

THE RADICAL HUMANIST



ESTABLISHED : APRIL 1937

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

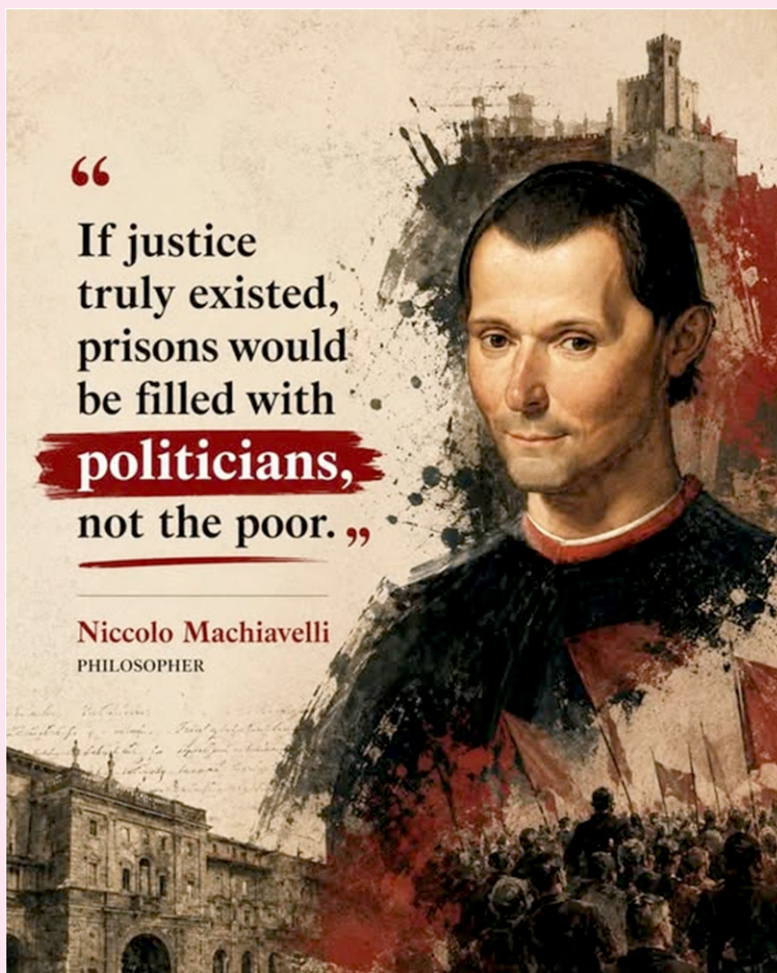
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M.N. ROY

Vol. 90, Number 04

JULY 2026

Rs. 15 / MONTH



676

**One mostly Muslim booth
flipped a controversial
Bengal seat – 97% of its
vote went to BJP**

The Trinamool almost won Rajarhat New Town. Until, a mostly Muslim booth was counted out of turn in the final round, and voted overwhelmingly for the BJP.

[Ayush Tiwari](#)
3 hours ago

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That a Muslim majority booth votes 97% for BJP is clear evidence of EVM manipulation or EVM replacement or returning officer of ECI declaring a vote which is totally different from what the EVM recorded.

Prashant Bhushan

Senior advocate Supreme Court of India

The Jamia Times

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Advocate Prashant Bhushan has raised serious concerns over the integrity of the electoral process after sharing a Scroll report which said that a mostly Muslim polling booth in West Bengal's Kaliganj Assembly seat recorded 97% votes for the BJP in a closely contested election. Calling it "clear evidence" of possible irregularities, Bhushan alleged EVM manipulation, machine replacement, or discrepancies between the votes recorded and the figures declared by election authorities.

[#prashantbhushan](#) [#evm](#) [#westbengal](#) [#bjp](#) [#elections](#)

THE RADICAL HUMANIST

Vol. 90, Number 04, July 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.

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July 2026

THE RADICAL HUMANIST

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Editorial :

The Supreme Court of India – The Protector of Democracy or in Connivance with the Ruling Dispensation?

Mahi Pal Singh

If we view the events of the country during the last 11-12 years, and particularly those of the last few years, we reach the conclusion that for the destruction of democracy in the country if one organisation is solely responsible then it is the Supreme Court of India. Others, who are also highly responsible, like the Prime Minister, the Chief Election Commissioner Gynesh Kumar and the mainstream media, which has come to be called the *godli* media or the lap-dog media, have drawn their inspiration and authority from no other than the highest court of the country.

The thousands of crores of Rupees worth of money that has been used by the ruling Bharatiya Janata Party (BJP) to win elections after elections and to add to its tally by causing defections in other parties, has come from the scheme of electoral bonds which was declared illegal by the Apex Court but the dacoits were allowed to keep holding the looted booty to be used for its electoral benefits. Of course, it has also used the central agencies like the Enforcement Directorate (ED), the Central Bureau of Investigation (CBI), and the Income Tax Department to pressurize legislators of other parties to cause defections in their own parties and join the BJP or become part of the National Democratic Alliance (NDA), to become part of the ruling dispensation. The latest immoral horse-trading by the BJP to cause defections among the Trinmool Congress Party legislators and MPs in West Bengal and a similar attempt to break the Uddhav's shiv Sena faction in Maharashtra by offering the defectors from 50 crores of Rupees to 150 crores, are examples of how the money accumulated through corrupt means by the BJP is being lavishly offered to break other parties. By doing so, even the most

serious charges of corruption, murder and rape against the defectors get automatically dropped and they come out of the BJP's washing machine as neat and clean, though in the process making the BJP and the NDA the gathering of the most corrupt politicians in the country, of course, headed by the top-most of them all.

Other sources of corruption for the ruling party have been the P.M. Cares fund, for which income and expenditure is neither explained nor audited, and commissions in the sale of government properties like the railways, airports, sea-ports and auction of mining assets of the country etc., which are, of course, handed over to the top-most two industrialist friends of Mr. Modi, Adani and Ambani.

In the recently held assembly elections in Bihar and West Bengal, another highly effective method to ensure victory to the BJP and its allies, at the same time causing irreparable damage to the democratic process of holding the elections in a free and fair manner, was that of Special Intensive Revision (SIR) through which Gyanesh Kumar removed the names of lakhs and lakhs of minority and Scheduled Caste/Tribe voters from the electoral rolls to give the BJP an upper hand in the elections even before the elections were actually held. During the elections also mass transfers of highest officers were made and officers favourable to the BJP were posted in the two states. Even after the declaration of results in favour of the BJP in West Bengal, thousands of Electoral Voting Machines (EVMs) have been burnt down to destroy all evidence which could implicate election officers who 'managed' the elections in favour of the BJP. At so many other places, the CCTV footage of the election booths during

the elections has been deleted by the election commission to wantonly destroy crucial evidence which could bring out the manipulation of the electoral process to favour the BJP.

Gynesh Kumar, the CEC, has been doing all this openly and in a shameless manner because he knows that no action can be taken against him as the law passed by the present government gives him immunity for any action taken by him during the conduct of elections. His appointment was also made by the selection panel consisting of the PM, the Home Minister and the LoP, Rahul Gandhi – giving the government the irreversible advantage of 2/1, and making the LoP's presence a mere formality. This composition of the selection panel was ensured by the government through a parliamentary law, well in advance of the appointment of the CEC became due, by reversing the judicial law passed by the Supreme Court earlier in which the Chief Justice of India was an independent member besides the PM and the LoP. The Supreme Court, which has the power of judicial review of the laws passed by Parliament to ensure that it does not pass any law which is against the constitutional law and the spirit of the Constitution, has remained a mute spectator and has been deferring any decision on the Special Leave Petition which has been pending before

it for a long time, giving the government a free hand for manipulating elections through the obliging hand of the CEC, Gynesh Kumar. In other election related petitions also the attitude of the SC has remained similar, giving full term to those elected illegally. Instead of taking *suo motu* action in such matters which have long term effect on how the democracy will function in the country, the court even refuses to see what every ordinary citizen of the country sees clearly. This is nothing less than conniving at the murder of democracy by the ruling party. But the problem is that the citizen has nowhere else to go for justice than the Highest Court of the Country. And if he does not get justice from it, he is bound to lose faith in the judiciary. And when crores and crores of people lose faith in the judiciary, movements like the GenZ movements like that of Sri Lanka, Nepal and Bangla Desh take place. Then it is the judiciary which has to become answerable for the events that follow because it is the custodian of the Constitution and the protector of democracy. The GenZ movement is beginning to erupt against paper leaks, high unemployment, deterioration in the standards of education and the theft of electoral verdicts and it is a clarion call not only for the government and the Election Commission but also for the Supreme Court of India. 🌈

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

- Mahi Pal Singh,
Editor, The Radical Humanist

Now rulers are free to elect their people

The Supreme Court judgment in the ADR case is to our times what the ADM Jabalpur case was to the Emergency. To this day we do not know why some of the best legal minds of that time signed on an order that extinguished the citizen's right to life. What mattered was not the intention behind the judgment, but the signal that everyone read in it: The doors of the Supreme Court were shut for the rest of the Emergency.

That's the true significance of the Supreme Court's order on the SIR. It's not just that the Court has signed on the largest ever disenfranchisement in an electoral democracy. Not just that the order has "declined to name those bearing its costs, declined to reckon with who was excluded and what that exclusion meant", something Rudraksh Lakra's insightful legal scrutiny calls "the sin at the heart of this judgment". Above all, the ADR judgment will be remembered as the moment when the doors to the guardian of the Constitution were perceived to have closed for any attempt to seek lawful remedies in a "politically sensitive" matter.

While hearing the arguments in this case, Justice Joymala Bagchi observed that the "Court does not operate in a vacuum". He was referring to what the Court perceived as the absence of popular protest against the SIR exclusions during the Bihar election. That momentary acknowledgment of the larger truth outside the courtroom that frames judicial proceedings helps us understand what else the Court could have noticed. It could have noticed a strange rush to carry out the SIR just before the elections the ruling party was desperate to win. It could have remembered its own remarks on how the government had dodged the Supreme Court to make appointments to the Election

Commission. It could have noted the brazenly partisan conduct of the Chief Election Commissioner and the jugalbandi between the BJP and the ECI. It did not. On the contrary, the Court



Yogendra Yadav

extended credulity, indeed deference, to this institution precisely when the ECI's credibility is at its lowest.

Indeed, the Court did not operate in a vacuum. Therefore, you could be forgiven for reading a chilling signal into this order: Once the regime puts its foot down on any matter, shutters are down for constitutional remedies in the courts. You still have to approach the courts for emergency relief like bail. And hope you are lucky with the bench. You can still look for an occasional stirring judgment on matters of low salience to the present dispensation. But you would be naive to expect judicial checks on democratic dismantling. As during the Emergency, the apex judiciary has abdicated its constitutional responsibility at a moment when the republic needed it most.

The real signal was not just in the Court's validation of the SIR exercise. As many commentators have pointed out, that was a fait accompli. The case was effectively decided when the Court allowed the ECI to rush through the Bihar elections and then proceed with the second and then the third phase of the SIR. Any remaining doubt disappeared when CJI Surya Kant warned everyone against obstructing the SIR and finally when Justice Bagchi asked the 27 lakh

voters excluded in West Bengal to wait for the next election. So, no one expected the court to nullify the SIR. Yet the order was crucial to see if there were any ifs and buts, any safeguards, any mandatory SOPs, any concessions to the crores of persons excluded from the voters' list. Eventually, there were none. This silence rings loud in the present judgment.

The real signal was in the Court's willingness to suspend disbelief. The SIR faced a fatal legal flaw, as it did not follow any of the established procedures laid down by the law, the rules and the ECI's own Manual on Electoral Rolls. Faced with this challenge, the ECI used a disingenuous, hyper-technical argument that it could invoke an exceptional clause that allowed it to deviate from standard procedures to address an extraordinary situation in a constituency or part of one. In a staggering display of credulity, the Court allowed this exceptional measure to be generalised, a provision meant for a constituency to be applied to the entire country, and for routine factors like migration and urbanisation to pass off as good reasons for an extraordinary remedy. The Court's order outdid the ECI's own pleading in taking an elephant through the needle's eye.

The real signal was in what Vasudev Devadasan calls the Court's "post-hoc rationalisation" in an order that "rests on misstated doctrine, avoidance of binding precedents, and outright denial of logic and facts". Some of these facts were pretty stark. That the SIR would eventually delete about 10 crore persons from the existing voters' list. That this massive pruning did not fit with the official data on the adult population. That the SIR brought down almost everywhere the already poor gender ratio in the voters' list. That the post-SIR voters' list in Bihar contained as many, if not more, inaccuracies, gibberish names and duplication

as the list it sought to revise. Not a word about these inconvenient facts in the judgment.

The real signal was in the Court's refusal to constrain the ECI from curating the voters' list any which way. While upholding the SIR, the least the Court could have done was to make some procedures, from within the ECI's existing Manual on Electoral Rolls, mandatory. It could have stipulated a time-window when the SIR could not be carried out. It could have laid down a protocol for verification of documents. It could have provided a path for rectification of errors where existing voters were wrongfully excluded from the draft electoral rolls.

It could have insisted on transparency, on public hearing, on publication of machine-readable lists at every stage of the SIR. It could have asked for the number of deletions of "illegal foreigners". All of this was in line with the norms the ECI had evolved over the last 75 years, which the SIR bypassed. Instead, the Court offered a blank, undated cheque to the ECI. The two orders touted as relief — access to courts for those wrongfully deleted and reference to competent authorities for those deleted on suspicion of being foreign nationals — are either harmless reiteration of existing law or a dangerous descent into a witch hunt.

This order has laid the ground not just for the eventual deletion of nearly 10 crore voters across the country without any amendment to the Constitution, law or even rules. It provides the toolkit needed to overturn the foundational principle of representative democracy. The ECI, and now by implication the BJP, is free to exclude anyone or any section of people from the voters' list. Bertolt Brecht had foreseen it — instead of the people electing their rulers, now the rulers are free to elect their people.

Courtesy **The Indian Express**,
6 June 2026. 

Supreme Court's SIR Verdict Marks a New Low For an Already Compromised Judiciary

Even though the Supreme Court discussed many issues across its 124-page judgment, it ultimately rejected each and every argument, evidence and documentation presented by the petitioners.

On May 27, as a two-judge bench of the Supreme Court, comprising Chief Justice of India Surya Kant and Justice Joymalya Bagchi, delivered its final judgment on the constitutional validity of the special intensive revision (SIR) being conducted by the Election Commission of India (ECI), it resembled several major pro-regime rulings delivered by the top court in over a decade of the Modi government. Such rulings have provided judicial legitimacy to the ideological and political projects of the Bharatiya Janata Party (BJP) and the Sangh Parivar – the Babri Masjid dispute, those concerning Kashmir, UAPA-related bail jurisprudence, and EWS reservations – contrary to the constitutional and democratic principles of the country.

However, there is a difference. For instance, though the final and conclusive part of the Babri-Ayodhya judgement upheld the majoritarian viewpoint, the earlier part at least pretended to reprimand the act of demolition of the mosque. This SIR judgement, on the contrary, has shelved all the pretensions and upholds each and every argument made by the regime from beginning to the end.

The reasoning adopted by the top court in upholding the SIR process demonstrates that the Indian judiciary severely suffers from strategic deafness in the Modi era. This is a grave symptom of Indian judiciary heading closer to its institutional decline.

Petitioner and activist Yogendra Yadav is, perhaps, correct in comparing the judgment to the ADM Jabalpur case, which is widely regarded as one of the darkest moments in Indian constitutional history, and where the Supreme Court upheld the suspension of citizens'

fundamental rights including right to life during the Emergency. Senior advocate Sanjay Hegde similarly observed that such "ADM Jabalpur moments" have become recurring features across successive Chief Justices' tenures.



Shivasundar

The SIR judgement is, however, a new low. In ADM Jabalpur ruling, at least Justice H.R. Khanna's dissent, defending constitutional morality and civil liberties, was historically significant. In contrast, in the SIR ruling, there seems to be a curated consensus in the present judiciary.

The whole judgement is premised on the wrongful assumption of considering SIR as a 'special' but also routine exercise warranted by peculiar developments in the last three decades in the country, namely urbanisation and migration. The Supreme Court demonstrated its strategic blindness as to how, on the ground, it is functioning as a process akin to the contentious National Register of Citizens (NRC).

The "successful" SIR across 13 states has already generated significant disruption, anxiety, and discriminatory targeting of oppressed communities and minorities, particularly Muslims. In West Bengal, despite the judicial intervention, the SIR process has disenfranchised at least 27 lakhs voters – the constitutional mandate which the ECI betrayed – under the watch of the Supreme Court.

In spite of this, the top court upheld SIR as an advancement of the constitutional goal of free and fair elections.

Questions that were placed before Supreme Court

The following constitutional questions regarding SIR were placed before the Supreme Court:

1. Does the Election Commission's SIR exercise possess constitutional validity?
2. Are the objectives of the SIR legally valid?
3. Are the procedures designed by the Election Commission proportionate and appropriate to achieve those objectives?
4. Does the Election Commission possess the authority to examine or verify citizenship?

Within the framework of these four broader questions, the top court also considered several related issues:

- Whether the procedures adopted for implementing SIR caused large-scale hardship to citizens;
- Whether the time frame prescribed for implementing SIR was reasonable;
- Whether alternative and less harmful mechanisms could have been adopted instead of SIR.

Even though the CJI-led bench discussed these issues across its 124-page judgment, it ultimately rejected the argument, evidence and documentation presented by the petitioners. Conversely, the top court accepted in full the ECI's argument, which is glaring, even for a compromised judiciary.

Most significantly, the Supreme Court accepted without sufficient scrutiny the ECI's claim that SIR had periodically been conducted in the past. While the SIR entails verification of documentary evidence of every citizen before endorsing one's citizenship, the last Intensive Revision (IR), that was held in 2002-03, or the

earlier IRs never entailed such an investigative exercise.

Constitutionality of SIR

According to the Supreme Court judgement, Articles 324, 325 and 326 of the Constitution of India grant the ECI the authority to conduct 'free and fair' elections, including the preparation and maintenance of electoral rolls, and that the commission possesses the power to adopt new procedures under existing law in order to fulfill these constitutional responsibilities.

The judgment also refers to Article 327, which states that the Election Commission's powers remain subject to laws enacted by parliament. In this regard, parliament has enacted the Representation of the People Act, 1950, along with subsequent amendments especially 21 (3) in 1956, and the Electoral Roll Revision Rules of 1960.

Yet, the bench concluded that the SIR process did not violate any of these statutory provisions, effectively rejecting the petitioners' argument that SIR introduces a citizenship verification procedure that had never previously formed part of electoral roll revision exercises – it was always meant to include, not exclude.

According to the petitioners, neither the Representation of the People Act nor the 1960 Rules authorise the election commission to make final determination of one's citizenship or exclude them from voter list before its determination by a competent authority. The SIR, however, has already disallowed lakhs of citizens from voting. As a result, the ECI, through SIR, has established two citizenship regimes – with and without voting rights.

This goes completely against the constitutional mandate given to the EC.

The Supreme Court accepted the Union government's argument that citizenship is not merely linked to voting rights, but constitutes the basis for membership in the political community of the nation-state. The judgment further observed that citizenship is neither unconditional

nor immutable, but a status governed by legal conditions that may evolve over time. Consequently, the Court appeared to endorse the proposition that proof of citizenship at one point in time does not permanently settle the question for all future purposes.

This reasoning and judicial empowerment of ECI is very dangerous since it provides Election Commission broad constitutional authority not only for SIR but also for conducting more stringent exclusionary exercises.

In fact, the constitution, anticipating such contingencies, had inserted Article 327, which subjects the power to the laws enacted by the parliament. The SIR judgement takes the middle path by acknowledging the autonomy of ECI in implementing its constitutional mandate, along with the parliament's authority to make laws governing modalities of the poll body. In doing so, it utterly fails to admit that the ECI is not autonomous beyond the constitutional goal of equal citizenship and equal voting rights.

Blind endorsement of legitimacy of the SIR goals

According to the ECI, India has experienced extensive urbanisation and migration since 2003, while no nationwide SIR exercise had been conducted during that period. The commission argued that these developments increased duplication and inaccuracies in electoral rolls, thereby necessitating SIR.

The Supreme Court accepted these claims without rigorous examination. The court also accepted the ECI's assertion that SIR-like exercises had been conducted 10 times prior to 2003.

The petitioners argued that existing mechanisms such as periodic IRs were already sufficient to maintain accurate electoral rolls with adequate accuracy and purity. They questioned why an extraordinary process involving citizenship scrutiny was necessary and further asked what statutory basis authorized such a mechanism. The top court did not meaningfully engage with these

questions.

The ECI, in fact, failed to provide any empirical data establishing the relationship between urbanisation, interstate migration and large scale electoral roll inaccuracies. Nor did the poll body provide statistical evidence demonstrating that states where SIR had already been implemented experienced measurable improvements in electoral roll accuracy. Despite this, the Supreme Court accepted the commission's arguments in entirety.

Endorsement of bogey 'illegal immigrants' claim

The Union government's principal justification for the SIR – as is the election commission's – is the claim that large numbers of illegal migrants are entering India from neighbouring countries, making SIR necessary to identify and remove such individuals from electoral rolls.

Neither the ECI nor the government has produced any verified data establishing this influx of undocumented migrants in the country.

Since this is the prime premise for conducting and devising a nationwide SIR, which potentially could potentially suspend citizenship of crores of citizens till proved otherwise with specific documents, such claims by the ECI should have been probed by the Supreme Court on stricter constitutional, judicial and administrative parameters.

The irony is the Union government recently constituted a separate demographic commission to study the impact of undocumented migration in India, which is expected to submit its findings next year. This indicates that the government presently lacks any empirical evidence for the claims it has made regarding illegal immigration and which the Supreme Court has blindly accepted.

The Election Commission has not even disclosed how many alleged undocumented migrants have actually been identified through SIR in the states where the process has been completed.

How could the Supreme Court then approve the legitimacy of the SIR? Is it not a case of an irresponsible and unethical doctor prescribing a remedy before diagnosing the disease itself?

Punishment despite crime unproven

The Supreme Court has sanitised the ECI's attempt to complete the SIR process within an extremely short period of three to four months across the states that recently went to polls, including Bihar and West Bengal. The top court also held that no substantial harm has been caused to the public, despite the countless reports of anxieties, suicide of BLOs and anarchy among affected citizens that the SIR process has caused.

The Supreme Court's ignorance to the ground reality is most disturbing in the deafening silence about the Bengal disenfranchisement, which speaks volumes about the quality and polity of the judgement

Furthermore, reports indicate that between 10-20% of voters had already been excluded from original electoral rolls across states that underwent

SIR – amounting to more than 7 crore voters – but the Supreme Court, nevertheless, concluded that the consequences of the SIR exercise were not “disproportionate.”

In paragraph 95 of the judgement, the Supreme Court declares:

“The post-exercise data placed on record does not disclose a level of disenfranchisement so wide spread or systemic as to indicate a constitutional infirmity in the design of the exercise. While individual cases of exclusion may arise, they are

addressable within the framework of claims, objections, and appeals that have been provided.”

And about the hardship it cause to the people, in para 96, the top court demonstrates its callous casualness and constitutional irresponsibility as:

“Irrespective, we are cognizant of the fact that an exercise of this magnitude carries the potential to cause hardship, particularly to those who may face difficulties in complying with procedural requirements. However, the doctrine of proportionality does not demand the elimination of all hardship; it requires that such hardship be mitigated through appropriate safeguards.”

95. The post-exercise data placed on record does not disclose a level of disenfranchisement so widespread or systemic as to indicate a constitutional infirmity in the design of the exercise. While individual cases of exclusion may arise, they are addressable within the framework of claims, objections, and appeals that have been provided.

96. Irrespective, we are cognizant of the fact that an exercise of this magnitude carries the potential to cause hardship, particularly to those who may face difficulties in complying with procedural requirements. However, the doctrine of proportionality does not demand the elimination of all hardship; it requires that such hardship be mitigated through appropriate safeguards.

What explains the Court's reliance on procedural safeguards as sufficient to mitigate hardship, when a process it monitored in West Bengal resulted in the disenfranchisement of more than 27 lakh people? Why did such large-scale exclusion not raise concerns about the risks inherent in the SIR process?

ECI's contradictory reasoning

The Supreme Court upheld the Election Commission's authority to examine one's citizenship while determining eligibility for voting

rights among Indian citizens above the age of 18. It also stated that while the ECI lacks final authority to conclusively determine citizenship status, it nevertheless possesses the authority to decide whether an individual should be granted or denied inclusion in the electoral roll.

This reasoning is internally contradictory.

The ECI itself argued in paragraph 171 of the judgement that any final determination regarding citizenship would ultimately depend upon adjudication by the competent statutory authority, that exclusion from electoral rolls prior to such final determination effectively deprives individuals of meaningful political participation and citizenship. The top court should have referred it to a constitutional bench instead of determining this serious question arbitrarily.

Citizenship is fundamentally tied to participation in the political community, particularly through the right to vote. From this perspective, the concern is not merely that the SIR process verifies citizenship, but that it may remove millions of individuals from electoral participation before any conclusive legal determination regarding their citizenship status has been made.

The Supreme Court did not regard this as an issue of constitutional injustice. Instead, it accepted the argument that citizenship itself is not an unconditional right and may require repeated verification over time.

Incorrect reading of Lal Babu Hussain judgement

In the 1995 judgment in the *Lal Babu Hussein* case, a three-judge bench of the Supreme Court had clarified the relationship between citizenship and voting rights. The judgment had recognised prior participation in elections as important evidence supporting a person's citizenship status.

However, the ECI, in its argument, said that the principles articulated in that earlier judgment applied only to the period during which routine IR exercises were conducted and were not applicable after 2002.

The Supreme Court accepted this argument without any logical questioning about the need for SIR right now and the constitutionality of the clause which rejects previous voting as an evidence of citizenship?

Endorsing exclusionary document regime and timeframe

The Supreme Court endorsed the ECI's prescribed documentary requirements for proving citizenship, despite claims that lakhs of individuals were being excluded from electoral rolls because they could not produce the required documents.

It characterised the documentary framework as more "citizen-friendly" than previous mechanisms. However, this observation is self-contradictory since the top court itself has directed the ECI to include Aadhaar as an additional acceptable document to ease the documentation hassle for crores of individuals.

Instead of directing the EC to be more people friendly, however, it has sanitised the EC's power to devise a document regime it deems fit.

In paragraph 154, it declares:

"Equally, it must be emphasised that the purpose of the documentation requirement is not merely to establish identity in a generic sense, but to enable the Commission to verify eligibility in terms of residence and other statutory criteria. Not all documents serve this purpose with equal efficacy. The Commission is, therefore, entitled to differentiate between documents based on their evidentiary value in establishing the relevant statutory conditions."

Is Aadhaar approved or not?

On September 9, 2025 order of the SC to include the Aadhaar card as the 12 document for verification during SIR.

However, in the final judgement, the top court said that Aadhaar might not satisfy the goals of the SIR. Hence, even though it has directed to include Aadhaar, in paragraph 157, it hurriedly clarifies:

"It is, however, pertinent to note that while an Aadhaar Card *may not constitute proof of*

citizenship or domicile, Section 23(4) of the RP Act expressly contemplates its use for the limited purpose of establishing the identity of an individual. In recognition of this statutory position, this Court, *vide* Order dated 08.09.2025, directed the Commission to treat the Aadhaar Card as an additional 12th document of identity for consideration in the process of inclusion or exclusion from the revised electoral roll in the State of Bihar. It was, however, made equally clear that such recognition does not elevate Aadhaar to conclusive proof, and that the authorities would remain empowered to verify its authenticity and genuineness, including by calling for such further material as may be necessary in a given case. *[emphasis mine]*”

This is an abdication of the court’s constitutional responsibility to meaningfully scrutinise the fairness and accessibility of documentary requirements.

The earlier Intensive Revision (IR) exercises conducted prior to 2003 accepted documents such as ration cards and driving licences. In contrast, under the SIR framework, as the judgement also concurs, these documents were rejected on the grounds that they could be easily forged. Not only this justification as weak and but also is a judicial acceptance harsh document regime imposed by the EC.

Rejecting alternative mechanisms

Neither the ECI nor the Supreme Court has adequately explained why SIR was necessary. No substantial empirical evidence was presented to demonstrate that existing mechanisms, such as IRs, were insufficient for maintaining electoral rolls. Nor did the top court sufficiently examine why citizens should be compelled to produce documents they may not possess when prior revisions had proven their citizenship.

In response to arguments proposing continuation of the older IR process or other less exclusionary mechanisms, the Supreme Court stated that it lacked the institutional or technical competence to prescribe alternative

administrative methods.

The apex court cited these arguments directly from its position on the constitutional validity of another anti-constitutional measure by the Modi government – demonetisation.

So, is SIR a precursor to NRC?

The Supreme Court has directed the ECI to submit within four weeks a list of individuals suspected of lacking valid citizenship documentation.

The court has also directed that the Union government’s “competent authority” to make final determinations regarding such individuals’ citizenship status before any parliamentary, legislative assembly, or local body elections are conducted.

The question is: doesn’t that make the SIR a precursor to NRC, a citizenship elimination device aimed at excluding the marginalised, and especially Muslims?

It also effectively prevents the State Election Commissions from independently preparing separate electoral rolls for local body elections in states governed by opposition parties.

Some organisations and political groups had believed that opposition-ruled states could potentially use State Election Commissions to prepare alternative voter lists that did not rely upon the SIR framework. The Supreme Court’s judgment, however, foreclosed such possibilities.

The SIR judgement demonstrates the Supreme Court’s alignment with the executive of late, rather than with constitutional protections or democratic safeguards it is meant to protect.

It constitutes another significant milestone in the institutional decline of the Indian judiciary during the Modi era. The opposition to the SIR process and the defence of constitutional principles now depend less upon judicial intervention and more upon public mobilisation, democratic organisation, and collective political action.

is a columnist and activist in Karnataka.

Courtesy **The Wire**, 02/Jun/2026. 🌈

Legitimising Mass Disenfranchisement: PUCL Condemns the Supreme Court's SIR Verdict in India

People's Union For Civil Liberties

The PUCL condemns the 27th May, 2026 decision of the Supreme Court in *'Association of Democratic Rights v. Election Commission of India'* as a singular blow to the principle of political equality in India. In one of its most consequential decisions, the Court legitimized the mass disenfranchisement exercise conducted by the Election Commission of India which disproportionately affected minorities, migrants, the poor and women and was contrary to existing law and procedure. This mass disenfranchisement exercise went under the nomenclature of 'Special Intensive Review' (SIR).

While the Court goes through legal pyrotechnics to uphold the SIR, none of its legal justifications can hide the fact that at the end of the SIR exercise, the electorate of Bihar has effectively shrunk by more than 68 lakh voters. 65 lakh voters were deleted when the draft rolls were published. When the final rolls were published, another 3.66 lakh voters were deleted and 21.53 lakh voters were added. However, due to lack of transparency in the data published by ECI, it is impossible to know if the 21.53 lakh additions were of the same voters whose names were deleted. It has been widely reported that most of the deletions that took place were of voters from low-income, migrant working population as well as women.

The analysis placed by eminent social scientist Yogendra Yadav before the Court notes that 'there are three criteria for assessing the quality of electoral rolls: completeness, accuracy and equity.' For completeness, 'the globally accepted measure is the Electoral to Adult Population ratio or the EP ratio, which is best measured by comparing

the number of electors with the number of persons in the voting age population.' Yadav demonstrated that 'before the impugned SIR exercise, Bihar's EP Ratio was at 97%, which is slightly below the national average.' After the SIR exercise, 'the ratio has been brought down to 88%, which is a sharp fall of nine percentage points.'

Yogendra Yadav further buttresses this argument by reference to the census data. As per the census data, 8.18 crore adults are presumptively eligible to vote. Before the SIR, the number of voters was 7.89 crore voters. The aim of the SIR should have been to ensure that all those eligible to vote are included in the rolls which means that the effort should have been to increase the number of voters to include as many of the 8.18 crore eligible voters as possible. However, instead of inclusion of eligible voters, what resulted through the SIR is the exclusion of eligible voters. As Yadav submitted before the Court, 'Such a scale of exclusion is unprecedented in the history of any electoral roll revision in India and directly violates the SIR's own mandate, which is constitutionally supposed to be an inclusive process.'

The Court failed to recognise that the SIR, by design, excludes the working poor, women and other marginalised communities. This is because the proof of eligibility in the SIR was restricted to a set of 11 documents, most of which are less likely to be found in the homes of marginalised communities. As the submissions before the Court indicated, the poorest people are often the ones with the least documents. The fact that the Court gave the green signal to the ECI's exclusion of documents to access the ability to vote such

as ration card and EPIC (which was previously accepted by the ECI) indicts the Court's failure to call out the class bias of the ECI's decision on the question of what are the valid documents that presumptive voters can submit. This difficulty is compounded by the fact that those born after 2003, were asked to produce identity documents of both their parents. The Court ignored the sociological reality that India is a document poor society and came to the wrong conclusion that these documents are "ordinarily available to electors".

Effect of the SC ruling: Approval for mass disenfranchisement

What the Supreme Court judgment does is to give the seal of legal approval to mass disenfranchisement. The SIR lays waste to the work of the Election Commission ever since independence when the ECI sought to include more and more electors. This constitutional imperative to include, the SIR ignores, in its haste to remove voters. The Court turns a blind eye to the disproportionate removal of voters who are women and minorities from the rolls without any fair opportunity to contest the removal.

The ECI's work over the decades has been geared towards facilitating the inclusion of as many voters as possible in a society in which the literacy levels were historically low. In this context, the structural orientation of the ECI towards inclusion of as many voters as possible was manifested in the Representation of the People Act, 1951, the Registration of Electors Rules, 1960 as well as the manuals of the ECI as well as judgments of the Supreme Court. It is this entire body of law meant to ensure that electoral rolls are premised on inclusion, developed over decades, which the ECI ignored. The illegalities were encoded in the decision to do the SIR as well as the timing of the SIR. Illegality was also structurally inbuilt into the short time period in which it was

conducted. Illegality pervaded the lack of procedural safeguards which were meant to ensure that no voter who was on the rolls was unfairly deleted from the rolls. It is unfortunate that the Supreme Court failed to evaluate the illegal conduct of the ECI against the parameter of inclusion which the Constitution mandated in its founding promise of 'We the people'.

Why the SIR now: Key question ignored

The most basic question as to why the SIR was deemed necessary today, was not answered with any satisfaction by the ECI. The Court accepted without any evidence or data, the ECI's bald and bare assertion that the SIR was required because, 'a demographic change due to rapid urbanisation and migration in the last 20 years since the intensive revision in 2003 which has led to repeated, multiple and defective entries on the electoral roll. Second, the mandate of the Commission under Article 326 to ensure that only Indian citizens are on the electoral roll.'

Surely, it is the responsibility of the Court to probe the assertions a bit further? What is the data which indicates the scale of multiple and defective entries on the electoral rolls? How many non-Indian citizens are on the electoral rolls? These questions ought to have been asked by the Court as the ECI in effect delegitimized all its previous work by starting the process of enrolment of voters anew. Was the problem serious enough to create a new electoral roll, ignoring the legal framework on elections developed by the ECI as well as the interpretations of the Supreme Court?

The ECI found its scrap of legality for doing the SIR in Section 21 (3) of the Representation of People Act, 1950 which states that, '*Notwithstanding anything contained in sub-section (2), the Election Commission may at any time, for reasons to be recorded, direct a special revision of the electoral roll for any constituency or part of a constituency in such manner as it may think fit.*'

The strained interpretation arrived at is to argue that SIR is justified under this provision as the word used is ‘*any constituency*’, which can be taken to mean ‘*every*’ constituency.

So, in effect, what is actually a limited power given to the ECI is interpreted by the apex Court as an unlimited power to do SIR throughout the country.

This technique of statutory interpretation by the Supreme Court is devoid of a constitutional ethos. One would expect the highest constitutional court of the largest democracy in the world, to interpret a statute of such far reaching effects such as the Representation of the People Act, not merely in terms of its wording, but rather interpret the wording animated with the spirit of the Constitution.

Upturning the constitutional ethos

The ethos of the Constitution is manifested in the Supreme Court decision in ‘*Lal Babu Hussain v. Electoral Officer*’ (1995) which had held that the inclusion of a person’s name in the electoral roll carries with it a presumption of eligibility to vote and presumption of citizenship. In this case the court had directed that where the citizenship of a person is suspected, a fresh notice had to be issued “*disclosing the material on the basis whereof he has reason to suspect that the person concerned is not a citizen of India.*” In *ADR v. ECI* (2026), the Court ignored this crucial protection given to people already enrolled in voter rolls, on the flimsy basis that Lal Babu Hussain was not delivered in the context of a systemic or intensive verification exercise by the ECI. The Court failed to acknowledge that SIR completely reverses the presumption that a person on the voter roll, and who has voted in previous elections, is a citizen.

The diabolical response: Backdoor entry of NRC and depriving welfare schemes

The troubling nature of this judgment lies

in the fact that it opens the door for the NRC. The Court holds that where the Commission “is not satisfied that a person meets the statutory conditions for inclusion in the electoral roll,” it “would be incumbent upon it to refer such an individual to the competent authority within the Central Government for adjudication” of citizenship under the Citizenship Act, 1955. The Court mandates the setting up of an institutional infrastructure within four weeks without mandating any constitutional safeguards. The similarities to the NRC process, with all its documented catastrophes, are too stark to ignore. The Court has created the architecture of an NRC by judicial fiat, through the backdoor of an electoral revision exercise.

The implications of this judgment are far reaching and go beyond the right to vote. Even before the Court delivered this judgement, the Bihar Chief Minister had already announced that people deleted in the SIR “will not be entitled to any government benefits, including ration and other welfare schemes” and that their bank passbooks will be cancelled. Similar announcements have also been made by West Bengal Ministers. By upholding the constitutionality of the SIR, the Court has legitimised not only disenfranchisement but the stripping away of other socio-economic rights from those who are deleted from the voter rolls. It is not just the right to vote that the SIR threatens to snatch away – it is all other rights guaranteed to us as citizens. This judgment lays the basis for the ECI to go ahead with this exercise of mass disenfranchisement nationwide and a stripping of socio-economic rights from all those whose names are deleted from the rolls.

One had hoped that the Court’s institutional memory would have kicked in and the Court would have recalled how its judgment in ‘*Anoop Baranwal v Union of India*’ (2023) which had laid down an important safeguard to

preserve the independence of the ECI was casually overturned by the Modi government. In *Anoop Baranwal* the Court had laid down that the appointment of the Chief Election Commissioner and the Election Commissioners, shall be on the advice of a Committee consisting of the Prime Minister, the Leader of the Opposition of the Lok Sabha and the Chief Justice of India. Just before the parliamentary elections of 2024, the Modi government passed a law nullifying the judgement of the Supreme Court and removing the Chief Justice from the Selection Committee and replacing him with a Union Cabinet Minister. The law now prescribes that the Selection Committee will consist of the Prime Minister, a Union Cabinet Minister, and Leader of Opposition/leader of the largest opposition party in Lok Sabha.

The implications of the overturning of *Anoop Baranwal* has been far reaching. It is the ECI – which is controlled by the ruling party – which has initiated the SIR, ignoring the legal and constitutional framework, essentially to serve the interests of the ruling party. The Supreme Court seems unable to take on board the fact that the SIR process is undertaken by an entity which is no longer independent, but rather by design, totally under the control of the government. If the Supreme Court had taken forward its institutional commitment to preserving the independence of the ECI, and hence the right to vote in India it would not have so blithely concluded that the SIR ‘exercise is firmly anchored in both constitutional principle and statutory design.’

In conclusion: *Instead of the electorate choosing the government, the government is choosing the electorate!*

The PUCL is of the opinion that the judgement in *ADR v ECI* is devoid of a constitutional imagination, lacks fidelity to the existing law on elections and empowers the ECI to lay waste to the principle of political equality.

Just as the Supreme Court betrayed the promise of the Constitution in *ADM Jabalpur* (1976) by stripping individuals of judicial recourse when detained during the emergency, the Supreme Court in *ADR v ECI* (2026) lays waste to one of the key goals of the Constitution so eloquently described by Babasaheb Ambedkar, ‘*In politics we will be recognizing the principle of one man, one vote and one vote, one value.*’

While *ADM Jabalpur* was limited to the context of the emergency, the decision in *ADR v ECI* sets the seal of the Supreme Court on the betrayal of the promise of political equality, for all time.

This complete betrayal of the promise of political equality in effect sets in place the template for a new India – an India in which the Union government acting through the ECI will select its own electorate. This presages nothing less than the death of democracy as we know it, in this country.

Kavita Srivastava,
President

Dr. V. Suresh,
General Secretary

People’s Union for Civil Liberties

Courtesy

Countercurrents.org.,

05/06/2026 

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

Supreme Court dismisses Meenakshi Natarajan's plea against rejection of Rajya Sabha candidature

Ms. Natarajan's counsel apprised the top court that the rejection of her candidature suffered from a 'patent error' and warranted judicial intervention



Congress leader Meenakshi Natarajan (centre) speaks as party leader Jitu Patwari, right, looks on during a party briefing at AICC office, in New Delhi, on June 12, 2026. | Photo Credit: PTI



Aaratrika Bhaumik

attempt, keeping in view the principles contained in Article 329 of the Constitution,” the Bench said.

Observing that courts should ordinarily refrain from intervening in ongoing electoral processes, the Supreme Court on Friday (June 12, 2026) dismissed Congress leader Meenakshi Natarajan's plea challenging the rejection of her Rajya Sabha nomination papers from Madhya Pradesh.

A Bench of Justices Prashant Kumar Mishra and A.S. Chandurkar observed that, in view of Article 329(b) of the Constitution, it had no jurisdiction to interfere with the order of the Returning Officer (RO) and that an election petition was the only remedy available in such cases. The provision stipulates that no election to either House of Parliament or a State Legislature can be called in question except through an election petition filed in the manner prescribed by law.

“...Whenever an attempt is made to invoke this Court's or the High Court's writ jurisdiction to interject during the conduct of elections, on every occasion the Court has rejected such an

The top court was hearing a plea filed by Ms. Natarajan, the Congress' sole candidate for one of the three Rajya Sabha seats from Madhya Pradesh, challenging a June 9 order of the RO and Madhya Pradesh Assembly Principal Secretary Arvind Sharma rejecting her nomination on the ground that she had failed to disclose a pending criminal case in Hyderabad in her election affidavit.

Meanwhile, BJP candidates Tarun Chugh, Rajneesh Agrawal and Mahesh Kewat were declared elected unopposed to the three Rajya Sabha seats from the State on Thursday.

The Bench held that recognising an exception for “glaring” or “patent” errors in the rejection of nomination papers would amount to reading into Article 329 a “principle” that does not exist. It noted that such an approach would run contrary to the law laid down in its 1952 judgment in *N.P. Ponnuswami v. RO*, which bars the invocation of writ jurisdiction to challenge disputes arising during

the course of an election.

...if this Court accepts such an argument to find out glaring cases which are required to be interfered with under Article 32 or Article 226 of the Constitution of India and the other set of cases in which the rejection is not so improper prima facie, relegating them to avail the remedy of filing an election petition, this Court will be reading some principle which is not provided for under Article 329 of the Constitution. We are afraid that any such interpretation that, in some cases, the court may interfere where a candidate's nomination paper is wrongly rejected, while leaving some others to file an election petition, cannot be accepted", the Bench underlined.

Appearing for Ms. Natarajan, senior advocate A.M. Singhvi argued that the RO's decision suffered from a "patent error" and warranted interference by the court. He submitted that Section 33A of the Representation of the People Act requires disclosure only of cases in which charges have been framed. According to him, setting aside the RO's order would "facilitate", rather than obstruct, the electoral process and would not fall foul of the constitutional bar on judicial intervention in election matters.

'No constitutional duty discharged'

The senior counsel also questioned the poll body's decision to proceed with the declaration of results on Thursday (June 11, 2026) despite the top court being cognisant of the matter.

"Look at the conduct. My Lords are listing it today, and they declared the results last night... She [Ms. Natarajan] is only seeking an opportunity to contest. Let her fight and lose. She is only standing for election," he said.

Mr. Singhvi further pointed out that the poll body was yet to decide the Congress' written representation challenging the RO's decision to reject Ms. Natarajan's nomination.

"The Election Commission decides to keep silent...the conduct is reprehensible. It does not

discharge its constitutional duty..If the level playing field is made non-level, then there cannot be any elections in this country," he submitted.

'No precedent'

However, Justice Mishra underscored that there was no precedent for judicial interference at this stage. "Show us any judgment of this Court where, after the nomination of a candidate in a parliamentary election, we have set aside the order of the RO and accepted the nomination," he asked Mr. Singhvi.

Mr. Singhvi, however, pointed out that the absence of a precedent could not preclude the court from intervening in an exceptional case. He argued that, as the sentinel on the qui vive, the court was duty-bound to step in when confronted with "glaring facts".

"...the facts have not come to Your Lordships, that does not mean that the law will change. If a fact comes to Your Lordships with such speed as I have brought it, then Your Lordships will apply the law," he said.

'Statutory right'

Senior advocate Mukul Rohatgi, appearing for the three BJP leaders who were elected unopposed to the Rajya Sabha from Madhya Pradesh, however, questioned the maintainability of the writ petition. He argued that the right to contest an election is a statutory right and not a fundamental right and, therefore, cannot be enforced through a petition under Article 32 of the Constitution.

"Supreme Court judgments have held that the right to contest an election is a statutory right. If you have no fundamental right, an Article 32 petition is not maintainable," he submitted.

Senior advocate D.S. Naidu, appearing for the Election Commission, argued that the Congress leader was required to disclose all pending criminal proceedings before the RO, irrespective of the stage at which they stood.

(To be Contd....on Page -27)

NHRC ignoring attacks on Muslims, dabbling in matters that do not concern it: Allahabad HC

HC hearing a petition against an NHRC order to probe alleged financial irregularities at madrasas; judge questions NHRC jurisdiction, asks why it is not taking up cases of vigilante, communal violence

Ishita Mishra

In a sharply worded observation, a judge of the Allahabad High Court accused the National Human Rights Commission (NHRC) of overlooking serious cases of violence against Muslims while engaging in matters “that *prima facie* do not concern” its mandate.

The court was hearing a petition filed by the Teachers Association Madaris Arabia, challenging a February 2025 NHRC directive to the Economic Offences Wing (EOW) to investigate allegations against 558 aided madrasas in Uttar Pradesh. The complaint before the Commission alleged financial irregularities, including the misuse of government grants and the appointment of unqualified teachers through corrupt practices.

The petitioners argued that the NHRC lacks the authority to initiate inquiries into alleged human rights violations beyond a one-year period. The High Court had earlier stayed the Commission’s order in September 2025.

Jurisdiction questioned

Justice Atul Sreedharan, part of a Division Bench also comprising Justice Vivek Saran, said he was “astounded” by the Commission’s order and questioned its jurisdiction under the Protection of Human Rights Act, 1993.

The court pointed out that financial irregularities should ordinarily be taken up before the High Court, rather than by a human rights body.

“It is surprising that the Human Rights Commissions in the country are trying to indulge in matters which should otherwise have

been agitated before the High Court under Article 226 by way of PIL if need be for appropriate orders,” the court said.

Vigilante violence ignored

“Instead of taking suo-motu cognisance [of instances] in which members of the Muslim community are attacked and at times lynched in some cases, and where cases are not registered against perpetrators or not investigated properly, the Human Rights Commissions are seen dabbling in matters that *prima facie* do not concern them,” Justice Sreedharan said.

“This Court is not aware of the NHRC taking suo-motu cognisance in situations where vigilantes take the law in their own hands and harass the ordinary citizens of this country or harass individuals on account of the nature of the relationship between persons of different communities or where even having a cup of coffee at a public place with a person of a different religion becomes a fearful act,” he added.

The judge further noted that no instances had been placed before the court to show that the NHRC had taken suo motu action in cases involving vigilante violence, harassment of interfaith couples, or attacks affecting citizens’ basic freedoms. “But instead it has the time to entertain matters which fall within the precincts of the High Court,” he added.

NHRC not represented

Justice Saran, however, disagreed with these observations, emphasising procedural concerns.

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

Allahabad High Court's Strong Remarks Against the Uttar Pradesh Police : A Reflection on Rule of Law and Democratic Governance

S.R. Darapuri

The recent observations of the Allahabad High Court regarding the functioning of the Uttar Pradesh Police have generated widespread debate about the state of policing, constitutional governance, and the protection of civil liberties in India. In a series of cases, the Court has expressed concern over alleged abuses of power, disregard for judicial orders, questionable investigative practices, and the growing perception that sections of the police force are influenced by political considerations. These remarks are significant not merely because they criticize individual officers but because they raise fundamental questions about the relationship between law enforcement, the Constitution, and democracy.

One of the most striking observations made by the Court was that some police officials appear to be more loyal to the ruling establishment than to the Constitution. This remark touches upon a longstanding challenge in Indian policing: the tension between political control and professional independence. The police, as an institution, are expected to function impartially and enforce the law without fear or favour. However, allegations of political interference in police functioning have been a recurring feature of Indian public life. By emphasizing constitutional loyalty, the Court reaffirmed that the ultimate duty of every public servant is towards the Constitution and the rule of law rather than any particular government or political party.

The Court's criticism of encounter practices is equally significant. In recent years, Uttar Pradesh has witnessed a large number of police encounters, many of which have been publicly defended as necessary measures against crime. However, concerns have also been raised by civil

rights groups, legal scholars, and sections of the judiciary regarding the possibility of extra-judicial actions. The High Court's observations underscore the principle that even those accused of serious crimes possess constitutional rights. In a democratic society governed by law, guilt or innocence must be determined by courts, not by the police. Judicial scrutiny of encounter killings is therefore essential to ensure accountability and prevent abuses of power.

Another important issue highlighted by the Court is the danger of a "police state." This expression refers to a situation in which law-enforcement agencies exercise excessive power with inadequate checks and balances. The judiciary's concern reflects the broader constitutional principle that state power must remain subject to legal restraints. The independence of the judiciary and the accountability of the executive are indispensable safeguards against authoritarian tendencies. When courts caution against the emergence of a police state, they are defending not only individual rights but also the institutional foundations of democracy. The High Court has also criticized instances where police officials allegedly ignored judicial orders or failed to comply with legal procedures. Such conduct, if established, strikes at the heart of the constitutional system. The rule of law requires that all authorities, including the police, remain accountable to the courts. Judicial orders are not mere recommendations; they are binding commands issued under constitutional authority. Disregard for such orders weakens public confidence in legal institutions and undermines the administration of justice.

The Court's remarks concerning the handling of missing-person cases and citizen safety further

highlight the need for police reform. Effective policing is not measured solely by crime statistics or high-profile operations but also by the ability to protect ordinary citizens, respond to complaints promptly, and conduct fair investigations. Public trust in the police depends on professionalism, transparency, and respect for human rights. Failures in these areas can erode confidence in the criminal justice system and alienate the very communities the police are meant to serve.

These judicial observations must be understood within the broader context of police reform in India. Numerous commissions, including the Prakash Singh Police Reforms Case directives, have recommended measures to insulate the police from undue political influence, improve accountability, and enhance professionalism. Yet implementation has often been slow and uneven. The concerns expressed by the High Court suggest that many of these structural issues remain unresolved.

At the same time, it is important to recognize that judicial remarks in individual cases do not

amount to a condemnation of the entire police force. Thousands of police personnel perform difficult and often dangerous duties under challenging circumstances. Nevertheless, institutional criticism from constitutional courts serves an important democratic purpose. It draws attention to systemic deficiencies and encourages corrective action.

In conclusion, the recent remarks of the Allahabad High Court represent more than criticism of police misconduct in specific cases. They constitute a broader defence of constitutional governance, judicial oversight, and the rule of law. By emphasizing accountability, impartiality, and respect for legal procedures, the Court has reaffirmed the principle that democratic societies are governed not by the discretion of officials but by the Constitution. The long-term significance of these observations will depend on whether they stimulate meaningful reforms that strengthen both policing and public trust in the justice system.

S.R. Darapuri is I.P.S. (Retd) 🌈

Supreme Court dismisses...

Contd. from page - (19)

He contended that the statutory disclosure requirement is not limited to cases in which cognisance has been taken, or charges have been framed, and submitted that the appropriate remedy lay in an election petition. The Bench ultimately dismissed the petition, holding that entertaining it would run contrary to settled judicial precedent. It, however, clarified that its observations on the rejection of Ms. Natarajan's nomination would not prejudice any election petition that may be instituted before the concerned High Court.

Ms. Natarajan's candidature was opposed by BJP Rajya Sabha candidate Mahesh Kewat and BJP state general secretary Rahul Kothari, alleging that she had failed to disclose details of a criminal case pending before a Hyderabad court in her election affidavit.

Accepting the objection, the RO held that Ms. Natarajan's affidavit was incomplete as it did not disclose a notice issued to her by the Hyderabad court in October 2025. In his June 9 order, the RO noted that Ms. Natarajan had responded to the notice but had omitted to disclose the proceedings in Form 26 filed along with her nomination papers.

The Congress, however, has maintained that Ms. Natarajan was only a respondent in the proceedings and not an accused, and that no FIR was registered pursuant to her response to the complaint. According to the party, a notice issued before a court takes cognisance of a matter does not amount to a pending criminal case requiring disclosure under election law.

Courtesy **The Hindu**, June 12, 2026. 🌈

Legal Article :

Police Officers In UP Are More Loyal Towards Ruling Dispensation Than Constitution: Allahabad HC

Sanjeev Sirohi

It has to be taken most seriously that none other than the Allahabad High Court which is the biggest High Court in not only just India among all the States, in not only just Asia, in not only just few continents but also in all the continents all over the world in a most learned, laudable, landmark, logical and latest judgment titled *Rajendra Tyagi And 2 Others Vs. State of U.P. And Another in Application u/s 482 No.-6547 of 2025* and cited in Neutral Citation No.: 2026:AHC:125175 that was reserved on 27.02.2026 and then finally pronounced on 03.06.2026 has in a hard hitting observation minced absolutely just no words to hold in no uncertain terms while being highly critical of the functioning of UP police that police officers in Uttar Pradesh are more loyal towards the ruling dispensation than the Constitution. While catching the bull by the horns, the Single Judge Bench comprising of Hon'ble Mr Justice Vinod Diwakar who authored this notable judgment was most unequivocal in holding that "feudal mindset of politicians and bureaucrats" has long reduced constitutional governance to an instrument of personal dominion rather than public service. It is high time that police are freed from political control and the landmark recommendations on police reforms made in *Prakash Singh vs Union of India* case made 20 years ago be implemented most promptly to ensure better functioning of the police in an independent manner!

Now the moot question that arises here is: "Who will bell the cat?" It is Apex Court which must now itself definitely make sure that its own landmark judgment in *Prakash Singh* case is most strictly implemented in all the States in India! The earlier this is done, the better it shall

be in the longer run to ensure that police functions more independently!

At the very outset, this brief, brilliant, bold and balanced judgment sets the ball in motion by first and foremost putting forth in para 1 that, "Heard Shri Ronak Chaturvedi, learned counsel for the applicants, Shri Anoop Trivedi, learned Additional Advocate General assisted by Shri Paritosh Kumar Malviya, learned A.G.A.-I for the State-respondent, and perused the material available on record."

To put things in perspective, the Bench while elaborating on the prosecution's case then envisages in para 2 that, "In brief, the prosecution's case is that Rajendra Tyagi, son of Siyanand, presently residing at House No. A-30E, Nandgram, Police Station Nandgram, Ghaziabad, and permanent resident of Village Kakanda, Police Station Muradnagar, Ghaziabad, is the leader of an organized gang, of which his son Deepak Tyagi is also a member. Both, acting together for their financial, material, and personal gains, are alleged to have committed acts of fraud worth crores of rupees, forgery, and criminal intimidation in the name of providing plots/land in the districts of Ghaziabad and Jalaun. The offences committed by this gang fall under Chapter XVII of the Indian Penal Code, 1860. It is further alleged that no member of the public has the courage to testify or file a complaint against this gang and that their free movement is not in the interest of the general public. The gang leader and gang members are stated to be not physically disabled. The crimes recorded in the gang chart, comprising previously committed anti-social activities by the gang leader and gang members, fall within the definition of Section 2(Kha)(1)

of the U.P. Gangsters and AntiSocial Activities (Prevention) Act, 1986 (hereinafter referred to as the 'the Act of 1986'), and it is accordingly submitted that in order to control the criminal activities of gang leader Rajendra Tyagi and the members of his gang, it is necessary to take action under Section 3(1) of the Act of 1986."

As we see, the Bench then discloses in para 3 that, "On the basis of the aforesaid facts, FIR No. 0101 of 2023 was registered on 12.02.2023 under Sections 2 and 3 of the Act of 1986, at Police Station Nandgram, District Ghaziabad, against (i) Rajendra Tyagi, (ii) Deepak Tyagi, and (iii) Lalita Tyagi, the applicants herein. Applicant No. 1 has been shown as the gang leader, applicant no. 2 is the son of applicant no. 1 and has been shown as a gang member, and applicant No. 3 is the daughter-in-law of applicant no. 1, a homemaker, who has also been shown as a gang member. Aggrieved by the registration of the said FIR, the applicants have filed the present application under Section 482 of the Code of Criminal Procedure, 1973, challenging the invocation of the provisions of the Act of 1986 against them."

In hindsight, the Bench then points out in para 4 that, "The case was initially listed on 22.02.2025, when the learned counsel for the applicants raised the specific issue of alleged misuse of police powers, contending that the gang chart pertaining to the applicants was approved by the Commissioner of Police, Ghaziabad, in contravention of Rule 5(3)(a) of the U.P. Gangsters and Anti-Social Activities (Prevention) Rules, 2021 (hereinafter referred to as 'the Rules'). The primary grievance was that no joint meeting had been held between the Commissioner of Police and the District Magistrate before according such approval, and that the police authorities proceeded against the applicants without the requisite subjective satisfaction being arrived at in the manner prescribed by law, and procedure established by law. The applicants placed reliance upon Vinay

Kumar Gupta v. State of U.P. and Others 2025 SCC OnLine All. 3026."

Most forthrightly, the Bench while taking a rap on the knuckles of both the police and the political establishment propounds in para 61 holding that, "Uttar Pradesh, by virtue of its demographic magnitude and political significance, has historically been a crucible of political hegemony, driven by the feudal mindset of politicians and bureaucrats. It has long reduced constitutional governance to an instrument of personal dominion rather than public service. The administrative machinery of the State has, over successive regimes, been susceptible to deep political penetration. This court has no hesitation in observing that transfers, postings, and promotions of officers have frequently been instruments of political patronage rather than merit-based governance, barring a few. Officers perceived as loyalists are rewarded with preferred postings- urban Commissionerates, lucrative districts- while those demonstrating independence are transferred punitively to inconsequential assignments, a well-known fact."

While continuing in the same vein, the Bench minces absolutely just no words to hold indubitably in para 62 that, "A systemic and deeply entrenched culture has emerged wherein a considerable section of the officer cadre treats the rule of law not as a constitutional obligation but as an operational inconvenience. Arrests are effected without due process, many times FIRs are registered or suppressed with ulterior motives, and preventive detention provisions are invoked arbitrarily, at the whims of officers. The procedural safeguards under the Code of Criminal Procedure, and now the Bharatiya Nagarik Suraksha Sanhita, are routinely bypassed. Judicial orders are complied with in form but defeated in substance."

Most significantly, the Bench encapsulates in para 63 what constitutes the cornerstone of this notable judgment postulating precisely that, "The vertical loyalty of officers runs not toward the

Constitution but toward the ruling dispensation. Field officers, acutely conscious of the transfer-posting economy, calibrate their conduct to satisfy political superiors. Encounter killings, selective crackdowns, and targeted use of the Gangsters Act against inconvenient individuals have periodically attracted judicial notice. The High Court has, on numerous occasions, deprecated this tendency and reminded officers that their posts are constitutional in character and must not be reduced to instruments of individual convenience.”

It is worth noting that the Bench notes in para 64 that, “It is apposite to recall that the police officer, who was entrusted with the supervision of the entire operation in the Bikru massacre- wherein a gangster and his associates ambushed a police team that had arrived to effect his arrest, brutally killing eight policemen, including a Deputy Superintendent of Police- was, upon conclusion of the departmental enquiry, visited with nothing more than a ‘formal caution’. This Court finds it difficult to reconcile such a disproportionately lenient outcome with the gravity of the supervisory failure involved, and it is precisely this culture of institutional impunity that emboldens those in authority to remain unaccountable, perpetuating the feudal and politically patronised administrative ecosystem that this Court has adverted to hereinabove.”

Most alarmingly, the Bench points out in para 65 that, “With deep constitutional concern, this Court concludes that the Home Secretary, as the senior-most bureaucratic authority in the Home Department, occupies a pivotal position in this ecosystem. Rather than functioning as an independent constitutional authority charged with implementing the government’s vision, policies, and programmes through impartial executive action. Certain officers who rose to the post of Home Secretary have, in practice, served as conduits for self-serving interests. Recommendations on postings, approvals of departmental proceedings, and responses to court

proceedings have, in such instances, reflected considerations driven by personal or extrinsic calculations rather than dispassionate and constitutionally informed administrative judgment. This fundamentally compromises the institutional integrity that the position demands.”

It would be instructive to note that the Bench hastens to add in para 66 noting that, “It is within this precise context that this Court’s observation- that the Home Department must independently evaluate the suitability and operational effectiveness of its officers- carries profound constitutional significance. It is a solemn judicial reminder that constitutional governance cannot be held hostage to individual expediency or an individual’s convenience, and that the State apparatus must remain answerable to the law and to the Constitution, and not to any ruling establishment.”

Do note, the Bench notes in para 67 that, “On the merits of the present case, it’s established that the proceedings under the Gangsters Act have been invoked on the basis of two FIRs: (i) FIR No. 912 of 2022, registered under Sections 406 and 506 of the Indian Penal Code at P.S. Nandgram, District Ghaziabad, pursuant to the FIR dated 02.09.2022 lodged by informant Pankaj Tyagi; and (ii) FIR No. 703 of 2021, registered under Sections 406, 504, and 506 of the Indian Penal Code at P.S. Chandpur, District Bijnor, lodged by informant Sapna Agarwal.”

Do also note, the Bench then notes in para 68 that, “In FIR No.912 of 2022 (supra), there are two accused- Rajendra Tyagi and Deepak Tyagi, whereas in FIR No.703 of 2021 (supra), there are four accused- Deepak Tyagi, Dinesh alias Babli Tyagi, Rajendra Tyagi and Lalita Tyagi.”

It merits noting that the Bench notes in para 69 that, “Admittedly, both FIRs pertain to financial transactions and payment of money in connection with the purchase of land, and the accused also issued certain cheques in favour of the complainant. Accused Rajendra Tyagi, Deepak

Tyagi, and Lalita Tyagi are family members. Lalita Tyagi is the wife of Deepak Tyagi, who was aged about 35 years at the time of his arrest. On perusal of the entire charge-sheet, not a single averment has been made particularly against accused Lalita Tyagi, or cumulatively against the other two accused, which could satisfy the ingredients of Section 2 of the Gangsters Act. The accused may have committed offences of cheating and forgery; however, the same does not amount to, and cannot be construed as, running an organised gang.”

As things stands, the Bench deems it fit to hold in para 70 that, “The activities and the material placed on record do not satisfy the ingredients of Section 2(b) of the Uttar Pradesh Gangsters and Anti-Social Activities (Prevention) Act, 1986. There is no material on record which could establish the use of violence, intimidation, coercion, or any other means with the object of disturbing public order or of gaining any undue temporal or pecuniary advantage.”

Plainly speaking, the Bench puts forth in para 71 that, “This Court, vide order dated 03.03.2025, directed the Commissioner of Police, Ghaziabad, to place on record the material available with the Commissioner of Police and the Deputy Commissioner of Police before approving the gang-chart, and the methodology adopted to quantify the alleged earnings of the gang. No such material has been produced before this Court, except bald assertions. On the basis of mere assertions, the provisions of the Gangsters Act cannot be invoked.”

Be it noted, the Bench notes in para 72 that, “The record suggest, the incumbent Commissioner of Police has not followed the directions issued by the Supreme Court in *Gorakhnath Mishra v. State of Uttar Pradesh* SLP(Crl) No. 007453/2025; Diary No. 2673 of 2023, and this Court in *Vinay Kumar Gupta* (supra) while approving the gang-chart. The guidelines issued vide Office Memorandum No. 4080/Six-Pu-9-2024-1842633 dated 24.09.2024

has also not been adhered to, the charge-sheet suggests.”

Most rationally, the Bench points out in para 73 that, “There is yet another aspect of the present case that warrants serious consideration, namely, the arrest of co-accused Lalita Tyagi- a young lady aged about 35 years, a homemaker- on the day immediately following the registration of the impugned FIR. No material whatsoever has been placed on record to justify or sustain her arrest, and on the face of it, the said arrest was patently illegal, arbitrary, and wholly unwarranted in law. The Investigating Officer exercised the power of arrest in a manifestly unjustified and high-handed manner, betraying a complete non-application of mind to the settled legal principles governing the necessity of arrest.”

Quite forthrightly, the Bench observes in para 74 that, “The Commissioner of Police has failed to supervise the investigation; in such nature of cases, all directions are flowed from the office of the Commissioner of Police. Government Order No. 3421/Ch-Pu-9-22- 31(43)/2013 TC dated 24.07.2023, issued by the Additional Chief Secretary (Home), records that the officer concerned shall be personally responsible for dereliction of duty and misuse of authority. Office Memorandum No. 4619/6-50-9-2024-1867437 dated 02.12.2024 records a comprehensive checklist of 29 points, along with instructions for strict action against negligent officers.”

As it turned out, the Bench enunciates in para 76 that, “However, this Court is of the considered view that it cannot examine or assess the behavioural attributes and officer-like qualities of an individual officer unless and until some concrete and credible material is placed before it. Moreover, judicial wisdom and institutional propriety restrain this Court from taking cognizance of, or placing reliance upon, unsubstantiated submissions advanced at the Bar. It is, therefore, for the Home Department, Government of Uttar Pradesh, to independently consider and evaluate the suitability and

operational effectiveness of its officers insofar as field postings are concerned.”

As a corollary, the Bench then holds in para 77 that, “In view of the aforesaid deliberations, the entire proceedings of Special Sessions Trial No. 3072 of 2023, titled State v. Rajendra Tyagi and Others, arising out of Case Crime No. 101 of 2023 under Sections 2/3 of the Uttar Pradesh Gangsters and Anti-Social Activities (Prevention) Act, 1986, registered at P.S. Nandgram, District Ghaziabad, and pending before the learned Additional Sessions Judge, Ghaziabad, are hereby quashed. The application is, accordingly, allowed.”

Most pin-pointedly, the Bench points out in para 78 that, “Shri Ajay Kumar Mishra, the then Commissioner of Police, Ghaziabad, failed to exercise supervisory control over his subordinates, and the actions in question occurred under his authority and watch as Commissioner of Police, Ghaziabad. On account of the approval of proceedings under the Gangsters Act, 1986, a young lady aged about 35 years remained in judicial custody for approximately 80 days.

The case neither satisfies the ingredients of the Act of 1986 nor fulfils the parameters justifying arrest.”

Most pragmatically, the Bench then directs and holds in para 79 that, “Taking a lenient view and having regard to the future career prospects of the officer, this Court considers it just and appropriate to direct Shri Ajay Kumar Mishra, Inspector General of Police, Prayagraj, to remain vigilant and circumspect in the discharge of his official functions, befitting the responsibilities of a position that demands balanced judgment, institutional restraint, and scrupulous adherence to law.”

Finally, the Bench then aptly concludes by directing and holding in para 80 that, “This Court places on record its appreciation for the valuable assistance rendered by Shri Roopak Chaubey, learned A.G.A-I, and Shri Paritosh Malviya, learned A.G.A.-I.”

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Are Poor Savarn Second Class Citizens?

S.N. Shukla

Swami Vivekananda enunciated the axiom of 'Daridranarayan' espousing that service to the poor is equivalent in importance and piety to service to God. Mahatma Gandhi devoted his entire life in the service of Daridranarayan. In March 1931 he wrote *"I am working for winning swaraj for those soiling and unemployed millions who do not get even a square meal a day and have to scratch along with a piece of stale roti and a pinch of salt"*.

As quoted in the 'Thought for the Day' in the Times of India dated 28.6.2018 Gandhiji also said *"Poverty is the worst form of violence"*

The Preamble of the Constitution of India begins with the resolve to constitute India into a socialist republic and to secure to all its citizens Justice, social, economic and political. As put by the late CJI Mr. Justice R.C.Lahoti in his book 'Preamble: the Spirit and Backbone of the Constitution of India', *"This is the sum total of the aspirations incorporated in part IV of the Constitution relating to the Directive Principles of State Policy."* The concept of the social and economic justice – to build a welfare state has been recognised as a "basic" feature of our Constitution. Without social and economic justice there cannot be political justice. Likewise, a just social order cannot be established without removing inequalities in income and status. Apparently, no social and political justice is possible without ensuring economic justice. The economic justice envisaged in the Preamble of the Constitution can be achieved only thorough the economic empowerment of the poor of **all** communities and castes since poverty transcends religion and caste.

Article 37 of the Constitution of India provides that the Directive Principles therein laid down in Part IV *are nevertheless fundamental in the governance of the country and it shall be the duty of the State to apply these*

principles in making laws. While clarifying the object and purpose of Article 37, Prof. Sibhan Lal Saxena had said:

"I, therefore, think that *this chapter is not merely a chapter of pious wishes, ...This is a very important chapter which lays down the principles which will govern the policy of the State and which, therefore, will ensure to the people of the country the realisation of the great ideals laid down in the Preamble*". (Constituent Assembly Debates Vol.VII date-19.11.1948).

Article 38 of the Constitution provides that the State shall, in particular, strive to minimise the inequalities in income, and endeavour to eliminate inequalities in status, facilities and opportunities, not only amongst individuals but also amongst group of people residing in different areas or engaged in different vocations. In this connection the following words of Dr. Ambedkar while replying to the debate on Article 38 are highly significant-

"The Constitution also wishes to lay down an ideal before those who would be forming the Government.", and *"... our object in framing this Constitution is really two fold : (i) to lay down the form of political democracy, and (ii) to lay down that our ideal is economic democracy and also to prescribe that every Government*

whatever, it is in power, shall strive to bring about economic democracy,” (Constituent Assembly Debates Vol.VII date-19.11.1948)

Article 39 provides that the State shall, in particular, direct its policy towards securing that the citizens, men and women equally, have the right to an adequate means to livelihood. Article 41 provides for right to work, to education and to public assistance in certain cases. Article 46 provides for promotion of educational and economic interests of *other weaker sections* also besides SCs and STs. Article 47 of the Constitution provides that the State shall regard the raising of the level of nutrition and the standard of living of its people and the improvement of public health as among its primary duties.

In the case reported in AIR 1950 SC 27 the Supreme Court held that the directive principles be regarded as being not temporarily will of majority but as *‘the deliberate wisdom of the nation manifested when settling the paramount and permanent law of the country’*. In (1992) 3 SCC 666 the Apex Court held that “The Preamble promises and the directive principles are a mandate to the State to eradicate poverty so that poor of this country can enjoy the right to life guaranteed under the Constitution. *The state action or inaction which defeats the constitutional mandate is per se arbitrary and cannot be sustained*”. In AIR 1997 SC 645 (para 38) the directive principles were described as the forerunners of the UN Convention on the Rights to Development as an inalienable human rights.

In the case of Olga Tellis (1985) 3 SCC 545 the Constitution Bench observed as follows-

“The principles contained in Articles 39(a) and 41 must be regarded as equally fundamental in the understating and interpretation of the meaning and content of fundamental rights. If there is an obligation upon the State to secure to the citizens an adequate means of livelihood

and the right to work, it would be sheer pedantry to exclude the right to livelihood from the content of the right to life”.

Thus, it is the duty of the State to follow the Directive Principles in the matter of administration as well as in the making of laws since they embody the aims and objectives of the Welfare State. The directive principles have been held to supplement the fundamental rights for achieving the welfare of the people.

In the case of Peerless General Finance and Investment Co. Ltd. Reported in (1992) 2 SCC 343, the Apex Court observed as follows-

“The solidarity of political freedom hinges upon socio-economic democracy. The right to development is one of the most important facets of basic human rights. The right to self interest is inherent in right to life. Mahatma Gandhi, the Father of the Nation, said that *“Every human being has a right to live and therefore to find the wherewithal to feed himself and where necessary, to clothe and house himself.”*

Likewise, in the case reported in (1997) 5 SCC 10 the Apex Court held that “Right to life enshrined in Article 21 means right to have something more than survival and not mere existence or animal existence. It includes all those aspects of life which go to make a man’s life meaningful, complete and worth living”.

Article 25 of the Universal Declaration of Human Rights provides that *“Everyone has a right to a standard of living adequate for the health and well being of himself and of his family, including food, clothing, housing and medical care”*. Right to life includes the right to live with basic human dignity with necessities of life such as nutrition, clothing, food, shelter over the head, facilities for cultural and socio-economic well being of every individual. Article 21 protects right to life. It guarantees and derives therefrom the minimum of the needs of existence including better tomorrow.

According to news paper reports in July 2014, as per UN Study *1/3rd of world's extreme poor were in India* and a US government report bracketed UP with Syria and Iraq.

Same year about 22.9% or about 276 million Indians were considered poor as per the estimate of the Planning Commission whose poverty measuring methodology was criticised. Those spending less than Rs. 32 daily per capita in urban areas and Rs. 26 in rural areas were considered poor by the panel. *Needless to say that these poor did not belong to only certain communities or castes.* As the then President of India put it succinctly :” *Poverty has no religion, hunger has no creed*”.

That poverty directly adversely affects right to life guaranteed under Article 21 is also evident from the fact that as per Table 2.10 of the National Crime Research Bureau Report 2016, out of 133623 persons who committed suicide in the country in the year 2015, more than 70% were having annual income of less than Rs 1 lakh. Not only this, as per Table 2.6 of the said report 18.8% victims were daily wage earners and 8% were unemployed. Evidently, they belonged to all castes and communities and death did not exempt general category persons, unlike the State depriving such BPL persons of beneficiary oriented schemes meant exclusively for certain castes or communities.

Thus, *even after 75 years of independence* a sizeable population of the country is living in pecuniary and sub human conditions without proper satisfaction of even the basic needs of food, clothing, and shelter. Obviously, the efforts made by the successive governments in this regard have not been adequate and inclusive and have left much to be desired. As a result, while the gap between the rich and the poor has been increasing, a very large section of population continues to be poor as per government's own figures. *Apparently, concerted time bound measures at the level of the Central and state governments are*

required if India has to translate into reality the theme of the Global Citizen Festival- Removal of poverty by 2030 held in 2015.

While addressing the BJP Parliamentary party after being elected as its leader in 2014, the present Prime Minister pledged to serve the poor, the youth and women. He was reported to have said “*Sarkar woh ho jo gareebon ke liye soche, jo gareebon ki sune, jo gareebon ke liye jiye, nayi sarkar gareebon ke liye samarpit hai.*” In his message to Supreme Court Bar Association on the occasion of National Law Day on 26.11.2014 he again expressed his concern for the deprived sections of the Society.

In the webinar organized in 2022 by RSS-affiliate Swadeshi Jagaran Manch, RSS general secretary Dttatreya Hosabale himself flagged the issues of poverty, unemployment and rising inequality in the country. As per the news report “**RSS alarm: Status of poverty, inequality, unemployment**” published in the Indian Express dated 4.10.2022, while the percentage of poor people declined from 55% in 1973 to 21% in 2019, **their absolute number increased** from 321 millions to 346 millions. Likewise, while the average annual income of the bottom **50%** population was Rs. 55,000 that of the top **1 %** population was Rs. 44,44,000. The share of half the population in the total income was only **13%** while the top **1%** population cornered **22%** of the total income.

In view of the constitutional mandate and the law laid down by the Apex Court cited above, provision of State assistance only to SCs/ STs/OBCs/Minorities leaving out poor population of general category (called Savarn) *fulfilling the same eligibility criteria* is, therefore, clearly against the avowed object of economic democracy envisaged by the framers of the Constitution.

Accordingly, this writer sent a representation dated 16.6.2014 to the Chief Secretary of UP Government saying that in view of the provisions

in Articles 14, 38 and 47 of the Constitution, the benefit of all beneficiary oriented schemes for poor OBCs and Minorities should also be extended to the below poverty line (BPL) families of all other categories of population who fulfil the same criteria.

However, there was no response to it. Subsequently, he sent another representation dated 8.2.2015 to the Chief Executive Officer of NITI Aayog, Government of India, requesting that the Aayog may consider extending the benefit of existing beneficiary oriented schemes for OBCs and minority communities to poor persons of general category also and advise the central/state governments to adopt economic criteria, instead of caste/community, as the basis of beneficiary oriented schemes to be introduced in future. Thereafter, information was sought from the CPIO of NITI Aayog about decision of the Niti Aayog on the suggestion contained in the letters dated 8.2.2015 and 4.3.2015 addressed to the then CEO of the Aayog. The CPIO, instead of providing the information simply replied that fund allocation/assistance is not done in NITI Aayog.

In view of the inaction on the part of Central and State Governments in this matter of fulfilling the constitutional mandate in respect of sizeable population of general category (Savarn) poor people, and their failure to even consider the very fair and reasonable suggestion in the aforesaid representations judicial intervention became necessary in this matter of great public and national importance so as to promote equitable growth of the entire indigent population and thereby ensure social harmony and peace. Accordingly, this writer along with the former Principal Coordinator of UP Planning Commission Mr.G.N.Pandey filed in **November 2018** a PIL writ petition No. WPIL 23531/2018 in the High Court at Lucknow.

The said writ petition was filed for fulfilment of the resolve in the Preamble of the Constitution in accordance with the Directive

Principles of State Policy and for enforcement of the fundamental rights of the poor persons of general category under Articles 14,15 and 21 of the Constitution. The short, innocuous, fair and constitutionally permissible relief sought in the writ petition was that the benefit of all existing and future beneficiary oriented schemes meant exclusively for SCs/STs/OBCs and minorities be extended to below poverty line (BPL) persons of all other castes and communities also who fulfill the eligibility criteria under the scheme *since poverty transcends caste and religion*. Provision of State assistance only to SCs/STs/OBCs / Minorities leaving out poor population of general category *fulfilling the same eligibility criteria* is also clearly against the avowed object of economic democracy envisaged by the framers of the Constitution. The petitioners' case was fully supported by the constitutional mandate and the law laid down by the Apex Court cited in the WP and Brief of submissions. If the benefit of 10 percent reservation in matters of public employment and admission in educational institutions could be extended to EWS persons of general category, the Prayer in this writ petition also deserved to be allowed following the same principle which already stands upheld by the Constitution Bench in WP (C) No. 55/2019 reported in [2022] 14 SCR 1.

There could be hardly any objection to the relief sought in the writ petition. Still, having no answer to the petition on merits, counter affidavits on behalf of the state government, and NITI Aayog were filed only after 4 years and the one by the Union of India was filed after 5 years along with applications *seeking dismissal of the written petition*. These belated counter affidavits also did not address the real issue *as to why the benefit of existing beneficiary oriented schemes meant exclusively for SCs/STs/OBCs and minorities should not be and cannot be extended to the below poverty line families/persons of all other castes and*

communities of general category also in view of the aforesaid constitutional mandate.. As held in the case reported in (1986)3 SCC 20 (Para1) the Directive Principles are “*fundamental in the governance of the country and are to be applied by states in making laws*”. Evidently, these observations apply with greater force to administrative actions/schemes. In view of the Preamble, Articles 14 and 21 and Part IV of the Constitution. As held in (2008) 6 SCC 1 (Para 605): “*Caste matters will continue to matter as long as we divide society along caste lines. Caste based discrimination remains. Violence between castes occurs. Caste politics rages on. Where casteism is present, the goal of achieving a casteless society must never be forgotten. Any legislation to the contrary should be discarded*”

Notably, the 103rd amendment to the Constitution cited in the counter affidavit of NITI Aayog itself supports the case of the petitioners. Hence, the stand of the respondents was clearly unsustainable. The opposition to this writ petition was prima facie untenable since it is against the discrimination among economically backward sections of society *entirely on the basis of caste and creed* which is against the observations of the Apex Court in the following cases-

(1) Ashoka Kumar Thakur vs Union Of India (2008) 6 SCC 1

- (i) “*On careful analysis of the Constituent Assembly and the Parliamentary Debates, one thing is crystal clear: ‘our leaders have always and unanimously proclaimed with one voice that our constitutional goal is to establish a casteless and classless society’.*”(Para 363)
- (ii) “*Once economic criteria remove the relatively wealthy families (from all castes and communities), a ‘class’ will*

remain. This ‘class’ is known as ‘the poor’. The class would share the same characteristic, irrespective of caste. They would all lack money”. (para 591)

- (iii) “*The poor have no caste. A person belonging to a higher caste should not be made to suffer for what his forefathers had done several generations back. Should this class of people be kept out of the mainstream of governmental priorities and policies because they belong to a particular caste*”. (Para 317)

(2) Kerala Hotel & Restaurant Assn. v. State of Kerala (1990) 2 SCC 502, (para 5) :

“*The emphasis on economic equality in our socialist society has to pervade all interpretations made in the context of any challenge based on hostile discrimination*”.

Evidently, the opposition to the non-adversarial PIL speaks volumes about the concern of the Prime Minister and his Central and state governments for the poor. It also exposed the hollowness of the statements of the PM reported in the Times of India dated 8.7.2023 that “*Self respect of poor is my guarantee*” and that “*Poor have first right on resources*” and is a glaring example of the chasm between words and deeds and of befooling the poor for political benefit.

However, the writ petition was disposed of without dealing with the basic issue of violation of fundamental rights of the poor of general category overlooking that opposition to the writ petition by the ld. Counsel for the respondents was against the repeated public declarations of the Prime Minister and the Chief Minister and completely ignoring the reply of petitioners to the submissions of the ld. counsel for the opposite parties and while relying

only on the inapplicable rulings cited by them, *without even noticing*, leave alone considering, *even one out of a dozen and a half rulings* of the Apex court cited by the petitioners in their pleadings and written submissions *on record*.

Thereupon, the petitioners filed the Review Application detailing more than two dozen grave errors of fact and law in the judgment. However, the Review Application was also dismissed by a cryptic order dated 17.11.2025 completely ignoring the submissions made in it. Notably, the order dismissing the Review Petition says that “The arguments were on the same lines as the grounds mentioned in the review application.” Since the arguments were NOT on the lines as *the grounds in the writ petition* the observation “Rehearing of the matter cannot take place in the garb of review application” could not follow from it. On the contrary, the order does not *even mention, leave alone deal with, the blatant errors of fact and law apparent on the face of the Record* detailed in the Review Application and the grounds taken in it clearly fulfilling all the three conditions in Order 47 Rule 1 of the CPC and was passed in total disregard of the case law cited in the Review Application. As such, *the conclusion*

that none of the grounds for review “are attracted in this case” was patently without any basis and clearly unsustainable.

Thereupon, the petitioners filed SLPs D No.807 of 2026 for an authoritative pronouncement by the Apex Court on the issue concerning *enforcement of fundamental rights of crores of the poor of the general category under Articles 14, 15 and 21 of the Constitution* in accordance with the Directive Principles of the State Policy *and the law laid down by the Constitution Bench* in the case relating to 10 percent reservation for EWS of General Category.

However, the SLPs were dismissed in limine by a non-speaking order saying:

“We are not inclined to interfere with the impugned judgment(s)/ order(s) of the High Court. Accordingly, the Special Leave Petitions are dismissed.”

Notably, the order did not indicate as to why the Hon’ble Court was not even “inclined “to consider the matter concerning clear violation of fundamental rights of crores of general category poor people in the state, leave alone dealing or even mentioning the irrefutable grounds taken in the SLP. The opposition of the state and Central governments to the writ petition against repeated public declarations of the PM and CM and upholding of their stand by the High Court and even the Apex Court raises a million dollar question as to whether the general category poor people are second class citizens not entitled to state assistance to other poor people. At least, this is the position as of now.

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

Contd. from page - (20)

NHRC ignoring attacks...

He underscored that the NHRC was not represented during the hearing and that the petitioner had sought an adjournment. In such circumstances, he said, it would have been appropriate to refrain from making adverse remarks without hearing all parties concerned.

The Bench has issued notice to the NHRC and extended the interim stay on its order. The matter is scheduled for further hearing on May 11, along with connected petitions.

Courtesy **The Hindu**, April 29, 2026. 

The Murder of Justice vs. the Courage of Justice When a High Court Judge Held Up a Mirror to the Supreme Court

Pratap Saharan

*“This case is not merely unfortunate; it is a grave mockery of justice.”
- Justice G. Jayachandran, Madras High Court, June 3, 2026*

In Tamil Nadu’s Tirunelveli district lies a small Assembly constituency called Radhapuram. In the 2016 election, the margin was just 49 votes. One candidate won, another lost. The losing candidate approached the court. What followed was a journey that exposed one of the deepest ailments of Indian democracy.

Ten years later, on June 3, 2026, Justice G. Jayachandran of the Madras High Court delivered a judgment whose echoes ought to reach the corridors of the Supreme Court. The person who had been declared victorious had actually lost. The one who had lost had in fact won. And the institution that allowed this truth to remain buried for ten years was the highest court of the country.

The same court whose four Collegium judges had, in January 2018, held a historic press conference against the Chief Justice and warned the nation of dangers threatening democracy from within the judiciary itself.

First, understand the full story.

2016 - Tamil Nadu Assembly election. On the Radhapuram seat, AIADMK candidate I.S. Inbadurai was declared elected by a margin of 49 votes. DMK candidate M. Appavu, who later became the Speaker of the Tamil Nadu Legislative Assembly, alleged that 203 postal ballots had been illegally rejected because they had been attested by middle school headmasters.

2019 - The High Court held that middle school headmasters also fall within the category of gazetted officers. It ordered a recount of the postal ballots and of three rounds of EVM counting.

Result of the recount - Out of the 203 disputed postal ballots, 153 votes went to Appavu and only one vote went to Inbadurai. Forty-four ballots remained invalid. In other words, the candidate who had supposedly lost by 49 votes had actually won by more than 103 votes.

In October 2019, Inbadurai approached the Supreme Court. *The Supreme Court said: Let the counting continue, but the result shall not be declared.

Then came six years of silence.

A new Tamil Nadu Assembly election took place in 2021. Another election took place in 2026. The entire term that was under dispute had long since passed.

May 21, 2026 - The Supreme Court disposed of the matter, observing that since the legislative term had already ended, there was no longer any purpose in answering the legal questions involved. The questions were left open for the High Court’s formal judgment.

June 3, 2026 - Justice Jayachandran delivered a judgment destined to be remembered in history.

The Three Pillars of the Judgment

First - Restoration of Justice

Based on the recount report, Justice Jayachandran declared M. Appavu as the duly elected MLA from Radhapuram for the 2016-2021 term. The Tamil Nadu Government was directed to correct the official records accordingly. The person who had wrongly occupied the seat would not receive pensionary benefits. The actual winner would be entitled to full pensionary benefits.

Second - A Strong Rebuke on Delay

The Court observed that the word “unfortunate” was insufficient to describe the case; it amounted to a “grave mockery of justice.” The voters of Radhapuram had been compelled to accept for five years a person as their MLA who had not been lawfully elected at all.

The Court stated that statutory provisions intended to ensure expeditious disposal of election petitions had been “conveniently ignored.”

Third - A Direct Warning About the Threat to Democracy

Justice Jayachandran wrote in his judgment:

“If courts continue to ignore their own observations in the case of Mohammad Akbar vs. Ashok Sahu, I fear that this country too may travel the path of those authoritarian nations that attained independence around the same time as we did.”

This was not merely an observation. It was the cry of a judge’s conscience.

What the Law Says, and What the Supreme Court Did

Section 86(7) of the Representation of the People Act, 1951 clearly directs that election petitions should be heard as expeditiously as possible and that efforts should be made to dispose of them within six months.

Six months. That is the language of the law.

The Supreme Court took six years.

The Supreme Court stayed the matter in October 2019, and it remained pending for nearly six years. Ultimately, on May 21, 2026, it was disposed of on the ground that the legislative term had already expired and therefore no useful purpose would be served by deciding the legal questions involved.

The most ironic aspect of this outcome is that the Supreme Court itself had observed in **Mohammad Akbar vs. Ashok Sahu (2015)** that the speedy resolution of election disputes is the soul of democracy. It was precisely by citing that judgment that Justice Jayachandran

held up a mirror to the Supreme Court.

This Is Not an Isolated Case, but a Pattern

Radhapuram is not an exception. It is the rule.

2019 Lok Sabha Election

Petitions concerning alleged discrepancies in election data were still being heard during the 2024 election cycle.

Association for Democratic Reforms (ADR) Petitions

An ADR petition pending before the Supreme Court since 2019 alleged the destruction of VVPAT slips in violation of election rules. The petition has remained unresolved for years.

Appointment of Election Commissioners

The matter was before a bench headed by Chief Justice Surya Kant. After repeatedly listing it for hearing after Holi, multiple adjournments followed. Election Commissioners were appointed in the meantime, two Holi festivals passed, and eventually the Chief Justice recused himself from the case.

Shiv Sena Split

During nearly the entire two-year tenure of former Chief Justice D.Y. Chandrachud, the matter remained unresolved. There was extensive hearing, but the public is aware of who ultimately benefited from the outcome.

Demand for EVM Verification and Ballot Paper Voting

Repeated demands are made for conclusive proof, even though EVM machines are never actually placed in the hands of independent challengers. In another case, the Supreme Court itself acknowledged that an elected candidate may deliberately seek adjournments so that time passes and the litigation becomes irrelevant.

The Most Dangerous Argument: “What Is the Point Now?”

The Supreme Court’s reasoning that “the term has ended, so there is no point in deciding the matter now” is poison for democracy.

Imagine if a murder were committed and the police said, “The deceased is not coming back anyway, so what is the point of prosecuting the case?” The result would be open impunity for the killer.

Justice Jayachandran clearly stated that when the resolution of an election dispute takes longer than the legislative term itself, the entire judicial process degenerates into a paper exercise that damages the institutional credibility of the judiciary and weakens democratic principles.

The purpose of a system of punishment is to prevent future wrongdoing. If a person engaging in electoral malpractice knows that litigation will drag on until the term expires, electoral fraud becomes a profitable investment.

Why This Judgment Is Historic

What Justice Jayachandran did required courage.

A High Court judge told the nation’s highest court, respectfully yet fearlessly, that it had failed to discharge its responsibility.

The High Court stated that it could not retreat from its constitutional duty because it had sworn an oath to uphold the Constitution.

And in reminding everyone of that oath, Justice Jayachandran did something that many may hesitate to do: he questioned the conduct of the Supreme Court itself.

This judgment sets an important precedent for the future. Officials who manipulate elections will know that consequences may eventually follow. Those who secure victory through improper means will know that even if they complete their term, history may not merely erase their names but may record them in the manner of an accused wrongdoer.

What Next?

Chief Justice Surya Kant still has an opportunity.

This judgment should be read as a message. Not as a rebuke from a High Court, but as the voice of judicial conscience.

Some Immediate Requirements

First - A mandatory six-month timeline for election petitions should apply in the Supreme Court as well.

Second - The argument that “the term has expired” should no longer be accepted in election petitions. Courts should be required to answer legal questions for the sake of future guidance.

Third - Anyone found involved in electoral irregularities, whether an official or a candidate, should face definite consequences.

Fourth - Long-pending petitions by organizations such as ADR should be heard on a priority basis.

Finally - The Voice of a Citizen

The voters of Radhapuram chose Appavu in 2016. Yet for five years, someone else served as their MLA. Their vote and their voice remained suppressed for a decade.

That is the true murder of democracy.

Not by a gun, but by a stay order.

Not by a sword, but by adjournment after adjournment.

Justice G. Jayachandran heard that silenced voice even after ten years and delivered justice. It proves that courage still survives within the judiciary.

The question is: will the country’s highest court learn anything from that courage?

And now the answer appears to be no.

Because the outcome of the INDIA Alliance meeting has emboldened CJI Surya Kant and “earthworm” Gyanesh Kumar. They have seen that the opposition continues to seek relief from the courts rather than taking any strong political action resembling a mass movement.

Two examples have already emerged today.

The first is the cancellation of Congress candidate Meenakshi Natarajan’s Rajya Sabha nomination from Madhya Pradesh, allegedly on the basis of a lawyer’s notice in a mere complaint case initiated by a BJP leader, through what is described as an illegal and authoritarian process.

(To be Contd....on Page -39)

Fact-Finding Report on Caste-Based Atrocity and Assault Against a Dalit Father and Son

On 2 May 2026, in village Jhakhra, Post Rautepur, Bithoor, under Sachendi Police Station, Kanpur Nagar, residents **Rinku Kamal**, son of Chedilal, and his son **Shivam Kamal** were allegedly subjected to caste-based abuse, physical assault, and an attempt to force them to drink water from a shoe by upper-caste youth of the village. The alleged reason was that Shivam, while working in his family's field and feeling thirsty, tried to drink water from a government handpump located near the houses of Sanjay and Deepak, who belong to an upper caste.

It is reported that the incident took place on 2 May, but local police officials (specifically the in-charge of Rakepur Police Outpost) allegedly suppressed the matter after accepting a bribe of ₹ 20,000 and two ceiling fans. However, after the matter surfaced on social media around 15–16 May, it attracted public attention and became an example of the continuing insensitivity and discriminatory attitude of the existing administrative system toward the Dalit community.

While little can be expected from the current system, the **Socialist Party (India)**, which is committed to working toward unity and equality among all sections of society, constituted a joint fact-finding team to ensure justice for the victim family. The team met the family on 1 June 2026, inspected the site, recorded eyewitness statements, and investigated the entire matter. The team included **K.M. Yadav**, **Bharat Kumar**, and **Mahesh Tripathi** from the Human Rights Cell of the Socialist Party (India).

Based on the site visit and collected testimonies, the following brief fact-finding report was prepared.

Background and Incident

A road from Tikra Bazaar leads toward the

Bhauti Highway. Along this route lies village Jhakhra, a hamlet of Gram Panchayat Rastpur, inhabited by people from different communities. Rinku Kamal, a daily wage laborer, lives in this village.

When the fact-finding team first reached his house, Rinku was not present. Initially, his brother's wife was hesitant and stated that she did not know where he was. After some conversation and gaining confidence that the visitors had come to help, she arranged contact with Rinku, who later met the team.

Rinku stated that on the evening of 2 May, he and his son Shivam were working in their field, located about half a kilometer from their house. Around 9 p.m., Shivam became thirsty and went to a government tap near the field. A bucket and jug belonging to **Sanjay Rajput** were kept there. Shivam used the vessel to drink water.

According to Rinku, Sanjay and his brother **Deepak**, sons of **Munnilal Rajput**, saw Shivam drinking water and began abusing him with casteist slurs. They allegedly said:

“You people of a low caste have polluted our religion by touching our bucket. We will punish this Kori today so severely that no low-caste person in the village will dare touch the utensils of an upper-caste family again.”

They continued using caste-based abusive language. Soon two more youths, **Sagar** and **Patiya**, sons of Chhote, joined them. According to the victims, they caught Shivam, removed his clothes, tried to force him into a humiliating position, and when he resisted, threw him onto the road and beat him mercilessly with kicks, punches, sticks, and clubs.

When Rinku attempted to save his son, he

too was beaten severely with sticks. The accused allegedly left both father and son in a semi-conscious condition and fled.

Family members later arrived. Rinku's younger brother's wife called emergency number **112**. A police response vehicle arrived but allegedly advised them to come to the police outpost the next day. An ambulance from **108** also arrived but reportedly left after telling them to visit a hospital the next day.

As a result, the injured remained in pain throughout the night without medical treatment or medicine. Family members provided whatever home remedies they could.

Alleged Police Pressure and Forced Settlement

On **3 May**, police allegedly took the victims to the Rakepur Police Outpost. According to the victims, they were forced to sign blank papers, intimidated, and pressured into a compromise. It is alleged that a settlement was arranged after the accused side provided **1 20,000 and two ceiling fans**.

For nearly two weeks, no action was taken on the victims' complaint. Even after a court-directed registration of the case, the victims allegedly did not receive a copy of the FIR from Sachendi Police Station. They also claim that the Inspector pressured them to settle the matter.

Only after media coverage did the Assistant Commissioner of Police take cognizance of the case and begin personally supervising the investigation.

The victims told the fact-finding team that they wanted justice and strict action so that no one else would have to suffer a similar experience.

Statement of Shivam (16 Years Old)

The team met Shivam in **Surar village**, about two kilometers away from Jhakhra, where he had been staying with his maternal uncle due to fear following the incident.

The team observed that his arm was in a plaster cast and there were visible injury marks

on his face, back, and legs.

Shivam stated that the day after the incident he was called to the Rakepur Police Outpost, where, in his presence, the accused side allegedly handed over **1 20,000** and two ceiling fans and forced the victims into a compromise through threats and intimidation. He stated that:

- No formal complaint was initially recorded.
- No medical examination was conducted.
- No treatment was provided at a government hospital.
- The family had to arrange private medical treatment at its own expense.

According to him, only after media reports and intervention by the Assistant Commissioner of Police were his statement recorded, a medical examination conducted, and a new plaster applied to his injured arm.

When asked what he wanted from the government, Shivam replied that the case should be properly heard in court and the guilty should be sent to jail.

Eyewitness Testimony

The team also spoke with local residents, including an elderly couple living near the scene who reportedly tried to rescue the victims and had given statements to the police.

According to them, they were working in a nearby field that night when they heard cries for help. Upon coming outside, they saw four youths beating Rinku and his son with sticks. The father and son were trying to escape while the youths continued striking them from behind.

The couple intervened and asked the attackers to stop. The youths then fled. When the couple approached the victims, they found both lying unconscious, though breathing. They stated that they did not know the exact cause of the dispute.

Meeting with the Village Head

The fact-finding team also met the Gram Pradhan (village head), who, made only a political statement and declined to comment further.

Police Version

The team spoke by phone with the Station House Officer (SHO) of Sachendi Police Station. He stated that a case had been registered against the accused under the **Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act** and that legal action was underway. He added that the Assistant Commissioner of Police was personally investigating the matter.

The SHO denied the allegation that the victims had been forced to drink water from a shoe, calling that claim false. However, the FIR itself contains such an allegation.

When questioned about allegations of police personnel accepting money, the SHO disconnected the call and did not answer subsequent calls.

Conclusion

According to the fact-finding team, this is a highly sensitive case that local police initially attempted to suppress. Had the matter not gained attention on social media, the police might have succeeded in burying the case completely, while the Dalit victim family would have continued living under fear with potentially serious long-term consequences.

The findings suggest possible negligence,

insensitivity, and corruption on the part of the police administration. The report argues that officials found responsible should face strict action.

The report further notes that the increasing incidence of caste-based and communal violence raises serious questions about the functioning of the present administrative system and its failure to foster social harmony and fraternity.

Demands

The fact-finding team demands that:

1. A judicial inquiry be conducted into the entire incident, and strict action be taken against all accused persons involved.

2. The role of the police in the matter be independently investigated, and action be taken against any officers found guilty.

3. Rinku Kamal's family be provided compensation for the economic and psychological harm suffered, along with adequate security and protection.

Submitted by: Joint Fact-Finding Team

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Bharat Kumar, Social Activist

Mahesh Tripathi, Social Activist 

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The Murder of Justice vs. the Courage of justice...

The second example concerns BJP-backed independent Rajya Sabha candidate from Jharkhand, Parimal Nathwani, described as a representative of Mukesh Ambani, who was allegedly granted 24 hours to rectify three separate defects in his nomination papers.

According to the author, this constitutes direct evidence of Article 14 of the Constitution being trampled in broad daylight by a constitutional institution itself.

In such circumstances, the question is whether India's opposition will learn anything from these developments, or whether it will continue waiting for the destruction not only of Indian democracy but of its own political existence as well.

This article is based on M. Appavu vs. I.S. Inbadurai (Madras High Court, Election Petition No. 2/2016, judgment dated June 3, 2026).

<https://www.facebook.com/share/p/1CzPSk9fRV/?mibextid=wwXIfr> 

The Humanist Frame

Humanism And Social Pathology

Barbara Wootton

(Summarized by : **Vinod Jain**)

[Pathology is ‘The branch of medicine concerned with the causes and effects of diseases’. In this essay the term is applied to social issues—Vinod Jain]

1

All societies have their misfits. Between one society and another, however, wide differences exist in regard to the code of behaviour to which people are expected to conform; to the degree of deviation from this code which is socially tolerated; and to the methods adopted to bring any misfits back into line. In illustration of the first of these divergencies, we may remind ourselves that somewhere at some time practically every imaginable pattern of marriage has been regarded as proper. Marriages can be polygamous, polyandrous, monogamous, indissoluble, dissoluble, on specified terms, or by agreement, or at the wish of either party: all these arrangements have actually been operative. Moreover, even in communities which agree on their disapproval of certain types of conduct, the emphasis laid upon a particular deviation from recognised norms is by no means necessarily the same: attitudes towards infringements of property rights on the one hand and towards personal violence on the other are, for instance, extremely variable; while in highly developed communities a whole mass of social obligations has grown up, such as traffic regulations or factory laws, none of which exists at a more primitive level.

The degree to which deviations from social norms are tolerated seems to be to some extent a matter of the stage of technical development reached. In officially christian, monarchical, monogamous Britain, for example, you can profess any religion or none, drink to excess, refuse military service, practice successive (but not simultaneous) polygamy, speak in derogatory

terms of the government, the church and the Monarchy, and, short of actual nudity or what is technically known as exposure, indulge in any eccentricity of dress. True, some of these activities if carried too far may involve social disadvantages which are not wholly negligible: but none of them is criminal. By contrast, in tribal societies such as prevail in much of rural Africa, a higher degree of conformity appears to be expected.

More remarkable are the variations from one country to another, or from one age to another, in the methods used for dealing with deviants....

To the issues posed in each of these three spheres the Humanist has a distinctive approach. Here as elsewhere the Humanist attitude implied on the one hand a distinctive set of values; and on the other hand a characteristic reliance upon the methods of scientific investigation. Humanism is thus, on both counts, at variance with traditional attitudes. Traditionally in the Western Christian world the whole field of social pathology has long been permeated by religious ideas — by concepts of taboo, sin, punishment and atonement set in the supernatural framework of the Christian dogmas; whereas the Humanist's standards are earthly, in a broad sense utilitarian, and, where possible, scientific. In determining the foundations of morality and the ultimate objective of social policy, the Humanist is concerned with man's happiness and welfare in this life alone, and with the development of each and every individual's maximum potentiality for the good life conceived in these terms. All arguments that are derived from religious dogmas, or that rests solely upon

appeals to the will of God, pass the Humanist completely by. Indeed, in the present state of the world, even if we did not go beyond the purely negative definition that the Humanist is against hunger, poverty, ignorance, cruelty and bloodshed, we should have a sufficient basis for social policy.

So much for values. Meanwhile in the approach to his goals the Humanist looks to scientific investigation both to provide a measure of his success and to devise techniques for accelerating his progress. In one sphere after another—in the treatment of criminals, or in the selection of civil servants—he substitutes measurement for guesswork, objective recording for subjective judgment; and utilizes the knowledge thus gained to improve future performance.

In the present century the influence of Humanist attitudes upon every aspect of social pathology has indeed been remarkable. The norms of behaviour have been modified to suit Humanist conceptions of morality; toleration has been correspondingly extended; and—most striking of all—scientific method has invaded the field of penology.

In the present context, the changes that have occurred under the first two of these heads can be dealt with fairly briefly; but they have created something of a social revolution, particularly in the sphere of sexual behaviour. In Britain, so far as divorce is concerned, the grounds for dissolution of marriage were greatly extended by the Matrimonial Causes Act of 1937: and, the social advantages suffered by divorced persons have been reduced out of all recognition. Similarly in the matter of homosexual behaviour, although nothing has yet been done in Britain, there has been a great movement of opinion. A Committee's recommendation that homosexual acts committed in private by consenting adults should cease to be criminal would have been unthinkable fifty years ago, even though this has long been the law in many European countries.

These expressions are both clear expressions

of Humanist values; and they have their parallels in many other parts of the world. In sexual as in all other matters the Humanist thinks only in terms of the happiness and welfare of all persons who are or may be affected in a concrete case. In safeguarding the rights of children he will be second to none; but the private lives of adults he will regard as their own affair. Apart from the principles of integrity and mutual consideration, there are for him no absolutes. Contemporary developments therefore represent a considerable victory of Humanist over religious ideas. Plainly, what is actually happening in the world is the result of the accommodation of religious to evolving humanistic ideas and not vice versa.

The growth of sexual toleration is itself simply due to the spread of the Humanist belief that there are no absolutes in sexual morality: that in every instance sexual behaviour, equally with conduct in other spheres of life, must be judged in terms of its effect on the happiness, welfare and dignity of individuals. Religious toleration, likewise, results from the erosion of religious conviction under the accumulating pressure of Humanist ideology.

The familiar changes that I have described have not been brought about by the direct propaganda from known Humanists. They are not the result of any militant Humanist movement. There is the loss amongst educated men and women of the belief in the dogmas of the Christian religion. As a result of this loss, a tremendous, though generally silent, shift has occurred in the bases of morality. We ask no longer what is pleasing to God but what is good for man.

2

It is, however, in the methods employed to deal with those whose behaviour goes beyond the limits even of contemporary tolerance that the influence of Humanistic conceptions is, potentially at least, most radical. Here it is the scientific rather than the moralistic elements in the Humanist philosophy that are important. Granted that the purpose of penal treatment is to

discourage antisocial behaviour, then to the Humanist the choice of technique for achieving this objective is a proper subject for scientific investigation: and it is in the light of such investigations that penal policy must be shaped.

Nevertheless, even into this field science has already made a formidable invasion; and this invasion has proceeded in more than one wave. The first inroads came from the science of medicine led by the psychiatrists. From this have emerged entirely new ways of thinking about unacceptable behaviour as well as an entirely

new vocabulary, comprising such terms as 'emotional disturbance', and 'psychopathic personality'. Up till now, it is true, the revolution in thinking has been more pronounced than the revolution in practice: the part which psychiatrists play in the actual treatment of offenders is still relatively small.... Under such legislation antisocial behaviour is in fact transformed from a penal into a medical problem.

Unquestionably the primary effect of this contemporary tendency to regard antisocial behaviour as a symptom of mental abnormality has been to humanize penal procedures and penal institutions. A doctor seeks to cure his patient: not to punish him. He chooses, not the treatment that the patient 'deserves', but the one that he thinks most likely to effect a cure. Guilt and blame are not his concern. If medical treatment in any sphere can sometimes be unpleasant, in conception and aim it is always fundamentally humane.

What we can say, however, is that Humanist philosophy would eliminate from social codes all those prohibitions and injunctions which are justified only in religious or supernatural terms rather than for their contribution to human welfare in this life; and that it would make for a tolerant and unexacting society, in which, within the framework of the common welfare, each individual would be free to develop his talents to the utmost. For the few who cannot or will not adapt themselves even to such a society, it would employ in each case the most effective treatment known to science, subject only to the limitations of its own moral premises. And we can indeed congratulate ourselves that already something has been accomplished along these lines — enough, at any rate, to feed the hope that the methods of patient observation and unswerving faithfulness to fact by which man has gained such astonishing power over the physical world may eventually win for him like mastery both of himself and of his social environment. 🌈

(To be continued...)

Niccolo Machiavelli

Philosopher

(Photo on cover page)

Lemuel Ray

In 1513, Niccolo Machiavelli went from serving the powerful to becoming a victim of power itself. Accused of conspiring against the ruling Medici family, he was imprisoned, tortured, and forced to confront the harsh realities of politics firsthand.

After his release, he was exiled to the countryside of San Casciano. By day, he worked among ordinary laborers. By night, he immersed himself in the writings of history's greatest thinkers. Living between two worlds gave him a perspective few possessed: the difference between how society claims to operate and how it actually does.

Rather than writing about an ideal world, Machiavelli examined the world as it was — driven by ambition, influence, fear, and survival. His observations continue to provoke debate centuries later because they challenge comforting illusions about power and justice.

Whether admired or criticized, Machiavelli remains relevant for one reason: he encouraged people to look beyond appearances and understand the forces that shape society.

(From Facebook post of **Bhaskar Sur**) 🌈



Syed Hassan Kazim

(Currently working with the Times of India, Delhi. I have 12 years of experience in digital media, during which I worked with India's leading news organisations, including Hindustan Times Digital & Times of India Digital.)

You can understand how dire things are when the Chief Justice of a country himself starts mocking the jobless and unemployed by calling them cockroaches. He will never ask why the youth, millions and millions of them, are jobless. Following is his entire quote, word for word, as published by Live Law.

"There are youngsters like cockroaches, who don't get any employment and don't have any place in the profession. Some of them become media, some of them become social media, some of them become RTI activists, some of them become other activists, and they start attacking everyone."

Milord, this is highly unfortunate statement that I condemn.

<https://lnkd.in/g36YHUHT>

**‘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’