absence of matter, there will be neither space nor time.

The physical world exists. It is there, to be studied, explained known, understood. That is the function of science. Science has performed that function, and has not discovered the roots of physical reality vanishing into nothingness. Matter is the only reality.

Like substance, causality also remains in new physics. The application of the statistical method in the researches of atomic physics does not disprove causality. The probability of a thing or event is proportional to our knowledge concerning it.

The laws of being are laws of strict causality, whereas the laws of becoming are laws of probability. Becoming presupposes being; therefore, statistical laws are based upon the assumption that the entities involved in a process are individually governed by strict causal laws.

By the very nature of its subject matter, wave mechanics is bound to be statistical. It does not deal with isolated particles. It has reduced the ultimate constituents of nature to a state of collective becoming.

Rejection of the idea of causality — that there are invariant relations in nature — will mean blasting the very foundation of science. For, the point of departure of all scientific enquiry is the belief that the Universe is a law-governed system, and that these laws can be discovered, understood and quantitatively stated. As long as predictions can be made, and events happen approximately as predicted, the principle of physical determinism stands.

To be continued in the next issue 



VS

Humanism and Communism



Fred Edwords

WHEN I WAS JUST STARTING elementary school the words “under God” were added to the Pledge of Allegiance—the better to distinguish Americans from “godless communists.” In the years that followed I was nurtured to become a rabid Cold Warrior by propaganda films at school and Republican politics at home. But then came the 1960s, which forced me to rethink everything, and I graduated from high school as a progressive and a deist. Nearly a decade later I would fully identify with Humanism.

In this social milieu (as we referred to the culture back then) I occasionally had to fend off the charge that my nontheistic outlook made me communistic. Only later would I learn that “top cop” J. Edgar Hoover, head of the FBI until he was interred, had investigated the American Humanist Association, concluding that the organization wasn’t communist and posed no threat to national security. This means that Humanism received a clean bill of health from the most virulent anti-communist of the twentieth century (though he didn’t tell anybody at the time, so we had to learn about it much later under the Freedom of Information Act).

Anyway, since I didn’t have that celebrity endorsement to fall back upon, I resorted to reason. This is how I tended to respond to the label (and how you can too if it rears its ugly head again).

1. While Humanism is as nontheistic as communism (or, more specifically, Marxist-

Leninism), this fact is irrelevant. Ayn Rand’s Objectivism, which includes an advocacy of laissez faire capitalism, is also nontheistic. So is the academic philosophy underlying Neoconservatism. Meanwhile, there are Christian socialists who are clearly on the godly side of the divide. A person’s position on theological questions, then, is no predictor of his or her politics or economic theory.

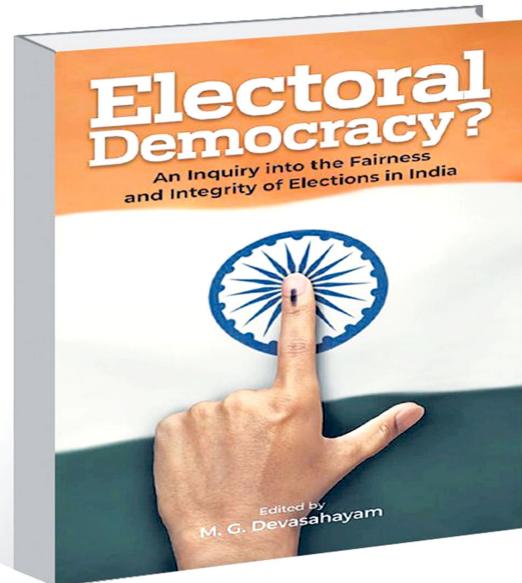
2. Marxist-Leninism holds that humans are social by nature. The philosophy thus focuses on the cooperative and social bonds between people and assumes that there is one, ideal, nobler side of human nature that should be promoted. Humanism, on the other hand, holds that human beings, while being social animals, are nonetheless capable of independence, individuality, and the pursuit of self-interest. This makes human nature somewhat contradictory, rendering moral dilemmas an uncomfortable fact of life.

So then, while it is true that both Humanism and Marxist-Leninism recognize that humans are social animals, it is also true that Humanists, like Objectivists and libertarians, recognize the value of individual liberty and the right to pursue one’s own interests (the pursuit of happiness). Contrariwise, Humanists reject the utopian, statist, and authoritarian social control of communist societies as much as they reject the radical individualism of laissez faire capitalism and Social Darwinism (finding it inherently sociopathic).

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

Book Review:

MG Devasahayam's 'Electoral Democracy' is a critical assessment of electoral process



Ashutosh Kumar

Electoral Democracy: An Inquiry into the Fairness and Integrity of Elections in India

Edited by MG Devasahayam. Paranjoy.
Pages 322. Rs 699

This volume merits attention precisely due to its focus on the institutional and procedural aspects of the electoral system and for the abiding concern as to how elections in India can be made much more transparent and cleaner. It consists of essays by former civil servants, activists, lawyers, journalists, academics and former judges who are part of the civil society groups like the Association for Democratic Reforms, the Constitutional Conduct Group and Forum for Electoral Integrity. These social action groups have played an important role in efforts to cleanse the electoral system by not only providing information about the background of the contestants, but also drawing attention to any lacuna in the way elections are conducted, be it the selection of candidates, campaign speeches, role of money and muscle, or use of sectarian politics to gain votes. They have often taken recourse to judicial remedies also.

ACKNOWLEDGED as one of the 'most vibrant' democracies in the non-western world, India has also been considered 'an ideal case for testing democratic theories', given the formidable challenges it has faced since Independence. Its success, however, has primarily been recognised as an electoral democracy, having regular free and fair elections registering participation of one-sixth of the world's electorate, and also peaceful transfer of power.

The weakening of other democratic forums and procedures has made elections crucial to the well-being of India's democracy. This explains a heightened focus on the electoral system, party system and electoral politics. Sifting through literature reveals lack of focus on the institutional and legal aspects of elections. For instance, there have not been many studies of the Election Commission, electoral laws, reforms, legislations and judicial decisions pertaining to elections.

The first part deals with the merits of the EVM-VVPAT system of voting as some Opposition parties have been accusing that the 'process is tamperable'. The suggestions include providing guarantee against 'hacking, tampering and spurious vote injections', and that the 'paper slip is counted and matched to verify/audit the votes polled and votes counted before making the results public'. Essays related to the integrity and inclusiveness of the electoral rolls underline

the critical need of including all vulnerable and disadvantaged groups.

There are also essays which refer to criminalisation and role of money power, which ‘compromise the integrity of democracy in multiple ways’. Electoral bonds especially come up for critical scrutiny as these evidently create an uneven field favouring the parties in power. The way electoral bonds were introduced, presenting it as a Money Bill so as to overcome the Rajya Sabha resistance, comes up for criticism. Another area of concern is the excessive partisan role of the media in favour of the parties in power.

The reform measures suggested include making the appointment and removal process of ECI members more rigorous, and a bar on post-retirement assignments. The proposed Aadhaar-voter ID linkage also comes up for scrutiny on the ground that it leads to an invasion of privacy.

The volume is a valuable contribution by eminent citizens who have a proven record of integrity and professional competence. What adds to the value are the empirical studies of the 2019 Lok Sabha and 2021 West Bengal Assembly elections to highlight the challenges that have seeped into the system. 

Humanism and Communism

Contd. from page - (40)

Humanists hold the view that no society can be effective and rewarding that doesn't give expression to both individuality and community, balancing freedom with responsibility and advancing both liberty and social justice.

3. Finally, there is the issue of knowledge. After the manner of philosophers David Hume and John Dewey, Humanists don't claim to know anything with absolute certainty but only with “warranted assertability,” a concept of relative confidence in empirical findings. As Voltaire said, “Doubt is not a pleasant state of mind but certainty is absurd.”

By contrast, Marxist-Leninism has historically placed doctrine ahead of an open-ended search for the truth. Unproven (and perhaps unprovable) concepts such as “the force of history” dominate Marxist-Leninist thinking to the point that Marxist-Leninist conclusions tend to be derived logically, by dialectic, rather than through reason as applied to observation and experimentation. This doctrine-driven approach leads to the kind of dangerous political zeal that not only blinds believers to the reality around them but also prevents them from grasping the negative moral consequences of their acts. This is why those in the thrall of a communist ideology have at times practiced gross incompetence and outrageous atrocity—leading Humanists to regard communists as quasi-religious in their commitment. In a similar way, laissez faire capitalism and Objectivism are doctrine driven, leading to what some Humanists have termed “market fundamentalism.”

Humanism and Its Aspirations: Humanist Manifesto III addresses all of these issues, making it plain that, for Humanists, knowledge “is derived by observation, experimentation, and rational analysis”; human beings “are social by nature and find meaning in relationships”; ethical values involve “freedom consonant with responsibility” in a way that combines “individuality with interdependence”; and major social goals are to “minimize the inequities of circumstance and ability” while upholding “human rights and civil liberties in an open, secular society.” Therefore no thinking person reading this document could conclude that Humanism is communistic.

Fred Edwards is the editor of the Humanist. 

PDF copies of Volume IV & III of the ‘*Collected Works of M.N. Roy*’ and ‘*A Journey from Marxism to Radical Humanism*’ by Mahi Pal Singh also released.

We are happy to release **PDF copies of Volume IV & III** of the Collected Works of M.N. Roy which are in great demand but are out of print. These volumes are now available at the website: www.lohiatoday.com.

The other two volumes of the Collected Works of M.N. Roy will also be released in the next few months for the benefit of students, researchers and readers.

Another collection of articles written by Mahi Pal Singh between 2000 and 2021, which traces the social and political history of the country for that period and also ‘A Journey from Marxism to Radical Humanism’ has also been released by the Indian Renaissance Institute on 26th January 2022 and this collection has also been placed at www.lohiatoday.com.

‘Selections from The Radical Humanist, Vol 1’ placed at ‘Academia.edu’ has received 1,189 views till 15.03.2022 and ‘Selections from The Radical Humanist, Vol 2’ has received 2,776 views till 08.03.2022. These two volumes are also available at the website along with other works of Roy.

The two volumes have been accessed in 637 cities, 219 cities in India and 418 cities across the world till 20.3.2022.

- Mahi Pal Singh

'Kashmir Files: A Bunch of Lies and Bigotry' Based on interviews of Kashmiri Pandits by BBC Available at: (<https://youtu.be-LVzkw7rgig>)

The Film, produced by Zee Studios of Subhash Chandra, a BJP leader and directed by Vivek Ranjan Agnihotri, a BJP supporter, casts Anupam Kher, Mithun Chakravarty and other BJP men as actors. The film is a blend of few incidents with lots of hearsay. It brings forth the plight of Kashmiri Pandits in isolation of other communities in Kashmir to mischievously build up a whole mountain of Islamophobia. The attempt is to appease the ultra rightwing Hindu supremacist government besides attracting its voters as viewership to the film. #TheKashmirFiles #AnupamKher #MithunChakraborty #PallaviJoshi #WStv #KashmiriPandits

A comment by a viewer of 'Kashmir Files'

Thank you Mahipal for this but I already know about the producer, director etc and the P.M. promoting the film reminds me of an earlier film Uri. Modi is the only prime minister in 70 years who is promoting a 3rd rate film! A P.M. stooping so low is unthinkable but this is happening.

I can only pray to God to bless the country.

- Radhey Shyam