

THE RADICAL HUMANIST



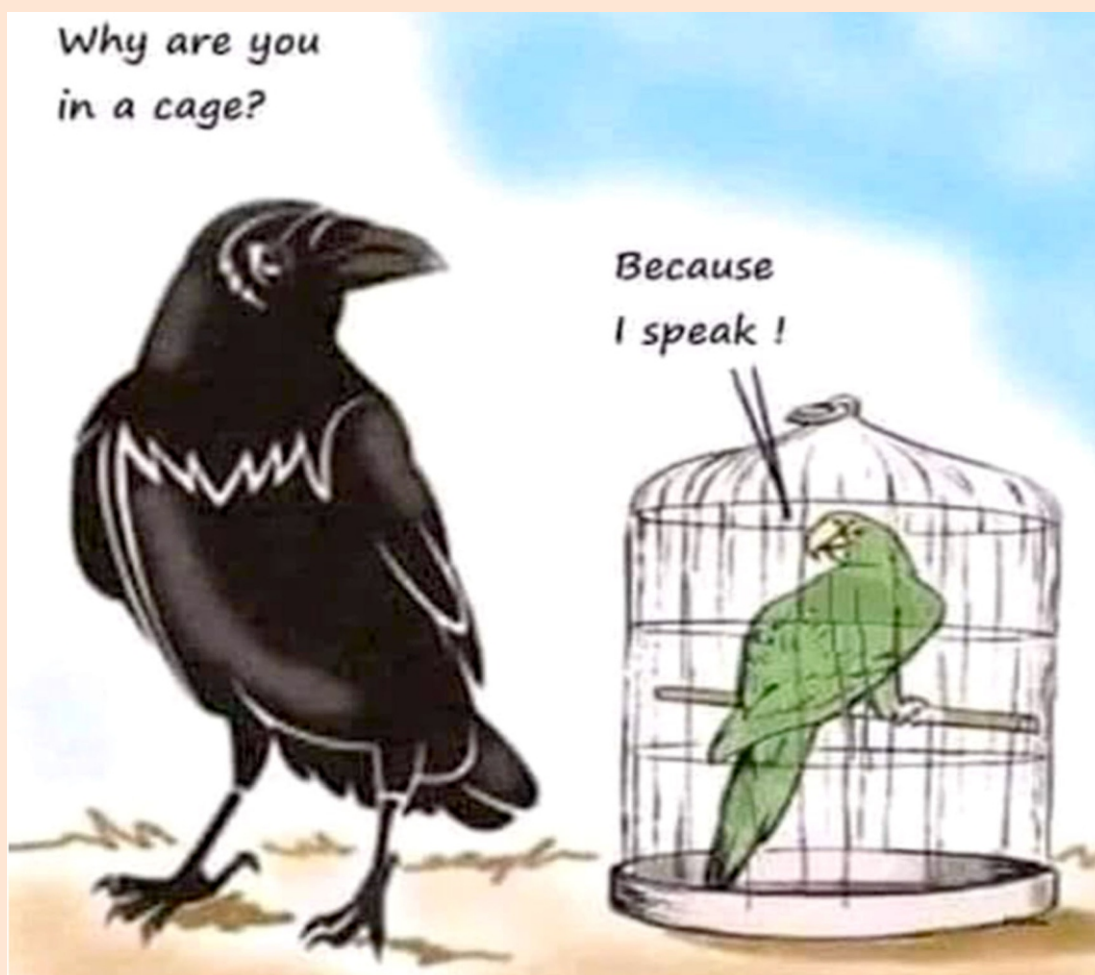
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DO ALL
FAIRY TALES
BEGIN WITH
'ONCE UPON A
TIME?'

NO, MANY OF THEM BEGIN,
'IF I AM ELECTED,
I PROMISE....'



THE RADICAL HUMANIST

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CONTENTS :

Page No.

I.R.I. Website Launched 4

Editorial:

What Ails Thee – My Country! 4
Mahi Pal Singh

Articles and Features:

Is Election Slipping Out Of Modi's Hands? 6
Ramesh Menon

**Election Commission of India – Trust Is to Be
Earned, Not Certified** 9
M.G. Devasahayam

**Supreme Court Needs to Relook at the
EVM-VVPAT Judgement** 12
Sandeep Pandey

Statement: 14
Media: Glooming Reality in India
Kirity Roy

Supreme Court Upheld Technology, Not Democracy 15
M.G. Devasahayam

**'EVM Is Useless As The Black Glass Helps
Manipulation'** 17
Shobha Warriar

**Modi's Election Propaganda: Falsehoods and
Sectarianism Galore** 20
Ram Puniyani

**BJP has a problem of plenty in Phase 2.
It can only go down from that** 22
Yogendra Yadav

'BJP murdered democracy in Surat' 25
Prasanna D. Zore

Fooling the Voters 30
S.N. Shukla

**Height of Kerala Governor's indiscretion and
Constitutional incongruity between Article 111
and Article 201 of the Constitution** 35
Bimal Kumar Chatterjee

Organisational News: 39
**Minutes of the Board of Trustees of the Indian
Renaissance Institute Meeting held at Noida
on 21.01.2024**
Mahi Pal Singh

Continued from the May 2024 issue.... 40

THE PATH OF GANDHI
THE BROKEN HEART
Koganti Radha Krishna Murty

I.R.I. Website Launched

We are happy to announce the launching of the IRI website. Members and Readers are requested to visit the site for soft copies of our monthly journal, *The Radical Humanist*, the first four volumes of *Selected Works of M.N. Roy*, various books written by Roy, various books on Roy and Radical Humanism written by other writers, the two volumes of *Selections from The Radical Humanist* and other information regarding the radical humanist movement. The website may be accessed at: www.indianrenaissanceinstitute.com

As before, this information will continue to be available at: www.lohiatoday.com courtesy Manohar Ravela who administers the website.

We are also launching our YouTube channel in the near future.

Editorial :

What Ails Thee – My Country!

Mahi Pal Singh

The country is witnessing the complete failure of democratic institutions today as never before. The country is passing through the general elections of 2024 and even during the process of these elections we are witnessing a completely unabashed and biased administration and system acting in favour of the ruling party and its leaders. The Election Commission of India has become the 'parrot' of the Bharatiya Janata Party (BJP), as the Central Bureau of Investigation (CBI) was once described by the Supreme Court of India. It was expected to behave exactly that way when the two committed Election Commissioners were appointed in a hurriedly convened meeting of the Selection Panel by the government on 14th March 2024, to preempt any intervention by the Constitution Bench of the Supreme Court headed by the Chief Justice of India which was to hear a case on 15th March 2024 regarding the validity of the Selection Panel itself which was constituted by the Modi government to include the Prime Minister himself, a cabinet Minister appointed by him and the Leader of

the Opposition, turning down an earlier direction of the Supreme Court itself to include the Chief Justice of India along with the PM and the Leader of Opposition. The approval of the Parliament was obtained by the government for the constitution of the new Selection Panel to give the government a two to one majority to thwart the direction of the Supreme Court of having an unbiased and fair Selection Panel, which was the intention of the SC in its earlier direction. The intention of the Modi government in the whole appointment process was crystal clear to everyone including the Constitution Bench of the Supreme Court which was to hear the case on 15th March 2024. Yet the SC adjourned the hearing in the case to August 2024, much after the election process would be completed on 4th June with the declaration of the election results, although the Supreme Court has the authority to review even the legislations passed by the Parliament. It could have declared the appointment of the two ECs and the constitution of the Selection Panel as invalid, but it did not do so. It was a grave

error of the Supreme Court as the later events show that the whole Election Commission is acting in a highly biased manner, seemingly on the directions of the Prime Minister.

Mr. Modi, and the BJP's other top two-three leaders have been openly flouting the moral code of conduct because they know that the government's new 'parrot', the Election Commission, cannot act against the PM and the BJP. It has been more than apparent as the EC has not even opened its mouth against the highly communal and divisive election campaign utterances by the Prime Minister himself though it has been quick to act against all the opposition leaders. The naked dance of the biased administration and the Election Commission was particularly witnessed on 14th of May, the last day of filing the nominations in Varanasi where the prospective candidates who wished to contest the election against the Prime Minister were not even allowed by the police administration to enter the gates of the office of the returning officer, and all their complaints against the highhandedness of the authorities to the Election Commission fell on its wantonly deaf ears. Even out of the 117 people who could file their papers, 99 were rejected. The people's fundamental right to contest election was trodden under feet by the administration and the election officers. Everything was captured by the cameras of the media and shown on TVs, yet there is no action from the Election Commission. Even Devendra Pandey, the All-India General Secretary of the Hindu Mahasabha, once a staunch supporter of the BJP, who witnessed the whole drama, appeared on the TV in the evening and was highly critical not only of the police and the Election Commission but also of the Prime Minister, on whose directions, he claimed, all this was happening. Can the Supreme Court escape the ultimate responsibility of all this? Had it ensured a

neutral Election Commission through its timely and urgent action, instead of deferring the hearing and decision in the matter to a future date, this gross injustice with the prospective candidates would not have taken place.

During the 4th phase of the elections, a woman candidate of the BJP was shown on the TV checking the identity cards of the voters and asking Muslim women to remove their veils and show their faces to her; at another place in an earlier phase police officials were shown doing the same, a responsibility assigned to the polling officials only, with Muslim voters and turning away many of them and not letting them vote. In one incident a woman polling official alleged to have shouted slogans in favour of the BJP inside the polling booth, was seen begging the complainant not to report the matter to the higher officials. There is no report of any action in these incidents, obviously because in all of them it is the BJP which is the beneficiary. In yet another incident, a man shouting on the TV screen complained that he had voted for the cycle symbol, but the VVPAT showed the symbol of lotus. How can such election through the EVMs be considered as fair? And yet a decision of a SC bench did not order the counting of all VVPATs and matching them with the numbers of the voting machines. If the credibility of the whole election machinery and the process is in question, how can democracy be safe in the country? Having faith in the technology is O.K., but does not-ordering the counting of VVPATs, not amount to blocking of transparency in the process of elections by none other than the Supreme Court itself? Is it not the responsibility of the ultimate saviour of our Constitution and the Fundamental Rights of the people to protect the faith of the people in the process of elections to be free and fair, and to be seen and perceived to be so? 🌈

Is Election Slipping Out Of Modi's Hands?

Ramesh Menon

In nearly 100 seats, the BJP stands almost no chance of winning. In 200 seats, it is a direct fight between the BJP and the Congress where the BJP has an upper hand.

In 243 seats, the BJP is pitted against regional parties and it is not going to be easy. That is why 400 seats may end up as a pipe dream, states Ramesh Menon, author of *Modi Demystified: The Making of a Prime Minister*.

Narendra Damodardas Modi was all set to win the 2024 Lok Sabha elections, as enough indications were blowing in the wind. But a cloak of nervousness seems to have come over him and the Bharatiya Janata Party as he has reverted back to his divisive politics of channelling fear and hatred towards Muslims as a way to garner votes.

The agenda to become a global power, boost the economy, have a net of welfare schemes, and get on the road to ensuring development is now on the back burner as the focus is on fanning communal hatred in his election speeches.

He hit the bottom note, which was totally unbecoming of a prime minister when he told an election rally in Banswara in Rajasthan that if the Congress came into power, they would confiscate the gold collected by Hindu women along with their *mangalsutra* and distribute it among the Muslims.

For Hindus, the *mangalsutra* has spiritual and religious significance as women wear it on their wedding day and then keep it forever, which also signifies that marriage is forever.

Modi asked the excited crowd at the election rally in Banswara if they wanted their *mangalsutra* taken away.

Modi said that the Congress manifesto favoured Muslims and wanted this to be done.

The fact is that the Congress manifesto did not say anything of the kind.

How did Modi think he would get away with this lie?

Congress President Mallikarjun Kharge said he had sought time from Modi to 'educate' him on what the Congress manifesto promised.

Modi asked those at the rally whether they would want their gold confiscated and distributed to '*ghuspatiyas*', alluding that all Muslims were infiltrators and, naturally, adversaries.

The last time this term was widely used in the country was when Pakistani infiltrators had moved into many heights in Kargil 25 years ago.

It was one of the worst stereotypes he whipped up during this year's election. It will see a heated campaign in 543 constituencies that brought the election debate to an all-time low.

Clearly, it was touching the lowest denominator of public taste.

He referred to Muslims as 'those who have many children', hoping to ignite a fear of how the Hindus will be soon outnumbered.

This is a fear that many Hindus nurse as they have blindly believed that this would be a reality.

Modi never tells them that India's population is 80 per cent Hindus and Muslims constitute only 14 per cent.

He does not tell them that fertility rates among Muslims have dropped from 4.4 in 1992-1993 to 2.3 in 2019-2021.

Though Opposition parties pointed out to the Election Commission that Modi had violated the Model Code of Conduct, no action was taken.

It refused to even comment on it. The Code strictly forbids hate speech and does not permit

candidates from using 'caste and communal feelings' to promote ill-feeling and polarise voters.

The Election Commission has been compromised, said the Opposition. Old-timers remembered when T N Seshan was the chief election commissioner when such an act could not have gone without action. The then Congress government was terrified of him.

When all seemed to be going well with the BJP, as it had a vast ground force campaigning and considerable funds to spend while the Congress had its bank accounts frozen, why this sudden turnaround?

After the first phase of the six-phase polling ended, some panic buttons were struck as the polling percentage was low.

This is not good news for the BJP as they hoped their supporters would come out in strength.

There is a lot of cynicism in the air, voter fatigue, and the sizzling heat of summer is not helping matters.

So, one way was to polarise the electorate and create fear that their homes would be invaded and gold taken away, which had taken decades to collect.

This is how ridiculous the election scenario this year is.

See how far we have evolved after seven-and-a-half decades of independence.

There were signs of desperation earlier, too, when Modi stitched curious alliances with inconsequential political groups and parties when the Opposition tried to band together and fight the elections.

To reach its target of 400 seats, every seat matters.

This is why Modi wooed the Janata Dal-United back to the NDA fold in Bihar. It was a masterstroke as it demoralised the INDIA alliance of Opposition parties as Nitish Kumar was one of its prime movers.

Modi also stitched an alliance with the Telugu Desam Party in Andhra Pradesh to improve his tally there.

He tried to do it with the Biju Janata Dal but failed, as Biju Patnaik knows he can manage independently and do well.

Why would he want the BJP to neutralise him as they have done with other alliance partners?

There is no way he can win 400 seats for the National Democratic Alliance, as he presumptuously announced weeks ago.

In Maharashtra, it remains to be seen how the voter will react as the Shiv Sena and the Nationalist Congress Party have split with two factions joining the NDA.

He may, with his caustic speeches, be able to win a sizeable number of seats in Maharashtra, Bihar, Madhya Pradesh, Gujarat, Rajasthan, Uttar Pradesh, Jharkhand, Himachal Pradesh, Assam, and Chhattisgarh.

But he will find it challenging in Punjab, West Bengal, Kashmir, Andhra Pradesh, Telangana, Karnataka, Kerala and Tamil Nadu.

No wonder he visited Tamil Nadu more than half a dozen times in as many weeks to woo the electorate.

Kerala was one state that said no to communalism, but in the last few years, the BJP has made inroads in the bastion that the Left and the Congress held for decades.

Even if the BJP wins one seat, it will call for celebration as the southern state has never sent a BJP candidate to the Lok Sabha.

In nearly 100 seats, the BJP stands almost no chance of winning. In 200 seats, it is going to be a direct fight between the BJP and the Congress where the BJP has an upper hand. In 2019, it won 185 of these seats.

In 243 seats, the BJP is pitted against regional parties and it is not going to be easy. That is why 400 seats may end up as a pipe dream.

What is significant and ironic is that even after ten years in power, the BJP has only one leader they can bank on. Without Modi, it would be rudderless.

This is not because it does not have leaders; it is a design that Modi has drawn and implemented.

How many Cabinet ministers and their portfolios can you name? Do you know the work they have done in the last decade? Even if they have done it, Modi has been credited for it.

When the Ram temple was inaugurated in Ayodhya, there was euphoria all over, and it seemed that it was a Modi masterstroke to do it just before elections were announced. But the euphoria and jingoism soon died down.

Vexed issues like inflation and unemployment are staring the electorate in its face.

India's unemployment rate was 7.6 per cent in March 2024, according to the Centre for Monitoring Indian Economy, a think-tank.

Though economic growth is happening and stock markets are singing, there has been no job growth. The number of educated unemployed people is increasing every day.

Campus placements, which were assured at many elite institutions, saw them collapse this year.

As many as 15 of the 26 economists who took a Reuters poll in April 2024 said unemployment was the biggest challenge for the government.

Yet, Modi and his campaigners were not discussing it and were busy polarising the electorate.

There is a limit to which hatred can be fanned; after that, fundamental issues like hunger, poverty, unemployment, and inflation will arise.

Modi has reason to worry.

He can no longer claim to head a party with a difference as numerous corrupt leaders from other parties with criminal cases against them have been admitted into the BJP, and the cases have been magically laid to rest.

Many Opposition leaders who have joined the BJP have done it to escape investigations from the Enforcement Directorate or an Income Tax raid.

If this is not the case, then it is because they have been denied tickets, and the BJP has offered it to them.

Corrupt politicians and turncoats with no ideology getting tickets and feted by the ruling

party do not showcase a democracy that one can be proud of.

The statement of how there was inheritance tax in the United States by Sam Pitroda, chairman of the Indian Overseas Congress, raised a hornet's nest when the BJP went to town saying that the Congress was planning to levy this tax on every Indian and how families will not be able to retain the wealth they had accumulated.

Congress leaders included Rahul Gandhi distanced themselves from Pitroda's statement and said that the Congress manifesto said nothing on implementation of the tax. But the damage was done.

What Rahul had said that there must be a survey to figure out who held how much wealth in the country.

The electoral bonds scandal that embarrassed the BJP showed how those targeted by the Enforcement Directorate or other investigating agencies showered the BJP with electoral bonds worth crores of rupees. Even loss-making enterprises were found to be buying the bonds to favour the BJP.

This should have been a major election issue. Still, the Opposition was strapped with minimal funds, and leaders in jail could not take up the problem to the electorate with the force that it could.

What is at stake here is the integrity of elections. There are rules that the Election Commission has set to make elections free and fair.

All are supposed to be equal before them. However, as we can see, some are more equal than others.

Ramesh Menon, an award-winning journalist, educator, documentary filmmaker, and corporate trainer, is the author of *Modi Demystified: The Making of a Prime Minister*.

Feature Presentation: Rajesh Alva/Rediff.com

Courtesy **Rediff.com**, May 01, 2024 

Election Commission of India – Trust Is to Be Earned, Not Certified

Amongst a significant section of citizens, there is deep and widely felt anxiety, now openly on display about the referee's role in the ongoing election for the 18th Lok Sabha.

'Trust' is one of the noblest of words in English Dictionary which is defined as (a) assured reliance on the character, ability, strength, or truth of someone or something and (b) one in which confidence is placed. Today, if there is an institution far removed from this definition it is the Election Commission of India (ECI). This is largely because of the strategy of secrecy and stealth adopted by this institution in place of openness and transparency.

Soon after the 2019 Parliament election on July 2, 64 former senior civil servants belonging to the Constitutional Conduct Group (CCG) and 83 armed forces veterans, academics and journalists wrote a strongly worded letter to the ECI. To quote from the letter:

"The 2019 General Elections appear to have been one of the least free and fair elections that the country has had in the past three decades or so.... Our Election Commission used to be the envy of the entire world, including developed countries, for its ability to conduct free and fair elections despite the huge logistical challenges and the hundreds of millions of voters. It is indeed, saddening to witness the process of the demise of that. If it continues, it is bound to strike at the very heart of that founding document the people of India proudly gave themselves—the Constitution of India—and the democratic ethos that is the very basis of the Indian Republic..."

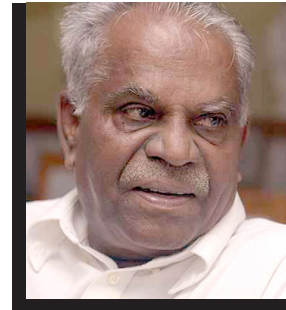
It is a tragedy that the trend towards unfair election not only continued but got accelerated in the last few years threatening to make the Parliament Election-2024 a farce! This is clearly reflected in the letter again written to the ECI by CCG on April 11 and signed by 83 former

civil servants:

"Our group has been interacting with the ECI since 2017 and has sent many letters to your predecessors: there has been no response from the ECI over the past five years.

The ECI has made no efforts to assuage doubts in the minds of the thinking public and political parties about the integrity of EVMs and the need to use VVPATs effectively to ensure accuracy in the recording of votes. Nor has the ECI been particularly effective in enforcing the Model Code of Conduct to check its misuse, especially by the party in power.... In the current elections as well, infractions of the Model Code of Conduct by no less a personage than the Prime Minister have not been acted upon by the ECI even after these were brought to its notice.... In spite of the enormous powers vested in it under Article 324 of the Constitution of India, the ECI, in recent years, has exhibited a strange diffidence, especially in dealing with actions that impact the conduct of free and fair elections."

Both the letters and several appeals and representations regarding free and fair election received no response from ECI who have been repeating their favourite lies ad nauseum. Such callousness on the part of ECI compelled the civil society to form an Independent Panel for Monitoring Indian Elections (IPMIE). Commencing from March 15, IPMIE has been sending regular reports and weekly bulletins to the ECI pointing out serious flaws and failures in the maintenance of level playing field and conduct of free and



M.G. Devasahayam

fair elections. Issues flagged are:

- Hasty and brazenly partisan appointment of two Election Commissioners just a day before the notification of election and the schedule;
- The long seven-phase election cycle announced by ECI giving advantaging to the ruling party and its “star campaigners,” particularly Prime Minister Narendra Modi.
- The arrest of a sitting Chief Minister (Arvind Kejriwal) from an opposition political party during elections casting serious doubts over whether a level playing field is being provided to all parties going into the election. Particularly so because this comes soon after the arrest of another Chief Minister from the opposition, Hemant Soren in Jharkhand.
- Bias of mainstream media presenting an unbalanced picture regarding issues that impact free and fair elections.
- Systematic exclusion of large numbers of Muslims, Dalits, and other disadvantaged groups from the voter’s list.
- Freezing of Congress party’s bank accounts, and issue of Income Tax notices to Left parties during election season.
- Statements appealing to religion made by senior leaders of the ruling BJP, violating the Model Code of Conduct (MCC).
- Prime Minister Narendra Modi’s Home Minister Amit Shah’s and Uttar Pradesh Chief Minister Yogi Adityanath’s brazen references to Ram Mandir *Pram Pratishtha* at Ayodhya and Ram Navami while seeking votes.
- Misuse of military symbols in election messaging by BJP ministers and posting videos of Prime Minister Modi in military uniform.
- Whilst senior BJP politicians continue freely appealing to communal sentiments, government is reported to be systematically targeting what is left of the independent media.
- Prime Minister Narendra Modi has invoked religious symbolism in multiple speeches,
- Despite several complaints and concerns expressed by a wide section of civil society, ECI has not responded to questions surrounding the safety and integrity of EVMs. The Central Information Commission has also expressed “severe displeasure” over ECI failing to respond to a Right to Information request regarding the EVMs.
- ECI has not taken note of the widespread instance of central agencies issuing notices/ raiding/arresting Opposition candidates during election time, and thus seeming to be mala fide—impacting the level playing field
- Prime Minister Narendra Modi, in a brazenly communal statement on 21 April that is full of Islamophobic rant and dog-whistle, falsely claimed that the Congress party promised to take people’s wealth and give it to the Muslims, who he refereed as “infiltrators” and “those with more children”.
- Blatant MCC violation by the BJP, whose Bihar unit posted an image on X unambiguously invoking Lord Ram for garnering votes. PM Modi’s X account also posted a video showing Lord Ram, the Ram Temple, and the PM performing religious worship.
- State authorities in constituencies in Uttar Pradesh were preventing some voters from casting their vote or intentionally delaying the process, and alleged booth capturing.
- A BJP candidate was declared the winner on the Surat Lok Sabha seat when nomination papers of the Congress candidate were rejected. All other candidates on the ballot curiously withdrew their nominations reportedly under threat and inducements. After this ravaging of democracy, the Congress candidate from Indore withdrew his nomination and joined the BJP. This is ravaging of electoral democracy

- Following complaints against Prime Minister Narendra Modi's communal onslaught of 21 April, the ECI sent notice to the BJP President without mentioning the PM or his speech. This is a strange and unusual practice that amounts to favouritism.
- The ECI is applying the MCC unequally by not taking firm action against explicit appeals to religion made by BJP leaders and by going after opposition parties' campaigns, which do not prima facie violate the MCC.
- There have been reports about state authorities causing delays in Muslim voters being allowed to vote. The right to freely cast one's vote is a foundational block of democracy and integral to free and fair elections.
- ECI took 11 days after the first phase and four days after the second phase of voting to release the final voter turnout data. ECI has also not released the total number of registered voters and number of polled votes from each constituency. Mere percentages do not give the full picture and this major flaw in ECI's working has raised serious concerns about the potential for manipulation of votes during counting.

With its stoic silence and not even acknowledging such serious violations of free and fair elections, it looks as if ECI has either become partisan or non-functional.

What is worse, in their pursuit of stealth and secrecy, ECI does not even respond to applications under the Right to Information Act seeking critical information. So much so the Central Information Commission (CIC) has recently expressed "severe displeasure" over the ECI not furnishing a reply to an RTI plea that had asked the poll panel about the action taken on a "representation" given to it by eminent citizens, raising questions on the credibility of EVMs and VVPAT machines during elections. Terming it a "gross violation" of the law, the CIC has also directed the EC

to submit a written explanation. The case related to a former IAS officer M G Devasahayam, who was one of the signatories to the representation on the credibility of EVMs, VVPAT and the vote-counting process, had filed an application with the poll panel under the RTI Act, seeking details of the action taken on it. The representation was sent to the ECI on May 2, 2022.

Despite CIC's strictures and clear directive to furnish the information asked for, ECI did not do so and asked the applicant to refer to the Commissions' manuals and FAQ pages as well as the Supreme Court judgment on EVM/VVPAT. Obviously, the Commission is concealing things that could expose the weaknesses and vulnerabilities of EVMs in conducting free and fair elections, which the Apex Court did not bother to go into! Such is the extent of the degeneration of ECI!

It is but natural that the people have lost trust and confidence in ECI. It is no wonder therefore that the CSDS-Lokniti pre-poll survey revealed an alarming decrease in trust in ECI: *"58% of the respondents expressed some or great distrust in the Election Commission in 2024 as opposed to 78% evincing trust in the poll body following the 2019 Lok Sabha election."*

In response, instead of regaining public trust by effectively functioning as a constitutional sentinel of free and fair election, ECI runs to the Supreme Court and get a 'certificate' of trust: *"The Republic has prided itself in conducting free and fair elections for the past 70 years, the credit wherefor can largely be attributed to the ECI and the trust reposed in it by the public."*

That was in the past, not the present. Even the Supreme Court did not address the present massive public distrust in ECI (nearly 60%). Trust is to be earned, not certified.

04/May/2024 

Supreme Court Needs to Relook at the EVM-VVPAT Judgement

Sandeep Pandey

The Supreme Court in its judgement has backed the system of Electronic Voting Machine (EVM) and Voter Verifiable Paper Audit Trail (VVPAT) that is used in India for conducting elections and simply refused to consider the option of going back to ballot paper. The inherent argument is that technology has improved a number of things like precluding the possibility of bogus voting, eliminating human errors, reduction in time in counting of votes, etc. and if anything, technology should be further improved like using bar codes on paper slips, etc.

The Supreme Court says that rising voting percentage reflect voters' faith in the EVM. This is a vacuous argument. Common people in this country have to pay bribes, including in Courts to get the next date of hearing, to get things done in the government-administrative system. Does it mean that they have faith in this system? People have no choice, if they don't want to be harassed. Similarly, without providing the alternative of ballot paper, when the election commission, government, non-government agencies, political parties are all urging people to go out and vote, if people are forced to vote through EVMs it doesn't mean that they have faith in the voting system. It would do the Supreme Court judges good if they were to just move around among common people, especially in rural areas, and get some ground level opinion, directly or indirectly. They'll be surprised how much people don't trust the machine. Have they not seen visuals of people going inside the booth and smashing the EVMs on ground during the ongoing elections? The disenchantment is widespread.

Banarsi, resident of Village Chandpur Faridpur in Mehmoodabad tehsil of District Sitapur says that in last election he pressed the election symbol of Elephant on EVM but saw Lotus inside the glass of VVPAT and therefore doesn't have any faith in EVM. Similarly, retired IAS officer from U.P. Anees Ansari, aligned with the Congress Party now, says he saw Lotus in the VVPAT even though he had pressed the EVM button on another symbol. Yet, Election Commission says so far it has received 25 complaints of mismatch and all were found to be false. If the complaint is found to be false then the voter is liable to be penalized. The present system does not allow Banarsi or Anees Ansari any evidence to prove their claim. Hence the possible penal action acts as a deterrence against any voter contemplating filing a complaint.

The EVM system has three components- Control Unit, Ballot Unit and VVPAT, all of which have microcontrollers. As they are randomly allotted to constituencies much before the elections and then kept in strong rooms, any possibility of tampering before the finalization of candidates is ruled out. An engineer from the manufacturers, ECIL or BEL, comes with a laptop computer roughly within 15 days before the polls and loads the final list of symbols through a Symbol Loading Unit onto the VVPAT. The names and symbols of candidates are manually pasted on the BU. The BU and CU are candidate and symbol agnostic, which implies that the one time programme loaded in them at the time of manufacture doesn't know the position of candidate or symbol beforehand. However, some mischief is possible, because

of human intervention necessary, just before the polling with the VVPAT when symbols are being loaded in a particular order there. It is possible to introduce some malafide content in the bitmap file which is loaded from the SLU onto the VVPAT. The judges of SC have completely overlooked this possibility. To understand this one needs to see the demonstration of a contraption designed by Rahul Mehta, an IIT Delhi and US trained engineer, who shows how opposition party votes and can be converted into symbols of party preferred to win. That is how Rahul Mehta has programmed his machine. Now his design may not be the same as being used by ECI but any attempts to procure the design of EVM system being used by ECI, even by paying the cost, have proved to be futile. The ECI will simply not allow anybody to look at the source code loaded in the machine and the SC concurs with this stand.

The saving grace of the SC judgement is to allow SLUs also to be in strong rooms for 45 days, just like the BU, CU and VVPAT, after the elections and allowing the candidates getting the second and third highest votes to examine the software of the EVMs, at their own cost, if they doubt the result. This will certainly act as

a deterrence against possible mischievous manipulation in the software.

Final argument against removal of EVMs that is made is about the cost incurred so far. This is also specious, A large investment has gone into manufacturing the EVMs and VVPATs. But countries like South Africa which made nuclear weapons and later found them useless, dismantled them. Nuclear weapons certainly costed more than EVMs.

Given the widespread suspicion over use of EVMs, it is best that we go back to the ballot papers under strict gaze of cameras. When the Supreme Court judge, hearing petition on EVMs, said that we do not want to even think about ballot papers, he probably did not have this in mind. In the Chandigarh Mayoral elections fudging of ballot papers was caught on the camera. Had the same thing been done through the EVM-VVPAT it would not have been caught as what happens inside the machine is hidden from everybody, including the unsuspecting officials overseeing the polls. The returning officer and observer are unaware of what goes on inside the machine and most administrative officers, in ignorance, support the use of EVMs.

(Author: Sandeep Pandey, General Secretary, Socialist Party (India)) 🌈

Articles/Reports for The Radical Humanist

Dear Friends,

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

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

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

- Mahi Pal Singh, Editor, The Radical Humanist

Statement:

Media: Gloomng Reality in India

On the eve of the Press Freedom Day on 3rd of May, Banglar Manabadhikar Suraksha Mancha (MASUM) shares its anxiety with the broader civil society platforms as the situation of freedom of any form of expression became grimmer in India day by day. This day was intended to raise awareness on the importance of freedom of press and to pay tribute to pressmen who lost their lives in the line of duty.

The persecution of journalists and media has deepened since the Bharatiya Janata Party came in power in 2014 and India is now ranked as low as 161 out of 180 countries in the index on press freedom by Reporters Without Border. In 2022, India was ranked 150.

The violence against journalists, arbitrary arrests of media persons, politically biased media reports, propagating hatred against minorities and socially underprivileged and the concentration of media ownership at the hands of State backed business houses; all establish that press freedom is in crisis in “the world’s largest democracy”.

At least 28 journalists have been killed since 2014 and nine well known journalists are currently imprisoned. Anti-Terrorism laws are being misused to hound media personnel. The police and tax agencies are constantly deployed to silence independent media. Journalists are routinely subjected to the scourge of disinformation campaigns, while access to political happenings in India is getting increasingly restricted for foreign journalists. In the last 12 months or so, income tax authorities have searched BBC offices in India and a prominent think tank, the Centre for Policy Research. In an arbitrary direction, the Government of India asked Australian journalist Avani Dias and French pressman Vanessa Dognac either to leave India or their stay in

India was made untenable. Arbitrary shutdowns of internet and censorship is also a major concern; one can recall the blocking of Hindutva Watch and India Hate Lab’s websites in India, as well as the blocking of 177 social media accounts during the farmer’s protests.

Aggrieved by the reality, Free Speech Collective depicted the situation by saying “Free speech in India has sunk into a perilous abyss and steadily falling press freedom indices underscore the dangers of crossing a line that is becoming increasingly contentious.”

The state of affairs in the provinces of India, ruled by different hues of political dispensations are not different. In West Bengal recently, Republic Bangla journalist Santu Pan was arrested in West Bengal while broadcasting a report on the reported breakdown of law and order in Sandeshkhali, was booked in sexual assault case on 19th February 2024. *In another incident, Debmalya Bagchi, a seasoned journalist with a decade long association with the leading Bangla daily, Anandabazar Patrika, was arrested after investigative reporting on illegal liquor trade. Such attacks on journalists not only impede the freedom of press but also pose a threat to democracy. It is essential for the government to take immediate action and pass a protection act for journalists to prevent such incidents from happening in the future.*

In this day while commemorating press freedom and its protagonists, we are willing to converse on Right to Information in India and activists attached with this cause. It’s been nearly 20 years since the Right to Information (RTI) Act, 2005 was enacted to provide transparency to government decisions, hold the government accountable and fight corruption.

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

Supreme Court Upheld Technology, Not Democracy

The impact of these directions on the ongoing electoral process are not immediately known. But the judgment, by trashing democracy and upholding technology certainly cannot ensure the righteousness and integrity of India's elections!

M.G. Devasahayam

The plea in the writ petition and the intervention application on Electronic Voting Machine / Voter Verifiable Paper Audit Trail (EVM/VVPAT) in the Supreme Court was for upholding the Democracy Principles that the voting process should have end-to-end verifiability with the voter having the knowledge that her vote was cast as intended, recorded as cast, and counted as recorded. This is possible in the ballot-paper system but not possible with an EVM, which is a black box.

With this in view, the Supreme Court was requested to issue a writ of mandamus or any other appropriate writ, order, or direction to the ECI:

- * To cross-verify the count in EVMs with votes that have been verifiably 'recorded as cast by the voters themselves i.e. the VVPATs;
- * To ensure that the voters can verify through VVPATs that their vote has been 'counted as recorded;'
- * To uphold the fundamental right of the voters to verify through VVPATs that their vote has been 'recorded as cast and counted' as recorded;
- * Direct that the printout of the VVPAT slips must be handed over to the voter and they must be able to deposit them in the VVPAT ballot box, which must then be cross-verified by the electronic count in the EVMs;

Court had sufficient time to go into the matter

The original petition was filed in February/ March 2023 and the court had sufficient time to go into the matter in detail and pronounce

judgment well before the commencement of the polling process for General Election 2024. Instead, the case was taken up after the commencement of the electoral process and the judgment was handed out on April 26, 2024, the day when 191 constituencies had completed the polling and 35 per cent of the electorate had cast their votes.

Even then the court summarily dismissed the plea of Democracy Principles and upheld the supremacy and 'infallibility' of technology: In our considered opinion, the EVMs are simple, secure and userfriendly. The voters, candidates and their representatives, and the officials of the ECI are aware of the nitty-gritty of the EVM system.

They also check and ensure righteousness and integrity. Moreover, the incorporation of the VVPAT system fortifies the principle of vote verifiability, thereby enhancing the overall accountability of the electoral process.

The Court also issued two directions:

(a) On completion of the symbol loading process in the VVPATs undertaken on or after May 1, 2024, the symbol loading units shall be sealed and secured in a container. The candidates or their representatives shall sign the seal. The sealed containers, containing the symbol loading units, shall be kept in the strongroom along with the EVMs for a period of at least 45 days post the declaration of results. They shall be opened, examined and dealt with as in the case of EVMs.

(b) The burnt memory/ microcontroller in 5 per cent of the EVMs per assembly segment of a parliamentary constituency shall be checked and verified by the team of engineers

from the manufacturers of the EVMs, post the announcement of the results, for any tampering or modification, on a written request made by candidates who are at SI. No. 2 or SI. No. 3, behind the highest polled candidate.

The impact of these directions on the ongoing electoral process are not immediately known. But the judgment, by trashing

democracy and upholding technology certainly cannot ensure the righteousness and integrity of India's elections!

(The writer is a former Army and IAS Officer and is the Coordinator of the Citizens Commission on Elections)

Courtesy **Free Press Journal**, April 27, 2024. 

Media: Gloomng Reality in India

Contd. from page - (14)

The use of the RTI Act has increased manifold over the years, with around 53-56 lakh RTI applications filed annually. Assaults on and alleged murders of RTI activists continue across India. Media reports of more than 300 instances of attacks on or harassment of citizens and at least 51 murders and 5 suicides can be linked to information sought under the Right to Information Act.

In this context, on the onset of Press Freedom Day, we put a charter of demand before the Government of India: -

- **Immediately free the arbitrarily detained journalists, including media persons from Jammu and Kashmir**
- **Amend the anti- terrorism laws so that these laws can no longer be used to persecute journalists** (The Unlawful Activities Prevention Amendment Act 2019 (UAPA) and the Public Safety Act (PSA) are often used against journalists).
- **Stop the censorship and surveillance of journalists**
- **Constitute an independent commission of enquiry into cases of spying on journalists** (At least 15 Indian journalists have been targeted by the NSO Group's Pegasus spyware since 2021 with complete impunity).
- **Protect the confidentiality of journalists' sources**
- **Ensure the physical and digital safety of journalists, especially those who say they are being threatened**
- **Stop to arbitrary Internet shutdowns**
- **End the restrictions on access to certain parts of the country**
- **Safeguard the foreign media's right to cover India**

Kirity Roy, Secretary, Banglar Manabadhikar Suraksha Mancha (MASUM) 

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

‘EVM Is Useless As The Black Glass Helps Manipulation’

Shobha Warriier

‘After a month of working on the new machine, I realised that the black glass on the VVPAT lets the programmer manipulate not just the electronic system, but the paper vote too.’

‘And it will not be detected even during the mock poll or the actual voting because of the black glass.’

The Supreme Court, on April 16, 2024 while hearing petitions seeking 100% cross-verification of votes cast through VVPAT (Voter Verifiable Paper Audit Trail) said, ‘The problem arises when there is human intervention that makes unauthorised changes when they are around the software or the machine.’

As people’s trust over EVMs (Electronic Voting Machine) wanes and the debate on whether can be manipulated or not rages on, **Rahul Mehta**, an alumnus of IIT-Delhi, developed an EVM to demonstrate that the machines could be manipulated.

Mehta demonstrated that how the EVM and VVPAT (VVPAT unit produces a paper slip that is visible to the voter on the transparent screen for about seven seconds) can be manipulated.

Before the interview, Mehta, who is also president of the Right to Recall Party, showed **Rediff.com’s Shobha Warriier** how the machine can be manipulated.

“The only solution is giving the option of ballot paper to the voter,” insists Rahul Mehta.

When did you start getting the suspicion that EVMs could be manipulated?

The first anti-EVM article I wrote was in 1989 in the college magazine when I was a 4th year student at IIT-Delhi after reading reports that 19% of EVMs were defective from day 1.

In 2003 when I came to know that EVMs would be used all over India, we started the *EVM Hatao* movement.

That’s because the manipulation can as

simple as putting a remote control inside the machine to change any number of votes.

In 2011, I gave a demonstration that the machine can be manipulated. The Supreme Court sat on this issue for another two-and-a-half years and said in 2013 that there should be VVPAT. But even in 2017, only 5% booths had paper VVPAT.

I started thinking how the paper vote shown in VVPAT could be manipulated. But I could not find out for 8 years.

In 2019, a friend of mine sent me pictures of the new EVM plus VVPAT saying they looked different. Yes, they looked different, and it took me some time to notice that the glass colour had changed.

What I saw in 2014 had a transparent ordinary glass, but the one we saw in 2019 had black glass.

After a month of working on the new machine, I realised that the black glass on the VVPAT lets the programmer manipulate not just the electronic system, but the paper vote too. And it will not be detected even during the mock poll or the actual voting because of the black glass.

Remember in 2014 itself, it was shown that electronic votes could be manipulated.

In 2019, I found that even the paper vote also could be manipulated in such a way that nobody would suspect any foul play.

But it took me 8 years to find out how paper manipulation in the VVPAT could be done.

So, in my opinion the proposal asking for 100% counting of VVPAT slips is ridiculous.

Why do you think the Election Commission changed the transparent glass to black?

I have no idea. They have not answered my questions.

Even in the 200 FAQs on VVPAT, it was not mentioned that they had installed a black glass.

There are two glasses in VVPAT: One glass in the front and another glass behind the glass. The effect of these two glasses is that a voter will not be able to see whether there is a paper behind the glass. Only when the light inside is turned on can the voter see the paper.

The interesting thing is, no political party objected to it when the Election Commission changed the glass. I have shown this to all political parties, but they showed no interest. No Supreme Court lawyer showed any interest.

It was only in April 2024 when appearing for Association for Democratic Reforms that Prashant Bhushan told the court, 'It had to be a transparent glass, but it was changed to dark opaque mirror glass where it is only visible when the light is on for 7 seconds.'

Do you think the political parties didn't react because of ignorance?

I would say, deliberate ignorance!

I have shown this demo to a large number of senior political leaders across all parties from December 2019 onwards.

I will go on to say that every political party supported EVMs and EVM black glass. Their opposition to EVM is only lip service.

The pro-EVM lobby floods YouTube and social media with so much news that real news does not get noticed.

Today, even the Supreme Court judges had to accept that EVMs could be manipulated.

Technical experts across the world have demonstrated that the electronic part of the machine is not reliable.

That's why countries that had tried the electronic machine went back to paper ballots...

But in India, this is still going on.

The Election Commission in India has been saying from 2017 that elections in India have not been conducted with EVMs alone and but with paper ballots also as VVPAT has paper inside.

But the voter does not get to touch the paper, she or he can only see it. The voter doesn't get a chance to put it in a box.

Who took the decision not to give the paper slip from VVPAT to the voter? The Congress party in 2013.



The Congress took the decision that the paper slip should directly fall into the box.

The fact is, you have to redesign the whole machine if you want to give the slip to the voter.

So, what can be done to stop possible manipulation of EVMs-VVPATs?

The only solution is giving the option of ballot paper to the voter.

In every constituency, there about 20 lakh (2 million) voters, 10,000 to 15,000 voters use postal ballots. It means the paper ballot design is already there with the collector. All s/he has to do is print 20 lakh instead of 10,000-15,000 ballot papers.

Also, panchayat and municipal elections use paper ballots.

It means the government staff has all the

experience to handle paper ballots and ballot boxes.

In such a scenario, why do we need EVMs at all?

We don't need EVMs at all.

Right now, my proposal is that you give the option of EVMs or paper ballot to the voter. If s/he has faith in the EVM, let her/him use the EVM. If not, let the voter use paper ballot.

The EVM that they use is useless as the black glass helps in manipulation.

trust EVMs or not?

So, in your opinion, we should go back to ballot papers?

Yes. But we need to modify the ballot papers to stop invalid votes.

Now that we have NOTA, the number of invalid votes will decrease.

Another modification that needs to be done is the border space between two candidates should be thick so that the ink stain will not spill over.

There should be CCTV cameras in all the



IMAGE: Members of Mission Save Constitution protest at the Patiala House Court in New Delhi, January 5, 2024, demanding an EVM free election. Photograph: **Amit Sharma/ANI Photo**

A recent survey found that 50% of the people polled did not have faith in EVMs...

In the surveys we have conducted, we have found that more than 70% of the people do not trust the EVMs.

But the Supreme Court says it does not trust private opinion polls.

What prevents the government or the court from conducting a survey on whether people

booths.

Also, counting can be done right after you finish the day's voting. If it happens, there will be no movement of ballot boxes.

I will go on to say that ballot papers are cheaper than EVMs.

Feature Presentation: Ashish Narsale/Rediff.com

Courtesy **Rediff.com**, April 29, 2024 🌈

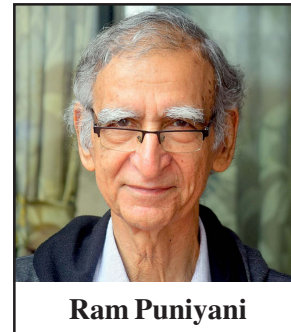
Modi's Election Propaganda: Falsehoods and Sectarianism Galore

BJP has a strong electoral machine, well backed up by its parent organization, RSS. The core module of RSS-BJP is based on demonization of Muslims through distortions of the medieval period of history in particular and glorification of the past where caste and gender hierarchy prevailed. When it comes to elections, RSS progeny has resorted to various themes from time to time. The first major theme was destruction of Hindu temples by Muslim kings which was the hidden message of the Ram Temple campaign. In due course security (Pakistan as the enemy) was also brought in. Prior to the demolition of Babri, they used to talk of Indianization of Muslims among other anti Muslim themes.

In recent times, in 2014 it was Acche Din (Good Days) to take advantage of the anti Incumbency and the Jumlas (Mere phrases) like women's security, 15 Lakhs per person, 2 Crore jobs every year along with the projection of Congress as a corrupt party. Thanks to the Anna movement promoted and supported by RSS wings, Congress is a corrupt party that was made to stick in people's minds for a long time. In 2019, National security, Pulwama-Balakot became the major propaganda for winning the elections. All through, anti-Muslim rhetoric formed the backdrop. Truth has been a major casualty in most of its propaganda.

This time euphoria around Ram Temple was anticipated to be the major fulcrum of its propaganda. Gyanwapi issue has also been racked up but with marginal effect. It seems now there is sort of 'fatigue' around this issue and due to the dwindling social-economic conditions of the people, the grand

Ram Temple-Gyanwapi may not give the results which they were expecting. That leaves it to fall back on its time tested divisive communal issue, the anti Muslim



Ram Puniyani

propaganda. This time around Mr. Modi has set the tone around anti Muslim dog whistles and linked it up with the Congress manifesto centered around Justice for weaker sections of society,(adivasis, dalits and religious minorities), women's empowerment, and justice for youth (employment- internship) and students (Paper leaks).

So far justice for weaker sections of society has been the major point of opposition for RSS and its progeny. Its very foundation in 1925 was in the backdrop of dalits asserting their rights and women beginning to articulate their social presence. To dilute the caste based reservations they brought in reservations for economically backwards. In practice wherever possible they have been undermining affirmative action for dalit and OBC. Faced with the great appeal of Rahul Gandhi's emphasis on reservation and affirmative action, BJP had to counter it without sounding that it is inherently opposed to reservations. In this direction the first step was falsehood from BJP patriarch Mohan Bhagwat that RSS has never been against reservations!

Modi in a clever and fake concoction has been saying that, "...they [Congress] wanted to grant reservation to one section

of the society (i.e. Muslims, added) by cutting into the quotas meant for Dalits and backward classes, which is completely against the Constitution. The reservation rights that Dr Babasaheb gave to Dalits, backward classes, and tribals, the Congress and the INDI Alliance wanted to give them to specific minorities based on religion,”

Congress manifesto's emphasis on caste census and giving the analogy of X Ray was picked up by Mr. Modi and linked with his anti Muslim narrative. Connecting the two, he peaked in the falsehood that Congress will do the X-Ray to find gold, money etc. and give it to those who have more children or who are infiltrators (Meaning Muslims as usual in their fake narrative). And to frighten the Hindus, Hindu women in particular, he stated "My mothers and sisters, they won't even leave your *mangalsutras* (*Sacred necklace worn by married Hindu women*) . The Congress manifesto says that if they form a government, then a survey of property belonging to every person will be done. It will be checked how much gold our sisters own and how much money government employees have...They also said that gold owned by our sisters would be equally distributed. Does the government have the right to take your property? ' He cited Mangalsutra' as something which will be taken away and given to Muslims.

This is like killing many birds in one stone. One is, to criticize Congress Manifesto, two to target Muslims and three to frighten Hindu women. The limit of falsehood concocted by him is so obvious here. The arrogance that such falsehoods can be believed by a large number of people comes from the solid understanding that the committed volunteers of 'RSS combine' the IT cell and the corporate controlled TV

channels and media will ensure that this falsehood will be taken seriously by large sections of people. The peak point of this exercise was to bring in poor buffalo, which had been left out so far in the 'Cow as mother' elaborations. 'If you have two buffaloes one will be taken away by Congress!' Post truth lies at its best!

How can Pakistan not be made part of the campaign by BJP-Modi? Modi brought in the P factor by stating that Pakistan wants a weak Government in India. One Fawad Chaudhary, an ex-minister of Pakistan, had stated that Rahul Gandhi has Socialism within him. Modi's claim is that Pakistan is scared of Balakot type reaction so they want Rahul as PM. Modi must have forgotten that it was Congress-Indira Gandhi, which took the bold decision to help in liberation of BanglaDesh, and divide Pakistan into two countries, against the wishes of mighty Western powers!

To bring in Mughals, Modi used the tweet from Tejasvi Yadav, when he was having fish a day before Navratra (Hindu sacred period, when many Hindu do not consume non vegetarian food). Modi propagated that Tejeswai Yadav is consuming 'non vegetarian' food in Holy Navratra to insult the feelings of Hindus, the way Mughal kings used to humiliate Hindus by destroying Hindu temples. Connecting the opposition leader's innocuous act with Mughals thereby reflecting on to present Muslims, showed that the BJP's current 'propaganda in chief' can stretch any simple and harmless thing into a tool to demonize the Muslims and along with the political opposition to his power.

Remarkable is the prowess of Mr. Modi to concoct things to generate 'Hate for Muslims' and opposition parties for his electoral gains and social hegemony. 🌈

BJP has a problem of plenty in Phase 2. It can only go down from that

BJP's fate in the second phase of 2024 Lok Sabha election will be decided in Karnataka, Rajasthan, and Maharashtra, where it performed very well in 2019 but faces a stiff competition now.

The BJP faces a peculiar problem in the second phase of the 2024 Lok Sabha elections. It starts the race with a massive lead that is well-nigh impossible to defend. In 2019, the BJP and its allies won nearly three-fourths — 62 of the 87 — seats that went to polls in Phase II; the INDIA bloc won just 24 seats. Yet, the comfort for the ruling coalition is deceptive for several reasons.

The 2019 tally does not reflect the situation on the ground as measured by assembly elections held since then. Once we adjust the tally for the leads in the assembly elections post-2019 (figures in brackets in red font in

Table 1), the race is evenly matched: 44 seats to NDA vs 43 seats to INDIA. Besides, the BJP's problem is that while its own seats are differently vulnerable in all but a couple of states, the seats held by INDIA are virtually a no-go zone for the BJP. The BJP can only lose in this phase. And if the turnout in the seats held by NDA drops more



Yogendra Yadav

LOK SABHA 2024 MANY GAINS POSSIBLE FOR INDIA IN PHASE 2

	SEATS (GAIN/LOSS POST-ADJUSTMENT)					
	Phase 2 Total	BJP	NDA PARTY	INC	INDIA PARTY	OTHERS
Kerala	20			18 (-12)	2 (+12)	
Karnataka	14	11 (-2)	2	1 (+2)		
Rajasthan	13	13 (-6)		0 (+6)		
Uttar Pradesh	8	7		0 (+1)		1 (-1)
Maharashtra	8	4 (-2)	3 (-1)	0 (+2)	1 (+1)	
Madhya Pradesh	6	6 (-1)		0 (+1)		
Assam	5	4		1		
Bihar	5		4 (-1)	1 (+1)		
West Bengal	3	3 (-2)			0 (+2)	
Chhattisgarh	3	3 (-3)		0 (+3)		
Jammu & Kashmir	1	1				
Tripura	1	1				
Total	87	53 (-16)	9 (-2)	21 (+4)	3 (+15)	1 (-1)
		NDA 62 (-18)		INDIA 24 (+19)		OTH 1 (-1)

than it does in the INDIA seats, as it did in the first phase of polling on 19 April, the losses for the NDA could be significant.

The main reason for the non-vulnerability of the seats held by INDIA bloc is Kerala, where all the 20 seats go to polls in the second phase. The BJP is yet to open its account in a Lok Sabha election here. It has steadily improved its vote share though. In 2019, the BJP was the runner-up in one seat – Thiruvananthapuram – that it lost by almost 10 percentage points and secured more than a fourth of the vote-share in two other seats. The BJP would be ecstatic if it can score its first victory in Kerala, but that cannot make much difference to its overall tally.

The real question in the state, as always, is the respective share of the two allies in the INDIA bloc: the Indian National Congress-led United Democratic Front (UDF) and the CPI-M led Left Democratic Front (LDF). In 2019, the present UDF constituents swept all but two seats in the state with a 7 percentage point lead in vote-shares. The LDF turned the tables in the subsequent assembly election and had a 6 pp advantage, which could translate into a lead in 14 of the 20 Lok Sabha seats. However, in Kerala, the logic of assembly election does not apply to the Lok Sabha election. In the last three decades, with the exception of 2004, the UDF has always outperformed the LDF in national elections, as the state's highly sophisticated electorate prefers UDF in Lok Sabha for its more salient national presence. This time, the LDF would be happy if it can snatch another 2-3 seats from the UDF.

Battleground states

The BJP's fate in this phase will be decided in the battleground states of Karnataka, Rajasthan, and Maharashtra where it did very well last time and faces a stiff competition now. In Karnataka, the first lot of 14 constituencies going to polls are all located in

the southern part of the state encompassing the Old Mysore, Coorg, and the coastal regions.

The BJP has traditionally been strong in the coastal regions but not in Old Mysore, where the Congress had its sole victory and the Janata Dal (Secular) secured one seat in 2019. The dominant Vokkaliga caste holds sway over these rural regions, just as Jats do in Western Uttar Pradesh. The BJP is hoping its alliance with the Vokkaliga-led JD(S) – similar to its alliance with the Rashtriya Lok Dal (RLD) in Uttar Pradesh — will help it make up the deficit. Going by past electoral records, it is a smart alliance. The Congress was poised to win 9 of the 14 Karnataka constituencies in this phase if we go by the 2023 assembly election results. But if one adds the vote-shares of both the BJP and the JD(S), the INC's lead drops to just 3 seats. Of course, this assumes a perfect transfer of votes between these new allies, which may not happen. Also, the Congress is banking on the popularity of the Siddharamaiah government and its five guarantees that are evident on the ground. If that works, the formidable BJP-JD(S) alliance could lose 3-5 seats in its heartland, paving the way for bigger losses in the second phase.

Rajasthan also offers the INDIA bloc some gains, though not as big as in the first phase. The three regions that go to polls in the second and final phase – Marwar, Mewar, and Haroti — are the ones where the BJP swept in 2019 and performed very well in the assembly election in 2023. On its own, the Congress stands a chance in only 4 of the 13 constituencies voting in this phase if its assembly performance gets replicated, but it can add three more seats because of the alliance with the Rashtriya Loktantrik Party (RLP) and a last-minute understanding with the Bharat Adivasi Party. The NDA is also facing trouble in Barmer from

a young charismatic independent candidate. That's another 3-5 seats that the BJP stands to lose.

In Maharashtra, where the elections are spread across five phases, the contest heats up in this phase where the complications of the new alliances of the NDA with breakaway factions of powerful state parties come to the fore. The NDA has a huge advantage in the number of incumbent MPs and a substantial advantage in the number of MLAs. Their allies, the Eknath Shinde-led Shiv Sena and the Ajit Pawar-led Nationalist Congress Party (NCP), have managed to capture the original party names and symbols. Yet those who control the party symbols do not necessarily command the loyalty of voters. All indicators suggest that the original parties from which these factions broke away — the now renamed Shiv Sena (Uddhav Balasaheb Thackeray) and the NCP-Sharadchandra Pawar — control a bigger chunk of both the cadre and the electorate. If the Shiv Sena and NCP assembly election votes get split into equal halves, the BJP and its partners stand to lose 3 of the 8 seats that go to polls in this phase. The presence of the Vanchit Bahujan Aghadi (VBA) adds more complications to the mix. The VBA is contesting 6 of the 8 seats in this round, including its leader Prakash Ambedkar from Akola. It is a much weaker force than in 2019, but yet could damage the INDIA bloc in close seats. All in all, the INDIA bloc (called MVA in Maharashtra) can expect modest gains in this round.

There are marginal setbacks for the BJP in other states where a handful of seats go to polls in the second phase. It so happens that the Congress has a fair chance in all the three seats going to the polls in Chhattisgarh. Two of the topmost Congress leaders of the state — former CM Bhupesh Baghel and former state home minister Tamradhwaj Sahu — are contesting in this round. In West Bengal, the

BJP is a major player in the three north Bengal seats, though the Trinamool Congress (TMC) has wrested control of two of these seats in the assembly election. The Seemanchal and Bhagalpur regions of Bihar with a substantial population of Muslims will vote in this phase. The principal challenge for the Mahagathbandhan (INDIA bloc in Bihar) here is its internal conflict in Patna and the challenge from All India Majlis-e-Ittehadul Muslimeen (AIMIM) in Kishanganj.

The electoral equation may not change very much in the remaining states. The BJP-RLD combine enjoys a clear lead over the Samajwadi Party-Congress alliance in the 8 western UP seats going to the polls in the second phase. Two factors could change the balance here: Mayawati's revival of the separate state demand, once championed by the RLD; and the resentment among Rajputs who perceive that their community has been short-changed by the BJP in candidate-selection. In Madhya Pradesh, although 7 seats were to vote in this phase, elections are taking place in 6 as voting in Betul seat had to be postponed due to the death of the Bahujan Samaj Party (BSP) candidate. The BJP held all of these and led in all but one seat in the recent assembly election.

Finally, the X-factor. The constituencies in this phase witnessed 70 per cent turnout in 2019, the highest turnout of all phases. Will the turnout drop in this phase in 2024, especially in the Hindi-speaking states? This would worry the BJP as the drop in turnout in the first phase seats where the NDA was strong and winning in 2019 was more than double than the drop in turnout in seats where INDIA had won in 2019. The former saw a drop of 5.1 percentage points while the latter's was just 2.4 percentage points. If the turnout follows a similar pattern as Phase I, the challenges for the BJP for the subsequent phases may intensify. 🌈

‘BJP murdered democracy in Surat’

Prasanna D. Zore

‘Can you imagine that Surat’s voters won’t have any say now in exercising their fundamental right to choose a candidate of their own choice? This is what the BJP has reduced India’s democracy to.’

Manish Doshi — the Congress’ chief spokesperson in Gujarat — tells **Prasanna D Zore/Rediff.com** how the BJP’s “ugly act” in Surat has galvanised his party’s rank and file and how the BJP exposed itself before the people of Gujarat when it allegedly used all the powers to have the nomination of the Congress’s Surat candidate Nilesh Kumbhani cancelled by the returning officer under the pretext of faulty signatures of the three people who proposed Kumbhani’s name.

“The entire system was brought under pressure by the BJP, not just so that one of their candidates wins unopposed, but also to show the people of India a trailer of how they want to murder democracy not just in Surat but in the entire country. Is the entire election machinery under the Election Commission’s control or under the BJP’s control?”, asks Doshi says in the first of a two-part interview.

The district collector of Surat has already awarded the winner’s certificate to the BJP’s Mukesh Dalal. How does the Congress plan to counter the BJP’s victory even before a single vote was cast?

As per the provisions mandated by the Election Commission of India we first asked for a hearing before the Returning Officer (RO), who had objected to the flaws (*in the nomination form of the Congress’s Lok Sabha candidate from Surat Nilesh Kumbhani*). Our legal experts met the RO and explained our position to him, but he refused to accept our contention and rejected our candidate (*Kumbhani*)’s form.

We were not allowed by the RO to exercise

our legal right of cross verifying the proposers (*who submitted an affidavit to the RO that they had not signed on Kumbhani’s nomination form based on which the RO rejected Kumbhani’s candidature*), forensic test of signatures, etc. None of our points were considered by the RO.

While we had said that we will be knocking on the doors of the (*Gujarat*) high court and Supreme Court, but since the form was rejected by the RO, we first made a presentation to the Election Commission in Delhi.

Our senior leaders Abhishek Manu Singhvi and Gurdeep Singh Sappal submitted our representation to the Election Commission. We have legally represented how the RO’s action and the district collector’s action was totally uncalled for and unjustified and expect the Election Commission to be just and fair and suspend the election result in Surat till the time we don’t get justice.

Hasn’t the district collector already declared Mukesh Dalal as the winner from Surat?

That is what we want the nation to know. What was the need to rush through with this declaration?

This is exactly what happened in (*the mayoral election for*) Chandigarh and later the BJP had mud all over its face when their cheating was captured by the CCTV cameras and also when the Supreme Court declared the AAP candidate as the winner.

If the institutions mandated by India’s Constitution, act as per the provisions of the Indian Constitution, then the BJP will have mud all over its face in Surat also.

Mark my words, the media is calling the unopposed victory of Mukesh Dalal, blaming it on the Congress’ carelessness, a fiasco for the Congress in Gujarat today, but it will ultimately

turn out to be a fiasco for the BJP.

Why are you blaming the BJP when the Congress failed to cross verify the proposers before they signed in for Nilesh Kumbhani. Now there are claims coming from the BJP that Kumbhani will join the party. Don't you think that the Gujarat Congress should take responsibility for whatever happened in Surat?

Let me explain the BJP's *modus operandi*. The affidavits in which the three proposers declared that they had not signed on Nilesh Kumbhani's form came from the office of a notary, who is a known BJP supporter and they were typed at the same office. Every word of the three affidavits is the same.

I can assure you that the people of Gujarat will respond to such dirty politics on May 7 (*when the state's Lok Sabha seats go to the polls*).

The party trusted Kumbhani, just like the voters do when they vote for any candidate, and so gave him the Lok Sabha ticket and allowed Kumbhani's brother-in-law, nephew and business partner to become the proposers.

But the question that begs an answer is how and why the BJP helped these three proposers draft their affidavits? We asked the Election Commission to allow us to cross verify if these three were telling the truth but our contention was not accepted.

An RO is a not a handwriting expert. It (*cancelling a candidate's nomination*) doesn't even come under the purview of an RO, but let us assume that even if it were to come under his purview he should have called for a handwriting expert to verify if the signatures on Kumbhani's form were really not theirs (*of the three proposers*).

The RO used the signature on the (*driving*) license of these three proposers to come to a conclusion that the signatures on Kumbhani's nomination form did not belong to the three proposers and whatever they had mentioned in

their affidavit was the truth.

There was no question of not trusting Kumbhani. The party made him a councillor from Surat; then gave him a ticket to contest the assembly seat from Surat. If you (*the media*) are questioning us today as to why we trusted Kumbhani then the simple answer is: The BJP is playing dirty with Indian democracy.

They have openly murdered democracy in Surat today and they will be punished massively by the people of Gujarat for this heinous crime.

The district collector and the RO have played their role in this act showing scant regard for established norms and Indian Constitution. The entire election machinery is under pressure (*from the BJP*) and they are all working to ensure one nation, no election in the days to come.

Look at the way the BJP forced all the seven Independents to withdraw from the race and make it an unopposed election.

What happens to the voice of those voters who would have voted against the BJP? They may or may not have voted for the Congress; they may have voted for any of the seven Independents but there is no way now they can exercise their Constitutional right.

Is this how democracy works? Can you imagine that Surat's voters won't have any say now in exercising their fundamental right to choose a candidate of their own choice? This is what the BJP has reduced India's democracy to.

With this ugly act, in one stroke, the BJP has disenfranchised all the voters of Surat. It (*Mukesh Dalal's victory from Surat*) is just a sham.

Do you know that BSP candidate Pyarelal, who couldn't be traced from Surat, was traced from Vadodara by the police yesterday (*April 21*) night and brought to Surat so that he could also withdraw his nomination? What kind of police, under whose pressure, acts in this manner?

The entire system was brought under

pressure by the BJP, not just so that one of their candidates wins unopposed, but also to show the people of India a trailer of how they want to murder democracy not just in Surat but in the entire country.

Is the entire election machinery under the Election Commission's control or under the BJP's control? It looks to me that the BJP is controlling it today in the most shameless manner.

Does the Gujarat Congress fear now that such games could be played against its remaining 23 candidates in the state?

In fact, this sorry affair has energised our rank and file in Gujarat to become more alert and fight our opponents.

The entire Congress leadership is fearless now and will pull in all its might and resources to defeat the BJP. This will be the toughest fight the BJP will have ever fought in Gujarat in the last 25 years.

If the BJP engages in such misadventures again it will only benefit us and further help us win more seats in Gujarat.

They have played at their dirtiest best in Surat which will boomerang on them soon. They tried to play a similar game in Banaskantha and Amreli, but failed miserably. The BJP is losing both the seats to the Congress's fighter ladies

Geniben Thakor (*Banaskantha*) and Jeni Thummar (*Amreli*).

They all tried to get the nomination of INDIA candidate Umesh Makwana's (*AAP's sitting MLA from Botad*) candidature from Bhavnagar.

They try to nitpick from the forms of our candidates, but shamelessly overlook huge faults in the nominations of BJP leaders like Parshottam Rupala (*contesting from Rajkot against the Congress' Paresh Dhanani*).

The RO from Rajkot had asked every candidate to file their nominations on a Rs 300 stamp paper, but Rupala brazenly used Rs 50 stamp paper. In fact, there have been at least 16-17 deficiencies in Rupala's nomination form and yet the RO accepted his nomination form.

100 per cent the Election Commission is under pressure to remain a mute spectator as BJP murders democracy in India. All their acts of commission and omission are geared towards helping the BJP.

There is a serious charge against the BJP's Kheda nominee Devusinh Chauhan that he has not paid revenue on the land that he owns. How come the revenue department gave him a no-dues certificate when Chauhan has defaulted on paying land revenue which belongs to the public exchequer? The Election Commission has turned a deaf ear to our complaints against him.

Part 2

'People Will Ensure BJP Pays For This Murder'

'This might prove to be a temporary gain for the BJP, but at a huge cost to the people of Gujarat and democracy in India.'

"The BJP has no answer to our welfare programmes and so they are indulging in such dirty tricks," Gujarat Congress Chief Spokesperson **Manish Doshi** tells **Prasanna D Zore/Rediff.com** after the **Surat fiasco in the concluding part of a two-part interview.**

How big is Surat's loss a setback for the Congress?

I sincerely accept that it is a loss, but it is a temporary loss. There was an air of gloom among our rank and file for some time.

The saying 'All for the best' will prove true in our case because this loss, which we plan to contest tooth and nail at the Election Commission's door, has re-energised our entire cadre to come together, stop all our infighting, and fight the BJP like we have never fought ever and hand a stunning defeat to them in Gujarat.

Our voters and cadre now know; the people of Gujarat now know how BJP is playing with our democracy and electoral process and they have now vowed that the BJP must be defeated at all cost to save our democracy, our Constitution.

They now know that the BJP has openly murdered democracy in Surat and will ensure that the BJP repents and pays a heavy price for this murder.

The voters are now convinced that the BJP is running away from the people (*of Gujarat and that it conspired to win Surat*) because the BJP knows that the people of Gujarat now want to talk about unemployment, price rise, farm prices, prices of essentials like cooking gas, women's safety, GDP and not divisive issues that the BJP espouses.

The Congress manifesto has created a novel, unbeatable, narrative that talks about social, political and economic justice by offering partnership to each and every deprived section of Indian society.

The BJP has no answer to our welfare programmes and so they are indulging in such dirty tricks.

With this renewed vigour, as you claim your cadres and rank and file will display now, how many seats will the Congress win in Gujarat?

As I said earlier, we will hand out a stunning defeat to the BJP in Gujarat. We will perform as good as we did in 2004 (*contested 25 and won 12 with a 43 per cent vote share; the NCP won 1 and the BJP 14 seats: Source: lokniti.org*) and 2009 (*contested 26 and won 11 with a 43 per cent vote share: Source: lokniti.org*) Lok Sabha election when Gujarat played its role in helping Congress win a sizeable number of seats in Gujarat and form our government at the Centre.

Who do you think should shoulder the blame for what happened in Surat?

We will undertake a thorough investigation into what has happened in Surat and work out

measures to ensure not just that such mistakes are not repeated, but also to rebuild the Congress party with renewed vigour and like this Lok Sabha election, will hand another stunning defeat to the BJP in the 2027 Vidhan Sabha election.

We will have to fix accountability because if we give responsibility, then we will also have to fix the blame on someone. We all are collectively responsible for what happened and we will have learnt our lessons from this mistake if we galvanise our cadre and supporters to work with double *josh* for the Congress victory.

There are reports suggesting that state Congress chief Shaktisinh Gohil was told by Congress leaders that Nilesh Kumbhani could not be trusted and yet he went ahead with his candidature for Surat...

Let me give you some background about Kumbhani. He emerged as a leader in 2016-17, born out of the Patidar agitation (*for reservations*) in Gujarat. Since then we gave him a ticket to contest from the Surat Municipal Corporation, which he won, and the Surat Vidhan Sabha, which he lost.

With due respect, let me say this, and I am not saying this as the chief spokesperson of the party but as an ordinary worker of Congress, for the first time, under Shaktibhai's leadership, did the Congress nominate 24 strong and popular faces, who ticked all the right boxes for being Congress workers, to contest the Lok Sabha election.

For the last 15 years I have always been in the forefront of facing the ire of our workers before every election for being neglected for nomination. But this time we did not receive a single complaint from any constituency about the choice of our candidates.

Nilesh Kumbhani was acceptable to all the Congress stakeholders from Surat for being the face of the Patidar agitation in Surat. We stood a huge chance of giving a tough fight to the BJP, but yes in hindsight one can say that it could

have been a mistake.

Will the morale of Congress supporters further weaken if Nilesh Kumbhani were to join the BJP as reports suggest?

I will once again remind you that the entire drama is being played out as per the script written by the BJP in threatening our candidates with investigating agencies or enticing them with greed of money and power.

This might prove to be a temporary gain for the BJP, but at a huge cost to the people of Gujarat and democracy in India. This is a blot on the face of Gujarat and the proud people of Gujarat will wipe this blot off by defeating the BJP in the 2024 Lok Sabha election.

We have full faith that the people of Gujarat will teach BJP an unforgettable lesson this time and give their blessings to the Congress.

Will the BJP's vote share, and seats won, be affected because of the agitation of Rajputs and Kshatriyas against Parshottam Rupala?

Rupalaji did not insult women just from Rajput and Kshatriya community but also of all those who ruled in Gujarat in the past. This includes Bhils, Brahmins, Rajputs, Kshatriyas and other sections which ruled Gujarat at different times.

There could have been no worse humiliation of entire Gujarat's womenfolk than what Rupalaji said in his speech. But then humiliating women, treating them as second class citizens has been in the BJP's DNA forever.

Their politics has always been about heaping insults on women.

Courtesy **Rediff.com**, April 25, 2024. 🌈

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Fooling the Voters

S. N. Shukla

Politics has now become a game of fooling the poor, illiterate and even gullible literate voters and the present dispensation at the Centre has perfected this art during the last ten years as would be evident from some of the glaring instances detailed below.

Taint free Parliament by 2015!

In his address to the Constituent Assembly on November 26, 1949 Dr. Rajendra Prasad had said, “Whatever the Constitution may or may not provide, the welfare of the country will depend upon the way in which the country is administered. That will depend upon the men who administer it. *If the people who are elected are capable and men of **character** and **integrity**, they would be able to make the best even of a defective Constitution.* If they are lacking in these, the Constitution cannot help the country. After all, a Constitution, like a machine, is a lifeless thing. It acquires life because of the men who control it and operate it, *and India needs today nothing more than a set of honest men who will have the interest of the country before them.*”

The degeneration in the polity of the Country during the last 74 years has shown how true and prophetic the above quoted observations were. The present day situation of persons with criminal background adorning the Parliament and State Legislatures was evidently not envisaged by the founding fathers of the Constitution.

It is not that our leaders have not been aware of this. As the Leader of Opposition, AB Vajpayee in an article “Need for Systemic changes in Governance Structures” wrote in 1996: “*The electoral system has been almost totally subverted by money power, muscle power and vote bank considerations of castes and communities. The net result is that elections are not reflecting the true will and*

aspirations of the people”. However, the successive governments, including his own, did practically nothing about it despite well considered recommendations of various bodies including the Election Commission and the unanimous 1997 Resolution of the Parliament itself *to free the political life and process of the adverse impact of criminalization*. The reason is not difficult to seek. Why should they change the system, which brought them in power ? Since all political parties are using criminals in varying degree for winning elections, their reluctance to check criminalisation of politics is quite understandable.

So the public declaration in 2014 by the present Prime Minister of taint-free Parliament **by 2015** had raised hope that some effective steps will be taken to restore and maintain purity of our highest legislative body. But, while a totally unnecessary new Parliament building got high priority, nothing has been done in this regard by his government in the last 10 years and his pious declaration has turned out to be only another ‘jumla’. Consequently, despite categorical landmark direction in the order dated 10.3.2014 in WP (C) No. 536/2011 by Public Interest Foundation requiring *disposal of criminal cases against legislators within 1 year from the framing of charges by the Court, as per ADR report, between 2014 and 2019 there was **26% increase** in the number of tainted members and **43% MPs** in the current Lok Sabha *face criminal cases* and percentage of members with *serious cases* has **doubled** from 14% to **29%** in the last 10 years. As observed by the Apex Court in Contempt Petition (C) No. 656/2020 : “*This Court, **time and again**, has appealed to the law-makers of the Country.....All these appeals have fallen on the deaf ears. **The political parties****

refuse to wake up from deep slumber.”
(emphasis supplied)

Not only this, the present Central Government has been vehemently opposing the following PILs filed by Lok Prahari for ensuring the purity of our Parliament and state legislatures-

- (i) WP (C) No. 679 of 2021 in the Supreme Court challenging the constitutional validity of Sections (a) 8 of the Representation of the People Act, 1951 which permits convicted legislators to become *law makers* and Minister again 6 years after their release from jail, (b) 9 of the Act which allows a person dismissed from an office under the Central/state government for *corruption or disloyalty to state* to become a legislator and even a Minister, and (c) 11 of the Act which permits the Election Commission to remove or reduce period of disqualification of even a murderer or rapist to become a legislator and even a Minister.
- (ii) WPIL No. 29990 of 2021 in Lucknow Bench of Allahabad HC for implementation of the **mutually agreed arrangement** between the Election Commission and CBDT for enforcement of voters' right to information under Article 19(1)(a) of the Constitution by effectuating meaningful implementation of the directions in the judgment dated 16.2.2018 in Lok Prahari's PIL WP (C) No. 784/2015, reported in AIR 2018 SC 1041/(2018) 4 SCC 699, for putting in public domain the verification reports of the affidavits of the legislators to ensure free and fair elections, which has been held to be a basic feature of our Constitution, by exposing the undesirable role of

illegitimate money power and to prevent growing misuse of their position by legislators for amassing wealth and save 'We the People' from the clutches of such corrupt legislators. The obvious reason for opposing this PIL is to save the legislators belonging to the ruling dispensation at the Centre by sweeping their adverse verification reports under the carpet while selectively targeting only the leaders of opposition parties on the basis of these reports as confirmed by various press reports in this regard. So much for the crusade of the present government against corrupt leaders.

- (iii) WPIL No. 264 of 2023 in Lucknow Bench of Allahabad HC for proper and effective implementation of the provision in Section 36(2) (a) of the Representation of the People Act, 1951 by directing the Election Commission to instruct the Returning Officers in elections to Parliament/state Assemblies to reject nomination papers of persons *charge sheeted more than a year ago by a court of law* for an offence punishable with imprisonment for five years or more on the ground of NOT being qualified to contest *due to not fulfilling de jure the mandatory requirement of Article 84(a)/ 173(a)* for the reasons stated in the WP.

The Poor are the topmost Caste

As quoted in the 'Thought for the Day' in the Times of India dated 28.6.2018 Gandhiji had said "*Poverty is the worst form of violence*". The Preamble of the Constitution of India begins with the resolve to constitute India into a *socialist* republic and to secure to all its citizens Justice, social, economic and political. Evidently, no social and political justice is

possible without ensuring economic justice. The economic justice envisaged in the Preamble of the Constitution can be achieved only through the economic empowerment of the poor of **all** communities and castes since poverty transcends religion and caste. As the then President of India, Dr. Pranab Mukerjee put it succinctly: *“Poverty has no religion, hunger has no creed”*. However, *even after 76 years of independence* a sizeable population of the country is living in pecuniary and sub human conditions without proper satisfaction of even the basic needs of food, clothing, and shelter. The claim of the Central Government about drastic reduction in poor population is contradicted by their own statement that 80 crores persons are being provided free ration. *Apparently, concerted time bound measures at the level of the Central and state governments are required if India has to translate into reality the theme of the Global Citizen Festival- Removal of poverty by 2030 held in 2015.*

While addressing the BJP Parliamentary party after being elected as its leader in 2014, the present Prime Minister pledged to serve the poor, the youth and women. He was reported to have said *“Sarkar woh ho jo gareebon ke liye soche, jo gareebon ki sune, jo gareebon ke liye jiye, nayi sarkar gareebon ke liye samarpit hai.”* Still, eight years later, in the webinar organized in 2022 by RSS-affiliate Swadeshi Jagaran Manch, RSS general secretary Dttatreya Hosabale himself flagged the issues of poverty, unemployment and *rising inequality* in the country.

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

Constitution. Hence, this writer along with the former Principal Coordinator of UP Planning Commission filed in **November 2018** a PIL writ petition in the High Court at Lucknow for directing the Central and State governments that the benefit of *all* existing and future beneficiary oriented schemes meant exclusively for SCs/STs/OBCs be extended to below the poverty line (BPL) persons of all other communities/castes also who fulfil the eligibility criteria applicable to persons of SCs/STs/OBCs/Minorities,

There can hardly be any objection to the relief sought in the writ petition. Still, counter affidavits on behalf of the state government, and NITI Aayog were filed only **after 4 years** along with applications *seeking dismissal of the written petition* and the counter affidavit of the Union of India with prayer for dismissal of the writ petition was filed only on 30.11.2023 after repeated opportunities. This shows the callousness of the Central/state governments to the cause of the poor and also their disrespect for the Court.

The counter affidavits filed by state government, NITI Aayog and the Union of India do not address the real issue *as to why the benefit of existing beneficiary oriented schemes meant exclusively for SCs/STs/OBCs and minorities should not be, and cannot be, extended to the below poverty line families/persons of all other castes and communities of general category also* in view of the aforesaid constitutional mandate. The counter affidavits also do not indicate *as to how the **interest of justice** will be served by dismissal of this writ petition for enforcement of fundamental rights of such persons under Articles 14 and 21 of the Constitution* As held in the case reported in (1986)3 SCC 20 (Para1) the Directive Principles are *“fundamental in the governance of the country and are to be applied by states in making laws”*. Evidently,

in view of the Preamble, Articles 14 and 21 and Part IV of the Constitution, these observations apply with greater force to administrative actions/schemes. As held in (2008) 6 SCC 1 (Para 605): *“Caste matters will continue to matter as long as we divide society along caste lines. Caste based discrimination remains. Violence between castes occurs. Caste politics rages on. Where casteism is present, the goal of achieving a casteless society must never be forgotten. Any legislation to the contrary should be discarded.”*

Notably, the 103rd amendment to the Constitution cited in the counter affidavit of NITI Aayog itself supports the case of the petitioners. If the benefit of 10 percent reservation in admission in educational institutions, including private educational institution and in matters of public employment can be extended to the EWS persons of general category, there can be no justification to oppose the Prayer in this writ petition for following the same principle which already stands upheld by the Apex Court. Hence, the stand of the answering respondents is clearly thoughtless and untenable and anti-poor.

The opposition to this writ petition is prima facie untenable since it is against the discrimination among economically backward sections of society entirely on the basis of caste and creed which is against the observations of the Apex Court in the following cases-

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

- (i) *“On careful analysis of the Constituent Assembly and the Parliamentary Debates, one thing is crystal clear: ‘our leaders have always and unanimously proclaimed with one voice that our constitutional goal is to establish a casteless and classless society’.* (Para 363)

- (ii) *“Once economic criteria remove the relatively wealthy families (from all castes and communities), a ‘class’ will remain. This ‘class’ is known as ‘the poor’. The class would share the same characteristic, irrespective of caste. They would all lack money”.* (para 591)

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

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

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

Evidently, the opposition even to this non-adversarial PIL speaks volumes about the fake concern of the Prime Minister and his Central and state governments for the poor. It exposes the hollowness of the following repeated statements of the Prime Minister-

- (i) *“Self respect of poor is my guarantee”* and that *“Poor have first right on resources”* (The Times of India dated 8.7.2023),
- (ii) *“4 biggest castes for me are poor, youth, women and farmers”* (The Indian Express dated 1.12.2023),and
- (iii) *“Fight polls on pro –poor plank, Modi tells party”* (Hindustan Times dated 18.2.2024) and is a glaring example of the chasm between his words and deeds and of befooling the poor by such ‘ jumlas’ for political benefit.

Nari Shakti

While addressing the 110th edition of his monthly radio broadcast, 'Mann ki Baat' on 25.2.2024, the Prime Minister said that "After a few days on March 8, we will celebrate Women's Day. This special day is an opportunity to salute the contributions of women's power in the developmental journey of the country. The great poet Bharathiyar Ji has said that *the world will prosper only when women get equal opportunities*. Nari Shakti (women power) is touching new heights of progress in every field,"

Again the above rhetoric turns out to be nothing but 'jumlas' when considered in the light of the stand of his party's UP government in the PIL writ petition No. 12700 of 2019 filed by advocate Siddhartha Shukla in the Lucknow Bench of Allahabad High Court for gender equality in the matter of succession of agricultural land in the state of UP. The writ petition challenges the constitutional validity of Sections 108(2), 109 and 110 of the U.P. Revenue Code 2006 on the grounds that they violate the fundamental rights of women guaranteed under Articles 14, 15, 19(1)(g) and 21 of the Constitution, besides being contrary to, and against the spirit of, the Preamble of the Constitution, Directive Principles, India's commitments under international law and foundational legal principles of justice, equity and good conscience. It is the petitioner's case that these obsolete and archaic provisions accord negative differential treatment to women as they categorise married women as a lower class of heirs compared to male and third gender heirs, and also divest unmarried women of their rights upon marriage or remarriage whereas no such restrictions are placed on any male or third gender heirs. In summary, the law prevents agricultural land from substantially going into, or staying in, the hands of women.

The State filed its counter affidavit in January 2021 and later sought to file a "better"

supplementary counter affidavit which was done in July 2021. Notice to the Id. Advocate General of U.P. was issued in February 2021 but having no answer on merits, obviously to avoid its disposal he has never appeared in the matter till date despite more than 30 orders. Consequently, this PIL relating to enforcement of fundamental rights of women in the largest state of the country has remained pending so far. *So much about the concern of our PM and his party's government in UP for empowerment of women.*

Ram Aagaye hain, Ram Rajya Ayega

The responses of the central and state governments ruled by the so called 'Ram bhakts' in the aforesaid matters directly relating to the security and welfare of 'We the People' are sufficient to expose the hollowness of the above promise. Even otherwise, all Hindus know that Shri Ram's Avatar took place lakhs of years ago in Treta Yug and it is not now that Shri Ram has come on this earth with the Pranpritishta of Ram Lalla's idol in the newly constructed temple at Ayodhya. Nor it is that Shri Ram vanished and became nonexistent after construction of Babri Masjid. Even after that, for centuries He has been living in the homes and hearts of all Hindus of all castes belonging to various political parties when the BJP was non-existent and will continue to do so even in any other government. For generations the festival of Ram Navmi (birthday of Bhagwan Ram) has been celebrated in practically all Hindu households. So, the above slogan is nothing but an attempt to encash the euphoria generated by temple construction and installation of idol for winning the Lok Sabha election.

As regards the promise of Ram Rajya, suffice it to say that the readers of Ramayan will notice that often conduct of so called Ram-Bhakt leaders is contrary to what Shri Ram said in Ramayan and the situation in BJP ruled states is nowhere near the description of

Ram Rajya in it. Political vendetta by selective action by central investigating agencies against opposition leaders at the time of Lok Sabha elections while leaving out their own and the turncoats as detailed in the news report in the Indian Express dated 3.4.2024 is clearly against the advice of Shri Ram to Bharat while going to Banwas that do not give up 'NITI' after being sworn in. At other places in Ramayan He also said that there is no meanness greater than persecuting others, he who is not inimical is always happy, and a miser king is like a thorn. As per description of Ram Rajya in Ramcharitmanas, no one was inimical to another, there was no inequality neither fear

or sorrow among the people. This cannot be said about the present situation in the country even after ten years rule of 'Ram bhakts'. So much about the promise of Ram Rajya upon being given a third term.

The success of the opposition in the current Lok Sabha elections will depend upon the extent to which it is able to caution the voters about the false propaganda on issues which have nothing to do with their real problems with a view to digress their attention from these and the basic issues concerning the working and future of democracy in the country which require attention by the Parliament.

S.N. Shukla is I.A.S. (retd.), Advocate. 

Height of Kerala Governor's indiscretion and Constitutional incongruity between Article 111 and Article 201 of the Constitution

Bimal Kumar Chatterjee

It is now almost a common knowledge that a Bill passed by the legislature of any State mandatorily needs "assent" of the Governor of the state meaning his approval to mature the Bill into an Act. Assenting to a Bill is not a privilege of the Governor, it is his Constitutional duty. When a Bill, not being a money Bill, is presented by the legislature to him for his assent he may either assent to the Bill or return the Bill "as soon as possible" to the legislature for its reconsideration either of the entire Bill or any of its provisions (Article 200). Occasions for signifying Governor's assent to a Bill is the rule and the occasions for Governor's returning a Bill for its reconsideration by the legislature is an "exception to the rule". And if on reconsideration the legislature once again pass the Bill with or without any amendment and again present the Bill for the Governor's assent, the Governor has no option but to signify his assent. Instead of assenting to a Bill the Governor may

reserve a Bill for consideration of the President for some obscure reasons for protection of the powers of High Court mentioned in the second proviso to Article 200 of the Constitution. And, if the Bill is so reserved for consideration of the President, the President may declare his assent to the Bill or withhold his assent and, unless the Bill is a money Bill, the President may direct the Governor to return the Bill to the legislature for its reconsideration within a period of six months from the date of receipt of the President's said direction. If on reconsideration of the Bill, the legislature also pass the Bill with or without any amendment the Bill is required to be presented to the President for his consideration and in such event Constitution surprisingly remains silent without casting any compulsive obligation on the President to give his assent either within any fixed time or at all. Such an unprecedented bizarre situation is required now to be addressed and resolved by the Supreme Court in a writ

petition filed on 23rd March, 2024 against the Governor and the President by Kerala Government under Article 32 of the Constitution. Incidentally, “Money Bills” have been exhaustively defined in Article 199 and special procedure in respect of such Bills has been provided in Article 198 of the Constitution but neither of the Articles has any relevance in the present context.

The bizarre situation is created by the Constitution itself because of its dissimilar treatment of two almost similar situations. In the case of the Central Legislature i.e. Parliament passing any Bill for the second time after the Bill is returned by the President to Parliament for its reconsideration the Constitution expressly casts a compulsive obligation on the President to give his assent by expressly barring him from withholding his assent (Article 111). Treatment of similar situations differently i.e. in the case of a Bill being passed by any State legislature for the second time after the Bill being caused to be sent by the President through the Governor for reconsideration of the State Legislature and in the case of a Bill being passed by the Parliament for the second time after being sent back by the President for its reconsideration seems to be Constitutionally incongruous and against the spirit of the Constitution. No explanation is also available for the aforesaid differential treatment in the debates of the drafting committee of the Constituent Assembly held respectively on 20th May, 1949 and 1st August, 1949. Article 176 of Draft Constitution, which is now Article 201 of the Constitution, was adopted and incorporated in the Constitution as it was drawn by the drafting committee without any amendment at all on 1st August, 1949. But Article 91 of Draft Constitution was deliberated on 20th May, 1949 at length and by way of amendments a phrase (i) “as soon as possible” (“Provided that the President may, as soon as possible after the presentation to him of a Bill for assent, return

the Bill..... with a message requesting that they will reconsider the Bill”) at the beginning and the words (ii) “President shall not withhold assent therefrom” (“and if the Bill is passed again by the Houses with or without amendment and presented to the President for assent, the President shall not withhold assent therefrom”) at the end were added to the proviso to Article 91 of the Draft Constitution which is now Article 111 of the Constitution. Significantly neither of such amendments finds place anywhere in Article 201 of the Constitution. There seems to be no rationality behind the aforesaid differential treatment creating a bizarre situation in the working of Constitutional provisions which has now necessarily saddled the Apex Court with the responsibility of resolving the glaring dissimilarity and incongruity while deciding the said Writ Petition under Article 32 of the Constitution filed by Kerala Government against the President, Governor of Kerala and others seeking redressal against the queer conduct of the Governor of the State and first and of the President in not assenting to as many as seven Bills which were presented to the Governor by the State Legislature for his assent since 2021 onwards over a period out of which four were referred by the Governor to the President for his consideration and pending since long. The President has withheld his consent for long without any reason or explanation therefor although none of the provisions of the said Bills has any implication for any affairs of the Central Government. It is to be noted in this context that in terms of Article 74 of the Constitution the President is to act on the aid and advice of the Ministry at the Centre as Governor is to act on the aid and advice of the Ministry in the state (Article 163).

In this context provisions of Article 311 of the Constitution providing immunity from personal liability to both the Governor and the President for their commissions and omissions also appears to have no relevance. In the present

context there is no, nor can there be any question of personal liability either of the Governor or of the President arising in any event. Moreover, there are judicial authorities upholding amenability of both Governor's and the President's conduct to judicial review under Article 32 of the Constitution. Both "stoic silence" for long period for withholding assent and that too without any reason are likely to be held against each of them as unreasonable and arbitrary. If it is so held by the Apex court that would likely to demean the dignity and honour of the Hon'ble Governor as also the Hon'ble President. There also seems to be no reason why the Constitutional Court cannot direct issuance of a mandamus directing each of them to act to give effect to the spirit of relevant Constitutional provisions of a democratic polity in giving assent to each of the said pending Bills within a fixed time. Such findings of the Apex Court are reasonably expected and are likely to work as a guideline for future also for such unwelcome and unfortunate imbroglios.

It matters not to a man in the omnibus either with any 'sweet' or any 'sour' relationship existing between the Hon'ble Governor of the State and the Government of the State but it matters hugely to the welfare of the state and to Constitutional ethics and morality of a democratic polity as government is the reflection of the will of majority people of the polity.

Constitutional history of our country confirms that until recent past the occasions of 'sour' relationship between the State Ministry and the Governor of the State were not only few but also far between and mostly of temporal nature but unfortunately instances of such occasions in the recent period are now being seen more frequently and for longer period to the detriment of welfare of the people at large. It is more unfortunate that such instances are peculiarly more and more visible in a few states like West Bengal, Kerala, Tamil Nadu, Andhra Pradesh, Arunachal Pradesh and Himachal

Pradesh and also in two union territories of Puducherry and Delhi where in place of Governor there are Lieutenant Governors in the Constitutional government structure. Whether Governor or Lieutenant Governor, all are appointees of the President on the advice of the Central Ministry at the head of which is the Prime Minister. The ministry at the Centre is now formed by National Democratic Alliance (NDA) of which Bharatiya Janata Party is the main constituent since 2014. In all the aforesaid states and union territories parties other than parties constituting NDA have formed the Ministries. In the existing unwelcome situations of discord between the Governor and the Governments in the said States the ever suspicious political critics cannot be blamed as such either for suspecting and smelling a rat in those situations!

It is a matter of great regret and wholly undesirable that in spite of clear and unambiguous provisions of our constitution the two constitutional functionaries in the State e.g. the Government and the Governor have embroiled themselves in unnecessary confrontation with no meaningful consequence for the welfare of the State. In the first place, it must be made absolutely clear that in the normal circumstances there is no legitimate scope for any confrontation between the two and more so when there is no question or occasion for giving rise to an issue either (i) on the question of formation of government in the State, or (ii) on the question of whether the Government of the State can be carried in accordance with the provisions of the constitution. None of the few sour episodes of recent past known to us concerning the relationship between the two in any state fall under either of the occasions mentioned above. To be more specific there was no, nor could there be any issue with regard to formation of government (Articles 163 and 164) and similarly there was no, nor could there be an issue with regard to any failure of constitutional machinery in the State (Article 356).

A Governor of a State in India, unlike a governor of a State in the United States or elsewhere, does not govern a State although the Constitution has made him the head of the executive of the State and all the executive powers of the State are vested in him. The executive powers vested in him are required to be exercised by the Governor either directly or through officer's subordinate to him in accordance with the provisions of the constitution. In all these situations he need not and does not depend upon the aid and advice of the Council of Ministers. It has also been held by the Supreme Court that Governor can exercise his discretionary power only if there is a compelling necessity to do so. He is otherwise to be aided and advised by the Council of Ministers of which the Chief Minister is the head. It has also been judicially held that Ministers are officers subordinate to the Governor. Article 163 of our Constitution read with Article 166 has also made the position absolutely clear when it says that the Council of Ministers are to aid and advise the Governor in exercise of his functions except in so far as he is by and under the constitution required to exercise his functions or any of them in his discretion and unless a particular Article expressly provides so. An obligation of the Governor to act in his discretion cannot however be inferred by implication. As said earlier there are a very few constitutional provisions which require a Governor to act in his discretion. In addition, a Governor has certain responsibilities which he has to discharge according to the directions issued by the President and in those circumstances he does not have any need to be advised by the Council of Ministers. While exercising his aforesaid powers there is hardly any room for confrontation as the areas are distinct and has no relation with the executive powers of the Government of the State of which he is the Governor. Our constitution envisages a parliamentary system of Government meaning

thereby that a Governor is not to exercise any function personally. Executive functions are allocated according to Rules of Business made under Article 166 (3).

The Supreme Court has said that a Chief Minister and a Governor must always be conscious of their constitutional obligations and not sacrifice either political responsibility or parliamentary conventions at the alter of political expediency. In *S.R. Chaudhuri Vs State of Punjab* reported in (2001) 7 Supreme Court Cases 126 the Court had borrowed the observations of constitutionalist Prof. Nwabueze's book "Constitutionalism in the emergent States" which reads that "The successful working of any constitution depends upon what has aptly been called democratic spirit, that is, a spirit of fair play, of self-restraint and of mutual accommodation of differing interests and opinions. There can be no constitutional government unless the wielder of power are prepared to observe the limits upon governmental powers". Prof. Nwabueze's aforesaid observations were preceded by his assertion that "Experience has amply demonstrated that the greatest danger to constitutional government in emergent States arises from human factor in politics, from the capacity of politicians to distort and vitiate whatever governmental forms may be devised." We hopefully expect that neither the government nor the Hon'ble Governor of the State will enter into such a confrontation which will in effect vitiate the pleasant political atmosphere in the State. The Government and the Governor of any state are therefore reasonably expected to coordinate in the matter of Governance of the state in a manner that the judiciary is not burdened with the responsibility of deciding very much avoidable occasions of dispute between them.

Bimal Kumar Chatterjee is Barrister-at-Law and Sr. Advocate, Former Advocate General of State of West Bengal. 

Organisational News:

Minutes of the Board of Trustees of the Indian Renaissance Institute Meeting held at Noida on 21.01.2024

A meeting of the Board of Trustees was held today at the residence of Mr. Vinod Kumar Jain at Noida at 10.00 a.m. It was presided, over by Mr. Vinod Kumar Jain, Chairman, IRI and attended by the following members:

1. Mr. Vinod Kumar Jain
2. Mr. Mahi Pal Singh
3. Mr. Sheo Raj Singh
4. Mr. Sandeep Chaudhary
5. Mr. Rajesh Kumar Sharma
6. Mr. Suraj Deo Prasad
7. Mr. Hawa Singh Hooda
8. Mr. Rajender Kumar Sharma
9. Mr. Ved Prakash Arya

As per the agenda circulated earlier the following decisions were taken unanimously:

1. First of all the minutes of the BoT held on 24.09.2023 were presented and confirmed.
2. Financial report of the IRI was presented by the Treasurer, Sh. Sheo Raj Singh. The members showed concern at the poor financial position and asked the Treasurer to send letters to the donors for donation.
3. Mr. Sheo Raj Singh presented the status report of the case of 13, Mohini Road. The members expressed concern at Mr. N. D. Pancholi's continued illegal intervention in the case at the High Court level by putting up an advocate against the official advocate of the IRI. His call for an illegal meeting of some of his friends who are not even members of the IRI on 11.02.2024 in an effort to create a parallel body of the IRI was condemned by all and the following resolution was passed unanimously:-

Resolution:-

“Board of Trustees Resolution 24/1

1. In view of his continued anti-IRI activities and not adhering to the resolution No. 1/2023 passed in the BoT meeting dated 23.4.2023, the BoT vide resolution No. 2/2023 authorized Secretary/Chairperson to take appropriate action as deemed fit against Mr.

N.D. Pancholi. He has not complied with resolution No. 1/2023 till date.

2. He was asked to prove the validity of his membership as his membership was not found sanctioned by the BoT which is mandatory as per Rule No. 4 of the IRI constitution. Mr. Pancholi could not submit any such proof and as such his membership was placed under suspension by the Secretary on 2.11.2023.
3. He has been regularly indulging in anti-IRI activities and has now proposed an unauthorized meeting of some individuals, including many non-members, with a clear agenda to create a parallel body on 11.2.2024.

Therefore, this house again authorizes the Secretary and the Chairman to take firm disciplinary action including the expulsion of Mr. Pancholi from the primary membership of IRI at an appropriate time.”

4. Regarding Agenda No.4, the members viewed with serious concern that Mr. Pancholi was not transferring the property of the IRI including the manuscript of Volume -Vth of the Selected Works of M.N. Roy to the office bearers, which was affecting the working of IRI and also stalling the publication of the Vth Volume. They expressed the need of action against him for his continued anti-IRI activities.
5. The issue of revival of the Indian Radical Humanist Association was taken up but action in the matter was deferred to a future date.
6. The issue of membership of IRI of Mr. Pancholi was discussed and members expressed the view that action in the matter as decided earlier should be initiated at the earliest.

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

Continued from the May 2023 issue...

THE PATH OF GANDHI: THE BROKEN HEART

Koganti Radha Krishna Murty

2nd October was the date of birth of Gandhi. On that day in the year 1947, just before independence, he was so distressed that he said “Who is there to send greetings to me? From where can I expect it? I may have to accept them as condolence messages after my death. I am lonely now. There is no value for my advice. I pray to God to give me the power to stop this orgy of violence and death or else take me to Him far from this violent world. Having staked all my life for the independence of my country I am not able to rejoice when I got it. I am not interested in another birthday in my life. I will be happy if God takes me away as early as possible.”. As if it is the wish of God, it happened accordingly. He had to leave before reaching the next birthday. Even the death was an irony. He believed that Hinduism was the best of all religions. It was a communal Hindu that assassinated him in a prayer meeting on 30th January, 1948.

The Indian National Congress accepted the leadership of Gandhi for the limited purpose of achieving independence. If Gandhi has confined himself only to the political activities, not only the Congress Party but the entire people of India might have accepted him as their leader. The programs, policies and activities intended to achieve political independence had to be devised in conformity with the aspirations of the common man. That was what the party did. But the situation became confusing to the common man as it was mingled with some higher ideals. His philosophy of Truth and Non-violence were something that were beyond the comprehension of common man at that juncture. Even if Gandhi realized the futility of it in later stages, the situation was out of control by that time. Gandhi was instrumental in creating an emotion and enthusiasm in the common man for independence. But he was not equally successful in creating democratic institutions required for an independent

country.

However much he wanted, Gandhi could not protect the integrity of the country. His failure in that respect was a source of extreme disappointment for him. Added to that the communal hatred resulting in bloodshed was another matter that made him feel his failure more acutely. He was a helpless witness to the country and government deviating from his principles without any remorse. Those, whom he considered his followers, undermined his ideals.

On the day before his assassination, that is, on 29th January, Gandhi again reiterated that the Indian National Congress should wind up as a party. “The purpose of the party is fulfilled. Now is the time for all congressmen to mobilize people and educate them to complete the freedom movement.” he said. But it left many questions unanswered. How to mobilize people? What is meant by ‘complete freedom’? If the party is dissolved, who will be there to take responsibility of governing the newly independent country? There was no need to answer these questions as nobody was prepared to accept the suggestions of Gandhi.

Even after realizing that the party in power was resorting to unethical practices, Gandhi did not try to assert himself and adopted the same people as his political heirs. He had no attraction for power. He despised government as an instrument of violence. But in the modern society the nation, the government and administration cannot be avoided. If Gandhi’s principles are to be put in practice, it would be possible only in the Gandhian society which is an impossibility – then and now as well.

Gandhi preferred Jawaharlal Nehru over Vallabh Bhai Patel to be the first Prime Minister of independent India. Nehru belonged to an aristocratic family with a rich background. He was accustomed to western culture and civilization and not aware of Indian rural life. He was fond of socialism and

inclined to modernize India on the lines of western countries. In fact, Nehru took opportunity to criticize the policies of Gandhi on many occasions. Patel was quite contrary to this. He came from a rural background and stuck to Gandhi in all respects. He led the agitations of farmers on non-violent lines and earned reputation as the steel man. Even then he was not against industrialization.

Minoo Masani described an interesting episode in his autobiography. Sensing that Nehru and Patel were going to hold power in the new government, Gandhi tried to make Jayaprakash Narayan as the president of the Congress Party as he was the one who could control both of them. But Nehru vehemently objected to it and proposed the name of Narendra Dev for the post. Then it was for Patel to object to that name. Consequently Dr. Rajendra Prasad was accepted as the compromise candidate to be the president of Congress party. Jayaprakash Narayan (later reputed as JP) tried to prevail on Gandhi to start an agitation to prevent partition of the country. But Gandhi accepted the formula proposed by the representatives of the British government that three regions shall be recognized in the country. The proposal was not acceptable to both Nehru and Patel. Finally the All India Congress Committee accepted the partition and confirmed it.

There were occasions earlier in 1924 and 1934 when the Congress party differed from the policies of Gandhi. Even if he withdrew from political activities on such occasions, Gandhi did not feel disappointed. He was active in constructive politics. In its meeting in 1939 the National Planning Committee did not consider the proposals of Gandhi. During the World War II Gandhi was insisting that violence shall not be supported even for self-protection. Congress again defied him and extended support to the British government.

Gandhi declared that it was his aspiration to make a 'Harijan' the President of the Republic and a farmer the Prime Minister of the country. He could not realize those aspirations. On the other hand he cooperated in entrusting power to the same people who defied his policies. The fact that Congress in power was not following his principles made Gandhi sorry. Till then he was fighting against the British government for freedom. Now that chapter was

over. He was planning to start movements of people for constructive social and economic policies even if it be against the government. But fate deceived him. Even his last journey was in violation of his principles. His body was carried in a military vehicle with all regal paraphernalia. The vehicle was pulled by members of the three armed forces to reach the Ghat. He was cremated in the midst of rhymes of military band while fighter planes saluted in the sky. He was accepted as the father of nation and the nation could not afford to deprive him of the regal status in spite of his wishes to the contrary.

Gandhi was acknowledged as a leader of the world. Condolence messages were received from various countries, heads of governments and religious leaders. Peculiarly, there was no such message from the Russian government then. The inscription on his tomb proclaims his ideals and influence the visitors. It reads "It is my sincere desire to see an independent India that has the capacity to offer selfless and pious sacrificial determination for the progress of the world. Just as a selfless person sacrifices for his family, the family to the village, village to the district, district to the state, state to the country and the country for the entire humanity must be prepared to sacrifice. What I wish is the rule of God, that is heaven on earth."

Many people and dignitaries visit the Samadhi of Gandhi. No doubt, they get inspired by the inscription. But it is doubtful how far the Congress Party that was nourished by him for over three decades have implemented his policies during the three decades in power. (This book was written three decades after the death of Gandhi.)

Dr. Ambedkar was the chairman of the Committee formed to draft the constitution for India. He had least regard for Gandhi and to his principles. Indian constitution was drafted taking into consideration the ideas and ideals of western countries and liberalism that was manifest during the preceding decade in the country. In some respects, the constitutions of England, France and America were taken as models in drafting the constitution for India.

Under the leadership of Nehru the country gradually shifted away from the ideals of Gandhi. The political system was built on the lines of western

governments. The country adopted industrialization and modernization. Whether socialism or not, in the name of planned economy, democracy was getting eroded gradually. Because of the wars with China (1962) and Pakistan (1965) the importance of army and defence industry has taken roots. Dictatorial tendencies reached pinnacle during the emergency imposed by Indira Gandhi.

Khan Abdul Gaffar Khan was one of the true followers of Gandhi and genuinely believing in his principles. He was reputed as the "Frontier Gandhi" as he was a native of Afghanistan. He happened to visit India 20 years after the independence, which was also 20 years after the death of Gandhi. He was immensely upset from what he found in India then. "Gandhism also died with Gandhi. The story of Goutam Buddha is being repeated. Just as Buddhism lost its place in India after the death of Buddha, Gandhism also lost its place after Gandhi" he said. There is deep truth embedded in his statement. He also said another truth regarding the policies of Gandhi. "The policies of Gandhi involve hard restrictions. It is difficult to understand them and more difficult to follow in practice" he said. Almost everybody agrees with his statement.

But it is necessary to make an appraisal of Gandhi and his philosophy. It is necessary to ascertain how much of Gandhism is worth practicing in the present day situation of the country. How far they are practicable? How many people are willing to practice his philosophy? There are many people reputed to be his disciples, followers and also living in his Ashram. How many of them set an example to follow Gandhi? Even among his family members, how many are his heirs to his philosophy? Is the number of followers in India, where he preached his theories, increasing or decreasing? The communal riots instigated by Jinnah in 1946 not only posed some problems for Gandhi, but also raised innumerable questions in general. Is there unity in India in spite of religions being different? How far is his faith that the two religions could live together in peace is vindicated? Is his non-violence practicable? Is it possible to get rid of violence completely? Is it necessary to link politics with religion? What are the principles on which we can get unity between different cultures and traditions?

What are the limitations of non-violence in practice? What did Gandhi achieve in his public life spread over five decades? How far was he able to realize his ideals and aspirations? In his last days he might have recognized contradictions and weaknesses in his theories. He was deeply offended by the people who rallied around him just on a call but did not care for his principles. During the days of freedom movement his call resounded like the war drums and made every Indian run to the war front. It made everyone a soldier marching to his tunes. The British government that was ruling over the extensive empire was bewildered at his leadership style. But where are the followers now? Why do they ignore him now? Is there anything wrong with the man or with his philosophy? What would have been the result if he lived for some more time after India got independence?

Having said all this, it cannot be ignored that his quest for Truth and Non-violence are still commanding respect in the world. It is necessary that the above questions are answered sincerely.

To be continued in the next issue... 

Contd. from page - (39)

Minutes of the Board of Trustees of the Indian...

7. The issue of the new members of the IRI illegally made by Mr. Pancholi without the sanction of the BoT was discussed. The Board decided not to grant sanction for their membership as they had not followed the established procedure.
8. The membership of the following members was sanctioned by the BoT :
 1. Mr. Mahesh Kumar (Sonipat)
– Life Member
 2. Mr. Saurabh Thanvi (Jodhpur)
– Annual Member
 3. Mr. Naveen Thanvi (Jodhpur)
– Annual Member

The meeting ended with vote of thanks to the chair.

(Mahi Pal Singh), Secretary
Indian Renaissance Institute 

Some Members of the Board of Trustees after the Meeting



On a Wall of Jawaharlal Nehru University Campus



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