

THE RADICAL HUMANIST



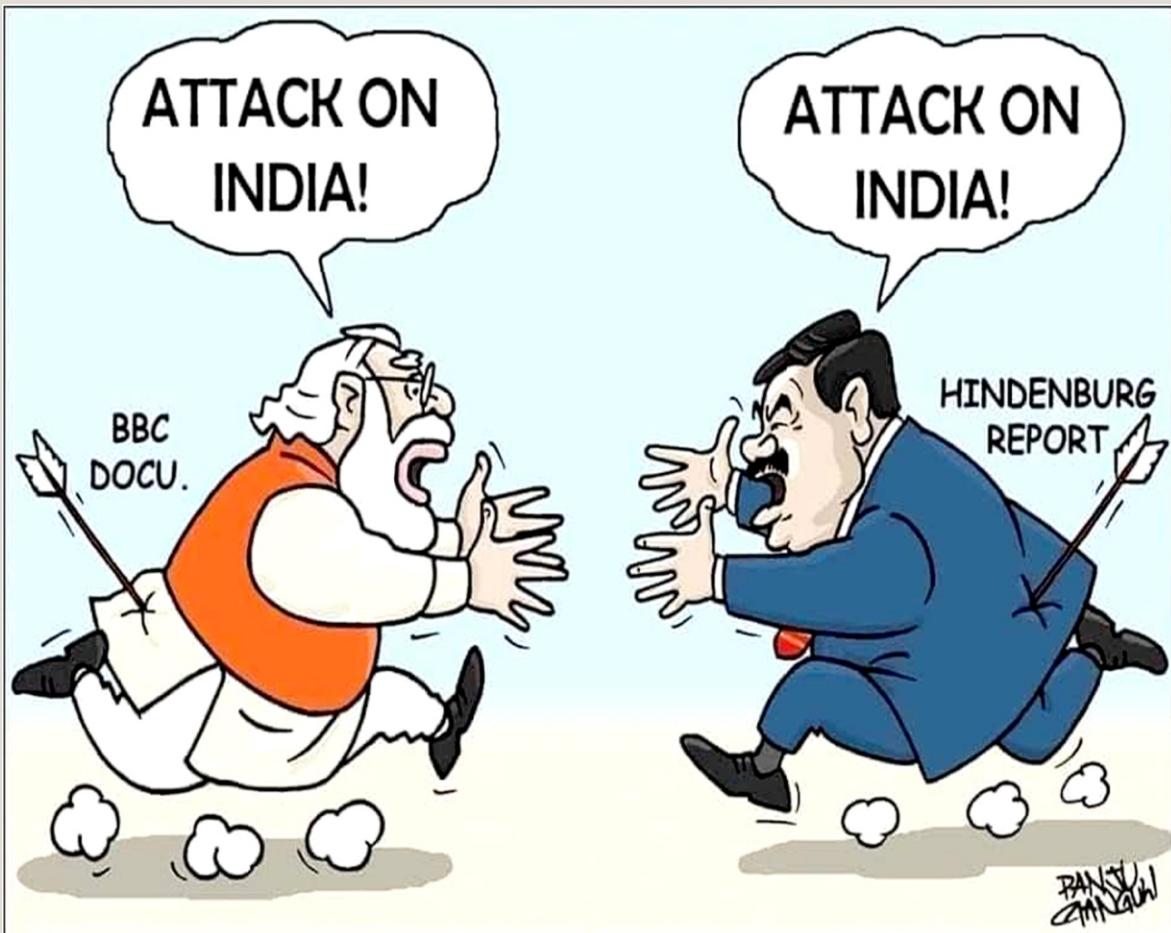
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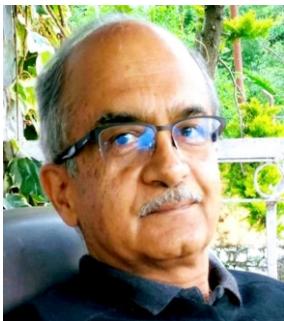
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M.N. ROY

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The bloodhounds of the govt are at it again to Harass & Intimidate anyone who says or shows anything that Modi doesn't like. Now raiding BBC for daring to show a film 'The Modi question'. This is the most vindictive&fascist govt ever. Much worse than the emergency. On it's last legs.

Prashant Bhushan
@pbhushan1



The Indian Express ✅
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...

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#BBC offices at multiple locations,
including **#Delhi** and **#Mumbai**



indianexpress.com

Income Tax officials conduct searches at BBC
offices in Delhi and Mumbai

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THE RADICAL HUMANIST

Vol. 86 Number 12, March 2023

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Articles and Features :

Let us update our beliefs

Vinod Jain

If we want to SAVE HUMANITY...

We should first know what humanity is. This should be on the basis of the vast knowledge that we have about humans. The stories about creation by the Almighty will have to be unlearnt.

Vinod Jain, Chairman, Indian Renaissance Institute (IRI)

Each human body is built up from 12 major systems. These systems interact to produce coordinated, active, intelligent humans. Externally, the only consistent anatomical difference between humans is between males and females.

Each human body is built up of billions of cells, which are organized into tissues. Each tissue consists of similar types of cell. One or more types of tissue work together inside an organ, such as a bone or a lung. Organs are linked together to form a system that has one or more major roles. Systems are collected together to form the body.

Each body system contributes to the body's normal functioning. Together, the body's systems are controlled by the nervous and endocrine systems. They enable us to move, talk, and perceive the world, while our internal processes run automatically.

Among the systems is the skeletal system. The adult skeletal system is made up of 206 bones. The skeleton provides a framework that supports the body, protects the internal organs, and provides the attachment point for muscles.

The muscular system moves and supports the body. It consists of over 620 skeletal muscles attached to bones.

The nervous system controls the body's activities. It consists of the brain and spinal cord, and a network of nerves.

The circulatory system transports material

around the body. It consists of the heart, a network of blood vessels, and the blood.

The digestive system supplies the body with food. It consists of the mouth, esophagus, stomach, and intestines.

The integumentary system is the body's outer, protective covering and consists of skin, hair and nails

The respiratory system supplies the body with oxygen. It consists of the nose, throat, trachea and the lungs.

The urinary system removes waste. It consists of the two kidneys, the ureters, the bladder and the urethra.

The endocrine system regulates many body processes. It consists of glands that make hormones.

The lymphatic system protects the body against disease. It consists of a network of lymph vessels. It drains fluids called lymph from tissues, filters out pathogens, and returns the lymph to the blood stream.

The immune system is a collection of cells that keep detailed records of invading pathogens. So, if they appear, they can be destroyed, making one immune to that disease.

The reproductive system enables us to produce children. Male and female systems are different from one another in this regard.

As pointed out at the outset it applies to each human being. Geographic location, race, cultural or religious backgrounds do not

make a difference here. Two instances may be given. In case of blood loss of a patient, blood donation of a person from one geographic location or from another religious person can help him or her out of the problem. People from different areas or backgrounds can intermarry and produce children.

So, all humans on our earth are equally human.

This is only a fraction of what we know about humans. Other things will follow later on.

Here we may take up only one aspect that should help save humanity.

Food is a subject that concerns each and

every human, everywhere. Just as we all want to rid humans of wars, diseases, and poverty, we should attend to the question of food, and good nutritious food at that, for all humans, at the global level.

FOOD

We are what we eat: our bodies get the energy and the nourishment they need from our daily diet. Not having enough of the right food, or eating too much of the wrong food, causes ill-health. Food should be such that should keep all the above-mentioned body systems in a healthy state. Today, to ensure that, should be possible. But it should be attempted by all countries on the national level. 

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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

New BBC documentary puts Narendra Modi back in the dock

Ashis Ray



A still from “India: The Modi Question”. | Photo Credit: YouTube screengrab

It reveals a secret British foreign office report that found him culpable in the 2002 Gujarat riots.

That the British government found Narendra Modi culpable in the 2002 Gujarat riots is the most significant takeaway from the first episode of the two-part BBC television investigative documentary, *India: The Modi Question*, which was broadcast in Britain on January 17.

Soon after the riots, the British foreign office had undertaken an investigation. The BBC documentary claims that the probe's conclusions—hitherto classified—are being disclosed for the first time.

According to the show, the inquiry carried out by a United Kingdom diplomat was headlined: “Subject: Gujarat Pogrom”. Its summary read: “Extent of violence much greater than reported. At least 2,000 killed. Widespread systematic rape of Muslim women. 138,000 internal refugees. The targeted destruction of

all Muslim businesses in Hindu and mixed Hindu-Muslim areas.”

It went on to state: “Violence planned, possibly months in advance, and politically motivated. Aim was to purge Muslims from Hindu areas. Led by VHP (Hindu extremist organisation), under the protection of the state government. Reconciliation impossible while Modi remains Chief Minister.”

The report then entered into detail: “Their (the Hindu mobs') systematic campaign of violence has all the hallmarks of ethnic cleansing.” Furthermore: “The VHP (Vishwa Hindu Parishad) could not have inflicted so much damage without the climate of impunity created by the state government.”

Finally, and most devastatingly, the British Foreign Office report stated: “Narendra Modi is directly responsible.”

Almost contemporaneously the European Union, too, had initiated a probe. According to

the BBC, “it reportedly found that ministers (of the Gujarat government) took active part in the violence and that senior police officers were instructed not to intervene in the rioting”.

According to the report: “Reliable contacts have told us that Modi met senior police officers on the 27th of February (2002) and ordered them not to intervene in the rioting.”

The BBC, however, also admits in the show that “police contacts deny this meeting happened”. It explains that by accepting that such instructions were issued, the police would in effect concede that they implemented the orders and consequently implicate themselves.

The documentary also highlights a series of denials by Modi’s supporters. Even though R.B. Sreekumar, head of police intelligence in Gujarat, and Sanjiv Bhatt, another police officer, had maintained that Modi indeed imposed the diktat, witnesses for the Chief Minister countered that neither Sreekumar nor Bhatt was present at the concerned meeting. In 2022, both were accused of fabrication. Bhatt is in any case serving a life sentence on another matter.

The documentary mentions how during the riots Congress party MP Ehsan Jafri’s house was surrounded by Hindu fanatics baying for his blood. A first-hand account speaks of how he phoned Modi to plead for police assistance. The Chief Minister denied receiving the call. Jafri was hacked to death.

The documentary has also recorded that Haren Pandya, a minister in the Gujarat government, testified to a Jesuit priest that Modi did issue the aforementioned orders. But his attendance at the meeting was also contradicted. The programme has BJP MP Subramanian Swamy giving his opinion on Pandya’s death to the BBC, calling it “tragic and suspicious”.

Regarding the documentary, a former Indian foreign secretary remarked: “I do not recall any other friendly head of government getting such criticism on the BBC.” It, therefore, raises the obvious question: why did the BBC decide to

air this explosive film on the Gujarat riots now? The British government is presently engaged in delicate negotiations with its Indian counterpart to arrive at an ambitious trade treaty.

The answer lies in the fact that while the BBC is a public broadcaster operating under a Royal Charter and is funded by licence fees from every TV household in Britain, it is zealously protective of its editorial independence. It is not required to run the impending broadcast of the film past the British foreign office—which would most certainly have objected to the idea.

Jack Straw, who was Foreign Secretary under Prime Minister Tony Blair when the riots occurred, was the one who set up the investigation. Previously as Home Secretary, he instituted the Freedom of Information Act in 2000. In 2015, he was a member of a panel established to review the Act. Straw’s proximity to the UK’s Information Commission might have played a part in declassifying the foreign office’s clandestine investigative report.

The BBC, of course, enjoys disproportionately greater clout with British administrative and quasi-state authorities compared to other media organisations. A request from any other media outlet would likely have been thwarted by the Foreign Office on the grounds that disclosure at the current juncture—when Modi is in power in India—would cause awkward ripples in bilateral relations.

Straw, who is a commentator in the documentary, says about the inquiry’s report: “It was very shocking. These were very serious claims; that Chief Minister Modi played a pretty active part in pulling back the police and in tacitly encouraging the Hindu extremists. That was a pretty egregious example of political involvement really to prevent the police from doing their job, which was to protect both communities, the Hindus and the Muslims.” He goes on to underline: “It is obviously a stain on

his (Modi's) reputation. There is no way out of that."

“Quite menacing”

While the film is mostly based on compelling archival footage and interviews, seen alongside the foreign office report, the portrayal of Modi is that of a chilling communalist. His attitude towards a BBC woman interviewer when he called elections in 2002 to capitalise on Gujarati Hindu sentiments following the riots, was, as the person described it on air, “quite menacing”. The interviewer had asked: “So the Muslims who would say they are still terrified, they are still frightened to go back to their homes, they still feel that the people who murdered their relatives have not been brought to justice. What would you say to them?”

Modi had replied aggressively in broken English: “I am not agree with your analysis. I am not agree with your information. This absolutely misguided information to you. From where you have pick up this kind of garbage I do not know.”

Interviewer: “And the independent reports that have already been published to what has happened...”

Modi interrupted: “They have no right to talk about the internal matter of any government. I am very, very clear in my mind. If they have done, they have done wrong.”

Interviewer: “... Do you think you should have done anything differently?

Modi: “Yes. One area where I was very, very weak. That was how to handle the media.”

Through practically all of the interaction, he glowered angrily at the woman, wagging his left index finger at her while speaking.

Modi visited Britain in 2003 at the invitation of Hindu fundamentalist groups, much against Whitehall's wishes. The British Home Office had said then: “We are aware he is visiting the UK. He is not visiting at Her Majesty's government invitation nor does the government plan to have any contact with him while

he's here.”

The late Ambassador Satyabrata Pal (who died in 2019 following a freak accident a few years earlier) was the Indian deputy high commissioner at the time. He wrote, “The external affairs minister (Yashwant Sinha) had gone to Prime Minister Vajpayee, who had concurred that the visit was undesirable and must be aborted.” But apparently because of pressure from the Sangh Parivar, it went ahead.

While Modi was in the UK, an application in a London court for a warrant of arrest against him failed narrowly. The British barrister who moved the court in the matter, Imran Khan, appears on the documentary to say: “Knowing what we now know and the information that we now have, if we had that at that time, I am pretty sure summons would have been issued for Modi's arrest.”

The UK imposed a diplomatic boycott and a *de facto* travel ban against Modi around 2005. At about the same time, the US administration also revoked his visa.

Later, in November 2022, while explaining the grant of immunity to Saudi Arabia's crown prince, Mohammed bin Salman, in a lawsuit in the US, the latter's State Department spokesman cited the suspension of the cancellation of Modi's visa as a precedent—albeit temporary since he is head of government of a country Washington wants to do business with.

In a caption, the documentary states: “More than 30 people in India declined to take part in this series because of fears about their safety.” It also records: “The Indian government declined to comment on the allegations made in this film.”

The film signs off with the comment: “History is being rewritten,” in reference to the present circumstances in India. The second part of the film—focussing on the period since Modi's re-election in 2019—will be aired on January 24.

(To be Contd....on Page -10)

Interview | ‘Modi Govt Is One of the Most Appalling in the World,’ Says Amartya Sen

He said the Modi government’s treatment of Muslims, and the fact that it has no Muslim MP in either House of the parliament, is “unacceptably barbaric”.

Karan Thapar



Nobel laureate Amartya Sen, who was conferred the Bharat Ratna in 1999 by the Atal Bihari Vajpayee government, has said: “The Modi government is one of the most appalling in the world.”

Professor Sen explained that he has come to this view because “it [the government] treats its own people in such a nasty way,” adding that “the Indian government’s record has been really rather terrible.”

He also said the Modi government’s treatment of Muslims, and the fact that it has no Muslim MP in either House of the parliament, is “unacceptably barbaric”.

“The word barbaric comes to my tongue because it’s not just unjust and wrong but it makes people’s lives totally precarious and makes India’s culture limited,” he said.

In a 34-minute interview to Karan Thapar

for *The Wire*, Professor Sen discussed and considerably expanded upon a comment he made to the French newspaper *Le Monde* on December 19: “It (the Indian government) is communitarian in the narrowest sense of the term, attacking Muslims and propagating the idea that Hindus form a nation.”

While elaborating on his *Le Monde* interview, he said: “India has always been a multi-ethnic country,” adding pointedly that the Modi government’s communitarian and majoritarian policies are “a reduction of India”. He added that it was “a demolition of part of the country”. He called it “a national disaster”, adding that it was “a matter of horrendous potential of nastiness”.

When I asked if he believes that anti-Muslim prejudice is growing in India and Muslims are becoming second class citizens, and whether

he is worried about this, he said: "I am not only worried, I am terrified that a nation with different components is suddenly in a state of catastrophic isolation."

"The ill-treatment of minorities is one of the major follies of the nation," he added. He said this treatment of Muslims is "a fantastic denigration and demolition of the country's history and its present".

He told *The Wire* "to only count Hindus as Indians and not anyone else is terrible... a

Contd. from page - (8)

New BBC documentary...

Expressing strong objection to the BBC documentary, the spokesperson of the Ministry of External Affairs, Arindam Bagchi, said that it was "a propaganda piece, designed to push a particular discredited narrative".

London-based Ashis Ray has been a foreign correspondent for 45 years, working mainly for BBC and CNN, where he was editor-at-large. He has also been an academic visitor at St Antony's College, Oxford.

(This story was published in the print edition of *Frontline* magazine dated Feb 10, 2023.)

Courtesy **Frontline**, Jan 19, 2023. 

dreadful confusion of the nature of our country... a terrible folly to ignore the multiple pluralistic nature of the country."

Asked how he viewed the fact that cabinet ministers and even chief ministers refer to Muslims as "termites" and "Babar ki aulad", taunt them with references to 'abba jaan' and repeatedly tell them to go to Pakistan, Professor Sen said: "This language is a reflection of a distorted understanding of the Indian nation."

He further said: "They [the Modi government] don't understand what a nation means."

In response to a question on the poor representation of Muslims in central and state government services, such as the paramilitary services, the IAS, IFS, IPS, and the army, as well as their poor representation in parliament, and the fact there are no Muslim chief ministers in any of the 28 states, and 15 states have no Muslim ministers at all, he said: "The 15% (Muslims) are seen as if they don't matter... as if they are there not in their own right as human beings who are part of the nation but only because of the tolerance of the majority."

When asked how the current Indian government compares with the governments in nations like Iran, Afghanistan, and Russia, he said the fact that the other governments may be worse is no great comfort to the people of India.

Courtesy **The Wire**, 14 January 2023. 

Articles/Reports for The Radical Humanist

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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

On Understanding RSS Neo-Fascism as India's Biggest Threat and the Immediate Task of Building up the Anti-Fascist Movement

P.J. James

Approaching RSS Fascism

BJP with 180 million-membership (as claimed by it in 2019) and wielding India's state power today is the political tool of RSS, the longest-running and biggest fascist organization in the world. The RSS with Manusmriti as its ideological basis was founded in 1925 with Hedgewar as the first Sarsanghchalak almost at the same time when 'classical' fascism appeared in Europe. In the case of India, the decade of the 1920s when RSS originated was a turbulent one that challenged not only the colonial rule but also the feudal order and Brahminical caste system. Inspired by Mahatma Phule and then led by Dr Ambedkar, the 'untouchable' Dalits, had started entering into the political mainstream from inaccessible social peripheries. Including this, it was the challenges to the upper caste elite domination that prompted the Brahmin leadership to reassert its hegemony through the formation of RSS.

Before the formation of RSS in 1925, Savarkar had laid down Hindutva, or 'political Hinduism' (which is different from Hinduism) as its ideological background. In his manuscript, '*Hindutva: Who is a Hindu?*', Savarkar had argued that 'Hindus were a nation unto themselves', excluding Muslims, Christians and all other minorities in India. After Hedgewar's death in 1940, Golwalkar who became the second Sarsanghchalak of RSS expanded it as a militant Hindutva organisation with its Manuvad approach to the untouchables together with its commitment towards stigmatization and elimination of Muslims as nation's principal enemies.

From the very beginning, RSS had its close association with European fascism (classical

fascism) that originated in Italy and Germany during the biggest political-economic crisis during the interwar period, and the RSS leadership of that time had established direct contact with fascist Mussolini along with its adulation of Nazi Hitler. For instance, Moonje, the mentor and political guru of Hedgewar, who had visited the Italian fascist dictator Mussolini in 1931 and inspired by the Fascist Academy of Physical Education that trained paramilitary "storm troopers" and goons like Black Shirts, started the Bhonsala Military School in Nasik in 1937 for imparting military training to RSS cadres and Hindutva goons under the management of Central Hindu Military Education Society. Bhonsala School's links with terrorist actions by Hindutva extremist groups including the 2008 Malegaon blasts are a much-discussed topic.

Golwalkar who had high regard for Hitler, upheld the latter's doctrine of racial purity. He praised the Nazi method of purging the Semitic races, the Jews by Hitler, and even suggested the same as a good lesson for India to resolve the Muslim question. According to the core ideology of RSS or doctrine of Hindurashtra, "Hindus and Hindus alone, constitute the Indian Nation", whereas for Golwalkar, casteism was synonymous with 'Hindu Nation', though India has been historically multi-religious, multilingual, multi-ethnic, multicultural and composed of many nationalities with the inhuman caste system cutting across all these identities. However, as a fascist organisation, RSS from its very inception has been Islamophobic, anti-Christian, anti-communist, anti-woman and anti-Dalit, and has been in the habit of using violence to achieve its objectives.

Under colonial oppression, nationalism and patriotism for the oppressed countries were invariably anti-colonial in essence. But the ‘cultural nationalism’ of RSS was a camouflage for its betrayal of the anti-imperialist struggle. Along with its genocidal hatred towards Muslims, extreme servility to British imperialism has been inherent in RSS from the very beginning. On account of this, it totally dissociated itself from the independence movement during the British period. Top RSS leadership even advised its cadres not to waste their energy fighting the British but save it for fighting ‘internal enemies’ such as Muslims, Christians and Communists. As such, the organization continued to remain on the periphery of Indian politics.

When Constituent Assembly was drafting the Indian Constitution, RSS came forward vehemently opposing the adoption of that Constitution and suggested ‘Manusmriti’ (the sacred book of chaturvarnya or varna system that identified women and Dalits as subhuman) in its place on the ground that a Republican Constitution would give equality to all castes against the interest of the elite castes. In fact, much before its objection to the Constitution that was drafted under the leadership of Ambedkar, the RSS’ mouthpiece, Organiser in August 1947 had opposed the tricolour National Flag also. Of course, following the assassination of Father of the Nation in 1948, the RSS was banned for a few months, and one of the conditions that Sardar Patel put forward for lifting the ban on RSS on July 11, 1949, was “loyalty to the Constitution of India and the National Flag”. However, it took more than half-a-century for the RSS to hoist the National Flag during the time of the Vajpayee government which also unveiled Savarkar’s portrait in the central hall of Parliament in 2003.

Obviously, as in the case of European fascism during the interwar period, it is the sharpening of the inherent contradictions and crisis of the ruling system that create the opportune moment for the ascendance of fascists who are the most

reactionary sections of corporate capital. In other words, when the crisis cannot be resolved through normal methods of loot and exploitation and when people’s struggles become uncontrollable, the political-economic situation and social tension become favourable for the fascist forces to capture power. As far as India is concerned, it was the crisis of the 1970s and declaration of Emergency by the Indira Gandhi regime that enabled RSS which till then remained outside the mainstream to come to the political limelight.

As is obvious, it was the absence of a progressive-democratic alternative that enabled RSS to effectively utilise the situation to come to the forefront of the anti-Emergency movement. Within no time, replacing the Jan Sangh, RSS constituted BJP as its political tool and the rest is part of contemporary history. Leading hundreds of open, secret and militant organisations and outfits, and widening and deepening its clout across space and time and with its far-right economic philosophy and unwavering allegiance to the US-led imperialist camp, today RSS still claiming itself as a cultural organisation, has grown into the biggest fascist organisation in the world with innumerable overseas saffron extensions and affiliates backed by immense corporate funding.

The sudden shot up of RSS during the recent period spanning half-a-century is to be seen in the broader context of the emergence of global neoliberalism. For, following the advent of the first major post-war crisis called ‘stagflation’, and taking advantage of the ideological-political setbacks of the international Left, the bourgeois state abandoned its welfare mask and resorted to a change in the capital accumulation process through what is called neoliberalism. As noted above, the political-economic crisis that confronted India in the 1970s leading to the proclamation of Emergency by Indira regime in 1975 was integrally linked up with this international context. Though Emergency was lifted in 1977, the post-Emergency period saw

Indian state's abject surrender to neoliberal diktats and intensified neo-colonial plunder by imperialist-corporate capital.

It has been in the context of this extremely crisis-ridden period of India resulting in its further integration with global corporate capital and consequent abandoning of the Nehruvian 'state-led model of development' and consequent embrace of neoliberal policies that RSS designed its well-thought-out strategy of eventually transforming India into a Hindurashtra, i.e., a Hindutva fascist state by floating BJP as its political party. And, effectively taking advantage of the facilitating role of the soft-Hindutva pursued by the Congress and with immense corporate-backing, it has been easy for RSS to transform BJP as India's biggest ruling class party within a relatively short span of time, leading to fascist usurpation of state power with its multidimensional repercussions at micro and macro levels integrally linked up with the ascendance of neofascism at the global level.

It is not intended here to draw out the whole trajectory of the process that facilitated RSS to establish its fascist tentacles in the entire political, economic and cultural spheres. Unlike Mussolini-Hitler fascism that suddenly shot up from the political-economic crisis of the 1920s, Indian fascism led by RSS is rooted in a systematic, steady and long-drawn-out process spanning almost a century with deep-rooted and multi-dimensional penetration into the entire civilian and military apparatuses of the Indian state. And unlike classical fascism which had sharp contradictions with other imperialist forces, Hindutva fascism from the very beginning has been subservient to international finance capital during the colonial and post-war neo-colonial period. However, in the neoliberal period, this process has started with the Ram Janmabhoomi movement since the 1980s, demolition of Babri Masjid in 1992 in the context of Rao government's abandoning of Nehruvian model and embrace of far-right neoliberal policies, the

'second generation of globalisation' under Vajpayee government in the late 1990s and early 21st century, Gujarat Pogrom in 2002, the ascendancy Modi regime in 2014 and its reiteration as Modi.2 in 2019, which are some of the important milestones towards this neo-fascist transformation.

As is obvious, under Modi.2, in the background of all round privatisation-corporatisation of the economy and saffronisation of both civilian—including constitutional and administrative and institutional spheres and military structures (ranging from RSS initiative to start Military Schools to the Agnipath scheme), RSS is now moving towards its ultimate goal of establishing the Hindurashtra, which is an intolerant theocratic state unequivocally defined by Golwalkar in 1939 in his magnum opus, 'We, Our Nationhood Defined' and in conformity with the principles of Manusmriti. All specificities of Hindutva such as anti-Muslimness as manifested in the multi-dimensional discrimination towards Muslim migrants through CAA, Uniform Civil Code, etc., (culminating in, for instance, depicting the Rohingyas whom the UN characterised as "the most persecuted" minority on earth today as "infiltrators"), pan-Indian homogenizing drive of deconstruction and subjugation of the oppressed caste organisations aimed at integrating them into Hindutva, rejection of all values of modernity such as rational-scientific thinking, fostering the cult of tradition and obscurantism, treating dissent and disagreement as treason, worship of heroism and elitism, anti-communism together with uncompromising integration with corporate finance capital are manifestations RSS neofascism.

Neofascism or Fascism Under Neoliberalism

At this critical juncture, concrete understanding of neofascism—i.e., fascism under neoliberalism where old terms and practices connected with fascism have become irrelevant—is indispensable for building up the anti-fascist

movement and defeating fascism. No doubt, fascism's inseparable integration with the hegemony of most reactionary corporate-finance capital is its universal character. However, ascribing a static form or pattern to the emergence of fascism for all situations is erroneous, and it will impede the building up of anti-fascist struggles too. For instance, in the context of building up the wide Anti-Fascist People's Front, the 7th Congress of Comintern (1935) that defined fascism in relation to its firm foundations in finance capital, had also underlined different course of development of fascism in colonial and semi-colonial countries where "there can be no question of the kind of fascism that we are accustomed to see in Germany, Italy and other capitalist countries". That is, depending on the specific political, economic and historical conditions of countries, fascism may assume different forms.

There is a macro dimension to this crucial question today. No doubt, fascism is the government of the most reactionary and terrorist elements of corporate-finance capital directed against the entire progressive-democratic sections, working class, peasantry, oppressed peoples and intelligentsia of the country. However, when 'classical fascism' emerged during the interwar years of the 20th century, finance capital or imperialism was in its colonial phase. On the other hand, today in the post-war neo-colonial phase, and especially in the neoliberal period today, wealth accumulation is taking place through globalisation or internationalisation of capital as manifested in the limitless and uncontrollable cross-border movement of corporate capital. With the aggravation in the crisis of accumulation since the dawn of the 21st century, and especially since the 2008 "sub-prime crisis", using the advancements in frontier technologies such as digitisation, global capital is engaged in further shifting of its burden to the shoulders of world people. In this context neofascism is intensified

to enforce the tyranny of corporate capital at a global level effectively utilising reactionary, racial, chauvinistic, revivalist, religious fundamentalist, xenophobic and obscurantist ideologies as its political basis, according to the concrete conditions of countries.

Thus, neoliberal fascism or neo-fascism needs to be analysed with respect to the logic of corporate accumulation today. Of course, globalisation has resulted in a restructure of the erstwhile 'nation-centred production' by superimposing a new international division of labour and unleash a worldwide super-exploitation of the working people, thereby temporarily overcoming its crisis of accumulation. On the other, taking advantage of the ideological setbacks of the Left and by utilising the heterogeneity and diversity among working and oppressed people of different countries and through the effective use of a whole set of postmodern ideologies such as "identity politics", "multiculturalism", etc., finance capital has also succeeded in creating division among working class and oppressed by diverting attention from corporate plunder thereby disorganising and fragmenting resistance to capital.

Thus, given the internationalisation of capital along with its terribly destructive reactionary essence and decadence, fascism has become transnational in character today. To be specific, unlike 'classical fascism' which was specific to capitalist-imperialist countries, neofascism, i.e., fascism under neoliberalism has become global in character cutting across national borders. For instance, a concrete evaluation of the international situation today amply makes it clear that majoritarian religion everywhere is amenable to be used by finance capital as the ideological basis of neofascism (for instance, Evangelism in the Americas, Political Islam in West Asia, Hindutva in India, Buddhism in Sri Lanka and Myanmar). Another example is the manner in which the financial oligarchs of Europe have initiated a pan-European neo-fascist alliance against workers,

migrants and refugees.

Today, neofascists everywhere are working overtime to take advantage of the mass psychology of social and economic insecurity created by the loss of livelihood, employment, habitat and environment arising from corporate plunder as well as people's loss of faith in mainstream traditional parties including 'social democrats' who have no alternative to neoliberal policies. Making use of the specificities of countries, neofascists in general pursue an exclusivist and majoritarian line by propping up the so called 'homogeneous' part of the population pitting it against the 'heterogeneous' sections often composed of religious, ethnic/racial and linguistic minorities, migrants, refugees, Dalits, tribals and other marginalized and oppressed sections of society. Using them as an all-round depoliticising and social engineering is resorted to prepare a fertile ground for the flourishing of neofascism. In this context, with its own specificities, the BJP regime in India is a typical example of neofascism (corporate-saffron fascism) today. Basing itself in unbridled neoliberal-corporatisation, the Indian regime today is engaged in establishing a Hindu theocratic state or Hindurashtra in accordance with the RSS ideology of aggressive 'Hindu nationalism' or Hindutva.

On Building Up the Anti-Fascist Movement

Viewed in this perspective, the antifascist offensive is to be initiated based on the lessons from past experiences but also on the basis of a concrete evaluation of 21st century laws of motion of finance capital in relation to country specificities. Obviously, as already noted, neofascism is the regime of the most reactionary sections of corporate-finance capital under neoliberalism. Therefore, though ruling class/bourgeois parties are basically neoliberal in orientation, all of them are not fascistic and, of course, there are sections who stand for rule of law, bourgeois-democratic rights, freedom of

expression and press, free and fair election, etc. However, their class character with roots in neoliberalism and links with corporate capital along with electoral politics as the only sphere of action, make these parties incapable to take initiative in the struggle against fascists who have usurped the entire micro and macro spaces of social life.

Hence, an electoral victory alone is not sufficient as the threat of fascist come-back (as is evident for the recent neofascist coup attempt in Brazil) will be there until and unless fascist tentacles are wiped out from their already occupied strategic positions. This is so because, along with the control over the organs of the state, the saffron fascists through their vast and unparalleled organisational structure also have established spectacular control over 'street power' through lumpen and paramilitary goons. Even when the electoral option of challenging fascists through the parliamentary route is theoretically there today, free and fair elections are also becoming increasingly difficult too. Hence mere preoccupation with parliamentary work, devoid of a nation-wide and broad-based anti-fascist people's movement, cannot confront the fascists, an aspect that the non-fascist ruling class parties often ignore.

Coming to the case of the broad 'left spectrum', it ranges from the 'social democrats' (e.g., CPI and CPM) to adventurists (e.g., Maoists). The latter section that does not make a distinction between pro-fascist and non-fascist sections of the ruling classes (fascism for them is a mere change of regime among the ruling classes) fails to put forward an ideological-political position towards the most reactionary and terrorist class essence of neofascism. For the CPM, on the other hand, fascism is yet to come to India, and according to its ideologues, Modi regime is "on the verge of turning fascist" and only "symptoms of fascism" are there. Here it is to be stated that this evaluation arises from a stereotyped approach to fascism, a way of looking

at fascism as a textbook copy of the ‘classical fascism’ of the interwar period. This mechanical approach to neofascism is contrary to the scientific analysis that any social phenomenon when transforms and develops further in a new historical context and in a different social formation will inevitably adapt itself to the particularities and specificities of that concrete situation. Even under the veil of parliamentary democracy, fascism today has become capable to use terrorist methods of ethnic and racial cleansing, oppression and extermination of minorities, immigrants, refugees, and women, elimination of hard-earned democratic rights, super-exploitation of the workers through new technologies, plunder of nature leading to climate catastrophe and all-round militarisation. No doubt, the mechanical approach to fascism by ‘social democrats’ is related to their own position as implementer of far-right neoliberal policies wherever and whenever they are in power.

These varying perceptions on fascism, however, should not be a justification for refraining from the immediate and indispensable task of building up the broad anti-fascist movement for resisting and defeating RSS neofascism. No doubt, an ideologically equipped, politically and organisationally strong Left movement is the need of the hour. At the same time, we cannot wait till such an all-India movement is ready, since it will be suicidal. Hence taking care to avoid both sectarian and opportunist deviations, efforts are needed on the part of left-democratic forces to ally with non-fascist sections of the ruling classes in fighting the most reactionary corporate crony capital and the neofascist state propped up by them.

However, in doing so, the genuine left, progressive and democratic forces must be aware of the overlapping, interpenetrating and complex neoliberal inter-linkages and interests among different sections of ruling class parties today. That’s while joining with nonfascist ruling class parties and even with social democratic parties,

untiring ideological struggle should be carried forward upholding the long-term and strategic interests of the working and toiling people and all oppressed. Any laxity on the part of progressive democratic forces in this issue will lead to surrender of the interests of the working and oppressed people in the interests of “anti-fascist unity”. To avoid such a possible mistake, it is high time to build up a coordination of the country-wide people’s struggles against corporate-saffron fascism and its manifestations. Many people’s movements have been there that combine struggles against both Hindutva fascism and far-right neoliberal policies.

The Anti-CAA Movement or the people’s movement against denying citizenship to Muslim migrants, and the historic Farmers’ Movement against the corporatisation of agriculture were two examples in this regard. Along with them, many struggles of workers, especially the vast unorganised sections, peasantry, oppressed peoples including women, Dalits, adivasis, minorities, especially the persecuted Muslims, youth and students are emerging throughout the length and breadth of the country against corporate onslaughts, displacement from habitat, environmental destruction, caste atrocities, communal oppression, violation of democratic rights and so on. While engaging in these struggles through appropriate organisational forms, progressive and democratic forces have to take conscious efforts to initiate debates and discussions on a political alternative against neoliberal policies and RSS neofascism. Such initiatives at the level of states can lead to a national coordination based on a common minimum program against corporate-saffron fascism. If proper interventions are made, this move can be extended to tactical alliance with non-fascist fascist parties in the coming elections for isolating and defeating the most reactionary neofascists, also utilising the contradictions among ruling class parties in the process.

(To be Contd....on Page -25)

The Government Wants a ‘Committed Judiciary’ – And Could Be Close To Getting One

Recent developments leave no doubt that with the exercise of naked power, the government is attempting to suborn the independence of the judiciary, a basic feature of the constitution and one of the pillars of democracy.

Justice Madan B. Lokur

Ask yourself one question: Do I want an independent judiciary or a committed judiciary? To answer the question, you may (perhaps) need to know the consequences of having a committed judiciary versus an independent judiciary. Although the consequences are quite obvious, a short question to assist you in making a decision is this: Would you like to play in a match in which the umpire or referee is committed to one of the teams or one of the players?

I am not saying we have a committed judiciary, but we are being driven in that direction. The recent utterances of law minister Kiren Rijiju, obviously on behalf of the government (otherwise he would have been sacked long back), make it quite clear that the government wants a committed judiciary, as Mrs Indira Gandhi did at one point of time. Strange, isn’t it that the government is following in her footsteps, without acknowledging it? Recent developments suggest that the government is inching towards having its way. My appeal: We have to stop the juggernaut and stop it *now*.

Past experience

Mrs Gandhi’s government advocated a committed judiciary and even superseded three judges of the Supreme Court (Justices Manilal Shelat, A.N. Grover and K.S. Hegde) and appointed the fourth (Justice A.N. Ray) as the Chief Justice of India (CJI). A couple of years later, the government superseded Justice H.R. Khanna and appointed Justice M.H. Beg for the same position. The attempts were brazen

and were met with strong resistance from the Bar, but the government had its way. Fortunately, the idea of a committed judiciary was eventually dropped for a variety of reasons, which need not be discussed.



Justice Hans Raj Khanna. Photo: Gol

While following in Mrs Indira Gandhi’s footsteps, the government is avoiding the missteps she made. The attempt is not overt, as of now, but not so subtle as well. Slowly but surely, the government is moving ahead and the results of the machinations will be apparent, not now, but in a few years.

Why do I make this pessimistic prognosis? The answer lies in the government’s approach to the procedure for the appointment of judges. Silences in the procedure and process, which is built on trust and mutual respect, are taken advantage of by the government, notwithstanding the Supreme Court collegium (SCC) which, I am afraid, will become irrelevant in a couple of years (if not sooner) should the present trend continue.

The government says that it must have a

say in the appointment of judges, but with the Supreme Court striking down the National Judicial Appointments Commission, it has no say in appointments. Really? Let me briefly outline the procedure for the appointment of judges to the high court and the Supreme Court, as per the Memorandum of Procedure (MoP). The application of the procedure by the government will demonstrate whether it has a role and how it is being played for having a committed judiciary in the long run.

Memorandum of Procedure

The chief justice of the high court, in consultation with the next two senior judges (called the high court collegium or HCC) recommends lawyers and judicial officers for appointment as high court judges. The HCC may consult other judges and lawyers – there is no prohibition, since the idea is to get the best persons. Ask a former chief justice of a high court and you are likely to be told that he or she has also taken the opinion of somebody or the other outside the HCC at some point of time. I have done that as a chief justice of the high court, following what my chief justices in the Delhi high court have done, including taking the views of well-known and respected lawyers.

The MoP also entitles the chief minister of the state to suggest a candidate for consideration by the chief justice. This may have happened on some occasions; I can't say for sure. It depends entirely upon the chief minister, but more importantly, it is clear that the state government has a say in the recommendation process. The problem here is that if the chief minister makes a recommendation and the chief justice does not agree, the CM may not process the case of those recommended by the chief justice. This has happened in the past on (at least) one occasion and will certainly happen in the future also. The only answer to this is transparency in the process and putting out a chronology of dates and events.

The recommendation by the chief justice (and

the HCC) is sent to the governor of the state, the chief minister and the law minister, as per the MoP. The recommendation is also sent to the CJI. Each of these authorities is expected to act upon the recommendation. The governor and the chief minister make their inquiries and their views are sent to the law minister, who is also expected to make independent inquiries, on behalf of the Union government, through the Intelligence Bureau and any other channel that he may wish. Based on the inputs received from the state government and inputs received independently by the Union government, an opinion is formed by the law minister, on behalf of the Union government, and conveyed to the CJI. The law minister is not a post office, as rightly stated by one law minister, but if he chooses to act as a postman and not record the facts and his views and convey them to the CJI, that's his problem.

So, when the recommendation reaches the CJI from the law minister, it is expected that every authority has done their homework and put on record whatever they may have to say, including any objections or reservations that anybody may have. The CJI along with the next two senior judges then considers the recommendation based on the inputs received and while doing so, also takes and considers the views of judges of the Supreme Court associated with the high court, either as a judge at some point of time or as a chief justice of that high court. This is provided for in the MoP. There have been occasions when as many as four or five non-collegium judges have been consulted. In other words, the consultation process within the Supreme Court is quite rigorous. At one point in time, the candidates were invited to meet the judges in the SCC (not for an interview) but to have a chat and obtain any clarification, if required and also meet the person being recommended. It is thereafter that the SCC conveys its views to the government either accepting or partly accepting the

recommendation of the high court or not accepting it or deferring it for obtaining further inputs.

After the SCC conveys its acceptance of the high court recommendation, the government is expected to process the file by obtaining necessary documentation from the high court, such as the medical certificate of the candidate and the name of the candidate in Hindi and English. After this formality is over, the recommendation is sent by the prime minister to the president for issuing a warrant of appointment. Now, here is the crunch part. What has started happening with increasing frequency is that the government returns the case papers to the SCC for reconsideration. Why should that happen? Is it because of a difference of opinion between the government and the SCC? Everything is on the record, including the opinion of the state government and Union government and all the information provided is considered by the SCC.

chief minister and the Union government, on what basis does the government disagree with the SCC? One can understand if some new material comes before the government that needs to be placed before the SCC, but that is usually not the case. It is just that the government has a different opinion from that of the SCC and so the law minister sends the papers back to the SCC for reconsideration.

Under these circumstances, the SCC has a fresh look at the recommendation and may decide to reiterate its decision. In such a situation, what does the government do, again with increasing frequency?

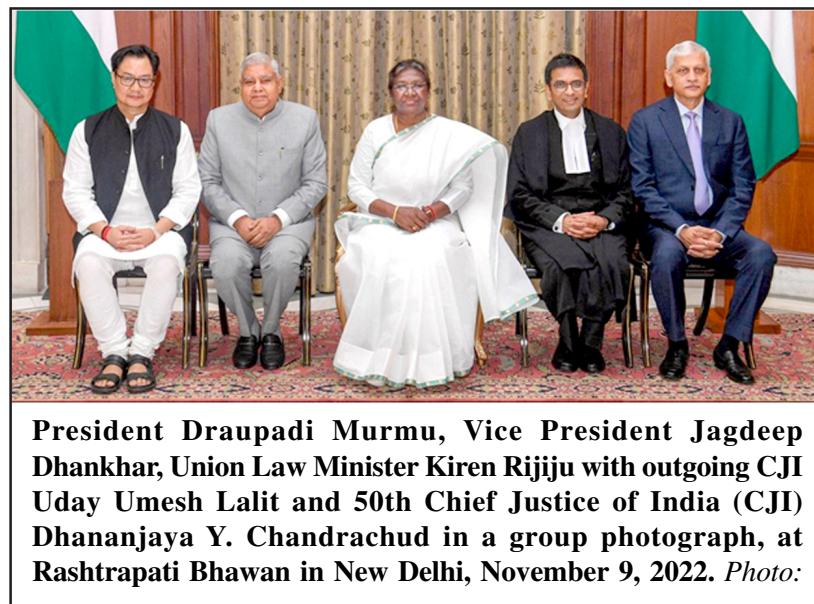
The government then either asks the SCC for a second reconsideration and in some cases for a third reconsideration or simply does nothing like Little Jack Horner. The law minister simply does not process the recommendation made by the SCC. This is short of telling the SCC that the government does not care for the views of the SCC. The stalemate created by the

government frustrated Aditya Sondhi, whose recommendation was not processed for one full year while the case of several others recommended later was processed. He then withdrew his consent. This served the purpose of the government. Unfortunately, the SCC did nothing in the matter, emboldening you know who. The same subterfuge is being adopted in the case of Saurabh Kirpal, but he is hanging on,

thankfully. I am sure there are many others like him. Bless them all.

Recent developments

Now a new and novel scheme is emerging.



President Draupadi Murmu, Vice President Jagdeep Dhankhar, Union Law Minister Kiren Rijiju with outgoing CJI Uday Umesh Lalit and 50th Chief Justice of India (CJI) Dhananjaya Y. Chandrachud in a group photograph, at Rashtrapati Bhawan in New Delhi, November 9, 2022. Photo:

The game starts here

Since all information available with the government is placed before the SCC, including the views of the governor of the state and the

Sometime back, a recommendation, not accepted by the SCC was returned to the SCC for reconsideration by the government. It is reported that some more are on the way. Why has the government taken this unprecedented step? Is it that the government doesn't trust the judgment of the SCC? Or, is it that the government bona fide believes that the SCC made an error? Given the track record of the government, it appears that the SCC is being told that your decision is not final and you do not have primacy in the decision-making process. This is the nub of the controversy between the judiciary and the government and a frontal assault on the collegium system. When and where will this end?

Imagine a scenario which I think is quite frightening. As it is, I believe, the government doesn't care much for the views of the SCC. It is therefore quite possible that the government may go to the extent of processing the case of a candidate not accepted by the SCC, and then recommend his or her case to the president for appointment. Wicked thought, but strange things are already happening in the appointment process. So, I would not dismiss this as improbable – the pitch is being laid for it.

Several other fronts

So many other fronts have been opened up by the government in its relationship with the judiciary. One of them pertains to the transfer of the chief justice of the high court. The SCC recommended the transfer of Chief Justice S. Muralidhar from the Orissa high court to the Madras high court. This was on September 28, 2022. More than three months have gone by but the government has given two hoots to the SCC recommendation. This is the way chief justices can and are being treated by the government.

On December 13, 2022, the SCC recommended the appointment of three puisne judges as chief justices of Jharkhand, J&K and Ladakh and Gauhati high courts. A month has

gone by and the government is cocking a snook at the recommendation of the SCC. This is the way potential chief justices can and are being treated by the government.

Several transfers recommended by the SCC are supposedly still being processed by the government. This is the way judges of the high court can and are being treated by the government. Recommendations relating to more than a dozen lawyers and judicial officers are pending consideration with the government. This is the way potential high court judges can and are being treated by the government.

Can anybody please explain what's going on in the post office? With this exercise of naked power, I have no doubt that the government is attempting to suborn the independence of the judiciary, a basic feature of the constitution of India and one of the pillars of democracy.



Justice S. Muralidhar. Photo: Twitter

Appointments to the Supreme Court

Let's shift focus to the appointment of judges to the Supreme Court. After a recommendation is *suo motu* made by the SCC of five judges, the MoP obliges the government to accept the recommendation and make the appointment. But consider two events that occurred in the case of Gopal Subramanium. First, the government stalled his appointment and did not have the courage to inform the CJI of the reasons for doing the unthinkable. This resulted in Subramanium withdrawing his consent to be appointed as a judge of the Supreme Court (and perhaps the CJI). Second, the government split the recommendation made by the Supreme Court

and processed the case of others. This is completely disregarding the fact that always one recommendation is made by the SCC consisting of two or more persons. A former CJI expressed that a recommendation cannot be split up. The government cannot split a recommendation into half or one-third and process the recommendation of one (or more) person to the detriment of others who are left hanging out to dry. The government ought to have returned the recommendation to the Supreme Court (the MoP does not provide for that) with its objections and the SCC would have taken a call on the objections. Although it is in the past, a precedent has been set.

Splitting up a recommendation allows the government to pick and choose. It is possible in a +given case to split the recommendation and hold back the case of one individual and process that of the others so that the “favoured” one may become the CJI in due course or lose his or her seniority. That is the danger. As mentioned above, though the circumstances were different, Mrs Gandhi’s government twice superseded sitting judges of the Supreme Court. What prevents the government from superseding other judges again in the footsteps of Mrs Gandhi?

In fact, Chief Justice K.M. Joseph of the Uttarakhand high court lost his seniority while being considered for appointment to the Supreme Court. He was recommended by the SCC in January 2018, along with Justice Indu Malhotra, then a practising senior advocate in the Supreme Court. The government split the recommendation in half and notified the appointment of Justice Malhotra towards the end of April 2018, after more than 100 days. A day or two later it raised frivolous objections to the recommendation of Justice Joseph. The SCC reiterated his recommendation in July 2018 (it should have done so earlier). Separately, the SCC also recommended two other chief justices for appointment to the Supreme Court.

Eventually, all three appointments were notified in August 2018. Significantly, Justice Joseph was ranked junior to the other two judges in the Supreme Court, thereby losing his seniority to both and also to Justice Indu Malhotra.

Analysis of appointments and disappointments

Delaying the appointment of judges to the Supreme Court is akin to dangling a carrot inviting them to heel. In an interesting analysis by *LiveLaw*, it is pointed out that a recommendation was made for the appointment of four judges on October 30, 2018 and they were appointed in 2 days (speed post?). In January 2019, two judges were appointed within 6 days of the recommendation, after the CJI controversially did not send an earlier recommendation to the government. In April 2019, the SCC recommended two judges for appointment, but the government returned the recommendation for reconsideration on the ground of their seniority, which incidentally was not raised as an issue earlier that year. The point sought to be made is that the government can raise meaningless and whimsical objections at will with a view to stall the process.

In May 2019, the SCC reiterated the April recommendation and also separately recommended two other judges for appointment to the Supreme Court. All four cases were processed within 13 days and appointments were made. A recommendation made in August 2019 for the appointment of five judges to the Supreme Court was processed within 21 days.

The roller coaster processing of appointments continued in 2021 and 2022. A recommendation of nine judges made in August 2021 was processed within 9 days. A recommendation in May 2022 of two judges was processed in 2 days (speed post again?). Then came a waiting-for-Godot drama. Chief Justice Dipankar Datta of the Bombay high court was recommended for appointment by the SCC of five judges on September 26, 2022. The

government took its own sweet time in processing the case, kept everybody in suspense and eventually notified the appointment after a delay of 75 days. What a shame!

The government has not stopped playing games with the SCC. On December 13, 2022 the SCC recommended four chief justices for appointment to the Supreme Court. The government has yet to process the recommendation, even after a month. If the government says that India is the only country in the world where judges appoint judges, India is also the only country in the world where the government 'dis-appoints' judges.

I hope this essay gives an indication of where we are headed. You don't need Google Maps for it. If the government can play games with the Supreme Court and get away with it, once again ask yourself the question: Do I want an independent judiciary or a committed judiciary and how will I get it?



The Supreme Court of India, New Delhi. Photo:
Pinakpani/Wikimedia Commons, CC BY-SA 4.0

What next?

The full complement of judges of the Supreme Court must sit and introspect and decide how to preserve and protect the independence of the last bastion from a government that seems bent upon destroying its independence. Please do everything possible.

Independence of the judiciary is a basic feature of our republican constitution and democracy. Nobody should be permitted to destroy a basic feature of our constitution.

The Supreme Court should introduce transparency in the process by citing the chronology of dates and events when it makes a recommendation, starting with the date the HCC made its recommendation right until the date of the recommendation by the SCC. The government is terribly opaque in its dealings, more than the SCC, but that does not justify the SCC being opaque.

The government has plenty of muscle, but little of it is moral muscle. The Supreme Court must learn to flex its moral muscle – it has the support of everybody, except a few lackeys of the government.

The Supreme Court must appreciate that every institution makes mistakes, including the Supreme Court. The effort must be to minimise those mistakes and not repeat them, however minor they may be. One mistake of the recent past is that the Supreme Court did not stand up to the government when it should have in matters of appointment of judges. Why is it taking months and years to process the recommendations of the SCC and what is the Supreme Court doing about it, except letting the government get away with it? Aren't we, the citizens of India, entitled to know what's going on and why?

What should the government do? Stick to its task of governing the country and try not to govern the Supreme Court.

Justice Madan B. Lokur is a former judge of the Supreme Court of India.

Courtesy **The Wire**, 13 January 2023. 

Higher Judiciary Appointments— A Civilian Perspective

The Collegium system

M.G. Devasahayam

A senior functionary of the ruling party is now a High Court Judge. Her ‘eligibility’ and ‘suitability’ was confirmed by a Supreme Court Bench even as she was being sworn in at the Madras High Court.

It was as if the whole Constitution and the judicial edifice would crumble if she was not sworn in at 10.35 AM on February 7, 2023 even as the challenge to her appointment was being argued in the Apex Court.

The challenge against Victoria Gowri’s appointment was premised on her being a former office-bearer in the ruling party (she was the general secretary of the Bharatiya Janata Party’s Mahila Morcha), and her recent statements.

Examples include “As far as India is concerned, I would like to say Christian groups are more dangerous than Islamic groups. Both are equally dangerous in the context of conversion, especially Love Jihad.”

In the highly flawed process of ‘selecting’ High Court judge’s names are made public only after selection by the collegium. As noted by a Live Law columnist: “The selection process is entirely opaque and behind closed doors, where the parties involved are the collegium and the government (through the Intelligence Bureau).

“This not only has transparency costs, but also, the costs are asymmetrical: it is but obvious that where the government approves of a particular candidate, it can simply withhold relevant information from the collegium (indeed, this is the only possible implication in Victoria Gowri’s case).

“This, then, creates a situation like the

present one: by the time that a candidate’s name is in the public domain—thereby allowing for relevant material is brought to the collegium’s notice by the public—the selection has already been made. Once again, the fallout of this is asymmetric: given that the government retains the power of formal appointment, when it approves of a candidate, it can rush the process through (as happened in Victoria’s case).”

This situation has serious and severe ramifications for the constitutional scheme of separation of powers, independence of judiciary and delivery of justice to India’s parched millions. And as is the adage “without justice there can’t be peace”!

Be that as it may, selection and appointment of High Court judges has been a long festering issue between the Union Government and Supreme Court that is begging for a solution. The bone of contention is the Memorandum of Procedure (MoP) which will be the Rule governing appointment of judges.

Strange as it may seem, India’s higher judiciary, which adjudicates every law and rule in the country, is itself functioning without any rule! In 2015 the Supreme Court struck down the government’s proposal to set up a National Judicial Appointments Commission (NJAC) for appointment of high court and Supreme Court judges. Since then, the government and the Collegium have not been able to finalise the MoP.

This is because of sharp difference of opinion between the two on many counts:

1) Seniority and Merit: Government wants

the criteria of seniority, merit and integrity while promoting a HC judge to the SC. Collegium says the criteria of seniority, subject to merit and integrity, would be followed.

2) Power to reject candidates: Government proposes to retain power for rejection of candidates recommended on grounds of national security/public interest. Collegium is opposed to this.

3) Writing down Reasons: Government wants that in case a senior Judge is being overlooked for elevation to the Supreme Court, the reasons for the same be recorded in writing and the views of all five judges of the Collegium must be made known to the government. Collegium does not favour this.

4) Binding Recommendation: As per the existing system, Collegium's recommendations can be sent back but if it reiterates the same, it is binding on the President. Government is asking for "participatory consultative process at the highest level".

5) Consultative Mechanism: Government proposes to set up a committee to assist the Collegium in evaluation of candidates. Collegium feels this is not necessary.

6) Candidate's Database: Government proposes a secretariat under the law ministry that maintains a database of judges, schedules Collegium meetings, maintains records and receives recommendations and complaints related to judges' postings. Collegium wants this under the ambit of the Registrar of the supreme court.

Proponents of NJAC argue that selection to the higher judiciary must be made by a full-time (not ex-officio) body, which is independent of the government and the judiciary and which goes about the selection in a rational and transparent manner.

The business of selecting hundreds of judges in a year to the higher judiciary, if done properly, would require at least a thousand candidates to be considered and comparatively

evaluated over multidimensional criteria in a fair and rational manner. This would require a full-time body, which could totally devote itself to this process, with professional support.

There has to be transparency in the selection to prevent arbitrariness or nepotism. It would require that the criteria for selection of judges and standard of evaluation of candidates be made known and names of shortlisted/selected candidates announced before appointment, so that those who have relevant information about the candidate can send it to the appointing authority.

Basic criteria to judge the competence of a candidate should include integrity, competence, judicial temperament, common sense and sensitivity towards the problems of the common man, among others. But in India's deep-rooted culture of favouritism, cronyism and nepotism this is utopia.

Actually, the tussle is between an ex-officio group called Collegium and a full time Commission, both non-constitutional entities. Hence the crisis and the conundrum that has now assumed alarming proportions, all because of a historical blunder. At the time of Independence there were two All India Services (AIS)-Indian Civil Service (ICS) and Indian Police (IP). ICS was doubling as civil servants and judges. Since the Constitution of India brought in separation of powers between executive and judiciary this arrangement was no longer tenable.

Therefore, Article 312 of the Constitution mandated Parliament to create one or more AIS. Sardar Vallabhbhai Patel got two of them covenanted in the Constitution itself: "The services known at the commencement of this Constitution as the Indian Administrative Service (IAS) and the Indian Police Service (IPS) shall be deemed to be services created by Parliament under this article."

But B.R. Ambedkar, the Law Minister, frittered away the opportunity and till date there

is no All-India Judicial Service (A.I.J.S). In the event while the higher executive is manned by permanent civil servants, the higher judiciary is occupied by the products of the spoils system!

Nevertheless, the issue of creation of AIJS keeps cropping up off and on. In 2010, three eminent jurists—Justice MN Venkatachaliah, Justice JS Verma, Justice VR Krishna Iyer—examined the issue in some length and opined thus: “We agree with the urgent need to constitute the IJS as envisaged by Article 312 of the Constitution of India, at par with the other All India services like the IAS to attract the best available talent at the threshold for the subordinate judiciary, which is at the cutting edge of the justice delivery system to improve its quality.

“Moreover, the subordinate judiciary is important feeder-line for appointments to the High Court. The general reluctance of competent lawyers to join the Bench even at the higher levels adds an additional urgency to the problem. IJS will, in due course of time, also help to improve the quality of the High Courts.”

Various law commissions (1st, 8th, and 11th) had also suggested the creation of IJS. Even the Supreme Court, in two of its judgments in 1991 and 1993, had endorsed the setting up of IJS. Yet it is mysterious that this Service has

not materialised. In November, 2012, a Committee of Secretaries chaired by the Cabinet Secretary had approved a “comprehensive proposal” for creation of the service.

Prime Minister Narendra Modi while addressing a function to celebrate completion of 50 years of Delhi High Court on October 31, 2016 sought a debate on creating A.I.J.S. which has been hanging fire right since independence.

The Union Law Ministry also floated the idea of the Chief Justice of India convening a meeting of the Chief Justices of the High Courts to arrive at a consensus on formation of A.I.J.S. So, the matter is live and a proper solution has to be found soon because higher judiciary cannot be a rule-less entity in perpetuity. All things considered, the best long-term solution for this sensitive and vexatious issue is to abide by the constitutional scheme of things and establish the A.I.J.S. with the Supreme Court as the Cadre Controlling Authority instead of the Government. Any special expertise needed can be taken care of through lateral entry. Sooner this is done the better. M.G.Devasahayam retired from the Indian Administrative Service. He was earlier with the Indian Army. Views expressed are his own.

Courtesy **The Citizen**, 13 Feb 2023

Contd. from page - (16)

On Understanding RSS Neo...

Here a specific note is also required on the particular relevance in building up effective resistance against Manuvad and growing inhuman Brahmanical caste practices against Dalits. Hence appropriate ideological, political and cultural interventions joining with all progressive intellectuals and like-minded people against Manuvadi-Hindutva, the ideological basis of Indian fascism. This is essential since; it is based on the Hindutva ideology that RSS is engaged in the maddening pace towards transforming India into a full-fledged theocratic state with the material backing of corporate capital.

P J James is general secretary of CPI ML (Red Star)

Courtesy **Countercurrents**, 14 January 2023.

Making a Mockery of Own Orders

S.N. Shukla

Lok Prahar had filed a PIL Writ Petition (C) No. 784 of 2015 for enforcement of the voters' right to information under Article 19(1)(a) of the Constitution and to effectuate meaningful implementation of the judgments of the Apex Court in this regard for restoring and maintaining the purity of our highest legislative bodies in accordance with the intentions of the founding fathers of the Constitution and the concern expressed by the framers of the Representation of the People Act, 1951.

2. The prayer in the amended writ petition was as follows-

1. issue a writ, order or direction, in the nature of Mandamus-
 - (1) to respondents no. 1 and 2 to make necessary changes in the Form 26 prescribed under Rule 4A of the Conduct of Election Rules, 1961 keeping in view the suggestion in para 38 of the WP,
 - (2) to respondent no. 1 to consider suitable amendment in the Representation of the People Act 1951 to provide for rejection of nomination papers of the candidates and disqualification of MPs/MLAs/MLCs deliberately furnishing wrong information about their assets in the affidavit in Form 26 at the time of filing of the nomination,
 - (3) to respondents no. 3 to 5 to-
 - (i) conduct inquiry/investigation into disproportionate increase in the assets of MPs/MLAs/MLCs included in list in Annexure P-6 to the WP,
 - (ii) have a permanent mechanism to take similar action in respect of MPs/MLAs/MLCs whose assets increase by more than 100% by the next election,
- (iii) fast track corruption cases against MPs/MLAs/MLCs to ensure their disposal within one year,

2. declare that non disclosure of assets and sources of income of self, spouse and dependents by a candidate would amount to undue influence and thereby, corruption and as such election of such a candidate can be declared null and void under Section 100(1)(b) of the RP Act, 1951 in terms of the judgment reported in AIR 2015 SC 1921.
3. issue a writ, order or direction in the nature of mandamus to the respondents to consider amending Section 9-A of the Act to include contracts with appropriate Government and any public company by the Hindu undivided family/trust/partnership firm(s)/private company (companies) in which the candidate and his spouse and dependents have a share or interest,
4. issue a writ, order or direction in the nature of mandamus to the respondents that pending amendment in Section 9-A of the Act, information about the contracts with appropriate Government and any public company by the Hindu undivided family/trust/partnership firm(s)/private company (companies) in which the candidate and his spouse and dependents have a share or interest shall also be provided in the affidavit in Form 26 prescribed under the Rules,
5. award the cost of this petition in favour of the Petitioner organization,
6. pass such other order or direction as may be deemed fit and proper in the circumstances of the case.

- 3.** Subsequently an application was filed praying that Form 26 may be further amended to provide the following information also-

(1) (i) Whether the candidate was found guilty of a corrupt practice by an order u/S 99 of the RP Act, 1951?
(ii) If yes, the decision of the President under Section 8-A (3) of the Act on the question of his disqualification, along with the date of the decision.

(2) (i) Whether the candidate was dismissed for corruption or for disloyalty while holding an office under the Government of India or the Government of any State?
(ii) If yes, the date of such dismissal as per the certificate issued by the Election Commission of India under Section 9 of the RP Act.

(3) Details of contract(s) with Government and any public company by the candidate, his/her spouse and dependents directly or by Hindu undivided family/ trust/partnership firm(s)/private company (companies)/in which the candidate and his spouse and dependents have a share or interest.

(4) Whether the candidate is a managing agent, manager or Secretary of any company or Corporation (other than a co-operative society) in the Capital of which the appropriate government has not less than twenty-five percent share?

(5) Whether the Candidate has lodged an account of election expenses in respect of the last election contested by him within the time and in the manner required by or under the RP Act, 1951?

4. The writ petition was allowed by the Bench comprising of Hon'ble Mr. Justice J. Chelameswar and Hon'ble Mr. Justice S. Abdul Nazeer by a landmark judgment dated 16.2.2018 in the field of electoral reforms reported in AIR 2018 SC 1041/(2018) 4 SCC 699 In the said judgment the Court was pleased to rule as follows-

(1) "Therefore, we are of the opinion the prayer 1(1) should be granted and is accordingly granted. We direct the Rule 4A of the RULES and Form 26 appended to the RULES shall be suitable amended, requiring CANDIDATES and their ASSOCIATES to declare their sources of income". (para 55)

(2) "For the reason mentioned above, we allow the prayer 1(3)(ii)". (Para 61)

(3) "For the very same logic as adopted by this Court in Krishnamoorthy,(AIR 2015 SC 1921) we are also of the opinion that the non-disclosure of assets and sources of income of the CANDIDATES and their ASSOCIATES would constitute a corrupt practice falling under heading 'undue influence' as defined under Section 123(2) of the RP Act of 1951. We, therefore, allow prayer No. 2". (Para 64)

(4) The information required in prayer 4 is "certainly relevant information in the context of disqualification on the ground of undue accretion of assets, therefore, we see no objection for granting the relief as prayed for". (Para 66)

(5) "Therefore, all the six prayers made in IA No. 8 are allowed". (Para 67)

5. Thereafter, vide letter dated 12.3.2018 the then Secretary Legislative Department GoI was requested to take action as per the direction in the said judgment. Only after letter dated 18.6.2018 and personal meeting with the then Secretary followed up again by letters dated 4.8.2018 and 17.9.2018, notification to **only partly** amend Form 26 was issued on 10.10.2018. Even by this belated notification amendment in Form 26 was carried out only in respect of directions in paras 54 and 66 of the judgment. The order in para 67 of the judgment granting all the prayers in IA No. 8 for providing the information mentioned therein in Form 26 was not complied with. Compliance of orders in paras 61 and 64 of the judgment granting Prayers 1(3)(ii) and 2 was also not done.

6. Thereupon, a letter dated 15.10.2018 was

again sent requesting him for compliance of the directions in paras 61, 64 and 67 of the judgment without further delay. When nothing came out of it, a Contempt Petition (C) No. 2178 of 2018 for initiating proceedings against the then Secretary, Legislative Department, GoI was filed for committing contempt of the Court by willful disobedience and non-compliance of the aforesaid three important directions **and thereby frustrating the purpose of the said directions.**

7. However, ignoring the submissions in the rejoinder affidavit to the reply of the Secretary Legislative Department, the contempt petition was summarily dismissed vide a cryptic order dated 19.7.2019, merely on the basis of the omnibus misleading statement of the Solicitor General that '*necessary steps for compliance of this Court's order is under way*' without specifying as to what steps were underway and how and when the compliance will be done.

8. Consequently, the directions in the writ petition remained uncomplied with for more than 3 years. Thereupon, a representation dated 18.6.2021 was sent to the new Secretary, Legislative Department Mr. Anoop Kumar Mendiratta (successor of the respondent in the writ petition and earlier Contempt petition) drawing his attention to the non-Compliance of said directions with the request that the action as suggested in the representation be taken forthwith for compliance of the well considered orders of the Court. However, in a cryptic reply to the representation the Assistant Legislative Counsel of the Legislative Department vide his letter dated 9.7.2021 simply informed that "matter is under consideration in consultation with Lok Sabha and Rajya Sabha Secretariats."

9. Thereupon, General Secretary Lok Prahar again wrote to the Secretary on 17.7.2021 saying that it seemed that the aforesaid routine reply was sent from the lower level without showing the representation dated 18.6.2021 to him as was apparent from the reasons detailed therein. In

view thereof, the Secretary was again requested to personally look into this matter so that the categorical orders of the Court in this very important matter were complied with in letter and spirit without any further delay, obviating the need to approach the Court again in this regard. But there was no response to it.

10. From the position stated above it is apparent that the successor of the respondent in the earlier Contempt Petition had been deliberately unnecessarily sitting over the matter with the obvious intention of not complying with the categorical directions in the well considered landmark judgment of the Apex Court for meaningful effective implementation of the voters' right to information which has been held to be part of the right to freedom of expression under Article 19 of the Constitution. As such, he was liable to be punished for committing wilful gross contempt of the Court.

11. Accordingly, a Contempt Petition (C) No. 486 of 2021 was filed on 4.8.2021 for initiating proceedings against the then Secretary Legislative Department, Mr. Anoop Kumar Mendiratta for contempt of the Apex Court under Article 129 of the Constitution and Rule-3(c) of the Rules to Regulate Proceedings for Contempt of the Supreme Court, 1975 for gross deliberate non compliance and persistent wilful disobedience of the directions of the Court. In the said petition it was submitted that under the circumstances, the Court may also consider issuing directions to the effect that the notification further amending the Form 26 to include information mandated by the order in para 67 of the judgment shall be issued within a month and fix time limit of 2 months for full and effective compliance of the directions in paras 61 and 64 of the judgment.

12. After registration on 24.8.2021, the contempt petition was shown in the Website of the Court as likely to be listed on **more than a dozen times** on different dates, but it did not figure in the Cause Lists of those dates, despite repeated requests at various levels including the

Chief Justice, but nothing came out of these requests. Apart from making a mockery of the computerised listing system, this gave an impression of shielding errant officers against their deliberate persistent defiance of the well considered directions of the Court. This also affects the public perception of the efficacy of the Court in getting its orders complied with.

13. Meanwhile, the original respondent having been elevated as a Judge of Delhi High Court, an impleadment application was filed to implead his successor the new Secretary of the Department who had also not responded to the letter dated 2.4.2022 sent to her. Thereupon, an email dated 13.5.2022 was received from the Branch Officer saying: “With reference to the Application for Impleadment filed by you on 04.05.2022 in the matter above mentioned, you are requested to clarify whether you wish to substitute the alleged sole contemnor with the proposed contemnor or want to add the proposed contemnor no 2 in the contempt petition”.

14. To this the following reply was sent vide email dated 14.5.2022-

“Sir, I am amazed at your Email. The cover page and the heading of the IA clearly says that it is an application for impleadment. Then para 5 of the application and the Prayer clearly says that the incumbent Secretary, Legislative Department, GoI is to be added as opposite party No.2. So where was the need or even occasion to seek this unnecessary unwarranted clarification. The Registry has done enough damage to the cause of justice by withholding listing of this **fresh** contempt petition for months (despite being shown in the case Status as likely to be listed on various dates only to fool us) till the elevation of the opposite party as a High Court Judge. Hope, at least now, it will be listed along with the impleadment application without further delay”.

15. Finally, only after emails to the Secretary General and the CJI, **14 months** after its registration the matter was listed before the Court

on 11.11.2022 when the Bench comprising of Hon’ble Mr. Justice S. Abdul Nazeer (who was also on the Bench which passed the judgment in the Writ Petition) and Hon’ble Mr. Justice V. Rama subramanian was pleased to pass the following order-

“Application for impleadment to implead Ms. Reeta Vasishta, present Secretary, Legislative Department, Ministry of Law and Justice, Shastri Bhawan, New Delhi as respondent No.2 is allowed.

Issue notice.

The personal presence of the alleged contemnors is dispensed with for the time being.” (emphasis supplied)

16. After delaying listing of the matter till the elevation of the original alleged contemnor as a High Court judge, instead of issuing notice as directed by the Court the Registry again swung into action **for the second time** to protect him. When the matter was listed on 28.11.2022 (though not taken up), without even issuing notice to the newly impleaded Secretary, it filed an Office Report dated 25.11.2022 for Direction regarding issuance of notice to alleged contemnors in view of the fact that the Hon’ble Court has directed issuance of notice to the alleged contemnors and that the alleged Contemnor No. 1 viz Shri Anoop Kumar Mendiratta “has now been elevated as a Judge of the High Court of Delhi”.

17. In the brief sent by email and also filed online on 27.11.2022 it was submitted that there was no occasion to seek fresh direction for issuing notices to the alleged contemnors as directed on 11.11.2022 since the said office report was misconceived and misleading for the following reasons-

(i) The fact that Shri Anoop Kumar Mendiratta (original respondent) had been elevated as a Judge of Delhi High Court was mentioned in the impleadment application itself. So it was not that he “has been elevated **now**” as incorrectly mentioned for seeking direction on this account.

(ii) **Only after noticing his elevation** the Hon'ble Court was pleased to allow impleadment of his successor as **OP No. 2** and directed issuing of notice to both as is apparent from use of word **“contemnors”** in the order dated 11.11.2022.

It was also submitted that though camouflaged as Office Report for Direction, it was in fact an application for reconsideration and modification of the order dated 11.11.2022 and exempting the original respondent from notice being issued to him will send a wrong message of a GoI law officer being rewarded for disregarding the well considered directions of the Court in a landmark judgment relating to purity of elections. Since this brief was not circulated to the Judges by the Branch, a copy of it was also sent to their Principal Private Secretaries for the consideration of their Lordships.

18. However, when the matter was taken up on 12.12.2022 the following order was passed-

“In view of the peculiar facts and circumstances of the case, Registry is directed to delete the name of respondent no.1-i.e. Anoop Kumar Mendiratta from the array of parties”, even though the fact of his elevation as Delhi High Court judge was already mentioned in the application for impleadment of his successor and noticed while passing the order dated 11.11.2022 and there was no new development to warrant reconsideration and modification of the order dated 11.11.2022

19. Not only this, on the next date 2.1.2023, instead of hauling up the Registry for not issuing notice even to the present Secretary after order date 11.11.2022 and for a week even after order dated 12.12.2022 and inquiring as to what steps for compliance of order dated 12.3.2019 in the earlier contempt petition ‘were under way’ on 19.7.2019 as stated then by the Solicitor General and what has been the outcome thereof, the order passed was : ”*List this petition*

after four weeks.” Thereafter, the matter was listed on 3.2.2023, but was not taken up and is now slated for 14.3.2023 giving a long rope to the alleged contemnor.

20. Evidently, dismissal of the first contempt petition without verifying the veracity of the statement of the Id. Solicitor General and the orders dated 12.12.2022 and 2.1.2023 passed in the second one by a Bench whose Presiding Judge himself was in the Bench which passed the judgment on the writ petition cannot be said to be in consonance with the observations of the Apex Court itself in the following cases-

(1) *“If courts are not to honour and implement their own orders, and encourage party litigants- be they public authorities- to invent methods of their own to short – circuit and give a go – by to the obligations and liabilities incurred by them under orders of the courts, the rule of law will certainly become a casualty in the process”*. (2001) 6 SCC 688 (para 8)

(2) *“The law of contempt has been enacted to secure public respect and confidence in the judicial process. If such confidence is shaken or broken, the confidence of the common man in the institution of Judiciary in democratic set up is likely to be eroded, which if not checked, is sure to be disastrous for the society itself.”* (2002) 3 SCC 343 (Para 3)

(3) *“Democracy and the rule of law require that the orders of the courts should be complied with by the executive authorities promptly and with due diligence”*. (2011) 4 SCC 281(para 8)

It is not surprising that the judge passing the aforesaid orders has been made Governor of Andhra Pradesh immediately after demitting his office.

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

Hindenburg report on Adani group: SC calls for protecting Indian investors from sudden market volatility

The Hindu

The Supreme Court on Friday, the 10th of February, asked the Securities and Exchange Board of India (SEBI) and the government to produce the existing regulatory framework in place to protect Indian investors, who are mostly middle class and reported to have lost several lakhs of crores in the past two weeks after the U.S.-based short-seller firm Hindenburg Research published a report, which led to sudden market volatility following a meltdown in the Adani Group shares.

Assuring the SEBI that it does not intend to go on a “witch-hunt” and is more interested in an ‘open dialogue’, a three-judge Bench led by Chief Justice of India D.Y. Chandrachud flagged the court’s concern for Indian investors and highlighted the need to protect them from such sudden market volatility in the future.

“How do we ensure protection of Indian investors? Usually, this may happen on a small scale, but reports in newspapers say the total loss suffered by Indian investors may go in the range of several lakh crore in terms of investor value,” Chief Justice Chandrachud addressed Solicitor General Tushar Mehta, appearing for the SEBI.

Chief Justice Chandrachud said the stock market was no longer a place for just “high value investors” to dabble in.

“It is also a place now where a whole wide spectrum of the middle class are investing due to changes in the financial and tax regimes... Everybody is in the market now. There is a need for circuit-breakers here like how you have in other areas,” the CJI told Mehta.

The Solicitor General said the market took a plunge on “something” that happened outside, beyond the jurisdiction of the SEBI. “That report

[Hindenburg] was the trigger point,” Mehta submitted.

“Stock market goes entirely by sentiment... What we want to look into is whether we have a robust mechanism in place to protect Indian investors... Capital is moving seamlessly, funds are flowing in and out of India... How do we ensure that what happened does not happen again in the future?” Chief Justice Chandrachud said.

The court, on Mehta’s submission, recorded that the SEBI was “closely monitoring the situation and continues to do so”. The Supreme Court clarified in its order that its observations should not be construed as a reflection on the SEBI or other statutory authorities.

The court asked the SEBI to submit a note by Monday detailing the legal and factual aspects of the existing regulatory framework for the securities market. The market regulator could also give a “threadbare analysis” of its powers and even suggest whether it needed to grow more teeth to deal with the “new world” of seamless capital movement.

If the Centre wanted, the court said it could even consider constituting an expert committee of domain experts in banking and securities along with a former judge to act as a “wise guiding force”.

The court made it clear that it did not want to encroach into the policy domain. It would tread carefully, keeping a wary eye against causing any upsets in the stock market. The court listed the case for February 13.

The Bench was hearing separate petitions filed by advocates Vishal Tiwari and M.L. Sharma for an investigation into Hindenburg Research’s report. 

BBC says ‘fully cooperating’ as Income Tax department surveys its Delhi and Mumbai offices



A police vehicle comes out of BBC's Mumbai office where Income Tax Department conducted a survey operation on February 14. (Credit: AFP)

The operation, part of a tax evasion investigation, comes weeks after the broadcaster released a two-part documentary on the 2002 Gujarat riots named “India: The Modi Question”.

News

- BBC posted on Twitter conveying it hoped to have this situation resolved as soon as possible.
- The I-T department is looking at documents related to the business operations of the London headquartered public broadcaster and its Indian arm.
- The investigation is linked to international taxation issues of BBC subsidiary companies, sources indicated.

The BBC on Tuesday said that it is fully cooperating with the Income Tax department after survey operations were conducted at the media corporation’s Delhi and Mumbai offices as it hoped to get the situation resolved “as soon as possible”.

The press wing of BBC News posted on Twitter conveying the about the same.

The operation, part of a tax evasion investigation, comes weeks after the broadcaster released a two-part documentary on the 2002 Gujarat riots named “India: The Modi Question”.

The synchronised surprise action began at 11 am with I-T officials reaching the BBC offices

in Delhi and Mumbai. BBC staffers were asked to keep their phones at a particular spot inside the premises, officials said.

The department is looking at documents related to the business operations of the London headquartered public broadcaster and its Indian arm, they said.

Following the survey by the IT department, the BJP hit out at the BBC, accusing it of “running agenda under the garb of journalism” and taking an anti-India stance.

“Any agency or company operating out of India will have to abide by the laws and regulations of the country. If you are following the law, then you should not be scared. Let the agencies do their job,” BJP spokesperson Gaurav Bhatia told a press conference.

“It won’t be wrong to say that BBC has become the most corrupt and ridiculous organisation in the world. And the worst things is BBC’s propaganda and the Congress’ agenda match with each other,” he said.

The investigation is linked to international taxation issues of BBC subsidiary companies, sources indicated.

As news spread, onlookers and media crews were seen outside the BBC office at central Delhi’s Kasturba Gandhi Marg. In Mumbai, the office is in Santa Cruz.

As part of a survey, the Income Tax Department only covers the business premises of a company and does not raid residences and other locations of its promoters or directors.

The department is looking at documents related to the business operations of the company and those related to its Indian arm, they said.

Courtesy **News9Live**, 14 Feb 2023. 

Scapegoats and Holy Cows:

Crime and Justice Delivery System in the era of Sectarian Nationalism

Ram Puniyani

In the case of Jamia violence of 2019, 11 students were arrested. One of them was Sharjeel Imam, who was student of JNU. The others included likes of Safoora Zargar and Asif Iqbal Tanha. While discharging them Court comments, “police was unable to apprehend “actual perpetrators” and “surely managed to rope them (accused) as scapegoats” in the matter.” Court also observed that police has been filing supplementary charge sheets with nothing new to offer. Surely it was to drag the case and keep these eleven in the jail. There many others like Umar Khalid who were talking of harmony and peace are behind the bar, which Anurag Thakur got promotion from Minister of state to Cabinet minister after his provocative Goli maro (Shoot them).

In the wake of Covid 19, it came to be known that many Tablighi Jamaat (TJ) members were having a conclave in Delhi. Some had come from abroad. The Godi (lap) media jumped to the opportunity and blamed the TJ members for spread of Corona calling it Corona Jihad and Corona Bomb, many delegates were arrested. Around same time a massive Namaste Trump meeting was held in Ahmadabad, Kanika Kapoor a noted singer had come from abroad and was holding many shows, a Sikh Granthi who had come from abroad was having many meetings. Those arrested underwent a painful ordeal and later were released as High Court observed, “A political Government tries to find the scapegoat when there is pandemic or calamity and the circumstances show that there is probability that these foreigners were chosen to make them scapegoats. The aforesaid circumstances and the latest figures of infection in India show that such action against present petitioners should not have been taken.”

In the wake of series of blasts Malegaon, Mecca Masjid and Ajmer many Muslim youth were arrested and later released for the lack of any evidence, but meanwhile their careers stood ruined and their families defamed. ANHAD, the human rights organization did come out with a report “Scapegoats and Holy Cows”. Similarly Jamia Teachers Association published a report, ‘Framed, Dammed and Acquitted’. The report points out as to how usually Muslims are implicated, tried and later released after long period of imprisonment. It is the Courts which occasionally come to their rescue and they are released.

There is ‘other’ side of the story. Many saffron clads and those owing allegiance to sectarian agenda spread hate with gay abandon. One recalls the fairly recent utterance of the Bhopal MP, Pragya Singh Thakur, who is currently on bail in Malegaon blast case, asking people to keep sharp knives for punishing those indulging in love jihad. Last couple of weeks there a spate of Hate speeches from ‘Holy’ men-women and even those who are part of ruling party. There are rallies where BJP leaders are seen and Hate speech is blurted in gay abandon.

One ‘Hindu Janakrosh Morcha’ held over 20 rallies in Maharashtra and spewed hate against Muslim community on the issue of conversion and love jihad. It had planned a rally in Mumbai on 6th February in which in addition of conversion and love jihad it was to give the call of boycott Muslim traders. The petition was filed against its plan. The Court in its wisdom directed the police to take action against Hate speech under section 151. When this provision is there why have the police not being taken action.

A rally of various Hindutva groups was held in Delhi at Jantar Mantar (5th Feb 2023),

where the call was given to stock weapons to kill Muslims and Christians. As per a report in The Scroll “In one of the videos, which has been widely shared on social media, a monk is seen asking Hindus to stock weapons to kill Muslims and Christians. In another video, Bharatiya Janata Party leader Suraj Pal Amu is seen calling for violence...” We have been seeing such calls being given in Dharm Sansads by the likes of Yati Narsinghnand and company, who surely are having a state cover and enjoy the impunity.

Last couple of years Yati Narsinghnad, Mahamandleshwar of Juna Akhara has been doing the same with increased intensity. Many FIRs were lodged against him for his comments against women and his Hardwar Dharma Sansad Hate speech. He was even arrested but later got bail with ease.

Let's look at the contrasting situation. The Muslim youth are generally put under UAPA and other clause; where the bail is difficult or the deliberate delay is organized by authorities keeps them behind the bars. The Hindutva/BJP/Saffron clad saints are put against mild charges and jail is exceptionally rare if at all.

In a way two sets of justice delivery systems have developed in the society due to the rise of communal politics. The myths, prejudices and biases against minority communities are very deep set due to organized propaganda. Large section

of media, IT cell, and thousands of Whatsapp groups been set up by them. At one level, the ground level shakha work the type of history stories about Shivaji, Govind Singh Rana Pratap vis a vis Allauddin Khilji, Aurangzeb and Muslim rulers in general are the staple diet on which the swayamsevaks of RSS are trained in a thorough manner. Their further deepening occurs at pracharak level where after months of indoctrination the Hindu Rashtra ideology.

This is at basic level. As they go up in the hierarchy of political structure and organizations floated by them, they try to put on sophisticated language to hide the Hate ideology. So a RSS chief will say that we are all Hindus, will talk of ‘Vasudhiava Kutumbkam’ due to which many ideologues and thinkers feel it is worth having a dialogue with this organization. Their deep agenda leads to a stage where Yogi Adityanath will talk of Sanatan Hindu Rashtra.

Can the deep set Hate be combated in any rational way? The emotive issues are further worsening the situation and starting from Ram Temple, to beef to various types of jihad and lately love jihad becomes the divisive and hate spreading slogan on which the sectarian nationalist ideology thrives. There is a need to promote fraternity and the police/state officials in particular need to be trained in the Indian culture and history, which is plural and inclusive. 

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Distortions of truth

P.A.S Prasad

"I feel proud to belong to a religion which has taught universal acceptance , but we believe not only in tolerance but we accept all religion is true.

I am proud to belong to a religion which has sheltered the persecuted and the refugees of all religions and nations of the earth."

Quote from swami Vivekanandas speech in the parliament of religions in Chicago 1893.

" My mission in life is to wipe the tears from every eye. Think of the poorest person you have ever seen and ask yourself, if the step you contemplate is going to be any use to him (her) to a control of his ((her)life and destiny in other words will it lead to Swaraj (freedom) for the hungry and spiritually starving millions."

Gandhi ji , 1948.

The above two quotes should have been incorporated in the directive principles of state policy of the Indian constitution as they embody the cultural and ethical guide lines for governance of this country since ancient times, rama rajya being the ideal.

Vivekananda quote has been followed in precept and practice till the present bjp has come into power.the negation of the quoted precept has been amply in evidence .it is manifest in the governance as well as being bandied about by its followers in the name of a Hindu nation according to their lights.

The above quote of gandhiji has been violated and manifest.the horrific decisions of modiji of implementing demonetisation and lockdown on the people of this country caused awesome misery and tears of easpecially the

lowest helpless people never caused before in the history of the country.

On top of this the distortions of recent history of this country by repetition are sought to be believed by people and become part of the history of this country overlooking there are quite a few alive to day who were closely associated with the events of recent history .and many remember the events handed down by their elders.Netaji bose's daughter on the eve of his recent birthday made it very clear that her fathers views were never the same as that of the bjp and reiterated that her father had a deep abiding respect for gandhiji and nehru and thst he had named some regiments in the Ina after them ,. Moreover countries world over are in the know of our history of recent past.the world cannot be fooled with

distortions and twisted history .

In the inclusive pluralistic secular principles and practice,

Nehrus niece Nayan Tara is still with us.she opposed indira Gandhi squarely during the terrible emergency imposed. It is certain she would vouch for the liberal and free values of the previous governments policies.

As to the distortion of truths by the present dispensation

Distortion 1. Sardar Patel was greater than nehru .he consolidated india by integrating princely states including Hyderabad actually the stature of Sardar Patel was infinitely taller than the statue erected for him for the purpose of optics .in those days of freedom struggle stature acquired was higher than any position of power.their stature was acquired by their service , and sacrifice.

In the independence movement princes became paupers ,lost their health and some times life too.unlike present day paupers are becoming princes and mostly dependent on their position of power .once out of power they become null and void.this is the reason they cling to power like leaches, somehow or other power and position.

Sardar Patel and nehru were like head and tail of the same coin, the coin being independent india and progress .they worked in tandem .they /had huge respect for each other.either of them would be great prime minister.the difference is nehru was a crowd puller.he became the darling of the masses during the struggle itself .gandhiji chose nehru to be the pm because he wanted a crowd puller to keep the country together.he was younger and energetic .patel was older and sick and he died in 1950 leaving nehru alone to shoulder the responsibility for 17 years these factors made nehru the pm .there was no rancour or ill will.they were ready to serve in any position or without position .Sardar Patel enjoyed huge respect and had a firm grip on the congress

organisation.his Bardoli satyagraha was a role model for defying the British effectively.bjp was wrong in thinking that without a huge for Patel he would not be remembered. It is totally erroneous .history will not forget the great son of india.every decision taken by Patel was known to nehru and vice versa..they were not interfering in the work of their respective domains .they were complementing each others work. As the home minister integration of states was his baby and he did it with finesse.but nehru was in the loop of the decision but how to do it was left to Patel .so was the Hyderabad integration.patel chose to call it police action to bring it in the ambit of home ministry.but actually the Indian army entered from three sides and subjugated Hyderabad once and for all while the army is involved under the defence ministry Nehru never took a decision without Patel's concurrence.and vice versa. Kiran Rijju who distorted without home work viewed that nehru was the villain of the kashmir issue.Kiran rijju will do well to go through the archives .he would find Patel was one of the signatories of the instrument of accession of the Kashmir ruler with India, actually nehru saved Kashmir for India .the Hindu ruler harisinghs oppressive rule alienated the people against the ruler.they were vacillating to join pakistan or remain independent.but sheik abdullah was a popular leader and he was a friend of nehru.nehru offered him autonomy within India by giving special status to Kashmir .if this was not done by nehru we would have lost Kashmir.but later after abdullah became premier of Kashmir and started entertaining notions of becoming totally independent of India , it was nehru unmindful of his friendship with abdullah jailed him several years.all this is totally distorted by the the present ruling powers.

Patel proves his farsightedness when he warned nehru in writing about chinas evil intentions and nehru made a mistake due to

the euphoria of his friendship with Chou.inlai in not taking Patel's warning seriously.later due to the asinine forward policies of the then defence minister vk krishna Menon the Chinese pounced and invaded Indian territory .moreover because of India's ancient ethics Dalai-Lama with his followers were given shelter in india resulting from the Chinese aggression on Tibet.this had further infuriated the Chinese.

Nehru and Patel differed from each other as well as with gandhiji also.the differences were on the method and approach to problems.

There are several institutions named after Patel .he is always remembered with gratitude as a great achiever .they were all more statesmen and patriots than politicians,they differed but retained immense respect for each other.

Lastly It should be remebered thst it was Patel who banned the rss and jaile Savarkar in the wake of gandhijis assassination Patel did not lift the ban till golwaker the rss chief gave an undertaking that the rss would abide by the constitution and honour the national flag.

Distortion 2. Nehru feared bose would overtake him in popularity as he was a greater patriot than himself and was a rival to his position .Bose was therefore denied a fair and just position and stature he rightly deserved.

Actually bose and nehru had similar backgroundsof wealthy and influential fathers.both were educated in England.Nehru was older than bose. But they were close friends and great patriots.it was bose who looked after Kamala nehru in Switzerland where she was lying critically il till nehru joined them after release from prison .both of them made great sacrifices in their respective ways for India's freedom. The differences bose had with gandhiji and nehru were ideological.bose was more aggressive and impatient with the approach and practice adopted by Bapuji in the struggle for freedom .he resigned from

congress and formed the forward bloc within the congress. Bose after his escape and subsequent formation of Ina cherished his reverence for gandhiji and his friendship with nehru. He sought gandhijis blessings for his endeavours and he was the first to call gandhiji as Mahatma. He named his regiments after nehru and Gandhi.at no point if time there was rivalry or fight for a position between bose and nehru.

Only recently booses only daughter Anita took the bjp to task and declared tha the ideals and philosophy of bose on inclusiveness and secularism were totally opposed to the divisive precepts and practice of the BJP.

India has not forgotten its beloved son .there are so many institutions, monuments and statues of bose in all corners of the country.any number of children were named after bose in south India .in West Bengal his birth day Jan.23rd is a public holiday . BjP is trying hard to raise fitting memorial to bose to enhance its own image.this is futile as it is like showing a torch light to brighten sunlight!

3.mis distortions: Modiji has an economist and historian made to orderin the brilliant Sanjeev Sanyal in the pmo. Sanyal knows modis mind and his economic policies and the way he likes history to suit his prejudices and complexes .Sanyal supplies the shroud in the correct jargon of economics and history and also bolsters modijis stand on the subljects .sanyals posturing his economic theories gives the impression that the stand of economists like Amartya Sen , Abhijit Bannerjee and Raghuram Rajan on the subject is not suitable for India and the stand taken by the bjp govt under the guidance of modiji is appropriate for India .coming to history , Sanyal would have us believe thst the sacrifices of individual Indian revolutionaries like Bhagat Singh and Chandrasekhar Azad and many others like them and the conspiracies against the British

like Kakori and Chittagong armoury raid etc have significantly contributed to the freedom struggle and it is not exclusive due to the independence movement lead by gandhiji. there is no denying that the sacrifices and martyrdom of revolutionaries are exemplary and breathtaking ,the sad fact remains that all the sacrifices did not touch even the fringe of the vast steel frame work of the British empire in india . The simple truth is that the avalanche of the nonviolent movement involving large sections of people launched and carried on by gandhiji and other leaders who followed him shook the foundation of the British in India . It is astonishing to note that individuals with different ideologies joined the movement .fiery socialists like Jaya Prakash Narayan, ram manohar lohia die hard communist like mn roy who established the first communist party in Mexico outside Russia , actively participated at the podium level with the top communists like Lenin and Stalin in the aftermath of the Russian revolution and then went on to guide the revolution in China , too joined gandhiji's movement against the British revolutionaries like binadas who attempted to assassinate , a British governor and the firebrand Aruna asafali joined gandhiji. Yes course Jinnah too joined and went to jail in the struggle and he was a respected leader.

Later, of course, some left due to ideological differences with Gandhian philosophy. mn roy became general secretary of the congress while the aggressive Subhas Bose became the elected president of the inc...much later when the British were almost winding up the naval mutiny in bombay hastened the progress of the struggle towards independence .it is thought that Ina of bose too contributed to British leaving India.but this is a debated issue.

It is not clear why the present govt .is fond of floating easily verifiable distortions.when the truth is obvious.

Distortion 4: Nowhere in the world and

not in India and not even in the earlier bjp govt. those armed forces personnel who laid down their lives while fighting the enemy in the call of duty, having been inculcated in the spirit of duty above self and the country above all have been termed as MARTYRS.the present bjp govt.alone uses the word martyr in respect of armed forces personnel Killed in action .dictionary meaning of martyr defines one who dies for his religious or political beliefs and faith . armed forces personnel having nothing to do with neither religion nor politics..in India we had many martyrs who laid down their lives in the freedom struggle .like Bhagat Singh, Khudiram Bose Masterda surya Sen and many others who went to the gallows while fighting for the freedom of India from the British .we have the example of Mahatma Gandhi who was killed for Hindu Muslim unity and Martin Luther king in the usa who was killed for equal rights if the blacks and so on.they are not paid and maintained by the govt .to fight and die for their beliefs.martyrs are selfless ,they fight on their own without expecting a return for their sacrifice .where as the armed forces personnel in uniform are paid and maintained by the govt. for defending the country.a duty is cast upon them by virtue of the uniform they wear to defend the country and if necessary to lay down their lives, it is duty above self. It is really confusing and surprising why the wrong term is brought into currency by the present govt.there are many in the govt.aware of the meanings and appropriate uses of words in English

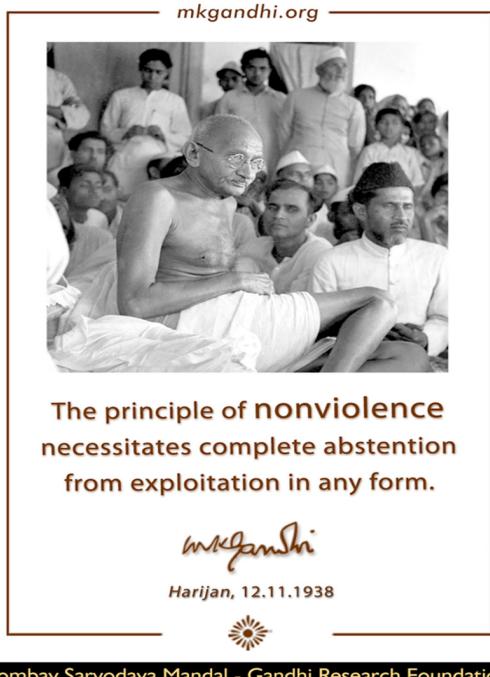
Even what goebbels did in nazi germany came to light in full in spite of slow communication system of those days.now in the interner and satellite communication era the truth of any event of importance is garnered instantly .moreover every country has its own intelligence network and one is in a position to push the truth under the carpet. Be it Babri masjid ,Godhra or gujerat riots or farmers protests etc. 

Violence is not the answer to violence:

THE PATH OF GANDHI

A Rationalist Appraisal of Contributions of Gandhi
By Koganti Radha Krishna Murty

(Translated from Telugu by Jawaharlal Jasthi)



Continued from the previous issue....

WHY THIS TRANSLATION NOW?

Justice Avula Sambasivarao

Mahatma Gandhi was assassinated on 30th January, 1948 in New Delhi. More than thirty years after that, this book was written in Telugu by the author Koganti Radhakrishna Murty in 1980. Now in 2015, three and a half decades after the first publication, this translation is being attempted to bring it to the notice of English readers.

Throughout this period of six and a half decades, the name of Gandhi is being heard somewhere in the world in some context or

other. It was to criticize him in some cases and to admire him in other situations. The fact that it was felt relevant to mention his name indicates some values that could be attributed to him. This book was written in 1980 to show that in spite of allegations that his principles are not practicable, there are ideals worth trying in practice.

The book was an attempt to ascertain the causes for the success and failures of Gandhi's principles and policies. No man is perfect and

no leader is flawless. But it is the dominant factor that determines the popularity or validity of a leader. The book and its translation claim to have made a balanced appraisal of the man and his principles and bring to light his contributions to the human society.

The life of Gandhi is open to the public more than that of any other public figure. In fact he renounced his private life to devote himself completely to the service of the people. In spite of being so sincere and selfless, he could not get unquestioned following for his leadership. Those who criticize him do so mercilessly and those who admire him do so in blind faith. This obvious dichotomy is inherent in his principles itself. He was progressive in some aspects and at the same time orthodox in some other aspects. He was reasonable in some things and dogmatic in other things. Leaving aside those contradictions, certain unquestioned and admirable principles stand out in his life which command respect for him.

Even in this work he is given credit for advocating individual freedom. But he wanted a society based on religion, religious ethics and complete faith in God, which are direct negation of individual freedom. He suggests sacrifices at every stage for the sake of society as in a totalitarian regime. His orthodoxy goes to the extent of justifying caste system in Hindu religion. At the same time he condemns untouchability which is direct result of the caste system. He insists that it is the duty of everyone to conform to the vocation given by the caste, but suggests that anyone can take up any vocation if qualified. When questioned about the contradiction, he evades a direct reply. Obviously, he did not try to develop a comprehensive system of philosophy. He only tried to find a solution for every problem encountered by him on an *ad hoc* basis which resulted in contradictions on final analysis. That necessitates taking into consideration the solutions he suggested for each of the problems

rather than trying to ascertain his philosophy as a whole.

While dedicating his life to search for Truth, he chose to insist that faith in God is essential to know the Truth. The late “GoRa” was a confirmed atheist and a crusader for it, so to say. He found popularity of Gandhi as a hindrance to enlighten the people. His popularity was such that common man believed whatever he said. He decided to meet Gandhi and discuss his convictions fully to know if there is really a basis for God. To make the discussions comprehensive he stayed with Gandhi for some months in his Ashram. In that he had no difficulty as he was also a man who was not fond of physical comforts and wears a dhoti just like Gandhi himself. He was a firm atheist. He literally pulled Gandhi into serious discussions about his faith in God. Finally he succeeded in making Gandhi agree that Truth is more important and more fundamental than God. He could have demanded that Gandhi make an announcement that God is a myth. But GoRa was a practical person and it was not his intention to embarrass Gandhi. With the spiritual halo around him, it would be extremely difficult for Gandhi to make such a statement. It amounts to a right about turn of 1800 on his faith. He needs to maintain his image as the leader of the people and fight for freedom. These discussions are also mentioned by his son Dr.Lavanam Gora in his foreword to this version.

By far the most important contribution of Gandhi to any movement is that it must be conducted in a non-violent manner. The concept of non-violence as applicable to individuals is in vogue since ancient days. But at that time there was no consideration of mass agitations against a public authority as is popular now. Whenever there is a mass agitation involving a large number of people, violence becomes inevitable. The leaders who instigated the agitation will not be in a position

to control all the people. Somebody in the mob may do something to instigate the other party, thus starting a chain reaction of violence. Damage to property and loss of life follow inevitably. To avoid such a situation, Gandhi insisted that all his movements shall be non-violent. All the followers also were instructed strictly not to resort violence even when there is a provocation from the other side. Compliance to such orders was not possible when the agitation is spread countrywide. Something happens somewhere and on many such occasions, Gandhi simply withdrew his agitation as a protest against his own followers. The aim of the movement failed because of it. Even then he maintained that violence is not justified. It inspired leaders like Martin Luther King Jr. in America to lead peaceful movements demanding equal rights to the African-Americans. As the movement was peaceful the opposite party did not have any excuse to apply force to disperse the crowd. Even now in the twenty-first century, when they feel aggrieved, the minorities are resorting to peaceful agitations giving no excuse to the government to apply force. That was what happened in Hong Kong. The Chinese government did not have an opportunity to apply force to disperse the agitators as they were peaceful. Trade Unions conduct their strikes without violence. Such is the influence of the call of Gandhi for non-violence. But governments do not behave with restraint always. Some people in authority fall victim to ego and apply force even against peaceful gatherings. That was what happened at the time of Salt Satyagraha led by Gandhi. The British government used violence and the participants in the movement showed utmost tolerance and suffered badly.

The concept of passive resistance (Satyagraha) is part of non-violence philosophy, but applicable at individual level. It is manifest in the individual refusing to take food and invite

suffering for himself as a protest against some injustice done to him. It is a revolt against injustice which gives rise to indignation. As it is only to seek justice, it is righteous and so the response is called "Righteous Indignation" named "Satyagraha" by Gandhi. The strength for it comes out of the justified feeling of some injustice done to him. In the absence of such a feeling, Satyagraha is not possible. It is the righteous indignation that gives the strength to tolerate the pain thrust by the other party. It is the peaceful tolerance that brings pressure on the conscience of the other party that refrains him from applying force. When the cause is just and also involves a public interest, it is followed by others as well, making it a peaceful movement. It surpasses the individual level and becomes a public movement. But it is necessary that everybody that participates in such a movement must feel the righteous indignation and prepared to suffer instead of revolting. Since the causes taken up by Gandhi were of public importance, the government was restive that if anything happens to Gandhi, the people may resort to violent action which would be uncontrollable. To avoid such a situation, government comes to negotiate and try to defuse the situation. Fasting is the way of practicing Satyagraha. Even when he feels that he made something wrong, Gandhi used to resort to fasting. He said it was for self-purification.

The fear of death of the fasting person and the consequences of it, make the government move. It must be noted that Gandhi did not die of fasting. Jatin Das was reported to have died of hunger strike during fight for freedom. The other person that died in India by fasting was Potti Sreeramulu, an Andhra, who started fasting demanding formation of states on the linguistic basis as approved by Congress earlier. He died after 58 days of fasting in 1952. The government did not move till then. The British government, in spite of being colonial, never

allowed such a situation develop. But the same British government refused to accept the demands of Irish Republican Army and it was reported they allowed ten soldiers die in prison by fasting. Earlier to that there were cases of deaths by fasting for national causes. In order to have lasting effect, the prisoners in 1981 decided to go on fast one after another. Thus ten prisoners died when Margaret Thatcher was the British Prime Minister. Their fastings lasted for 46 – 73 days each.

There were many instances of fasting started by many people with insincere motives and made fasting a mockery. But the case of Irom Sharmila in Assam is peculiar. She is on fast for the last fifteen years. How is it possible? Fasting is described as an attempt to suicide which is an offence. So the government arrests the person and resorts to force feeding. After some time they release the person and the same game is repeated. The cause taken up by Sharmila is a demand to withdraw special immunity sanctioned to the armed forces in border states. As the borders are sensitive, the army is asked to protect the same. In course of that action, collateral damage happens and innocent civilians died. To save the army from liability, law was passed to grant immunity to them in such cases. Taking advantage of it, it is alleged, that the army became careless and caused some deaths deliberately or by negligence. There were many changes of governments after she started her fasting, but no government had the courage to withdraw the privilege given to the army. Theoretically, the army has to follow the instructions of the civil authority. The Indian army is well disciplined and there will be no resentment even if the privilege is withdrawn. But when the civil authority is itself diffident, who will save the situation? No fasting will have any effect in such situations.

The concept of passive resistance and righteous indignation is brought out by Gandhi

to the attention of people afresh. One Mr. Kivis Verghese, an employee wrongly discharged by Amazon, started fasting in Seattle against the company for its deception and fraudulent practices, as reported in November, 2014. Such instances are possible only because Gandhi raised the issue in his movements bringing it to the notice of the new generation.

More than that, Gandhi is also responsible to insist on ethics in public life. He did not hesitate to criticize his own party for corrupt practices when in power. He insists on austere life for those who are in charge of government. But it is now normal to enjoy all luxuries at the expense of the public funds.

Apart from the public life, Gandhi was particular that every individual must be sincere to his beliefs in personal life. To be truthful is essential. A person gets a right to preach only if he himself follows what he preaches. That was why he was particular to follow everything he taught, even celibacy, in his life. To prove that he is really concerned about the poor people, he himself forsook all dressing and started wearing a simple dhoti like the poor people in India. As he did not like the western medicine, he refused to take the medicine even when he was seriously sick. That shows his integrity, a character that is not found in many of the leaders over the world. That shows the value contributed by Gandhi for human values.

Having said all this, I have to admit that the author happens to be my father-in-law. But that is not the reason for me to take up this translation. It is only because of the value of the book that I thought of translating it into English so that it will be read by the people in the west and understand the contributions of Gandhi.

I hope it serves the purpose.

Jawaharlal Jasthi Scottsdale, AZ
Translator January, 2015

To be continued in the next issue... 

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Regards, **Kuldip**

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