THE RADICAL HUMANIST

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

Founder
M.N. ROY

Vol. 90, Number 03 **JUNE 2026** **Rs. 15 / MONTH**

675

Bar and Bench
INDIAN LEGAL NEWS

29 April

Instead of taking suo-motu cognizance in which members of the Muslim community are attacked and at times lynched and where cases are not registered against perpetrators, the Human Rights Commissions are seen dabbling in matters that prima facie do not concern them.

- Justice Atul Sreedharan

THE RADICAL HUMANIST

Vol. 90, Number 03, June 2026

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

Founder Editor:
M.N. Roy

Advisor:
Dr. Narisetti Innaiah

Editor:
Mahi Pal Singh

Editorial Board:
Vinod Jain, Bhaskar Sur,
Dr. Dipavali Sen, Pratap Saharan
Mahi Pal Singh- Editor (Ex-Officio)

Printer and Publisher:
Sheoraj Singh

Send articles and reports to:
Mahi Pal Singh at Raghav Vihar, Phase- 3, Prem Nagar, Dehradun- 248007. (Uttarakhand)
(M) 9312206414, 8433255386,
(Landline): 013-53549624.

or **E-mail** them to:
theradicalhumanist@gmail.com or
mahipalsinghrh@gmail.com

YouTube: INDIAN RENASISSANCE INSTITUTE; I.R.I. Website:
www.indianrenaissanceinstitute. com;

Please send Subscription/Donation

Cheques in favour of :
The Radical Humanist to:

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

Please Note: Authors will bear sole accountability for corroborating the facts that they give in their write-ups. The Editor is responsible for selection of the matter that is published in the magazine.

CONTENTS :

Page No.

Articles and Features :

Demand for Independent Probe into Election Commission's Conduct in West Bengal Polls

E.A.S. Sarma

To
Smt. Droupadi Murmu
The President of India
Respected Rashtrapati Ji,

The manner in which the Election Commission of India (ECI) had recently conducted Assembly elections in West Bengal was unprecedented, raising serious concerns about its ability and inclination to remain apolitical, in compliance with the letter and spirit of Article 324 of the Constitution.

In that connection, feeling deeply distressed, while the electoral process was midway, I addressed the three members of the ECI, raising my concerns, which were shared by many others, hoping that the Commission was willing to hold itself accountable to the public at large and do something that restores the credibility of the electoral process (*https://countercurrents.org/2026/04/west-bengal-polls-under-scrutiny-allegations-of-voter-disenfranchisement-and-institutional-bias-against-opposition/)* The Commission chose to ignore my concerns, giving me the inevitable feeling that that it had no intention whatsoever to respond to complaints from the public.

At a time when those at the helm of governance at the Centre are all set to launch the grand idea of "One Nation, One Election", with the ECI toeing their line, the way the just concluded Assembly elections in West Bengal had been conducted has certainly created doubts about the very feasibility of that idea. Perhaps, the political executive at the Centre implies by "One Nation, One Election", the idea of selective surgical strikes in some States of its choice and moderated electoral process in other States! The first sign of how strategically the political executive made its moves in West Bengal appeared when it ensured that a person of its choice took over as the Governor of that State on March 12, 2026, three days prior to the Model Code of Conduct (MCC) came into force.

While the MCC was in force, when star campaigners in elections were not expected to throw electoral conventions to the wind, the esteemed Prime Minister chose to address the nation on "Women's Reservation Bill", through public-funded media channels, going out of the way to castigate one opposition party by mentioning its name 59 times. Hundreds of citizens protested against it but the Commission, which displayed extraordinary alacrity when it came to star leaders from the opposition, chose to acquiesce.

In an unusual move, the Commission moved 920 companies of para-military forces comprising around 92,000 armed personnel into West Bengal for maintaing "law & order" during elections *(*https://www.businesstoday.in/india/story/2024-lok-sabha-polls-920-companies-of-capfs-to-be-deployed-in-west-bengal-635-in-jk-417540-2024-02-14*).* Even after polling, 70,000 armed personnel were asked to remain in the State (*https://www.thehindu.com/elections/west-bengal-assembly/west-bengal-assembly-polls-70000-capf-personnel-to-remain-in-state-after-polling/article70921573.ece)*

Despite such massive mobilisation of armed personnel, the nation was aghast to witness a veritable post-poll mayhem *(*https://youtube.com/shorts/fYtx_XnGPoI?si=UhdBjoudiB94qsY5 & *https://youtu.be/aWdJXJcKpEU)* when workers of one political party, celebrating "victory", carrying its flags and banners, were seen indulging in arson, wanton demolition of buildings with bull-dozers, and roughing up bystanders, all in the presence of the para-military forces and in the direct knowledge of the esteemed Election Commission. The chaotic situation that followed led to at least one fatality.

Considering that, till the electoral process is concluded, it is the ECI that is in full command of the administration of the State, including the State's police force, with the paramilitary forces added, should

not the nation hold the esteemed Commission accountable for such a total break-down of the law & order situation in the State? In my view, the Commission cannot be allowed to insulate itself from public accountability.

What is all the more distressing is the way 90.8 lakh voters, more than 14% of the total number of voters in West Bengal, whom the Commission itself originally enrolled as voters, were abruptly disenfranchised through a dubious process of Special Intensive Revision (SIR) (/www.eci.gov.in/eci-backend/public/apidownload?url=LMAhAK6sOPBp%2FNFF0iRfXbEB1EVSLT41 NNLRjYNJJP1 Kivr UxbfqkDatmHy12e%2FzVx8fLfn2ReU7TfrqYobgIpaZXBRu62AbKB09dqrk2K SXmwjwDw FbssnQR5v8cx8%2FbGESJmpiYgilLIjbqXKL%2FHupiC4kc6CGtuJ40ZQ 276KDT3AG%2FStm6 QFwnBaEo2pe5GCv0a%2BoFf6gyIWwRtXS8g%3D%3D)

Considering that it was the Election Commission that was responsible for preparing the original electoral rolls, should not the Commission have gone out of the way to reach out to each one of the originally registered voters, give that person an adequate opportunity to explain to the Commission why such deletion was inappropriate and restore the voter's franchise wherever necessary? Evidently, the Commission was in far too much of a hurry to consider such niceties to do justice to those unfortunate voters. The irony of such indiscriminate disenfranchisement is evident in the fact that 65 Election Duty Officers themselves, to whom the Commission had entrusted the responsibility of conducting elections, found their own names deleted from the Electoral Rolls! *(https://www.ndtv.com/india-news/west-bengal-assembly-election-2026-sir-65-election-duty-officers-deleted-from-bengal-sir-list-11402213*)

It looked as though the overarching objective of the Commission was to disenfranchise voters, not enfranchise those eligible.

As if this was not enough, the NDA government, unmindful of the ethical norms of a democracy, had deployed the Enforcement Directorate against the opposition in West Bengal, just at the moment when the State had gone through the first phase of Assembly polls and was heading towards the second phase (*https://www.indiatoday.in/india/story/ed-raids-9-locations-in-west-bengal-ration-scam-case-amid-assembly-polls-2026-2901311-2026-04-25)*

What distresses me more is that the Commission which had taken over West Bengal's administration, including its police force and has been exercising its overarching control over the State administration with an iron hand, should pretend to be unaware of NDA's machinations in the State through its investigating agencies. Should not the Commission, if it was ready to discharge its responsibilities in an impartial manner, have intervened and stopped the ED from timing such raids in the midst of polling?

All these suggest beyond doubt that the West Bengal elections were institutionally biased against the ruling opposition in the State, a fact that should cause serious concern to one and all. If the recent West Bengal elections were to be the new normal in electoral politics in our country, it certainly poses a serious threat to our democracy.

Against the above background, may I appeal to you, Rashtrapati ji, to institute an independent enquiry into the role played by the Election Commission in conducting the recently concluded Assembly elections in West Bengal and measures that need to be taken to ensure that the Commission functions apolitically, true to the letter and spirit of Article 324? In my view, an enquiry of that kind will be meaningful only if the enquiry commission is headed by a sitting member of the apex court.

Respectfully,

E. A.S. Sarma

Former Secretary to the Government of India,Visakhapatnam

Courtesy **Countercurrents.org**, May 8, 2026.

I Am Not a Rubber Stamp! - Rahul Gandhi's Boycott and the Big Question Rising Over Chief Justice Surya Kant

Pratap Saharan

The Step That Should Have Been Taken Long Ago

On May 12, 2026, Rahul Gandhi took a step that simultaneously placed both Indian politics and the judiciary in the dock. He boycotted the meeting of the selection committee for the appointment of the CBI Director and wrote a sharp two page letter to Prime Minister Narendra Modi.

But this is not merely a boycott of a meeting.

It is a boycott of an entire system in which democratic processes continue to function, yet their meaning has been hollowed out. And the sharpest question emerging from this entire episode is directed not at the Prime Minister, but at the Chief Justice of India, Justice Surya Kant.

First Understand Why This Committee Was Created

In 1997, the Supreme Court of India delivered a historic judgment in the Vineet Narain vs Union of India case. After allegations of CBI inaction and governmental pressure during the Hawala scandal investigation, the Court stated that investigative agencies must be protected from political influence.

Then, during the 2013 coal scam hearings, the bench led by Justice R. M. Lodha made the historic observation that still echoes today: "The CBI has become a caged parrot."

It was after this that, in 2013-14, a three member selection committee was created for the appointment of the CBI Director:

Prime Minister - Chairperson

- Leader of Opposition in the Lok Sabha - Member
- Chief Justice of the Supreme Court or a judge nominated by him - Member

The government of then Prime Minister Manmohan Singh, whom the BJP used to call "corrupt," imposed this restraint upon itself.

They said: Those who are raising questions should themselves become part of the committee. Let them see what the truth is.

The sole purpose of including the Chief Justice in this committee was neutrality.

Neither in favour of the government nor the opposition. A neutral constitutional authority meant to protect the sanctity of the process.

What Did Rahul Gandhi Ask For, and What Did He Receive?

In his letter, Rahul Gandhi made a very simple and fair demand: that the appraisal reports and 360 degree records of the 69 candidates for the post of CBI Director be provided in advance so that he could study them.

The government's response was: come to the meeting, we will give them there.

Now just imagine this "meeting":

The Prime Minister, the Chief Justice, and the Leader of Opposition are sitting at one table. In front of them lies an enormous stack of records of 69 officers. If reading the record of even one officer takes a minimum of one hour, then 69 officers would require 69 hours, meaning three full days.

Is this a process, or a farce?

Rahul Gandhi clearly wrote in his letter:

"Deliberately refusing to provide this information without any legal basis is making a mockery of the selection process. The Prime Minister has already decided whom to appoint.

This meeting is merely a formality. The Leader of Opposition is not a rubber stamp."

The Real Question - Where Was Chief Justice Surya Kant?

And this is where the most important part of this article begins.

When the government was refusing to provide Rahul Gandhi with the candidates' records, the third member of the committee, Chief Justice Surya Kant, remained silent.

Just think for a moment, if the Chief Justice had said during that meeting:

"The Leader of Opposition's demand is reasonable. The records of the officers from whom the selection is to be made must be provided to all members beforehand," would the boycott situation even have arisen?

No, it would not have.

He was placed in that committee precisely for this reason. It was his responsibility. But he remained silent. And this silence amounts to silent approval of governmental arbitrariness.

Questions on the Chief Justice Are Not Limited to This Case Alone

This is not the first time that questions have been raised regarding the neutrality of Chief Justice Surya Kant.

The matter of appointing Election Commissioners:

Before Holi in 2025, he had said, "We will hear the matter after Holi." Holi of 2025 passed, then Holi of 2026 also passed. Only then was the matter transferred to another bench. What message does such indifference send regarding the very process from which democracy is born, namely elections?

The SIR (Special Intensive Revision) matter:

When opposition parties challenged the legality of the SIR in the Supreme Court, instead of answering the direct question, the Chief Justice's bench shifted the focus toward "procedural deficiencies." The fundamental question, "Is this SIR constitutional?" disappeared beneath piles of files.

West Bengal:

More than 9 million names were deleted from the voter list during the SIR process. Appeals of 2.7 million people remained pending. The election was conducted nonetheless. And the Supreme Court said, "If not this time, then vote next time."

The right to vote is a constitutional right. It is not alms that can be postponed by saying, "We will give it tomorrow."

Violation of judicial ethics:

Decades ago, the Supreme Court itself laid down Judicial Ethics for judges, specifying which events they may attend, whom they may meet, and which public platforms they may appear on. The current Chief Justice attends programs of BJP leaders, praises them, and shares platforms with media personalities widely known for open bias.

This is not judicial generosity. It is an open violation of judicial ethics.

The Deeper Message of the Boycott

Rahul Gandhi's boycott is not merely an absence from a meeting. It is a major political and constitutional message on three different levels:

The first message, to the Prime Minister:

You include me in the process, but reduce my role to zero. I am not a machine meant to stamp approval on your decisions.

The second message, to the Chief Justice:

You were in the same committee as I was. You saw what was happening, yet you remained silent. Your silence legitimizes the government's wrongdoing. Are you too a rubber stamp?

The third message, to the people of India:

Where there is only a performance of process, where there is no transparency, where even those considered neutral are no longer neutral, participation itself becomes an act of legitimizing hypocrisy.

The Opposition Should Not Delay Any Longer

Even if for his own political interests, Arvind Kejriwal has at least begun raising questions about the judiciary. Rahul Gandhi too, through this boycott, has indirectly questioned the role of the Chief Justice.

Now the time has come for the opposition to speak directly and clearly. A separate letter should be written to the Chief Justice asking:

"When the government was refusing to provide the Leader of Opposition with the candidates' records, where were you? You were placed in that committee precisely to protect neutrality, so what exactly did you do?"

In Conclusion

The day participating in a process becomes equivalent to legitimizing the theft of that very process, boycott becomes the only honest option. Rahul Gandhi, even if late, has taken that step. It is a step in the right direction.

But the biggest question that this entire episode has raised is this: Is India's Supreme Court truly supreme?

Or has it too become part of the same crumbling system that it had sworn to protect?

That question now stands before the greatest court of democracy, the court of the people.

https://www.facebook.com/share/p/1Cofb3MEwT/?mibextid=wwXIfr

SC voices 'reservations' on its own bail decision

Suresh Nambath

The Supreme Court on Monday, 18 May, 2026, voiced "serious reservations" about "various aspects" of its January judgment refusing bail to former JNU student leader Umar Khalid and co-accused Sharjeel Imam in the Delhi riots 'larger conspiracy' case, including the foreclosing of their right to seek bail for a year.

"Our top story today highlights the court's reiteration of a key principle in Indian jurisprudence, which holds true even in UAPA cases," says Suresh Nambath, Editor, The Hindu. "In his judgment, Justice Ujjal Bhuyan emphasised that the catchphrase 'bail is the rule and jail is the exception' is not just an empty slogan, but a constitutional principle flowing from the fundamental rights to life, speedy trial and freedom from arbitrary arrests and detentions."

The rare act of self-reproach came over a year after the court condemned Mr. Khalid and Mr. Imam as "alleged masterminds" who hatched the conspiracy behind the 2020 Delhi riots. At the time of the rejection of his bail plea, Mr. Khalid had already spent over five years in prison as an undertrial.

The Delhi Police had booked Mr. Khalid and other activists under the anti-terror law, the Unlawful Activities (Prevention) Act or the UAPA, for their involvement in organising protests over the Citizenship (Amendment) Act.

The apex court's observations on Monday came in a judgment allowing bail to a Jammu and Kashmir man accused in a narco-terrorism case in which he had been incarcerated as an undertrial under the UAPA for five years.

It said an accused cannot be indefinitely incarcerated merely because the state was able to "satisfy" the low bar to refuse bail in UAPA cases. Justice Bhuyan said the right to personal liberty and speedy trial cannot become "subordinate" to the draconian bail provision, Section 43-D(5), of the UAPA.

Courtesy **The Hindu**, 19 May 2026.

Supreme Court Disapproves Judgment Denying Bail To Umar Khalid For Ignoring Binding Precedent In 'KA Najeeb'

Amisha Shrivastava

'Bail is the rule' even in cases under the UAPA, the Court noted.

The Supreme Court on Monday (May 18) expressed reservations about the judgment delivered by a two-judge bench in January this year in Gulfisha Fatima v. State (which denied bail to Umar Khalid & Sharjeel Imam in the Delhi riots larger conspiracy case) saying that it did not properly follow the judgment delivered by a three-judge bench in 2021 in Union of India v. KA Najeeb which recognised long delay in trial as a ground for bail in cases under the Unlawful Activities Prevention Act.

The Court also expressed disapproval of the judgment of the two-judge bench delivered in 2024 in Gurwinder Singh v. Union of India for not applying KA Najeeb.

A bench comprising Justice BV Nagarathna and Justice Ujjal Bhuyan made these observations while allowing the bail plea of one Syed Iftikhar Andrabi, who has been under custody for over 6 years in a case under the UAPA for allegedly funding terrorism through supply of narcotics.

The judgment pronounced by Justice Bhuyan noted that the 3-judge bench in KA Najeeb had clearly held that prolonged incarceration was a ground for the Constitutional Courts to grant bail under UAPA despite the rigours under Section 43D(5) of the UAPA. However, the judgments delivered by two-judge benches in Gurwinder Singh and Gulfisha Fatima took a somewhat divergent view, Justice Bhuyan noted.

The bench observed that it was difficult to accept the views taken in Gurwinder Singh and Gulfisha Fatima.

"A judgment rendered by a bench of lesser strength is bound by the law declared by the bench of greater strength. Judicial discipline mandates that such a binding precedent must either be followed or, in case of doubt, be referred to a larger bench. A smaller bench cannot dilute, circumvent or disregard the ratio of a larger bench," Justice Bhuyan stated in the judgment.

The bench observed that the pre-Najeeb judgment in NIA v. Zahoor Ahmed Shah Watali (2019)cannot be invoked to justify prolonged pre-trial incarceration under UAPA. Hence, the attempt made in Gurwinder Singh to read Watali as laying down a general rule of bail denial in UAPA cases is difficult to reconcile with.

Also, the 'two-prong' test laid down in Gurwinder Singh was something which did not flow from either from the UAPA or the KA Najeeb decision. As per this two-prong test, bail will be considered only if the accused satisfies that there was no prima facie merit in the case. The Court stated that this was clearly contrary to the view in Najeeb that if there was a prolonged delay in trial, bail must be considered, regardless of other factors.

Highlighting the danger of adopting this two-prong test, Justice Bhuyan's judgment stated :

"If this test is accepted, the State needs only to satisfy a low prima facie threshold while the trial may continue for years, with the result that pre-trial incarceration begins to acquire a post-trial punitive character. And even then, no court will ever grant bail, no matter the length of period of such incarceration, because the case is prima facie true."

A plain reading of Najeeb will show that it was trying to prevent precisely this possibility from arising when it cautioned that Section 43D(5) must not become the sole metric for denial of

bail, causing wholesale breach of the constitutional right to speedy trial.

Disapproval of Gulfisha Fatima judgment

The bench also specifically expressed its reservations about the Gulfisha Fatima judgment for holding that the principle in Najeeb applies only in exceptional cases. "We make it clear that KA Najeeb is binding law and entitled to the protection of stare decisis. It cannot be diluted, circumvented or disregarded by the trial court, the High Court or even by benches of lower strength of this court," Justice Bhuyan pronounced.

The bench noted that KA Najeeb judgment was rendered specifically noting the fact that the rigours of Section 43D(5) made the securing of bail a near impossibility, leading to prolonged pre-trial incarceration. It is to avoid this situation, which will lead to the infringement of the right to personal liberty guaranteed under Article 21 of the Constitution, that KA Najeeb recognised prolonged custody occasioned by delay in trial as a ground for bail. The bench specifically recorded its disapproval of the trend of smaller benches "hollowing out" the precedents laid down by larger benches, without expressly disagreeing with them.

Incidentally, both the judgments in Gurwinder Singh and Gulfisha Fatima were authored by Justice Aravind Kumar.

Bail is the rule even in UAPA cases

The bench reiterated that the rule 'bail is the rule, jail is the exception' remains valid even in cases under the UAPA.

The statutory embargo of Section 43D(5) UAPA must remain subject to the guarantee of Article of the Constitution.

"Therefore, we have no manner of doubt in stating that even under the UAPA, bail is the rule and jail is the exception," the Court held.

The Court noted that it has been reiterated in a number of cases that Article 21 applies irrespective of the nature of the offence. "Ideally, the more serious the accusations are, the speedier the trial should be," the Court stated. Reference was also made to the 2024 judgment in Sheikh Javed Iqbal which followed KA Najeeb to grant bail in a UAPA case on the sole ground of delay in trial.

The Court observed that the departure made by the two-judge benches in both Gurwinder and Gulfisha was against judicial discipline. "Judicial discipline and certainty demand that benches of smaller strength are mindful of the decisions rendered by larger benches and are bound to follow the same," the Court stated.

In the judgment, the Court also cited statistics showing the low rate of conviction in UAPA cases.

The case pertained to one Syed Iftikhar Andrabi, a resident of Handwara in Kupwara district of Jammu and Kashmir, who was arrested by the NIA on June 11, 2020.

The NIA alleged that Andrabi was part of a cross-border syndicate that procured heroin from the Tangdhar border area and channelled the proceeds to fund terrorist organisations, including Lashkar-e-Taiba and Hizbul Mujahideen.

He is facing trial before a Special NIA Court in Jammu under Sections 8, 21, 25 and 29 of the Narcotic Drugs and Psychotropic Substances Act (NDPS Act), Sections 17, 38 and 40 of the Unlawful Activities (Prevention) Act, and Section 120-B (conspiracy) of the Indian Penal Code.

The Special NIA Court had rejected his bail application in August 2024. Andrabi challenged that order before the High Court of Jammu and Kashmir and Ladakh at Jammu. A High Court Division Bench of Justices Sanjeev Kumar and Sanjay Parihar dismissed his bail plea on August 19, 2025. The High Court, while acknowledging that Andrabi had spent close to five years in custody, held that the seriousness of the charges and the material on record outweighed the case for bail. It held that the trial was at an early stage and it would be premature to conclude that the accusations were baseless.

(To be Contd....on Page -19)

Legal Article : SC Strongly Disapproves Judgment Denying Bail To Umar Khalid Most Strongly

Sanjeev Sirohi

It is definitely most heartening to see that the Supreme Court in a most robust, reasonable, remarkable and recent judgment titled Syed Iftikhar Andrabi Vs NIA, Jammu in Criminal Appeal arising out of SLP (Criminal) No. 1090 of 2026 and cited in Neutral Citation No.: 2026 INSC 503 that was pronounced most recently on May 18, 2026 has dared to openly express its most serious reservations about the notable judgment delivered by a two Judge Bench of Apex Court in January 2026 in Gulfisha Fatima v. State which denied bail to Umar Khalid and Sharjeel Imam in the Delhi riots larger conspiracy case ruling explicitly that it did not properly follow the judgment that was delivered by a three-Judge Bench in 2021 in Union of India v. KA Najeeb which recognized long delay in trial as a ground for bail in cases under the Unlawful Activities Prevention Act. We need to note that the Apex Court also expressed its disapproval of the judgment delivered by the two-Judge Bench in 2024 in Gurwinder Singh v. Union of India for not applying KA Najeeb. What also must be noticed is that a Bench of Apex Court comprising of Hon'ble Mrs Justice BV Nagarathna who next year will be first women Chief Justice of India (CJI) and Hon'ble Mr Justice Ujjal Bhuyan made these most relevant observations while allowing the bail plea of one Syed Iftikhar Andrabi who has been under custody for over 6 years in a UAPA case for allegedly funding terrorism through supply of narcotics.

Most significantly, the Bench encapsulates in para 29 what constitutes the cornerstone of this notable judgment postulating precisely that, "We have serious reservations on various aspects of the judgment in Gulfisha Fatima, including foreclosing the right of the two appellants to seek bail for a period of one year. The judgment in Gulfisha Fatima would have us believe that Najeeb is only a narrow and exceptional departure from Section 43-D(5) justified in extreme factual situations. It is this hollowing out of the import of the observations in Najeeb that we are concerned with."

Equally significant is that the Bench points out in para 30 that, "No reading of Najeeb suggests that the mere passage of time, divorced from all surrounding circumstances, mechanically entitles an accused to release. The real concern addressed in Najeeb lay elsewhere. This Court was concerned with the manner in which Section 43-D(5) was, in practice, being deployed as an almost conclusive basis for denial of bail notwithstanding extraordinary delay in trial and prolonged incarceration. It is precisely for that reason that this Court observed that the 'rigours' of Section 43-D(5) would 'melt down' where there is no likelihood of the trial being completed within a reasonable time and where the period of incarceration undergone has already exceeded a substantial part of the prescribed sentence. This Court in Najeeb cautioned that such an approach was necessary to prevent provisions like Section 43-D(5) from being used as 'the sole metric for denial of bail or for wholesale breach of the constitutional right to speedy trial.'"

It also cannot go unnoticed that the Apex Court Bench held that it was difficult to accept the views taken in Gurwinder Singh and Gulfisha Fatima. The Bench held unequivocally that, "A judgment rendered by a bench of lesser strength is bound by the law declared by the bench of greater strength. Judicial discipline mandates that such a binding precedent must either be followed or, in case of doubt, be referred to a larger bench. A smaller bench cannot dilute, circumvent or disregard the ratio of a larger bench." The Bench also drew attention in this regard by observing that

the pre-Najeeb judgment in NIA v. Zahoor Ahmed Shah Watali (2019) cannot be invoked to justify prolonged pre-trial incarceration under UAPA. Hence, the attempt made in Gurwinder Singh to read Watali as laying down a general rule of bail denial in UAPA cases is difficult to reconcile with.

At the very outset, this learned, laudable, landmark, logical and latest judgment authored by Hon'ble Mr Justice Ujjal Bhuyan for a Bench of Apex Court comprising of Hon'ble Mrs Justice BV Nagarathna and himself sets the ball in motion by first and foremost putting forth in para 2 that, "The present case raises an important question concerning the interface between Section 43-D(5) of the Unlawful Activities (Prevention) Act, 1967 and the constitutional guarantee of personal liberty under Article 21 of the Constitution of India. More particularly, the issue concerns the propriety of smaller Benches progressively hollowing out the constitutional force of a larger Bench decision without ever expressly disagreeing with it."

To put things in perspective, the Bench envisages in para 3 that, "The above question arises in the context of the challenge by the appellant to the judgment and order dated 19.08.2025 passed by the High Court of Jammu & Kashmir and Ladakh at Jammu (briefly 'the High Court' hereinafter) in Criminal Appeal (D.) No. 20/2024 (Syed Iftikhar Andrabi Vs. National Investigation Agency, Jammu).

3.1. It may be mentioned that by order dated 10.08.2024, the third Additional Sessions Judge, Jammu designated as the Special National Investigation Agency (NIA) Court rejected the bail application of the appellant in R.C. No. 03/ 2020/NIA/JMU registered under Sections 17, 38 and 40 of the Unlawful Activities (Prevention) Act, 1967 read with Sections 8, 21, 25 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 read with Section 120B of the Indian Penal Code, 1860 (IPC). By the impugned judgment and order dated 19.08.2025, the High Court upheld the order passed by the Special NIA Court and dismissed the appeal filed by the appellant under Section 21 of the National Investigation Agency Act, 2008."

While elaborating on relevant facts, the Bench states in para 5 that, "Appellant was a government employee in the Rural Development Department, serving at Kupwara. It is pleaded that appellant is an ardent advocate of the constitutional, federal and democratic set up of our country and is a supporter of Jammu & Kashmir People's Conference, a registered mainstream political party.

5.1. Appellant was taken into preventive detention on 07.08.2019 under the Jammu & Kashmir Public Safety Act, 1978 after abrogation of Article 370 and was lodged in Central Jail, Srinagar. Thereafter, he was shifted to and lodged in Central Jail, Agra. In the dossier and the grounds of detention, it was mentioned that appellant was a government employee and posted as a Village Level Worker in the Rural Development Department. He is a political activist associated with People's Conference and has close connection with the people. To ensure that there was no mayhem, disorder and law and order problem in view of the fragile law and order situation following abrogation of Article 370, the Superintendent of Police, Handwara recommended detention of the appellant under the provisions of the Jammu & Kashmir Public Safety Act, 1978.

5.2. Appellant challenged the order of preventive detention dated 07.08.2019 before the High Court in W.P. (Crl.) No. 261/2019. The case was heard on 12.03.2020 and the judgment was reserved.

5.3. In the meanwhile, it is stated that the preventive detention of the appellant was revoked by the Government on 25.04.2020 and he was released from custody. High Court also delivered the judgment on 26.06.2020 quashing the order of preventive detention dated 07.08.2019. High Court noted in the said judgment that though the District Magistrate had relied upon 'other incriminating material' to arrive at the satisfaction that appellant had to be preventively detained, nothing was mentioned as to what were the 'other incriminating

material'. Those were also not furnished to the appellant which prevented him from making an effective representation, rendering the preventive detention of the appellant untenable. 5.4. A first information being FIR No. 183/2020 was lodged by the police at Handwara Police Station on 11.06.2020 under Sections 8 and 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (briefly 'the NDPS Act' hereinafter). The allegation in the FIR is that police during checking of the vehicles and pedestrians at Kuhroo Bridge stopped a white coloured vehicle (Creta model) without registration, which was on its way from Baramulla to Handwara. During checking of the vehicle, a black bag was found under the front seat of the vehicle. In the course of search of the recovered bag, a large number of Indian currency notes of 500 denomination were found; that apart, six packets of suspected narcotic substances were found from the dicky of the vehicle. The driver Abdul Momin was taken into custody. In connection with the aforesaid police case, appellant was brought to the police station for investigation whereafter he was arrested on 11.06.2020. As per the disclosure memo of the accused appellant, it is stated that during investigation of FIR No. 183/2020, the accused appellant in the presence of Handwara Police Special Investigation Team (SIT) disclosed that he had taken heroin from Abdul Momin Peer and that he could recover the same by pointing out.

5.5. It appears that Central Government vide letter dated 22.06.2020 directed the National Investigation Agency (NIA) to conduct investigation into FIR No. 183/2020. Accordingly, NIA re-registered the same as FIR No. RC-03/ 2020/NIA/JMU. In the newly registered FIR, NIA mentioned about interception of the white colored Creta vehicle without registration number at Kuhroo Bridge while it was on its way to Handwara which led to seizure of a large amount of cash in 500 rupee denomination alongwith six packets of heroin like substance. The driver Abdul Momin was arrested and based on the information provided by him, further raids at different locations in Handwara were carried out leading to recovery of 15 kgs of contraband and cash amounting to Rs. 1.15 crores. It was further mentioned that one of the arrested persons i.e. the appellant is a close relative of Mohd. Qasim Geelani and Mohd. Yusuf Geelani who are currently in Pakistan; being commanders of proscribed terrorist organization LeT and presently operating from across the border.

5.6. NIA filed chargesheet before the Special NIA Court on 05.12.2020 being Chargesheet No. 08/2020. Insofar as the appellant is concerned, he is arrayed as accused No. 2 and the allegation against him is that on information provided by him, cash amounting to Rs. 35,17,970.00 and three packets of heroin totalling 3.2 kgs were recovered from the bedroom of accused No. 1; besides two mobile phones were also recovered. It is stated that during investigation, it was revealed that in 2017 accused No. 1 Abdul Momin Peer came in contact with his brother-in-law Saleem Andrabi, accused No. 5, who is the son of the appellant-accused No. 2, and all of them started heroin smuggling. It is further stated that the phone numbers appearing in his mobile phones establish his linkage with Pakistan based LeT/HM (Hizbul Mujahideen) operatives viz Wahid Geelani, Ajaz and others. It is also stated that accused No. 2 (appellant) had visited Pakistan in 2016 and 2017 and had met one Saifudeen alias Saifulla, a brother of Wahid Geelani. PW-33 in his statement before the police mentioned about the involvement of appellant-accused No. 2 in drug racketeering and his association with LeT/HM operatives based in Pakistan. It is further stated that it has come on record that accused No. 2 (appellant) used to supply drugs/heroin by using his car and that he had visited Pakistan in 2016 and 2017 via Wagah-Attari border. The chargesheet mentioned that appellant-accused No. 2 worked as an overground worker for LeT and HM. Thus, appellant-accused No. 2 has been accused of committing offences under Sections 8, 21, 25 and 29 of the NDPS Act

read with Sections 17, 38 and 48 of the Unlawful Activities (Prevention) Act, 1967 (briefly 'the UAP Act' hereinafter) read with Section 120B IPC.

5.7. Thereafter NIA filed supplementary chargesheets.

5.8. In the meanwhile, appellant sought for bail on medical grounds. Special NIA Court vide the order dated 04.01.2022 granted interim bail to the appellant on medical grounds initially till 23.01.2022 and, thereafter, extended upto 10.03.2022. On expiry of the bail period, appellant surrendered before the Special NIA Court on 10.03.2022.

5.9. Charge in this case was framed by the Special NIA Court on 15.11.2023. Insofar as the appellant is concerned, he has been charged with having committed offences under Sections 8, 21, 25 and 29 of the NDPS Act read with Sections 17, 38 and 40 of the UAP Act read with Section 120B IPC."

Do note, the Bench notes in para 6 that, "Appellant sought for regular bail before the Special NIA Court. However, the learned Special Judge vide the order dated 10.08.2024 rejected the bail application of the appellant."

Do also note, the Bench then notes in para 7 that, "Assailing the aforesaid order dated 10.08.2024, appellant preferred an appeal under Section 21 of the National Investigation Agency Act, 2008 ('NIA Act' hereinafter) before the High Court which was registered as Criminal Appeal (D) No.20 of 2024. By the impugned judgment and order dated 19.08.2025, the High Court dismissed the said appeal of the appellant."

As it turned out, the Bench enunciates in para 8 that, "Aggrieved by the impugned judgment and order dated 19.08.2025, appellant has preferred the instant special leave petition before this Court. By order dated 07.01.2026, this Court had issued notice whereafter parties have exchanged affidavits. The matter was heard on 11.03.2026 and thereafter on 13.04.2026. Both the sides have also filed written submissions following closure of the hearing."

While citing relevant case law, the Bench observes in para 34 that, "Therefore, Jalaluddin Khan Vs. Union of India (2024) 10 SCC 574 is a timely warning to the courts. It says that when a case is made out for grant of bail, the courts should not have any hesitation in granting bail. The allegation of the prosecution may be very serious; but the duty of the courts is to consider a case for grant of bail in accordance with law. 'Bail is the rule and jail is the exception' is a settled law. The Bench cautioned that if the courts start denying bail in deserving cases, it will be a violation of the rights guaranteed under Article 21 of our Constitution."

Most remarkably, the Bench propounds in para 35 holding that, "The often invoked phrase 'bail is the rule and jail is the exception' is not merely an empty statutory slogan flowing from the CrPC as Gurwinder has stated. It is a constitutional principle flowing from Articles 21 and 22 of the Constitution and the presumption of innocence which is the cornerstone of any civilised society governed by the rule of law. Statutes may undoubtedly calibrate the manner in which that principle is applied, particularly in cases involving national security or terrorist offences for which the UAP Act is meant, but those cannot altogether invert the constitutional relationship between liberty and detention. The statutory embargo of Section 43-D(5) must remain a circumscribed restriction that operates subject to the guarantee of Articles 21 and 22 of the Constitution. Therefore, we have no manner of doubt in stating that even under the UAP Act, 'bail is the rule and jail is the exception'; of course, in an appropriate case, bail can be denied having regard to the facts of that particular case."

Most commendably, the Bench mandates in para 41 holding that, "However, we need to keep in mind one important over-riding consideration and we reiterate this. While Gurwinder Singh and Gulfisha Fatima are by Benches of two Hon'ble Judges, K.A. Najeeb is a judgment by three Hon'ble Judges. It is evident from a reading of the two judgments in Gurwinder Singh and Gulfisha

Fatima that the two-Judge Bench has made a clear departure from the ratio laid down in K.A. Najeeb. Judicial discipline and certainty demands that Benches of smaller strength are mindful of the decisions rendered by larger Benches and are bound to follow the same. If the smaller Benches are unable to agree with the ratio laid down by the larger Bench then the proper and the only course of action open is to make a reference to the Hon'ble Chief Justice of India for placing the matter for consideration by a still larger Bench. Being in a combination of two Judges, we are bound by the ratio laid down by the three-Judge Bench in K.A. Najeeb. We say this and no more."

Most rationally, the Bench mandates in para 53 holding that, "On due consideration, we are of the view that appellant has made out a case for grant of bail during pendency of the trial. We say so for the following reasons.

53.1. There is no recovery of cash and contraband from the person of the appellant or from the premises used by the appellant either as his residence or place of work.

53.2. All statements implicating the appellant have been made before the police including the confessions allegedly made by the appellant himself which prime facie are self-incriminating and hit by Section 25 of the Evidence Act, 1872.

53.3. Appellant has no prior antecedents of being connected with narcotic trade or in terrorist activities. At least, no such material has been placed on record.

53.4. On the contrary, it is stated that the appellant is an ardent advocate of the constitutional, federal and democratic set-up of India. He is a supporter of Jammu and Kashmir People's Conference, a registered mainstream political party. Following the abrogation of Article 370 from the Indian Constitution, appellant was taken into preventive detention on 07.08.2019 under the Jammu and Kashmir Public Safety Act, 1978. In the dossier prepared in connection with his preventive detention, it was mentioned that appellant is a political activist associated with the People's Conference and has a close connection with the people.

53.5. It is also a fact that appellant was a government employee serving as Village Level Worker at Kupwara under the Rural Development Department, Government of Jammu and Kashmir.

53.6. Earlier, appellant had sought for interim bail on medical grounds. The Special NIA Court vide the order dated 04.01.2022 had granted interim bail to the appellant till 10.03.2022, on which date appellant surrendered before the said court. Thus, he had not misused the interim bail granted to him.

53.7. We have already noted that appellant was arrested in connection with the present case on 11.06.2020 and he has been in custody since then for more than 5 years 11 months. As per the prosecution, there are more than 350 witnesses still to be examined. It is thus clear that conclusion of the trial in the near future is well-nigh impossible. In such a case, K.A. Najeeb will apply with full force.

53.8. The above view is further fortified by the poor conviction rate in cases involving the UAP Act, with chances of acquittal more than 90 to 95% whether it is on the basis of all India figures or Jammu and Kashmir."

It is worth noting that the Bench notes in para 54 that, "That being the position, we direct that appellant shall be released on bail on such terms and conditions as the Special NIA Court may deem fit and proper. For this purpose, the appellant shall be produced before the Special NIA Court as early as possible but at any rate not later than 7 days from today."

Adding more to it, the Bench stipulates in para 55 directing and holding that, "In addition to such terms and conditions that the Special NIA Court may deem fit and proper to impose, we also direct that the appellant shall deposit his passport before the Special NIA Court and shall appear before Handwara Police Station once every fortnight (15 days) on the date and time that may be fixed by the police authorities

(To be Contd....on Page -19)

State push for Indian knowledge systems is a farce. But dismissing them is a mistake

It is a cultural disaster to raise generations of Indians who have no idea of the knowledge resources of the land where they were born. It is a political blunder to give up on the civilisational heritage of the country you seek to reclaim.

Yogendra Yadav

Indian knowledge systems are either worshipped or dismissed. Two recent books suggest a way past these knee-jerk responses. They remind us why we must take Indian knowledge systems seriously. They also instruct us on how to — and how not to — do so.

Indian Knowledge Systems, or IKS, is the buzz word in Indian higher education these days. Every university is busy organising some IKS-related event and posting its photographs on the website. Academics are desperate to discover or invent a connection between their work and IKS. This newly discovered fondness is not organic but spawned by state patronage. The Ministry of Education has created an IKS Division to "rejuvenate and mainstream Indian Knowledge Systems for the contemporary world". The government is pushing for it, pumping money and incentivising career mobility. Standing for IKS is also, for some academics, a not-so-subtle way of registering an ideological affinity with the present regime. The result is predictable. Thus, we have a flood of publications, mediocre if not worse, that do not serve either knowledge or India, let alone Indian knowledge systems.

This state-sponsored farce cannot but invite a reaction. Among advocates of "scientific temper", it reinforces the notion that traditional knowledge is nothing but unscientific mumbo-jumbo. Critics of the caste order see this as an attempt to impose a Brahminic worldview. Critics of the government view this as an attempt to cloak an authoritarian regime with false national pride. The greater the advocacy of IKS, the greater the ridicule for the very idea of Indian knowledge in liberal and progressive circles. Such a rejection of IKS is a serious intellectual and political mistake.

It is historically absurd to believe in the self-serving autobiography of the modern West, to assume that it is the sole repository of human knowledge. It is a cultural disaster to raise generations of Indians who have no idea of the knowledge resources of the land where they were born. It is a political blunder to give up on the cultural and civilisational heritage of the country you seek to reclaim. Any serious engagement with IKS has to begin with a humble admission that India since Independence has been guilty of overlooking its intellectual traditions. Recovery and reconstruction of our knowledges must be an integral part of the future agenda of Swaraj in ideas.

The problem with IKS is not its basic idea but its skewed framing. The current focus on IKS involves multiple reductions. First, Indian knowledges are assumed to belong to the past, thus overlooking the living and vibrant knowledge systems. Second, the boundaries of India's relevant past have been pushed to ancient times, bypassing the period of British and Muslim rule in India. Third, knowledge systems are reduced to those knowledges that are codified in texts, turning our back on the knowledges encoded in the practices of

individuals and communities in agriculture, weaving, handicraft, medicine and so on. Fourth, the texts are limited to those of the high Brahminic traditions, to the neglect of a vast vernacular and desi textual tradition. And finally, the reference point for the validation of these knowledges continues to be the empire of knowledge created by the modern West. The push for IKS hinges on a pathetic political project of redeeming India's honour in the eyes of the White man.

Bharat ki Saraswat Sadhna (Vani Prakashan, 2025) shows us a way to relate to India's intellectual traditions without falling prey to the current IKS framing. The author is Acharya Radhavallabh Tripathi, a renowned Sanskrit scholar of our times, justly celebrated for his creative writing as well as more than 100 commentaries on literary and philosophical works in Sanskrit. This 556-page volume in Hindi is meant to be an introduction to 19 major literary and philosophical figures who wrote in Sanskrit from 1000 BCE to the 20th century. Given its scope and readership, the author does not get into scholarly and interpretative disputes. Yet, what stands out is his clear-eyed view of our intellectual legacy: Faithful to the texts, mindful of the context, but no attempt to brush inconvenient truths under the carpet. While respecting Western Sanskrit scholars, he quietly interrogates some of the dominant theories about Sanskrit in Western academia and brings the focus back on the tradition of Sanskrit and Oriental scholarship in India. While he does not hide his deep admiration for this tradition, he steadfastly refuses to participate in the supremacist political project.

Allama Prabhu and the Shaiva Imagination (Permanent Black, 2025) belongs to the other end of the spectrum of writings on Indian intellectual history that focuses on non-Brahminic and non-Sanskrit sources. Authored by D R Nagaraj, among the most profound cultural critics in post-Independence India, the Kannada book was originally published posthumously in 1999. Now we have its long awaited English rendering by N S Gundur, an act of linguistic hospitality that succeeds in bringing Nagaraj's complex ideas to the English reader. The book focusses on Allama Prabhu, one of the great 12th century vachanakaras in the Virashaiva movement. In the course of establishing Allama Prabhu as a poet and philosopher, Nagaraj questions the received ways of narrating the history of Indian philosophy and literature that have neglected the vernacular and desi imagination that expresses itself through images and metaphors.

Instead of using Western literary theory, Nagaraj interprets Allama's vachanas through the conceptual resources of the Shaiva Mimansa tradition and sets up a conversation with Kashmiri philosopher Abhinavagupta. Above all, Nagaraj engages with Allama in a creative and critical manner, refusing to simply follow like a "flock of parrots". This book is shot through with a critical lens: Allama critiques the received Virashaiva tradition; Nagaraj critiques Allama and the translator offers a critique of Nagaraj.

This is the kind of engagement we need with Indian knowledge systems — a clear-eyed, future-oriented critical engagement with multiple systems from the past and present, not limited to any one phase of history, not restricted to textual forms of knowledge and not focused on high Brahminic texts. Once we adopt this vantage point, we may not search for Indian knowledge systems in some lost ancient text and struggle to connect it to modern science. We might begin to see and respect millions of Indians, from farming and artisanal communities that we call uneducated and backward, as carriers of Indian knowledge systems.

***The writer is member, Swaraj India, and* national convenor, Bharat Jodo Abhiyaan.**

Courtesy **The Indian Express**, May 19, 2026.

Vinesh Phogat is Being Humiliated and the Government Remains Silent

Sandeep Pandey

The Indian Wrestling Federation has barred Vinesh Phogat from participating in wrestling competitions. This raises the question: does the Wrestling Federation exist for the wrestlers, or do wrestlers exist for the Federation? The Federation was created for the welfare and support of athletes. Yet its male office-bearers, who occupy their posts on questionable grounds, are deciding the future of a talented woman wrestler—who has already won medals in international competitions—merely through the power of their positions. Are they acting in the national interest, or simply following the dictates of some powerful individual to satisfy his ego and protect their own interests? The government and its Sports Ministry are silently watching the entire spectacle. The Sports Minister should resign simply because he appears helpless before the arbitrary functioning of the Wrestling Federation.

It is deeply shameful that, to prevent woman wrestler Vinesh Phogat from participating in competitions, a wrestling event was organized at the private college of Brij Bhushan Sharan Singh in Nandini Nagar, Gonda. Six women wrestlers have accused him of sexual harassment, and Vinesh Phogat has now openly stated that Brij Bhushan Sharan Singh raped her. For any survivor, it is humiliating to be forced to go to the doorstep of her alleged rapist. Yet Vinesh deserves admiration for her courage—she went to Gonda and fearlessly spoke out. Her husband also deserves appreciation for standing firmly by her side, including during the visit to Gonda. Vinesh says that she now draws strength for her struggle from her ten-month-old son.

Vinesh Phogat is being served a show-cause notice on charges of indiscipline, while the man accused of raping her is not even being questioned. Allegations are being made that at the Paris Olympics, on the day when Final was to be held, her weight exceeded the maximum limit of her category by 100 grams, because of which she was disqualified and the country was embarrassed. But to reach the finals, she had already wrestled several bouts in the same weight category. Only on the last day was she unable to maintain her weight. Is this really such a matter of national shame? Or is the real embarrassment the threat issued by United World Wrestling—the global governing body for wrestling—to suspend the Indian Wrestling Federation if elections were not held within 45 days because of the sexual harassment allegations against the then president of the Federation, Brij Bhushan Sharan Singh? Perhaps no other recent incident has brought as much disrepute to India, Indian politics, and Indian sports globally as the conduct of Brij Bhushan Sharan Singh. Experts do not consider Vinesh Phogat's inability to reduce her weight on the Final day to be a major mistake. Some even argue that although she was denied the chance to compete, she should still have been awarded a silver medal for reaching the finals—especially since, in the process, she defeated a renowned Japanese wrestler who had never before lost an international match.

India suffered worldwide embarrassment because of Brij Bhushan Sharan Singh, yet ironically neither the Wrestling Federation nor the Sports Ministry ever issued him a show-cause notice for tarnishing the country's image. Instead, when Brij Bhushan realized under international pressure that he could no longer remain president, he ensured that his own associate, Sanjay Singh, became president and maintained his control over the Federation. Despite serious allegations of sexual misconduct against women, Brij Bhushan didn't even get a scratch. At the time

the allegations emerged, he was a Member of Parliament. Now his son is a MP. The Union Government lacks the courage to take any action against him, let alone arrest him.

In Uttar Pradesh, Chief Minister Yogi Adityanath claims that mafia rule has ended. Many alleged criminals are killed in police encounters or shot and injured even before charges against them are proven. The homes of several accused persons are demolished with bulldozers before guilt is established. Yet even the Uttar Pradesh government does not have the courage to act against Brij Bhushan even though he has publicly confessed to a murder.

The BJP speaks of respecting women. It raises slogans such as "Save the Daughter, Educate the Daughter." BJP Mahila Morcha leaders and workers are protesting outside the homes of opposition leaders over the issue of women's reservation not approved in the Parliament, even though the actual intention of Bill was to increase the seats of Parliament. Yet BJP Mahila Morcha women have still not gone to Brij Bhushan's residence. It is very clear that the BJP wants to protect him.

It is a matter of great shame for us that the country today has a government hostile to women, backed by a patriarchal organization. Definitions of sexual crimes against women are being weakened so that relief can be given to the accused or even to those already convicted. The rights of LGBTQIA community and especially the transgenders have also been diluted. Women cannot freely choose their life partners, especially in interfaith marriages. The BJP and RSS are taking us farther away from the constitutional ideal of equality and from the vision of Dr. Ram Manohar Lohia, who considered gender equality

Sandeep Pandey is the Secretary General of the Socialist Party (India).

Contact: 0522-2355978, 3564437

Email: ashaashram@yahoo.com

Supreme Court Disapproves Judgment...

Contd. from page - (10)

Mr. Shadan Farasat, Sr. Adv. Mr. Talha Abdul Rahman, AOR Mr. Umair Andrabi, Adv. Ms. Tanisha, Adv. Mr.Naseer H Jafri, Adv. Mr. Dilwar H., Adv. Mr. Uzair, Adv. Mr. Deepesh Kasana, Adv. Ms. Suvarna Swain, appeared for the petitioner.

Mr. SD Sanjay ASG, Advocates Khushal Kolwar, Akshat Agarwal, Milli Baxi, Aman Jha, Anuj Udupa, Parthvi Ahuja & AOR Arvind Kumar Sharma appeared for Respondent

Case : Syed Iftikhar Andrabi Vs NIA, Jammu | SLP(Crl) 1090/2026

Citation : 2026 LiveLaw (SC) 512

Courtsey **Live Law.in**, 18 May 2026.

SC Strongly Disapproves Judgment...

Contd. from page - (15)

of Handwara Police Station. He shall continue to cooperate with the ongoing trial and shall not threaten or try to influence any of the witnesses."

Finally, the Bench then concludes by directing and holding in para 58 that, "Appeal is accordingly allowed. However, there shall be no order as to cost."

All told, our nation definitely needs many more such Judges who can deliver judgments so rationally and accord liberty the paramount priority and stick to "Bail is the rule and jail is the exception" principle. It is good to see that Apex Court has most strongly disapproved of judgment denying bail to Umar Khalid for ignoring binding precedent in 'KA Najeeb' case as stated hereinabove. There can be just no denying it!

Sanjeev Sirohi is an Advocate.

Communal Polarisation and the Future of Indian Politics: Assessing the Impact of BJP's Electoral Strategy

S.R. Darapuri I.P.S. (Retd)

The growing communal polarisation associated with the Bharatiya Janata Party (BJP) is likely to have deep and long-term consequences for the future of Indian politics. However, its impact will not be one-dimensional. It may simultaneously strengthen majoritarian politics in some regions while also provoking counter-mobilisations, coalition-building, and democratic resistance in others.

Several recent elections suggest that religion has become an increasingly central axis of political mobilisation. Analysts have noted sharper Hindu-Muslim voting divides, especially in states such as Assam and West Bengal.

The likely future impacts can be understood under several broad themes:

1. Consolidation of Majoritarian Nationalism

The BJP's electoral strategy has increasingly combined welfare politics, nationalism, and Hindutva identity mobilisation. This may further normalize the idea of India primarily as a Hindu political civilization rather than a secular constitutional republic.

If this trend continues:

- Electoral politics may become more identity-driven than policy-driven.
- Questions of religion, temples, personal law, conversion, and demographic anxiety could dominate campaigns.
- Political legitimacy may increasingly depend on demonstrating commitment to Hindu nationalism.

This could strengthen the BJP's long-term ideological project even beyond immediate electoral cycles.

2. Weakening of Constitutional Secularism

India's constitutional framework is formally secular and pluralistic. Persistent communal polarisation may gradually weaken:

- minority confidence in state institutions,
- neutrality of public discourse,
- and the constitutional ideal of equal citizenship.

Scholars and observers increasingly argue that Indian politics is shifting from "consensus secularism" toward "competitive communalism," where even opposition parties adapt themselves to majoritarian sentiment.)

This may produce:

- symbolic exclusion of minorities,
- reduced Muslim political representation,
- and growing social segregation in housing, education, and employment.

3. Counter-Mobilisation by Opposition Forces

Communal polarisation can also generate resistance. The 2024 Lok Sabha elections showed that aggressive Hindutva mobilisation has electoral limits in some regions, especially where caste, unemployment, agrarian distress, or regional identity become stronger concerns.

Possible future developments include:

- broader anti-BJP coalitions,
- revival of caste-based social justice politics ("Mandal" politics),
- stronger regional parties,
- and minority-Dalit-OBC alliances.

In states like Uttar Pradesh, Bihar, Tamil Nadu, and Kerala, social coalitions may increasingly challenge pure religious polarisation.

4. Transformation of Electoral Competition

Indian politics may move toward a more sharply bipolar structure:

- pro-Hindutva bloc versus anti-majoritarian bloc.

This would reduce ideological diversity and intensify emotional campaigning. Elections could become:

- more presidential,
- more media-driven,
- and more dependent on symbolic cultural conflicts.

Issues like unemployment, inflation, education, healthcare, and inequality may receive less sustained attention compared to identity conflicts.

5. Social Fragmentation and Democratic Stress

One of the most serious long-term consequences is the possibility of social mistrust becoming institutionalised.

Research on religious polarisation suggests that repeated communal mobilisation can harden group identities and reduce inter-community trust.

Potential consequences include:

- increased communal violence,
- digital hate ecosystems,
- vigilantism,
- economic boycotts,
- and ghettoisation.

Such developments can weaken democratic culture even if formal elections continue regularly.

6. Rise of "Reverse Polarisation"

Recent elections also show what analysts call "reverse polarisation":

- Muslims consolidating behind opposition parties,
- while Hindu voters increasingly align with the BJP.
- This could make Indian elections resemble ethnic or sectarian voting systems seen in deeply divided societies, where citizenship becomes secondary to communal identity.

That would represent a major transformation of post-independence Indian politics.

7. Limits to Polarisation

At the same time, communal polarisation is not omnipotent.

Even critics of the BJP acknowledge that many voters continue to support it for:

- welfare delivery,
- leadership image,
- infrastructure development,
- nationalism,
- and political stability

Moreover:

- southern India remains relatively resistant to hardline communal politics,
- caste identities still matter enormously,
- and economic distress can override religious mobilisation

Thus, India's future politics may not become uniformly communalised across all regions.

Conclusion

The future impact of communal polarisation in India will likely be profound. It may:

- deepen majoritarian nationalism,
- weaken secular-democratic norms,
- sharpen religious voting blocs,
- and increase social fragmentation.

At the same time, it may also provoke new democratic coalitions and revive alternative political mobilisations based on caste justice, federalism, constitutionalism, and economic concerns.

The central question for India's future is whether electoral competition will continue to revolve primarily around religious identity, or whether constitutional democracy can reassert politics based on citizenship, socio-economic justice, and pluralism.

The Fascist Connection of the RSS

Dr. Suresh Khairnar

Look at the irony of world history: the month of April is associated with both the birth and death of Hitler, as well as the rise and fall of fascist rule. Yesterday, on 30 April, as 81 years were completed since Hitler's death, the current political scenario in India inspired me to write this article.

After the failure of the Beer Hall Putsch rebellion in 1924, Hitler was arrested on charges of treason. While imprisoned in Landsberg Prison during the summer of 1924, he dictated his autobiography, *Mein Kampf*, to his associate Rudolf Hess. In it, he presented the idea of "one race, one nation," which today forms the basis of rising racial and religious nationalism across the world, from Europe to Asia.

After the failed putsch, Hitler realized that seizing power through violent means was not feasible at that time. Out of compulsion, he adopted the path of constitutional politics to gain power. The same is true in India and many other countries, where both right-wing and left-wing forces have adapted to parliamentary democracy. They have used constitutional methods to reshape constitutions, gaining international legitimacy. Similarly, Hitler came to power through constitutional means and later altered the system to establish a dictatorship.

On 30 April 1945, Hitler had taken refuge in a bunker on the outskirts of Berlin to protect himself from wartime bombing. When he realized that the Russian army had entered Berlin on 24 April—just days after his 56th birthday on 20 April, marked by heavy Allied bombing—his close associates such as Himmler, Ribbentrop, and Göring fled. The home of his loyal associate Dr. Goebbels had been destroyed, so Hitler invited him and his family to stay in the bunker.

Despite the dire situation, Hitler falsely announced over the radio that victory was near. However, his associates warned him that the Russian army could enter Berlin at any moment. On 29 April, he married Eva Braun. The next day, around 3:30 PM, he poisoned Eva with cyanide and then shot himself, ending his life.

After becoming Chancellor of Germany on 30 January 1933, Hitler, within fifteen years, consolidated power by eliminating opposition, including members of his own ranks. The mass killing of six million Jews stands apart as one of history's gravest crimes. This raises a crucial question: what explains the charismatic influence of leaders like Hitler and Mussolini, which compels even educated individuals to follow them unquestioningly?

In Chhota Betawad village in Jamner tehsil

of Jalgaon district, Maharashtra, a 21-year-old youth, Suleman Rahim Khan Pathan, was beaten to death by a mob on suspicion of "love jihad." Over the past twelve years, more than a hundred people from minority communities have reportedly been killed in mob lynching incidents—sometimes on suspicion of love jihad, sometimes over allegations of cow slaughter.

In 2015, in Hadapsar, Pune, IT engineer Mohsin Sheikh was lynched. The perpetrators even celebrated the act on social media, calling it the "first wicket." Despite arrests, the accused were acquitted due to lack of evidence, as seen in other cases like the Malegaon blast case.

The phenomenon of mob lynching in India has grown notably since 2014. Similar incidents include the harassment of Christian nuns at Durg railway station and disruptions of religious events in Lucknow and Patna. Even a singer performing a bhajan that included the word "Allah" faced objections and was forced to apologize, despite the presence of senior political leaders. The Rashtriya Swayamsevak Sangh (RSS), for nearly a century, has been accused of spreading hatred against minority communities. Historically, similar propaganda in Germany under Hitler and in Italy under Mussolini led to the persecution and deaths of millions, particularly Jews.

Italian scholar Marzia Casolari, in her article *"Hindutva's Foreign Tie-up in the 1930s: Archival Evidence"* (Economic & Political Weekly, January 2000), documents ideological links between early RSS figures and European fascism.

Dr. B.S. Moonje, mentor of RSS founder Dr. K.B. Hedgewar, visited Italy in 1931 and closely studied fascist youth organizations like the Balilla and Avanguardisti. These groups, which trained children aged 6–18 through physical drills and paramilitary exercises, closely resembled the structure later adopted by the RSS.

Moonje wrote admiringly in his diary about these institutions and their role in fostering national unity and military discipline. After returning to India, he established the Bhonsla Military Schools in Nagpur and Nashik along similar lines.

Investigations, including those led by Maharashtra ATS chief Hemant Karkare, later linked these institutions to individuals accused in bomb blast cases such as Nanded, Malegaon, and others. However, subsequent legal developments, including changes in prosecution and lack of evidence, led to acquittals.

Statements by political leaders asserting that "a Hindu can never be a terrorist" have further shaped the discourse. Critics argue that ideological training within the Sangh promotes misinformation and hostility toward minorities, which is amplified through social media networks often described as a "digital army."

This pattern of violence and polarization is reflected in various incidents, including riots, attacks on religious institutions, and mob lynchings. These developments echo historical patterns seen in fascist regimes.

The Justice Madan Commission, which investigated riots in Maharashtra in the 1970s, observed that while direct involvement of the RSS in riots might be debated, its long-standing propaganda contributed to communal tensions that often erupted into violence.

Concerns have also been raised about the functioning of democratic institutions. Critics allege that over the past decade, constitutional bodies have been reshaped to serve political interests, including changes to the Election Commission and electoral processes.

India's diversity—across language, culture, food, and belief systems—stands in contrast to calls for uniformity under slogans like "one nation, one law, one language." Such tendencies, critics argue, resemble features of fascist ideology.

In present-day Germany, Hitler's legacy is widely rejected, and even mentioning his name carries discomfort. This historical memory serves as a warning.

Courtesy **Countercurrents.org**, 30 April 2026.

1.) Bengal Burns: How Mamata Picked Up Her Enemy's Weapon and Got Burnt

Sandip Chakraborty

The Assembly elections results in West Bengal are chilling. On the afternoon of May 4, as counting halls across the state processed ballot after ballot, a 15-year experiment in hatred-filled governance came to an end. The Bharatiya Janata Party (BJP), the electoral vehicle of Hindu majoritarian nationalism, won 206 of the state's 294 Assembly seats, reducing Mamata Banerjee's Trinamool Congress (TMC) to 79 seats, a historic rout that analysts are calling one of the most consequential collapses in Indian state politics.

For those who have watched with alarm as BJP dismantles India's federal, secular architecture state by state, the fall of Bengal is not merely an electoral outcome. It is a reckoning — and a deeply ironic one.

Before we indict BJP alone for this catastrophe, we must ask an uncomfortable question: who opened the door for it?

The Alliance That Should Never Have Been

In 1999, Mamata Banerjee joined the BJP-led National Democratic Alliance (NDA) government of Atal Bihari Vajpayee, becoming the Railways Minister, one of the most powerful portfolios in the Union cabinet. This was not a reluctant marriage of convenience. It was an enthusiastic embrace, and it achieved exactly what she needed: it drove out the Left Front from power in Bengal in 2011. But it also did something she never accounted for. It gave BJP its first serious foothold in Bengal's political imagination. Banerjee told voters, workers, and organisers across the state that the BJP was a legitimate partner — a party you could work with, share power with, be photographed with.

That legitimacy, gifted by Didi (as Mamata Banerjee is popularly called) herself, became the foundation on which the BJP quietly built its Bengal machine over the following two decades.

The Soft Hindutva Trap

When BJP's cultural offensive intensified after 2014, Banerjee's response was not to stand firm on secular principles. It was to compete. She progressively increased financial assistance to Durga Puja committees over the years, from Rs 10,000 per committee in 2018 to Rs 85,000 per committee in 2024, benefiting over 43,000 organisers at a state expenditure of more than Rs 365 crore.

The TMC leader introduced a 'Ganga Aarti' along the Hooghly river, announced Rs 1,500 crore in infrastructure projects for the Hindu pilgrimage site of Gangasagar, and personally performed religious rituals — including Chokkhu Daan on Durga idols — which she broadcast on social media to reaffirm her Hindu identity.

TMC cadres even co-opted and amplified the Tribeni Kumbh — an event whose "700-year-old tradition" had been debunked as largely fabricated by Hindutva groups — legitimising what had begun as a Sangh Parivar (Rashtriya Swayamsevak Sangh) project.

The strategic logic seemed sound: neutralise the BJP's Hindutva appeal by showing Bengal's Hindus that Didi, too, worshipped their gods. The outcome was a political catastrophe. By playing on BJP's turf, Banerjee did not neutralise the saffron agenda, she normalised it. She trained an entire electorate to evaluate their leaders through the lens of Hindu identity. And when the test came, voters chose the original over the imitation.

The Purge That Swung the Election

Rights activists and observers believe that the Special Intensive Revision (SIR) of electoral rolls disproportionately disenfranchised Muslims

before the elections. The SIR removed around 9 million voters — nearly 12% of the electorate — with roughly 65% of those whose status remained undecided being Muslims. The BJP secured 2.88 crore votes compared with TMC's 2.56 crore — a difference of just 32 lakh votes. Had the disenfranchised voters participated, the outcome could have been different.

The Supreme Court did not restore the voting rights of millions affected, but directed the Election Commission to publish a list of those impacted.

"Once the question of whether 'I should be on the voter list' became the dominant question for vulnerable populations, it's not politics as usual," said Neelanjan Sircar of the Centre for Policy Research, who travelled across Bengal before the polls. "The level of polarisation that the voter revision caused is something that people outside the state do not really grasp," he added.

Paramilitary Forces and the 'Theatre of Occupation'

The Narendra Modi government deployed 2,400 companies of paramilitary troops to West Bengal — a record for any provincial vote. The TMC and other Opposition parties argued that these forces were used to intimidate their workers rather than protect voters. When a Central government floods an Opposition-ruled state with its own security apparatus on the eve of a critical election, the line between election administration and federal coercion ceases to exist.

The BJP's groundwork in Bengal was laid nearly a decade ago by the RSS and the Modi–Shah (Union Home Minister Amit Shah) leadership, who after experimenting with electoral roll revision in Bihar deployed it in Bengal as a decisive strategy. This was a well-thought-out game — patient, methodical, and ultimately devastating.

What Bengal Loses

As counting trends became clear, reports of arson and attacks on TMC offices emerged from Tollygunge, Baruipur, Kamarhati, Baranagar, Baharampur, Howrah, and Kasba. The BJP denied involvement. The fires were real.

Bengal is the land of Rabindranath Tagore, of Ram Mohan Roy, of a syncretic humanist tradition that spent centuries weaving Hindu and Muslim culture into something irreducibly its own. In Murshidabad, where Muslims constitute over 66% of the population, BJP has surged from two seats in 2021 to nine this time. A district that was once a fortress of pluralism is now a BJP territory.

Mamata Banerjee is not the sole villain of this story — the architects of institutional voter suppression, communal mobilisation, and paramilitary intimidation hold that distinction. But she is its tragic protagonist: an agent who picked up her enemy's weapons, forgot her own, and lost everything. May 4, 2026 will be remembered as one of the most ill-fated days in India's electoral history.

Bengal, the land of the Renaissance is now under new Hindu majoritarian management. And those who helped pave this road must now reckon with where it leads.

[Extract. ***Sandip Chakraborty*** *is a Kolkata-based journalist who writes for NewsClick. Courtesy: Newsclick, an Indian news website founded by Prabir Purkayastha in 2009, who also serves as the Editor-in-Chief.]*

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

2.) Bengal Was the First Breeding Ground of Hindu Nationalism and the Idea of Hindutva Originated There

Partha S. Ghosh

Historians have an inbuilt defence mechanism. Since they know that every history has history, they are surprise-proof. The West Bengal election results which have gone hugely in favour of the Bharatiya Janata Party (BJP) may have upset many of them temporarily, but on reflection they have found themselves firmly footed. For them, Bengal has traditionally been an enigma, which has just once again been reconfirmed.

It was Bengal, from where the East India Company had started its Indian journey. The Mughals before them too had found the province interesting. Initially they encountered some difficulty to control it because of its wet cartography but in due course they took full advantage of the situation to build a prosperous rain-fed agricultural economy which helped them raise a massive standing army that was able to browbeat all contemporary Indian rulers. That the changing course of the Ganga in the previous hundred years came handy to them to take advantage of the situation is a long story.

During the hundred years of the East India Company rule (1757-1857) it was this province alone which was chosen for two important Hindu social reforms, one, the abolition of the Sati ritual, and two, the validation of widow remarriages. These reforms, however progressive, angered the Hindu conservatives, who had traditionally dominated the Bengali Hindu social order. This fact did not escape the notice of the politically suave British. They realised that since their business was business, they should scrupulously avoid interfering with the Hindu social norms.

Soon after the 1857 revolt when the British Crown supplanted the East India Company rule, their governing-bible was not to dirty their hands with the Hindu social practices however retrograde they were. They took the logic even further. Through systematic political manoeuvres, they sowed the seeds Hindu-Muslim discord which by the end of a few decades assumed monstrous proportions. It was no surprise that when Sir Syed Ahmed Khan was initiating a Muslim political and social awakening in the early twentieth century he identified the Bengali intelligentsia as his primary enemy.

It may be underlined that Bengal was the first breeding ground of Hindu nationalism. Even the idea of *Hindutva* originated there. It was not Vinayak Damodar Savarkar who had invented the word through his 1923 book *Hindutva: Who is a Hindu?* Which is commonly believed. The idea was developed by a Bengali, Chandranath Basu (1844-1919). He wrote a book in Bengali in 1892 called: *Hindutva: Hindur Prakita Itihas* (the true history of the Hindus). Even much prior to that, in 1858, another Bengali, Tarinicharan Chattopadhyay, had written *Bharatbarsher Itihas* (the history of India), which was out-and-out a Hindu chauvinistic-nationalistic statement spouting venom at everything Muslim.

From 1867, an annual event called *Hindu Mela* had been institutionalised in Bengal to which Bengali *Bhadralok* flocked in large numbers. The *Bhadralok* is a complicated concept which can be summarily understood as representative of the upper caste Bengalis consisting primarily of the Brahmins, Baidyas and the Kayasthas, the literati of Bengal in general. (One can entertainingly remember them as KABAB – KA for Kayastha, BA for Baman (Brahmin), and B for Boddi, or Baidya.) Started by Nabagopal Mitra, its initial financier was the Tagore family (six years after

Rabindranath Tagore was born).

Over to Bengali Leftism now. Ironically the same Bengal which was the cradle of Hindu nationalism was also arguably the hotbed of India's Left politics (though one must not forget the Telangana movement of 1946-51). During the second world war, particularly, after the Soviet Union joined the war on the Allied side, the Communist Party of India, which had a strong presence in Bengal, sowed the seeds of Leftism in Bengal. The Great Bengal Famine of 1943 boosted the movement which the then cultural troupes like the Indian People's Theatre Association (IPTA) popularised further. Incidentally IPTA was established in the same year the famine had taken place. IPTA took its Leftist message to every middle-class Bengali home. The massive Partition refugee arrivals that overwhelmed Bengal, particularly Kolkata, advanced Leftism in general.

Since both the ruling Congress Party and the opposition Leftists were looking for the same political space in Bengal it had at least one positive effect. Though the Partition had ravaged the Bengal economy, this Congress-Left contestation ensured that there was no Hindu-Muslim communal violence though just in 1946 the province had witnessed The Great Calcutta Killings (a direct fallout of Mohammed Al Jinnah's militant Direct Action Day call). It was a notable achievement given the fact that Bengal had a long history of Hindu-Muslim riots during the entire half a century prior to the Partition.

The next notable phase of Bengal politics was the rise of Naxalism in the late sixties and early seventies which was ruthlessly suppressed by the Congress Chief Minister Siddhartha Shankar Ray (1972-77), who incidentally is also credited for advising Indira Gandhi to declare her infamous Emergency in 1975. The Left Front rule in Bengal led by the Communist Party of India (Marxist) (CPI (M)) had a 34-year long innings from 1977 to 2011 to be replaced by the now defeated strongwoman Mamata Banerjee of the Trinamool Congress (TMC).

The question now is: Is Hindu nationalism which had started in Bengal in the second half of the nineteenth century coming full circle? Is the Bengali Bhadralok once again displaying his Hindu nationalistic fervour? If so, the inevitable question is will they lead the pan Indian Hindutva folk, or agree to be led by the Gujaratis, Marathis, or the Hindi-speaking north. Indian politics is at a critical juncture and the next ten years will be interesting to watch.

A much more interesting question, however, is if the Bengal BJP plays the same nasty communal game which the north Indian BJP has been playing at least ever since the Ram Janmabhoomi Movement of the early nineties, how it will end up. Not only that West Bengal has a 27% Muslim population, it is next to the Muslim-majority Bangladesh which has a 180-million strong population of which 8% are Hindus.

The Bengal BJP will tread carefully because India's national security question is central to the whole issue. Mercifully, unlike in the past, India has appointed Dinesh Trivedi, a politician, not a career diplomat, as India's High Commissioner to the country who should know the communal sensitivities better. Incidentally, though he is a Gujarati, he is from Bengal and speaks Bengali, which is his added political advantage.

*[**Partha Ghosh** retired as professor at JNU. Courtesy: The India Cable – a premium newsletter from The Wire. The Wire is an Indian nonprofit news and opinion website. It was founded in 2015 by Siddharth Varadarajan, Sidharth Bhatia and M. K. Venu.]*

Janata Weekly does not necessarily adhere to all of the views conveyed in articles republished by it. Our goal is to share a variety of democratic socialist perspectives that we think our readers will find interesting or useful. —Eds.

Both articles: Courtesy **Janata Weekly**, May 3, 2026

POLITICS WITHOUT POWER*

M.N. Roy

…..Continued from the last issue

Parties are organised according to certain political doctrines with the object of introducing specified social measures, revolutionary or otherwise, which would be good for the people. It is further believed that a party must be in office, that is to say, control the government of a country, in order to put its programme into practice. The immediate object of any political party, therefore, is to capture power, which need not necessarily involve acts of violence. Expressions like capture of power or seizure of power are used by revolutionary parties. But parties-advocating constitutional methods or non-violence also want to be in office, which is only a less violent expression of the same purpose. That is how the parliamentary party system becomes a scramble for power. All brands of politics as practised today are party-politics. If party-politics is bad, politics itself is bad. It is easy to see how this system is bound to lead to demoralisation.

A group of people may have very good ideas and be quite honest in their desire to do certain things for the people. But they are convinced that without power they can do nothing. Therefore, if they are serious about doing those things, they must do everything to come to power. All other parties are exactly in the same position. All try to get the greater number of votes; the usual method is to lure voters by promises. Caught in the whirlpool, even the most honest politician loses his sense of proportion and makes promises which he knows cannot be fulfilled. Thus, democracy degenerates into demagogy. Under these circumstances, associated with the party system, politicians cannot appeal to the intelligent judgment of the people. The necessary predisposition for the people to be carried away by platform speeches and press campaigns is created by inflaming emotions and inciting passions. False or imaginary issues afp raised to cloud the judgment of the people, to create ma.,s hysteria. Whichever party possesses greater skill in election manoeuvres and the means to maintain the largest party machinery and organs of propaganda, has the greatest chance of winning elections and capturing power. In the hysterical atmosphere created by election campaigns, even otherwise intelligent citizens are swayed to vote in a way which they would hot do if they were allowed to think rationally. Therefore, to confuse, deceive and mislead the sovereign people, is a necessity of the party system; the practice may vary in degrees, but is essentially the same everywhere. The practice being palpably inrnoral, and party politics having to rely on it to succeed, it can never be purified. There must be other forms of politics to decide any genuine issues and principles which parties represent. Once it is assumed that nothing can be done for the good of the society without political power, the evils of the party system necessarily follow. The control of government being the precondition for doing anything, everything must be done to gain power. The means become the end and the end is forgotten. It is remembered only to advance the questionable doctrine that it justifies the means. Politics is divorced from morality. If one is not interested in power, he is supposed to be not concerned with politics, indifferent to social problems.

Notwithstanding the fact that in some countries a considerable measure of social reform was carried out under the parliamentary system, the other side of the picture must not be overlooked. Diffusion of power is the essence of democracy, because concentration of power leads to tyranny and dictatorship, which may be hidden behind a facade of empty formalities. The electorate delegates its sovereign power to a party; only a few members of the party go to the Parliament; there they are subject to party

discipline, are whipped into the party lobby. Fewer still actually compose the government and wield power. It is not inconceivable that only men of good faith and honest intention may come to the actual seats of power. But that means no more than that, at best, parliamentary democracy can be a benevolent despotism, swhich constitutionally restricts liberty and regiments economic life to establish a welfare State.

But for other reasons also the best of men are corrupted by the party system. The period of office is limited. As within a few years none can bring heaven on earth, the first concern of politicians in power is to have a second, a third and more terms in power. The most skilful and resourceful party may be perpetually in power. The approximation to that ideal of the party System is attained by winning the next elections; and to do so, greater demagogy is practised. Even if they have failed to do what they promised at the time of a previous election, party politicians must say that they have succeeded, prove black to be white. When the electorate cannot be deceived by all too obvious facts, the argument is that the time was too short to do much; therefore, some more time must be given. Any party which would honestly admit that they advocated a wrong programme, and appeal to the electorate for another chance to rectify its mistakes, would have no chance to win an election. To compete with demagogues in a system which puts a premium on dishonesty, a politician must come down to this level if he wants to succeed. Thus, practically nobody engaged in politics as it is practised today, can remain entirely untouched by its corrupt atmosphere. The "sea-green incorruptibles" have always been a fiction; personalities are built up by propaganda. Robespierre was an upright man, stern, ascetic, completely dedicated to a cause, yet, his virtue turned out to be the pretext for abominable vices.

But politics is a social necessity. Society cannot do without a political organisation, that is to say, there must be a State. Government must be carried on. The question, therefore, is whether a different practice of politics is possible. In other words, can politics be raised above the scramble for power? This question cannot be answered within the limits of the usual political discussion. A new politics presupposes a new social philosophy; and the problem of human nature is the basic problem of social philosophy. We shall have to go still further. If we want to free politics from its present evils, we must re-examine our philosophy of life. The old social and political philosophies, conservative, liberal, socialist or communist, are all, frankly, or in effect, collectivism In them, the individual does not count for anything. Some give him the freedom to vote occasionally, but prevent him to do so intelligently. CX ers declare that the individual becomes free by losing himself in the masses. Those of the first category, in spite of their formal profession of individualism, place institutions above men. But society is not an abstract thing. It is the sum total of the men and women composing it.

So long as individuals cannot judge and discriminate and decide what is right and wrong, there cannot be a good society. Disgust with power politics will produce no result unless it compels us to remember the fundamental principles of democracy, the sovereignty and dignity of the individual, in the light of modern scientific knowledge.

Power can be divorced from political associations and defined as the ability to do things. Thus conceived, it is precisely man's power which can make a better job of human society. But the usefulness of power is eclipsed and leads to abuses when it is concentrated to such an extent that the community as a whole becomes totally powerless. When that happens, the most powerful State may have the most powerless citizens. Power being associated with the function of the State, some political theoreticians of recent times have defined the State as an organ of coercion, an instrument created by a certain class or section of society with the purpose of exercising its

domination over the rest. The corollary to this definition is that a just and fair social order is impossible so long as the State exists. Therefore, thinking out their thoughts consistently, these political theorists came to the conclusion that in an ideal society the State would wither away. The anarchist denial of the very necessity of the State is only an exaggerated version of what may be called the communist Utopia.

The ideal of a stateless society is obviously an absurd Utopia. The apostles of the withering away of the State have proved that in practice. The most outstanding feature of the communist social organisation is greater and greater concentration of power, political as well as economic. It is difficult to see how one of the two processes can ever annul the other. The establishment of a communist society presupposes a highly centralised political power, the dictatorship of the proletariat. How can a parallel concentration of economic power eventually lead to the withering away of the organ of political power? Such unrealistic ideas about the future naturally result from the equally unrealistic, empirically unverifiable, doctrines that society is divided into irreconcilable classes, and the history of civilisation is the history of class struggle.

The division of society into classes with diverse interests is a historical fact. But it is equally true that cohesive forces are also inherent in society. The centrifugal tendency is counteracted by a centripetal tendency. In the history of social evolution, an equilibrium between the two created stability, whereas discord and disharmony led either to the establishment of dictatorships or other autocratic forms of government, or to social disintegration.

If there was no cohesive force in society, then mankind Would never have come out of a state governed by the laws of the jungle. The entire history of society shows that a cohesive force has always been more or less, in operation; otherwise there would be no history of civilisation. Ancient civilisations broke down because the forces of social cohesion and harmony were overwhelmed by strong centrifugal tendencies. Mediaeval and modern history has also been punctuated from time to time by wars and revolutions. But reaching higher and higher levels of social evolution, civilisation survived those recurring vicissitudes and tensions and regained its equilibrium.

One can visualise an idealised State in the future when the contradictory forces will have disappeared, and society be an homogenous organism. Then, there would be no classes, one trying to dominate all others. Yet, society will be there; it will not be a primitive community, but a complicated organisation with greatly diversified fields of activities. Such a society cannot possibly do without some central organisation. It need not be a Leviathan, as the State has been described, but only a co-ordinating factor, one of the various social institutions, the function of which will be to harmonise the functions of the various other institutions. This future shape of the State emerges from the most authoritative and ancient definition of the State as the political organisation of society.

Primitive communities organised themselves politically much later than their original formation, primarily with the purpose of self-defence and struggle for existence. In the intervene i period, progressive economic development added to the original functions of society, which was departmentalised according to vocations and professions. Eventually, the State rose to co-ordinate and harmonise the diverse departments of social activities so that the individuals could live in peace and order to promote the welfare of all living in the community. It was not superimposed on society, nor given any totalistic significance. It was created as the instrument of public administration, to maintain order, to make laws and supervise their being observed so that the diverse forms of social activities could be carried on harmoniously. The State rose as one of the several other social institutions, all equally autonomous their spheres - economic,

educational, cultural, political.

Until a few centuries ago, the government did not interfere for instance in the economic life of society, beyond raising taxes. The requirements of the community were met by peasants, artisans and traders, applying human labour to natural either individually or organised in guilds and distributing them according to supply and demand. Individual freedom and institutional autonomy in the educational and cultural fields were particularly beyond the jurisdiction of the State. The government of Pericles did not dictate what philosophy Plato or Aristotle should teach. In those days, there was no national education. The educational institutions not only of the ancient, but even of the mediaeval times were autonomous. The tradition is still alive partially in the classical seats of learning in Europe. Similarly in India, there were seats of learning, like Taxila and Nalanda, which were independent of the State.

The economic advantages of the politically centralised modern society are a doubtful blessing; one hand takes away from the individual as much or more than the other gives. We can visualise a time when the State will again cease to be the Leviathan which it has become today, without dreaming of the absurd Utopia of a stateless society, which would mean, a society without public administration and co-ordination. Ways and means must be sought to reduce the functions of the State to the minimum, f to confine it to its native function of the instrument for public administration, to co-ordinate the various functions of other autonomous social institutions.

There are social philosophers who advocate what is called a pluralistic society, composed of autonomous institutions, the State being one of them, with no other function than to regulate and co-ordinate their diverse activities. This view of social organisation was anticipated in the nineteenth century liberal dictum that the government is the best which governs the least. Since then the tendency for concentration of power has constantly gained ground; as a result, it is not an exaggeration to say that the State has become an engine of coercion. But it is so because of concentration of power.

Thus, ultimately the problem of democratic political practice is that of decentralisation. Politically it might not be so baffling a problem. But it is aggravated by the centralisation of economic power immensely reinforcing the power of the State. In the last analysis, the problem is whether the economy of a modern society can decentralised, and in consequence thereof also the Political power. This is the crucial problem of our time. The fatalistic view that since it has been so for centuries, how can it be otherwise, would imply that human ingenuity has been exhausted and the last word of wisdom pronounced. That would be a dismal perspective tending towards a social breakdown. Given this negation of human potentiality to evolve, progress and create endlessly, "might is right" will not only be the legal, but also the moral law, and it would be a law of the jungle.

But there is no reason to assume that the party system with its tendency to concentration of power is indispensable and eternal, simply because it has been the outstanding feature of politics for a hundred years or so. There is even less reason for the belief that no better system could be invented. There were times when there was no party system, yet large States were governed, and not much worse than today. But the decisive argument against it is the results to which it had led. Has the result of the party system been such as to warrant the belief that its perpetuation is indispensable for the continuation and welfare of human society? Does it not provide enough reason to try and build up a new system, which may eliminate the evils of the party system? Human ingenuity has not been exhausted. Political practice in the past has been a matter of trial and error; and we can rectify errors, having learned from experience.

If party politics has made a mess of things, it is a man-made m.tss, and men have not only the power to do evil, they bear also the power to undo evil. Only when we are convinced that what we have done so far is not good enough, can we do better; only then sense of urgency and responsibility to do something better. That is how human history has been a history of progress. If man did not have the power of reasoning and judgment, there would have been no progress and no modern civilisation. we can recover the sense of urgency and responsibility to do something better. That is how human history has been a history of progress. If man did not have the power of reasoning and judgment, there would have been no progress and no modern civilisation.

If human freedom is not to be sacrificed in the scramble for power, we shall have to explore the possibility of political practice without the interpolation of political parties between the people and their sovereign power. Because it is through the instrumentality of political parties that power is concentrated in the hands of minorities, to be abused on false pretences. Decentralisation of power is conditional upon disappearance of the instrument of centralisation. It must be replaced by another instrument which can guarantee that the sovereignty of the people will remain with the people. The delegation of power to elected representatives is the legal sanction of parliamentary democratic governments. Constitutional Pandits declare that this is democracy itself; but in reality, it is a negation of democracy, based on contempt for the demos.

Not only the politicians, but even the people themselves have come to doubt that they can wield power and exercise their sovereignty. They have forgotten that all men are born with the same potentialities, the highest being that of their reasoning faculty. The way out, which party politicians would not take, because that would mean the end of their days, is an appeal to reason. That appeal has the sanction of modern science behind it. Human nature is rational. It is true that the rational nature of man has been buried fathoms deep. But being the essence of human nature, it can be recovered. Unreason has gone so far that the appeal to reason is bound to find response, and a rational political practice will bear fruit sooner than one might imagine. But the measure of success will not be power; it will be gradual disappearance of the evils which are at the root of the present situation. It will express itself in an intelligent public opinion which cannot be swayed by emotional and demagogic appeals.

Once that happens, the end of the party system has begun, and with the parties, the main cause of concentration of power will disappear. In that process, the foundation of a decentralised State will have been laid in local republics, which will combine all functions of the State as they affect the local life. National culture, national economy and national political institutions will be cast on the pattern of the functions of these local republics; power will remain with them, to be wielded directly by the individual members of the small communities. Being thus reared upon a broad foundation of direct democracies, the State will be really democratic. Usurpation of power will be impossible. A pluralistic modern society can be built up doing away with centralisation of power in politics and economics.

So long as the purpose of politics is to capture power, you cannot do without parties. But if you do not want to capture power, you can practise politics of a party, the practice of delegation of power disappears and also the constitutional sanction for concentration of power. We can have a harmonious society which will be a free society without destroying the freedom of the individual, where the freedom, welfare and prosperity of society will be the sum total of the freedom, welfare and prosperity actually enjoyed by the individual men and women constituting that society.

Churchill's Forgotten Warning & Trump's Iran Gamble

K.P. Fabian

Churchill's warning resurfaces as Trump, Netanyahu, and Iran push the world toward dangerous escalation.

Never, never, never believe any war will be smooth and easy, or that anyone who embarks on that strange voyage can measure the tides and hurricanes he will encounter. The Statesman who yields to war fever must realise that once the signal is given, he is no longer the master of policy but the slave of unforeseeable and uncontrollable events…

The above quotation from Winston Churchill is worth revisiting, especially in the current geopolitical context, engulfed in war fever. In January 2025, President Trump restored, for the second time, a bust of Churchill that was in the Oval Office. The bust was made by Jacob Epstein, not to be confused with Jeffrey Epstein, whose ghost is now haunting the White House.

Churchill's bust is next to George Washington's, whose advice to his successors is even more pertinent as the two-hundred and fiftieth anniversary is approaching. In his 1796 farewell address, Washington exhorted Americans to set aside their violent likes and dislikes of foreign nations, lest their passions control them. He said:

The nation which indulges toward another an habitual hatred or an habitual fondness is in some degree a slave.

Twenty-five years later, President John Quincy Adams, in his farewell address, said:

Wherever the standard of freedom and Independence has been or shall be unfurled, there will her heart, her benedictions and her prayers be. *But she goes not abroad, in search of monsters to destroy.* She is the well-wisher to the freedom and independence of all. She is the champion and vindicator only of her own."[Italics added.]

Today, Trump has marginalised the United States professional civil and military service by appointing personal favourites to positions of high responsibility. For example, His Son-in-law, Jared Kushner, is one of the chief negotiators involved with the Iran war. Also, Secretary of War Pete Hegseth, a former news anchor, wants to conduct a 'holy war' or 'an American crusade' against Iran.

When, on 4 March 2026, the USS Charlotte torpedoed and sank an Iranian ship, IRIS Dena, killing at least 87 sailors, Hegseth exulted and claimed that it was the first such act after World War 2.

Hegseth is wrong. The Royal Navy did it to an Argentinian ship during the Falklands War in 1982. The State Department has an office of Official Historian. Hegseth could have at least checked it out. Or, is he a believer in "alternative facts" posited by Trump's counsellor Kellyanne Conway in 2017?

It may be noted that but for the prompt rescue operation carried out by the Sri Lankan navy, saving 238, the grim toll would have been 325. Why didn't India, as chair of BRICS, put out a statement complimenting Sri Lanka? Why didn't any member-state take up this matter at the U.N. Security Council? Is the rest of the world so intimidated by Trump that it does not recognise its own moral bankruptcy? The answer is clear.

Trump's policy towards Iran is a study in his ability to be mercurial and self-contradictory.

On 5 April 2026, Easter Sunday, he threatened, in an expletive-laden post on his app ironically called "Truth Social"(sic), to bomb Iran

to smithereens- "Power Plant Day, and Bridge Day, all wrapped up in one." The next day, he doubled down on his threats: "a whole civilization will die tonight, never to be brought back again. I don't want it to happen, but it probably will."

We cannot resist asking a question: Is Trump a follower of Jesus Christ, the Prince of Peace? Obviously, not. He is the most enthusiastic salesman for the Military-Industrial-Congressional Complex, against whose increasing political influence President Eisenhower cautioned his compatriots way back in 1961. Alas, to no impact.

Trump wants a defence budget of $1.5 trillion, a little more than the $1 trillion in interest payments on the indebted U.S., topping the list of indebted states! Trump displayed egregious effrontery by publicly finding fault with Pope Leo XIV, who urged an end to war and the resolution of disputes through negotiation. On second thoughts, Trump sent his Secretary of State, Marco Rubio, a practising Catholic, to meet with the Pope and make amends. Trump, however, has been skating on thin ice, getting thinner and thinner. The latest PBS News/NPR/Marist poll shows that six in ten Americans disapprove of how President Trump is handling Iran. Trump cannot expect a fruitful summit with Xi Jinping, scheduled for 14 May 2026, if there is no settlement.

The GCC has borne the brunt of Iran's retaliation. The Saudi Crown Prince Mohammad bin Salman (MbS) has made it clear that the U.S. bases in the kingdom should not be used against Iran. MbS did not do that out of any particular concern for Iran. He has assessed that if the war resumes, Iran still retains enough drones and missiles to seriously damage the oil and gas installations in the GCC.

Even if the war were to end tomorrow with a diplomatic agreement, the consequences of the aggression committed by Israel and the U.S. and Iran's response thereto will have long-lasting consequences for the GCC and the rest of the world, needing oil, gas, fertiliser, and much else from the region.

The world has been deprived of about 1 billion barrels of oil over the past two months as Iran has blocked the Strait of Hormuz amid its war with the US and Israel, and even if energy flows resume, it will take time for the system to return to normal, the chief executive of Saudi oil giant Aramco says. Kuwait did not export oil in April, for the first time in thirty years.

The only person who seeks to gain from a resumption of hostilities is Prime Minister Netanyahu. At times, looking at the Netanyahu-Trump equation, we get the impression that the tail is wagging the dog.

By intensifying his attack on Lebanon, Netanyahu hopes to prevent an agreement between Tehran and Washington. Has he not defied Trump, who declared a 10-day ceasefire on 17 April 2026, which was later extended by three weeks?

What is in store for the next week, starting from Monday, 11 May?

Iran has, after deliberately delaying it, sent its response to Washington through Pakistan on Sunday. We do not know the contents of the correspondence between Washington and Tehran.

A possible scenario is that Washington agrees to release in part or in full the frozen funds of Iran, and gives assurance that neither the U.S. nor Israel will attack Iran again. Iran, on its part, agrees to restore the Strait of Hormuz to its pre-28 February state and, in negotiations that follow the ceasefire, agrees to terms slightly better than those in the 2015 nuclear deal, so that Trump can claim he has done better than Obama and revoke sanctions.

Such a settlement will be a huge blow to Netanyahu, who wants to resume the war. It is unclear whether Washington is consulting regularly with Netanyahu on the terms to be settled with Iran.

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

Manusmriti: A Stain on Humanity

"I measure the progress of a community by the degree of progress which women have achieved."

— B.R. Ambedkar

K. Srinivasa Chary

The foundations of modern human history and the flourishing contemporary civilization were laid thousands of years ago. Yet, even as modern humanity aspires to explore the vast universe, the human mind—both consciously and unconsciously—continues to carry remnants of ancient thoughts and decayed customs. Systems once created for survival and comfort have turned into traps of rigid traditions, binding individuals in invisible chains of mental servitude.

Romanticizing the past, attributing virtues that never existed, and reintroducing regressive elements into a progressive society have achieved partial success. Encouraged by this, regressive ideologies persist in their attempts to contaminate society with outdated and hierarchical modes of thinking.

As human society evolved from primitive ignorance to progressive development, the decline of matriarchal systems gave rise to deeply entrenched patriarchal structures. Under the guise of "dharma," women were systematically reduced to subservience.

Cultural practices and moral codes became instruments of psychological oppression, burying women's progress and autonomy alive. Stripped of independent thought and identity, women were reduced to objects—treated as property, instruments of male desire, child-bearing machines, and confined to domestic roles. Gradually, they lost recognition as equal human beings and were relegated to secondary status, bound by the chains of tradition, often suffering in silence.

From parents, teachers, and religious institutions, generations have been taught to revere Manusmriti as sacred law. This indoctrination has instilled in women a sense of inferiority and helplessness.

Consequently, many internalize their subordination, even participating in systems like dowry—seeking security in a marketplace of marriage that commodifies their existence.

At the root of this psychological pollution and the disruption of social harmony lies Manusmriti. For centuries, it has preserved regressive thought patterns, indirectly eroding human values. It privileges male dominance—particularly that of the Brahminical patriarchal order—while instilling fear and oppression among women and marginalized communities. For them, Manusmriti is not a scripture of guidance but a nightmare.

Regardless of their roles—as daughters, wives, or mothers—women cannot escape its influence. Even among the educated and those in positions of authority—teachers, judges, professionals—the subtle imprint of Manusmriti persists in attitudes and behaviors. Education and professional status alone have not been sufficient to eliminate its psychological grip.

Manusmriti has stratified humanity into rigid hierarchical layers, binding individuals into an oppressive social ladder. Present-day inequalities—economic disparities, social hierarchies, educational access, and occupational status—continue to reflect its influence. Concepts like character, virtue, and integrity often become meaningless in the face of inherited structural bias. Its reach is not limited to any single caste or group; rather, it has deeply embedded itself in

the collective human psyche. Even among the educated middle and upper classes, many remain trapped within its ideological framework. Those outside the Brahminical hierarchy often internalize a sense of inferiority, perpetuating cycles of self-doubt and subjugation.

Instead of recognizing Manusmriti as an oppressive system, some continue to regard it as a model for social and economic organization. Processes such as socialization and Sanskritization have, paradoxically, reinforced these hierarchies, as individuals strive to imitate upper-caste practices to gain status. Scholars have observed how even socially and economically advanced individuals become entangled in this aspiration to "rise" within a flawed system.

The dehumanization embedded in such structures—where women are equated with lower status and marginalized communities are treated worse than animals—is profoundly inhumane. That such practices continue in the name of tradition reveals how deeply regressive ideas have been normalized as cultural heritage.

Even today in India, the future of a child is often determined by accident of birth—caste, family, and lineage—rather than individual potential. In an increasingly interconnected and complex society, the consequences of such systemic injustice affect everyone. Rising discrimination, exploitation, violence, and even loss of life reflect the enduring impact of these ideologies.

Caste consciousness continues to hinder human development, leading to anxiety, humiliation, and loss of dignity. Many individuals and families suffer silently, losing self-confidence and self-respect, isolated within a dehumanizing social environment.

Legal measures and state intervention alone cannot resolve these issues. Laws must be actively implemented and internalized, but true transformation requires a change in mindset and practice. Any system that fails to recognize the humanity of others is fundamentally flawed.

While society proclaims ideals such as "Sarve Jana Sukhino Bhavantu" (may all people be happy) and boasts of revering women as goddesses, these claims stand in stark contradiction to lived realities. Such hypocrisy must be confronted and abandoned.

Education is the primary tool of enlightenment. Where knowledge exists, ignorance fades. Modern science and rational inquiry offer the most effective means to address these deeply rooted problems. Only through scientific education, critical thinking, and humanistic awareness can society progress.

The relics of an uncivilized past, which have oppressed humanity for millennia, have no place in the 21st century. The only viable solution lies in a transformative movement—one that promotes rationalism, scientific temper, and humanism.

"The aim of all political and social institutions should be the maximum freedom of the individual, consistent with the common good."

— M. N. Roy

(The author is the President of the Telangana Rationalist Association, a lecturer in Psychology, and the creator of the YouTube channels The Humanist Way and Srinivasa Chary K.)

Contd. from page - (34)

Churchill's Forgotten...

As we all know, Netanyahu started the war and succeeded in roping Trump into it. It is high time for Trump to realise that he made a mistake. The best option for him is to declare 'victory' and add that he is moving on to Cuba. He can tell MAGA that, having destroyed Iran's military capabilities, it is now necessary to stop bombing so that the Iranians can rise and bring down the regime. Meanwhile, he has corrected Obama's mistake.

Courtesy **Madras Courier**, 11 May 2026.

Freedom Fighter Subhadra Khosla Was From an Era When People Actually Believed and Lived by Gandhian Values

Her account brought out an entire era of ahimsa and satyagraha, where a people were united to sacrifice to obtain freedom.

Freedom fighter Subhadra Khosla at the Rashtrapati Bhawan. Photo: Saurabh Khosla

Sagari Chhabra

Subhadra Khosla, who along with several other women raised the flag inside the Lahore women's jail in defiance of the British Raj, passed away on April 30, 2026. Born in Kot Mohammad Khan on September 30, 1928, to Lala Achint Ram and Satyavati – both of whom were ardent freedom fighters, Subhadra grew up with nationalist songs, processions, rebellion and meetings against the Raj.

Her father, Achint Ram, left his studies and joined the Servants of People Society, founded by Lala Lajpat Rai. He married Satyavati who as a student of Kanya Mahavidyalaya, Jalandhar – a hotbed of the freedom struggle – was also imbued with the values of the freedom struggle. When Achint Ram met Satyavati, he cautioned her that a life devoted to patriotism and service is full of hardship, but she was willing, recounted Subhadra Khosla in an oral testimony recorded on March 16, 1998. This was the first of our several meetings that continued till she passed away recently.

Subhadra was a living history; she was an amazing raconteur and one could sit across her for hours recording stories on how her father set fire and threw into the dustbin, her woolen sweater and a fine muslin veil, as they were not *swadeshi*. She sang soulfully the songs that she and the other women sang in prison. However, I was spell-bound indeed rivetted by the account of when the women raised the flag inside the jail.

She recounted that earlier 'on August 9, 1942 there was a meeting in the committee room at Lajpat Bhavan. My father was getting ready. At that time everything was very calm. People dressed in white kurta-pajamas and caps were arriving one by one, at Lajpat Bhavan where we lived …. The police had surrounded the place. That was where the offices of the Servants of the People Society were … everyone who entered was immediately arrested. If someone had money or anything on them, the police would confiscate it. They sealed all the offices of Lajpat Bhavan… when my father was being arrested, he called out, 'Shrimati, give me some food', but she was too unwell to get up.'

Subhadra recounts that she was 13-year-

Freedom fighter Subhadra Khosla with Sagari Chhabra. Photo: Sagari Chhabra

old and gave her father some roti to eat before he was taken to jail.

She herself was arrested later, 'I was arrested on August 26, 1942, on the day of *rakshabandhan*… that evening around 4 pm, Mata Rameshwari Nehru, Comrade (Savitri) Ram Kishen, Lakshmi Devi Rekha and Mrs Hemraj, all of them were supposed to go to jail… it started raining heavily … I was standing at the Khadi Ashram, right next to my uncle's Bhalla Shoe shop. Suddenly a procession began and I joined in shouting slogans… The police arrested me, my sister and my mother together. They also arrested Krishan bhai who was with us.'

Her sister Nirmal Kant was only 5-year-old and she was 13-year-old. 'After that we raised slogans with all our energy. We thought, this is the moment – if not now, when?'

On being asked if she wanted to be arrested, she replied, 'We felt that there was no other way to attain freedom, without going to jail …this belief had been instilled in us by our parents and we never even cried, not even when our father was in jail for three years at a time. A life of sacrifice was our ideal.'

'We were arrested on August 26. After that the case went on for two months. The sentence was for three years under three charges … and the judge Izzat Rai … sent us to jail. We were very happy, thinking, "Good, this great. Now freedom feels very close," because in our dreams, we saw true independence, our purpose was to free the country … whether sitting or standing we used to sing,

'Azad Karenge Hind Tujhe, Azad;
Kissi Ke Kehne Mein Na Aayenge;
Kuchh Samjhenge, Kuchh Samjhayenge;
Aapas Mein Milke Rehenge, Irshaad.'

'The echo and that spirit was present at every step of our lives…. they did everything to torture us, served the worst food possible, like vegetables with worms … but we knew how to stay happy.'

She went on recounting with happiness writ large on her face, 'I was sentenced to 3 years but since the sentences were to run concurrently and because the trial itself went on … I ended up serving 1 year and 2 months in jail…every day school girls would gather outside the jail. They wouldn't give their real names, since many of the parents were government servants or police officers. When asked their names, they would say, "Rebel Number 1", "Rebel Number 2" and "Rebel Number 3".'

According to prison rules, children could

not be imprisoned, but Subhadra was jailed along with her little sister Nirmala. Upon seeing this, Vijay Chauhan who was a year younger than Subhadra and the daughter of the freedom fighter, Sita Devi Chauhan, started mobilising girls outside the jail.

Every time they had a date at the court she was there 'creating a furore and she went to every school, college and public space mobilising women'.

Subhadra recounted the 'joy of jail life' all the women would gather around the gallows daily at 5pm and sing, '*Phansi de takhte pe chadh ke, geet watan de gavange*' – we will stand on the platform of the gallows and sing songs of our homeland.

Subhadra recounted how they would stack *chairpai* upon *chairpai* and call out to the Borstal jail (barracks) and Central jail (barracks) about what was to happen; 'a revolution in jail'.

They made the tricolour by tearing their own clothes and stitching a flag. They placed *charpai* upon *charpai* and Memobai who was lithe and nimble climbed up and raised the flag.

Former President Pratibha Devisingh Patil with freedom fighter Subhadra Khosla (right) and her mother Satyavati, who was also a freedom fighter. Photo: Press Information Bureau

This daring feat was substantiated by many of the surviving women freedom fighters one was able to trace then. These included: Savtri Ramkishen, wife of Comrade Ram Kishen who later became the chief minister of Punjab. Savitri Ram Kishen informed us that she was 'six months pregnant when she courted arrest'. We also met Sarla Sharma in Chandigarh. Others who were present in this daring act were Pushpa Gujral, Freda Houston Bedi – an Englishwoman married to Pyarelal Bedi and yet another Satyavati ji from Delhi. However, one was unable to record their testimonies as they had already departed.

Her account brought out an entire era of ahimsa and satyagraha, where a people were united to sacrifice to obtain freedom. Her contribution along with the other women was invaluable and the act of raising the flag inside the jail remained unrecorded and undocumented till we met her in 1998. This sparked off a lifelong relationship and the idea of a freedom fighters' archive with a special focus on women.

Her death is the end of an era where the purpose of life was getting freedom for the country and not to pursue the good life. A time when the people actually believed and lived by Gandhian values. We have sadly entered an era where there is now a cynical deployment of Gandhi and his name. We are also faced by the dangerous virus of communalism, pitting man against man. Will we be able to revive the legacy of Bapu and the ideas of simplicity, swadeshi and providing enough for every one's need but not greed, is the question.

Farewell Subhadra ji, your voice and amazing courage lives on as an inspiration to us.

***Sagari Chhabra** is an award-winning author & filmmaker and director of the Hamaara Itihaas Archives of Freedom Fighters.*

*Courtesy **The Wire**, 9 May 2026.*

The Humanist Frame

Law, Science And Humanism

H. Kalven Jr., and H. Zeisel

(Summarized by : **Vinod Jain**)

(In this essay the references to law cases were from the American Judiciary and are therefore avoided. Vinod Jain)

Sir Julian's prospectus for Humanism opens before us the awesome and exhilarating vision of a world in which man has chief responsibility for the evolution of life on this planet. Man without the crutch of supernatural religion is to stand alone with only his scientific intelligence and his Humanist values, to guide him to a better world. The Humanism is to be equal in importance with the Science.

The lawyer, invited to participate in this symposium and to review his field from the perspective of scientific Humanism, finds that the two key terms pick up familiar echoes. The law has had an interesting and complex relationship to both. The purpose of this paper then is to reflect on these relationships.

Humanism appears to involve at least two related notions: respect for human values, notably those of dignity and individuality, and a concern with the aesthetic side of life, as reflected in art and literature. In both these senses the law is deeply humanistic.

Legal education, too, is conscious of its debt to the values developed in the humanities, even in the professional law schools of the United States.

Law is also sensitive to history, because in one way law Is history.

We turn now to our second basic theme,, the relationship of law to science. While the law is not a science in the strict sense, the scientific stance is congenial to the legally trained man. Law has respect for evidence, and experience in weighing it; it places extraordinary emphasis and rational argument and required that evidence be offered in support of any assertion of facts or law. Law has developed a sharp sense of what is relevant and of when a precedent is in point; law is a systematically orhanized set of rules, and there is interest in the coherent architecture and structure of the whole.

As we turn more directly to the law's use of science, a distinction will be helpful. Science may bear on law in one of two ways. It may provide information about the underlying human behaviour which law seeks to regulate. In this sense almost all sciences of human behaviour are 0relevant to law and can contribute to it. But the law may also study itself; in this sense it provides a special field for scientific investigation which can tell the law much about how in fact it is operating.

On the whole, though, law's approach towards science is hesitant and perplexed. To illustrate this we have chosen some issues where scientific insights into human behaviour, the most novel area of scientific development, have affected or tried to affect the course of the law. We begin with the efforts to change the law's definition of insanity as a legal defence in a criminal case.

For over a century in Anglo-American law the definition of insanity has been that furnished by the House of Lords in M'Naghten's case: was the accused so mentally disordered 'as not to know the nature and quality of the act he was doing or if he did know it that he did not know what he was doing was wrong'.

Psychiatry, conscious of half a century of unprecedented development, claimed that the old

formula did not any longer fit the new knowledge. In 1953 a Royal Commission recommended, unsuccessfully thus far, replacing the old rule by instructing the jury to determine whether 'the accused was suffering from disease of the mind or mental deficiency to such a degree that he ought not to be held responsible'.....

But the psychiatrist could say something else about a defendant that is of interest to the law, not about his past but about his future. He might and sometimes does say that by putting this defendant through medical treatment rather than through prison, the chances of his becoming a recidivist [a person who constantly commits crimes and is not discouraged by being punished] would be greatly reduced.

The criminal law might conceivably re-define responsibility in terms of the defendant's future rather than his past, reorienting itself around the distinction between the curable and the non-curable. Although there have been some tentative moves in this direction, there are at least four formidable obstacles in the way of such a development.

The first obstacle is the psychiatrist' present inability to convince the law that he can indeed cure by therapy, and in some instances the psychiatrist's unwillingness to take the responsibility for declaring a defendant cured.

The second obstacle is the extraordinary expensiveness of the therapeutic apparatus. Society at this point is obviously unwilling to devote major resources to the treatment of the criminally sick or insane, especially since it is far from devoting such resources to the mentally troubled who have not committed a crime.

The third obstacle is that therapy would necessarily involve, at times, committing the defendant into indefinite medical custody until he is cured, and the law hesitates to entrust the psychiatrist with the formidable power of indefinite commitment. In proposals for compulsory psychiatrist therapy, the law tends to see not the benevolent intention but the threat of compulsion, of coercive custody for an indeterminate period. Here, the law's Humanism is a barrier to the scientist's narrower view.

Lastly, the law is frightened by the ultimate implications of such a future-oriented responsibility. We know for instance, that even without therapy murderers hardly ever become recidivists, and pickpockets almost always do. Are we then prepared to release the murderers, and keep the pickpockets in permanent custody? And what if our scientists could point out individuals who are very likely to commit a crime, although they have not committed one yet; is the law to act upon such counsel? Such thoughts come dangerously close to the aseptic visions of a' brave new world'....

While the law is reluctant to surrender its old formulae, the new thinking has nevertheless taken deep roots in our penal system. As one distinguished criminologist summarized it: 'The last fifty years have seen the acceptance of three major legal inventions: the juvenile court, parole and probation... These developments have been accompanied', he continues, 'by nothing less than a revolution in public conceptions of the nature of crime and the criminal.'

Our new knowledge of human motivations has seeped into the law and deepened its concern with the causes of crime and the possibilities of its cures. And the more we become aware of both, the more precarious our traditional notions of guilt become. Lastly, the law has been made conscious of the aggression in all of us and of the possibly suspect motivations behind the urge to punish. Thus, the rehabilitative ideal has imbedded itself strongly in modern criminal law.

The law, then, emerges as a body that is on the whole cautious, perhaps overcautious, in responding officially to scientific progress. One reason lies with the sciences. It is the social sciences which are of primary relevance to the law, and the certitude of their findings is relatively low compared to those of such exact sciences as physics or chemistry. The other reason for

the law's slowness lies with the law: often it appears to discuss scientific issues, when in fact it stands on value judgments. Our laws, after all, have two functions: they prescribe means towards ends, but they also set forth the ends, incorporating the values of the community as they are or, at times, as they ought to be. The law thus does not always permit itself to be explicit about its goals and therefore sets limit to rational debate. The relationship between law and science will depend, in the end, more on the climate of mutual understanding rather than on the power of specific evidence.

As we review law then from the perspective of scientific Humanism, the record is uneven. Law is more closely linked with traditional humanistic values than with the scientific methods and outlook. But the promise of evolutionary Humanism as a philosophy for modern man is a promice for law too, for it is a science integrated with a Humanist system of values that will be most readily and gratefully received by the law.

(To be continued....)

THE RADICAL HUMANIST SUBSCRIPTION RATES

Revised *w.e.f.* 1 August 2024

In SAARC Countries:

For one year	**- Rs. 300.00**	**For two years**	**- Rs. 550.00**
For three years	**- Rs. 800.00**	**Life subscription**	**- Rs. 4000.00**

(Life subscription is only for individual subscribers and for institutions Rs. 5000/- for 20 years)

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

Donations and Subscriptions can also be transferred directly to The Radical Humanist, Current Account Number 0349201821034, IFSC Code CNRB0002024, Canara Bank, Totaram Bazar, Tri Nagar, Delhi- 110035.

Please send Subscription/Donation Cheques, along with your name and addess, in favour of The Radical Humanist to:

SHEO RAJ SINGH, 3821/7, KANHAIYA NAGAR, TRINAGAR, DELHI – 110035.

(M) 9891928222, E-mail: srsingh3821@gmail.com

Reader's Comments

Dear Mahi Pal Singh

With reference to Bimal Chatterjee's article 'National Song Bande Matram at Crossroads...' in the May 2026 issue of The Radical Humanist, may I draw your attention to an article that I wrote - `Deconstructing Vande Mataram....' for the news channel Countercurrents of 23/12/2025 ? Here I exposed the dubious role of its author Bankim Chandra Chattopadhyay.

Regards: **Sumanta Banerjee**

‘Selections from The Radical Humanist, Volume I and II’ reach still bigger readership : A record of more than 1,136 cities of the world

As reported by www.academia.edu:

‘The Radical Humanist Volume I’ was your top paper last week - 2,035 Views till 06.02.2024

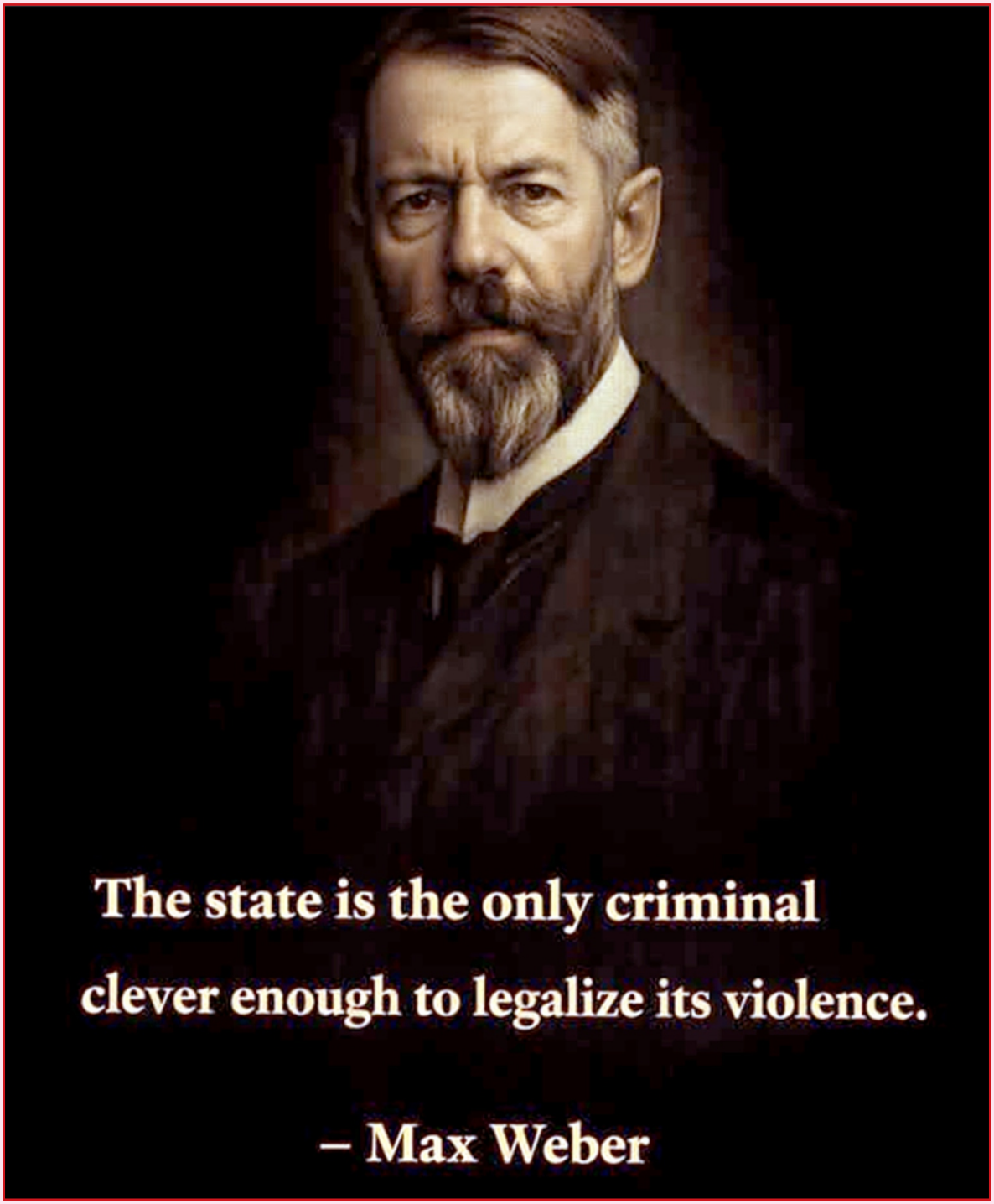
‘Selections from The Radical Humanist Vol. II’ was your top paper last week - 3,517 Views till 21.12.2023 ‘You have 580 highly engaged readers till 19.04.2025.

A total of 2,127 people have read your papers on Academia till 30 August 2025. 2,700 papers mention Mahi Pal Singh including one by a highly followed author with 15890 followers, as reported on 12.6.2025

The two volumes have been read in 286 cities in India and 850 foreign cities, a total of 1,136 cities of 108 countries of the world.

Editor, ‘The Radical Humanist‘

Postal Regn. No.: DL(E)- 20/5537/2024-26 Total Pages : 44 RNI No. 43049/85
Posting: 1-2 June 2026 at Krishna Nagar H.O. Delhi-51 Date of Pub.: 27-28 May 2026



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