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Editorial:

Issues of Democracy and Civil Liberties Need More Serious Attention

Mahi Pal Singh

In recent times, the Chief Justice of India, Justice D.Y. Chandrachud and the Supreme Court under his leadership have shown that they are capable of protecting the democratic and basic structure of the Constitution of India. However, some decisions of the apex court show that there is still need for more serious attention in matters of democracy and civil liberties.

At a time when the process of holding the general elections in the country is on, it is clear that for the elections to be free and fair a level playing field needs to be provided to all the political parties. The Bharatiya Janata Party has amassed a huge amount of money through its opaque Electoral Bonds Scheme, now scrapped as unconstitutional by the SC. By ensuring that all the details of the bonds including how much money went to which party are uploaded on the website of the Election Commission, it provided the voters with the right to make an informed choice. But the money still remains in the hands of the political parties, the biggest beneficiary being the BJP, the party in power at the centre, though it has also become clear from the details uploaded on the EC's website that a lot of this money was extorted by the BJP by making use of the Enforcement Directorate (ED) raids and through the use of its power to use quid pro quo or contracts for donations. Yet there is no ban on the use of that money for elections. And if it is able to win the elections in 2024 through the use of that money, the benefit of the exercise of banning the Electoral Bonds Scheme will only depend on

the wisdom of the voters to use that information for making an informed choice for electing their representatives. Otherwise, it will prove to be an exercise in futility. Will it not be like allowing a thief or a dacoit to continue to enjoy the fruits of his crime freely even after being proved guilty of the crime?

The other matter relates to the arrest of Arvind Kejriwal by the ED and keeping him in judicial custody without any money trail being traced by it although it has come to light that the statement of Sarath Chandra Reddy was obtained under duress by the ED in his tenth statement to implicate him in the liquor policy case and as soon as he agreed to give the statement against him, he was allowed to get bail. In the bargain, the BJP also succeeded in extorting money through Electoral Bonds to the tune of Rs. 60 crores from him. It is clear that he is a witness planted by the BJP against Kejriwal by using the ED. Yet the Chief Minister of Delhi is behind the bars and the planted witness is out and free. It is also clear that the BJP's only aim is to keep him in custody so that he cannot campaign during the elections. He is a very potential threat to the BJP in Delhi, Punjab and several other states like Gujarat and as a partner of the INDIA alliance, and Mr. Modi knows that he can thwart his desire to be the Prime Minister for the third time in 2024.

Besides him, Manish Sisodia has also been in judicial custody for the last one year and Satyendra Jain for the last two years in the same case. They are ministers in the Delhi government and important leaders of the Aam Aadmi Party and yet they cannot campaign for the party in the elections. Sanjay Singh, the Rajya Sabha member of the party was also arrested by the ED but thanks to the Supreme Court that he got bail and is out for campaigning. Manish Sisodia in whose case the SC itself observed that there was not an iota of evidence against him and the case against him would not stand for a minute, is still in jail without trial and bail. If the Supreme Court's observation was correct, he should have been out long ago. Yet it is very unfortunate that that has not happened and the AAP has been crippled by the BJP from campaigning in the elections through the (mis)use of the ED. The BJP, on the other hand, which has included numberless leaders from other parties whom it had earlier described as very corrupt and who have been declared as not guilty by the same ED after joining the BJP, is free for utilizing their services for coming back to power in 2024 elections. The former Chief Minister of Jharkhand, Hemant Soren, is also behind the bars for the same kind of charges and for the same reasons, to restrict him from campaigning against the BJP. Various other opposition leaders are also being targeted and harassed by the BJP so that they cannot participate in the elections. This scenario clearly shows that the party in power is not confident of winning the elections without manipulations and is misusing its authority to manipulate elections in its favour. But the Supreme Court is just watching.

In the matter of appointment of the two Election Commissioners also the BJP manipulated to hold the meeting of the Selection Panel a day earlier to thwart the intervention of the Supreme Court in the matter, as the matter was to come up for hearing in the SC before a division bench the next day, 15 March 2024. And it is well known that the government has selected two pliant Election Commissioners to make sure that the EC remains faithful to it and does not act against the BJP for any violation of the moral code of conduct by it during the elections. But the Supreme Court only watched all this happening and adjourned its hearing in the matter to August 2024, much after the results of the elections would be declared on 4 June 2024. Till then the BJP will have a free hand in bending and manupulating the elections in its favour.

Where is the so-called level playing field for all political parties? The people need free and fair elections to express their electoral choice freely. The Supreme Court, which is the custodian of the democratic and basic structure of the Constitution and the protector of the civil liberties of the people, has to re-think on these issues and not let the government take it for a ride. After all, it is the only institution which has not lost its credebility and reliability and people look towards it for protecting their democracy, civil liberties and the Constitution of the country. It is expected that the Supreme Court, under the able and strong leadership of CJI, Justice D.Y. Chandrachud, will not belie their hopes. •

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

Articles and Features:

Most Indians believe in plurality: CSDS-Lokniti Survey

The Hindu

Around 79% of those surveyed in the CSDS-Lokniti poll believe that "India belongs to all religions equally, not just Hindus". This means that nearly eight in every 10 Hindus said that they have faith in religious pluralism. However, around 11% said that "India belongs only to Hindus". This belief in plurality was more pronounced in urban areas (85% in towns and 84% in cities) and higher among the educated (83%) as compared to those with no schooling (72%).

Even though only a small part of the surveyed population - 8% - said that the Ram Mandir was their most important concern, 22% said that it was the "most liked action" of the BJP government. Forty-eight percent respondents said that the action will consolidate Hindu identity.

Results of the poll exhibit that contrary to emerging perceptions, religious coexistence and tolerance is still a strong idea. It also shows that a sharp religious divide in the political realm may not necessarily reflect the situation in the wider society.

The survey also revealed a significant decrease in trust — 58% of the respondents expressed some or great distrust in the Election Commission in 2024 as opposed to 78% indicating trust in the poll body following the 2019 Lok Sabha election. Around 45% suggested the possibility that electronic voting machines could be manipulated by the ruling party.

Another critical viewpoint observed in the poll was the UU Nearly three in five respondents acknowledged the legitimacy of farmers' demands and their fundamental right to express their grievances. On the other hand, around 16% of respondents think the farmers' protests are a conspiracy against the government. The survey data also revealed lack awareness of the protests or unfamiliarity with the farmers' demands. Despite questions regarding the motivation behind the protest, the majority support from the respondents is reflective of the challenges faced by the agricultural sector.

Courtesy **The Hindu**, 12 April 2024. •



Articles/Reports for The Radical Humanist

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

- Mahi Pal Singh, Editor, The Radical Humanist

Democracy is in danger, stresses Opposition at mega Delhi rally

INDIA bloc puts up united show in solidarity with Delhi CM Kejriwal and former Jharkhand CM Hemant Soren; leaders urge EC to ensure a level playing field, seek SC probe in poll bonds





Opposition leaders join hands during INDIA bloc's 'Loktantra Bachao Rally' at Ramlila Maidan, in New Delhi on March 31, 2024. I Photo Credit: Shashi Shekhar Kashyap

Under the banner of "Loktantra Bachao" or "Save Democracy", leaders of the Indian National Developmental Inclusive Alliance (INDIA) stood united at Ramlila Maidan in solidarity with Delhi Chief Minister Arvind Kejriwal and former Jharkhand Chief Minister Hemant Soren, who were arrested in separate cases by the Enforcement Directorate. The bloc also laid down their 2024 general election pitch calling it a "fight to save the Constitution".

In speech after speech, the Opposition leaders lamented the lack of level playing field for them in the election, citing "coercive action" by Central agencies against them and income tax notices financially crippling them.

INDIA bloc rally updates

This was in effect the first public meeting of the 10-month old INDIA bloc, which has been marked by desertions and conflicts over seatsharing arrangements. With the presence of leaders of different persuasions united under the anti-BJP umbrella, the meeting was not without its contradictions. The irony that the venue in 2011 hosted the Anna Hazare movement — that led to the rise of Aam Aadmi Party (AAP) and fall of the Congress governments in the Centre and Delhi — was also not lost on the assembled crowd. Congress caps and flags vied for space with AAP banners.

Former Congress president Rahul Gandhi asserted that without EVM manipulation and other intimidatory tactics, the BJP and its allies can't cross 180 seats in the upcoming general election.

"When pressure is put on umpires and captains, players are bought off and the match is won in cricket, it is called match-fixing. We have Lok Sabha election before us. Who selected the umpires? Before the match started, two players were arrested... Narendra Modi is trying to do match-fixing in the election," Mr.

Gandhi said.

The BJP is raising the slogan of getting 400 seats but without EVMs, "match-fixing", pressuring media and buying them, it will not be able to reach even 180 seats, he claimed.

Mr. Gandhi sought to remind the crowd of remarks from a BJP MP, who he did not name, that the BJP will change the Constitution when it gets over 400 seats. Sounding an alarm, Mr. Gandhi said, "If the Constitution is finished, this country will be finished" and "the country will be torn apart into different states."

Wives of both incarcerated leaders - Mr. Kejriwal and Mr. Soren - spoke at the event. Sunita Kejriwal read out a message from the jailed Chief Minister, in which he promised five guarantees - 24X7 power supply, free electricity for poor, government schools and mohalla clinics in every village, a multi-specialty government hospital in every district and minimum support price (MSP) for all crops in adherence to the Swaminathan report. But before reading out his message, Ms. Kejriwal said, "Our Prime Minister Narendra Modi put my husband in custody. Do you all believe that he did the right thing? Do you believe that Kejriwal ji is a true patriot and honest person? These BJP supporters are saying that since Kejriwal is in custody, he should resign. Do you all believe he should resign?"

Congress president Mallikarjun Kharge likened the BJP and RSS to "poison". "You have to decide if you want democracy or dictatorship... Those who support dictatorship need to be kicked out of the country. The BJP and RSS are like poison. You will die even if you taste poison," Mr. Kharge said. The Congress president also spoke to his allies, asking them to overcome their differences. He spoke about the Left and Congress's electoral contest in Kerala but their unity at national level. Addressing Punjab Chief Minister Bhagwant Mann directly, he said, "We need to unite and only then will we be able to fight the BJP. We

won't succeed if we keep attacking and fighting each other," he added.

Uddhav Thackeray lambasts BJP, alleges party of corruption in electoral bonds issue

The rally also served as an opportunity for many INDIA bloc participants to recommit themselves to the anti-BJP alliance. Trinamool Congress which had refused to concede any seat to Congress in West Bengal asserted that it "was, is, and will be part of the INDIA bloc." The crowd roared in response to this remark made by Trinamool's Rajya Sabha leader Derek O' Brien.

RJD leader Tejashwi Yadav regaled the crowd with a parody of "Tum Toh Dhokhebaaz Ho", a song from actor Govinda's blockbuster Hindi film Saajan Chale Sasural. The actor had recently joined the Shiv Sena (Eknath Shinde), which is part of the BJP-led National Democratic Alliance. The song mocked the Modi government's alleged failed promises. He said that the BJP's campaign tagline "Abki baar, 400 paar" (This time, over 400 seats) indicates that they have already fixed the EVMs.

Former Uttar Pradesh Chief Minister Akhilesh Yadav commented that Uttar Pradesh knows how to warmly welcome people and also how to bid them farewell. Taking a dig at the BJP, he asked why the ruling party which is confident of winning 400 seats is scared of Mr. Kejriwal and other Opposition leaders.

But amidst the uniformity in the message, there were also underlying contradictions. Communist Party of India (Marxist) general secretary Sitaram Yechury in his speech underlining the importance of the venue said, "It was here, 47 years back, that a historic meeting was held where Jai Prakash Narayan raised the slogan 'Freedom or servitude' and in the election that year, 'freedom' won. Today again we are demanding freedom for our secular democratic nation from certain forces," he said.

(To be Contd....on Page -17)

Will the upcoming Indian election be free and fair? Shoaib Daniyal



Detained Aam Aadmi Party activists shout slogans from a police vehicle during a protest near India's Prime Minister Narendra Modi home. | Arun Sankar / AFP

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On January 31, the Enforcement Directorate arrested Jharkhand Chief Minister Hemant Soren of the opposition Jharkhand Mukti Morcha, accusing him of laundering money through the purchase of 8.5 acres of land. On March 21, it arrested Delhi Chief Minister Arvind Kejriwal of the Aam Aadmi Party, alleging that his government had accepted payoffs when it launched a new liquor retail policy for the state. A few days earlier, the agency had arrested Bharat Rashtra Samiti leader K Kavitha in the same case.

Kejriwal's arrest came a year after his deputy chief minister, Manish Sisodia, had arrested by the Central Bureau of Investigation. Also behind bars are senior Bengal ministers of the Trinamool Congress such as Partha Chatterjee and Jyoti Priya Mallick.

India's general elections are less than a month away. It is the world's largest democratic exercise, where nearly a billion people will vote to elect the lower house of parliament. However, once we look beyond sheer scale, the election seems to look less impressive.

Poll pot

Take the spate of arrests. The Modi government has used central agencies to cripple the Opposition. Kejriwal, for example, is one of India's most popular leaders and his party runs the government in two states. At a time when he should be planning strategy and addressing rallies, the Aam Aadmi Party leader is in jail, locked away by his main opponent, the Bharatiya Janata Party.

Outrightly arresting chief ministers, ministers

and other leaders of the Opposition is the most explicit way the BJP has ensured there is no level playing field for the elections. Even as the BJP corners a lion's share of funding, the investigative agencies under its control have frozen Congress party funds. The Hinduva party monopolises media time and, inexplicably enough, even commands outsized judicial influence. For example, attempts by Opposition-ruled states to copy the BJP and arrest its major leaders have been prevented by courts even as they deny bail to Opposition leaders.

For some years now, experts have raised red flags about the health of Indian democracy. However, most of those were to do with its liberal character being tarnished. For example, in 2018, the Sweden-based Varieties of Democracy Institute started to classify India as an "electoral autocracy". However, as the run-up to the 2024 poll shows, elections themselves are increasingly coming under a cloud in India.

Not only is there no level playing field for Opposition parties, serious doubts have been raised about the independence of the Election Commission. Some experts have even flagged concerns related to the actual act of voting.

Reverting to the mean

India has always been an outlier for the quality of its democracy compared to its income levels. The Congress' mass character during the freedom movement was leveraged after Independence to create a fairly impressive multi-party democracy. Like all political players, the Congress was no saint and could often undermine democratic mandates – Nehru dismissed the Communist-run Kerala government in 1959, for example. However, almost all observers maintained that the process of voting itself were largely fair.

In the Modi age, it seems India is now reverting to the mean when it comes to correlating income and democracy.

If Modi has his way and the 2024 election is indeed seen as significantly unfair, what will the politics of this new India look like?

High stakes game

The biggest change might be an end to the tradition of seamless transfers of power. Until now. losing office in India rarely meant politicians would face jail time. However, this has changed. Even senior leaders of parties in opposition to the ruling party in the Centre are being put in jail for long periods. Invariably, this will mean that they will seek to turn the tables if and when they come to power. The result: an election loss now carries dangerously high stakes. It is just not a loss in power and prestige for politicians – it might mean losing liberty.

While Indians are just waking up to this phenomenon, it is common in the neighbourhood. In Bangladesh, the principal Opposition leader, Khaledia Zia, has been in jail since 2018 on corruption charges. Pakistan's general elections were conducted earlier this year with its popular politician, Imran Khan also in jail also on charges of corruption (corruption allegations are a powerful tool across South Asia).

In both countries, the ruling regime simply cannot risk ruling power since demitting office would mean swapping places with the Opposition – in prison. This creates a death spiral. Bangladesh, for example, just had a sham election, with the principal Opposition party not a part of the contest. While Khan's party was banned in Pakistan, its members still contested as independents and, remarkably, emerged the single largest bloc. However, it was still kept out of office by a coalition of parties backed by the Pakistan Army.

Narendra Modi, at present, is significantly popular and quite likely would win in an open vote. However, there will be a day when that is not true. In that scenario, losing power would open him up to the same sort of criminal process that today the Aam Aadmi Party or Trinamool are going through. Elections in India are already under a cloud. But these extremely high states would even further incentivise incumbents to hold on at any price.

'Modi wants to be king forever': Why ordinary voters flocked to the Save Democracy rally in Delhi

A growing disquiet over the state of Indian democracy now spills over beyond India's elite circles.

Supriva Sharma



A supporter holds up a poster showing an image of Kejriwal behind prison bars. | Amarjeet Kumar Singh / AFP

His family told him not to go. But the 33-year-old man, who chose not to reveal any personal details other than the fact that he works in the Information Technology sector, said he felt compelled to attend the Opposition's Save Democracy rally on Sunday. Not only because he wanted to express support for jailed Aam Aadmi Party leader Arvind Kejriwal, but also because he is concerned that Prime Minister Narendra Modi "wants to be a king".

"Modi ji ek raja ki tarah rehna chahte hain," said the IT professional. "He wants to rule India forever."

Like the young man, 58-year-old Mohar Pal cut a solitary figure in the crowd. Two years short of retiring from the forest department of Haryana, he rode a train to Delhi because he is convinced that Modi's Bharatiya Janata Party is carrying out election fraud. "EVM mein ghotala hain" – the electronic voting machines have been rigged, he said.

In the sea of thousands of flag-wielding, capwearing committed party workers that flooded the Ramlila Maidan on Sunday, was just a sprinkling of ordinary voters like Pal and the IT professional. But their presence marked a growing disquiet over the state of Indian democracy now spilling over beyond India's elite circles.

Its most worrying dimension is the erosion of trust in the electoral process itself.

"The machines are faulty – no matter where you press the button, the votes go to the lotus," said Shahana Khatoon, a middle-aged woman from a working-class neighbourhood in South Delhi. Lotus is the symbol of the BJP.

"If votes are stamped on ballot papers, see who wins then," she declared, as other women around her nodded in agreement.

So far, no evidence has surfaced to back allegations that ballot machines can be gamed to swing the outcome in the ruling party's favour.

However, both the Opposition and a former election commissioner have asked for ballots to be verified through paper slips to restore public confidence in voting in India.

Nearly a billion Indians will vote this summer in the largest electoral exercise in the world. But do voters consider the elections to be free and fair? We explore this question through a series of dispatches from the ground.

The immediate trigger for the Sunday meeting was the arrest of Kejriwal. A little over a decade ago, he had stormed into politics as India's most prominent anti-corruption crusader. But after he was arrested ten days ago on charges that his party took bribes while handing out liquor licences in Delhi, he has now joined a growing list of Opposition politicians put behind bars by the Enforcement Directorate, the federal agency that investigates financial crimes.

"I don't think it is fair to put a sitting chief minister in jail right before elections," said 15year-old Nayantara. "I think that's a very undemocratic thing to do."

FREE
KETRIMA

A photoshopped image showing Kejriwal behind bars loomed large everywhere – on billboards lining up the roads leading to Ramlila Maidan, on posters displayed at the venue, even on shirts worn by his supporters.

The Class 10 student was attending her first political meeting ever, in the company of her

parents, her brother and friends. Dressed in cotton hats, the families pushed their way forward till they found a place to sit.

Nayantara's nine-year-old brother held up a poster he had drawn. "Free Kejriwal," it said.

Shahana Khatoon said she believed the charges against him were false. He had been arrested only because he represented a threat to the BJP because his schemes resonated with poor people like her. "Aisa nahi to waise, kono kar ke lapete mein lena tha." This way or that way, they would have somehow ensnared him.

The IT professional said the arrest was only a part of a larger attempt to systematically undercut the Opposition, starting with the shock move that rendered 86% of India's currency illegal in November 2016. "The BJP claimed demonetisation was done to end terrorism and corruption. But the real aim was to wipe off the funds of the Opposition," he said. "Now they are doing it even more blatantly by serving an income tax notice to the Congress."

A level playing field is vital to democracy, the young man said. "It is important to keep

changing governments."

In 2014, when Modi first led the BJP in a national election, the IT professional, then 24, was working abroad and was unable to vote in the election, but had he voted, he said he would have voted for Modi to defeat the Congress. "After a party has ruled for 10 years, it is better to vote it out, so it doesn't become hegemonic," he said.

Mohar Pal, the forest department official, who belongs to the Jat community, had voted for the BJP in 2014. "I thought the new government will do good work, generate employment and

jobs, and double the income of farmers." he said. "But it did nothing."



Supporters of the Aam Aadmi Party wore t-shirts with a photoshopped image showing Kejriwal behind prison bars.

And yet he voted for the BJP again in 2019 because "Modi said give me another chance".

"But this time, I am not voting for him," Pal said, emphatically. His sons are unemployed despite having masters' degrees. "All the young men in the villages are roaming jobless," he said. "Even steady army jobs have been snatched from them."

Yet, neither Pal nor the IT professional believe the BJP is likely to lose the election.

Pal insisted it was because of compromised EVMs. If voting machines are rigged, then how come the BJP loses state elections, I asked. "Dikhawe ke liye" – to maintain a pretence, he said.

The IT professional, however, is sceptical of the theory.

According to him, the reason the BJP wins is because "a fear has been created that if they lose, Muslims will regain the upper hand". He said even though his friends and colleagues admit "what is happening is wrong", their voting choice is ultimately swayed by the Hindu-Muslim question.

For Shahana Khatoon, the last 10 years have been marked by rising insecurity – both social and economic.

Khatoon grew up in Bihar before she got married and came to Delhi four decades ago. Her husband was a mason in the public works department. After he died in 2016, nobody in the family has been able to hold down a steady job.

Worse, the growing communal discord has cast a shadow on their lives.

"I have been living in the



Shahana Khatoon had come to the rally with a group of neighbours.

same neighbourhood for 40 years and no one knew who is Hindu, who is Muslim," she said. "But Modi has changed that."

"Babri Masjid tuta tha tab bhi itna hungama nahi hua tha" – even when the Babri Masjid was demolished, there wasn't so much upheaval as there has been in the past decade,

Courtesy Scroll.in, Mar 31, 2024 •

Since 2014, 25 Opposition leaders facing corruption probe crossed over to BJP, 23 of them got reprieve

3 cases closed, 20 stalled; officials say probe is open, will act if required

Deeptiman Tiwary

The law takes its own course — unless it is nudged by politics.

Since 2014, as many as 25 prominent politicians facing action from Central agencies for alleged corruption have crossed over to the BJP. They cut across party lines: 10 are from the Congress; four each from NCP and Shiv Sena; three from TMC; two from TDP; and one each from SP and YSRCP.

In 23 of these cases, their political move has translated into reprieve, an investigation by The Indian Express has found.

Three of the cases have been closed; 20 others remain stalled or in cold storage — the investigative agency's action, after the switch, has been, in fact, inaction. Six of the politicians on this list moved to the BJP this year alone, weeks before the general elections.

This is in sharp contrast to what happens when the accused is in the Opposition — an investigation by The Indian Express in 2022 revealed how 95 per cent of prominent politicians that the Enforcement Directorate (ED) and Central Bureau of Investigation (CBI) took action against after 2014, when the NDA came to power, were from the Opposition.

The **Opposition calls it the "washing machine,"** the mechanism by which politicians accused of corruption don't face legal

consequences if they quit their party and join the BJP.

Not that this is new — it's the scale that is unprecedented.

In 2009, in the Congress-led UPA years, an investigation by The Indian Express revealed file notings to show the CBI had changed course in the corruption cases against BSP's Mayawati and SP's Mulayam Singh Yadav when the two leaders were being courted by the ruling UPA.

The latest set of findings show that a bulk of the Central action was focused on Maharashtra through the political turbulence of 2022 and 2023 in the state.

In 2022, the Eknath Shinde faction broke away from the Shiv Sena and formed a new government with the BJP. A year later, the Ajit Pawar faction broke away from the NCP and joined the ruling NDA coalition.

Records show that cases faced by two top leaders of the NCP faction, Ajit Pawar and Praful Patel, were subsequently closed. In all, 12 prominent politicians from Maharashtra are on the list of 25, eleven of whom switched to the BJP in 2022 or later, including four each from NCP, Shiv Sena and Congress.

Some of these cases present a stark picture: Courtesy **The Indian Express**, April 4, 2024 •



Peace is not a relationship of nations. It is a condition of mind brought about by a serenity of soul. Peace is not merely the absence of war. It is also a state of mind. Lasting peace can come only to peaceful people.

-: Pt. Jawaharlal Nehru

Scams it Raised Forgotten, 'Tainted' Leaders Rewarded, BJP Confuses Supporters







Sravasti Dasgupta

New Delhi: From Ajit Pawar, Ashok Chavan, Naveen Jindal to Geeta Koda, ahead of the 2024 Lok Sabha elections, the Bharatiya Janata Party (BJP) has continued to reward leaders from opposition parties who it had once accused of corruption but have since joined ranks with the saffron party or become its allies.

Opposition parties have accused the BJP of being a "washing machine" for tainted leaders who switch over to the saffron party to avoid further action from central agencies. The Wire has also reported on a statewise list of such leaders who have switched over in recent months. Since then the CBI has filed a closure report in a corruption case involving Praful Patel of the Nationalist Congress Party (Ajit Pawar faction), and illegal mining scam accused G. Janardhan Reddy has joined the BJP.

On Saturday, finance minister Nirmala Sitharaman in response to a question on the BJP welcoming corruption tainted leaders, said that the "party is open" and "welcoming everybody".

"Party is open, we welcome everybody,"

she said.

When asked if even those with several cases against them are welcome, Sitharaman said: "Party is welcoming everybody."

Here we look at some of the leaders who have been rewarded by the BJP with tickets and star campaigner status in the run up to the Lok Sabha elections.

1. Ajit Pawar on BJP's Maharashtra star campaigners list

Once labelled as "Naturally Corrupt Party" by Prime Minister Narendra Modi in 2014, Maharashtra deputy chief minister Ajit Pawar who led a rebellion against his uncle Sharad Pawar in the Nationalist Congress Party (NCP) last July has found his name in the BJP's star campaigner's list for the Lok Sabha elections released on Wednesday.

Pawar has been facing cases filed by multiple agencies – both at the state and central level. These cases – pertaining to a cooperative bank and the state irrigation project - have dragged on for close to a decade.

Just a week before Pawar's rebellion in the NCP to join hands with Eknath Shinde-led Shiv Sena faction and the BJP, Modi had accused the party of corruption in the irrigation scam while addressing booth workers in Bhopal.

Earlier this month, the Economic Offences Wing (EOW) of the Mumbai Police submitted a closure report against Pawar in the alleged Rs 25,000 crore scam at the Maharashtra State Cooperative Bank.

2. 'Adarsh' Ashok Chavan also star campaigner for Maharashtra

Not just Pawar, former Maharashtra chief minister and veteran Congress leader in the state Ashok Chavan who joined the BJP in February and was later that month elected unopposed to the Rajya Sabha, has also been named as a star campaigner.

Like Pawar, Chavan was also routinely accused of corruption in Modi's attacks on opposition leaders in public rallies. For instance in March 2014, Modi called the Congress "shameless" for giving a ticket to Chavan and referred to him as an "adarsh" candidate.

"All leaders accused of corruption will be dealt with proactively," he had said at a rally in Nanded from where Chavan was contesting.

Chavan and his family members are accused of being primary beneficiaries of a 31-storey building named Adarsh Co-operative Housing Society which was originally built for 1999 Kargil war heroes and fallen soldiers' war widows. The ED too is investigating the matter and Chavan has been named as an accused.

3. Naveen Jindal

Former Congress MP and industrialist Naveen Jindal has been named as the BJP candidate from Haryana's Kurukshetra just hours after he joined the party last week.

At a rally in Kurukshetra in October 2014, Modi said that "scams, loot, corruption and land scams" are common in the then Congressruled state.

Jindal has been under the scanner of both the CBI and the Enforcement Directorate in connection with three cases related to alleged irregularities in the allocation of coal blocks in Jharkhand and Madhya Pradesh.

Modi's 2014 campaign had focused on corruption scams during the UPA government, including the coal block allocation scam. At a rally in Jharkhand's Jamshedpur in November 2014, Modi said that he will not allow Jharkhand's mines to be looted.

The coal block allocation scam also found place in the Centre's white paper on the Indian economy that was tabled in parliament last month.

After Jindal was announced as the BJP's Kurukshetra candidate, INLD's Abhay Singh Chautala said that Modi himself had spoken about Jindal's alleged involvement in the coal scam.

"Narendra Modi ji himself gave a statement about Naveen Jindal who they (BJP) fielded from Kurukshetra, regarding the coal scam, that people looted the mines and he would take strict action against them," he said.

The Jindal group is among the top ten donors of electoral bonds, according to the data published by the Election Commission of India earlier this month, having donated Rs 202 crore in the last five years.

4. Krupa Shankar Singh

Krupa Shankar Singh, former Mumbai Congress president who also served as minister in the Congress's Maharashtra government, quit the grand old party and joined the BJP in 2021. Subsequently, he was made the party's state vice president has been fielded from his native Jaunpur in Uttar Pradesh.

Singh is being probed by central investigative agencies in a disproportionate assets case in which he and his family members are accused of amassing income to the tune of Rs 230 crore.

In 2012, the BJP in Maharashtra had led the charge against Singh, and demanded his resignation.

5. Tapas Roy

Tapas Roy, former veteran Trinamool

Congress leader and five-time MLA who joined the BJP earlier this month, has been fielded from Kolkata North. Roy was raided by the Enforcement Directorate in connection with irregularities in the recruitments to municipalities jobs scam.

Following the raids, Suvendu Adhikari, BJP leader and the Leader of Opposition in the West Bengal assembly, who himself had switched over from the TMC in 2021, called Roy a "thief".

"There will be raids in a thief's home. They are thieves. The youth and the people of Bengal want them to go behind the bars," he said to ANI.

6. Geeta Koda

Geeta Koda, the Congress's lone MP from Jharkhand, joined the BJP last month and has been fielded from Jharkhand's Singhbhum. Koda is the wife of former Jharkhand chief minister Madhu Koda, who was imprisoned in 2017 for corruption and conspiracy in connection with a coal block allocation case.

Geeta's move to the Congress in 2018 was denounced by the BJP, with a state BJP leader calling the move "institutionalising" corruption

"By inducting Geeta Koda into the party, Congress is 'institutionalising' corruption. This proves that Congress leaders, too, were hand in glove with the then Chief Minister who was involved in the scam," Ramesh Pushkar was quoted as saying by The Sunday Guardian.

Following her switch to the BJP, Jharkhand party chief Babulal Marandi has hinted that Madhu Koda too will join the saffron party.

7. Debashish Dhar

Former West Bengal IPS officer Debashish Dhar, who recently resigned from service, has been fielded by the BJP from Birbhum.

He was raided by the state CID in 2022 in connection with a disproportionate assets case. Subsequently a disproportionate assets case was lodged by the CID against him as well as businessman Sudipta Roy Chowdhury, who is also an accused in the Rose Valley chit fund scam case.

Dhar, the former superintendent of police in Coochbehar, was suspended after the 2021 state assembly elections after four people were killed in an alleged incident of firing by central forces in the district.

Courtesy **The Wire**, 31/Mar/2024 •



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Democracy is in danger, stresses...

At the conclusion of the rally, on behalf of the INDIA bloc, Congress general secretary Priyanka Gandhi Vadra read out the five-part demands. The Opposition parties demanded that the Election Commission ensure a level playing field for them and stop "coercive action" against them by Central agencies like I-T, ED, and CBI. They also demanded immediate release of Mr. Soren and Mr. Kejriwal. The parties also directed the government to stop financially strangulating them. They also urged the Supreme Court to set up a Special Investigation Team to probe the allegations of quid pro quo, extortion and money laundering by BJP using the electoral bonds.

Congress president Kharge, former party chiefs Sonia Gandhi and Mr. Rahul Gandhi, NCP (Sharadchandra Pawar) leader Sharad Pawar, Shiv Sena (UBT) chief Uddhav Thackeray, Samajwadi Party president Yadav, CPI(M) general secretary Yechury, CPI general secretary D. Raja, PDP chief Mehbooba Mufti, National Conference chief Farooq Abdullah, and Jharkhand Chief Minister Champai Soren, among others, attended the rally.

Courtesy **The Hindu**, 31 March 2024. •



India is going to have its least free & fair election in 2024. See these 5 indicators

So far what we have seen of the 2024 elections is enough to indicate that the continuous slide of democratic standards is headed toward breaching the minimum threshold of an electoral democracy.

Here is a safe election forecast: 2024 is going to be the least free and fair national election in Independent India. We do not yet know if it will eventually turn out to be a seriously compromised election or a complete farce. Going by recent developments including the arrest of Delhi Chief Minister Arvind Kejriwal, however, it seems fairly certain that this election would slide below the minimum threshold of a credible election. In this respect, we are sure taking a stride toward our immediate neighbours like Pakistan or Bangladesh and distant neighbours like Russia.

It pains me to write these lines. I have been a self-appointed ambassador of India's electoral democracy. I have defended, nay celebrated, India's electoral process in the face of the usual Western suspicions and Eurocentric standards.

Sometimes, I was the official ambassador too. In 2002, when the Election Commission of India celebrated 50 years of India's first Lok Sabha election, I was officially invited by the Commission to give a keynote address to the election commissioners from all over the world. I may have been a wee bit smug in showcasing the strength of the Election Commission of India, the vibrancy of electoral competition and the administrative miracle that is the Indian election. All that comes back to bite my conscience.

To be fair, this would not be the first instance of an Indian election that was less than 'free and fair'. India's largely clean record of electoral integrity has had its dark spots. Besides many isolated instances of electoral fraud in a few constituencies, I think of the assembly elections in West Bengal in 1972, Assam in

1983, and Punjab in 1992 as examples of elections that fall below the minimum acceptable standards of credible elections.

Most of the assembly elections in Jammu and Kashmir (except 1977 and 2002) belong to this



Yogendra Yadav

category, with the 1987 election being the most shameful instance of electoral fraud. But so far, no national election can be added to this blacklist. While the 1977 election was preceded by an authoritarian Emergency, once the elections were declared, everything, including the campaigning, voting and counting in that election, was free and fair. The outcome proved it. In the Lok Sabha election of 2019, the BJP enjoyed a massive structural advantage in terms of money, media, state machine and indeed the Election Commission. But the partisanship was within certain bounds.

A consistent decline

Those limits are being breached this time. As I typed these lines, an Enforcement Directorate raid occurred at walking distance from my house. The target: a local leader, the former assembly candidate of the Aam Aadmi Party.

I then glanced through the newspaper headlines: judicial remand for Bharat Rashtra Samithi (BRS) leader K Kavitha in an ED case; AAP workers protest against the arrest of CM Kejriwal by the ED; Six Congress MLAs from Himachal complete their defection to the Bharatiya Janata Party (BJP); the Congress party faces even bigger income tax penalty that can paralyse it; Yamini Aiyar, the CEO of Centre for Policy Research, is eased out following cancellation of the institution's licence under the Foreign Contribution Regulation Act (FCRA) and fresh tax demands; an outcry against an uncivil remark by Congress social media incharge Supriya Shrinate followed by her apology, but only a faint condemnation and no apology for much worse remarks by BJP West Bengal leader Dilip Ghosh.

The next morning, WhatsApp updated me on the latest developments: at 9 am, Shiv Sena (Uddhav Balasaheb Thackeray) announced its Mumbai candidate; at 10 am, he received an ED notice in a three-year-old case. A day in the life of what The Times of India calls the 'Dance of Democracy'.

Anecdotal evidence and a few headlines are no conclusive evidence. So here is something more systematic. The International Institute of Democracy and Electoral Assistance (IIDEA), an inter-governmental organisation, measures the quality of 'representation' (including the credibility of elections and freedom of political parties etc.) across 173 countries. Between 2014 and 2022, India's score on this dimension of electoral democracy has fallen from 71 per cent to 60 per cent. In the last five years, India has slid from the 50th to the 66th rank.

Before you think it is another Western conspiracy, please check its website: India is one of the member states of IIDEA and is represented on the governing council by none other than Sunil Arora, the former Chief Election Commissioner of India appointed by the present government. Take another more academic and globally well-regarded Perception of Electoral Integrity Index. In its latest report, India scores just an average 59 per cent, which places it in the yellow zone below other functioning but seriously flawed electoral democracies like Brazil, Ghana and Nepal.

At this rate, the next year's report following the 2024 Lok Sabha elections could place India in a sickly "orange zone". That is why scholars who insisted that India may not be a liberal democracy but continues to be an electoral democracy are beginning to revise their opinions.

So far what we have seen of the 2024 elections is enough to indicate that the continuous slide of democratic standards is headed toward breaching the minimum threshold of an electoral democracy. This may not be a complete farce as in the latest election in Russia or a fraud of the kind witnessed recently in Pakistan. Yet, it is clear that the arena of fair play would be severely circumscribed. We are moving toward a scenario where elections would be held regularly, but there may be nothing free except the pressing of a button and nothing fair except counting. If that.

Indicators of electoral credibility crisis

Let me break it down into specifics that could make this election the first instance of a national election in Independent India that fails to pass the basic test of electoral credibility.

First, we have reached the end of the era of the independent Election Commission inaugurated by TN Seshan. The inexplicable resignation of Election Commissioner Arun Goel and the hush-hush rush-rush appointment of two election commissioners to beat the possibility of the Supreme Court implementing its own judgment has made a complete mockery of the Election Commission's autonomy. Not that anyone has ever accused Rajiv Kumar, the current Chief Election Commissioner, of any independence. Nor was there any reason for the ruling party to suspect Goel's loyalty. Yet the last-minute packing of the Commission with two ex-bureaucrats known to be loyal to the present dispensation gives rise to a suspicion that they have been brought to do something that the incumbents were unwilling or unable to carry out.

Frankly, the EC's independence is as much

of a fiction as that of the Speaker of Lok Sabha and Vidhan Sabhas. The EC is now an election management body, merely an administrator of elections, as it used to be before Seshan. Worse, it could become an agency for managing the elections for the ruling dispensation.

The delegitimatising of the EC is related to the second signal, the junking of the rules of the game, the Model Code of Conduct. It is true that the MCC was never fully enforced and had been watered down systematically, yet the announcement of the election schedule and the operation of the MCC used to mark a boundary line that constrained the ruling party and the government. The arrest of CM Kejriwal and unabated raids on Opposition leaders indicates the beginning of a new era. Now the MCC will apply to the Opposition, not to the ruling party, save a minor leader or two. Yes, we do not yet stop Opposition candidates from filing nominations, parties have not been outlawed, voters are not mostly physically prevented from casting votes and there is no brazen and largescale fraud during counting. But the large-scale intimidation of Opposition leaders in this election is already pushing us in that direction.

Third, the squeezing of campaign funding for the opposition. So far ruling parties tried to amass disproportionate money and discourage the donors from going to the opponents. For the first time, the ruling party is not satisfied with a staggering asymmetry in money power; the Electoral Bonds expose is just the white tip of the iceberg. The government feels emboldened to use legal means, that too after the declaration of elections, to prevent the Opposition from accessing its bank accounts. Clearly, this is no longer an electoral contest, it is a one-sided no-holds-barred battle for power.

Fourth, the core of the voting and counting process, the mystery of the Electronic Voting Machine (EVM) and the Voter Verifiable Paper Audit Trail (VVPAT). I need not dwell much on this here as I have already written on this

issue. There is no consensus on this issue. But there cannot be two opinions that there are serious apprehensions about EVM manipulation, that it is the job of the Election Commission to address these and that the EC has done nothing on this front. Far from addressing the concerns, the EC has refused to give an audience to a delegation of the Opposition parties, despite the INDIA bloc passing a formal resolution on this issue. What made Indian elections exceptional in post-colonial societies was that the defeated parties always accepted the election outcomes. With this election, we may come perilously close to losing that minimalist consensus that sustains electoral democracies.

What we are still left with, finally, is the constitutional and legal architecture of elections that continues to be robust and fair. But here too some encroachments have begun. Although our electoral laws continue to be in line with constitutional principles, the operationalisation of the Citizenship Amendment Act just before the Lok Sabha elections indicates the first serious breach in the idea of equal citizenship. This has no electoral significance this time, but unless it is struck down by the Supreme Court, it opens the door for discriminatory voting rights. Similarly, although the Supreme Court has stayed the operation of rules that authorised the Press and Information Bureau the powers to take any "fake news" down, it has opened the doors for possible censorship in future.

But in one respect, an unprecedented breach has already happened: the recent delimitation of parliamentary constituencies in Assam has brought the American practice "gerrymandering" — drawing electoral boundaries so as to favour a candidate or party — to India for the first time. Sadly, the Election Commission has legalised a brazenly partisan drawing of Lok Sabha constituencies in a way that can only help the BJP. This does not portend well for the coming national exercise of delimitation. (To be Contd....on Page -22)

Breaking Down India's Democracy

For 10 years now, Modi has been at the helm of affairs. He has run the most centralised and autocratic government since the emergency. His government has launched a relentless assault on the opposition and civil society. It is a bit rich for such a regime to claim that the opposition parties and civil society are undermining the judiciary.

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The BJP has described the US State Departments' comment on Delhi chief minister Arvind Kejriwal's arrest as a "slur on Indian judiciary". This is a classic distraction being deployed disingenuously by a party which knows the entity under scrutiny – nationally and globally – is the executive and not the judiciary. The US merely suggested it was watching Kejriwal's arrest and the freezing of Congress's bank accounts closely as it comes against the backdrop of the Lok Sabha elections.

The US "encourages fair, transparent, timely legal processes", State Department spokesperson Mathew Miller said.

Coming from India's most trusted strategic partner, the statement hardly casts any aspersion on the judiciary as the BJP claims.

It seems more like a piece of friendly advice to the world's largest democracy from the world's oldest democracy, both of whom are currently in a historic geopolitical embrace which, ironically, is projected as PM Modi's biggest foreign policy achievement.

Given this backdrop, the BJP could have been more objective in assessing the US statement that it would like to see a "fair and timely legal process" in the Kejriwal case.

In fact, the US or for that matter Germany, which also spoke out only to be criticised by the Ministry of External Affairs, are both merely reflecting the anxiety of the opposition parties and the vast majority of those who voted for these parties in the 2019 elections.

Ensuring a timely and fair legal process is, first and foremost, the responsibility of the Modi regime which oversees the law enforcement and prosecution of cases. If the fence starts eating the crops, as is happening now, then the judiciary can't do much. It is not so much the judiciary that is on test here. It is much more the investigative agencies and the selective political bias so openly displayed by them as well as the prosecution system that is primarily under question.

The BJP is trying to fire from the shoulders of the judiciary when the problem lies squarely in the backyard of the ruling party which has made a mockery of the criminal justice system by letting loose Union government agencies against the opposition so close to the Lok Sabha elections.

There is no personal money trail yet established in the Delhi liquor scam except for statements from some accused who have turned approver. Incidentally, a businessman accused of being part of the liquor scam who turned approver after receiving bail is now a candidate for the BJP-TDP alliance in Andhra Pradesh for the upcoming Lok Sabha elections.

Kejriwal's lawyer Abhishek Manu Singhvi has rightly argued that such evidence from an accused who turns approver after getting bail is untenable unless other corroborative evidence is brought to establish a specific money trail deriving from the proceeds of the crime. Singhvi has cited key Supreme Court judgments to press

this point. More pertinently, Singhvi argued that the timing and manner of Kejriwal's arrest have a serious impact on our "democracy and fair elections" and therefore violate the basic structure of the constitution.

The freezing of the bank account of the main opposition party just before the Lok Sabha elections also has the same negative effect on democracy and fair play. The income tax department initially began with a notice to the Congress party for violation of the deposit of Rs 14 lakh cash by some 24 Congress members. In a normal tax case, a tax demand would be made on Rs. 14 lakhs and a maximum penalty of 300% would be imposed. The case would be closed. That is how tax departments work in the normal course. But in this case, when the Congress reportedly offered to pay up the maximum penalty, the tax department refused to settle the matter and brought other issues on board. Is it impossible to continue the tax investigation and yet let the Congress party spend whatever is needed for the ongoing polls? Even a high school kid would know the answer to this question.

All these actions which are deeply worrying for the health of our democracy are emanating from the executive. The judiciary has nothing to do with them. Even when the judiciary tried to right some of the wrongs, for example by striking down the patently illegal electoral bonds system, it is the executive that used proxies like the State Bank of India to subvert the intent of the Supreme Court. Therefore it is quite rich for Harish Salve to lead a petition signed by some 600 lawyers which claims that the judiciary is being browbeaten by some civil society forces. All one has to do is listen to the unedifying exchange between the CJI and Salve in the electoral bonds case to figure out who was browbeating whom and on whose behalf.

The Modi government would do well not to fire from the shoulders of the judiciary in targeting the opposition or civil society as the people are well aware of where the real problem lies. Congress President Mallikarjun Kharge rightly recalled the unprecedented press conference by four senior-most Supreme Court judges who claimed that democracy was in peril. Nothing has changed since then. Democracy is still in peril.

We all know who is undermining the Supreme Court and overturning its considered judgments via fresh ordinances or legislation. It is certainly not the opposition or civil society.

For 10 years now, Modi has been at the helm of affairs. He has run the most centralised and autocratic government since the emergency. His government has launched a relentless assault on the opposition and civil society. It is a bit rich for such a regime to claim that the opposition parties and civil society are undermining the judiciary. Even post-truths must have some limits.

Courtesy The Wire, 30 March 2024.

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India is going to have its...

When the first elections based on universal adult franchise were held in India in 1951-1952, the White world was incredulous if not cynical. We proved them wrong by instituting fair basic rules of the game, mutually agreed norms, neutral and empowered referees, a level playing ground and strict protocols about counting. Indian elections proved to be credible and set the bar for much of post-colonial democracies. It would be a shame if we lose this hard-earned credibility, drowned in the din of sloganeering about the 'mother of democracy'.

Yogendra Yadav is among the founders of Jai Kisan Andolan and Swaraj India, and a political analyst.

Courtesy **The Print**, 29 March 2024.

How the BJP Continues to Communalise Sandeshkhali

Even before the BJP declared the candidate for the upcoming polls, women from the area were wary of the saffron party's campaign exploiting religious sentiments for political gains.

Sandeshkhali: The Bharatiya Janata Party (BJP) has fielded Rekha Patra, who led the protests at Sandeshkhali in West Bengal's North 24-Parganas against now-suspended Trinamool Congress (TMC) leader Sheikh Shahjahan and his associates, from the Basirhat Lok Sabha constituency.

Predictably, Sandeshkhali has emerged as a pivotal political issue in West Bengal for the upcoming general election. What began as protests against allegations of sexual assault by local women against local TMC leaders have now transformed into a symbolic representation of broader anxieties surrounding corruption and safety in the state.

The ongoing issue has not only placed the Mamata Banerjee government on the defensive but laid bare vulnerabilities within the TMC regime.

As religious politics over Sandeshkhali led by BJP takes centre stage, the locals are now confronted with an unexpected twist in their daily lives. The entire landscape, stretching from the jetty onward, now bears the presence of saffron flags, marking a visible shift in the prevailing political narrative.

Prime Minister Narendra Modi, in his political rallies in Bengal, has consistently spoken about the Sandeshkhali issue, comparing the protesting women with 'Ma Durga' to emphasise the communal angle while BJP leader Subhendu Adhikari has publicly announced his decision to rent a house in the area.



Joydeep Sarkar

In Sandeshkhali two's Patra Para area, women took to the streets in protest. Minati Patra, a protester, acknowledged the rampant prevalence of corruption, land grabbing, and sexual assaults, but she underlined that it was more in the nature of political oppression. "But who did it? The leaders of TMC, Sibu Hazra, Uttam Sardars — they are all Hindus. Shahjahan, their leader, used to come and occupy the land. Out of fear, we complied."

With the poll dates approaching, the orchestrated politics of religious polarisation is a concern echoed across the region. As per the 2011 Census report, Hindus and Muslims coexist in the Sandeshkhali assembly constituency. Further, tribal communities hold significant influence, comprising nearly 35% of the voters. Religion-wise, Hinduism is the dominant faith, practiced by 70% of the population, while the rest follow Islam. The main accused, Shahjahan, is an OBC Muslim, while Uttar Sardar belongs to the Scheduled Tribe community and Sibu Hazra is from the Scheduled Caste.

Mohammed Massiah of Korakathi in Sandeshkhali Block 2 dismissed the notion of religious discrimination, stating, "The perpetrators did not look into the religion. They took away my land and made me unemployed. They are tyrants. You think they would

discriminate based on religion? They are terrible people."

Even before the BJP declared Patra as the local candidate for the upcoming polls, women from the area were wary of the saffron party's campaign exploiting religious sentiments for political gain.

Swapna Sardar from Kotha Para said, "We have been protesting against Sibu and Uttam's atrocities. Shahjahan used to torture us and take away our land."

Rama Sardar, who has sent her daughter to Bashirhat for higher education, shared her concerns. She revealed, "I cannot afford to take a risk. What if the devil takes a fancy at her? In our community, many families here tend to marry off their daughters at a young age. It's a way of life unique to our island! Shibu, despite being a Hindu, displayed no mercy towards the vulnerable people of his own religion. He uprooted all the crops with a JCB machine, transforming them into a saltwater fishery."

Communist Party of India (Marxist) [CPI(M)] leader Nirapada Sardar, who was initially arrested by the state police for leading the protest against atrocities, condemned the TMC for committing grave crimes in Sandeshkhali but dismissed the religious angle as a divisive tactic.

Sardar said: "We are fully supportive of the women's movement. We stand by them, but it's crucial to note that there is no religious issue at play here. These are political lumpens. They did't even spare their own supporters' families. The political foundation in this region was laid by the Tebhaga movement, and attempts to succeed by introducing outsiders to spread religious discord will not prevail. Our approach is to go to the people, recognising that fear still pervades in the community."

The courage to file complaints

The collusion between the administration and the political power center had given rise to a controlling society, where the local party dictated

every aspect of life in Sandeshkhali. From granting permission to celebrate religious festivals to regulating ferry movement across islands, Shahjahan practically governed the affairs of the island. This influence extended to the extent that even the sitting MLA Sukumar Mahato operated in subservience to Shahajahan.

"They used to say, make us happy first. Serve us and the policemen. We are the lords of the land here. No one could enjoy any religious festival in this environment," said Chhaya Sardar from the Badh Para.

At North 24-Parganas's Sarberia, around 60 kilometres from Sandeshkhali, where the Enforcement Directorate (ED) faced resistance from locals, The Wire met a few women who claimed to have taken part in the agitation. "You saw us marching on January 5 and 6. We were told to say in front of the media that Shahjahan is our saviour, our God. We didn't want to say it ourselves. Dada's people forced us, threatened us to call at night if we don't protest," shared a woman who did not want to disclose her name.

"We are still in fear because the police are still with them. Dada (Shahjahan), Shibu, and Uttam's men are still out there," she added.

In nearby Rampur village, The Wire met individuals who have now found the courage to lodge complaints against forceful land grabbing by local Trinamool leaders over the years. Mahakhali Molla of Manipur faced eviction from his land by local Trinamool leader Rabin Das.

"About eight years back, Shahjahan's army [associates] occupied 1.63 acres of my land. Local TMC leader Siddiqui Mollah has grabbed land from many of us. We are now determined to reclaim that land!" declared Hanif Laskar, whose agricultural land was converted into a fishery.

Translated from the Bengali original by Aparna Bhattacharya.

Courtesy The Wire, 26/Mar/2024 •

May 2024

'Is Election Commission Afraid to Act on My MCC Complaint Against Modi', Former Bureaucrat Asks

The Wire Staff



New Delhi: Expressing disappointment that the Election Commission of India (ECI) did not respond to his letter saying that Prime Minister Narendra Modi may have violated election campaign rules in a recent speech, former IAS officer E.A.S. Sarma asked the commission if Modi was "not answerable to the commission or the public at large".

Sarma made a complaint to the ECI on Friday (March 22) to bring its attention to a speech Modi made in Tamil Nadu earlier that week.

He cited Modi as reportedly saying during this event that Hindus believe in *nari shakti* and *matru shakti*, that the INDIA opposition bloc made statements about destroying shakti and that these were insults to Hinduism.

"In its rally in Mumbai's Shivaji Park, the 'INDI Alliance' openly announced that it wants to destroy the shakti that the Hindu religion has faith in. Everyone in Tamil Nadu knows what shakti means in the Hindu religion," he is heard saying in a video of the speech.

Modi also said that several temples devoted to goddesses in Tamil Nadu were the 'shakti of

this place' and said that in Hinduism, the term refers to matru shakti and nari shakti.

"The people of the 'INDI Alliance' repeatedly and deliberately insult the Hindu religion," the prime minister also said.

Sarma said that these statements violated the model code of conduct and urged the ECI to take action against Modi if the report he cited was found true.

"Invoking the religious sentiments by a political leader during elections brazenly violates the model code of conduct ... If what has been reported is factually correct, the commission should act on this urgently and initiate deterrent, exemplary proceedings against the person making such a statement," Sarma had said in his March 22 letter.

Not having received a response yet, Sarma asked the commission on Monday (March 25) if it had chosen to act on his complaint and if it was "afraid to act independently" for any reason.

"Considering that each one of you is presently occupying the office of the commission as a result of selection predominantly made by the ruling political executive, does the commission as a collective body feel obligated not to cause any embarrassment to the head of the political executive?", he also asked the threemember poll body in a reference to the new law on how election commissioners are appointed.

He added the commission must address his questions publicly and hoped it would "dispel any ... perception" that it was unwilling to be apolitical and independent.

His letter from Monday is reproduced in full at the end of this article.

The ECI enforces the model code of

conduct, which applies from when elections are announced and until results are declared. It seeks to regulate actions by governments, political parties and politicians to help keep elections free and fair.

The model code is voluntary, but the ECI issues notices to those who violate it and sometimes enforces punitive action as per its special powers. Some actions the model code prohibits also happen to be banned by criminal law or other legislation.

One of its provisions says that "there shall be no appeal to caste or communal feelings for securing votes".

E A S Sarma

Former Secretary to the Government of India

To

Shri Rajiv Kumar Chief Election Commissioner Shri Gyanesh Kumar Election Commissioner Dr Sukhbir Singh Sandhu Election Commissioner

Dear Dr Sukhbir Singh Sandhu, S/Shri Gyanesh Kumar/ Rajiv Kumar,

I requested the Election Commission of India (ECI), vide my letter of March 22nd, 2024 (https://countercurrents.org/2024/03/shri-modis-statement-invoking-religious-sentiments-intamil-nadu-violates-the-mcc/) to examine and act firmly on the statement reported to have been made by Shri Modi, the Prime Minister in Coimbatore in Tamil Nadu recently, appealing to the religious sentiments of the voters in prima facie violation of the Model Code of Conduct (MCC).

I have tried to ascertain whether the Commission has acted at all on my complaint and whether any order has been passed on it but, to my anguish and disappointment, I have not come across any evidence of it. It looks as though the Commission has chosen not to act on my complaint for reasons best known to it.

May I remind the Commission that as a citizen I am entitled to know the outcome of my complaint under Article 19 of the Constitution? Is not the Commission aware of its obligation to disclose the action taken on the complaint under Section 4 of the RTI Act?

As a concerned citizen and a voter having a stake in the ensuing elections, I have the following questions for each one of the three Election Commissioners to consider and provide satisfactory answers for the public to see at the Commission's website and judge for themselves the impartiality and effectiveness of the Commission as an authority set up under Article 324 of the Constitution mandated to conduct elections in a free and fair manner:

- 1. Does the Commission consider a political leader appealing to the religious sentiments of the voters to vote for his/her party not a violation of the MCC?
- 2. Does the Commission think that a complaint made by an ordinary citizen-voter like me need not be acted upon, and that the concerns of ordinary voters could be readily ignored?
- 3. Does the Commission consider that Shri Narendra Modi, the Prime Minister is beyond the ambit of the MCC and, therefore, he is not answerable to the Commission or the public at large?
- 4. Is there one set of rules in the electoral process for Shri Modi and another set of rules for all others?
- 5. Has the Commission chosen to act on my complaint cited or decided to ignore it altogether?
- 6. Whether the Commission has ascertained the facts relating to the complaint from independent sources and passed a speaking order on my complaint? If so, can the Commission make a public disclosure of it?
- 7. Have there been any differences in thinking among the three individual Commissioners on the complaint in question and the reasons for the Commission not making a public disclosure of the dissenting views?
- 8. Considering that each one of you is presently occupying the office of the Commission as a result of selection predominantly made by the ruling political executive, does the Commission as a collective body feel obligated not to cause any embarrassment to the head of the political executive?
- 9. Is the Commission, for some reason, afraid to act independently on my complaint to enforce the MCC?
- 10. Considering that the expenses incurred by the office of the Commission are met from the public exchequer, should not the Commission feel accountable to the public at large?

As pointed out by me time and again, the public at large repose trust in the Commission as an independent Constitutional authority and expect it to function in an entirely apolitical manner, to be able to conduct elections in a free and fair manner. If the Commission displays any bias in favour of those influential in the ruling political executive, or any fear to act against them, the trust that the public repose in it is sure to get eroded, raising concerns about the Commission's efficacy to function as a Constitutional authority.

I request the Commission members to meet specially to discuss the above questions and provide satisfactory answers to the public at large, failing which, I am afraid, that one would be constrained to infer that the Commission has no intention whatsoever to elevate itself to fulfill the mandate under Article 324 and act as an apolitical, independent body.

I sincerely hope that the Commission would do everything to dispel any such perception. Regards,

Yours sincerely,

E A S Sarma Visakhapatnam 25th March 2024 Courtesy **The Wire**, 25/Mar/2024 ••

Project Electoral Bond

Bharti group's Rs 150 crore bond donation to BJP coincided with Modi government's telecom U-turn

Eutelsat OneWeb, which is in prime position to get satellite spectrum without an auction, is owned by Bharti Enterprises, UK government, SoftBank, among others. Ragamalika Karthikeyan, Anand Mangnale, Neel Madhav & Project Electoral Bond

In 2012, when the Supreme Court cancelled 122 telecom licences allotted by the Congress-led government, ordering that telecom spectrum be auctioned instead, media reports hailed the verdict as "a decisive blow against corruption". The court order in what was popularly called the 2G spectrum scam contributed dramatically to the anti-corruption movement that propelled Narendra Modi to power.

More than a decade later, the Modi government laid the ground for a new revolutionary step in India's telecom growth: using satellites to provide broadband services.

But despite the Supreme Court's 2012 order calling for the compulsory auction of spectrum, the Modi government decided to adopt the same route taken by the Congress: discretionary allotment of spectrum.

In December 2023, it hurried a new telecom law through Parliament that allowed satellite spectrum to be assigned through an administrative order, doing away with the need for competitive auctions. It also filed a reference to the Supreme Court seeking judicial approval for the move away from auctions.

In the run-up to the new law, only one company cleared the first two hurdles in getting satellite spectrum. OneWeb India received both the licence and the space authorisation required to apply for the spectrum.

OneWeb India is the Indian subsidiary of international satellite company Eutelsat OneWeb, headquartered in London. The largest shareholder of Eutelsat OneWeb is telecom service provider Airtel's parent company Bharti

Enterprises, a multinational conglomerate headquartered in Delhi, with interests in a diverse range of industries such as telecom, digital infrastructure, space communications, financial services and real estate.

On August 24, 2021, OneWeb became the first company to receive a Global Mobile Personal Communications by Satellite or GMPCS licence from the Department of Telecommunications.

On November 21, 2023, it was granted authorisation by the Indian National Space Promotion and Authorization Centre, IN-SPACe, for the use of satellite capacity – the only company to receive this authorisation so far.

These two steps are among the prerequisites for applying for spectrum for satellite-based broadband services.

In a press release, the firm said: "Eutelsat OneWeb is ready to deploy as soon as it receives the final spectrum authorization to launch commercial services."

While the satellite spectrum is yet to be allocated by the government, recently released data on electoral bonds raises troubling questions. It shows that the Bharti group donated Rs 150 crore to the Bharatiya Janata Party through two sets of bonds purchased before and after the government introduced the new law that does away with the need for auction of satellite spectrum – and merely a month after the government granted OneWeb the space authorisation required to get the spectrum.

Besides Bharti Enterprises, Eutelsat

OneWeb shareholders include the UK government, French Satellite provider Eutelsat, and Japanese investment bank SoftBank. Given the stringent anti-graft norms in these countries, transparency experts say the disclosures related to electoral bonds could have a wider impact abroad.

"It is fair to say that if Eutelsat OneWeb was aware of the purchase of electoral bonds by Bharti and their donation to the BJP, that would raise serious questions about their potential criminal liability under the UK Bribery Act," said Kush Amin, a Legal Specialist at Transparency International.

The 2023 telecom bill

From homegrown telecom giants like Reliance Jio to foreign players like Elon Musk's Starlink, several companies are vying for the satellite spectrum in India.

The Modi government began a public consultation in April 2023 for how this spectrum should be allocated. Two companies – Reliance Jio and Vodafone India – advocated for an auction to be held, while others including Bharti, Amazon, and Starklink, argued against it.

In its submission, Bharti said that "auctioning the satellite spectrum is neither reasonable nor just or fair" as satellite spectrum is a shared resource. Bharti argued that auctioning would make spectrum an exclusive resource and allow competitive forces to block or hoard spectrum capacity.

Reliance Jio's submission stated that "it is crucial to ensure that spectrum assignment rules for networks offering competing services are uniform and fair, without granting any stakeholder preferential treatment". It argued that the auctioning of spectrum was "the sole viable strategy to guarantee a balanced competitive landscape amongst competing providers".

According to media reports, Reliance also submitted a legal opinion by a former Supreme Court judge, Justice KS Radhakrishnan, one of the judges who had heard the 2G spectrum case. Radhakrishnan said that auctioning was "the only permissible mode of allocating spectrum for satellite-based communications". He pointed out that there was no discernible difference between satellite and terrestrial spectrum, and therefore, the same process should apply to both.

Neither the retired judge's opinion, nor the Supreme Court order for mandatory auction of spectrum, had any impact on the Modi government.

On December 18, 2023, a new Telecommunications Bill was introduced in the Lok Sabha. The Bill not only has draconian powers for internet suspension and surveillance, but also transforms India's approach to spectrum management, paving the way for the administrative allocation of spectrum for "certain satellite-based services" as opposed to companies being made to compete for it through an auction.

The Bill states: "The Central Government shall assign spectrum for telecommunication through auction except for entries listed in the First Schedule for which assignment shall be done by administrative process." The First Schedule includes Global Mobile Personal Communication by Satellites, or GMPCS – the licence already acquired by OneWeb.

Defending the Bill in Parliament, telecom minister Ashwani Vaishnaw said: "Across the world, satellite spectrum has been allocated administratively. Nowhere has it been auctioned."

With 143 Opposition MPs suspended from both houses, the Bill was passed by voice vote on December 20 in Lok Sabha. A day later, Rajya Sabha passed the Bill. On Christmas eve, the President signed the Bill into law.

Even as the government pushed through the new Bill, it moved the Supreme Court asking it to "issue appropriate clarifications that the government may consider the assignment of spectrum through an administrative process".

Bonds worth Rs 150 crore

In the run-up to the law, away from the public arena, another set of events unfolded.

On November 9, Bharti Airtel Limited bought electoral bonds worth Rs 100 crore, and donated the entire amount to the BJP. Four days later, on November 13, the BJP encashed all the bonds.

Eight days later, on November 21, as mentioned earlier, OneWeb became the first company to get satellite authorisation from India's space regulator. With this, it became the only company qualified to get satellite spectrum from the government.

As the new year began, the Bharti Airtel Limited bought another Rs 50 crore worth of electoral bonds, which the BJP encashed on January 12.

For Eutelsat OneWeb, getting both the licence and space authorisation from the government gives it a first-mover advantage in the satellite broadband industry. Although Reliance Jio also received the GMPCS licence from the Department of Telecommunications in 2022, it is still awaiting space authorisation, according to media reports.

The beneficiary

OneWeb – which is now Eutelsat OneWeb – is a satellite company founded by an American entrepreneur in 2012. After it declared bankruptcy in 2020, it was taken over by Bharti Enterprises and the UK government for US\$ 1 billion.

In November 2020, Bharti Global owned a 42% stake in the company, the UK government another 42%. By June 2021, the shareholding pattern changed with French satellite service provider Eutelsat and Japanese multinational company SoftBank coming on board.

In September 2023, Euteslat and OneWeb merged. "OneWeb will be a subsidiary operating commercially as Eutelsat OneWeb with its centre of operations remaining in London," a press release by Eutelsat said.

As of March 18, 2024, Bharti is the largest shareholder of Eutelsat OneWeb with 23.8%, according to the Eutelsat OneWeb website. The UK government owns 10.9% of the company, Bpifrance 13.6%, and SoftBank 10.8%.

The ownership pattern creates "the potential liability of the parent company, Eutelsat, if it can be shown that they were aware of the donations by Bharti to the BJP", said Kush Amin, Legal Specialist at Transparency International, referring to the French entity.

Bonds, trusts and Bharti Airtel

Bharti Enterprises has used two means to formally fund Indian political parties: electoral bonds and electoral trusts. An electoral trust is a non-profit entity through which corporations and individuals can route their donations to political parties while enjoying tax exemptions and remaining semi-anonymous.

The biggest electoral trust in the country, called the Prudent Electoral Trust, was started in 2013 by the Bharti group, which continues to be one of its biggest donors.

Prudent has consistently given most of its donations to the BJP. In 2019, when the BJP returned to power with a larger majority, Prudent donated almost Rs 218 crore to the party. That year, Bharti had donated Rs 27.25 crore to Prudent.

In the same year, Bharti gave Rs 51.4 crore to the BJP through electoral bonds, along with Rs 8 crore to the Congress, Rs 1 crore each to Janata Dal (United) and Shiromani Akali Dal, Rs 50 lakh to the National Conference, and Rs 10 lakh to the Rashtriya Janata Dal.

In the next year, Bharti donated Rs 10 crore to Prudent, but did not buy any electoral bonds.

The group gave Rs 35 crore to the BJP through bonds in both 2021 and 2022.

The number suddenly went up to Rs 100 crore in 2023 – all of which was purchased days before Eutelsat OneWeb got its broadband deal.

In fact, Bharti Enterprises, the biggest shareholder in Eutelsat OneWeb, is also one of

the biggest buyers of electoral bonds.

Between 2019 and 2024, group companies Bharti Airtel Limited, Bharti Infratel Limited, and Bharti Telemedia Limited purchased bonds worth Rs 247 crore, donating Rs 236.4 crore – or over 95% – to the ruling BJP, an analysis of electoral bonds data released by the Election Commission shows.

Project Electoral Bond has contacted Bharti Enterprises, Eutelsat OneWeb, SoftBank, as well as the Union Telecom Minister Ashwini Vaishnaw and the UK government for their response. This report will be updated if and when they respond.

This report is part of a collaborative project involving three news organisations – Newslaundry, Scroll, The News Minute – and independent journalists.

Project Electoral Bond includes Aban Usmani, Anand Mangnale, Anisha Sheth, Anjana Meenakshi, Ayush Tiwari, Azeefa Fathima. Basant Kumar. Karunakaran, Dhanya Rajendran, Divya Aslesha, Jayashree Arunachalam, Jisha Surya, Joyal George, M Rajshekhar, Maria Teresa Raju, Nandini Chandrashekar, Neel Madhav, Nikita Saxena, Parth MN, Pooja Prasanna, Prajwal Bhat, Prateek Goyal, Pratyush Deep, Ragamalika Karthikeyan, Raman Kirpal, Ravi Nair, Rokibuz Zaman, Sachi Hegde, Safwat Zargar, Shabbir Ahmed, Shivnarayan Rajpurohit, Siddharth Mishra, Sumedha Mittal, Supriya Sharma, Tabassum Barnagarwala and Vaishnavi Rathore.

Courtesy **Scroll.in**, 27 March 2024. •



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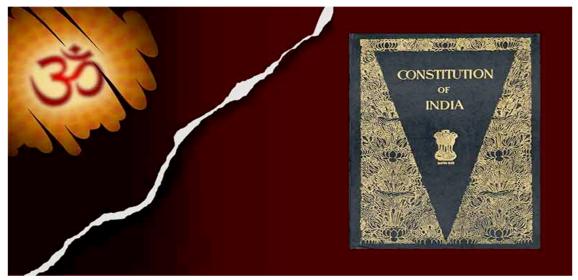
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When Religious Sentiments hurt Scientific Thinking

Sumanta Banerjee



We keep on hearing about religious sentiments being hurt. The clergy of all religious communities complain of being hurt by utterances or acts that may have been made in public by some political leader, or even by a stand- up comedian, which are interpreted by them as offensive to their respective religious beliefs. The majoritarian Hindu religious community now patronized by the ruling BJP, is most vociferous and active in picking up any utterance as an excuse for damning it as 'hurting Hindu sentiments.' The latest instance is their outburst against the disparaging comments made by a Tamilnadu legislator about Sanatan Dharma. Before coming later to a discussion on the merits or demerits of Sanatan Dharma. let us examine the roots of the controversy.

What are 'religious sentiments'? Apparently, they are the beliefs enshrined in the respective scriptures of these various religious denominations, along with the practices that they follow. But don't some of these beliefs and practices violate the principles of human rights

guaranteed by modern laws which are shaped by scientific reasoning? For instance, the practice of child marriage is sanctioned in Hindu religious texts. Although banned under the law, it is carried out with impunity accompanied by the usual religious rituals by Hindu patriarchal families - thus sentencing the child bride to a life imprisonment in a family, without allowing her to grow up and choose her own partner. Or, take the practice of dowry followed by Hindu families during pre-marital negotiations, which prevails despite being illegal. Disputes over the amount given to the bridegroom's family, frequently end up with revenge-killing of the bride by the in-laws. But in neither of these cases of violation of laws, the administration is seen to be pro-active in preventing child marriage and dowry, and punishing the culprits who violate the laws. The hidden excuse behind its reluctance is that such intervention may 'hurt religious sentiments,' since these practices are claimed by the priests as rooted to the Hindu religious belief. Such official protection of obscurantist religious practices indicates the total lack of any scientific thinking among the administrators.

The latest instance of Hindu superstitious beliefs and practices being sanctioned even by medical practitioners (who are required to adhere to the Hippocratic oath of scientific treatment) is the trend among expectant parents to have their children delivered by Caesarean operation, so that the hour of their birth aligns with the time of the consecration of the Ram Mandir in Ayodhya on January 22. (THE TIMES OF INDIA, January 19, 2024). Many doctors are carrying out the operation that leads to the premature birth of a child, despite the risks that it involves—just to satisfy the 'religious sentiments' of these parents.

Yet another instance of 'religious sentiments' which are in conflict with human rights is the controversy over the criminalization of triple talaq in the Muslim Women (Protection of Rights in Marriage) Act of 2019. It provoked a lot of outbursts from certain sections of the Muslim community (instigated no doubt by the orthodox clerics) who asserted that Muslim marriages were governed by Islamic laws laid down by the Quran and the Hadith - and hence sacrosanct and beyond the jurisdiction of any law enacted by the state. According to their interpretation, while triple talaq is sanctioned by these sacred religious texts, a victim of triple talag can restore her marital status only by undergoing a ritual called nikah halala. It is a practice where the woman will have to go through a temporary marriage with another person, spend a fixed period of time with him, and then allowed to re-marry her former husband. While claiming to offer relief to the woman, the clergy are actually reducing her to a pawn in the hands of a patriarchal society. Can this obnoxious practice be defended by any scientific reasoning?

Similarly, if we examine the beliefs and practices followed by many Christians, we find

that some of them violate those human rights which are based on scientific reasoning. For instance, certain passages in the Holy Bible express a misogynist bias against women, like the following: "I permit no woman to teach or have authority over a man" (1 Timothy 2: 11-12). Like the clergymen of Hindu and Muslim communities who impose their patriarchal norms by quoting misogynist diktats from their respective scriptures, Christian priests also take advantage of similar diktats from their holy book, to establish their authority that subjugates women. There have been cases of priests raping nuns and female disciples. Prevalence of such authority quite often allows their male followers to indulge in domestic violence against their wives and daughters. Such incidents have been documented by feminist groups in the West.

We can cite numerous cases of similar disjuncture between religious sentiments and scientific reasoning. In fact, rationalists who challenge religious superstitious practices, pay the price for scientific questioning. Remember how Narendra Dahbolkar, Govind Pansare, M.M. Kalburgi and Gauri Lankesh were killed by Hindu religious terrorists, who enjoyed patronage by a supremacist religious order?

The ridiculous extent of pushing 'religious sentiments'.

Defenders of 'religious sentiments,' sometimes descend to a level where they become butts of ridicule. Take for instance, their outburst against a comment made by the NCP MLA Jitendra Awhad of Maharashtra who said that Lord Ram was a non-vegetarian. All hell broke loose with the BJP, VHP, Bajrang Dal and other Hindu outfits targeting him. Conceding to their demands, the Mumbai police booked him under Section 295(A) of the IPC for 'remarks deemed offensive to religious sentiments'. At the end, he expressed apology, while at the same time stuck to his claim based on the original text of Ramayana, and advised the critics to read it before attacking him. The text that he was

referring to was a chapter of the *Uttra Kand* of Valmiki's *Ramayana*, which describes how Rama, after returning to Ayodhya as a king, enjoyed delicious meals of 'mangsyam' (meat), as well as drinking liquor copiously, along with Sita. Curiously enough, Jitendra Awhad's own party leaders and comrades of the NCP distanced themselves from his comments and refrained from defending him. Is this yet another sign of prioritizing 'religious sentiments' over scientific questioning of mythological narratives – even by political parties who claim to be secular?

Or, take again the Kerala Catholic Bishop Council's reaction to a humorous comment made by Saji Cherian, Kerala Minister for Culture. In a sarcastic vein he hit out at the church leaders who attended Narendra Modi's Christmas party in New Delhi, describing them as a lot having a good time savouring 'cake and wine' there, while their fellow Christians were facing ethnic violence under his party's government in Manipur. Since cake and wine have religious association in Christian rituals and ceremonies, the Bishop Council claimed that making use of them in a funny style, was an insult to the community's 'religious sentiments.' Its president Cardinal Mar Baselios Cleemis threatened to shun the state government until the minister relented. Saji Cherian, pressurized by his government, recanted by withdrawing the two words.

The two cases – one from a Right wing controlled state and another from a Left ruled state – illustrate the tendency by the ruling parties to prioritize 'religious sentiments' over scientific thinking. The usual justification trotted out by even secular political parties is that people are religiously inclined, and therefore the political activists have to refrain from raising questions that challenge their 'religious sentiments,' even if such sentiments are opposed to the 'scientific temperament' that is promoted by the Indian Constitution.

The dangerous extent of pushing 'religious sentiments'

But while we can laugh off the above cases as ludicrous outbursts of the protectors of 'religious sentiments,' there are other recent demonstrations of their assertion of these sentiments which threaten the right of scientific inquiry that is guaranteed under our Constitution. Take for instance, the offensive launched by the Hindutva outfits against Samajwadi Party leader Swami Prasad Maurya , who in January 2023 quoted some verses from *Ramcharitmanas* composed by Tulsidas in the 16th century, which justified a *varnavadi* (casteist) mentality, denigrated lower caste (Shudra) people, and used derogatory language for women.

What is dangerous is that even the administrative machinery is following the model set by the Hindu outfits. It is launching a legal offensive against those who are challenging such discriminatory practices and the use of derogatory language in *Ramcharitmanas*. In January, 2023, Devendra Pratap who is a medical practitioner and Suresh Singh, a retired army man, came together at a chauk in Lucknow, and burnt a copy of *Ramcharitmanas*. They were immediately hauled up by the police under the National Security Act. The Allahabad High Court refused to grant them bail.

Let us contrast this with a similar act of burning of a religious holy book by a dissenter. Dr. Babasaheb Ambedkar, on December 25, 1927 in a public gathering at Mahad in coastal Maharashtra, set fire to a copy of *Manusmriti* (held in reverence by the upper caste Hindus) – in a demonstration of protest against the "institutionalized caste system" that was enshrined in that text. Dr Ambedkar never faced any prosecution from the then administration – which happened to be run by a colonial power. Even after Independence, during the first decades, dissenters who challenged Hindu scriptures enjoyed immunity to a large extent.

E.V. Ramasami, who came to be known as Periyar, on August 1, 1956 called upon his followers to burn pictures of Ram on the Madras marina. He rejected Ram as a hypocritical representative of upper-caste Hinduism, and the act of burning was meant to reassert the separate Dravidian identity of the people of south India. Periyar was arrested by the police when he stepped out from his house to head towards the marina. Undaunted by the arrest of their leader, his followers gathered at marina beach and burnt pictures of Ram. Two and a half hours later Periyar was released, and he asked his followers to stop the burning ceremony as he felt that he had succeeded in making his point, and the event had more than fulfilled its purpose (Re: Indian Express. August 2, 1956)

Today, under Modi's India, dissenters are being put behind bars under newly enacted laws which are more draconian than the colonial-era laws. The space of dissent for those who challenge superstitious beliefs and practices from a scientific point of thinking is growing narrower day by day.

Historical background of the invention of 'religious sentiments'

If we look back at the past, we find that the concept of 'religious sentiments' (religious faith entangled with emotional feelings of the devotees) was created by the clergy of all religious denominations to seduce the people to convert to their respective faiths by appealing to their emotional and material desires promising them a happy family life and a prosperous career in their professions. Thus, religion was brought down from the spiritual level (as advocated by the original founders of the various religious orders) to that of emotional and material level by a clergy in collaboration with the ruling state. Religion became of tool of in their hands to blackmail the common people. They appealed to their emotions and threatened them that if they did not obey the 'sentiments' (in other words 'orders') of the elite. they would be ex-communicated. Thus the term 'religious sentiments' is an euphemism for the term 'religious order.' It is used as an armour in the guise of a sentimental face, put up by the ruling powers to protect their privileges and rights to exploit the lower orders to serve their interests. By codifying certain rules and regulations of behaviour in religious texts (whether Hindu, Muslim or Christian) and imposing them on the populace, the clergy (in alliance with the ruling powers) have institutionalized class and gender discrimination that serve their interests.

Popular tradition of humour at the expense of religious icons

Yet, contrary to the current claim by the Sangh Parivar that any sign of disrespect towards Hindu divinities hurts the 'religious sentiments' of the Hindus, there had been a long popular tradition of jokes coined by the very Hindu populace in different parts of India which target the icons of these adherents of so-called 'religious sentiments.' From their gut level experience of being exploited by the upper castes, the lower orders could make out that these 'sentiments' were imposed upon them as religious diktats by these privileged upper class gentry. They therefore spun jokes about their icons. In Bengal for instance, they chose Ram as their butt of ridicule. Here are a few examples, which became wide-spread enough to be recognized as proverbs in Bengali literature. One lampoons Ram for his fondness for monkeys after losing Sita - "Sita-hara hoye Ram-er Bandorey Ador." Another again ridicules Ram for his dependence on monkeys - "Kala khelo jato Bandor, Rajya peolo Ramchandar" (The monkeys ate bananas and in exchange gave the kingdom to Ram). Another proverb, of a more recent origin perhaps, attacks those devotees of Ram who kill people - "Ram nam mukhey, chhuri rekhey bukey" (They chant the name of Ram, while waving the dagger from their chests). Incidentally, all the above popular jokes were collected by an eminent Bengali historian Sushil Kumar Dey and brought together in his book *Bangla Prabad* (Bengali proverbs) way back in 1945.

When we turn to south India, we come across this funny story about Sita's birth as narrated in a Kannada folklore. Turning upsidedown the upper caste dominated narrative (as described in Valmiki's *Ramayana*), this story tells us how she was fathered by Ravana (known as Ravula in Kannada) who became pregnant by eating a fruit that was meant for his wife Mandodari. At the end of his ninemonth period of pregnancy, Ravana sneezed and out came Sita from his nose! In Kannada, the word sita means – "he sneezed." So she was named *Sitamma*. (Re: A.K. Ramanujan – *Three Hundred Ramayanas* in *Many Ramayanas*. Ed. Paula Richman. OUP. 2013).

Coming to modern times, let us recall the film *Hare Krishna Hare Ram* made in the early 1970s, where a pair of lovers smoke ganja and pay tribute to Ram by singing '*Dum maro, dum/Chhut gaiye gham/Hare Krishna Hare Ram.*' If re-released today, the film is surely to be banned.

A parallel tradition of Indian social reformers who challenged 'religious sentiments'

Parallel to this comic tradition of debunking religious icons in popular folklore, all through the 19th century and the early years of the 20th, in different parts of India there emerged a generation of social reformers who were inspired by rationality (or what we describe today as 'scientific temper') and fought against obscurantist 'religious sentiments' and superstitious practices that prevailed among the people under the diktats of the orthodox religious clergy. In 19th century Bengal, Rammohan Roy fought against the practice of *sati* (spelt as *suttee* by the English administrators) whereby Hindu widows were burnt alive on the funeral pyres of their

husbands). He compelled the government to ban it. He campaigned against the practice of polygamy among the Hindu Brahmin aristocracy. He was succeeded by Ishwar Chandra Vidyasagar who opposed the Hindu orthodoxy's ban on widow remarriage, and rescued several Hindu widows from the bondage of austere rituals that they were compelled to follow, by arranging their marriage with men who were willing to accept them as their life partners.

While Rammohan and Vidyasagar brought about reforms in Hindu society, some years later at the turn of the 20th century, there emerged from the Bengali Muslim society a brave woman who challenged Islamic orthodoxy and introduced reforms that emancipated Muslim women from feudal bondage. Rokeya Sakhawat Hossain came from an aristocratic family of landlords and was married to a bureaucrat. After her husband's death, she established the Sakhawat Memorial Girls' School in Calcutta in 1911 and encouraged Muslim families to send their daughters there for education in modern science and literature. In 1916 she set up a women's organization called Anjaman Khaoateene Islam, through which she campaigned against the patriarchal system of polygamy and triple talaq, and the customs that confined Muslim women behind the *purdah*. It was no smooth sailing for her, as the religious heads of her community accused her of violating the Islamic law of Sharia.

Similarly, in Maharashtra in the mid- 19th century, Jyotirao Phule led a movement opposing the Hindu caste system, and demanding rights for labourers and artisans. He established a school for girls, in a bid to bring them out from the patriarchal confines of their homes. A few years later, Mahadev Govind Ranade started a campaign against child marriage and caste system, and in defence of widow remarriage and women's education. In the 20th century, it was Babasaheb Ambedkar who lifted this social reform movement to new heights by directly

challenging the Brahminical Hindu socio-religious order and calling upon the Dalits to reject it.

At around the same time, in Tamilnadu in south India, E.V. Ramasami (known to be Periyar) played an instrumental role in bringing about social reforms like curbing the dominance of the Brahminical order over the depressed castes. Inspired by him, a new generation of social activists entered the political arena by forming the DMK (Dravida Munnetra Kazagham) which brought about changes in the lives of these castes and lifted them from the status of poor and socially discriminated communities to that of self-assertive and self-employed people.

In other parts of India also, there were similar attempts by social reformers to purge Hindu society of so-called 'religious sentiments' that violated the fundamental rights of citizens and stood in the way of scientific thinking. All these social reformers who challenged past religious beliefs and practices based their arguments on scientific reasoning – which can be described in the present day terms of our Constitution as "...the spirit of inquiry and reform." (Section 51 A).

Fate of social reforms in post-Independence India

In post-Independence India, one major attempt at bringing about a social reform was the introduction of the Hindu Code Bill which sought to change Hindu personal laws in order to give more rights to Hindu women on property among other things. It was framed and introduced by Dr. Babasaheb Ambedkar in 1949. It immediately provoked the orthodox Hindu religious groups, sadhus and politicians to come out in public demonstrations, often violent, who complained that it was an attack on 'Hindu Religion and Culture' – a rhetoric that was to be framed later in the present term 'hurting of religious sentiments.' The RSS organized a public meeting at the Ramlila grounds in Delhi on December 11, 1949 condemning the bill as an 'atom bomb on Hindu society,' burnt effigies of Dr. Ambedkar, and even tried to storm his house in Delhi. Their political spokesman, Shyama Prasad Mookerjee (founder of Bharatiya Jan Sangh, the predecessor of today's BJP) declared that the bill would 'shatter the magnificent structure of Hindu culture.' Conservative Hindu sections within the ruling Congress party also opposed the bill. As prime minister Jawaharlal Nehru, facing such opposition, continued to prevaricate over taking a decision on the bill, Ambedkar in protest, resigned from Nehru's cabinet.

It took almost a decade for Ambedkar's dream to be fulfilled. After long debates on the floors of the legislature as well as outside, four laws were enacted in the mid-1950s: (i) Hindu Marriage Act; (ii) Hindu Succession Act; (iii) Hindu Minority and Guardianship Act; and (iv) Hindu Adoptions and Maintenance Act. These constitute what is known as the Hindu Code which empowers Hindu women to a large extent to assert their rights. But large sections of women in .the Indian countryside, and even in urban areas are unaware of these laws, or even when they do, they do not have access to legal remedies, as a result of which they continue to suffer from patriarchal oppression and discrimination.

A dichotomy embedded in our Constitution – Right to Freedom of Religion and Duty to develop Scientific temper

The roots of the clash between defenders of 'religious sentiments' and their opponents who challenge their obscurantist practices, lie in our Constitution which has tried to reconcile the two views through two separate sections – Part III which ensures citizens of their Fundamental Rights, and Part IVA under which citizens are obliged to carry out Fundamental Duties. Among the Fundamental Rights are: "...free profession, practice and propagation of religion," and among Fundamental Duties there is the provision that requires citizens to "develop the scientific temper, humanism and the spirit of

inquiry and reform."

The fundamental right relating to religious practice (under Section 25) and health is "subject to public order, morality..." As evident from recent history, the supremacist Hindu Sangh Parivar took advantage of this right to put into practice its Ratha Jatra, which left a trail of killings of Muslims all through its journey in the 1990s. It finally led to the demolition of the Babri Masjid by the Sangh Parivar karsevaks, who claimed their right to possess this site merely on the basis of mythological stories, ignoring the long-standing historical evidence of it being a mosque for years. Here is yet another instance of how 'religious sentiments' overpower scientific reasoning t.hat challenges religious myths. The assault on Babri Masjid was not a spontaneous popular outburst of 'religious sentiments'. The sentiments were manipulated in a particular direction by the BJP leaders who initiated the Ratha Jatra and instigated their followers to demolish the mosque. While asserting their constitutional right to "free profession, practice and propagation of religion," these leaders did not pay any heed to the other part of that same constitutional Article 25 that requires that their practice must be "subject to public order, morality and health..." Even when accused of such violation of constitutional norms. the BJP leaders and their goons were let

off by the judiciary because of the patronage and privileges that they enjoyed, on the plea of protecting their 'religious sentiments.'

Judicial acquiescence in religious obscurantism

The campaign of 'hurt religious sentiments' is carried out by the proponents of religious supremacy to the steps of the judiciary. The 'hurt' members of one particular religious community approach courts and always manage to get verdicts in their favour, even when their practices violate the traditional right of another religious community to the occupancy of a building and its site. The most atrocious example of such

judicial religious bias was the 2019 Supreme Court verdict that allowed the majoritarian Hindu religious forces to build a Ram temple on a site which traditionally hosted a Muslim mosque that was destroyed by these very same forces. In a strange self-contradictory verdict, while acknowledging that the demolition was in "violation of law," the judges ordered that the site should be handed over to a trust to be created by the government to build Ram Janmabhumi. Quite predictably, the trust was filled by the BJP government with the same people who acted in "violation of law."

Judicial bias in favour of Hindu religious symbols (like the cow) often descends to the level of encouraging superstitious beliefs. Take for instance the statement made by Justice Mahesh Chandra Sharma on the eve of his retirement from Rajasthan High Court on May 31, 2007, when he stated that the cow was the only animal that "inhaled and exhaled oxygen and had miraculous properties of destroying germs and premature ageing." Given this unscientific belief of his, one can well shudder at the type of judgments that he might have passed during his tenure.

The moot question therefore is: are our honourable judges carrying out the constitutional fundamental *duty* to "develop the scientific temper..."? Instead, they appease the obscurantist majority Hindu clergy by conceding to their unscientific demands on the plea of protecting their fundamental *right* to propagate and practice religion. They are subverting the historical tradition of social reforms launched by pioneers of scientific thinking.

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Courtesy Countercurrents, 20/01/2024.

May 2024

THE PATH OF GANDHI: THE BROKEN HEART

Koganti Radha Krishna Murty

All the hopes of Mahatma were dashed down mercilessly. All his dreams proved futile. The dark clouds of sorrow were spreading over the receding twilight of life. It was one of the most pathetic situations of history that the Mahatma who shone bright as the uncrowned king of the freedom movement of India, as the unquestioned leader of the Indian National Congress Party that led the movement and as the seer that had deeply influenced the lives of his fellow countrymen had to die disowned and disappointed.

He never had any economic power in his hands nor had the following of any militant group. But he was respected more than anybody else in the country. There were many instances where the people came in a stampede just to have a glimpse of his frail half naked body. As stated by Gopalakrishna Gokhale, he brought gems out of the soil of the country and molded them into leaders of high caliber. He was the leader who had the temerity to stand up to the mighty imperial power with Truth and Non-violence as the only weapons in his hands.

For him Truth and Non-violence were the highest values in life of any human being. He made a tireless attempt to establish those values in a society that was fighting ferociously for freedom from a bleeding colonial rule. He molded his personal life to practice those ideals and subjected himself to many experiments. (He called his autobiography "Experiments in Search for Truth")

It was his aim to enlighten the human race with his bright message. He was aware that

one lifetime will not be enough to reach that goal. At one stage he expressed his desire to live longer, up to 125 years of age, just to realize his dream. He felt that even if that was not natural, not improbable. No doubt he was influenced by the epics narrating the stories of saints and righteous people living for centuries. But he did not resort to any treatments or medicines for the purpose. He decided to lead a life utterly controlled by his strong will. What he eats and drinks and every movement of his body were completely mercilessly compressed into the rigid frame of natural life. He adopted an ascetic way of life with a hope of prolonging the span of his life just to realize his ideals. He wanted to prove that his way of life was practical. He did everything necessary wholeheartedly to realize his ideals. The anxiety and agony made him restless.

He wanted to revive the ancient Indian culture and civilization. He wanted to build the Indian society on the foundations of Truth and Non-violence. Everyone should bear a spirit of sacrifice and abhor violence, he said. Indian society should not be made a scape goat to the western culture which is dominated by the machine and consumerism. Villages must be enriched and strengthened by local self-rule. India must be the harbinger of a new society and set an ideal for all countries to follow. Such was the society dreamt by Gandhi. For that he discarded all comforts of normal life and became an ascetic voluntarily. He played his political role as a saint. He was always praying to God to help him in his noble effort.

But what has happened? Fate turned

hostile. His ideals remained unreal. The society he wished remained a dream. There were many people who were critical of his ideas and ideals. But the painful truth is that those who were close to him, who claimed to be his faithful followers started to dissociate themselves from his ideals. The so-called great patriotic leaders, who followed him and exploited his popularity during the fight for freedom, started alienating themselves from him once the freedom from colonial rule has become a reality.

The final and the only aim of the Indian National Congress party was to achieve freedom for the country from the colonial rule. The party accepted the leadership of Gandhi for that purpose. But they never committed themselves to the ideals of Gandhi that were so dear to him. Except for a few occasions when the party felt compelled to define its policies to be followed in the struggle for freedom, the principle of non-violence was never accepted by them. It was made clear by no less a person than Moulana Abul Kalam Azad as President of the Indian National Congress. He said that "the Indian National Congress has accepted non-violence as part of its program to achieve freedom, but never adopted it as a principle."

In the year 1935 the Imperial government of Britain tried to introduce certain reforms in the form of constitutional Acts to introduce a responsible government in India. The party was initially against these reforms. Gandhi prevailed on the leaders to accept the offer. Under that plan the party contested elections, though limited they were, and were able to form governments in some of the states. At that time Gandhi was a witness to many of the corrupt practices, nepotism and irregularities committed by the party in power. That was why after the country got independence, he preached that having achieved the goal of independence, the party shall discard power and dedicate itself to social service. But none of his followers agreed to it. It was an advice that was mocked at and Gandhi was helpless.

Reconciling himself to the party taking the power of government, he suggested certain principles to be followed by those who get into position of power. He said that every minister in the government shall adopt a life of austerity, should not take monthly remuneration of more than Rs.500, live in a small house, wear khadi only and should not depend on personal servants. It was obvious that none of those suggestions were given any consideration by the party.

He was always against heavy industries. Encouraging cottage industries, decentralization and support for tribal way of life were his basic principles. Having a well-equipped army was out of his thoughts. He agreed that a minimum police force might be necessary for proper administration. In his opinion armies are necessary only if you want to occupy the lands of others just as the colonial powers have done. There would be no such necessity if the villages are made self-sufficient and self-ruled.

The self-proclaimed faithful and beloved followers in the party never had any faith in the Gandhian principle of non-violence. Vallabh Bhai Patel was reputed as the steel man of the party. Rajaji kept aloof from the Quit India movement waiting for an opportunity. It was only Gandhi that has the capacity and stature to lead the people in the freedom movements and non-violent agitations. That was why the other leaders decided to stand behind him. Their only aim was to achieve freedom by any means.

Gandhi did not fail to notice that the principle of non-violence was violated many times in the freedom movement. Perhaps he was reconciled to the practical situation. To be more practical, he adopted the slogans of Hindu-Muslim unity and eradication of untouchability which could bring the people together. But even in that he was not completely successful. He struggled to protect the integrity of the country

and avoid partition. But he could not prevent it. Mohammed Ali Jinnah led the Muslim League and negotiations with him proved futile. On 16th August, 1946 Muslim League gave a call for direct action. "India must be either divided or destroyed" they called. It led to unimaginable consequences. Communal riots broke out in places like Calcutta, Naokhali, Bombay, Bihar and Punjab. Blood was let out on the roads. Thousands of innocent lives were lost. Hell broke loose. Everywhere only looting, rapes and killings were witnessed. Destruction of life and property was beyond estimation. Under pressure of the violence, the Congress Working Committee decided to agree to partition the country and passed a resolution to that effect. The Governor General Mountbatten invited the Mahatma and requested him to endorse partition. The Mahatma did not agree. Mountbatten threatened that he had the support of the Congress Working Committee. Gandhi retorted "I have support of the people". But it turned out to be a false hope. He thought of starting "fast unto death". But it did not materialize. He lamented "Before breaking my country, break my body". Nobody heeded his agony. Prominent leaders approached him and requested him to meet with Jinnah in Delhi without losing time. He declined saying that "a leader is only a reflection of his people. If the people discard violence and adopt peaceful methods, it will be naturally reflected in the leader." Indirectly he felt even Jinnah will not be able to do anything as people themselves became violent.

The Working Committee of the party met again on15th January, 1947 wherein 153 members supported partition of the country while only 29 were against it. It created doubts whether the Gandhi era has come to an end. In fact, when Mountbatten told Gandhi on his face that he had the support of the Working Committee for partition of the country, it could have been considered as an end to Gandhi's political life of three decades.

Gandhi suffered an unbounded agony. "The Truth and Non-violence for which I was agitating for over fifty years of my life, the principles for which I was carrying on my life - they have become worthless now", he lamented. He realized that the situation was slipping out of his hands and he was left alone. "I thought of living for 125 years to realize my ideals. Now there is no meaning in it. I lost the desire to live any longer" he said.

On the midnight of 15th August, 1947 India realized its dream of independence. The colonial rule of Britain, extending over two centuries, came to an end. The national flag raised its head over the Red Fort in Delhi. Grand and glittering celebrations were let lose all over the country. It was a day of emancipation, a national festival. But even on this occasion of ecstasy, there was a man far from the capital city of Delhi, brooding in Calcutta, lying on the floor, distressed by the communal violence that was unleashed on this auspicious occasion, because of partition of the country. That man was the Mahatma. On such occasions of distress he used to read BhagavadGeeta – the dictum of God to man. He was reminded of the destructive fight between brothers - the story of Mahabharata. Gandhi felt he was in the same condition as the blind emperor Dhritarastra enquiring anxiously about the war between his children.

Governor General Mountbatten suggested to Gandhi to send at least a message of good wishes to the celebrations on the occasion of hoisting the Indian flag. He could not contain himself and blamed the Governor General saying "This communal violence is the direct result of your partition of the country". For him the event of independence turned out to be the most distressing of his life. He refused to be part of those celebrations.

To be continued in the next issue... •



Readers' Comments

Dear Shri Singh,

Thanks and congrats for this excellent issue of The RH with very telling cover page cartoons and your editorial recounting the unfulfilled guarantees of the present Prime Minister. Apart from those listed by you another one is the promise of taintfree Parliament by 2015 which he made in 2014 Lok Sabha election, but instead of doing anything in this regard his government has been stoutly opposing Lok Prahari's PILs in the Apex Court and Lucknow to check legislatures being taken over by persons of criminal antecedents. Evidently, both money and muscle power are used to silence the hapless voter.

Wishing success in your heroic efforts to save democracy and Rule of Law in our beloved country of Father of the Nation Mahatma Gandhi who lived and died for it.

S.N. Shukla

Kuldip Kumar left a reason for downloading Selections from The radical Humanist Vol. II

Dear Mahi Pal SIngh

Thanks. This Volume is like a dim ray on the horizon in the darkest night we are passing through. Hope to see bright sun soon.

Regards, **Kuldip** 13.4.2024

Kuldip Kumar left a reason for downloading Modi's Unfulfilled Guarantees

Dear Mahi pal SIngh ji,

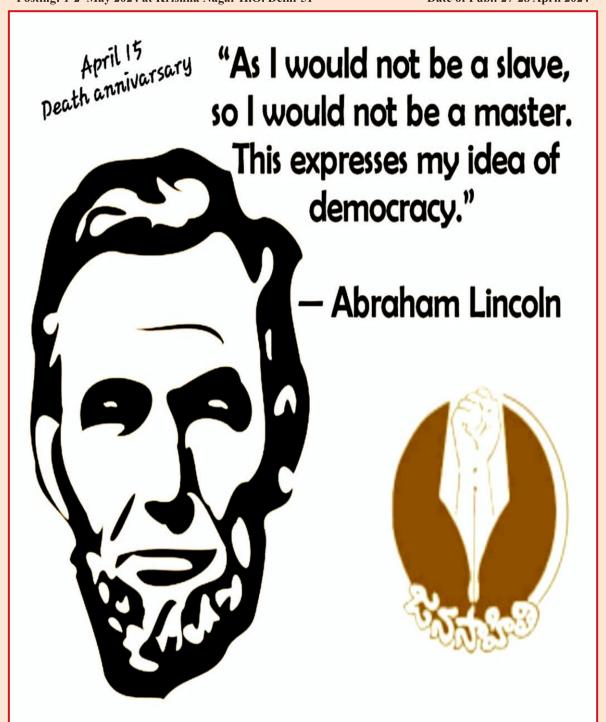
We all know these facts. But the majority voters are unaware. In most cases the electronic media has mesmerised them with "Modi the Greatest" charm. The only way to shatter that charm is that the laity be told that Modi has directly taken money thru Elec Bonds from beef exporters who send beef to Muslim countries.

There is nothing untrue in it. Gujarat is "prohibition" state but every petty barber/dhaba can arrange home-delivery the brand of wine, one desires. Likewise beef prohibition is there. Allans might be having licence to export buffalo meat but they do send beef. We will have to convince the laity, if we want to get rid of dictator.



QUOTE OF THE CENTURY.

Dacoit Veerappan's daughter after joining BJP said: "In Modi, I see the image of my father" Postal Regn. No.: DL(E)- 20/5537/2024-26 Total Pages : 44
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