A Journey from Marxism to Radical Humanism

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Dedication

This collection of articles traces a journey of thought of an individual from Marxism to Radical Humanism. The articles present in a chronological manner my reactions to the important events – both political and social – during the last 20-21 years but they are not autobiographical in character. They only portray a thought process which transformed the way of interpreting events influencing the people of this country from the angle of a political activist being a member of the Communist Party of India (Marxist) for about 15 years, essentially nurtured in Marxism, as presented, interpreted and practiced by the political left of the country, to that of a social activist maturing into a Radical Humanist and looking at various events not through the prism of any political ideology but in a rational and scientific way in an attempt to explore a humanistic way of life which can promote individual freedom and democratic values so essential for a dignified and peaceful life of a society which has remained in subjugation for a long time and is still trying to wriggle out of its clutches even after attaining political independence from foreign rule more than seventy five years ago.

The articles included in this book present a candid reaction to the demolition of Babri Mosque at Ayodhya, the communal carnage that took place in the aftermath of the burning of a compartment of the Sabarmati Express at Godhra, the anti-Sikh riots, the events of Singur and Nandigram, various governments' reaction to the Naxalite/Maoist movement in Andhra Pradesh, Chhattisgarh etc. and the human rights situation in the country following the imposition of Emergency in the country in 1975 and thereafter. In my thoughts and reactions one is bound to notice a deep imprint of the philosophy of M.N. Roy, the great thinker, philosopher and freedom fighter, who, and whose philosophy, has essentially influenced my thoughts to which I was drawn by my teacher, friend, philosopher and guide, and mentor, Dr. R.M. Pal, a very close associate of Roy and one of the senior most Royists, to whom I shall always remain highly indebted as it was he who encouraged me to write my first article to be published in '*The Radical Humanist*' and continued and guide me to continue to work for the promotion of the radical humanist ideology and to write.

It may be relevant to mention here that my experience as a CPI9 (M) activist, working among the poor and the deprived, brought me closer to the miseries and poverty of the poor. After leaving the left politics, I was drawn and persuaded to join the People's Union for Civil Liberties (PUCL) by Dr. R.M. Pal where I got experience as a civil rights activist, General Secretary of Delhi PUCL and later a national Secretary of the PUCL and also Editor of the *PUCL Bulletin*, and continued to work for the protection and propogation of civil liberties and human rights. I was also encouraged to join the Indian Radical Humanist Association (IRHA) and during my association with the organisation founded by a person no less than Justice V.M. Tarkunde, a crusader for civil liberties in the country and follower of M.N. Roy, who had also founded the PUCL along with Jayaprakash Narayan during the Emergency in 1976. During my working with the IRHA, I read the books and articles of M.N. Roy, a freedom fighter and great intellectual, and also the founder of the Communist Party of India, who later repudiated the Marxist ideology and propounded the ideology of New Humanism or radical humanism which strongly advocates individual freedoms and democratic values for a really democratic and free society. That formed the basis of my thought and ideology which is inevitably reflected in my way of looking at things and reaction to the events taking place in the country.

I dedicate this collection of articles to the respected and loving memory of my Guru Dr. R.M. Pal.

Mahi Pal Singh 26 January 2022.

Index

S.No.	Article's Name	Page No.
1.	**Future of Communist Parties: Observations of an Insider**	**6**
2.	**Jungle Raj *Vs.* The Rule of Law: The Veerappan Affair**	**8**
3.	**Gujarat Earthquake and Related Issues**	**12**
4.	**Crude Methods Adopted by Bureaucrats**	**14**
5.	**Vital Questions CPI/CPM Cannot Igonore: Satypal Dang**	**16**
6.	**What ails the Left?**	**18**
7.	**In Response to the Managing Editor's appeal in "Readers, the RH Needs You!"**	**21**
8.	**War Against Terrorism: The Role of Radical Humanists - A Report**	**22**
9.	**Plight of Government Schools: Who is Responsible?**	**24**
10.	**M.N. Roy's Non-Political Writings**	**27**
11.	**M.N. Roy's Non-Political Writings: Balraj Puri**	**30**
12.	**The New President and The Electoral Reforms Ordinance**	**35**
13.	**Attacks on the Dalits by Delhi Police and the Freedom of the Press**	**37**
14.	**The Menace of Caste**	**40**
15.	**Another Vietnam in the Making**	**42**
16.	**Private "Public" Schools & the Right to Education**	**45**
17.	**Dilemma Before the Electorate**	**48**
18.	**An Open Letter to Mrs. Sonia Gandhi**	**51**
19.	**Defeating the NDA: A Road Map for the Congress**	**53**
20.	**A Layman's Economics *vs.* the NDA's Economics**	**57**
21.	**Remembering V.M. Tarkunde**	**59**
22.	**Whose Victory This?**	**62**
23.	**'Tainted' Politicians and Electoral Reforms**	**65**
24.	**Haryana Administration Fails Yet Again**	**67**
25.	**One Law for the People and Another for Law-makers**	**69**
26.	**The Question of Reservation – A Re-Examination**	**71**
27.	**What is Objectionable about the 123 Indo-US Nuclear Deal?**	**74**
28.	**Attack on Tasleema Nasreen and N. Innaiah: An Ugly Face of Fundamentalism**	**78**
29.	**Secular Democracy – The Indian Scenario**	**79**
30.	**Nandigram – A Dangerous Chapter in the History of Human Rights**	**82**
31.	**Humanism In India**	**85**
32.	**How Real is India's Unity and Integrity?**	**88**
33.	**Dalits and the Unending Dalit-Politics**	**91**
34.	**Primeministership and Rahul Gandhi**	**95**
35.	**The Trust Vote of Manmohan Singh's UPA Government: The Government Wins and Democracy Loses**	**98**

36. **Manmohan Singh's Trust Vote and the Tragedy of the CPI(M)** **101**
37. **Amarnath Shrine Board Land Controversy** **105**
38. **Reviving *The Radical Humanist* Movement-The Delhi Experiment** **107**
39. **Questions Arising from The Mumbai Terrorist Attack** **111**
40. **Justice Delayed Need not Always be Justice Denied** **114**
41. **Interpreting the Verdict 2009** **116**
42. **Challenges before the New Government** **120**
43. **National Human Rights Commission, Annual Report: 2004-2005** **125**
44. **In Jail without Trial** **133**
45. **Fighting Naxalism The Democratic Way** **135**
46. **Our Criminal Justice Administration System Needs Drastic Changes** **138**
47. **Fake Encounters in Kashmir: Dangerous for the Integrity of the Country** **141**
48. **Politics of Hatred and Violence will do no good to West Bengal** **143**
49. **Ill-timed Controversy on Death Penalty** **145**
50. **Binayak Sen's Conviction Outrages the Conscience of the Nation** **147**
51. **PUCL: It's History of Struggle in Fighting the Structures** **149**
52. **Who are the Guilty?** **167**
53. **No Crime but Punishment and No Punishment for Crime** **170**
54. **Democracy *Vs*. Communal Fascism and Why India Needs to Remain A Democracy?** **172**
55. **Lessons from the Delhi Gang Rape** **174**
56. **AFSPA and the Sedition Law Must be Repealed** **177**
57. **Violence Breeds Violence** **179**
58. **Will Extra-Judicial Killings Ever Stop?** **182**
59. **Another SC Judgement in the Right Direction** **184**
60. **Civil Liberties & The Armed Forces (Special Powers) Act** **186**
61. **The Way Ahead for Anna is not Easy** **193**
62. **The Rise of the People's Power in Delhi** **197**
63. **Criminal Justice Administration Needs Accountability** **203**
64. **Secularism a Must to Protect Our Democracy** **206**
65. **Consolidation of the People's Power in Delhi** **207**
66. **Democratic Values Must Always Be Upheld** **209**
67. **Absurd and Illegal Order of the NGT Banning Old Vehicles** **212**
68. **Time to take a Pledge** **214**
69. **Eternal Vigilance Necessary to Protect Our Democracy** **217**
70. **Should Hindutva Sponsored Talibanisation of the Country be allowed?** **220**
71. **Interpreting Bihar Elections** **222**
72. **Has Democracy Failed Us?** **224**

73. **To Be, or Not To Be? 226**
74. **Should We still call Ourselves a Civilized Society? 229**
75. **The Specter of Emergency Continues to Haunt the Country 232**
76. **The BJP is at it again- Communalise, Divide and Polarise 235**
77. **The Horizon of Rights Must Widen 237**
78. **Demonetization: Claims, Effects and Fears 239**
79. **Truth behind Demonetisation and Cashless Economy 242**
80. **UP Elections: Shape of Things to Come for the Country 245**
81. **Present Day Politics and the Task Ahead 247**
82. **Interpreting UP Assembly Election 2017 Results 249**
83. **Modi Government's Anti-People Face Exposed in Three Years 251**
84. **The Undoing of the Mahagathbandhan 254**
85. **Three Steps Forward in the Liberation Movement 256**
86. **Who will Win the Next Election and Why? 260**
87. **Gujarat Assembly Elections: A Win-Win Situation for All 262**
88. **The Indian Taliban is at it Again 264**
89. **The Hypocrisy of the RSS and BJP Exposed in Karnataka 266**
90. **The Crusade for Democratic Freedoms will Continue 268**
91. **Justice at last to the Victims of Hashimpura Massacre 270**
92. **Beginning of the end of BJP rule 272**
93. **The Pulwama Attack and its Fallout 275**
94. **Narendra Modi, the '*Chowkidar*' of the Elite 278**
95. **BJP's Return to Power: Time for Greater Vigilance 282**
96. **'Emergency' Then and Now 285**
97. **Revocation of Article 370 Means More than What Meets the Eye 288**
98. **A Judgment devoid of Justice 291**
99. **Yet Another Politically Motivated Communal Riot 292**
100. **Two Electoral Verdicts – Miles Apart 293**
101. **One Man's Ego Stalemating Solution to the Farmers' Agitation 296**
102. **The Country Stands with the Farmers and their Movement 299**
103. **The Villains of the Second Wave of the Pandemic 302**
104. **Black Laws like UAPA and Sedition Law Must be Repealed and those who Misuse them held Accountable and Punished 306**
105. **Incompetent Government, Failed State 309**
106. **Hail the Victory of the Indian Farmers! 311**
107. **Mr. Modi, forgive us, We the People of India, for Voting you to Power Twice 312**

Future of Communist Parties: Observations of an Insider

(This has reference to an editorial in *The Radical Humanist*, November 2000, "Jyoti Basu's West Bengal")

On November 6, 2000, when Buddhadev Bhattacharya takes over as the new Chief Minister of West Bengal, it is time to ponder over the achievements and failures as well as the future of Marxism in this country. A period of 23 years is a long time for any political party in power to prove its worth as an instrument of social change. When we look at the conditions prevailing in West Bengal, social and political, we hardly notice the changes that anybody with a faith in the utility of Marxism as an ideology capable of bringing about these changes expects. Even after the much talked of land reforms and literacy drives the social structure of the state has hardly changed, though one must not neglect the fact that the state did not witness communal riots of any consequence when they raged in the other parts of the country during the anti-Sikh riots and the Hindu-Muslim riots in the wake of the Rath Yatra of L.K. Advani and the demolition of the mosque at Ayodhya.

It is a pertinent question to ask, "Why are the Marxists losing their hold on the state they have ruled for such a long time?" This is what the success of Mamata Bannerjee in the recent municipal polls seems to reflect. Is it because of the disenchantment of the people with the Left Front government or is it the hopes of changes aroused by Trinamul Congress which are responsible for this?

If the working of the party in Delhi is any indication of the state of affairs in West Bengal, the reasons are not difficult to find. Today the party in Delhi is poorer because of the loss of mass base, whatever little base it has had, as the membership of its mass organizations like Janvadi Mahila Samiti, Democratic Youth Federation of India, Students Federation of India and the CITU has come down considerably in recent years. Today the party is without the services of many of its young and educated leaders who have held the highest posts in DYFI, JMS or SFI and who were instrumental in giving it a mass base as well as some credibility in the eyes of lower middle class youth. As a result of it, the party fails to mobilize large numbers of people in its programmes.

The party functions on the principle more of 'centralism' than of 'democratic' pattern. I am not discussing the contradiction in terms of 'democratic centralism', as the two can never go together, but the practical aspects of what it is supposed to follow. The small time leaders, like in other parties, do not let the party branches, the smallest units of the party; take any decisions on their own. They feel that powerful branches can make leaders weak as they would start thinking in terms of taking decisions on their own. So they see to it that the branches do not become self-sufficient or powerful by not allowing very old comrades to remain in the party, particularly if they are educated because such people can question their authority or methods of functioning. It is thus that these Local Committee Members ensure their permanency in office with none capable of reaching their shoulder heights.

For any party to be successful in a democratic set up and wishing to take all the cadres with it, there has to be 'democracy' in the functioning of the party with the branches becoming capable of taking decisions which, unfortunately, does not exist here. I am not saying this on the basis of any hearsay but on the basis of my own experience as a Branch Secretary, which I had been for quite some time. I was surprised to learn the name of the candidate for the Municipal Corporation elections, which were due then, from people who were not party members and, of course, I knew nothing about it. The branch was never taken into confidence on the matter, though it was the only branch within the area of the electoral constituency and all the party members and the people of the area had been expecting another candidate because the work of the candidate had made her an obvious choice. Everybody, except the party leaders, was shocked. Result: the party lost its deposit very badly where the people had been expecting a tough fight or a win for the party, given the right candidate.

This is only an example. If the party reposes such little faith in its basic forum, there can hardly be any doubt about the shape of things to come.

Criticism has no place in the party, though all Marxists talk of self-criticism, and one who dares criticize the functioning, particularly that of the leaders, is sure to be out, either thrown out or opting out, because disagreement, the main force of any democratic setup and the driving force in the search for truth, is considered as opposition. (This, again, is my personal experience. In a Local Committee Conference, I, instead of making dictated statement, narrated personal experiences, which went against the leadership's way of functioning. My speech was much applauded, but during the lunch time, many veterans asked me if I had decided to go out. And soon I was out and, now I think, for the better, never to return and bear the load of the yoke again). This results in going away from truth. It removes the party's hold on the pulse of the public. Otherwise, how does one explain the efforts of Comrade Harkishan Singh Surjeet to install a Congress government headed by Sonia Gandhi at the Centre when the party cadres everywhere, including in West Bengal, were opposed to it. And the same Sonia Gandhi bluntly refused to support any "third or fourth front" to form a government, within a few days, and Jyoti Basu, who had been kept away from the Prime Ministership earlier by the party, as it failed to pick up the gauntlet, was mooted as the candidate of the third front if the Congress supported the move. The earlier "historical blunder" of the party was really so, not in the opinion of Comrade Jyoti Basu only, but in the opinion of the party cadres as well as the expectant public which was fed up of the Congress misrule as well as the divisive agenda of the BJP. The ultimate result was breaking up of the not too united third front. The 'historical blunder' has now been rectified, but, like all earlier blunders, too late for any amends to be made. That holds good for party organization as well as for ruling a state. The rectifications will come, but perhaps, too late for any amends to be made, for by then, it will have been judged, and the truth remains that "The liberating role of any social organization is to be judged by the degree of actual freedom it allows its members," as M.N. Roy, the great radical humanist and first ever Marxist in this country, has observed.

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Jungle Raj *vs*. The Rule of Law: The Veerappan Affair

Apropos of Shri K.G. Kannabiran's two articles on the Veerappan issue in the October, 2000 issue of *PUCL Bulletin*, I wish to express my views on the subject as given below. I hope you will consider them for publication in the *PUCL Bulletin* and oblige.

A lot of discussion has been going on for the last 4-5 months on the Veerappan issue in the print as well as the electronic media. Whenever the forest brigand kidnapped some VIPs or killed policemen or other citizens in the past, he became the topic of the talk for some time and then the people as well as the governments of Tamil Nadu and Karnataka forgot about him. There have been talks of joint task forces to arrest him but they have never taken off or fizzled out after some time. All this time, the sandalwood smuggler made the forests poorer by, as per an estimate, one thousand crores worth of the precious scented wood and nearly 2000 mighty tuskers for the sake of their tusks, the cost of which will again run into hundreds of crorers. The environmentalists and lovers of fast depleting wild life have hardly ever raised a finger. And the successive governments at the centre, Karnataka and Tamil Nadu have every time chosen to be silent after some time, to hide their inability to arrest him, or due to the involvement of some political leaders, or bureaucrats in the whole matter, for it cannot be that he has been running a multi-crore business without the active partnership of powerful people living out of the forests. In the process 134 people, including 34 policemen, have lost their lives at his hands. The number sounds like the casualties of a battle fought on the borders of the country. But the enemy in this case was not an army from across the border but a gang of something like a dozen and a half of criminals who have chosen forests for their illegal business.

It became a hot topic once again with the kidnapping of Raj Kumar, the famous actor of Kannada films who was ultimately released after 108 days after long sessions of parleys between the governments of Tamil Nadu and Karnataka on the one hand and the forest brigand on the other, carried out through people who were sent as emissaries of the two governments but looked more like his supporters than disinterested emissaries. And the kinds of demands that were put forward by the outlaw for releasing Raj Kumar looked like the political demands of one of the warring countries, after the war is over, for the release of POWs. It was no surprise to anyone, therefore, when the Supreme Court came out with a rebuke to the two governments that if they could not arrest a killer and ensure the safety of the people, they had no right to rule and should abdicate power.

After the safe return of Raj Kumar the two governments must have heaved a sigh of relief, as all the people across the country did, though for different reasons, as the latter were really worried about the safety of the film actor (as well as angry at the inaction of the two governments over the years, making the state look like a pigmy in front of a small group of criminals), whereas the former were saved from the ire of the judiciary and public alike. And as on such occasions, the exercise of setting up the joint task force to arrest, which is already much overdue, the culprit of the law of the land. Now a new debate has started on whether the army commandos should be involved in the planned operation (as per reports a special task force consisting of commandos of Karnataka and Tamil Nadu police has been set up and a BSF battalion from the Eastern Sector has been sent to Coimbatore to join the camp at Bannari in Erode district as reported by BSF inspector general K. Vijaykumar), which Julio Reberio, the former Punjab Director General of Police, feels to be the right course of action as the army is "un-politicized" (besides, who can know the weakness of the police force better than a veteran police officer like him?). On the other hand are people like Air Commodore Jasjit Singh, presently Director, Institute for Defence Studies and Analyses, New Delhi who do not agree with him because "that would erode public confidence in our police" (The Sunday Times, November 26), as if people really ever had that confidence in the police in view of the long history of the police-criminal-politician collusion in this country.

The ongoing talk of pressing into service the most powerful and efficient force, provided the two concerned governments are sincere in their efforts this time, seems to be focused on eliminating the forest brigand from the face of the earth. But in his two articles in the *PUCL Bulletin* (October 2000), which is a leading magazine devoted to the cause of civil liberties and human rights in the country, K.G. Kannabiran, National President of PUCL has put forward an "innovative approach for resolving the problem". In the editorial, 'Appeal to Veerappan and the Chief Ministers of Tamil Nadu and Karnataka' he has suggested some steps which he feels the governments of the state should take. He writes: "It is imperative for both Governments to recognize that the present crisis (referring to the kidnapping of Dr. Raj Kumar) is mainly

due to the failure of institutions more specifically the administrative structure, the political system and also the judiciary. Increasingly, it may be noticed that, private redress is resorted to because institutions of governance, polity and justice have failed and do not inspire any confidence among the people. We would like to stress the fact that abductions and resort to private justice are the consequences of such failure. It is also necessary for these governments to recognize that without the connivance and, very often, active participation of government officials, it would not have been possible for Veerappan to commit capital crimes with impunity and rise to such enormous and unmanageable size. Hence both the governments cannot wish away the fact that they are primarily responsible for the crimes committed by Veerappan."

And, he goes on to say, "Therefore it is not just sufficient to brand Veerappan alone as a criminal." So he pleads, "Assuming that Veerappan is likely to be convicted in more than one case, the sentences imposed on him may be ordered to run concurrently, all the trials should be completed within a pre-specified mandatory time frame," and, "Both governments should assure Veerappan, that in case of conviction they will not argue for imposition of death penalty and they shall take steps to get the sentence commuted in the event of the court imposing the same."

Whereas all human rights activists will agree that penalty of death should be abolished completely, nobody expects the prosecuting authorities not to argue for its imposition for killing more than 125 people most of whom were absolutely innocent. And why should any government assure him with any such promise? Even if the government agreed to do so under the threat to the life of Dr. Raj Kumar and the other three hostages held by Veerappan, would the judiciary not be free to impose the sentence it thought fit for the killer? To quote Mr. Kannabiran again, in the other article entitled 'Reel Life in Real Life' in the same issue of *PUCL Bulletin,* he writes: "The system operating in this country gives predators great opportunity and Veerappan seized it by its horns to emerge as a political leader and as a totally free man. For achieving this, he kidnapped a very proper person, a darling actor of Karnataka State." And, "the demands appear trivial and totally uninformed., The obvious effort of his ventriloquist is to help himself and his friends and to provide a political image to Veerappan."

And further, "We are of the view that you, Veerappan, should seriously consider release of Dr. Raj Kumar and the other three hostages abducted by you forthwith without any further conditions. This release is important in the interest of peace and harmony between the two linguistic communities on both sides of the border. We recognize the fact that right from the beginning you have not made any demand beneficial to you… Any negotiation with the State is possible only at the end of the prosecution in the cases." ('Appeal to Veerappan…' as cited above)

Does not appear to give the impression that Veerappan is a social activist who did what he did just for the sake of Tamil people, and kidnapping of Dr. Raj Kumar was fully justified? And an attempt is made to portray Veerappan as a social and political reformer when Kannabiran says, "if you interview him he will tell you that we should not vote for the corrupt and that we must opt for clean politics. He will give you acceptable reasons for some of the crimes he committed" (Reel Life in Real Lie – cited above).

It hardly needs to be emphasized who the 'ventriloquists' are who are trying to provide a 'political image' to the brigand and trying to portray him as 'a political leader'. Thanks to the release of the Kannada actor that 'peace and harmony between the two linguistic communities on both sides of the border' not jeopardized, though in my opinion it was a far-fetched concern. He says, 'Veerappan is a Tamil and Language riots are not new to Karnataka. If the attempts (to get Raj Kumar released) failed the attack on Tamils cannot be ruled out … Innocent Tamils should not be made to pay for the deeds of a corrupt set-up which allowed Veerappan to grow to this unmanageable size and for his deeds of brutality' (Reel Life…). But this concern can also be understood. To quote once more, "An ordinary criminal by a simple act of abduction is asking you to pay minimum wages, to grant bail to undertrial prisoners who have been detained for long periods without trial, to tell governments not to use preventive detention as a substitute for punitive detention and to settle your river water disputes equitably and without rancor."

And compare these demands which were supposedly made earlier by the outlaw for the release to Dr. Raj Kumar (though even at that time it was said that these demands also included Rs. Fifty crores) to secure his actual release – Rs. 10 crore as ransom amount, telecommunications equipment like walkie-talkie sets, pagers and cellphones and arms cache for the TNLA, assurance that Veerappan and his men will not be hounded and the money reportedly owed to Veerappan by Raj Kumar's son has also been returned. (The Price of Freedom – Kidnap Drama, *Outlook*, Nov. 27, 2000)

While nobody can deny the justifiable demands of Tamils, these demands do not gain a higher validity if Veerappan starts voicing them. We also share Kannabiran's concern for those detained under TADA and the abrogation of black laws like TADA from this country forever. At the same time we also feel that Veerappan's support base in TNLA or LTTE should not deter the governments of Tamil Nadu or Karnataka from making attempts to arrest Veerappan and to proceed against him as per the law and it should be left for the court to see that justice is done to him because if the State starts hesitating to act merely in view of the support base of criminals, no action could ever be taken against Laloo Prasad Yadav, even if held gu98lty of charges leveled against him, and the whole ongoing exercise of conducting an inquiry into the demolition of the mosque at Ayodhya will be futile, because the people who are likely to be found guilty for the crime, if the inquiry is fair, unbiased and bold, are far more powerful and could arrange far bigger number of people to stand up in their support. Justice demands that the wrong-doer should be apprehended and produced before the court of law for judgement, whoever the wrong-doer be.

What people like Kannabiran, and for that matter, all human rights and civil liberties activists, should be particular about is that the law takes its own course in accordance with the highest traditions of democracy. The special task-force should concentrate on arresting the brigand and produce him before the court of law. There should be no attempt to take the law into its own hands and to kill the culprit. He should also be given a chance to defend himself before the court of law, to narrate his tale of why and how he chose, or was forced to choose, the way of the jungle. That will also give the country a chance to recognize the faces of those who were his accomplices, even though they were sitting in the safety and comfort of their homes in cities away from the jungles. He should be allowed the full protection his human and fundamental rights because this is what democracy is all about – to give even the hardest of criminals the right to self-defence. If that is not guaranteed to every individual in the civil society there will no difference between the law of the jungle, which Veerappan has followed throughout his life, and what we are supposed to follow as members of a democratic and civil society.

So the police should act with an open mind and a clear heart to arrest the brigand, and be as firm in their mission as possible and without at all having any sympathies for the killer, and I repeat, to arrest him. However, if in the process the brigand gets killed, or if circumstances force the task force to kill him, it should not bring any sense of guilt or remorse in their hearts, for it will be the

death of none other than a killer himself. But it should not be the result of a deliberate or vindictive action, based on the principle of an eye for an eye and a head for a head, on the part of the task-force. It should be remembered that the award of capital punishment even by a court of law is not considered justifiable by most civil societies today, and the consensus of the speakers at The National Conference Against Death Penalty, held on 22nd and 23rd of July, 2000 at New Delhi was against the award of capital punishment. Gandhiji, the father of the Nation, also did not favour death as a penalty when he said, "Destruction of individuals can never be a virtuous act. The evil doer cannot be done to death. Today, attempts are being made to convert prisons into hospitals as if they are persons suffering from a disease." And what else is Veerappan if not a mentally sick person? We also have the opinion of Dr. B.R. Ambedkar, the principal architect of the Indian Constitution, who observed, "This country by and large believes in the principle of non-violence. It has been its ancient tradition, and although people may not be following it in actual practice, they certainly adhere to the principle of non-violence as a moral mandate which they ought to observe as far as they possibly can and I think that, having regard to this fact, the proper thing for this country to do is to abolish the death sentence altogether."

(*Dr. Babasaheb Ambedkar – Writings and Speeches*, Vol. 13, page 639, Govt. of Maharashtra Publication).

The task force will be well advised to keep that in mind.

Published in ***PUCL Bulletin*****,** March 2001.

Gujarat Earthquake and Related Issues

Over two months ago when one of the most devastating earthquakes hit Bhuj, Ahmedabad and vast areas around these towns on January 26, 2001, people everywhere in the whole country, and in fact, people around the world, were deeply shocked to know about the heart-rending tragedy. Everyone shared the agony that the people of large parts of Gujarat were thrown into by nature's fury. All hearts went out in sympathy with the suffering millions. Even before an appeal was made by the government to do so, there were volunteers to extend a helping hand to those who were desperately searching for their near and dear ones under the heaps of rubble that were their houses only a few hours ago. Many non-governmental organizations (NGOs) went into action to take the injured to whatever medical aid available anywhere. Foreign countries started rushing in aid in the form of tents, blankets, medicines and other necessities for those who were rendered homeless in the chilly winter, waterless, foodless and had lost everything that they had earned and gathered with their labour of a lifetime. People everywhere started collecting and sending money and material to their suffering brethren. People around the country showed their love and concern for their suffering countrymen irrespective of their religion, caste, creed, sex, language or State. It was not money and material only which were offered as help; they were accompanied by heartfelt sympathies and good wishes for the welfare of those who had survived the fury of nature. Everyone felt that he/she should do a little more than what he/she had done so far. This upsurge of spontaneous human feelings was great to see and an evidence of the unity of this country and the whole humanity. Even Pakistan sent two-plane loads of assistance on humanitarian grounds, in spite of our political differences; this was sent voluntarily, and wisely accepted by our government.

There is no denying the fact that the Gujarat earthquake was nothing short of a national and human trafgedy of Himalayan dimension, like the earlier one which had struck coastal Odrissa in the form of a super cyclone, and it needed a Herculean effort to meet the challenge posed by it. It is also equally true that the whole nation rose to the occasion. It might not have succeeded in mitigating the sufferings of the victims of the earthquake, but it must have succeeded in soothing their grief-stricken hearts by making them feel that they are not alone in their hour of trouble. On the other hand there were reports in the media about the inability, delay and mismanagement on the part of the Government of Gujarat in facing the challenge and the fact that but for the effort and dedication of volunteers, the human suffering would have been even more severe than it has been. Then came the Finance Minister's declaration that the Central government had decided to impose a 2 % surcharge on income tax with immediate effect to generate the money for rebuilding Gujarat. I realized for the first time the failure of the much-talked of economic reforms in spite of which the government has not attained the ability to meet challenges like this without putting an extra burden on the people. Immediately thereafter came another information that a day's gross salary would be deducted from the salary of all government employees for the month of February 2001, and that the Pay and Accounts Offices of Delhi government were not accepting salary bills without this deduction. And the bills were passed only after deducting this amount. It was done at the time of Kargil war and also at the time of the super-cyclone of Orissa. (I believe that this has happened in Central government office also). This is indeed a very crude method of making people patriots! Nobody opposed it then and nobody means to oppose it even now because everybody shared the sense of duty with the soldiers fighting in the difficult terrain of Kargil, and a sense of brotherly sympathy for the poor farmers and workers of coastal Orissa when they were struck by the super-cyclone, and now we all share misery of the victims of the quake-hit areas of Gujarat who have been rendered homeless with everything belonging to them destroyed by the quake.

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What hurts one is the manner in which the relief fund is collected (or should I say, forcibly imposed?). Like on earlier occasions, even this time, nobody cared to show the courtesy to get a consent note or donation slip signed by the employees before deducting a part of their salary which

nobody has the right to touch without the willingness of the employees concerned. People would have willingly signed the consent note for they really felt for the suffering people of Gujarat. But they were taken for granted. Whether by the bureaucrats or their political bosses? – I do not know. But it must have been a vulgar mind, for only a vulgar mind can ever think of snatching by force what he can have with willingness, in a dignified manner. They cannot care less than they do for the rights of others and their feelings in their over-enthusiasm to please their political bosses without realizing that they mar the cause which they purport to serve by snatching the initiative from the hands of rational and good human beings by mentally and emotionally alienating them from such great causes, and sometimes even antagonizing them. (Do you not remember what became of the family planning programme during the emergency period of 1975-77 after it fell into the hands of such high-handed people?) These people never realize that they take away the sense of satisfaction that a donor gets when he/she extends a helping hand voluntarily to reach out to a fellow human being in need of help. It kills the very spirit with which one decides to suffer a little to feel one with the other who is suffering severely. These are the people who feel that only they can think rightly and only they have the right to decide for others. They convert even friends into enemies of such causes, and alienate them from the common human cause. If the people keep quiet on such occasions, it is because they do not like to be socially branded as anti-national and insensitive to a national tragedy. It is equally so because they have no choice. The arrogant bureaucrats/politicians who impose their will upon the people forcibly are the killers of democratic institutions as well of finer values of human life and humanitarian feelings. We should beware of such people. Should we allow ourselves to be mishandled by such people? Should we not face them and tell them that nobody dare take us for granted?

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Crude Methods Adopted by Bureaucrats

People everywhere in the whole country, as also around the world, were deeply shocked to know about the heart-rending tragedy – earthquake in Gujarat on 26th January 2001. All hearts went out in sympathy with the suffering millions. Even before an appeal was made by the government, there were volunteers and NGOs to extend a helping hand to those who were desperately searching for their near and dear ones under the heaps of rubble that were their houses only a few hours ago. Foreign countries started rushing aid in the form of tents, blankets, medicines and other necessities. Poor people showed their love and concern for their suffering countrymen irrespective of their religion, caste, creed, sex, language or state. It was not money and material which was offered as a help, they were accompanied by heartfelt sympathies and good wishes for the welfare of those who had survived the fury of nature. Everyone felt that he/she should do a little more than what he/she had done so far. This upsurge of spontaneous human feelings was a great feeling, and an evidence of the unity of this country and the whole humanity. Even Pakistan sent two plane loads of assistance on humanitarian grounds, in spite of our political differences, which was sent voluntarily, and wisely accepted by our government.

There were, however, reports in the media about the inability, delay and mismanagement on the part of the government of Gujarat in facing the challenge and the fact that but for the effort and dedication of volunteers, the human suffering would have been even more severe than it has been.

Then came the Finance Minister's declaration that the Central government had decided to impose a 2 % surcharge on income tax with immediate effect to generate the money for rebuilding Gujarat. I realized for the first time the failure of the much-talked of economic reforms in spite of which the government has not attained the ability to meet challenges like this without putting an extra burden on the people.

Then came another information that a day's gross salary would be deducted from the salary of all government employees for the month of February 2001, and that the Pay and Accounts Offices of Delhi government were not accepting salary bills without this deduction. And the bills were passed only after deducting this amount. It was done at the time of Kargil war and also at the time of the super-cyclone of Orissa. (I believe that this has happened in Central government office also). This is indeed a very crude method of making people patriots! Nobody opposed it then and nobody means to oppose it even now because everybody shared the sense of duty with the soldiers fighting in the difficult terrain of Kargil, and a sense of brotherly sympathy for the poor farmers and workers of coastal Orissa when they were struck by the super-cyclone, and now we all share misery of the victims of the quake-hit areas of Gujarat who have been rendered homeless with everything belonging to them destroyed by the quake.

What hurts one is the manner in which the relief fund is collected (or should I say, forcibly imposed?). Like on earlier occasions, even this time, nobody cared to show the courtesy to get a consent note or donation slip signed by the employees before deducting a part of their salary which nobody has the right to touch without the willingness of the employees concerned. People would have willingly signed the consent note for they really felt for the suffering people of Gujarat. It is beneath the "dignity" of the bureaucrats to ask for consent! Only a vulgar mind can ever think of snatching by force what he can have with willingness, in a dignified manner. They could not care less about the rights of others and their feelings in pleasing their political bosses without realizing that they mar the cause which they purport to serve by snatching the initiative from the hands of rational and good human beings by mentally and emotionally alienating them from such great causes, and sometimes even antagonizing them. (Have we forgotten what became of the family planning programme during the emergency period of 1975-77 after it fell into the hands of such high-handed bureaucrats who went out of their way to please Sanjay Gandhi?) These people never realize that they take away the sense of satisfaction that a donor gets when he/she extends a helping hand voluntarily to reach out to a fellow human being in need of help. It kills the very spirit of

sharing the suffering of the victims. These are the people who feel that only they can think rightly and only they have the right to decide for others. They convert even friends into enemies of such causes, and alienate them from the common human cause. If the people keep quiet on such occasions, it is because they do not like to be socially branded as anti-national and insensitive to a national tragedy. It is equally so because they have no choice. The arrogant bureaucrats who impose their will upon the people forcibly are the killers of democratic institutions as well of finer values of human life and humanitarian feelings. We have to beware of such people. Should we allow ourselves to be exploited by such people? Should we not face them and tell them that such crude methods be stopped?

Published in ***The Radical Humanist*****,** April, 2001**.**

Vital Questions CPI/CPM Cannot Ignore

(Satypal Dang)

When the CPI and CPI-M made an electoral alliance with the AIADMK for Assembly elections in Tamil Nadu many in these two parties felt uncomfortable for the following reasons amongst others:

1. It was an alliance without an agreed common minimum programme committing the two Communist Parties to support each and every AIADMK candidate.

2. It was alliance with a party led by Jayalalitha, the Queen of Corruption desperately wanting to come back to power to scuttle various corruption cases against her.

In the past, such electoral alliances were sought to be justified on the ground that communalism is more dangerous than corruption and hence to defeat the bigger danger it was correct to ally with corrupt but secular parties. This is a very fallacious argument. Corruption is not only a moral question. Corruption at different levels siphons off huge amounts meant for poverty alleviation, health care, education, etc. etc. into the pockets of corrupt politicians, corrupt bureaucrats, etc. Corruption results in rickety buildings, bridges, etc. coming up and this not unoften costs many lives. Corruption in the matter of purchase of weapons etc. for the armed forces endangers the security of the country. In view of all this to argue that corruption is not as dangerous as communalism is incorrect. It is like arguing that Hepatitis B is more dangerous than cancer. In the case in question, even this argument was really not available.

The DMK is not a communal party and is as secular as the AIADMK. True, in the election the DMK was allied with the BJP which, however, matters very little in Tamil Nadu. In any case, the AIADMK too had been in alliance with the BJP and its again crossing over to the BJP-led NDA cannot be ruled out. I am not pleading that Communists have allied with the DMK, whose chief too is a corrupt politician. If necessary, Communists should fight on their own with some local adjustments which should be quite open.

* * *

The real argument in favour of unprincipled alliances is that seats in Assemblies matter and without such alliance, seats cannot be won. In the first place, seats no doubt are important but not at the cost of principles and through opportunism. Secondly, mass movement is more important than seats. Thirdly, opportunistic tactics may get some seats for sometime but they lead to erosion of the mass base of the Left making so weak that non-Left parties would, at some point of time, not see any advantage for themselves in electoral alliances with the Left. In UP, for instance, alliances with late Chaudhary Charan Singh's party got the CPI some seats for sometime but led to liquidation of its strong base amongst agricultural labourers in districts like Azamgarh. Ch. Charan Singh was a leader of kulaks and considered an enemy by the agricultural labourers. Moeover, if Communists can make unprincipled alliances for some immediate gains, how can they prevent their followers from joining bourgeois parties with a similar objective?

The million dollar-question is: for what reason do the Communist ranks not speak up against opportunism? Marx had said: "Doubt everything." Communist leaders have so misinterpreted the correct organizational principle of democratic centralism as will help teach the ranks: "Take as gospel truth whatever comes form the top. Even if you have doubts, raise them at the proper time." Only a new interpretation of this principle will change the Stalinist mindset.

Be that as it may, what was more shocking was the fact of Comrade Harkishan Singh Surjeet and A.B. Bardhan both declaring that Jayalalitha having secured the mandate of the people had every right be become the Chief Minister. The question here is more moral than legal/constitutional. Why did the CPI-M and CPI demand the resignation of Vajpayee as the Prime Minister when he continued to have a majority in the Lok Sabha? And why on earth couldn't the CPI-M and CPI

leaders express the opinion that Jayalalitha should ask her party to elect someone else as the Chief Minister?

Both the CPI and CPI-M will be having their Congresses this year itself. Idt is my humble request to them to debate the following questions:

1. Have they been fighting adequately the corruption of the bourgeois governments?

2. Have they been fighting corruption inside their own parties? What organizational changes are needed to ensure the curbing of the growth of corruption in the Communist Parties? And what should be done to ensure nipping in the bud the tendency of corruption to grow?

After all, it cannot be denied that power tends to corrupt and absolute power tends to corrupt absolutely. And in this system of parliamentary democracy even the Opposition enjoys power.

In my opinion, neglect of this task will prove dangerous. Communists are no longer regarded as incorruptible though even today they are considered better than others. It will not be long before even this impress melts away unless Communists pay proper attention to this vital question before it is too late.

(The author is a CPI leader of Punjab enjoying national acclaim and eminence for his bold struggle against the Khalistani separatists as also his sterling qualities and matchless integrity. This article appeared in *Mainstream*, June 2, 2001)

What Ails the Left?

Responding to CPI stalwart Satyapal Dang's most timely article in *Mainstream* the author in the following piece has added his comments based on his experience as a CPM activist.

After reading the article 'Vital Questions CPI/CPM Cannot Ignore' by Comrade Satyapal Dang in *Mainstream* (June 2, 2001), I started feeling that all is not yet lost for the Left in this country because, in spite of all the odds, there are still people in the Left who can call a spade a spade, and it gives great relief if such bold remarks come from senior leaders like Comrade Dang.

Principles and morality have become conspicuous by their absence in Indian politics and the Left parties are by no means an exception to this rule. Dr. R.M. Pal ("Diabolical Scramble for Power and Vulgar Materialism – Root Cause of Corruption", *Mainstream*, May 5, 2001) has traced the immoral political practice to pre-independence power politics when Dr. Rajendra Prasad had to write to Sardar Patel about it way back in 1938.

Corruption has long ceased to be an issue both before the electorate of the country as well as before the Indian Parliament, except for once when V.P. Singh lead a combined Opposition to electoral victory on the issue of corruption or kickbacks in the purchase of Swedish guns against the overwhelming majority enjoyed in Parliament by the Indian National Congress-I led by Rajiv Gandhi. Otherwise the Indian polity has seen the development of corruption in various phases – from a firm foothold of corruption in politics during the regime of Indira Gandhi (both political corruption, with the imposition of Emergency in the country in 1975 to facilitate her stay in power even against the judgement of the Allahabad High Court, and economic corruption, as elucidated by the withdrawal of Rs. 60 lakhs from the bank for obscure reasons with which Indira Gandhi's name was also associated, although the amount was surreptitiously withdrawn by a person named Nagarwala who soon died in an accident, which incident has always remained shrouded in mystery) to its institutionalization during the Rajiv Gandhi regime when the Prime Minister himself admitted, without the least shame, that of every rupee meant for development only fifteen paise was available for use in development, and the fact was further proved by the infamous Bofors gun deal which took place during his tenure as the Prime Minister and his own name also figured in the charge-sheet which was filed by the CBI much later. Corruption achieved a yet higher and glorified position when Narasimha Rao managed to prove a majority on the floor of the Lower House for his government, through the clandestine horse-trading of the Jharkhand Mukti Morcha (JMM) MPs, corruption which later flourished into the multi-billion share scam, to name just one example which was unprecedented elsewhere in the world in which small investors lost everything, and also the multi-crore Jain *Hawala* scandal in which figured the names of almost all political dignitaries, some of whom were honest enough to admit having got the money. The matter of corruption has attained global dimensions with the coming into power of the Bhartiya Janata Party (BJP)-led National Democratic Alliance (NDA) and its quickening of the process of privatization and globalization, earlier started by Narasimha Rao's Finance Minister, Manmohan Singh, as it involves big and quick money, which became more than evident with the changing postures of the BJP-Shiv Sena government on the one hand, and the earlier Congress Government on the other, on the Dabol Power Project set up by Enron in Maharashtra, which is now generating less of electricity than high tempers and problems of payments and counter guarantee of multi-million rupees between the MSEB (Maharashtra State Electricity Board) and the management of Enron, and also the recent sale of the profit-making public sector company, BALCO, to Sterlite Industries.

If at all there was talk of corruption in the Lok Sabha lately, it was when the no-confidence motion against the H.D. Deve Gowda Government was being discussed, though it was only a marginal issue because there were other reasons for the Congress and BJP to vote the government out of power. But in recent times he has been the only Prime Minister who challenged the entire Opposition to point out any single case of corruption against him or against any of his ministerial colleagues on the floor of the House, and the entire Congress and BJP and their supporters could

not lift a single finger at any of them. If the issue of corruption is so unimportant in the national Parliament, what should we expect of the State Assemblies? No surprise, then that corruption becomes a non-issue in the eyes of the electorate also, be it the fodder scam in Bihar or the Tansi land deal in Tamil Nadu. The political umbrella, and what has almost become a political immunity from punishment, attracts hardened criminals towards electoral politics to hide their shady deals and all the major political parties welcome them with open arms to use their negative influence in their favour in the electoral battle.

* * *

Actually the root cause of public apathy lies elsewhere. Where does the public have a choice? If they throw out Laloo Yadav from Bihar, should they elect George Fernandes and company who are equally vulnerable to corruption as the *tehelka* episode has shown? In Tamil Nadu if they voted Jayalalitha to power, where was a cleaner alternative before them? Even if the people did not approve of the Left Front rule completely, could they rely on Mamata and company whose ever-changing loyalties, unreliable moods and complete absence of any alternative policies could have pushed the people of West Bengal into a bigger chaos?

In my opinion the crux of the problem lies elsewhere. A few years ago there was a third force the public could look towards with some hope as it contained some leaders like V.P. Singh, I.K. Gujaral, Jyoti Basu, Surendra Mohan, S.Jaipal Reddy, Madhu Dandavate etc., to name a few, whose moral integrity was considered beyond doubt, alongwith such regional stalwarts as Chandrababu Naidu, Mulayam Singh Yadav, Laloo Prasad Yadav, Prafulla Kumar Mohanta, Dr. Farooq Abdullah, whose influence on the masses one could hardly question. Today no such force exists, though the People's Front was once again launched on March 15, 2001, though a much weakened version of its earlier form, with Jyoti Basu as its Chairman and Mulayam Singh Yadav as its Convenor. But one can clearly see that this Front is neither broadbased enough to hope to form a government on its own, nor does it seem more reliable than the NDA, because both are opportunistic combinations in the mad race for power. What is most surprising is that the CPM is most keen to form such an alliance, though it was the only force responsible for breaking the erstwhile Third Front into pieces in its mad support to Sonia Gandhi to form a government even without her asking for it. First, it forced such people as Chandrababu Naidu away from the Front because of his political compulsions at the State level. Then it resulted in separating Laloo Prasad Yadav from Mulayan Singh Yadav, though they had earlier entered into some kind of understanding with each other for electoral purposes in UP and Bihar, only because the former took the Harkishan Singh Surjeet line of supporting Sonia Gandhi for Prime Ministership whereas the latter decided to oppose her claim. It also left so many leaders and smaller parties in the wilderness, and they took stands according to their own limited self-interests. Leaders like Jaipal Reddy, whose credentials as a Third Front leader no one could doubt, had to choose the Congress way. V.P. Singh, who was a binding force in the Front, and I.K. Gujaral became politically inactive. The Left also made "opportunistic tactics", to use Comrade Dang's phrase, supporting and opposing by turns Laloo Yadav in Bihar, Karunanidhi and Jayalalitha in Tamil Nadu, Naidu in Andhra Pradesh and Mohanta in Assam, to give a few examples. And one cannot but agree with Comrade Dang when he says:

If Communists can make unprincipled alliance for some immediate gains, how can they prevent their followers from joining bourgeois parties with a similar objective?

I also agree with Comrade Dang's remark:

Opportunistic tactics may get some seats for some time but they lead to erosion of the mass base of the Left making them so weak that non-Left parties would, at some point of time, not see any advantage for themselves in an electoral alliance with the Left.

Elsewhere ("Future of Communist Parties: Observations of an Insider", *The Radical Humanist*, December 2000) I have already pointed out that Harkishan Singh Surjeet's overenthusiastic support for Sonia's candidature for Prime Ministership against the NDA had disenchanted and disillusioned those supporters of the party who had been agitating, on the call of and under the leadership of the CPM, on the roads against the new economic policies initiated by the Congress. How could such workers digest the idea of supporting the same party in spite of the fact that it had not withdrawn its support for those economic policies which were against the interests of the farmers and the working class? But Harkishan Singh Surjeet did not think it necessary to take his party cadres into confidence on the issue. Had the decision been reached democratically from down the lowest cadre of the party, the Himalayan blunder would not have taken place and Comrade Harkishan Singh Surjeet would have escaped the ignominy of being remembered as the main destroyer of the Third Front in his over-enthusiasm to become the power-broker for Sonia Gandhi, and which would have left before the people of this country at least the choice of an alternative against the Congress and BJP whose economic policies are exactly the same.

Therefore, more than anything else, the CPM, and other Left parties are no exception, suffers from the crisis of credibility today. It has to re-establish its credibility and prove its credentials in the eyes of the masses before it can make the People's Front any more reliable than the party itself is today. At least in West Bengal it can start the process, by spending 10 per cent of the budget allocation on education, as its youth organization Democratic Youth Federation of India (DYFI) has been demanding from the Central Government, and make education upto the age of 14 free and compulsory, as envisaged in Article of the Constitution of India. It can reserve 33 per cent posts in the party, including its Central Committee and the Polit-Bureau [for which Brinda Karat, General Secretary of the All India Democratic Women's Association (AIDWA), the women's mass organization of the CPM, had agitated within the party without any success] and prove that it really cares for women's rights and the upliftment of the poor and the downtrodden. Without raring for these 'Vital Questions', to use Comrade Dang's phrase, the CPI/CPM cannot establish a separate identity for themselves as pro-people parties.

Published in ***Mainstream***, June 23, 2001. **Comrade Dang's** article referred to here precedes this one.

In Response to the Managing Editor's appeal in "Readers, the RH Needs You!"

I have been reading *the Radical Humanist* for some time now with great interest. Since the journal aims at focusing attention of the readers on the plight of the people in general, and the problems of the poor, the minorities, the women and other weaker sections of our society in particular, with a view to improving the living conditions of the people and to bringing about a qualitative change in their lives, it is necessary that the contents and the aims of the journal reach the maximum number of our population. At a time when people are fed up with the hollow slogans of power hungry politicians of all hues and rampant corruption in the highest circles of our politicians and bureaucrats, and the masses see no signs of improvement in their lot under the prevailing ideologies and their implementation, radical humanism as a way of life and thinking and political practice as enunciated by M.N. Roy in Radical Democracy, can bring hope in their hopeless lives. To bring about this change, it is imperative that ordinary people, who have started hating all politicians of betraying their faith time and again, know what radical humanism and radical democracy mean and stand for. They need to know this more at the present juncture than at any other time in the history of independent India. Only then one can hope for building up a 'Renaissance Movement' in the country, as the journal aims at.

But the problem is that in spite of being a powerful intellectual magazine devoted to the aims like 'promotion of human rights, scientific temper, rational thinking and a humanist view of life', it does not reach people in such a large number as to make it a 'movement'. Now that the RH has gone electronic, it will certainly reach more people and you deserve appreciation for that. Still something more needs to be done. Readers need to be told in plain and unambiguous words that Radical Humanism does not aim at attracting their votes, for it is not the mouthpiece of a political party or its political ideology.

It will be relevant to narrate an incident in this connection. When I asked some of my teacher friends to read an article in the RH ('President of India Under Attack' by Dr. R.M. Pal, RH, March, 2001) about how present Central government was trying to undermine democratic principles enshrined in the Constitution of India, and how the writer had put forth his views in a forthright manner, one of them shot back, "It must be a magazine of you communists". No argument, not even reference to articles like 'Jyoti Basu's West Bengal' and 'Contempt for Rule of Law in West Bengal' which had appeared in the earlier issues, could convince them that the RH was not an organ of any political party much less of any communist party, and that the term 'Radical' means something different and more than any narrow communist practice. I do not blame them for that. We think that anybody criticizing the Sangh outfits must be a Congressman, and anybody doing it strongly must be a communist! Supporters as well as opponents of political parties have got branded and people in general hate them all for being hypocrites and do not want to read and listen to any of their politically biased and sectarian arguments.

In such a situation I suggest that *The Radical Humanist* should contain an article or two explaining 'Radical', and 'Humanism', radical humanism as an ideology, the aims, its ideology of non-party politics, the common features and the differences between the other so-called progressive ideologies and radical humanism – in plain and simple language so that people understand it. Such articles, and their versions din other Indian languages, should also be published. That will bring people closer to the works of M.N. Roy , his ideology, and the Radical Humanist movement. Such articles could also be followed by what M.N. Roy himself said, for example, in his editorial "The Humanist Way" (Vol. IV. No. 1, 1949-50), in the present context. (see *Selections from the Marxian Way & The Humanist Way* edited by R.M. Pal, Ajanta, New Delhi).

Published in ***The Radical Humanist***, July 2001.

War against Terrorism: The Role of Radical Humanists
A Report

A brain-storming session was held at Gandhi Peace Foundation, New Delhi under the aegis of the Radical Humanist Association (Delhi Unit) on October 1, 2001 on the situation in Afghanistan and South Asia in the wake of terrorist attacks on the twin towers of World Trade Centre and the Pentagon in the United States. The focus was on the role India and associations like the Radical Humanist Association could play under the circumstances. N.D. Pancholi, Secretary, Delhi Unit, presided over the meeting.

Initiating the discussion, Prithvis Chakravarti said that India should support the move of the U.S. government as it had vowed to fight terrorism everywhere in the world beginning with Osama bin Laden and Al Qaida, his terrorist outfit in Afghanistan,. The move has been supported by the U.N. Security Council and the world community as a whole. Besides, we have to remember, he said, that we have been suffering at the hands of terrorists in Kashmir and, quoting Nehru, he said that we cannot be non-aligned against our own interests. Now that the US had suffered at the hands of terrorists, it had started recognizing our suffering also.

Dr. R.M. Pal said that the terrorist attack in New York and Washington must stand condemned. It was however, shameful on the part of the Indian government, Dr. Pal said, to offer all out support and military and other facilities to the U.S. to launch its attack against Afghanistan even without such support being asked for. The government of India did so in the hope that U.S. government would lend its active support in fighting terrorism in Kashmir. It was foolish to expect that the U.S. government was going to fight terrorism in Kashmir, Dr. Pal Said. Osama bin Laden was the product of the U.S. against the Russians and after becoming powerful he had only backfired now. Dr. Pal expressed his apprehensions that middle order military officers could stage a coup against General Pervez Musharraf in Pakistan which would be more dangerous for India as they would be completely under the influence of fundamentalist forces in Pakistan who want to support the Taliban in Afghanistan. He strongly stressed the need to protect ourselves against the communalization of the situation by the forces of communalism who always look for opportunities to incite it for their own narrow political ends. He also stressed that terrorism could not end without granting the legitimate demands of people, like the Palestinians, who had been fighting for their homeland only.

K.S. Durrani expressed his anguish at the efforts to identify people of a particular religion with terrorists. This, he said, could only result in alienating people. He also denounced the recent ban on SIMI, which, in his opinion, was done only with an eye on the Hindu vote bank in U.P. in view of the ensuing elections there. He said that he denounced the recent act of terrorism in the U.S. in very strong terms like very other act of terrorism anywhere else, but also complained that he was deeply hurt when people hinted at Muslims being related with terrorism indiscriminately. He also felt that the Union Home Minister was acting in a highly biased manner by defending organizations like Bajrang Dal, which has been responsible for the brutal killing of the Australian Christian missionary Mr. Stains and his two sons in Orissa, and V.H.P. and Shiv Sena which were responsible for the destruction of the Babri Mosque. Were these not acts of terrorism? he demanded.

Sh. Vikramjeet denounced the efforts of vested interests to identify people of a particular community with terrorists as it would only weaken the fight against terrorism itself, apart from destroying the secular character of our polity. He also warned the majority against falling a prey to the communalist propaganda of politicians as it had done in the past on several occasions, which resulted in the multiplication of B.J.P members from two in the Parliament to nearly two hundred.

Sayeed Sadat Hussaini was in favour of punishing those responsible for the killing of thousands of people in the destruction of the twin towers in the U.S. in accordance with international law under

the authority of the United Nations. But he was against the manner in which the U.S. government was usurping the powers and role of the court of law along with the role of the prosecutor, the accuser and the executor, all fused into one. That, he said, is against all the norms of law and justice. If the U.S. had conclusive evidence against anybody, it should present that evidence before international bodies and let the law have its own course. It had no authority, moral or legal, to punish the innocent people of Afghanistan merely on the basis of its suspicion of one person or organization. Mr. Thapa also agreed with him. He said that the U.S. had killed lacs of innocent people in Hiroshima and Nagasaki in Japan in 1945 in order to punish a few. That and other such acts should not be repeated because terrorism cannot be tackled through counter-terrorism.

Mr. K.K. Gupta felt that radical humanists should be concerned not merely about the possibility of destruction of property and human suffering in India which would result from the war being threatened by the U.S. government, but also the destruction and suffering it would be causing to the people of Afghanistan and its adjoining areas. He also felt it necessary to promote the values of secularism and democracy in the outside the country because it were religious fanatics, who, as history tells, were most likely to be caught in the trap of fundamentalists and became terrorists in the name of religion.

All the participants were of the view that what happened in the U.S. on 11th of September, 2001 must be strongly condemned. They expressed their sympathies for those who lost their near and dear ones in the twin-tower tragedy. The general opinion was that it was not terrorism alone which needed to be dealt with, but also the causes thereof which gave rise to terrorism and which needed to be decimated more than the terrorists themselves to end terrorism from the face of the earth. N.D. Pancholi expressed the hope that the likely events in Afghanistan would not vitiate the atmosphere in India and also hoped that the Indian government would act with restraint and not side with the U.S. blindly. He also hoped that the U.S. would also apply restraint and avoid unnecessary suffering to innocent Afghans. He also underlined the role of the radical humanists in the present scenario in maintaining and fostering social harmony.

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Plight of Government Schools: Who is Responsible?

In the beginning of June every year when the results of the Central Board of Secondary Education (C.B.S.E.) are declared, an inevitable exercise of comparison between government and public schools takes place, and the Delhi government, its Education Minister and the Directorate of Education announces schemes to improve the lot of government-owned schools. For a few weeks education officers, who are in charge of the 28 Zones into which Delhi Schools have been divided, start visiting schools. Meetings are held and reports are submitted, and after some fanfare everything again comes to its ever beaten path 'normalcy' which is another name for apathy, negligence and disinterestedness on the part of the Department of Education and also the Government of Delhi, which has too many and more important duties to perform than to look after the education of poor people of resettlement colonies and Jhuggi clusters and petty private and government employees who cannot dream of sending their children to public (i.e. private schools) schools, whose ever-increasing demands of higher fees, building fund and donations even middle class people are finding difficult to meet.

Education has remained the most neglected of subjects by central and state governments in our country even attaining political independence in 1947. That even the founding fathers of our Constitution did not assign to it the place of primacy it deserved is clear from the fact that they did not make right to education a fundamental right guaranteed by the Indian Constitution, and they put it in Article 45, under Part IV of the Constitution which is non-enforceable as it is entitled as the 'Directive Principles of State Policy'. But even the framers of the Constitution had made it obligatory for future governments to keep it in mind while framing their policies and to achieve the aim within a time frame of ten years. But these governments did not care to keep the Directive Principles in mind and never fulfilled their duty to provide 'free and compulsory education' to all children 'until they complete the age of fourteen' as envisaged under Article 45. This is in spite of the fact that the Preamble to the Constitution of India promised 'to secure to all its citizens', 'Justice – Social, Economic, and Political' and also 'Equality of status and of opportunity' and our leaders are never tired of claiming our country as a 'Socialist', to quote the Preamble again and 'welfare state'. Successive governments remained guilty of criminal negligence to their duty towards the people of India ever since the adoption of the Constitution on November 26, 1949 by the Constituent Assembly, more so after 1993 when the Supreme Court of India declared the right to education, as granted under Article 45, a fundamental human right of every child in the country.

As two sets of schools developed in the country from the very beginning – public schools and government schools – the former for the wealthy elite and the latter for the toiling masses of the country, inequality in society became more pronounced – the development of two categories of citizens one of the rulers and the other of the ruled. The neo-rich, who reaped the fruits provided by the new culture of governance, which turned the rich into richer, and the corrupt into powerful, making a mockery of 'equality of status and of opportunity', gave public schools every chance to flourish and the government schools to deteriorate further as the children of the new class of rulers did not go to this latter category of schools. As a result these schools were treated as an obligatory burden on the governments, because of the democratic pattern of our constitution, to somehow exist for the sake of form only. It is not surprising, therefore, that the lot that these schools turn out every year forms the working class of the country, which children of poor parents and those belonging to Scheduled Castes and Scheduled Tribes were doing even without them. Government apathy towards government schools, public craze for public school education and patronage to public schools by politicians the ruling class, and the rich and well-to-do middle class leaves government schools a neglected lot. They are dumping grounds for children who have no better place to go. Most of these schools still lack basic amenities. They are manned by uninspired teachers, frustrated on many counts. There teachers who joined as Trained Graduate Teachers after doing their Ph. Ds. and have retired or died without any promotion because the promotion rules are arbitrary, biased

and irrationals. A Science or General T.G.T., for example, can get promotion as a Lecturer/Post Graduate Teacher (P.G.T.) in any subject after doing an M.A. in that subject like History, Political Science, Economics, Sociology, Commerce, Accountancy, Geography, Maths., Chemistry, Physics, Biology and many more subjects including English even if that teacher studied that subject for the first time at post graduate level, and never taught that subject to students as a T.G.T., whereas Language Teachers/ T.G.Ts. in Hindi, Sanskrit, Punjabi etc. cannot be promoted, except in that language, even though such teachers have been teaching that subject in the school along with their language or wholly because of the non-availability of the concerned teachers.

The Directorate of Education acts so arbitrarily that it did not promote eligible Language Teachers in other subjects, and other teachers in languages, even though recruitment rules for Lecturers/P.G.Ts. were amended on 26.2.1996, which made it possible, and remained in force till 4.11.1999 when they were re-amended without being implemented for a day. Such things deny the guidance of teachers experienced in the teaching of, and capable of teaching, a particular subject to the students, whereas incapable and inexperienced teachers are thrust upon the helpless students. A Hindi T.G.T., one Ram Kishan Rohilla, who had been teaching English for the last 17 years, was not promoted as Lecturer in English, and filed an O.A. in the Central Administrative Tribunal (C.A.T.), Principal Bench which directed on 9.8.2000 that he should be promoted as Lecturer in English. There are still thousands of such teachers in Delhi schools. Then, there are absolutely no promotional avenues for thousands of Yoga Teachers, Librarians, Educational and Vocational Guidance Counselors and Lab Asstts. The result is that the Principal Bench of CAT has the highest number of cases pertaining to teachers of the Directorate of Education, Delhi because the Directorate has no time to listen to their problems. Hundreds of such teachers get more worried about redressing their grievances through the CAT instead of attending to their duties towards the students. What justice can such frustrated teachers do to the education of those entrusted to their care?

Then there are hundreds of contract teachers working in these schools, including Kashmiri migrants. The sword of retrenchment always hangs over their heads. They are neither regularized nor regular postings done in their places. On the one hand they are being exploited as they are not paid normal salaries, and on the other they block the promotions and appointments of those who have been in the queue for long periods of waiting. And what should students do in case even such teachers are not posted to their schools for years together? To cite just one example, Govt. Boys Sr. Sec. School, Timarpur just under the nose of the Directorate of Education has been without the Commerce and Accountancy P.G.T.s for the last four years and the school Parent Teacher Association and the Principal have written to the Deputy Director Education (North District) and the Directorate of Education so many times and the students have been appearing at the CBSE examinations year after year without having been taught a single word in these two subjects. Who is to blame if they fail to produce a result that should satisfy the officers of the Education Department and the Govt. of NCT of Delhi? Even the Times of India published an interview of the Principal once in which he narrated everything, but even that did not break the slumber of the officials. And the Hon'ble Minister of Education, Govt. of Delhi has been issuing six-monthly statements that there are no vacancies in the schools whereas the Govt. of NCT of Delhi admitted before a division bench comprising Justice Anil Dev Singh and Justice O.P. Dwivedi of Delhi High Court, in the PIL filed by advocate Ashok Aggarwal on behalf of Social Jurists, on 19.6.2001 that as many as 4000 posts of various categories were lying vacant in government and MCD schools including 730 of P.G.Ts., 342 of Assistant Teachers, 454 of other category of teachers, 307 posts of Vice-Principals, and 229 posts of Principals as on December 31, 2000 (As reported in the Times of India dated 20.6.2001). So much for the concern of the politicians and high officials of the Directorate of Education for the education of those going to government schools, whether primary or senior secondary schools.

Still it is only the teachers who are blamed for poor results in government schools.

Published in the ***PUCL Bulletin*****,** November 2001.

M.N. Roy's Non-Political Writings

Balraj Puri's review of Selections from *The Marxian Way and The Humanist Way*, a magazine edited by Mr. M.N. Roy, published in the November, 2001 issue of *The Radical Humanist* under the heading M.N. Roy's Non-Political Writings' makes for interesting reading. The selections have been edited by R.M. Pal with an introduction by Sibnarayan Ray. It reflects a revival of interest in the writings of one of the most prolific of writers and philosophers of modern India who propounded his philosophy of Radical Humanism based on the basic ideas of reason, individuality and freedom, the three cardinal values, which are essential for a life of human dignity for every human being.

Although Balraj Puri has discussed the book quite extensively, yet the choice of articles he has made for his comments seems to be selective. There are at least three articles in the book on caste system in India – "Caste System and India's Future" by K.M. Panikkar, "The Caste System" by M.N. Roy, and "Jyogirao Phule - Rebel and Rationalist" by Tarkteertha Laxman Shastri Joshi. Caste has been the biggest hurdle obstructing the Indian society from attaining social harmony, and as K.M. Panikkar has observed, "It requires no argument to prove that the creation of a purposive, secular society in India, among the Hindus, is possible only on the basis of a complete elimination of the system of caste" (p.52). Mr. Puri dismisses Panikkar's article on caste summarily as "out-dated". In fact this article on caste is most relevant today. It is a highly powerful enemy, too powerful to be neglected, as Panikkar says, "Religion is harnessed to its glory. Philosophy has been made to sing its praises. Science leaves it untouched, for superstition is so utterly unscientific that the most fundamental discoveries in the material world do not affect beliefs based on faith." No social philosophy is worth the name if it does not reflect on this aspect of the Indian society and no humanistic view complete without denouncing this retrograde system.

It is unfortunate that liberals and socialists like Mr. Balraj Puri should gloss over the ugly relics of our past which are cancer to our society even today. Note, the recent U.N. Durban conference.

Commenting on Laxman Shastri's article the reviewer has picked up only those portions of his comments where he has said that Phule's writings were not appreciated by the intelligentsia because of the rough, and unsophisticated language and 'a vulgar abusive tone." He has failed to highlight his remarks like – "The heart-breaking contrast between the parasitic, corrupt and insatiable Brahmins and the miserable, degraded and impoverished mass of toilers, has been ably depicted by him" (p.98), and, "He (Phule) pointed out that every established religion concealed some injustice and therefore had to suppress truth to a greater or lesser extent. Religious differences stand in the way of realization of the brotherhood of men and free co-operation among human beings. Religious fanaticism has often led to the shedding of human blood. The unity of mankind is a great truth, and religious bigotry tends to destroy it. Instead of purifying man and leading him forward, religion has often caused his degradation," – which are and will remain relevant so long as there is exploitation of man by man and human beings continue to be treated inhumanly because of the man-made differences of caste, creed and colour, and will never be 'far too out-dated', as the reviewer has described the remarks of Panikkar on caste system.

Laxman Shastri's commentary on Phule's outlook reads like the commentary on the International Bill of Human Rights which can never be outdated: "Phule developed his constructive ideas in his work 'Public Religion of Truth' (Sarvajanik Satya Dharma), and thus gave a new outlook and philosophy to the Satya Shodhak Samaj. The first great truth he asserted against all religions and national differences is the unity of man; and the aim of all human activity must be to build up a human family based on 'liberty, equality and fraternity'. There should be no difference in the rights of the sexes; no man or group of men has the right to dominate over another man or group of men. God has conferred on all human beings religious and political freedom as their birth-right; and any one encroaching upon that freedom must be regarded as the enemy of truth. To oppress any individual for his religion or political views is to be guilty of fighting against truth. Everyone must

have the fullest freedom to propagate and spread his religious and political ideas. Everyone also has an equal right to enjoy fully the things of this world. Tilling the land, handicraft or any other labour does not make a man low; on the contrary, it only proves his greatness. Man's fundamental right as well as duty is to harness the forces of nature to the satisfaction of his own requirements, on the basis of an understanding of their laws. If man endevours, he can transform this earth into heaven. To produce or obtain things essential for existence, is the first duty of man on this earth" (p.103).

I expected that the revival of at least the movement against the caste system would be on the agenda of every human rights writer. – Mr. Puri is known as an important human rights activist.

It was very much on the agenda of M.N. Roy when he observed, "An original analysis of the caste system leads to the conclusion that this ugly relic of the past can be cleared away only by the secular authority of the State. The question is: Can a social revolution take place before a philosophical revolution has disrupted the authority of traditional values? The history of Europe has answered the question in the negative… Disruptive ideas must prepare the ground for revolutionary action." Thus his philosophy of radical humanism was an attempt at bringing about that philosophical revolution which would ultimately pave the way for ushering in the social revolution that would eradicate the cast system.

Balraj Puri has objected to Roy's addition of "his critical commented to most of the view-points he published" and yet he complains that he found "no indication of a two way debate on any issue". It seems he has mistaken the beginning of a dialogue to be the closure of it. What better could an editor do to start a dialogue among the authors, himself and the readers than by offering his own comments to give the authors, and readers as well, a chance to give their reaction to his comments? Certainly not only Balraj Puri but I would also have loved "to know what Swami Aghenanda Bharti had to say in his defence" of choosing "to be a mank in his life and philosopher in his thoughts" in response to the comments by Roy that "the sophistication of the philosopher monk can easily degenerate into hypocrisy" because "the dichotomy between the way of living and the way of thinking breaks down in practice." If the Swami did not like to oblige us by continuing the dialogue, I cannot blame Roy, or for that matter even the Swami, for it. But Roy certainly cannot be blamed for the closure of dialogue, which Balraj Puri seems to do. In fact, he has further started it by offering his comments for people like myself to pick it up further, and somebody might suggest a clue to the answer to the question "What the Swami had to say in his defence?" even if it gives rise to a controversy because then it will not be "beyond controversy and beyond relevance", as Puri has himself said elsewhere.

When Mr. Puri observes that Roy and his philosophy of radical humanism are not relevant today and that the radical humanist movement stagnated "when the nationalist hostility against him, led by Gandhi and Nehru vanished" and also when "Gandhians like Jayaprakash Narayan owned a part of his prescriptions of a new order" and when "after the collapse of Soviet Union, Marxists opened their minds", he puts too many cats in a bag, every one of them needing a separate treatment.

With the arrival of the age of globalization, privatization and liberalization, there has started a crisis of ideologies because values are under tremendous pressure of "utilitarianism" though this deterioration has been taking place ever since the enunciation of these ideologies and the values accompanying these ideologies. Gandhism offered a powerful social philosophy aimed at uplifting the down-trodden sections of our society, namely the Scheduled Castes and Scheduled tribes, but through his religiosity Gandhiji sought to glorify the very religion which gave birth to the caste system. It was, I think, the single largest factor which made him much less attractive and acceptable to the down-trodden of the country than Dr. B.R. Ambedkar. Even among those who have all along been professing to be Gandhi's followers, there are hardly any real Gandhians left. He preached morality in personal as well as public life which is conspicuous by its absence in our country today – even self-confessed Gandhians do not practice morality in politics. His idea of grass-root democracy, the Gram Swaraj, has never been sought to be implemented in the country, not even by

self-declared Gandhians like Morarji Desai, not to say of leaders like Narsimha Rao during whose tenure as the Prime Minister of the country foreign companies and goods got promoted as against Gramodyoga, the village-industry Gandhi wished to strengthen to empower the farmers of the country, not to say of various multi-million scams in which the poor city-dwellers of the country lost their hard-earned money to the scamsters. So there was no surprise when Gandhi's name was not included in the list of one hundred most influential people of the last century by a western writer. His ideology has few takers even in his own country.

In Mr. Puri's opinion Marxists have, "after the collapse of Soviet Union, opened their minds". He has not clarified how. If he means that they are not averse to supporting the Congress in power in spite of its continued support to the policies of globalization, privatization and liberalization started by it, then he is right, but whether it is "opening their minds" or closing their minds to the plight of the poor masses of the country – is a controversial question.

But someone who has taken a complete turn about are the socialists who have chosen to support the National Democratic Alliance (NDA) government (led by the BJP which in turn is controlled by the most fundamentalist Hindu outfit, the RSS), adhering only to the principle of "utilitarianism" of sharing power after throwing away all the high principles preached by Lohia and Jayaprakash Narayan even in the face of the Tehelka expose. I wonder if Mr. Puri, who himself is a socialist, considers them "relevant" because they are not "beyond controversy" today. What Roy has said is very relevant in the present context: "The demand for social justice or an equitable new order, after all, is an appealed to conscience. Therefore, the motive force of the socialist movement, even of the so-called scientific variety, is moral" (p.232, "Radicalism"). And it is this very "motive force" which is nowhere to be seen in the present day socialists. Hence the absence of any socialist movement in the country.

In the present scenario, therefore, when democracy is in danger, social values are facing extinction and morality is at its lowest ebb, human rights and human dignity are facing the greatest challenge in human history, Radical Humanism as a philosophy of life has become the only hope of a life of dignity as it combines the best of scientific thinking along with the deepest concern for social and human values and social justice. In fact, it is during such a crisis that values and philosophies come for a real test and those which survive acquire universal acceptance. Radical humanism has stood the test of time, and so long as it concerns itself with the basic questions and anxieties faced by people everywhere, whether in India or elsewhere, it will live and work to better the lives of humanity. The growing interest of the world community in the protection and preservation of human rights is a pointer in this direction.

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Balraj Puri's review article referred to here follows below:

M.N. Roy's Non-Political Writings: Balraj Puri

-*The Marxian Way and The Humanist Way*, a Quarterly magazine

Edited by M.N. Roy

(By Balraj Puri, a well-known columnist and human rights activist who was associated with the socialist movement in India. He has written extensively on the Kashmir issue and problem)

(Review of *Selections from The Marxian Way and The Humanist Way,* Ed.: R.M. Pal, Publisher: Ajanta Books International, Delhi, Pp: 468, Price: Rs. 395)

R.M. Pal is today arguably the most active Royist in publicizing and propagating the works of M.N. Roy. I have purposely described him as Royist. For his personal attachment with M.N. Roy and Ellen Roy is as much, if not more, motivation for his activity.

Apart from editing *The Radical Humanist*, the journal founded by Roy in 1937 and contributing a number of articles on Roy in various papers, Pal has reprinted and got published a number of volumes written by him. The galaxy that surrounded Roy is gradually fading away, due to death and age. Some of them have contributed to sharpening, reinterpretation and extension of his thought. Others experimented with its implementation in specific fields. But Pal's principal contribution lies in preserving and disseminating his original thought which is indispensable to the study of the intellectual history of the twentieth century.

The intellectual galaxy that Roy attracted at a time when he had come in confrontation with the powerful nationalist movement of India and the greatest personalities of the age like Gandhi and Nehru. His defiance of Marx, another reigning philosophical deity of his time, too, did not diminish his distinguished intellectual company. But when Gandhians like Jayaprakash Narayan owned a part of his prescriptions of a new order, when after the collapse of Soviet Union, Marxists opened their minds and when nationalist hostility against him vanished, the Radical Humanist movement stagnated. It does happen. Roy has now been placed on a high pedestal. He is beyond controversy and beyond relevance; though the former is not the only cause for the latter. How to revive the movement is not my present task.

I am here dealing with the ferment in the minds of intellectuals and scholars of the country in inter-war period of the last century, which has been compiled in the form of "*Selections from the Marxian Way and The Humanist Way*" by R.M. Pal. This magazine of ideas was founded and written by M.N. Roy. Roy had planned to bring on *The Marxian Way* (later renamed *The Humanist Way*) in 1944. He could however bring out the first issue in 1945. The last issue came in 1952. As Roy explained, there was no discontinuity in the transition from one way to another. For he saw Radical Humanism not as a rejection but a development of Marxism (Page XVIII). Some might contend that the liberal streak in the former was a departure from Marxism near its beginning. For as Sibnarayan Ray points out, reason, individuality and freedom are the three basic ideas of Humanist philosophy which contradict class dictatorship concept of Marx. Roy added: "Marxism divested socialist movement of its moral flavour." He values individual freedom of which "communists are contemptuous" (Page 231).

Philip Spratt, in his essay quotes evidence of the Marxian contempt for morality. Marx had said, "communists do not preach morality" (Page 21). However, Spratt finds Gandhi's adaptation of morality to the new circumstances as a progressive side of his influence.

While Roy agrees that "by placing human action above all moral considerations, dialectic materialism (of Marx) has precipitated the present crises of culture", he asks, "Is there no way out of Spratt's dilemma, except the blind alley of Gandhism". He asserts, "Gandhism is hardly preferable to Marxism". The former, according to him, "may be more dangerous because of its

insidiousness." Gandhism, he adds, "whatever might have been the purpose of the prophet, is bound to serve an immoral purpose" (Page 258). A little sweeping judgment, perhaps. His own concept of morality is based on "rationalism, scientific knowledge and aesthetic sense. "But a little deviation need not be immoral."

How far is aesthetic sense – which finds expression in poetry, art and music – an integral part of a rationalist philosophy? Paul Arthur Schilpp regards Goethe, for instance, as "a philosopher in the most significant sense of the word" (p 135). For "one hunger and passionate drive which dominates this great spirit more than any other is striving for knowledge and understanding of the world and of life which has, after all, been the distinct philosophical urge since men have been philosophers."

Roy offers his caveat (p 278). "More intense and more unbridled passion", he says, "the greater the poet". But if it is allowed to tamper with the rigour of reason, philosophical thought, though "expressed through superb literary form, as is in the case of Gothe, is bound to confuse and mislead." Goethe disputed the capacity of mathematical reasoning to fathom the depths of living nature. But Roy disagrees because mathematics "has developed, since his time, the theory of probability as the method of conceptually measuring infinity". That does not conclude the debate over whether mathematical reasoning is the only source of knowledge and whether it and intuition or creative imagination need always be anthithetical to each other. While in the first issue of the Marxian Way, Roy described it as really an open forum and assured his contributors that "there is no heterodoxy which would not be welcome," he added his critical comments to most of the view-points he published. In fact he minutely noted deviations from his own unambiguous standpoint. He asserted his leadership over the intellectual team he had gathered. For we find no indication of a two way debate on any issue.

Some of the critical comments on deviations from Roy line have been mentioned above. Some more illustrations would be instructive. Swami Aghenanda Bharti was a committed rationalist, atheist and materialist. As a philosopher, he believed chastity was aesthetically faulty and wrong and ethically neutral. But he chose to be a monk in his life and philosopher in his thoughts. Being a monk – with carefree life and no responsibilities – helps him to be a full time philosopher. His choice is utilitarian. At the face of it, choice would look to be very innovative and moral (P 187).

But Roy thinks, "The sophistication of the philosopher monk can easily degenerate into hypocrisy. For the dichotomy between the way of living and the way of thinking breaks down in practice." Roy wonders whether it is conscious or a Freudian fixation (P 291). One would really wish to know what Swami had to say in his defence.

Take another case of Dakshina Ranjan Shastri's essay on Carvaka philosophy. As most of the original sutra works of it have been lost, he collects its fragments, he collects its fragments from "the subsequent literature, which was inspired by a spirit of positive hatred and depreciation". This is perhaps the earliest school of materialist philosophy and is known as Brahaspatya, Lokayat, Carvaka or Nastika. Its main tenets are: denial of all evidence except perception, rejection of the doctrine of revelation of the Vedas and of authority as a source of knowledge, pleasure being the sole end of life's activities, the theory of the origin of intelligence from the chemical mixture of four elements and ejection of God, rebirth, retribution and other world (P 154).

Roy concedes that Shastri's "painstaking research with the object of rescuing Carvaka philosophy has yielded appreciable results". But, he adds, for a general, all embracing survey of the history of philosophy, "a more comprehensive method will be necessary – the scientific method, which includes logical inferences and theoretical deductions." Unlike Shastri who traced Carvaka philosophy as a revolt against Vedic thought and rituals, Roy traces origin of skepticism and naturalism in the Creation Hymn of Rig Veda. Six systems of Indian ph9ilosophy, again, represent a break from Vedic culture. Carvaka system, according to him, is a culmination of the long process of development of naturalism, rationalist, skeptic, agnostic and materialist thought in ancient Indian

culture. So, in the words of Roy, in India, from its very birth, philosophy tended towards materialism. He thus assigns a far greater role to materialist content in the history of Indian philosophy than Shastri does (P 284). On the basis of his understanding of Indian cultural history, he challenges Bool Chand's interpretation of Buddhism and Jainism as pre-Aryan religions (P 36) and calls it as far-fetched. On the contrary, he finds, relations between these two religions and the Nayay Vaisheshic and Samkhya philosophies as quite evident. He calls Buddhism and Jainism as the greatest revolution of Indian history. In order to combat which "the brilliant leader of Brahaminical orthodoxy, Sankracharya, had to disown the positive outcome of the entire Vedic period and draw inspiration from the pre-Aryan cultural tradition of Southern India" (P 259)

There are two diagonally opposite interpretations of ancient philosophical history. Bool Chand places Buddhism and Jainism as part of perpetual dissent against Vedic Aryan cultural mainstream whereas Roy places them in the heart of that mainstream. It is instructive to know the two divergent approaches, which seek a rationalist content in Indian heritage.

In the very first issue of the *Marxian Way*, Roy does not hesitate to join issue with Sudhindranath Datta, (the great Bengali poet and literary critic who founded the literary magazine, *Parichaya*), his principal collaborator in bringing out that journal and his closest friend. In his scholarly essay on the Liberal Retrospect, Sudhin refers to the revaluation of values and the extreme deviation that had happened after the First World War. The post (first) world war generation, he says, was superlatively iconoclastic. He admits this attitude may possibly be called retrograde (P 10). Roy describes this attitude as "an unsuccessful effort to pose as reactionary" which only proves continuity of thought. Sudhin Datta suspects that "scientific" determination is, "at least potentially, as conducive to slavery as the astrological predestination taught by theocratic tyrannies of old." Roy criticizes him for not carefully drawing the line between determination and predestination. According to him, "Sudhin wants to show that Marxism is the antithesis of Liberalism whereas it is not negation of the Liberalism." Sudhin is "an uncritical believer in mere action and reaction". Roy asks, "does the mere belief in action and reaction provide us with a more scientific or reliable philosophy?" He also questions Sudhin Datta's view that history moves in cycles (P 201).

In short, Roy expresses his reservations about almost each and every point made by a person whose association was indispensable for him to start his first journal of ideas. Not that expressions of dissent between closest associates should be avoided. But could not he sort out his differences even with his closest associate before launching his new venture? Was he too lonely? Because he wanted to be precise, uncompromising or perfectionist? These may be attributes of a thinker and a philosopher. But a practical life is a perpetual choice of lesser evils. Roy asks, "Where is the distinction between formal democracy and dictatorship – Fascist or Communist?" (P 250). A person who is unable to choose between the three alternatives as his priority becomes irrelevant and isolated. Sibnarayan Ray points out the hazards of combining theory and practice, particularly if it is attempted by the same individual. If he tries to "understand what exists and, at the same time, to change radically the pattern of that existence, he if faced with the danger of the two pursuits obfuscating each other, neither attaining its specific objective" (Page ix).

Sib Ray questions, "If Roy's efforts to combine theory and praxis was any more successful than Marx?" The answer to the question in his own words: "When Roy dissolved the Radical Democratic Party, his main considerations were theoretical, but the Radical Humanist Movement which was conceived as the logical consequence of the new philosophy never got off the ground; largely due to his pre-occupation with political activities or praxis" (Page xxviii).

A sound theory must be built on generalizations based on practical experience. And practice should be guided by rational theoretical objectives. While basic tenets of a theory, for instance of Radical Humanism – reason, freedom and secular morality – may remain constant, the theories about economic and political system may continue to grow in the light of practical experiences. An

ambition to build a new world order also needs a realistic strategy, which involves isolating the main opponent and broadening you allies.

Though most of the writings in the book under review provide ample evidence on the personality of Roy, I resist the temptation of drawing decisive conclusions on how far he succeeded or failed in projecting a coherent philosophy and implementing it. For that one has to study and analyse much more evidence of his writings and actions.

Other contributors of the volume, who have not been discussed so far, but are equally highly distinguished intellectuals from various disciplines include: K.M. Panikkar, G.D. Parikh, Laxman Shastri Joshi, G.R. Dalvi, Amlan Datta, R.L. Nigam, L.B. Kenny and V.M. Tarkunde.

Not that their contribution is less important. Tarkunde, for instance is the most well known Radical whose role in restoration of democracy, after the infamous emergency and preservation of human rights in the country is widely recognized. In this volume he has contributed a review of a book by Prof. G.S. Ghurye on *Culture and Society*, which includes views of six other writers. Tarkunde commends it for being a useful symposium on the subject, without much comment on the contents. In any case review of books does not need to be reviewed at length. R.L. Nigam's contribution in the volume is in the form of a review of the book of Ellen Roy and Sibnarayan Ray, *In Man's Own Image*. The book and the review are exposition of the formal RH position and hence hardly need any comment.

Amlan Datta in his review of two books on Gandhism by Prof. Nirmal Kumar Bose and Philip Spratt tries to give a balanced assessment of the great man. He concedes that even his opponents would not deny that Gandhi infused into the people a new sense of self-respect; a sense of moral superiority over their violent oppressors, made them courageous even to face violence. But adds that Gandhian humanism has been vitiated by its links with mysticism and unreason. He further warns that the very greatness of Gandhi will be employed to inject into the minds of the people a fantastic nationalist superiority complex and used as a friend of conservation, even of reaction. As Gandhi is a vital component of the Indian heritage, isn't it the responsibility of humanists to rescue and make the maximum use of the positive component of Gandhian humanism?

Among the remaining articles, L.B. Kenny's comparative study of Valmiki and Homer brings out remarkable resemblance between two greatest literary pieces of all times – Ramayana and Iliad, though written thousands of miles away from each other in two entirely different cultural milieus. The comparison between the Mahabharata and Iliad is not less striking. After quoting a number of theories of various scholars he concludes: The resemblance between the epics of India and Greece is due to some common origin instead of accusing one or the other of literary piracy.

Another article worth noting is a bold appreciation of Jyotirao Phule by Tarkateertha Laxman Shastri Joshi. "He was a rebel against God, against religion, against dogmas and the so-called sacred traditions of the past" (P 96). Founder of the Satya-Shodhak Samaj, he also rejected the earlier movement against Brahmanism led by poet-saints. For they did not outgrow the doctrine of Karma. While "Phule's writings were not appreciated by the intelligentsia as these were, on occasions, marked by a vulgar abusive tone and their language was rough and unsophisticated, they were like wild fruit; not very juicy but full of medicinal qualities."

Phule was a forerunner of Annasahib Shinde, B.V. Jadhav and B.R. Ambedkar who gave the down-trodden castes a sense of dignity and assertion, particularly in Maharashtra.

G.D. Parikh, writing on the eve of independence, described inevitability of the "Passing of An Empire"

(P 77) but far from celebrating it, he writes that "the replacement of the imperialist rule by capitalist regime is not a progressive event… Logically it is a retrograde process – a relapse. Nationalism is the political expression of capitalism… which will eventually lead to the rise of Fascism" (P 91).

Echoing Churchillian warning, he apprehends, “periods of civil strife and chaos, bringing in their train dark ages of intellectual and cultural stagnation, even relapse. For the moment, the perspective, as far as India is concerned, is gloomy.”

No comment is needed on such an out of tune with reality assessment of India when its long period of foreign rule was about to end and about its rash and unsubstantiated prophesy of its doom. The new nation needed a vision, which could inspire only if it was accompanied by a sense of confidence and hope. This also explains why in the crucial task of building a new India, some of the intellectual luminaries belonging to the humanist camp remained on the margin.

Other two articles – not mentioned so far – are on Caste System by Panikkar and on Cooperative Economy which are far too out-dated. For experience of over half a century in the two fields must out-weigh any theoretical formulations then made.

All in all, it is a rewarding experience to have a flash back on the period covered in the volume under review to know the thinking of a set of intelligent people, inspired by an intellectual giant like M.N. Roy, on diverse disciplines, under an integrated system of thought, and reflect objectively on their achievements and lapses. If they remained little more than a force on the margin, the entire fault does not lie with the adverse circumstances, backwardness of the people and sheer chance. Some retrospection and introspection, for which the book edited by R.M. Pal, provides ample material, may not only help us to get a better assessment of the past but also a better guidance for the future.

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The New President and The Electoral Reforms Ordinance

The present National Democratic Alliance (NDA) government is bent upon amending the Representation of People Act, 1951 by promulgating the controversial Ordinance on electoral reforms under Article 123 of the Constitution providing for the amendment of the nomination forms for the assembly and parliamentary elections. The draft Ordinance has the sanction of all the political parties, including the left parties, who were extraordinarily unanimous in blocking and over-ruling the Election Commission's order making it mandatory for candidates to disclose their criminal record – if any – and also their assets and liabilities in their nomination papers for election to legislative assemblies and the national Parliament. On May 2, 2002 the Supreme Court had issued directions to the Election Commission to issue such an order and the latter had followed those directions by issuing an order to implement the Supreme Court's directions. The NDA partners as well as other political parties agreed that the judiciary was trespassing into the domain of the legislature. Accordingly they decided to bring in an ordinance to replace the EC's order and the law ministry immediately swung into action and drafted the Ordinance and the same was sent to the President for his sanction and promulgation.

On Friday 16, 2002 a delegation of the National Campaign for Electoral Reforms (NCER), consisting of eminent lawyers, jurists, and civil rights activists including Rajindar Sachar, retired Chief Justice of the Delhi High Court, met the President, Sh. APJ Abdul Kalam and urged him not to sign the Ordinance as it abridges the right to information as derived under Article 19 of the Constitution and as such the Ordinance was not only against the letter and spirit of the Supreme Court order but also against the spirit of the Fundamental Rights granted by the Constitution of India The delegation even urged the President to refer the Ordinance to the apex court for its opinion. Happily, the President decided to refer it back to the government for its reconsideration.

Within one month of taking over as the President of the Republic, Sh. APJ Abdul Kalam has given quite a few moments of anxiety to the NDA government. First he expressed a desire to address the members of Parliament, which the government said was not customary. Then he said he would like to pay a visit to the riot-affected Gujarat. That frightened the Chief Minister of the State lest he should make some observations, which might embarrass the RSS elements of the State. The CM was already troubled by the remarks of JM Lyngdoh, the Chief Election Commissioner, who had visited the state along with a team of the Election Commission to assess whether the atmosphere in the state was conducive to hold free and fair elections and that the elections there were not a mere ritual. In villages like Maretha and Maneja in Baroda, "where right in front of its team, the villagers openly said they have asked their Muslim neighbours not to come again. In both these villages, two EC teams saw rows and rows of Muslim houses brunt. In Maretha, the villagers told Lyngdoh that they were told that only Muslims with land will be allowed to come back. Inquiries revealed that barely few have land. In Maneja, only two of the 56 families have returned. The EC team also found that not more than 10 to 15 percent Muslims had returned to their villages in Godhra and Dahod," as reported in *The Times of India*, dated 24.8.2002. Narendra Modi had to arrange a 'conducted tour' for the visiting President, as it was described by a section of the press, and he himself accompanied the President everywhere in the state and the places of visit were carefully selected by the state government, taking full care that the list did not include the Shah-e-Alam camp which was already the focus of attention of the media for lack of amenities and proper management. In spite of all care, at the end of his visit the President came out with a statement calling for "a movement to eliminate totally communal and other forms of strife" and insisting that "the grievances of people poured forth to me… should merit immediate action of those concerned and action taken with alacrity" as reported in *The Times of India*, dated August 17, 2002.

So the anxiety Sh. Abdul Kalam has given to the RSS outfit is no less than the anxiety which former President, Dr. K.R. Narayanan, had given to the Prime Minister when the former expressed his disagreement with the latter with regard to the question of stability in his Republic Day address

of 2001. Sh. Atal Behari Vajpayee had maintained that there should be a fixed term for Parliament to ensure stability. Dr. Narayanan emphasized the fact that even the "founding fathers of the Constitution of India had the wisdom and foresight not to over-emphasize the importance of stability." This remark made Dr. Narayanan unpopular with the NDA government and ultimately resulted in the rejection of his re-nomination for a second term as the President of India.

* * *

When the Bharatiya Janata Party (BJP) declared its intention of fielding Sh. Abdul Kalam as the NDA's candidate for the Presidential election, his first reaction, as reported in the press, was that he is a '*Ram Bhakta'.* Most people in the BJP must have felt happy to hear that. His being a '*Ram Bhakta'*, often quoting the *Gita* in his talks, etc., hardly mattered to an ordinary citizen of the country. For that matter, his knowledge of and faith in the *Quoran*, or the Bible, or his having any faith in none of them would have made no difference to the people of the country as it is a matter of an individual's freedom of 'free profession, practice and propagation of religion' as granted to every citizen of the country under Article 25 of the Constitution of India. A man can be equally good or bad with or without some or no faith in any religion.

Based on his first remark our first impression about him was that as the President of the Republic he would play to the tune of the Rashtriya Swayamsevak Sangh (RSS) outfit. His being a brilliant missile scientist also did not make him a good candidate for the Presidential race because we agree with those who hold the opinion that India needs statesmen who support the cause of peace and development – development which takes into consideration the cause of those tribals who are displaced by the rising dams, the toiling masses who find it difficult to support their families, the villagers who still do not get enough drinking water and water for their parched fields because of the lack of power water resource management in spite of the fact that India has the largest network of rivers, the unemployed youth who do not get a chance to make their contribution to the welfare of the country, crores and crores of our children who are denied the right to education and those belonging to minorities and SC/STs for whom life is still a nightmare even after fifty-five years of the country attaining political freedom. In Dr. Narayanan, they all saw such a man. In comparison Sh. Abdul Kalam looked a pigmy. But he fulfilled the criteria of the BJP establishment more than Dr. Narayanan. It was obvious for them to opt for him. His being a Muslim by birth also suited their plan to masquerade as secular in outlook. This was real pseudo-secularism.

But scientists by nature are non-conformists and dissenters. They cannot be expected to follow suit for long. They are bound to question – both the established order and the rules of nature – for they cannot make new discoveries and inventions without that quality being present inside them. That Sh. Abdul Kalam is a scientist of high caliber needs no evidence.

* * *

In the latest developments, surely it is the scientist and rational being inside him, which has started showing its head. And, Presidents and Prime Ministers in this country and elsewhere are sometimes known to have outgrown their known personality. It should not surprise anybody if Sh. APJ Abdul Kalam does so in future. This augurs well for the future of the country. The country expects him to prove his mettle when the situation so demands. The country also expects him to further the cause of peace, and ensure the welfare of the people of the country, particularly those belonging to the marginalized sections of our society, by defending the rule of law and the spirit of the Constitution of India for which he is duty-bound as the defender of the Constitution. How far he succeeds in doing so, only time will tell.

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Attacks on the Dalits by Delhi Police and the Freedom of the Press
(This note is based on an investigative report by a team of Delhi PUCL)

That the lathi-wielding policeman is law unto himself and someone to be feared and avoided because he can go to any extent to defend his status as such is a piece of wisdom many people have not learnt to heed even after the experience of fifty-five years of the functioning of the police system in independent India and more than one hundred years of the British rule. Those who have attained this wisdom either avoid the uniformed man or warm his palm and move away silently but safely and do not mention the incident to anybody, particularly not to a higher up in the police hierarchy knowing well that such a move may boomerang.

Driver Munshi Lal and Ajay Kumar had not attained this wisdom when they were stopped near their office at Bengali Market, near Connaught Place in New Delhi by two Policemen on night duty and asked to pay money after showing the papers of the car as demanded by the men in uniform on the night of 20/21 June, 2002. Not only did they not pay the money, perhaps they also threatened to bring the matter to the knowledge of the higher ups through the Editor of the *Voice of Buddha*, a magazine of Buddha Education Foundation and the Chairman of the Confederation of Scheduled Castes/Scheduled Tribes Employees' Associations, to which the two employees belonged and were returning to their office in the official car after seeing off some other employee. The two somehow reached their office, but how could they sleep in peace after threatening the authority of the two policemen to demand money?

What followed soon after is a sad story of police brutality unleashed on the seven or eight odd employees of the Confederation and the journal by 20-25 policemen who came to their office in a truck and broke open locks, destroyed furniture, computer and other things, ruthlessly beat up all the workers sleeping or awake, including R.L. Singh, the editor of the *Voice of Buddha* and Secretary, Delhi PUCL. They also took them to the police station, finally leaving some of them in plastered legs or arms as reported in some national newspapers in their June 22, 2002 edition.

Policemen are known to make an all out effort to extract money, wherever and whenever they can, from people committing acts of trivial law-breaking, riding without a helmet, or jumping a red signal and sometimes even on being caught alone on the road when policemen find no other prey. Those who do not oblige are treated as personal enemies. Only a few days ago there was a front page news, in the *Times of India,* of policemen at Delhi-Gurgaon entry point misbehaving with ladies and extracting money from car owners on one pretext or the other, and as per statements of many of the victims of police high-handedness, they dared not report the matter to the higher ups for fear of reprisal.

So the version of the driver and the other person accompanying him hardly needs any proof, and it is never possible to give any proof in such cases. Whether everything they say is true or not is not my concern right now. What is of concern to every citizen in the country is that the people whose arms and legs were broken were not dacoits or murderers whom the police beat-up to render them unable to resist arrest. The attack on the workers of the press and the Confederation of SC/STs and the editor of the *Voice of Buddha,* who is also a civil rights activist, amounts to an attack on the freedom of the press and suppression of the voice of a human rights activist and also an attack on SC/STs, and that too in New Delhi, not far away from the national parliament, which represents all that stands for democracy, freedom of the press and human rights and protection and promotion of the rights of the scheduled castes and scheduled tribes. If the police attacks the office of a journal, beats up its editor, brutalizes scheduled caste employees of their Confederation, that too in the heart of the capital of the country, it is a matter of grave concern for the people as well as the government. The press showed its concern by taking out a procession in protest against the attack on the editor of the *Voice of Buddha* and some other journalists who were either arrested or manhandled in other incidents by the police. But there was hardly any reaction from human rights

activists. And the civil society did not react or show its concern at all although the incident was reported in the national press. Perhaps because it was considered an attack on 'them' and not on 'us'. That is the most painful side of the whole episode. We do not consider an attack on the scheduled castes as an attack on ourselves. We are not trained to do so, we are not brought up in that way. We considered the Sikh victims of communal hatred in 1984 as 'they', we considered the Muslims as 'they' in Gujarat during the recent communal carnage. The where are 'We, the people' the Preamble to the Constitution of India talks about?

The terrorist attack on our national parliament was termed as an attack on our democracy, and rightly so because it symbolizes the aspirations of the people of India to seek their welfare and development through the rule of the people. Then why was the attack by the police on the office of the Confederation of SC/ST Employees' Association not considered an attack on human beings even if they belong to Scheduled Castes, by the civil society even though that also symbolizes the aspirations of the scheduled castes and Scheduled Tribes' employees of the country through which they seek their welfare and well being? It was not an attack on their building or the office only. Several human beings were also beaten up, insulted and humiliated and thrown into the police vehicle to be taken to the police station. Even then it was not considered an attack on the human rights of the people of this very country belonging to weaker sections of society who need all the more protection and respect to find their rightful place in society. Had it been an attack on the office of a political party even in a remote corner of the country, proceedings in our national parliament would have been disrupted and there would have been a lot of hue and cry, but in the present case it was not considered important enough even by political parties to come out strongly against police brutality and lawlessness although leaders of some political parties even visited the wounded and battered employees of the Confederation in the hospital.

So far as the reaction of the government and its mentors is concerned, a full page article was published in *Panchjanya*, the official organ of the RSS, dated July 7, 2002. In the article by Devendra Swarup, the writer shamelessly supported and justified the attack of the police on the office of the Confederation. Writing on behalf of the Sangh Parivar the writer could not hide his hatred for the leader of the Confederation, Udit Raj, for being instrumental in the conversion of a large number of Hindus into Buddhists a year ago (and also for organizing a rally against the communal carnage in Gujarat recently). He has described such incidents of religious conversions as very unfortunate and worrisome. In his eyes the rape of a dalit girl is not such a serious incident as to take resort to conversion when he says, "In a village a Jat young man raped a dalit gird. If, as a reaction to this local incident, the dalits of the village are inducted into Buddhism, will it do any good to Buddhism or the newly converted people? After all they have to lice in the same village, with the same Jat brethren." His remarks are a typical example of the caste Hindu mindset which can never tolerate to see the dalits as their equals and their woes as their own woes.

Fascist tendencies are clearly visible in the functioning of the NDA government led by the followers of the Sangh ideology which takes a majoritarian stance in everything. It does not hide its hatred for minorities and Scheduled Castes and Scheduled Tribes as also intolerance for dissent which has become more than evident in the recent Gujarat carnage under the directions and patronage of the RSS based BJP dispensation in the state. These elements depend on the majority support contrived by spreading hatred for and fear of the minorities and stirring narrow nationalistic, religious and caste pride and a strong belief in the righteousness of their ideology and denunciation and crushing of all dissent. As such it is useless to hope for any action from them in protection of the rights of the SC/STs, the minorities and the non-conformists and dissenters. It is they themselves who have to come together and assert themselves to save their identities and rights. Society at large will also start recognizing their existence and worth as human beings and worthy members of the society. Unless we achieve this harmony amongst ourselves we will not be able to secure to all our citizens "Justice, social, economic and political; Liberty of thought and expression, belief, faith and worship; and Equality of status and of opportunity" "assuring the dignity of the

individual and the unity and integrity of the Nation" as the Preamble to the Constitution of India promised to provide to every citizen of the country at the time of its adoption fifty one years ago. In the hands of the communal and casteist forces which rule the country today these lofty aims will never be achieved.

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The Menace of Caste

Most of the mainstream newspapers did not think it worthwhile to publish the news of the killing of a sixteen year old scheduled caste girl, a rape victim, by burning, on March 11, 2003 at Kachnaudha, a village in the Morena district of Madhya Pradesh. The fact that the victim was burnt alive in the village by the father of the accused was not enough to attract the attention of the print media, as a sad commentary on the freedom of our press, because for the vast masses that constitute the scheduled castes and scheduled tribes, it has no meaning and relevance even after fifty-five years of the country attaining political independence. But for the coverage of the incident in the electronic media, the news would have remained unreported. And even that coverage did not bring forth the reactions, which should have been very sharp, in the form of letters to the editor or statements of people who claim to care for the woes of Dalits.

The incident is symptomatic of our apathetic attitude in matters related to scheduled castes and scheduled tribes. We have been taught systematically through the centuries to ignore 'them' where mere ignoring can hurt them, and to hurt them where mere ignoring does not serve the purpose. In any case, we treat them as destined to suffer and ourselves as masters of their destiny.

I am reminded of a full-page article by Devendra Swarup in Panchjanya, the official organ of the RSS, on July7, 2002 in which, commenting on the incident of conversion of some dalits to Buddhism in reaction to the lynching of five scheduled castemen at Jhajjar in Haryana on October 15, 2002, he wrote:

In a village a Jat young man raped a Dalit girl. If, as a reaction to this local incident, the Dalits of the village are inducted into Buddhism, will it do any good to Buddhism or the newly converted people? After all, they have to live in the same village, with the same Jat brethren.

Just because they have to live in the same village, must they bear all the atrocities perpetrated by caste Hindus on them silently and without any protest? The writer's remarks are typical example of the caste Hindu mindset which can never tolerate the Dalits being treated as their equals and their woes as their own woes. The fact that the Constitution of India grants every person "equality before the law or the equal protection of the laws within the territory of India" (Article 14), and there is prohibition of discrimination on grounds of religion, race, caste, sex or place of birth (Article 15), does not really make any difference to the position of Dalits in the country because laws alone cannot change attitudes entrenched in the minds for centuries particularly when the power structure in the country remains unchanged and laws are considered to be a matter of convenience by the ruling strata.

Otherwise how does one explain the fact that although the Banswal Commission, headed by Mr. R.R. Banswal, the Divisional Commissioner, Rohtak, held the 12 personnel posted at the Dulina police post, Jhajjar, guilty of allowing the situation to go out of control in the incident of lynching of five dalits by a mob on October 15, as they were under police custody then, no FIR has so far been registered against the police personnel? It is also noteworthy that no arrests took place in the incident for a month although the police had identified the guilty and the subsequent arrests were based on the statements of the policemen themselves. The enquiry committee of the People's Union for Democratic Rights (PUDR) even reached the conclusion that "it (the police) also obviously allowed time to the Khap Panchayats (Khap Panchayats are caste panchayats implementing customary law and reinforcing upper caste dominance, distinct from Constitutionally elected Panchayats) to destroy evidence, pressurize witnesses, negotiate settlements and rake up the issue for communal mobilization, activities that the police did little to prevent." In its report the PUDR enquiry committee has also stated that 'The Sarv Khap Panchayat held at Suhra on 14th November and attended by over a thousand men from 24 villages reminded policemen of their shared (Jat) identity with the peasants whose sons were now in jail. The government was warned that if it dared oppose the community it would have to face violent consequences."

In such a situation where we exploit our caste identities with the rulers and the administrators to protect they guilty amongst us, how can one hope for justice and equality to the Dalits who still do not enjoy enough political power even to protect their basic human right to life, not to talk of a dignified life of social, political and economic quality, in short to live like human beings. Even where Dalit leaders have come to hold political power, they have engaged themselves in the game of power rather than empower the Dalits. There have emerged several centres of Dalit politics and one centre is trying to outdo the other in the personal scramble for power. No real effort has been made to organize Dalits as one single entity, socially or politically. And the majority of the caste Hindus cannot be expected to abdicate the material advantages of a hierarchical order, which they have enjoyed for centuries, voluntarily. So it is not without reason that they refuse to lend their voice to demand justice for the deprived sections of our population, as a Lecturer teaching in Motilal Nehru College of the University of Delhi realized, when his proposal to condemn the anti-reservation stir then on in the University was flatly turned down by the staff council of the college.

Idt is not easy to break the ideological-institutional stranglehold of the ancient regime and bring about a social order which will ensure a dignified life to Dalits without anything short of a total social revolution. Everyone amongst those who vouch for justice, equality and humanism will have to play a role in the effort to bring about that social revolution. Needless to say that, as has been stated time and again from M.N. Roy to the radicals of this day, an intellectual revolution will have to precede such a social revolution and none but the enlightened ones among the intellectuals will have to lead that movement to eradicate the curse of caste from our society and to establish a new humanitarian society which will be free from inequality and injustice.

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Another Vietnam in the Making
(This article was written on 9.4.2003)

George W. Bush Jr.'s dream project 'Operation Iraqi Freedom' has so far proved to be a big disaster and belied all his calculations, and portends to be developing into another Vietnam for the US. Whatever claims of things proceeding in accordance with the plans he may be making in his press briefings, the fact remains that he cannot dislodge Saddam Hussain from power in Iraq without destroying all buildings in Iraq and killing everybody seen anywhere in Iraq till the allied forces see the corpses of Saddam Hussain and his family members, even if it means killing a major portion of the Iraqi population.

From the very beginning it has been clear to the world at large that the US has thrust a wholly immoral, unjust and illegal war on Iraq. It all began in the wake of the terrorist attack on the twin-towers in New York. First it was Afghanistan because Taliban, the ruling outfit of that country, and Osama Bin Laden who was operating from Afghanistan, and his Al-Qaeda network, were alleged to be behind that attack. It did not face any resistance in its war on Afghanistan as it was publicized to be a war against international terrorism, and the UN and the world opinion expressed its opposition to acts of terrorism in the US and elsewhere in the world in unequivocal terms. The US even got the support of the Northern Alliance forces in Afghanistan. The local population, which was tired of the oppressive rule of the Taliban regime, also welcomed the US forces. However, the US forces, with all their technologically sophisticated arms and equipment, could not capture or liquidate Bin-Laden who epitomizes terrorism.

Its success in dislodging the Taliban and installing pro-US regime in Afghanistan encouraged the US to go further in the same direction in Iraq and liquidate Saddam Hussain, which was the unfinished task of the previous Iraqi war of 1991. Iraq has already been facing stringent economic sanctions imposed on it by the UN on the one hand and the US on the other leaving over 60 % of the Iraqi population dependent on government rations, resulting in the death of lakhs of children due to hunger, malnourishment and illness. It has also been under the UN pressure to destroy its Weapons of Mass Destruction (WMDs) including biological and chemical weapons under supervision of the UN inspectors, who have been in search of such weapons ever since 1991, visiting all potential manufacturing and storage sites in the whole country but without any success in locating any such weapons in the possession of Iraq. Before the Chief Inspector, Hans Blix, left Iraq a couple of days before the present war on Iraq began, he and his team had been successful in getting Iraqi authorities to agree to the destruction of most of the Al-Samoud missiles they possessed, which were actually destroyed in the presence of the UN inspectors, although they were much less deadlier than the Tomahawk missiles and cluster bombs, which are nothing short of Weapons of Mass Destruction, being used in Iraq by the US forces, resulting in the killing of innocent civilians including women and children in hundreds indiscriminately. The irony is that the US-led forces attacked Iraq treacherously immediately after the latter's destruction of its missiles which could have been used in the present war to defend its frontiers.

The Gulf War-II began with the expressed aim of disarming Iraq of its WMDs and biological and chemical weapons which various UN resolutions had demanded of Iraq, and which, if the reports of the UN weapons inspectors are to be believed, it does not possess. It is also equally true that UN Security Council had not authorized the US to use force against Iraq to enforce the UN resolutions. In fact many members had expressed their opinion explicitly not to use force in the matter, and some permanent members had even threatened to use veto if the US insisted on a vote in the Security Council in favour of the use of force against Iraq, forcing the former to withdraw its proposal from the Security Council. Thus, it is clear beyond any doubt that this war is being fought both by the US and England illegally and in utter disregard of world opinion. It also became clear from unprecedented protest demonstrations that have been taking place all over the world against it, not only in other countries but also in the US and Britain. On March 17, Robin Cook, the Leader of

the House of Commons even resigned in protest against Tony Blair's decision to join the war as an ally of the US, followed by the resignations of Home Minister John Denham and Junior Health Minister Lord Philip Hunt from Blair's ministry which are reflections of growing public opinion against the attack on Iraq.

So far as fighting a war against international terrorism is concerned, there is absolutely no evidence of Saddam Hussain having supported any terrorist organization during the last twelve years, between the Gulf War-I and II against the US or any other country. And if the US had really been serious in its resolve to corner those shielding terrorists, Pakistan should have been its first target because of all known facts, Bin Laden his hiding even today in that country, and it was again that country which was providing all kinds of weapons and moral support to the Taliban also. There is also no doubt it is Pakistan which is aiding and abetting cross-border terrorism in Kashmir, and the US government has been provided with sufficient evidence of its involvement in, and support for, terrorist activities in India by the Indian government from time to time. But the US has chosen to ignore it completely. That exposed the double standards adopted by the US in its stand on terrorism. It also underlines the fact that the US sees terrorists where there are none, and none where there are many, absolutely arbitrarily, making it clear to the world that in the name of fighting a war against international terrorism, the US is in fact implementing its policy of economic imperialism as well as military and political hegemony over people who can, at a point of time in future, prove to be a potential threat to its designs to enslave the world.

So far as the US's declared aim of liberating the people of Iraq from the dictatorship of Saddam Hussain, and establishing a democratic polity there, is concerned, the moot question is – who has given the US authority to do so? Did the people of Iraq ask for it? Did the UN, which by itself has no authority to do so, authorize it to undertake this task? The aggression on Iraq is plain and simple attack on the sovereignty and freedom of the people of Iraq to choose their own form of government and to choose their leader themselves, without any interference by anybody – big or small. Apart from that, the bare fact is that there is absolutely no democratic government in the whole oil-rich Arab world and the US has been an ally of many of the worse dictatorships in that part of the world. And if one were to go a step further, the US has the history of supporting the most brutal and barbaric dictatorships all over the world against those trying to bring in a democratic social order in their societies. It supported Pakistani dictators not only against India, which is the biggest democracy in the world, in the 1965 war but also against the popular uprising in the then East Pakistan in 1971, although the people there were only demanding the establishment of democracy under their elected leader Sheikh Mujib-ur-rahman. It is also true that when India, faced with the exodus of millions of refugees from East Pakistan and on the request of the people of that part of Pakistan, entered into a conflict with Pakistan to save the people there from the brutalities, rapes and killings perpetrated by the military *junta* of Pakistan, the most powerful naval fleet, the Seventh Fleet, led by the biggest aircraft carrier, the Enterprise, was sent to the Bay of Bengal by the US in support of Pakistan, but for the arrival of Russian destroyers which came to the rescue of Indian forces immediately the US forces would have terrorized and rendered the Indian forces incapable of undertaking the operation in East Pakistan and millions more would have been killed by the Pakistani army in East Pakistan; and Bangladesh ruled by a democratically elected government would not have come into being. With the dismantling of the USSR in 1991, which was capable of acting as a deterrent and balancing force to the hegemonic designs of the US, the latter has developed into a multi-headed monster, like the multi-warheaded ballistic missiles it possesses, and a rogue state, it likes to call others, because it is none other than the US which always has an eye on the oil of some states and other economic resources of some others. Iraq has been targeted for no other reason than a control on its oil.

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Whether the US-led forces in Iraq will succeed in capturing Saddam Hussain alive, only time will tell. But the way he has led his forces in countering the enemy's attack on his country, and aroused a nationalist feeling in his countrymen, and in fact a fraternal feeling in most of the Arab world, it seems that he would rather die than flee his country or surrender before the enemy to be insulted and humiliated. He has appealed to his countrymen to fight out the enemy even if they have to convert themselves into human bombs to wipe out the enemy. In response nearly four thousand volunteers from the neighbouring countries are said to have volunteered to lay down their lives for the protection of the Iraqi and Arab honour. Some people from Iraq have actually laid down their lives as '*fidaeen*'. It is clear now that if Saddam Hussain dies in the present attack, he will become a national hero and will continue to inspire more people for the supreme sacrifice when the US-led forces settle in the country to establish their control over the cities. Hence even if the actual war ends sooner than it is likely to stretch, it will give rise to *fidaeen* or terrorist attacks on American soldiers and interests for a longer time to come. Thus American's declared aim of liquidating terrorism will not only fail but also prepare another Vietnam for the US to cope with.

If this self-ordained liberator of the people of the world, the US, is to be kept under restraint, the world community will have to sit down and devise means to do so, otherwise one state after the other will continue to become its target. The European Union has taken some steps to safeguard their economic interests. Many countries like France and Germany have not only dissociated themselves from the attack on Iraq but also opposed it vehemently. Some mutual defence pacts will have to come up. Given the present inclination of the US administration towards Pakistan, India will have to explore the possibility of a multilateral treaty with Russia and China to form a powerful group to save the rights of the people of this part of the world. If the Arab world is really serious about ensuring a homeland for the Palestinians and protecting their own sovereignty, they will have to forget their mutual differences and strengthen the Arab League. These organizations have become necessary not to attack and enslave any other country but to protect themselves from the onslaught of the US exploitation, pressure, invasion and enslavement.

Devising means of self-protection has become necessary also because the UN has outlived its utility in ensuring peace in the world and the human rights of individuals, particularly those living in the developing countries. The US has cried from rooftops on several occasions that what need to be protected are the rights and interests of the people of that country and those of its allies, even if it means inflicting death and misery on lakhs of innocent people, including infants and women, elsewhere in the world, through the use of deadly weapons including Weapons of Mass Destruction, even if it means using nuclear weapons, or through economic sanctions imposed by it or through the good offices of the UN which, unfortunately has acted in accordance with the whishes of that country or been bypassed by it. The structure and functioning of the UN will have to be seriously reviewed by all the member states to make it effective in ensuring the human rights of all the people of the world, whether from a powerful country or from a tiny underdeveloped country, and peace, not only between two powerful countries or blocks, though there hardly exist any blocks in this unipolar world today where the US rules the roost, but also between the most powerful country on the one hand and a small, unprotected country on the other. For this many more countries may have to be provided with the veto power, or the veto power vested in the five most powerful countries of the world may have to be withdrawn. Sovereignty of states has no meaning if it cannot be protected, and membership of the UN has no meaning if each and every state, whether big or small, does not have an equality of status as a member of that organization. UN, likewise, has no justification for its existence if it is unable to protect the small states against the powerful ones, because the powerful ones hardly need any UN for their own protection. While America is likely to be engrossed in the fallout of the war on Iraq, the world community must engage itself in finding solutions to these questions if world peace and universal human rights are not to become obsolete phrases without any meaning.

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Private "Public" Schools & the Right to Education

Why do private schools which are known as public schools in India attract a large number of parents? We need to go deep into this aspect of education in our country particularly because Article 45 of the Constitution of India puts the onus of providing free and compulsory education upto the age of 14 on the state governments and the central government which run government (state) schools in states and territories under the direct rule of the central government. Failure of government run schools to attract students and to stop them from dropping out means that the government will never succeed in fulfilling its obligation under Article 45 and education to all children upto the age of 14 will always remain a dream as it had remained even after 55 years of attaining freedom. Public schools cannot be expected to fulfill this aim as they are out of the reach of the general public even in metropolitan cities, not to speak of the deep and far flung areas of rural India where large sections of our society still fail to see the face of a primary school.

Admissions for K.G. and Nursery standards start with donations or payment under the table – amounts varying from ten thousand to one lakh and fifty thousand depending on the name and fame of the public school to which parents want to get their wards admitted. These schools charge heavy fees combined with compulsory purchases of uniforms, books and stationery from stores which are run by these schools themselves or from prearranged stores. Except for the Board classes, these schools fix their own syllabi and prescribe their own books. Most of these books are those in which someone from a particular school has contributed as a writer and which are invariably priced very high.

Then start unit tests and their preparation – not by the teachers and their students, but by the parents of students. Since parents who send their wards to these schools are mostly businessmen are bureaucrats who have no time to look after their wards, and in most cases are not even trained to help their wards in studies, a search for tutors starts and the whole exercise ends up in arranging two or three tutors for every child. These tutors, most of whom are from government schools, shoulder the responsibility. Parents of those students who still do not do well are called once a month to the schools and there the teachers dutifully inform them of the failures of their wards. However, due care is taken about highlighting the abilities of their children. They are praised well to puff up the lungs of these parents, so that their middle-class sensibilities are not hurt. They rather have a sense of pride on being told that their children abound in inherent intelligence and talent.

However, if a child does not end up getting through the class at the end of the year, the parents are called and offered a 'pass' certificate, alongwith an appropriate marks-statement for their children so that they can take their wards to some other school, which invariably is a government school. Thus those not doing well are weaned away and extra payment-seats are created for new students to be admitted. Those whose tutors work really hard, continue to produce better results adding to the name and fame of these schools. Some schools, not really well-known ones, provide certificates on payments ranging from five to ten thousand for other than Board classes even to those students who have not even seen their buildings, thus making extra money from this additional source also. Thousands of students with such (actually) fake certificates join government schools every year, as certificates of these financially unaided by the state but recognized schools are fully valid for joining any school. Of course, some of the best students of government schools, whose parents feel that they should do something more for their talented children, shift to "public" schools every year. This continuous churning process ensures supply of better students, of course with better resources, to public schools and also impoverishing the already poor government schools. The net result is that there is a wide difference between their Board results. The different social strata to which the students of the two categories of schools belong is never taken into consideration while comparing their result, nor does anybody care about the abysmal difference in amenities available to the two categories of students.

An account of the state of things prevailing in government schools, written thirteen years ago (*PUCL Bulletin*, September, 1990) by Dr. R.M. Pal which says, 'Even where schools function. The physical condition is deplorable – there are no desks, no drinking water facilities, no lavatories. You visit any Corporation and Government schools in Delhi and you find that children in primary sections are not provided with desks; they are required to squat. Children from poor families do deserve better physical environment than in their places of residence where they have no amenities of life. Let them have some amenities at least in their school where they can feel happy, and if they are happy they may not drop out," reads no different from another report, 'No drinking water in 31 MCD schools' published in the Hindustan times, dated 31.8.2001 which stated, "The Municipal Corporation of Delhi is still unable to provide minimum facilities to its students in many primary schools. There is no drinking water provision in as many as 31 school sites. As a result, children have to fetch water either from their homes or slip out of the school in between classes to the nearest water tap. Of these, 13 sites are in Pahladpur Bangar Municipal ward in North Delhi, the other school sites are spread over Rohini, Shahdara (North) and Shahdara (South). Delhi Jal Board has been unable to provide tankers in these schools."

The account reads like a page of pre-independence history of some remote area in Rajasthan and not that of what is happening in the heart of the capital of India after 55 years of achieving independence, although the country is supposed to have made great technological advancement by developing Inter-Continental Ballistic Missiles (ICBMs) and nuclear arms capability during the last few years, which speaks volumes for the priorities of the government of the day. However, during the last few months, because of the intervention of the Delhi High Court as a result of a Public Interest Litigation (PIL) case, the local government has initiated some action to give government schools a better look at least outwardly, though much remains to be done if things are really to be changed, and if past experience is any indicator, nobody is serious about bringing about fundamental changes and improvements in the system and the conditions of education in government schools without which providing quality education to the vast masses of the Indian society cannot but remain a mere dream.

Unlike public schools, where teachers are selected and kept on merit, the government schools are stuffed with teachers, particularly the senior ones, most of whom do not even know their teaching subjects well. Government schools in Delhi prove the point best. Here Post Graduate Teachers (PGTs), called Lecturers, who teach Senior Secondary classes, get promoted to the post in a queer manner. Trained Graduate Teachers (TGTs) teaching Science or Mathematics upto Secondary level are promoted as Lecturers in any of the subjects in Arts or Commerce stream, like History, Political Science, Geography, Economics, Sociology, Accountancy, Business Studies and even in English, apart from Mathematics, Chemistry, Physics and Biology (which they teach in schools), only by doing a postgraduate degree course in that subject even though they do not study the particular subject during their graduation and have absolutely no experience of teaching that subject in their schools, whereas the rules do not permit TGTs of Hindi, Sanskrit, Punjabi etc. to be considered for promotion in subjects other than these languages even though they generally study those subjects at under-graduate level and may have an experience of teaching such a subject for a long period in their schools with competence. The result, for example, is that many of the English PGTs themselves cannot write an application for leave and many PGTs in Political Science do not know the fundamentals of the Constitution of India. But who cares for these government schools?

Should the government and the officers responsible for perpetuating this state of affairs not be held responsible for criminal negligence of their duties and gross violation not only of Article 45 of the Constitution but also of the spirit of the fundamental human right to equality by denying to the students of government schools equality of opportunity on which the foundation of our Constitution, and in fact of any democratic society, is laid?

How serious is the NDA government at the centre in providing free and compulsory education to all children upto the age of 14 years, is clear from the fact that even after passing the 93rd Constitution Amendment Bill (now 86th Constitution Amendment) in November, 2001 making it a fundamental right of every child to get free and compulsory education upto the age of 14, it has failed to follow it up by a central legislation with a detailed mechanism necessary for its implementation even after a lapse of more than a year and a half. It was not unreasonable, therefore, for the UNESCO in its "Education for All Global Monitoring Report: Is the World on Track," to include India in the list of 28 countries which in its opinion would not be able to achieve the target of universalisation of primary education even by the year 2015. The reduction in the budgetary provision for education from Rs. 4904.85 crores in the current year to Rs. 4904.63 crores for the next year shows the government's apathy for mass education in the country. Its elitist bias is also clear from the fact that the Union Government spends Rs. 39,000 per year for a student studying at a Navodaya Vidyalaya, whereas a student in an average government school gets only Rs. 2000 including the central government's share of Rs. 241 ('Gross Neglect of Education' by Eduardo Faleiro, *Mainstream*, March 29, 2003).

The social welfare programme of providing free and compulsory education upto the age of fourteen was not left to private 'public' schools even by capitalist countries like Japan and the United Kingdom who bore the complete financial obligation needed to make it a success in the 19th century. How can we leave such an important obligation in the hands of purely business-minded people, for there are hardly any known educationists running these business establishments, who run these public schools for purely business reasons.) However, if India has to stand in the line of developed countries this programme of universal education must succeed, because welfare of the country as a whole cannot be ensured without the well-being of its people, which in turn depends on their being educated, and educated well for that matter, because that is one of the essential conditions for a society to live a successful democratic life.

But it is my firm belief that these vestiges of the British Raj – the public schools – so long as they exist, will not allow the dream of universal compulsory education to be fulfilled because their very existence will hinder government schools from flourishing and shouldering this constitutional obligation, as they will remain a neglected lot so long as these public schools exist politicians, bureaucrats and the powerful middle class people to send their wards to. The day they are all left with no option but to send their sons and daughters to government schools, I am sure the government schools will be in a far better condition than these 'public' schools, the breeding grounds of snobs who feel slighted in rubbing their shoulders with those of the sons of poor farmers, labourers and those belonging to Scheduled Castes and Scheduled Tribes – in other words the sons of the soil of India, the real working class which can ensure the development of the country, and whose happiness and well-being in turn can be the only yardstick of measuring the development and prosperity of the country. The these schools will become embodiments of equality and tolerance – the two cardinal values which are essential in a pluralistic society like India and which will make our society a humanistic and civilized society, devoid of the inequalities based on sex, caste, religion, language and place of birth – the dream the founding fathers of our Constitution had cherished in their hearts and every civilized man will feel honoured to belong to. That will be a sure bet for ensuring development, security happiness and peace in the country.

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Dilemma before the Electorate

As the elections to the four state legislative assemblies and the national Parliament draw nearer, the concerned electorate is finding it more and more difficult to decide which party or combination of parties to vote for. During the last 4-5 years the masses have become more and more disenchanted with the policies of the NDA government at the centre. Whatever the claims of those in power, the youth knows that employment opportunities have almost disappeared, the small businessman complains of diminished opportunities of work and the public in general is still searching for the benefits it was promised as a result of policies of globalization, liberalization and privatization. Whatever boom is visible in the share market is also not due, as some experts opine, to increase in the production of companies but as a result of superfluous activities like selling and purchasing of companies and investments in other profit-making companies or activities. Going by Gandhiji's yardstick of measuring the country's progress by looking at the poorest of the poor, one can safely say that the lot of the poor, and hence of the country, has not improved.

This period has also seen the gruesome genocide in Gujarat resulting in the crowning of those responsible for the mass killings through the success of their divisive agenda. I am sure no Hindu from Kashmir to Kanyakumari would have felt honoured or happy to see these things happening. And yet we know that Mr. Modi returned to power with a greater force through the mandate of the ballot. It would always remain a question before political scientists whether to describe that election as a success or failure of democracy in the country. The electorate in the four states in November-December, 03 and the whole country in 2004 will be called upon to walk to the polling station and cast his/her vote to retain or change the government of the day. That vote will also be the occasion for the ceremonial renewal of his/her faith in democracy. I am sure that he/she will face a greater dilemma than he/she has ever faced before while casting the vote this time.

The first and foremost question before the electorate today is whether the country is to be ruled by the likes of Modis, Togadias and Uma Bhartis, who represent the communal fascists under the leadership of the Hon'ble Prime Minister Sh. Atal Behari Vajpayee, who had no qualms in declaring even in a foreign land that he is first and foremost a Swayamsevak of the RSS, or by those who stand for a unified and strong society capable of catering to the needs of the poorest or the poor without any discrimination based on caste, creed or religion. If the country is not to be divided further on communal lines, shattering the established theory of two classes of Haves and Have-nots, dividing the masses to weaken them further thereby depriving them of their strength of collective bargaining in their pursuit of social, economic and political justice and of their strength to make the country powerful through their unified effort in expectation of better conditions of living for their progeny, then they have to reject the communal bandwagon of the Hindutva led by the BJP. It is here that the dilemma of the electorate starts. There should be a clear alternative available on which the electorate can rely. There should also be a fair chance of that alternative coming to power in place of the communal dispensation ruling the country.

The position in the states going to the polls in November-December, 03 is clear to a great extent as Congress as an alternative is available to the electorate if it decides to defeat the communal forces. The political scenario at the national level is much more confusing. Not that the Congress as an alternative not available there, but some of the stronger secularists with a proven record of adhering to secularism in the non-Congress patties find it difficult to co-ordinate with the Congress and vice-versa. For leaders on both sides clash of personalities acquires greater importance when it comes to forming a coalition of secular forces in the country for keeping the communal elements away from power as happened in 1998 when some of the third front partners refused to accept Mrs. Sonia Gandhi as a Prime Ministerial candidate, and she too refused to support "any third or fourth front" candidate for forming a government. Though the Congress had a valid claim to lead the secular forces as it was the second largest party in the Lok Sabha, yet the situation demanded that Mrs. Sonia Gandhi, who was not acceptable to some of the third front partners, should have agreed to

support any other leader from the Congress or the third front partners who would be acceptable to all secular groups in the larger interest of the country. Comrade Harkishan Singh Surjeet's over-enthusiastic, though principled, support to Mrs. Sonia Gandhi's candidature only resulted in shattering the third front, and some of its constituent partners, who were earlier thought to be the flag-bearers of secularism (apart from the left parties, who have undoubtedly been waging a relentless fight against the communal forces), lent unprincipled and opportunistic support to the BJP in forming a government in their mad scramble for power, resulting in a new alignment favouring the Hindutva dispensation. Dismantling of the third front consisting of the left and democratic forces in the country deprived the electorate of the more reliable alternative to the communal forces and left it with a limited alternative in the Congress.

It is true that in spite of having been a non-communal party traditionally, the Congress has failed to defend secular and democratic values on many occasions, the 1984 anti-Sikh riots, which alienated the Sikh community from it, and the imposition of emergency in 1975 being the two most conspicuous examples of each kind respectively. In the recent state sponsored communal killings in the recent state sponsored communal killings in Gujarat also the party completely failed even to stage a token protest against the communal carnage, not to speak of rising in opposition against the heinous crime, which should have been the proper role of the opposition party in the state. Nowhere were Congressmen or their supporters visible anywhere in the state when the victims of grossly inhuman killings were desperately seeking protection of their life and honour from the hands of butchers of the Hindutva bandwagon. No surprise then that Sh. Ehsan Jafari, a former Member of Parliament belonging to the Congress, could not evoke any help or response even from leaders of his own party to come to his rescue and he died a cruel death along with many members of his family and neighbours. There cannot be a worse role played by a national party which has ruled the country for nearly half a century, and if it was incapable of rising to the occasion, then it was the worst kind of incapability. Thee is also a long list of occasions when the party has taken a line of soft-Hindutva, perhaps for fear of losing the support of Hindu voters in the face of the line of communal divide adopted by the BJP.

Apart from the question of its failure in effectively combating communalism in the country, which, no doubt is an issue of foremost concern for any citizen of the country who does not want to witness the social fabric of the country, which is already in shreds because of the menace of caste system, torn further into pieces, the Congress has also not succeeded in projecting itself as a viable alternative of the NDA government on the basis of alternative economic and social policies. We cannot forget that Mrs. Indira Gandhi could carve out a place for herself in the country's polity and give a distinct image to the Congress (Indira) as the party of the downtrodden of the country in 1970 through her socialistic policies, as reflected in her steps like nationalization of banks and abolition of privy purses of former princes, which were distinct and in complete contrast with the capitalistic policies of the Syndicate Congress led by party stalwarts like Sh. Morarji Desai in the undivided Congress. But today both the BJP and the Congress vouch for the same economic policies of Liberalisation, Privatisation and Globalization which have resulted in large scale unemployment and deterioration in the living standard of the masses in the country and an unprecedented rise in the high level corruption and scams. So much so that an ordinary voter in losing his faith in democracy as a means of social change, and hopefulness is giving way to cynicism. Rejection of one set of rulers by the electorate is taken by the other one coming to power as an acceptance of its own policies without realizing that it is not a vote for it, but against the mis-governance of the other one. The electorate is tired of both of them as it considers them birds of the same feather, only sitting on different benches in Parliament, and the day it has a viable secular alternative to them, it will throw both of them out. Alas! Such a reliable third alternative does not exist today and whatever alternative had emerged in the country in the form of the Third Front is a matter of the past, thanks to the unconditional, un-asked-for and over-enthusiastic support Sh. Harkishan Singh Surjeet had extended to Mrs. Sonia Gandhi as the Prime Ministerial candidate in

1998 without taking into confidence the other partners in the front, as a result of which the Third Front started disintegrating, or which brought discontentment among the other Front partners like the Forward Block, or even cadres in his own party who had all along been agitating on the roads against the new economic policies introduced by the Congress during the tenure of Prime Minister

Sh. Narasimha Rao and who could not dream of supporting the Congress unless it reversed its stand on the new economic policies. The Congress has done nothing to bring itself closer to the people or to make itself more acceptable to the former partners of the Third Front. There is no change in the policy perspective of the party and it cannot survive, lesser still provide a strong alternative to the NDA and come to power at the centre, merely on the anti-BJP vote for long. Hence the electorate, though it desperately desires to overthrow the divisive forces, finds itself in a dilemma.

Under the circumstances, all the secular democratic forces in the country are duty bound to come together on a common platform on the basis of policies acceptable and beneficial to the common man and root out communalism from the country. This is the need of the hour. The people of the country and history will never forgive those who stand in the way of common interests of the people, including their right to live peacefully and honourably in a multi-cultural, multi-religious country.

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An Open Letter to Mrs. Sonia Gandhi

Respected Madam Sonia Gandhiji,

In the larger interest of the people of this country, I wish to invite your attention to the dilemma faced by the voters in deciding who they should vote for to get rid of the increasing difficulties they face.

Whatever the extent of the 'feel-good' mood that the BJP is having, or merely pretending to have it to befool the people into voting for it again, the fact remains that the people of this country are fed up with the rule of the NDA government. There is no doubt that its policies of privatization, liberalization and globalization have proved fatal for the country because the youths have no employment opportunities and the farmers are not getting a profitable price for their production, as you have often highlighted in your recent mass contact programmes going through various parts of the country.

There is a strong undercurrent of opposition against the mis-rule of the BJP amongst the people who are looking for a viable alternative to the NDA government and their eyes turn towards the Congress for a respite from the prevailing conditions.

The moot question is whether the people are ready to accept the Congress as it is today. It is precisely in this regard that I wish to say something, which actually your lieutenants should be doing. But perhaps they dare not say anything which they think might not please you or they have lost the vision, which the earlier leaders used to have, as a result of the loss of contact with the grass-root workers and the people at large because they have come to believe -- and given the present structure based on nominations instead of elections in which all workers can directly participate and choose their leadership, I cannot dismiss their belief as wholly unfounded -- that their survival in politics depends not on their work amongst the masses but on being in the good books of the leader of the party. Your direct contact with the people must have, I am sure, brought you nearer to their hearts and you must have started getting a feeling of what they desperately need and aspire and look towards you for.

The much touted 'feel-good' factor applies only to a very small number of people belonging to the elite sections of our society. Promod Mahajan's call to 'the rich and the famous' to join their party shows clearly the class of people they cater to. If they had cared for the ordinary people on the street there would not have been a series of family suicides due to hunger and poverty, as reported in the national dailies recently and the country would not have been put to shame when, in the presence of more than one lakh delegates from all over the world who had gathered at Mumbai to participate in the World Social Forum, our local delegates from tribal India narrated pathetically how they and their other family members were forced by hunger and poverty to run after mice with sticks in their hands throughout the day to kill and eat them if they were lucky, or to search for grains of rice or wheat, which might have remained intact, in the dung of animals.

There have to be economic policies which cater to the needs of the masses of this country and not to the classes, who can take care of themselves in any case. And it has to be accepted that the policies of liberalization, privatization and globalization, being implemented overenthusiastically by the present NDA government, have miserably failed to do so. The country may have amassed a big foreign exchange reserve, though much of it has come through the sale of long cherished and assiduously established public sector infrastructure, which is the backbone of the economy of any developing country which aspires to gain the coveted status of a developed country without losing its economic independence, but no amount of that foreign exchange is meant 'to wipe the tears off the eyes of the man on the street', to use Gandhiji's yardstick of measuring whether a policy or action is good or bad for the country.

Without bringing its policies closer to the people in which their welfare is the prime object, the Congress will not be able to convince the people that it cares for them. Then the task of dislodging the BJP-led NDA government from power will remain merely a dream. Without a shift in its economic policies, which have to be different from the ones being followed by the present government, the Congress cannot present itself as a viable alternative to the present dispensation in the eyes of the people. A return to the socialistic policies of the Nehru-Indira era is the need of the hour for the Congress if it really wishes to endear itself to the people again. Claiming to be the initiator of the economic policies being followed by the present government, in fact even more vigorously because they have always been the supporters of the classes who have gained as a result of implementation of these policies, will prove suicidal, as it has proved on several occasions in the last decade, and will only take people further away from the Congress because the Congress will seem to be responsible for their present woes, which to some extent it is. But nobody presents his weakness as his forte. Obviously, people have no interest in whether the country is ruled by an Atal Behari Vajpayee or a Sonia Gandhi if they themselves have to cope up with their problems and elections and formation of governments remain merely means of change of occupants of the seats of power who remain unconcerned with the problems and miseries of the common people. In other words, if both the governments are going to serve the elite, and the elite only, then how does it matter for the people whether it is the NDA government at the centre or the Congress government and who heads it?

If the Congress adopts left-of-the-centre economic policies, the left parties would automatically become its natural allies, and this will strengthen the possibility of throwing away the NDA government and also increase the credibility of the alternative front in alleviating the miseries of the people. Otherwise, the failure of the Congress to defeat the NDA will mean the defeat of the common man's hopes of leading an honourable life. If that is not to be allowed to happen, the Congress must return to the Gandhi-Nehru-Gandhi (Indira) era of people oriented policies. The Congress must rediscover itself if it has to regain its earlier image of being a common people's party.

Without a different identity for itself based on people oriented economic and social policies a change in the government at the centre may not be easy as the BJP has acquired tremendous support of money and muscle power. At this juncture in the history of the country, the responsibility of extricating the people from the clutches of the anti-people policies of the NDA government has fallen mainly upon the shoulders of the Congress as it is not only the main opposition party, but also the only one which is capable of achieving this feat, even if in collaboration with other partners like the left parties.

If the Congress fails to live up to the expectations of the people and to fulfill the responsibility which history has assigned to it, it will do so only at its own peril, as it did during the last assembly polls yielding place to the BJP in Rajasthan, Madhya Pradesh and Chhatisgarh. I had stated in an article published in *'The Radical Humanist'* at the time of the above referred assembly elections that the Congress required a radical change in its policies to regain its lost ground and credibility in the eyes of the masses as the party which can fulfill their aspirations. I wish to reiterate that, as we get ready for the Parliamentary elections to be held in April, 2004. And, let me also add, that sometimes history does not give an opportunity to learn from experience twice.

Yours truly,

Mahi Pal Singh

Dated: 1.3.2004.

Published in ***Mainstream*****,** March 6, 2004.

Defeating the NDA: A Road Map for the Congress

A historic general election to the Lok Sabha and some of the state Legislative Assemblies is round the corner. In the larger interests of the people of this country, I wish to invite the attention of Mrs. Sonia Gandhi, the Congress President, to the dilemma faced by the voters in deciding who they should vote for to get rid of the increasing difficulties they face as a result of the NDA rule at the Centre.

Whatever the extent of the 'feel-good' mood that the BJP is having, or merely pretending to have it to befool the people into voting for it again, the fact remains that the people of this country are fed up with the rule of the NDA government. There is no doubt that its policies of privatization, liberalization and globalization have proved fatal for the country because the youths have no employment opportunities and the farmers are not getting a profitable price for their production, as Mrs. Sonia Gandhi has also often highlighted in her recent mass contact programmes going through various parts of the country.

There is a strong undercurrent of opposition against the mis-rule of the BJP amongst the people who are looking for a viable alternative to the NDA government and their eyes turn towards the Congress for a respite from the prevailing conditions. Except a very thin creamy layer consisting of the politicians themselves, bureaucrats, industrialists, share-brokers and the top business people, all the other classes of people have felt cheated during the rule of the NDA government. Promised with increased and better job prospects in the global economy, the youths find themselves in a bewildering situation where they have no jobs except as lowly paid collection agents and salesmen of multinational companies in the urban areas and as a contract labourer for a short period somewhere along the route where the Prime Minister's much hyped golden quadrilateral joining the four metropolitan cities is being built, or widened, to use the exact term. Local industry has completely perished under the load of these multinationals. In the name of economic reforms and also under the conditions imposed by the IMF subsidies to the poor farmers have been reduced drastically, and they are still supposed to compete with their American and European counterparts whose farming, poultry and milk producing efforts are highly subsidized by their respective governments. Health-care has become extremely costly. Education is becoming a luxury for the middle and lower classes with alarmingly high fee structures in colleges and universities. The stand taken by the Indian Institute of Management, Ahmedabad to stick to their fee structure (if they could manage it at the Supreme Court level) which is well above the reach of the middle class people, not to speak of the students belonging to the lower classes of our society, betrays a strong desire of the elite to keep the other sections well segregated from themselves lest their royal blood should get mixed up with that of the ordinary people. But it is these very neglected, marginalized and deprived sections of the ordinary people who wield the power to vote their rulers in or out of the government, because the upper sections of the society, given the luxurious life they are accustomed to lead, do not even take the trouble to walk to the polling booths to cast their votes.

The moot question is whether the people are ready to accept the Congress as it is today. It is precisely in this regard that I wish to say something, which actually the lieutenants of Mrs. Gandhi should be telling her. But perhaps they dare not say anything which they think might not please her or they have lost the vision, which the earlier leaders used to have, as a result of the loss of contact with the grass-root workers and the people at large because they have come to believe -- and given the present structure of the party based on nominations instead of elections in which all workers can directly participate and choose their leadership, I cannot dismiss their belief as wholly unfounded -- that their survival in politics depends not on their work amongst the masses but on being in the good books of the leader of the party. Without democratizing the party, in which leadership from block to national level emerges on the basis of direct elections from the grass-roots, a responsible, experienced and vibrant leadership cannot be hoped for. Such an elected leadership will not be out of the reach of the lowest cadres of the party and these people will also stand by their leadership

even in adverse circumstances because it will be the leadership chosen by themselves. Recall Nehru's times when organizational elections were regularly held and there were hundreds of very popular leaders in the party. You could pick up any of the state Chief Ministers at that time, and he would make a capable and successful Prime Minister. Any one of them could gather a million people at his call. Not so now. How many of the leaders gathered around Mrs. Sonia Gandhi are capable of winning a Lok Sabha seat on the basis of their support base in the party and the people at large today? Only a democratically elected leader can understand and interpret the feelings of the people. Mrs. Sonia Gandhi's direct contact with the people must have, I am sure, brought her nearer to their hearts and she must have started getting a feeling of what they desperately need and aspire and look towards her for, which she couldn't have done earlier depending on the feed-back from those who like to steadfastly remain within an arm's reach from her.

The much touted 'feel-good' factor applies only to a very small number of people belonging to the elite sections of our society. Pramod Mahajan's call to 'the rich and the famous' to join their party shows clearly the class of people they cater to. If they had cared for the ordinary people on the street there would not have been a series of family suicides due to hunger and poverty, as reported in the national dailies recently and the country would not have been put to shame when, in the presence of nearly one lakh delegates from all over the world who had gathered at Mumbai to participate in the World Social Forum, our local delegates from tribal India narrated pathetically how they and their other family members were forced by hunger and poverty to run after mice with sticks in their hands throughout the day to kill and eat them if they were lucky, or to search for grains of rice or wheat, which might have remained intact, in the dung of animals.

There have to be economic policies which cater to the needs of the masses of this country and not to the classes, who can take care of themselves in any case. And it has to be accepted that the policies of liberalization, privatization and globalization, being implemented overenthusiastically by the present NDA government, have miserably failed to do so. These policies have brought in their wake reduced incomes with reduced rate of interest on the savings for the retired ones, loss of jobs for thousands of employees as a result of cut in the strength of staff in offices and industry, threat of reduction in the retirement age and loss of pension benefits for the new employees. Labour unions are being deprived of their bargaining powers. Prices of essential commodities have sky-rocketed. Public distribution system is being dismantled. Human Development Index (HDI) of Indian population has further gone down and the country stands at one hundred and twenty-fifth place, even below Sri Lanka, in the list of countries covered by the UN report. There is no social security system in place. The country may have amassed a big foreign exchange reserve, though much of it has come through the sale of long cherished and assiduously established public sector infrastructure, which is the backbone of the economy of any developing country which aspires to gain the coveted status of a developed country without losing its economic independence, but no amount of that foreign exchange is meant 'to wipe the tears off the eyes of the man on the street', to use Gandhiji's yardstick of measuring whether a policy or action is good or bad for the country.

Without bringing its policies closer to the people in which their welfare is the prime object, the Congress will not be able to convince the people that it cares for them. Then the task of dislodging the BJP-led NDA government from power will remain merely a dream. Without a shift in its economic policies, which have to be different from the ones being followed by the present government, the Congress cannot present itself as a viable alternative to the present dispensation in the eyes of the people. A return to the socialistic policies of the Nehru-Indira era is the need of the hour for the Congress if it really wishes to endear itself to the people again. Claiming to be the initiator of the economic policies being followed by the present government, in fact even more vigorously because they have always been the supporters of the classes who have gained as a result of implementation of these policies, will prove suicidal, as it has proved on several occasions in the last decade, and will only take people further away from the Congress because the Congress will seem to be responsible for their present woes, which to some extent it is. But nobody presents his

weakness as his forte. Obviously, people have no interest in whether the country is ruled by an Atal Behari Vajpayee or a Sonia Gandhi if they themselves have to cope up with their problems and elections and formation of governments remain merely means of change of occupants of the seats of power who remain unconcerned with the problems and miseries of the common people. In other words, if both the governments are going to serve the elite, and the elite only, then how does it matter for the people whether it is the NDA government at the centre or the Congress government and who heads it?

If the Congress adopts left-of-the-centre economic policies, the left parties would automatically become its natural allies, and this will strengthen the possibility of throwing away the NDA government and also increase the credibility of the alternative front in alleviating the miseries of the people. Otherwise, the failure of the Congress to defeat the NDA will mean the defeat of the common man's hopes of leading an honourable life. If that is not to be allowed to happen, the Congress must return to the Gandhi-Nehru-Gandhi (Indira) era of people oriented policies. It must show its commitment to the safety and security of the deprived sections of the society, particularly those belonging to the minorities, the Scheduled Castes/Scheduled Tribes etc., which it has failed to do in the past on many occasions. It failed to do so during the state sponsored massacre of the people belonging to the Muslim community in Gujarat in the wake of the Godhra tragedy. Not only did it fail to raise a strong protest against the inhuman acts of killings and rapes of innocent citizens of this country, it even failed to protect the lives of its former Member of Parliament, Ehsan Jaffrey, a professed secularist, his other family members and his neighbours from the barbarians of the VHP. It also allowed the massacre of innocent Sikhs in the 1984 riots go unchecked, alienating the community from itself. Its old image as the protector of minorities and the secular character of our state did get a jolt with the opening of the lock at Ayodhya and when the structure there was being demolished and the Prime Minister, who belonged to the Congress, continued to watch its demolition on the T.V. without springing into action until much after it was completely gone, the secular image of the party, whether one accepts it or not, also demolished with the demolition of the Mosque. During its long reign in the country, it neither succeeded in providing a social security to the members of the Scheduled Castes/Scheduled Tribes nor did it succeed in protecting their human dignity from being defiled time and again in various parts of the country. The Congress can only blame itself for losing the confidence of the minorities and the Scheduled Castes/Tribes who formed a strong basis of its success in achieving political power in the country in the early years of our democracy. In 1975 with the imposition of emergency in the country, the Congress even lost its commitment to the democratic values inherent in a democratic system of society.

The Congress must rediscover itself if it has to regain its earlier image of being a common people's party and its past glory. It must re-emerge and rise from the ashes like the Phoenix. It must reassert its commitment to secularism, social, political and economic justice and the practice of democracy in all spheres of life. It must also show the will to commit itself to the practice of morality in public life, which Gandhiji not only preached but also practiced in his life. Without a different identity for itself based on people oriented economic and social policies a change in the government at the centre may not be easy as the BJP has acquired tremendous support of money and muscle power which can be countered only with a moral force and a strong political will. At this juncture in the history of the country, the responsibility of extricating the people from the clutches of the anti-people policies of the NDA government has fallen mainly upon the shoulders of the Congress as it is not only the main opposition party, but also the only one which is capable of achieving this feat, even if in collaboration with other partners like the left parties.

If the Congress fails to live up to the expectations of the people and to fulfill the responsibility which history has assigned to it, it will do so only at its own peril, as it did during the last assembly polls yielding place to the BJP in Rajasthan, Madhya Pradesh and Chhatisgarh. I had stated in an article published in '*The Radical Humanist*' ('Dilemma Before the Electorate', December, 2003) at the time of the above referred assembly elections that the Congress required a radical change in its

policies and practices to regain its lost ground and credibility in the eyes of the masses as the party which can fulfill their aspirations. I wish to reiterate that, as we get ready for the Parliamentary elections to be held in April-May, 2004. And, let me also add, that sometimes history does not give an opportunity to learn from experience twice.

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A Layman's Economics *vs*. the NDA's Economics

In my opinion a poor labourer or a farmer is the best economist and finance minister, at least for his family, because he understands and manages his family's financial matters well. He may not have studied big volumes on economic principles published by Oxford University Press or conducted research on the topic in some American University but life tells him better what principles regulate and affect his and his family's life. It would be very difficult to convince such laymen that they have become very rich as their country has a huge foreign exchange deposit of nearly $ 110 billion whereas on the other hand he is told (Chronology of Events dated March 31, 2004 in the *Mainstream* dated April 10, 2004) that last year the external debt on the country registered a growth of 6.5 per cent to reach $ 112.10 billion, much more than the amount shown as deposit in the foreign exchange stock of the country, by the end of 2003 mainly due to a surge in NRI deposits. A farmer or a labourer knows pretty well that such a situation of indebtedness does not call for celebration or to feel good whatever may the rulers of the country say.

When the Multi-national Corporations (MNCs) started pouring into the country, the ordinary man was told that it was for his good as this would create a large number of jobs and his sons and daughters would not remain unemployed but the ordinary man is realizing that now his sons and daughters are not finding the job even of a clerk or a fourth class employee. His experience had told him even at that time that these businessmen never set up business for his benefit. He knew well enough that all the activities of his neighbourhood grocer were directed at earning his own profit which he wanted to earn more and more, but he believed his leaders in the same fashion as Shakespeare did when he said, "When my love swears that she is made of truth, I do believe her though I know she lies."

About a decade ago when the value of Rupee rose against the Dollar, the Rupee was devalued several times, because, it was said by economists, that if such a step was not taken our exports would go down. Now when the value of Rupee is increasing against the Dollar, the economic experts of the NDA government are telling the ordinary man that it is happening because the economy of the country is becoming strong. But the poor man fails to understand what is true. What he knows to be true is that he has fewer Rupees in his pocket because most of them have gone on the costlier fertilizers, even more costly diesel for his pump and electricity bill, and he is asked to come out with better product at a competitive price to compete in the globalized market economy.

He is also told to carry a cell phone when he goes to his farm or workplace for work so that he can always remain connected with the world to make use of the information technology. He is told to send his sons and daughters to institutions of higher learning so that they can know the world better and earn a lot of money for him. The poor man does not know how to send his sons and daughters to those dream places when the government primary school he sends them to does not give them enough knowledge to be able to join higher schools, nor the facilities like desks, toilets, fans in summer, or even drinking water for that matter, to retain them in school for completion of their studies. If somehow they succeed in completing their school education, nobody tells him who will pay the high fees required to go to colleges and universities because by that time they will have been completely privatized and the government would have washed its hands completely off things like education, social welfare, social security, public health etc.the way the government is proceeding on the path of privatization even of core industry which has always been considered so essential for the development of the country thereby turning this industry into a money spinner for private players whose sole is profit making and not welfare of the people of the country.

Globalization is an agenda of the multi-national corporations and monitored mainly by the three multilateral institutions – the IMF, World Bank and WTO. Obviously it is tailor-made to cater to the needs of the multi-national corporate players because market forces which drive the economic activities leave no place for small investors. As a result they are kept away from the socio-

economic sphere for lack of economic power to compete with the giants in the field. The victims of these policies of globalization are poor workers because they are rendered jobless, increasing unemployment everywhere.

There are some highly uncomfortable questions which no Congressman worth the name would relish answering – When were the last organizational elections held in the party? After the unceremonious departure of Sitaram Kesari was anybody duly elected the Congress President? Those who are in the party today themselves cannot pose such questions and those who could do so are already out of the party.

I am nobody to question the entry of Rahul Gandhi into politics nor do I mean to but his grand entry on the stage of Amethi, the much nurtured sure-sure-win seat of Mrs. Sonia Gandhi herself and also looked after by Priyanka Gandhi Vadra, who in fact had a better claim to that seat because she has been working in that constituency for quite some time now. But ours is a patriarchal society and the crown passes from the ruler to the male progency and to the female only if there is no male heir, as had happened at the time of Pandit Nehru. Hence the entry of the "Heir-apparent" into the Indian politics through the safest electoral gateway of Amethi. By the way, that reminds me of a series of slogans which were coined during the early days of emergency in 1975 – "Desh ki neta Indira Gandhi; youth ka neta Sanjay Gandhi," and believe me or not, the third part of the slogan was, "Bacchon ka neta Rahul Gandhi." And the grand entry of the "Heir-apparent" into the political arena reminded me of that slogan as well as the truthfulness of the saying 'Some are born great.' And most of the Congressmen, at least from amongst the leaders, do anything to convince you that there is no dynastic rule in the party. Even Mrs. Sonia Gandhi will tell you that this dynastic rule is present in every party and the sons, daughters and brothers-in-law are given election tickets by all leaders like Laloo Prasad Yadav, Mulayam Singh Yadav, Bal Thackaray, M. Karunanidhi etc. and these parties run like Private Ltd. Companies. What she will not tell you is whether she wants the oldest and the biggest national party to continue as a Private Ltd. Company likewise. If not, she will have to understand, and more than her it is the other Congressmen who will have to understand, that the only way to public office passes through grass-roots level work among the masses, and that there are no short cuts if the aim is public service.

Jawaharlal Nehru and Mrs. Indira Gandhi were leaders of great stature, the former emerging from our independence struggle against the British rule and the latter earning her place on the basis of popular support through her work amongst the masses and pro-poor policies.

Rahul to be deployed in UP, Bhaskar Roy/TNN, The TOI, May 7, 2004. New Delhi:

Stung by adverse exit poll projections in the third round of polling, Congress has decided to unleash Rahul Gandhi in territories in UP where polling will take place on May10.

The Congress appears determined to stage a smart late rally. It has rolled out every possible campaigner. Sonia Gandhi will join the leaders of the Tamil Nadu alliance….

Manmohan Singh on Thursday reached Punjab to address meetings around the state for the next two days. Actor Govinda is busy campaigning in Madhya Pradesh while two veteran stars – Sunil Dutt and Rajesh Khanna – are sweating it out in Punjab.

Remembering V.M. Tarkunde

My acquaintance, if I may call it an acquaintance, with V.M. Tarkunde has not been long. I have known him only for the last few years after my joining the People's Union for Civil Liberties. Even that acquaintance has mostly been confined to hearing about some meetings of the Radical Humanist Association, Delhi being held at his residence. I saw him just twice or thrice in some big meetings held at Gandhi Peace Foundation, New Delhi as his sickness mostly confined him to his house. Whatever little I know of him has come to me through his articles or letters which have of late appeared in the Radical Humanist or from whatever has been said or written about him after his death on March 22, 2004 by people who had known him or worked with him for long. I heard him speak only once when he delivered his key-note address for a meeting organized at his initiative by several organizations at Gandhi Peace Foundation, New Delhi before the last assembly elections in Delhi, Rajasthan, Madhya Pradesh and Chhattisgarh held in November-December, last year. He had come to that meeting in spite of the fact that he was physically quite weak after a prolonged illness.

Such towering personalities are bound to have their influence on people working with them. My acquaintance with him not having been so intimate, I find myself free from the impact such influence invariably has. This puts me in a position where I can reflect on his ideas in a more objective way. Having been a thorough democrat, he, I am sure, would have appreciated my comments on some of his views referred to here.

In an article entitled 'A Word to Indian Leftists' published in the November, 2003 issue of the Radical Humanist he had advocated the policies of globalization and privatization being followed by the present government, accepting at the same time that as a result of adoption of these policies there has been a large scale unemployment and, "A large section of the workers, who were thus discharged from organized industry, got employed in the unorganized sector, where their income was materially reduced, often to the starvation level," and "a considerable number of the discharged workers have remained unemployed." In another article entitled 'Communalism must be Defeated' published in the same issue of the Radical Humanist, referring to the acquisition and maintenance of nuclear weapons by this government, he admits 'that the India Government has hardly any resources left which can be used for carrying out the reforms which are essential for improving the living conditions of the poverty stricken majority of the Indian people.'

Globalization is an agenda of the multi-national corporations which is now executed and monitored mainly by three multilateral institutions, namely, the IMF, World Bank and WTO (Richard Peet, *Unholy trinity – The IMF, World Bank and WTO*), and the aim is neo-colonialism 'so that the multi-national corporations could continue their economic exploitation in the newly liberated Third World countries' (Globalisation and its Socio-Economic Impact' by V. Mathew Kurian, April 3, 2004 issue of *Mainstream*). 'Globalization has been instrumented in making Third World governments accountable to the interests of transnational capital against the common people,' hence it is not surprising that 'a number of neo-liberal measures taken by the Government of India are not at all to improve the living conditions of the people.' By adopting globalization and privatization of the basic assets as the main thrust of their economic policies the government has completely washed its hands off common man's problems of education, health, employment and housing thereby abdicating all its responsibilities as a welfare government and kept to itself the responsibility of policing the people through the introduction of draconian laws like the POTA so that the workers may not even think of organizing a protest against their new masters being brought in by the self-proclaimed exponents of 'swadeshi', the BJP and its stooges. They want the people to remain in the throes of continuous want and poverty so that sometimes they can show their kindness towards them by giving them alms, a thoroughly la-*lala* approach, and the latest example of this being the April 12, 2004 incident of distribution of Rs. 40/- to 50/- worth of sarees to the poorest women in Lucknow, the Parliamentary constituency from where Atal Behari Vajpayee

himself is a candidate, by his election agent and U.P. BJP leader Lalji Tandon on his birthday, after charging from everyone of the women who had come there in the hope of getting a 'free saree' Rs. 20/- as registration fee. To say the least about that unfortunate incident which resulted in the death of 22 women, and a large number of injuries, the incident epitomizes the respect for electoral norms and democratic values the BJP has, and also the manner of handling and solving the problem of poverty in this country. I often wonder why we should have a government at all if it is only to rule over us and does not have the responsibility of looking after the basic needs of the people and why should the public pay through their noses for the luxuries of those who run such governments purely for their own welfare and to appease their hunger for power.

Maybe Tarkunde sincerely believed that the policies of globalization and privatization would at some point of time bring prosperity to the country and the fruits of this prosperity would then percolate down to the masses. This belief, however, has some inherent fallacies. First, it fails to recognize the true character of capitalists and businessmen for whom profit, profit and more profit is the only driving force and acquiring top position in the capital world their only motto. Second, even if one were to believe the ability of these policies to bring prosperity to the country and the goodness of the super-rich to share their profits with the downtrodden people, for the poor this boon would start coming, if at all it did, only much-much later whereas their poverty, hunger, health and education need attention here and now. They cannot be expected to suffer indefinitely in this world in the hope of getting the best in the other world simply because they have not, and for that matter nobody else too, seen that other world so far. Even America, the exponent of these policies and the richest country in the world, and also the other developed western countries, have failed to provide employment to their youths and housing to all their people so far. Then how should we believe that these policies would work wonders here and achieve what they have failed to achieve anywhere else in the world? That we have examples of countries crumbling down as a result of these policies is beside the point.

Apart from these things, the intentions of any government and the future success of its policies, can only be judged on the basis of its performance and past record and Tarkunde himself observed that 'the BJP government and the Government of the coalition partners has become even more corrupt than the previous Governments.' How does, then, one reconcile his remark "Already the Indian people are getting disgusted with political demagogues, and it will not be long before the people will realize that their freedom and progress will be achieved only if they exercise power directly, and that when it is necessary that some representatives have to exercise the power on behalf of the people, such representatives should have been chosen and appointed by the people themselves and they must work under a standing control of the people and should also be removable by them' (A Word to Indian Communists), to his advocacy of handing over their economic interests into the hands of the 'global corporate fascists', as Admiral Vishnu Bhagwat, a former Chief of the Naval Staff, has called the multi-national corporate giants, who will never be 'removable by them' once these multi-national corporate giants succeed in holding their economic interests by the neck.

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But all this does not mean that Tarkunde was a supporter of the present NDA government. On the contrary he was one of the strongest opponents of the present NDA dispensation. Right from the time of last assembly elections held in November-December, 2003 he had been instrumental in organizing many meetings and seminars to build an atmosphere for rooting out the BJP from power because he was convinced beyond any doubt that the Sangh Parivar and the RSS 'have already communalized the state of Gujarat and they have done this to a considerable extent in Maharashtra. If the BJP gets another term of forming the Central Government, the poison of communalism is likely to spread further in many other states such as Rajasthan, Madhya Pradesh and Uttar Pradesh.' He wrote a letter in the Radical Humanist entitled 'Communalism must be Defeated' addressed to many organizations in which he appealed to them to do everything to throw out this government if

they did not want this country to be divided on communal lines 'since communalism is at present the greatest danger to the survival of democracy in India,' and that 'it is the duty of every freedom living voter to cast his vote in favour of the candidate who has relatively the best chance of defeating the communalist candidate.' He did not mince words and openly exhorted the voters to 'vote in favour of the Congress candidate because communalism is at present the greatest enemy of democratic freedom' in spite of the fact that 'because of its mistakes in the past, the Congress may not be a very popular party.' He was, in fact, treating the forthcoming general elections as the Mahabharata of this century and telling everybody, as Krishna did then, that in this war you have to be either on this side or that, because nobody could remain neutral in such a war when the unity, integrity, secular character of the country, democracy and freedom were at stake.

He was a relentless crusader of democratic and human values and he fought for them till the very end. Let us cherish the values he fought for and carry forward his message to as many as we can. If we succeed in saving the country from the curse of communalism, we shall be rendering it the most important service it requires today. That will also be a true homage to the memories of V.M. Tarkunde, the democrat, the humanist and the champion of the cause of the poor.

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Whose Victory this?

Soon after the trends of the counting of votes for the fourteenth Lok Sabha elections started trickling down on the morning of thirteenth of May, 2004 it became clear that it was time for the Vajpayee led NDA government to depart. The people of this country had rejected whatever Vajpayee and his government had stood for during the last five-six years. They had rejected the economic policies dictated by the World Bank and the IMF which had resulted in large-scale unemployment in the country, indiscriminate disinvestment in which even profit-making public sector undertakings were doled out to national and multi-national corporate houses, policies of globalization putting our farmers in a highly vulnerable position viz-a-viz American and Western farmers forcing thousands of the former into committing suicides. They had also rejected the NDA's detonation of the atom bomb at the cost of the schools for the education of their children, hospitals for their health care, houses for them to live in, water for them to drink and to irrigate their fields with, and finally, food for them to fill their bellies with. They had rejected the government which had money in abundance only for advertisements of 'India Shining' and 'Feel Good' and not for alleviating the miseries of those dying of hunger in the district of Kalahandi in Orissa and several parts of other states like Rajasthan. And above all, they had refused to hand over the reins of power into the hands of those 'Swayamsevaks' – I hope you remember that the Prime Minister had said before the NRI's in America that he is first and foremost a Swayamsevak of the RSS - who had actively connived at the divisive acts of hatred and murder of 'the modern day "Neros" of Gujarat, 'undermining the unity and security of the nation' and also 'bringing disgrace to the entire society,' to use a few expressions from the order of the Supreme Court of India in the Best Bakery case pertaining to the burning of innocent children and helpless women during the most inhuman communal riots held in the state of Gujarat. Even the voters of Gujarat, particularly those who were witness to the worst communal riots which took place in the state two years ago, either as those lucky victims who survived or as mere helpless lookers-on, seemed to atone for what they had done in the last assembly polls by voting for Modi and Co., by giving their verdict in favour of a secular democracy in the country this time.

The results of these crucial elections are historical in many ways. They have proved beyond any doubt that a multi-million election campaign running, or rather, flying on hundreds of aeroplanes and helicopters, using high tech electronic devices for canvassing for votes even on the day when polling was taking place thereby disrespecting the rules of model code of conduct, and even the strategy of 'carpet bombing the electorate' cannot change the minds of those who have decided to throw out the communal, anti-people government of the day. They have proved that the faith of the people in the words of those leaders who had claimed five years ago to be the exponents of the 'swadeshi' and who had also claimed to be 'a party with a difference' was ill-reposed. They have proved that through a high velocity campaign it is possible to create a media-hype thereby making media-persons predict a poll victory for those in power but it cannot blind the people into voting for those who do not care for them. These results have, above all, reasserted the faith of the Indian people in democracy and all that stands for it.

The obvious question that arises from these results is – Who is the winner in these elections and whose victory is this? The BJP had thrust a mid-term poll on the country in the hope of getting a mandate for another term in the government in the wake of the victory it had got in the assembly elections held in the states of Rajasthan, Madhya Pradesh and Chhatisgarh, earlier ruled by the Congress, in November-December, 2003. It was clearly a result of their 'feel good' at these unexpected results favouring them and meant to be a plebiscite on its agenda of 'development' which it claimed to have followed during the last five-six years of its rule and its policies of privatization, disinvestment and globalization. The country has given its mandate against the NDA or the BJP rule. But the moot question is – Who have the people of the country voted for? Have they voted for the Congress?

This election had been turned by the BJP into an election between, as if it was a direct election for the post of the President in a presidential form of government, and not a parliamentary election in which the head of the government is elected by the elected representatives of the people, and also as if there were no other parties in the contest at all and no one else capable of becoming the Prime Minister in the Congress or outside it, Atal Behari Vajpayee, the Prime Ministerial candidate of the BJP led NDA and the tallest self-styled 'swadeshi', because the BJP had always talked of 'swadeshi' when Narsimha Rao's Congress government started new economic policies in 1991 in the country on the one hand, and the 'videshi' Sonia Gandhi on the other, thinking that Sonia Gandhi, because of her inexperience in politics and more so because the Sangh Parivar was arousing the emotional issue of 'Swadeshi-Videshi' in the minds of the voters at large, would be no match against Atal Behari Vajpayee, the veteran politician, planner, schemer and contriver with a life-time experience of contesting, winning and losing elections. Hence his victory was taken for granted and with him the victory of his bandwagon of the BJP and the NDA also.

With the rejection of Atal Behari Vajpayee and the communal outfit led by him by the people of the country, the position of Sonia Gandhi as the legitimate 'swadeshi' stands vindicated, although no electoral sanction is needed for the justification of a citizen's constitutional rights, and no electoral verdict, likewise, can legalize an illegitimate position or action of a person or a group of persons.

The other, and more important, question is whether the Congress party is justified in interpreting the electoral results as a victory for itself and a mandate of the people to rule the country with 145 seats of its own and 220 odd seats along with its allies in a house of 543 seats out of which the results declared are out of a total of 539 seats. Although the number won by the Congress is a little above the BJP's tally of 138 and along with its partners some 35 seats above the NDA's total of 185 seats, it is still nowhere near the 270 mark required for a simple majority. It is true that the country has not given a mandate to the NDA to rule, it is also equally true that it has also not given a clear mandate even to the Congress to rule the country. Only a day before the counting was taken up there were several Congress spokespersons on the TV telling people that it should be interpreted as rejection of the NDA even if the NDA got something like 260 seats, as most of the poll-pundits were predicting on the basis of the opinion and exit polls conducted by them, which thankfully turned out to be nowhere near the true picture. If 260 was not a good enough number to rule, by what argument can an alliance of some 220 members claim to be the rightful claimant to rule the country? The only consolation for it is that whereas the NDA perhaps would have got no other possible allies in the ranks of the remaining elected members, the Congress has many other legislators, belonging to the non-NDA groups, who can ally with it, particularly those belonging to the Left front.

Therefore, the right interpretation of the verdict of the people in this parliamentary election is that they have mandated the formation of a secular government as against the communal outfit of the BJP. But the message is not limited only to that. The mandate of the people against the economic policies of the outgoing government is also loud and clear. In its economic policy document released before the election, the Congress had talked of continuing with the economic reforms policy of the then government. The people of the country have voted against those policies also because they had brought in unemployment, retrenchment, untold sufferings for the farmers and the other people of the working classes, diminishing health-care facilities, unaffordable education and a host of other problems for the poor masses, in their wake. The new government will have to shoulder the responsibility of alleviating these difficulties of the people. Because the Congress had failed to present an alternative economic policy different from that of the NDA, as the writer of these lines had suggested to the leaders of the Congress as the only way for throwing out the NDA and for securing a clear mandate of the people to rule the country, in his articles 'Dilemma Before the Electorate' (*The Radical Humanist*, December, 2003), 'An Open Letter to Sonia Gandhi' (*Mainstream*, March 6, 2004) and 'Defeating the NDA: A Roadmap for the Congress' (*The Radical Humanist*, April, 2004), the people also gave it a fractured mandate – to rule the country as part of a

Secular Front. To protect themselves against the onslaught of the capitalist and Western biased dictates of the IMF and The World Bank and to ensure their economic welfare, they have made the Congress dependent on the Left Front for reaching the citadel of power. By pledging to adopt people-oriented economic policies, the Congress would have got the Left Front as a willing, natural and reliable ally whereas now it will be a forced alliance, for the former a need to rule the country and for the latter a way to keep out the communal forces from ruling the country.

In addition to keeping the communal forces under control the Left will also be duty-bound to protect the interests of the working classes and the poverty-stricken people of the country, whether from within the government or from outside it, more so because the Congress is not yet ready to understand the wisdom of adopting people-oriented developmental policies. History has now put the onus of securing social justice and welfare of the people of the country on the shoulders of the Left Front. The people now look towards it with hopeful eyes. We hope that their faith will not be belied. Then, and then only, it is the people of this country who will emerge as the ultimate winners and for those who claim to work for their welfare it should be a sufficient cause for gratification.

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Tainted' Politicians and Electoral Reforms

(*The news, that three members of the three most powerful gangs of Mumbai underworld are making an all out effort to enter the Maharashtra Assembly through the October 13, 2004 election, has once again brought to the forefront the question of criminalization of politics. The three aspiring politicians are Dawood Ibrahim's brother Iqbal Kaskar who will contest from Nagpada and Umerkhadi, Chhota Rajan's brother Deepak Nikhalje from Chembur and Arun Gawli from Chinchpokli*.)

The first sessions of the recently elected 14th Lok Sabha saw some of the most persistent walkouts and boycotts by the NDA partners under the leadership of the BJP demanding the resignations of the 'tainted' ministers from the United Progressive Alliance (UPA) government led by the Congress. And as is usual with politicians, charges were hurled at each other by the ruling alliance and the NDA in the fashion of 'my shirt is whiter than yours because your people are more tainted than ours'. Apart from the question of wastage of the taxpayer's money and the valuable time of the legislature which could otherwise have been spent in highlighting the problems the people of the country have been facing, and in search of some solution to these problems for which the electorate elect their representatives, the more important question that arose was whether the country is going to be ruled by criminals making a mockery of our democracy or the people will find a way out to send the criminals where they rightfully belong, instead of the legislatives houses.

From the mud-slinging match between the ruling alliance and the opposition, one thing that became quite clear is that both are more interested in defending their own lot rather than finding ways to get rid of criminals from the field of social service that politics used to be until a couple or two decades ago. In public perception many of our legislators and ministers are hardened criminals and dons but not so in the eyes of our honourable elected representatives and the political parties which have absolutely no qualms in giving them their party tickets for elections. Therefore, it will be too much to expect them to find ways of stopping these criminals from entering the sacrosanct precincts of legislative houses which are representative of the faith the people repose in democracy. Barring the left parties, which are an exception in not nominating criminals for elections, all parties are guilty of treating the people of this country with contempt by putting up known criminals as their nominees. It is the people themselves who will have to find ways of ensuring that criminals do not move about freely with impunity, or rather in the protective cover of police or SPG commandoes by getting elected as legislators.

Comrade A.B. Bardhan, General Secretary, Communist Party of India was correct to some extent when, commenting on the question of the presence of tainted ministers in the UPA government, said that ultimately it is the people themselves who are to blame because they elect known criminals in the hope that these strong musclemen would be able to protect them well, and if nothing stops them from getting elected as legislators, nothing can really stop them from becoming ministers also, if the party in power and the Prime Minister choose to make them ministers. However, it is also equally true that people and parties supporting governments having such criminals as ministers, even under the compulsion of supporting them for keeping at bay communal elements from usurping power, as the left parties are to support the UPA government, are even more guilty because they help these criminals acquire gigantic stature and more influence and respectability among politicians, bureaucracy including the police force, and the society at large. In the present coalition politics, the self-imposed compulsion of supporting a secular government at the centre for the left parties does not necessarily mean supporting the presence of wrong men in the government, or anti-people policies of such a government, because that government is also under compulsion to take the support of such people and parties not only to keep the communal elements away from power but also to save its own existence, and this support is more indispensable for those taking it rather than for those extending it to the government, particularly if this support is from outside. Unqualified support can only be extended and carried on at the peril of

losing the support of their own disillusioned mass base which parties claiming to be people's parties can ill afford.

There is no doubt that the Election Commission has the necessary powers and is even duty-bound to conduct a free and fair election, which also includes exclusion of such elements which can be detrimental to the very existence of democracy. This is also true that the right to information has added to the power of the people to know about the criminal record of various candidates seeking their votes, and the Commission has sought to implement it in right earnest. Still notorious criminals, extortionists, rapists and murderers get elected to the legislatures. What is worse is that this encourages other criminals to adopt politics as a business where they can commit the most heinous crimes with impunity and instead of being chased by police enjoy the protection of police and law as legislators and ministers. Governments protect them for their own existence. Mass murderers enjoy respectability as national heroes and people stand looking helplessly or are trodden under feet, become victims of law and are sometimes called anti-nationals and traitors if they try to raise their voice in protest.

It is useless to wait for the governments to take any action to stop criminalization of politics till appropriate electoral reforms are enacted and introduced. Such important and urgent matters concerning the life and future of a large number of people cannot wait for electoral reforms to take place. Political parties with vested interests will not let the question – Who should be treated as a criminal and debarred from contesting an election, somebody who has merely been charge sheeted or one who has been convicted by a court of law? - come out of the legal wrangle. Then there will be the controversy of criminal charges, like the charges of murders, rapes and extortion, and the so-called political charges, and those facing the latter will be defended in the name of democratic rights even if they include charges like making a speech resulting in the demolition of the Babri Mosque at Ayodhya and killing of thousands of innocent people in its wake, or of failure in administration resulting in large scale looting, arson, rapes and murders, as happened in Gujarat in the wake of Godhra incident. Seemingly innocuous actions indeed yet deserving punishments due to culprits of genocide. Still politicians demand impunity against such 'political' charges under the electoral law. Even judiciary has its limitations.

Mere procedural or legal reforms cannot free our elections from the scourge of criminality. Only an educated and vigilant electorate can act as a deterrent against criminals entering politics. The need of the hour is for the civil society to act and intervene to save democracy from slipping into the hands of criminals completely. Prominent citizens known for their non-partisan views should come together and form a Concerned Citizens' Group. This group, which could have former judges, like (Justice) Rajindar Sachar, a former Chief Justice of Delhi High Court, lawyers, social and human rights activists etc. as members, should study the record of candidates contesting assembly or parliamentary elections and, on the basis of their study, issue statements guiding and educating voters not to elect tainted or criminal candidates. With the help of media persons, belonging both to the press and the electronic media, their message could get a wide publicity. Various NGOs could also play a very vital role. It is only by educating the electors about making the right choice that criminalization of politics can be stopped. Efforts of civil society in the past have succeeded in bringing about the desired change, though to a lesser extent, in the past. They will succeed in future also. Only responsible citizens have to rise to the occasion and shoulder the responsibility which belongs to them.

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Haryana Administration Fails Yet Again

The state of Haryana is in the news yet again for the wrong reasons. This time it is in the news for the orchestrated way in which 54 houses of *Dalits* if *Harijan Basti* at Gohana in Sonepat district were burnt by a mob consisting of *Jats*, a powerful and well organised community in Haryana. The only fault of the *Dalits* living in the *Harijan Basti* was that some of them were Suspected of being involved in the murder of a young man from the upper caste. After this incident a caste panchayat of local *Jats* was held and it was decided, 48 hours prior to the actual burning of the houses, that the *Harijans* should be taught a lesson. On hearing about the decision and fearing the worst, the *Harijans* of the *basti* started shifting to safer places. On August 31, 2005, the day of the incident, large number of policemen, including a senior officer, was present at Gohana. Yet, the mob consisting of the dominant *Jat* community, carrying petrol with it, as has been confirmed by Bhupinder Singh Hooda, the Chief Minister, after his visit to the place, burnt up everything in 54 houses. The police instead of feeling ashamed of its failure complemented itself for avoiding casualities by not firing at the mob. Later on, the Deputy Commission (DC), the Senior Superintendent of Police (SSP) And the Superintendent of Police were transferred. The *Dalits* are still afraid to return to their own houses.

Sarvkhap or *Khap panchayasts* of the dominant *Jat* community in Haryana have become a retrograde extra-judicial system in the state. One such panchayat was held after the infamous Jhajjar incident in which five people belonging to the Scheduled Caste community were brutally lynched by a mob on suspicion of having killed a cow. The police took into custody, as a consequence of the pressure created by media coverage, some people from the *Jat* community for interrogation. However, *Khahp panchayat* intervened and demanded that no action should be taken against any *Jat* and those held by the police should be released immediately. As of today nobody has been punished for the lynching incident.

Such *panchayats* have been held to prevent *Jat* girls from marrying boys belonging to other communities. They have generally succeeded in implementing their decisions, the reason being that most people in the administration and police who belong to their own community willingly oblige them through acts of omission or commission as per the requirement of the case.

The CM has declared an interim payment of Rs. 50,000/- to each affected family and promised help in repairing the houses and getting the burnt goods compensated for. It remains to be seen how far he goes in implementing his declaration because earlier he had declared a sum of only Rs. 5000/- to each affected family, an amount which seemed to make a mockery of the victims rather than help them. Even five days after the incident, and in spite of the voices being raised by all political parties and leaders of the *Dalit* community for an inquiry by the Central Bureau of Investigation (CBI) the CM has neither agreed to the demand nor declared an independent inquiry by a credible agency. The senior administration and police officers, who are not only guilty of dereliction of their duty but also of colluding with the arsonists, have only been transferred and not suspended and no inquiry has been instituted against them.

It should be noted here that when the enquiry into the incident of lathi-charge on Honda workers started the CM had asked the DC and the SSP of Gurgaon to proceed on leave. He had also ordered an enquiry into the incident to be conducted by an officer of the administration. It was only after he was summoned by Mrs. Sonia Gandhi at New Delhi that the involved officers were transferred and a judicial enquiry ordered into the incident. Whether he would act on his promises in this case, is a matter of conjecture. His bona fide is not above suspicion and his credibility has come down after the way In which he dilly-dallied during the Gurgaon incident.

To instill confidence in the *Dalits* of Gohana and elsewhere in the state, a CBI enquiry should immediately be ordered, the person guilty of murdering the young man from the upper caste and those who indulged in arson in the wake of the earlier incident should be brought to book and the

suspected officers should be suspended and enquiries should be instituted against them. That is the minimum that should always be done to uphold the rule of law and inspire a sense of security in the minds of victims and other people living in the vicinity of the site of such incidents. In the long run the confidence of the affacted community will return if more Dalits are recruited into the police force and conviction rate in the cases of atrocities against the Sc/STs goes up from the dismal eight per cent at present. That perhaps can happen with a *Dalit* CM at the helm of affairs in the state for at least two electoral terms. Otherwise, the social fabric of the society there will be further eroded and the Dalits, if they have nowhere else to go, will not be able to live a dignified life in Haryana.

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One Law for the People and Another for Law-makers

Corruption has hardly been an issue in this otherwise great country of ours, particularly if it is corruption among our politicisans. We have had many such cases in the past. One of them was the case of kickbacks in the purchase of Swedish field guns named Bofors during Rajiv Gandhi's tenure as Prime Minister of the country in which Rs. 64 crores were paid as kickbacks. Though the the country's voters threw his government down and some militarty officers were sacked, nobody, including politicians, has got any punishment in the case till date. To save Narsimha Rao's government from being toppled through the no-confidence motion in the Lok Sabha crores were allegedly paid to Members of Parliament belonging to the Jharkhand Mukti Morcha, including its head Shibu Soren and the media reported in great details how banks worked overtime for counting the cash deposited in the bank accounts of politicians to secure their votes against the no-confidence motion, yet our justice administration system failed to punish any of the bribe givers or takers and all of them occupy seats of honour and power today. Electronic media showed a xcash of five crores discovered in the house of Sukh Ram which was allegedly paid in the telephone purchase scam, but he conveniently escaped being convicted in the case and was later wooed by the same BJP leaders in their scranble to come to power who did not allow Parliament to transact any business for days together raising thei issue of corruption in the matter and action against him. In the hawala case, too, no politician named in the much publicized Jain diary was punished although some of the politicians confessed on the TV screen that they had taken the cash as mentioned in the diary.

In the latest sting operations called 'Operation Duryodhan' and 'Operation Chakravyuh', members of Parliament were shown accepting cash for asking questions in Parliament and demanding commission for doing developmental tasks out of Members of Parliament Locan Area Development Scheme (MPLADS) fund respectively. The former case received immediate attention of the two houses of our national legislature and the eleven Members of Parliament involved in the case were expelled from Parliament because it involved the honour and credibility of all Members of Parliament because our Members of Parliament wanted to maintain their credibility and image even in the face of an exposure, showing such rutal murder of parliamentary norms and shameless lust for money, on the TV screen, though it is difficult to assess how successful this effort will be in achieving its desired effect. Thye only saving grace was that no member of the left parties was shown indulging in corruption in the two sting operations. 'Operation Chakravyuh' is yet tro catch the attention of our Parliament.

Only a few months ago the Speaker of Lok Sabha, Somnath Chhatterjee had raised doubts about the utility of continuing MPLADS because it is nothing but a means of adding to the corruption already prevalent in our elected leaders. Otherwise, too, there are doubts regarding the utility and legality of this scheme as it overlapos the functions of Panchayats and municipal bodies. People only become skeptical whenever M.P.s demand a rise in the amount allotted to them under the scheme.

But the moot quedstion that remains to be answered is – What punishment our elected leaders get for indulging in corrupt practices apart from the political fallout of being caught in the act? A policeman or a clerk not only gets dismissed from service and our judicial system also punishes him if he is caught accepting even a small amount for doling out a favour or doing something which otherwise too is a part of his duty. But how many of our corrupt politicians have received punishment? In the present case, too, what punishment did the eleven MPs get apart from the political punishment of being deprived of their seats in Parliament? Does that not show that there is punishment for the samll fry but none for the big sharks? In a country which vows for equality before law aren't there one set of laws for ordinary citiens and another set of laws for our worthy law-makers? And see the audacity of these corrupt politicians – some of them plan to go to the court of law for 'justice'. And see yet others, too, who are raising their voice in favour of their party colleagues in the name of the same 'justice'.

And they want all the people of this country to believe thaqt most of them are honest and true servants of the people. One does not need more examples to understand and appreciate why M.N. Roy said long ago that a party based parliamentary democracy could only lead to corruption, and never to a true grass-roots democracy as representatives of the people do not think of empowerment of the people but themselves by whatever means they can.

Our conscientious law-makers and thoughtful people must think seriously how our ornamental democracy can be turned into a real one, or at least, saved from deteriorating further into becoming a safe haven for the corrupt and how our constitutional oath of equality before law can be ensured for all.

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The Question of Reservation – A Re-Examination

At last on May 23rd '06, the UPA government took the decision to bring a law in the monsoon session of Parliament to give effect to 27 per cent OBC quota in central educational institutions from the academic session starting June, 2007 in spite of all the opposition by the agitating doctors, though it was not without bowing before those opposing reservation for OBCs in the form of agreeing to create more seats to accommodate those who would benefit from reservation and to introduce this reservation in a phased manner. According to the working paper based on the GoM's proposals, the number of seats will have to go up by 54 per cent to preserve the present number of seats available for the general category while implementing the reservation. This would cost the exchequer over Rs 10,000 crore – Rs. 7,800 crore for non-recurring expenditure and Rs. 2,200 crore for recurring expenses.

Along with the declaration showing the government's intention to bring a law for the implementation of reservation for OBCs with the proviso of increase in seats, has come another declaration of Meira Kumar, a central minister, that she has agreed to give a time of two years to the industrialists to take 'affirmative action' on their own, as proposed by them, to improve the lot of SC/ST and OBCs in the country by providing them educational and other facilities instead of agreeing to give them jobs on the basis of reservation in the private sector. One thing which one fails to understand is that if they are so anxious to help these underdogs of our society through their 'affirmative action', now within a period of two years only, why they failed to initiate any such action during the long period of last sixty years of our independence. Or is it because the stage has come when they have to make a choice now, and they have decided to choose lesser of the two evils, and also buy more time to defer action in the bargain?

If one wishes to know the extent to which the middle class in India suffers from caste bias, one has only to look at the articles after articles and editorials after editorials appearing in various newspapers these days in one way or the other denouncing reservation for OBCs in institutes of higher learning, advising the government to find other ways to help the OBCs and SC/STs. This is similar to the proposal put forward earlier by FICCI, CII and industrialists like Rahul Bajaj [in the face of government's proposal to extend reservation for SC/STs in the private sector and now for OBC candidates in the institutes of higher learning] in the name of helping people from SC, ST and OBC categories through the so-called 'affirmative action' like offering scholarships and providing educational facilities for students from these categories rather than agree to give them reservation in jobs in private establishments.

First, let us examine some of the remarks made by leading journalists on the issue.

Prem Shankar Jha, writing in the Hindustan Times dated 19.5.06 said, "Those whom the Mumbai police beat up, and those whom the police in other cities will soon have to beat, are not the usual rent-a-mob lumpens that political parties bring out whenever they wish to make a point. They are young people who have secured at least 90, perhaps 95 per cent in their school leaving examinations, gained first class degree at their universities and passed tough entrance examination to enter a medical college."

"Is it necessary to be unjust to some in order to be just to others? Is it necessary to take something away from one section to provide more to another?" he further asked.

This is true that doctors and medical students must have been brilliant students of science otherwise they would not have succeeded in getting admission to a medical college. This is also true that their parents must have spent huge amounts on tuitions and coaching classes to prepare them for the entrance test because parents of every science student aspiring to become a doctor or engineer have to do that. They were the lucky few who had all the facilities, because there are thousands and thousands of still better students who do not see the light of the day because they are not lucky enough to have all those facilities and a very large number of these students belong to SC/ST and

OBC categories for two simple reasons – they are the ones who belong to the deprived sections, the 'have-nots' as Marx would have called them, and together these castes form more than 75% of the country's population. So, obviously, they fail to get the training under expert tutors and coaches who could make them capable of competing with their luckier counterparts studying in the metropolitan cities. Thus it is a foregone conclusion that a very high percentage of our medical and engineering students belong to the other 25% of our population, the non-SC/ST/OBCs. No surprise then, that, these medical students are protesting against the proposed reservation of seats for OBCs in institutes of higher learning, not against anything being done against their own interests but in favour of their caste-mates who would join the medical, engineering and technical courses in future and far outnumber students belonging to the other categories in the selection list as they have always done. Everyday caste bias is fed into their head and heart. What they were not taught at school by their teachers, by tutors and coaches at coaching centers, and never at home by their parents, is that people belonging to SC/ST and OBC categories are also citizens of this country and human beings and they also have a right to live a dignified life. They have contributed no less than anybody else for the freedom of the country during its long struggle for independence and for the development of the country after attaining independence because the main workforce of the country, both in the industrial sector as well in the agricultural sector, comes from these categories. What the government proposes to give them is their right and not a concession.

So it is not a matter of being 'unjust' to the agitating medical students 'in order to be just to others', the OBCs to be precise in this case. The popular misconception among these students is that the OBCs would snatch and usurp some of the seats which rightfully belong to them. They do not see, and their mindset, which has been nurtured through centuries of upper caste domination, does not allow them to see, that they would only get their rightful share of seats which they themselves have been usurping so far because 25% non-SC/ST/OBC students have been occupying more than 80% seats in IITs, medical and engineering colleges.

The resignations of the National Knowledge Commission members Pratap Bhanu Mehta, Andre Beteille, and Chairman Sam Pitroda in protest against the proposal of the government to provide reservation to OBCs in institutes of higher learning show clearly how deep rooted caste biases are in our minds and how strong our contempt for SC/ST and OBCs and how absolute our notions of intellectual superiority and knowledge which we still see as the sole property and domain of higher castes in the true Brahaminical traditions. "If Arjun Singh were suffering from a possibly terminal cancer, would he go to AIIMS or the Sloan Kettering Institute in New York? We know the answer. Even if he chose to stay with AIIMS, would he agree knowingly to put himself under the care of a doctor who had entered a medical college under the SC/ST quota? Arjun Singh might still do so, but we know that 99 out of 100 other Indians would not. The same would hold true of our choice of airlines to fly, of a an engineering company to hire, of a school or college for our children. Would readers not shy away from airlines, hospitals, companies and schools and colleges which were heavily staffed by graduates from reserved quotas?" wrote Prem Shankar Jha [ibid]. If such responsible people still suffer from the age old belief that knowledge is the sole privilege and prerogative of upper caste people only, we can hardly blame young doctors for what they are doing, though one expects these brilliant students to act more responsibly and lead the society in the right direction. One could have understood their concern and supported their agitation had it been for better working conditions so that they could serve the people, the poor people who depend on government hospitals alone as they cannot afford private treatment, better. Their protracted agitation against something which does not affect them at all, because they are already in their profession after having been admitted to the medical colleges, only shows their apathy towards the suffering millions who visit various hospitals everyday only to return dejected without any treatment.

Another misconception from which most of our intellectuals and western educated economists suffer is that the country can progress and the lives of our people made better by catering to the

needs and aspirations of the top few, be it economic status-wise or be it caste-wise. Our political mentors, too, who vouch for economic policies based on liberalization, privatization and globalization have only big industrialists and the elite sections of our society in their minds when they talk of progress through economic reforms, which to my mind only means more and more burden on the masses and more and more concessions, like 'tax-holidays' and exemption from 'long term capital gains tax' – whatever they mean - to the classes. Whenever the government says, "Some tough decisions will have to be taken," it invariably means that the masses should get ready for heavier taxes, increase in the prices of petroleum products or grant of concessions to the industrialists and big-businessmen at the cost of the masses. If past experience is an indicator, the introduction of the so-called 'economic reforms' has only resulted in an unprecedented increase in unemployment and under-employment, increasing suicides by farmers [As per a report by Sutirtho Patranobis published in the Hindustan Times dated May 19, 06, "Figures compiled by the home ministry reveal that pushed to the brink by mounting debts, nearly a lakh of farmers and their family members committed suicide between 1998 and 2003. The statistics give a glimpse of the crisis that devastated the rural economy – and one which perhaps, continues to do so… The deaths accounted for more than 12 per cent of all suicides committed in the country."] and others due to financial burden and ever increasing discontent and strife in our society in the wake of 'developmental tasks' which only crush, uproot and deprive the poor of their land and means of livelihood only to benefit the elite, the big industrial houses and multinational corporations.. Of course, in the whole process of these economic reforms and developmental activities, the other class, which always gains heavily, is the political class which reaps the fruits of privatization in the form of kickbacks. We have to understand that without providing educational and employment opportunities to all we cannot dream of a peaceful and happy and developed society. Everyone has to contribute in that direction and for gaining the contribution of a very large number of people belonging to SC/ST, OBCs and minority communities, we have to give them opportunities first. Any step taken in that direction is a step in the right direction and must be supported by all people who claim to be nationalists, patriots and humanists. An all-inclusive policy has to be all-embracing to be effective. Without the participation of, and progress and well being of 75% of the population, no society can progress or be a happy and stable society. We must introspect before taking sides or else we would only be betraying our biases, selfishness, hypocrisy and parochialism and our concerns for the country and its people would only be hollow claims without any substance.

June 2006.

What is Objectionable about the 123 Indo-US Nuclear Deal?

The Indo-US Nuclear Deal, under Section 123 of the US Atomic Energy Act, the text of which was released by the US Department of State on August 3, 2007, called '123 Agreement' has generated a lot of heart-burning in the political circles of India. Not only the Bhartiya Janata Party (BJP) led National Democratic Alliance (NDA) which is the main opposition in the national Parliament but also the Left alliance of CPI (M), CPI, Forward Block and Revolutionary Socialist Party, which is supporting the United Progressive Alliance (UPA) government led by the Congress, are vehemently opposing the deal meant for civil nuclear energy co-operation between the two countries.

The main reason given by the government for entering this agreement is that by doing so India will attain a target of producing 20,000 MW of nuclear power by 2020 which will make it possible for the country to meet the demand of fast growing industrialization of the country. The question is that if the claim is true then why are the majority of Parliament Members opposed to the measure, which can lead to a great development in the industrial activities of the country, and that too to the extent of considering withdrawal of support to the government which is bound to result in the downfall of the central government. The second question, and a bigger one, is whether any government of a democratic country has the moral authority to sign an international agreement, which will bind the country for the duration of at least 40 years, to which a majority of elected representatives of the people are opposed.

Let us consider the first question first. To begin with, I have been personally opposed to the very concept of nuclearization of the country, for military as well as civil purposes and I think that I am not alone in thinking so. The argument advanced both by Smt. Indira Gandhi and Sh. Atal Behari Vajpayee, the two Prime Ministers belonging to the two main political parties of the country, the Congress and the BJP respectively, at the time of the two nuclear device explosions at Pokharan in Rajasthan, that it would make India a powerful country in the region for any eventuality of a war breaking out against China and Pakistan, the two countries against whom India has had to fight wars in the past. This argument of nuclear deterrence has proved completely baseless as the development of nuclear warheads has not altered the power balance between India and China at all, and with the exception of the only war of 1962 between the two, there has not been any occasion of confrontation between the two countries which could have led to a war, nor do I see any such occasion in the foreseeable future. In comparison with Pakistan also, with which we have had several occasions of confrontation in 1947, 1965, 1971 and the latest Kargil episode, which took place in spite of our having nuclear power, the power balance has not changed, and if it has changed at all it has only changed for the worse as Pakistan also went nuclear within days of our nuclear device test. Whatever superiority or upper hand we had in terms of conventional war machines, has only been lost because possession of more or less number of nuclear devices does not make any difference as a few of them can also cause huge devastation in terms of man and material.

So far as the use of nuclear power for generation of electricity is concerned, India is producing only 7% of our electricity needs as the 15 reactors currently in use are producing a total of 3,300 MW of power only at the infrastructural cost of many billions of Rupees in a poor country where the money could have been better utilized for providing potable and irrigation water, education and health facilities with better results for the people, particularly the poor ones. By making use of hydro and thermal power generation resources the deficit of power generation could well have been met with better results in terms of providing employment to the people, maintaining ecological balance and the surplus money could have been used in a better way.

Prime Minister Manmohan Singh had stated that the Deal would in no way restrict the right of India to conduct further nuclear tests if needed, whereas a report issued at the end of Shiv Shankar Menon's talks with Nicolus Burns released on May 2, 2007 from the US said:

“Menon underlined India's record in nuclear non-proliferation and that New Delhi reserves the sovereign right to conduct a nuclear test to protect the autonomy of its strategic programme.

He also underlined that India was not willing to go beyond a voluntary moratorium on nuclear testing and the production of fissile material, sources said.

The talks are aimed to get the US to agree to a position whereby the 123 pact, named after Section 123 of the US Atomic Energy Act, will not include a ban on nuclear testing - something which is not acceptable to Washington.

Washington has insisted on inserting a clause in the 123 pact that envisages termination of all civilian nuclear cooperation between New Delhi and Washington should the former conduct a nuclear test.

The US, on its part, is insisting on a right-of-return clause for nuclear equipment and fuel sold under the agreement. This is not acceptable to India as it runs counter to the lifetime fuel supply assurances given by the US.”

Besides in a report ‘Top Scientist questions India’s N-energy dream’ published in the Times of India dated September 9, 2007 Mr. A.N. Prasad, a former BARC Chief, who has earned the title of ‘Plutonium man of India’ has questioned PM Manmohan Singh’s claim that the country can, as a result of the Indo-US Nuclear Deal, generate 20,000 MW of nuclear power by 2020. Explaining the current position he is reported to have said that “Reactors which will generate a total of 1,4oo MW of power were now under construction. In addition two light water reactors were being built at Kudunkulam in Tamil Nadu which will together generate 2,000 MW, and also under construction was a 500 MW fast breeder reactor at Kalpakkam near Chennai.” Thus, all the reactors together will produce about 7,000 MW of electricity and to fulfill the target of 20,000 MW by 2020 an additional capacity to generate 13,000 MW will be required. “This is expected to come through four more fast breeder reactors, eight 700 MW reactors, and 6,000 MW will be sourced from imported reactors,” he added. “In 12 years, we will never be able to commission four fast breeder reactors and eight 700 MW reactors.” So far as the 6,000 MW, expected to be obtained from imported reactors, is concerned, he adds, “these will be new type of reactors and the Atomic Energy Regulatory Board has to become familiar with them. With our limited resources we have to study the new type of reactors which may be difficult.”

A former Atomic Energy Commission (AEC) Chairman P.K. Iyengar has also criticized the deal, as per another report in the TOI dated September 9, 2007 ‘Parts of 123 pact objectionable: AEC ex-chief’ saying that some parts of the agreement were highly objectionable. He finds the agreement unnecessary because India could have reprocessed the spent fuel from the first and second units of the 160 MW Tarapur atomic power station commissioned in 1969. “But,” he said, “the ministry of external affairs did not want this to happen because they did not want India to be on the wrong side of the US.”

Bharat Karnad, a defence analyst, has also said that the deal ‘will make India energy dependent on the US as the US will have the power to turn on and off the reactors. India will invest huge amount of money to set up the reactors which can be deactivated by the US any time if it finds that India is not conforming to the deal.”

Article 5 and 6 (a) quoted below seem to ensure uninterrupted supply of nuclear fuel to India. It states, “The United States has conveyed its commitment to the reliable supply of fuel to India. Consistent with the July 18, 2005 Joint Statement, the United States has also reaffirmed its assurance to create the necessary conditions for India to have assured and full access to fuel for its reactors. As part of its implementation of the July 18, 2005, Joint Statement the United States is committed to seeking agreement from the US Congress to amend its domestic laws and to work with friends and allies to adjust the practices of the Nuclear Suppliers Group to create the necessary conditions for India to obtain full access to the international fuel market, including reliable,

uninterrupted and continual access to fuel supplies from firms in several nations," but so far as reprocessing facilities are concerned Article 6 (iii) of the Agreement states: "With a view to implementing full civil nuclear cooperation as envisioned in the Joint Statement of the Parties of July 18, 2005, the Parties grant each other consent to reprocess or otherwise alter in form or content nuclear material transferred pursuant to this Agreement and nuclear material and by-product material used in or produced through the use of nuclear material, non-nuclear material, or equipment so transferred. To bring these rights into effect, India will establish a new national reprocessing facility dedicated to reprocessing safeguarded nuclear material under IAEA safeguards and the Parties will agree on arrangements and procedures under which such reprocessing or other alteration in form or content will take place in this new facility. … The Parties agree on the application of IAEA safeguards to all facilities concerned with the above activities," whereby a moratorium on the reprocessing can be imposed just by not agreeing to it as the agreement of both Parties is a pre-condition for these facilities to begin operational.

Article 10 of the Deal on IAEA Safeguards also has many objectionable clauses. For example, para 2 of the article states, "Taking into account Article 5.6 of this Agreement, India agrees that nuclear material and equipment transferred to India by the United States of America pursuant to this Agreement and *any nuclear material used in or produced through the use of nuclear material, non-nuclear material, equipment or components so transferred shall be subject to safeguards in perpetuity in accordance with the India-specific safeguards Agreement between India and the IAEA* [identifying data] and an Additional Protocol, when in force." (*emphasis* mine). Apart from the italicized objectionable words which bring even material produced by India under the scanner of the IAEA Agreement, what is even more intriguing is the 'Additional Protocol' which will restrict the rights of the country. But what that Additional Protocol will consist of, what conditions will be imposed on the country through that, is not specified anywhere. That will amount to surrendering the sovereignty of the country and impose on the posterity blanket conditions unknown and unforeseen so far.

If the top scientists of the country are also questioning the deal, there is no harm in re-examining it. But the pro-American lobby led, of course, by Sh. Manmohan Singh himself is only trying to please the big power. In their over-Zealous effort to do so, he himself, and the Congress party he leads in Parliament do not realize that they are not in a majority in Parliament on this issue. The left parties, though they seem only to be buying time on the issue through the formation of UPA-Left Committee formed for reaching a common stand in the matter, have made it amply clear that they cannot continue their support to the government if it proceeds further in the matter of discussion on safeguards with the International Atomic Energy Agency. For clarifying the issues involved in the deal the mechanism of the Committee is a welcome move. But the left must stick to its stand if even after this exercise it feels that the deal is not in the long term interests of the country because its own credibility is also at stake. The Congress cannot blame the left alliance for withdrawing support to the UPA government led by it on such an important issue because it has withdrawn support to minority governments on very flimsy grounds in the past. After Mr. Manmohan Singh's challenge to them to withdraw support to the government if they dared, they should show to him that they mean real business and also make it absolutely clear to him and the Congress that they have given support to the government on the basis of Common Minimum Programme only, of which the present deal does not form any part, and that their support is issue based and not an unconditional one. Politically also it is the responsibility of the party in power to garner and keep intact the support of the supporting parties, and not the responsibility of the supporting parties to keep the government running.

The best course for the government is to let the issue be debated openly in Parliament and reach a consensus on this issue of national importance, or at least convince a majority of the members of Parliament and get the Parliament's approval for the deal. If the government led by Congress does not do so, the move will only add another item to the already big list of undemocratic steps taken

by it during the period it has remained in power in independent India. And the people should rise to the occasion and oppose the move even if for no other reason except this because democracy has to be defended at every step, particularly if the threat comes from a legitimately elected government. And, as P.K. Iyengar has said, "We should not be pariahs. The deal should be discussed in Parliament. In European nations, there would have been a referendum on such an important issue."

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Attack on Tasleema Nasreen and N. Innaiah: An Ugly Face of Fundamentalism

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Dr. N. Innaiah, a well-known radical humanist and Director of Centre for Inquiry, an organization which works for the promotion of rationalism and humanist ideas, had organized a function for the release of the Telugu translation of Tasleema Nasreen's book 'Shodh' on 9th August 2007 at Hyderabad. In this connection the well-known Bangladeshi novelist, living in exile in India, herself was also present on the occasion in the local Press Club when goons led by three MLAs belonging to the Majlis-Ittehadul Muslimeen (MIM), an ally of Congress in the government led by Y.S. Rajashekhra Reddy, attacked Tasleema Nasreen and Dr. N. Innaiah who tried to save her from the attackers. The Muslim fundamentalists were angry at her remarks uttered last year at the function organized for the release of the Malayalam translation of her book in Kerala. She had said, "We are living in the 21st century. Islam has become a history. Islam as a religion, and its books have become outdated. Even today Islam goes by the rules of 7th century and there is no hope from it today. The need of today is not reforms but revolution." She had also said that in a secular state the laws governing marriages should be common for all.

Instead of interpreting her remarks as coming for the progress and well-being of the Muslim community, some Muslim organizations took them as blasphemous and anti-Islamic and even issued a fatwa for killing her. The MIM's action is reflective of the same mentality for which secular values, tolerance, respect for the freedom of speech of others, and the rule of law have no meaning. Such people and their retrogressive organizations feed on the poverty, lack of education and rational thinking and backwardness of those very communities they pretend to represent though unelected, un-appointed and unauthorized by those communities to do so. They know that they would lose their bread and butter the day these communities become progressive and recognize the true face of character of these self-appointed protectors of the religion and well-wishers of these religious communities. A largest selling Urdu newspaper from Hyderabad, another example those organizations which feed on fundamentalism, in its Saturday edition, as reported in the Times of India dated 12th August, 2007 published a picture of MIM legislators throwing a bouquet a Tasleema Nasreen and chided the party for throwing flowers at the author. The daily poured scorn on MIM legislators for not even throwing *chappals* and shoes at the Bangladeshi novelist. And the height of the matter is that instead of booking the hooligans for their vandalism and causing damage to the property of the Press Club, the police booked Tasleema under section 153(a) of the IPC on the complaint of the MIM legislator Akbarruddin Owaisi, who had threatened that Nasreen would be killed if she entered Hyderabad again.

Had the Shiv Sainiks and RSS activists been booked for similar acts of vandalism in earlier incidents in various parts of the country, the MIM activists would not have dared to do so now. PUCL Delhi condemns the act of the MIM and the State police and appeals to all concerned to resolve all such issues in a peaceful manner respecting the rule of law of the land.

Note: It has been reported in the press on 13th August, 2007 that Akbaruddin Owaisi has now been booked under section 506 of IPC, thanks to the good sense of the government which has ultimately prevailed.

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Secular Democracy – The Indian Scenario

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Dr. Rekha Saraswat, in her editorial note 'Secularism and Democracy's *dos-a-dos* partnership' published in *The Radical Humanist*, October 2007 has raised some very pertinent questions regarding the public conduct of elected representatives having belief in different religious faiths in a secular democracy. It would be non-acceptance of existing reality if we deny that a religious person 'as a matter of habit, will be forced to bring religion into the government functioning from back door, again and again, impulsively and compulsively and almost always sub-consciously' as she puts it. And then comes the poser – 'Should we blame him for being true to his belief?'

My answer still is 'Yes'. Even in a country where all the people belong to a single religious faith my answer would be the same although such behavior of an elected representative there might seem innocuous at first sight.

In my opinion being a good Hindu, Muslim or Christian only means that such a person has faith in the principles enunciated in that religion and in his person life such a person tries to adopt those principles. So far so good. I haven't heard of any constitution in the world which objects to such behavior nor does reason put any restriction on that personal freedom. The trouble starts when somebody having belief in a particular faith tries to impose those beliefs or his own interpretations of the tenets of te religion he/she professes on others – whether those 'others' belong to other religious faiths or to his/her own religion,. The persecution of Muslims and Christians in India, wherever or by whomsoever it happens, of Hindus in Bangladesh, and of Taslima Nasreen, a well known writer, whether in India or Bangladesh are examples of both kinds respectively.

The fact is, and it is not as enigmatic a riddle as the one whether the egg came first or the hen, that Man was born first and all religions and their principles are the products of man's mind, with the purpose of regulating the society in such a way that the status quo would be maintained and the powerful ones would remain powerful always. Therefore, the underdogs in society were inhibited from questioning and the powerful ones in society usurped by themselves the power to discipline others, belonging to their own sects. And as religion became a tool of controlling social and political power, it was misused for '*jehad*', or the so-called 'holy-war' for religious expansionism, for protecting one's own religion and also for vanquishing others and bringing them into one's own fold. That, as I understand it, is the reason for many protracted wars in the history of man.

For a multi-religious society to remain in peace has been a great challenge and to meet that challenge it was imperative that religion based intolerance was replaced by mutual respect in spite of belonging to different religions or sects. It was also necessary to recognize and guarantee every human being's right to profess and practice any religion of his or her choice, however unscientific and irrational the basis of religions and the practices related to them might be., this right to freedom of religion is recognized today by all civil societies the world over.Such a right is even guaranteed in the constitutions of most democratic and secular states. Yet, in practice, we all recognize our own right to freedom of religion but show intolerance against those belonging to other religions.

It is the inherent desire of man to impose his own opinion on others which makes him intolerant of others' opinions. From people practicing any religion blindly and having no desire to search for truth, I do not expect anything better. It is futile to expect reasonableness from unreasonable minds. And wherever such people have political or social power in their hands, as often they do, they purposefully exploit the religious minded people's instinct of intolerance for their own political ends in a planned way. In our own country the incidents like the demolition of the Babari Mosque at Ayodhya and the communal riots which came in its wake, and the resultant ascendance to power of those responsible for them are explicit examples of this. Incitement of communal riots in Gujarat to return to power once again by using the same old tried-out method, was another example. The

pity is that we fail an easy prey to their designs again and again and every time the casualty is the poor man. Democracy in India, as at some places elsewhere too, has become a government for exploitation of the people by popular consent.

Whereas secularism concerns life in this world, religion takes care of life hereafter, if there is anything like that, though personally I have absolutely no belief in the existence of such a life and would like to have nothing to do with it even if it did exist. But sometimes people related to religion do some good acts to improve life of people in this world too and to that extent people should not have any objection to their intentions. Mother Teresa's humanitarian service to the poor and the destitute in and around Kolkata has been, and should be respected and recognized by people of all religions and her good work was honoured by conferring Nobel Prize on her. But the method of ascribing supernatural powers to her for conferring sainthood on her would in no way be acceptable to me or to any rational human being. She is respectable even without the sainthood, and the method in which it is concerned only perpetuates religious orthodoxy.

There is a big number of religious heads who have charges of murders, rapes and all kinds of other crimes against them and they still claim to be great saints and claim to show how man can absolve himself of various sins and attain freedom from rebirth and gain paradise. In fact they are only 'holy loafers', as M.N. Roy would call them, running their religious business and themselves living life luxuriously in this world by showing the fear of hell-fire in the other world to their disciples if they do not renounce worldly wealth and luxurious lives in this world. What is worrisome is that the disciples do not see the very obvious and continue to have blind faith in such people and the religion they preach. They are incapable of questioning and would have no one else raise questions against their religion and their religious heads. For them there is no truth beyond what their religious head, or religion as interpreted by them, says. They are not free and lead a life of mental confinement, which is worse than physical confinement. These are the masses who kill others like Ramchandra Chhatrapati, a journalist and editor of 'Poora Sach', the Complete Truth, a magazine brought out by him, who was murdered at the behest of the head of 'Dera Saccha Sauda', a religious sect with its main base at Sirsa, Haryana for exposing him allegedly for sexual exploitation of young girls living in his '*dera*'.

On the other hand, the atheists believe only in life on this earth. Since they do not believe in life hereafter, all their concerns relate to life on this planet. They do not believe in God or religion as these concepts are man-made. They respect others' human rights, including their right to profess and propagate any religion., on the contrary, it is the believers who do not respect and often castigate, the non-believers' right to hold and propagate their own views. Since for the atheists laws made by the law-makers are the only laws governing our social and political life, they, unlike their believer brethren who show scant respect for such laws, respect and obey these laws and question them whenever they find them lacking in suitability for human beings and their ultimate welfare. Since the well-being of human beings is the only goal to be achieved for them, their only religion is humanism. They think scientifically and rationally and being fewer in number, are often made targets of the religious frenzy of the believers because when one cannot convince rationally, one resorts to suppressing through violence for which there is no place in a civilized society.

Democracy and secularism are complementary because the function of the state is the welfare of the people residing in its territory and in a democracy it is done by the consent of these people. In a multi-religious democratic society, therefore, the state is not supposed to favour or propagate any religion. Its only function is to ensure an atmosphere where people can enjoy their human rights including the right to freedom to profess and propagate any religion or not adopt any religion at all, as they please, and propagate their own views, without, of course, hurting the sentiments of those who have faith in one or the other religion. The state is also duty bound to ensure that no one imposes his or her religious or other views on others by use of force or threat of use of force. In the US the state is really secular in spite of most of its citizens and people in power being Christians

because there the state does not favour any religion in the matter of governance. That is the reason why American democracy is considered the greatest democracy today and India, in spite of being the biggest democracy, is nowhere so. It is in this duty that the agencies of the state in India mostly fail and allow the atmosphere to be vitiated by these, mostly, who profess one religion or the other, resulting in mass violence and huge loss of life and public as well private property.

For avoiding such happenings there are only two ways. Religion must remain a purely private and individual matter and whenever religious edicts or '*fatwas'*come into confrontation with civil laws governing the society at large, the latter must prevail and those issuing the former should be taken to task for interfering in mundane affairs which are in any case out of their domain, not being a religious activity. The other is that instead of being different religions which are practically run on the basis of the theory of 'cut-throat' competition, as in any other business, we have a common religion – **Humanism'.**

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Nandigram – A Dangerous Chapter in the History of Human Rights

Those who expressed their concern at and denounced the post-Godhra carnage in Gujarat will fail in their duty if they do not show their concern at the turn of events taking place in Nandigram in West Bengal. Although the magnitude of communal riots, which took a toll of more than 2,000 lives, displaced thousands of families and forced them to live in terror during the last five years, was bigger than the killings and resultant desertion of their homes by hundreds of terror-stricken families in and around Nandigram to take shelter in safer places elsewhere, the issues involved in both the incidents are not much different from one another.

The Gujarat Government, headed by Narendra Modi, was accused of direct involvement in abetting the killings of thousands of Muslims during the three days following the burning of a compartment of Sabarmati Express at the Godhra railway station in which about 60 people were burnt alive. The hooligans of the *Hidutva* brigade belonging to the Vishwa Hindu Parishad and the Bajarang Dal had indulged in the killings of Muslims, including women and children, rapes and burning of their houses in an organised way and the whole administrative machinery, particularly the police force, which had the responsibility of protecting the lives and property of the people, had instructions to look the other way when they did so. News of the involvement of the Chief Minister himself in the communal carnage was widespread even at that time and has now only been confirmed beyond any doubt by the statements, as recorded through a sting operation by a news channel and widely shown in the electronic media, of those who had barbarously indulged in the rioting and killings. What is relevant here is that it was a case of blatant involvement of the state in the illegal and inhuman killings indulged in by the followers and workers of the ruling outfit there.

At that time just not members of the Muslim community were killed and humiliated. The whole Indian culture was dishonoured, humanity was insulted, human rights of the people were trodden under feet, democracy was buried, political morality was cremated and the whole nation was put to shame. And all this had happened with the active connivance of the state machinery under the leadership of the Chief Minister himself. The only saving grace was that except those who belonged to the *Hindutva* brigade all sections of the society denounced the act. The Supreme Court called Narendra Modi the 'Nero' of Gujarat. The National Human Rights Commission denounced the carnage and the collusion of the administration with the killers in the reports of the various enquiries conducted by it. Of course, the Central government, headed by Atal Behari Vajpayee, did not do so for obvious reasons. And subsequent acts of the BJP leaders and words of praise for Narendra Modi by the whole Bharatiya Janata Party leadership, at one time or the other, only betrayed their tacit support to Modi during the gory period of 2002 in Gujarat.

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In the same way state machinery has been used for supporting the CPI-M cadres in West Bengal right from the time when fertile farmland was acquired by the State Government for setting up the Tata car factory under the Special Economic Zone (SEZ) project in Nandigram a year ago and the local farmers resisted the land acquisition move under the banner of Bhumi Ucched Pratirodh Committee (BUPC or Committee to Resist Eviction from Land) led by Mamata Bannerjee of Trinmool Congress. Mamata's move may have been a political move but even those who do not agree with her political gimmickry cannot deny that her move was in consonance with the mood of the local farmers. That is why the movement led by her got the support of the local farmers, who understood well that farmland was their only and sure bread-winner and once it was gone, they would lose much more than their livelihood. Every effort was made by the CPI-M cadres to break the movement, obviously at the behest of and with the connivance of the State Government as Buddhadeb Bhattacharjee, the Chief Minister, was vociferously advocating the project. The CPI-M cadres, in their endeavour to break the morale of the farmers and the movement itself, openly used bullets and bombs. The police was just watching, as had happened in Gujarat in 2002, and even if there was no evidence of instructions from Buddhadeb Bhattacharjee to the police to look the other

way, he also never denounced the bloodshed by his party cadres in Nandigram. State complicity in the matter was more than evident to everybody. That is why sympathy for the farmers increased day-by-day and civil society and leaders of various social movements came out in support of their movement. There is no doubt, too, that bullets and bombs were used by Trinmool Congress supporters also, turning Nandigram into a battlefield. That, however, cannot justify the use of bullets by the CPI-M cadres, nor the silence and non-intervention of the State Government in the matter. That only goes to prove the failure of the government in maintaining law and order and also its failure to protect the lives and property of the people in Nandigram. (In its order on November 13, 2007 the Kolkata High Court has also observed that the government has completely failed to maintain law and order in Nandigram and directed it to ensure law and order there and file an affidavit in the Court within fifteen days in this regard, and also advised it to call the army for the purpose, if needed, whereas in a press conference on the same day Buddhadeb Bhattacharjee, the CM, openly appreciated the role of the CPI-M cadres in dealing with the BUPC activists.) It is ironical that the same party which spearheaded land reforms in the country had become instrumental in depriving the farmers of their land for 'development' of the State whereas elsewhere it had criticised such moves by other governments calling such development nothing but 'jobless growth', as described by other social-economists, which primarily benefits the multi-national corporations or big capitalists and only exploits the small landowners as has been proved the world over and is being resisted by farmers even in South Korea, a US ally, and elsewhere. How the party forgot its own lessons delivered to others is still an unsolved riddle. Perhaps the people's party has gone away from the people in its over-enthusiasm for the capitalists' model of 'development'.

Ultimately the State Government and the CPI-M had to bow before the popular movement and declare in February 2007 that the chemical hub would not be set up in Nandigram (by forcibly evicting the farmers from their farmland). The latter was certainly under pressure from its Left-Front partners who gauged the popular mood better than their big brother in the government.

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But now the CPI-M cadres are again active to regain confidence of and control over the people of Nandigram, which they have lost during the last one year, in their own style while the supporters of the long movement are in no mood to let them do so after the year-long hostility they have shown for them and their movement. The guns are again out, although they had hardly rested during the whole year. The people are still dying. The police are again just watching. The CPI-M cadres even attacked Medha Patkar and other social activists who were going to Nandigram on a peace mission. They did not allow them to go to Nandigram. They suspect everybody as their enemy. And in their intolerance of the others' point of view they are no different from the Hindutva forces. Police was again looking the other way when these cadres of the CPI-M were slapping Medha, breaking spectacles of others and beating still others. Aparna Sen, a famous filmmaker, Mahasweta Devi, an eminent writer, and others, denounced the incident. So much so that the other three Left Front partners in the West Bengal Government, the CPI, the RSP and the Forward Block, also blamed the CPI-M for the incidents in Nandigram in a joint statement saying, "We do not support the wanton violence as a means to find a solution to the Nandigram situation and are totally opposed to it." The PWD Minister Kshiti Goswami, a senior RSP leader, even expressed a desire to resign from the government to protest against the behaviour of the CPI-M cadres. This by itself is a comment on the working of the Left Front Government led by the CPI-M, which has been teaching the 'coalition *dharma'* to the Congress running the coalition government at the Center.

What has happened in Nandigram during the last one-year, and also the latest attack on the peacemakers led by Medha Patkar, needs to be denounced by all. It was not an attack on Medha Patkar and other social activists alone. It was an attack on the democratic values as well. Human rights of the people cannot be left to the mercy of workers of one party or the other. They have to

be taught to respect them. And state complicity in such acts, whether in West Bengal or in Gujarat, is a dangerous signal and can endanger democracy itself. It has to be watched, denounced and resisted whenever and wherever it happens. We must remember that it happened in Delhi during the anti-Sikh riots in 1984 following the murder of Mrs. Indira Gandhi, the then Prime Minister of the country, and the massacre of Muslims in Gujarat in the wake of the Godhra tragedy in 2002; and on both the occasions the results were so horrible that they left an indelible mark on the face of humanity and an incurable wound in the hearts of the victims. We cannot afford to allow such incidents to happen again and again.

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Humanism in India

Dr. R.M. Pal & Mahi Pal Singh

Despite numerous social movements since the nineteenth century in various parts of India, including the states of Bengal, Andhra Pradesh and Maharashtra, Humanism as a way of life has not taken root in India: it is not a living force here.

Caste and religion play a major role in the social and cultural life of Indian society. Both are interdependent, as the hierarchical system of caste has been sanctified by the scriptures of the Hindu religion, which has always been controlled by the Brahmins at the top of the caste hierarchy.

Caste and religion wield absolute control over the social and cultural life of the masses.

They promote ignorance and blind faith, and are primarily responsible for the social slavery of the Hindus, leaving little space for rational thinking, the scientific search for truth or individual freedom – the essence of Humanism.

Muslims may claim to be caste free society but Muslims gathering under the banner of All India Pasmanda Muslim Mahaj call themselves Dalit Muslims. They demand jobs reserved for the Scheduled Castes or Dalits, because all positions of influence have been occupied by the upper caste Muslims. They complain of discrimination by high caste Muslims within their own community.

As far as illiteracy, ignorance and blind faith are concerned, Muslims are far worse place than Hindus. Most Muslim parents, particularly from poor families, continue to send their children to Koranic schools, which deny them modern scientific education, and thus perpetuate ignorance, fanaticism and unemployment, keeping them languishing in poverty.

One positive effect of Western civilization, noticeable by the end of the nineteenth century was the inspiration in more intelligent people of a desire for reform and a general aspiration for social and cultural reorganization. This gave rise to introspection, self-examination, an interest in historical research and studies, rationalism and scientific criticism. As a result many bold reformers attempted to change the course of social development by breaking the stagnant social order dependent on a caste based hierarchical system and the long-standing tradition of blind faith.[1]

"The basis of the Hindu tradition, customs, laws, caste system, untouchability, etc. is the Brahmanical religion. It furnishes a moral sanction to all cultural and social aspects of Hindu life on the basis of transcendental values. The desired reform, therefore, required a drastic criticism of the Hindu religion itself," wrote Mahatma Jyotirao Phule.[2]

In the south the anti-Brahmin movement started by E.V. Naicker Ramaswamy (Periyar) derived its strength from the philosophy of Humanism and even today the followers of Periyar, especially in the state of Tamil Nadu, while rejecting the Brahmanic religion, follow the broad guidelines of Humanism. Mahatma Jyotirao Phule and Dr. Ambedkar, both belonging to the depressed sections, untouchables or Dalits, were also Humanists. They were joined by M.N. Roy who advocated the development of a renaissance movement and worked for the promotion of human rights, scientific investigation, rational thinking and a Humanist view of life through his magazines '*The Marxian Way*', later changed to '*The Humanist Way*', and *Independent India*, later changed to '*The Radical Humanist*'. He called the caste system "an ugly relic of the past", and believed that it should be eradicated while retaining and promoting the Humanistic values of the past. In fact all of them agreed that the caste system should go and individual freedom should be established; that it was essential that far-reaching social changes should take place in the country before a democratic political regime could be established. All of them were also of the opinion that modern education was the foundation of the reforms they advocated. M.N Roy believed that a philosophical revolution was necessary for that. He asked, "Can a social revolution take place before a

philosophical revolution has disrupted the authority of traditional values? The history of Europe has answered the question in the negative. There a philosophical revolution heralded an era of political and social upheavals."[3]

It is our fundamental right to criticize authority. Given societal violation of human rights, we must also criticize religious scriptures, divinities, avatars, prophets, saints, gurus and of course the holy loafers of our time. The scriptures and the divinities may prescribe, but we should have the right to question them.

Not many Hindus would openly question the "absolute truth" reportedly contained in the Vedas, the Gita, or the great Puranas, or even the Manusmriti (in which Manu first propounded the hierarchical system of caste dividing the Hindus into higher and lower castes). Most Hindus accept Chaitanya and Ramkrishna as avatars or divine incarnations.

No Muslim can dispute the authority of the Koran or the Prophet (hence the hounding of Taslima Nasreen first from Bangladesh, her own country, and more recently from West Bengal and then India). Few Christians will question the authority of the Bible.

M.N. Roy was prepared to criticize scriptural authority. He rejected the *Karma* theory as enunciated in the *Gita*, which contains a monologue delivered by Lord Krishna to Arjuna. In chapter 4 Lord Krishna says, "four *Varnas* (castes) were created by me, according to their innate aptitudes and tendencies and the action they perform." The "*Sudras*" (the lowest castes consisting of carpenters, weavers, barbers, washer men and tanners of leather and shoemakers) are assigned the duty of serving the other three *Varnas* to meet their needs. None of them may transgress the limits of their Varnas in general, but the Sudras were absolutely forbidden to transgress their duties, which would invite punishments if they dared to do so. M.N. Roy also rejected the transmigration of soul, heaven and hell and rebirth, because these doctrines require believers to live as ascetics, accepting whatever return they happen to receive for their labour without question.

Many Indian intellectuals maintain that religious people like Gandhi, who desired and worked for the abolition of untouchability and emancipation of the Scheduled Castes (Dalits), are also Humanists even though they continue to follow religion which sanctions and supports and hierarchical social order. However, people belonging to Scheduled Castes consider Dr. B.R. Ambedkar, and not Gandhi, as their leader and emancipator, and they too claim the Humanist mantle. This question must be decided once for all, as religion has always remained an insurmountable stumbling block in the way of achieving an egalitarian, equitable and Humanist social order.

Indian society is still highly caste-ridden, and the political leadership has only increased the chasm dividing the so-called upper, lower and other backward castes from one another, and Hindus from Muslims.

Politicians incite caste and communal tension to the detriment of society when it suits their narrow political ends. Without such divisive political tactics, society would have achieved a greater cohesion on its own because of the need for co-operative interaction in day-to-day economic and social life. The spread of education among all sections of society, which has been neglected from lack of political will, would have led to economic prosperity and further eroded religious fanaticism and caste barriers.

Even Socialist of all hues have concentrated on achieving political power yet where they have been in power nothing has been done to promote a socialist society free from economic and social disparities. In search of economic prosperity the Ambedkarites have concentrated on securing and protecting job reservations, and the social aspect of the problem has been lost sight of. *The Radical Humanist* movement started by M.N. Roy, which had a huge following at one time, is a diminishing force with the passing away of one leader of the movement after another, in spite of its sound egalitarian and Humanist ideology and programme for empowerment and social cohesion.

Inter caste marriages, which have started taking place, mostly in metropolitan and big cities, have made little difference to the social structure, as they are mainly within caste groups rather than between upper caste and lower caste individuals. Such rare cases as do occur invite strong reactions from families and the community, often resulting in social boycotts, suicides and murders. Similar reactions are noticed in response to intermarriage between Hindus and Muslims, with the added result of communal tension and riots.

People working for the establishment of a Humanist social order in India still have miles to go before they achieve this goal. It will remain distant unless the movement can attract many more recruits and inspire increased social activism.

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[1] *Jyotirao Phule – Rebel and Rationalist by Tarkateertha Laxman Shastri Joshi, Selections from The Marxian Way and The Humanist Way (a magazine started and edited by M.N. Roy), edited by R.M. Pal, p. 93.*
[2] *ibid, pp. 94-95.*
[3] *ibid., The Caste System by M.N. Roy, p. 222.*

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How Real is India's Unity and Integrity?

India is a vast country with wide diversities of religions, languages, regions, castes and geographical differences. At the time of attaining freedom from the British rule in 1947 it was divided in more than five hundred princely states. During the long freedom struggle people from all parts of the country, belonging to all religions and castes and speaking different languages had made their contribution to the movement and even laid their lives for the cause. This unity of aim and the common dream of a free and independent India had brought them together as never before. As a result the princely states also decided to dissolve themselves and merged into a single country. But even before the country attained freedom in 1947 some divisive tendencies had started becoming manifest which showed that the sense of unity which had bound the country together in a movement during adverse times was giving way to greedy ambition to reap and amass the fruits of political power that the mere prospect of independence seemed to promise.

Though the transition from a British colony to an independent country was smooth, yet the two nation theory propounded by Sarvarkar had already sown the seeds of discord and division of the country, even before it attained freedom, way back in 1937 when, presiding over a meeting of the Hindu Mahasabha, said in plain and simple words, advocating the two-nation theory, " I warn the Hindus that the Mohammedans are likely to prove dangerous to our Hindu nation. India cannot be assumed today to be a Unitarian and homogeneous nation. On the contrary there are two nations in the main, the Hindus and the Muslims in India," (Source – *Mohandas* by Rajmohan Gandhi, p. 411). This sentiment, which gave birth to a sense of insecurity in the minds of some Muslim leaders, was fuelled by some of our national leaders too. As a result Jinnah demanded that in the governments to be formed in future Muslim ministers would be nominated by the Muslim League and by nobody else, which demand was rejected even by Gandhiji, and Jinnah demanded a separate Muslim state called Pakistan. Sardar Vallabhbhai Patel said that whether we like it or not there were two nations in India. He was now convinced that Muslims and Hindus could not be united into one nation. It was better to have one clean fight and then separate than have bickerings everyday. It was surprising that Patel was now an even greater supporter of the two-nation theory than Jinnah. Jinnah may have raised the flag of partition but now the real flag bearer was Patel. Jawaharlal Nehru, the firm opponent of partition had become, if not a supporter at least acquiescent to the idea. (Source – *Crisis in the Indian Sub-continent: Can it be Undone* by Lal Khan, Aakar Books, New Delhi- 91). Communal hatred took its toll and thousands died at the time of partition and what is worse is that many more numbers of innocent people, both Hindus and Muslims, have been killed after attaining freedom in 1947 in communal riots fomented by a hateful band of politicians for their narrow political ends regardless of constitutional values like secularism and equality (irrespective of caste, religion, sex, place of birth etc.as the Constitution of India guarantees), peace, and unity and integrity of the country.

If Gandhi had accepted Wavell's plea of accepting Jinnah's demand united India would not have suffered any loss except that men like Maulana Abul Kalam Azad and Rafi Ahmed Kidwai, who were the Congress's Muslim candidates for ministership, and would in no case have been nominated for the post by the Muslim League led by Jinnah, would not have become ministers. But in that case the partition of India would have been avoided and thousands of people would not have become victims of that tragedy. The seeds of communal hatred would not have been sown and there would have been no Kashmir problem also.

From time to time various divisive tendencies have raised their ugly heads in various parts of the country. Long ago anti-Hindi movement was started in Tamil Nadu, which went to the extent of demanding a separate Tamil-land. During the late seventies a separatist movement started in Punjab demanding a separate Khalistan, a separate country for Sikhs. There was a demand for separate Gorkhaland in West Bengal. In the north- eastern part of the country movements for separate Nagaland and Bodoland have been going on for a long time. Some of these movements started

against small grudges, which could have been solved very easily through talks, but various central governments failed to solve them for want of political will. Naxalite movement has taken into its ambit several provinces now for want of will to solve the problems of poverty, unemployment, lack of education and health facilities among the most marginalized sections of our society. Instead of talks and efforts to solve the basic problems of poor people brutal force is used to crush the people's movements, which proves counter-productive and complicates matters further. For people dying of hunger and repression taking to arms seems a more honourable way of life.

Economic policies adopted by the government in the wake of its acceptance of the policy of globalisation, privatization and liberalization have increased the difference between the rich and the poor further. Acquisition of land of farmers for being handed over to multi-nationals for setting up of Special Economic Zones is forcing farmers to resist the move as it would deprive them of their only means of livelihood. Nandigram in West Bengal and land acquisition for POSCO in Orissa are two recent examples of how governments elected by the people are acting as agents of multi-nationals giving rise to discontent among large sections of farmers and tribals and how State machinery is used for repression. This is all done in the name of development fruits of which never seem to reach the poor and the deprived. In the newly formed state of Chhattisgarh apart from the state police and central para-military forces civilians have been given firearms to crush people's movements. These people are called Salve Judam and many of them are children of fourteen to eighteen years of age, and apart from fighting against Naxalites along with the state police, these people are alleged to be involved in dacoities and killings of innocent people to settle their personal scores. Though violence and killing of innocent people cannot be justified on any account, yet the Naxlites can justify their taking to arms, they call it an armed revolution, against economic exploitation and repression by the State. Organizations like Salva Judam have no justification at all for their existence. They are nothing more than illegal machinery for repression of the very people the government is supposed to serve. Even the Supreme Court of India recently passed remarks against arming of civilians in this manner against other citizens of the country.

In the wake of Mumbai bomb blasts by terrorists belonging to some Muslim terrorist groups in 1992-93 Shiv Sena, a political outfit led by Bal Thackeray, indulged in large scale violence against innocent Muslims in which hundreds of people, including children, old people and women were brutally killed and women raped. By terrorizing Muslims, Shiv Sainiks tried to cleanse Mumbai on religious basis and thousands of Muslims fled from there, most of whom had been living there for a long time in peace. (Justice) Srikrishna Commission found many Shiv Sainiks, including its leaders, guilty of heinous crimes of incitement and commitment of murders and rapes, but successive governments in the state and the center have failed to implement the recommendations made in the report and to take any action in the matter. Recently, Raj Thackeray's breakaway group of Shiv Sena, called Maharashtra Navnirman Sena (MNS), raised its voice against north Indians, particularly people from Bihar, living and working in Mumbai for their livelihood, and asked them not to organize north Indian festivals there or to leave Mumbai. Some such taxi drivers were dragged out of their vehicles and assaulted physically and their taxies damaged with the aim of frightening them away. It took the state government led by Congress a lot of time and directions from the central leadership of the party and intervention of the Supreme Court to take some action against him. Now Raj Thackeray has written letters to private industrial and business houses to provide 80% of jobs only to people belonging to Maharashtra or face the consequences. All this is being done with an eye on the vote bank of the local population. Some time ago Hindi speaking people were attacked, and some of them even killed, in Assam also.

What is disturbing is that politicians and their supporters continue to indulge in parochialism and open vandalism and the concerned law enforcing agencies and the governments entrusted with the task of maintaining law and order are not shaken out of their slumber but when it comes to crushing people's movements the same authorities go to any limits. Article 19 of the Constitution of India grants to every citizen the fundamental right "(d) to move freely throughout the territory of India;

(e) to reside and settle in any part of the territory of India; and (g) to practise any profession, or to carry on any occupation, trade or business," but it is not in the nature of these politicians to respect the laws of the land. These politicians, who aspire to enter the legislative assemblies and become law makers, do not fulfill their fundamental duties, as laid down in Article 51A of the Constitution of India, "(a) to abide by the Constitution and respect its ideals and institutions; and (e) to promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities; to renounce practices derogatory to the dignity of women." If the State had implemented the report of the Srikrishna Commission with the same firmness it implements laws against petty criminals, they would have learnt not to show disrespect to the Constitution of the country. Even the Election Commission has failed in its duty to derecognise political parties, which indulge in making use of religious propaganda or parochialism, thereby posing a threat to the unity and integrity of India, for furthering their electoral prospects.

Only a few days ago Mahendra Singh Tikait, a rustic leader of farmers from western U.P., made some casteist remarks against Ms. Mayawati, the Dalit Chief Minister of the State in a rally of farmers, which had been organized in connection with the demands of farmers. Under the Prevention of Atrocities against SC/STs Act, casteist utterances are a punishable offence. The only explanation for that remark is that being in the habit of using such language against people belonging to Scheduled Castes, as most people belonging to the so-called upper castes are unfortunately prone to, his tongue slipped even during his speech in the rally. (At least he realized his mistake later and withdrew the remark). But what is more unfortunate is that no political figure from any political party, except, of course, the lone voice of Brinda Karat, a Rajya Sabha M.P. and CPIM Polit Bureau member, came out to condemn the incident. What is even more surprising and shameful is that many politicians issued statements supporting Mahendra Singh Tikait.

As things stand today, we may pretend to be a unified, cohesive and strong nation and society but we know that we are divided on religious, regional and caste basis more than ever before. More people have died in communal riots in free and secular India than they died at the time of partition of the country. New economic policies being pursued by successive central governments since 1991, when they were first introduced, have only increased the disparities between the rich and the poor and are giving rise to discontent among the poor masses more than ever before. Tolerance levels have gone down and fanaticism has increased. In spite of making unprecedented progress in various scientific disciplines we have not developed scientific temper and rational thinking. Incidents of human rights violations, both perpetrated by State machinery and societal, have increased. This certainly does not augur well for a society, which dreams of living as an equitable, unified, and peaceful human society where people can live with dignity and happiness.

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Dalits and the Unending Dalit-Politics

In April, 2008 when Rahul Gandhi, the Member of Parliament from Amethi and a General Secretary of the Congress party visited some areas of Bundelkhand, Chhatisgarh and Rajasthan during his 'road-show' and spent a night with a Dalit family, his love for the Dalits became the talk of the time in the media. These visits infused a new life in the leaders of the party. They started thinking that the saviour of their sinking boat, because of the skyrocketing prices of essential commodities, had arrived as the Dalit vote, which had frittered away from the party because of disillusionment during the last twenty-thirty years, would soon return to its fold. But their happy mood must have been spoilt when Ms. Mayawati, the Dalit Chief Minister of UP said that Rahul's love for the Dalits was only an eyewash, as he must be washing their ugly smell off his body with scented soaps after these visits. The remaining dreams of the Congress leaders must have been shattered when some Dalit women said before the media persons that they felt happy to see Rahul there, but so far as their vote was concerned, they would vote for Mayawati only.

In the Congress circles, even if the remarks of these Dalit women are wished away and the remarks of Mayawati are laughed away as political gimmickry, this fact cannot be denied that the leaders' love for Dalits is mostly confined to the formality of posing with them for the benefit of the media photographers as it is a political compulsion, mandatory for the business of politics, but when these leaders go to sleep at night in their air -conditioned bungalows after a day-long visit to the Dalit settlements full of filth and foul smell, they must be having frightening nightmares during their dreams, and resolving not to go there again. Still it is one thing to go there for a day and being photographed with them, and absolutely another to understand their problems and make an honest effort to improve their lot. The sensibility required to do so cannot be developed sitting comfortably in air-conditioned bungalows miles away from them. Only by living with them and being part of their daily tribulations one can understand their difficulties. It is one thing to deliver speeches about the Dalits but quite another to have the feeling of being destined to live as them, which is well nigh impossible for a non-Dalit, as the saying goes, "Only the wearer knows where the shoe pinches." If Rahul's present '*Bharat-Darshan*' tour is an honest effort to see and understand the problems of Dalits motivated by the desire to alleviate their sufferings, then it must be welcomed. But if it is only a political move to gain an all-India identity in his journey towards the Prime Ministership, then one should not hope for really good results. Today's voter understands the difference between promises and actions, and does not take much time to punish.

Had there been no difference between promises and actions of the Congress and its leaders, the Dalits who had been with them even before independence, would not have frittered away from them. The faith exuded by them in Mahatma Gandhi and the Congress party since the start of his social programme of abolition of untouchability would not have dissipated slowly, which, in fact, started even during his lifetime. The main reason for this was that on the one hand Gandhiji talked of emancipation of the Dalits, while on the other he fully believed in, and had full faith in Hinduism and the '*Varna'* system sanctioned and supported by that religion and its scriptures. He was against the social evil of untouchability, but a supporter of the very religion that sanctified the '*Varna'* and the '*Karma'* theory, which gave birth to the caste system and the trepidation suffered by Dalits. Because of this strange mix-up, it becomes difficult to decide whether he had a confused vision about them, or his love for Dalits was facile, or even hypocritical. Before Independence Dr. Bhimrao Ambedkar had become inimical to Gandhiji because he had opposed the proposal of a separate electorate for the Dalits offered by the British (Later on, at the time of formation of the Constitution, provision was made for reservation of seats in the Legislative Assemblies and the Central Parliament for Scheduled Castes and Scheduled Tribes so that they could also share political power). Because of that opposition and another incident, Kanshi Ram, the late Bahujan Samaj Party (BSP) leader, called Gandhi a hypocrite. Prof. Bhikhu Parikh, a famous Gandhian

writer and member of the upper house of the British Parliament, the House of Lords, has made a reference to it in an article:

What has Gandhi done? He fought tooth and nail against the interests of the downtrodden people. In September 1932, he went on fast against reservations. Later it was propagated that Gandhi was responsible for reservations. He was a great hypocrite, to my mind. He lived in a sweepers' colony and he told them: 'Your job is a very good job, you are doing a very good job. If I am to be born again I would like to be born as a sweeper.' He was told: 'If you want to be a sweeper, we can fulfil your desire in this life. Come on.' But he never came. He was a hypocrite and fooling innocent people (p 230, *Colonialism, Tradition and Reform*).

It was a commendable thing when he started the experiment of cleaning one's toilet by oneself at the Tolstoy Farm in South Africa (He called his experiences 'experiments'. That is why he called his autobiography 'My Experiments With Truth'), but it was an altogether different thing for someone born and brought up in an upper caste in the culture of Hindu caste hierarchy even to imagine of carrying others' soil on one's own head. It was not without reason that by winning their goodwill and confidence Ambedkar became the biggest leader and saviour of the Dalits, in comparison with Gandhi, the biggest Congress non-Dalit leader, in spite of his desire to improve the lot of Dalits. Ambedkar's thinking in this regard was clearer and more rational. He knew that without negating the Hindu religion, it was not possible to negate the '*Varna'* system as enunciated by Manu in *Manusmriti.* That is why he adopted the casteless Buddhism after renouncing Hinduism. The great thinker M.N. Roy called the hierarchical system prevalent in the Hindu society 'an ugly relic of the past' and he was also of the opinion that without hitting at the Hindu religious system it was not possible to eradicate caste. How many of our leaders indulging in vote politics have the courage to criticize the caste system and the religious scriptures supporting and nurturing it without which their love for Dalits can only be called phony. That is why one cannot expect that 'Hindutva' organizations like the Bharatiya Janata Party would stand against the '*Varna'* system or even think of giving Dalits an equal status with the upper caste people. How can we expect positive action from those who, even in this modern age, not only endorse the inhuman system of '*Sati'* but even glorify it; for whom the Hindu religion is even greater than Humanism; and whose total politics is based on hate campaigns and divisiveness on communal, linguistic, caste and regional lines, and to exploit the resultant situation for its own political benefit.

One thing that can certainly be said about Gandhiji is that remaining within the limits of his religiosity he wanted to improve the lot of the villagers, the poor and the downtrodden sections of our society, and had he not been tragically assassinated in 1948 by a member of the *Hindutva* brigade, he would certainly have made efforts to implement his ideas of *Panchayati Raj* and *Gram-Swaraj*, and that would certainly have improved their lot. But first his assassination and then the death of Ambedkar left a void in the leadership of Dalits. Power politics divided the small-time Dalit leaders and many of them erected their own political outfits. In the absence of a unified leadership, Dalits voters were also divided but a large number of them still remained with the Congress because of which the party continued to rule the country unquestionably for thirty long years. Then appeared Kanshi Ram on the political horizon and his vociferous championing of their cause projected him in the eyes of Dalits as their potential future leader, because by that time they had become completely disillusioned with the Congress. Gradually they started gathering around him and gradually he became a force to reckon with. After Kanshi Ram the reins of his party, BSP, passed into the hands of Ms. Mayawati whom he had nurtured as his heir. As she gained more power politically, the *Bahujans* started joining her in greater numbers in the hope that with the arrival of governmental power in her hands their progress would also gain momentum. During the last elections in UP she played the card of *Bahujan-Brahmin* combination to come to power on her own, which clicked. If the aim was to capture power, her experiment did succeed, but if the aim was to bring about a qualitative difference in the lives of Dalits, then she has completely failed so far. If she has been in the headlines so far, it has not been for any steps taken for the improvement

in the lives of Dalits but for cutting big cakes on her birthday, for grand functions, setting up of her own bigger than life size statues, collecting money from her MLAs and for getting her feet touched by senior government officers – only for those things she herself has been critical of so far, calling them nuances of '*Manuvadi'* culture. And if someone criticizes her for these acts, then she complains that these people cannot tolerate the happiness of the 'daughter of a Dalit'. Perhaps it does not matter for that 'daughter of a Dalit' that in the latest incident in a village near Allahabad under her very nose the state police brutally attacked a large number of Dalits, including women and old people, with lathis and rifle butts, seriously injuring most of them. How can the life and honour of these sons and daughters of Dalits be compared with the dignity of a particular daughter of a Dalit!

The moot question is that if the Congress is aiming at returning to power again by attracting Dalit votes by putting forward Rahul Gandhi, a member of Nehru-Gandhi family, does Mayawati have, for the time being in UP only, a credible plan to improve the lot of Dalits to stop that. Unfortunately, during her last three, even though part, tenures as the Chief Minister, and now in one year of her ascending to power for the fourth time, nothing such has become visible so far. She has only appeared to consolidate her political power and wealth by garnering Dalit votes on the basis of sloganeering only. In the name of improving the lot of Dalits what has been done in this country is only providing them reservation in government jobs, which means a total of 22.5 % for Scheduled Castes and Scheduled Tribes in a total of 2 to 3 percent of total jobs, i.e., less than one percent in the total quantum of jobs available in the country. Neither the Congress nor Mayawati has paid any attention to the vital questions. The education of Dalit children, which is most essential for their progress, and which could well have been ensured by implementing the provision of free and compulsory education upto the age of 14, as provided for under Article 45 of the Constitution, was never heeded to by the Congress during the last 60 years of independence, nor ever demanded by Mayawati. Not only this, neither of them paid any attention towards the problems of employment, housing and health of rural Dalits (Now in the sixty-first year a rural employment guarantee scheme has been initiated, but the same should be welcomed, however belated and inadequate it might be!). Neither has tried to empower Panchayati Raj institutions through decentralization of resources, and by ensuring the participation of Dalits in these institutions, without which no scheme of empowering the villagers, the poor and the Dalits can ever succeed. Land reform laws have also not been implemented so that the condition of the landless, most of whom are Dalits, could improve.

Recently the Economic, Social and Cultural Rights Committee of the United Nations, which met in Geneva to assess the implementation of Human Rights in India after a gap of 17 years, expressed grave concern regarding the efforts made to guarantee the Human Right to health, housing, food, water, education, employment and social security to its citizens, and to abolish gender inequality. The 13-member government delegation had to face very unpleasant questions. The Committee observed that the benefits of National Rural Employment Guarantee scheme had not reached those people who most require them. Giving an example of the aims of the scheme of Education for All and the ground reality, the Committee observed that more than 50 percent of Indian children dropped out of school even before reaching the age of 14. The official delegation was also caught in a tight corner when asked to explain the position of Dalits, the Scheduled Tribes and Muslims. This amply demonstrates the hollowness of the claims of development made by the government.

The time has come now to see that if the country has to make economic and social progress, the politicians must give up hypocrisy and honestly attend to the problems facing the country because the statistics of development based on sensex, as given by the economists and the Finance Minister educated in the capitalist economy of the Western countries, can neither give bread to the poor nor wipe the tears off the eyes of Dalits, and give them a life of dignity in society. How shameful it is that on one hand we are told day in and day out that our economy is developing at a never before pace, and on the other hand even today in this basically agrarian country of ours, economic

conditions force farmers to commit suicide, food-grains have to be rationed, and whatever ration is supplied even to the 'below poverty line' people consisting mostly of Dalits, even that is curtailed by the government. Politicians doing politics in the name of both Ambedkar and Gandhi must pay attention to these problems failing which it will be presumed that they are only pretending to be their followers, and that the politics of hypocrisy has not yet come to an end in the country. From the present conditions one can only conclude that in 1947, though political power was duly handed over by the whites to the browns, yet democracy has still to come here.

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Primeministership and Rahul Gandhi

The reshuffle in the Council of Ministers in the United Progressive Alliance (UPA) Government led by the Congress a year before the fifteenth Lok Sabha general elections due in 2009 is a normal step taken in the direction of improving the image of the government. But its political importance increased when the Congress President Mrs. Sonia Gandhi made it known that she had offered a berth in the Council of Ministers to Rahul Gandhi, which he declined to accept saying that he wanted to devote himself to strengthening the party organization. As a General Secretary of the Congress, to which post he was appointed a year ago, it is his responsibility and if he wants to fulfill that duty then he is within his rights to do so, and this should certainly be regarded as a positive step.

But taking it as a cue some seasoned leaders of the Congress immediately proposed that he should be the next Congress candidate for Prime Ministership. This demand was raised by a senior leader Arjun Singh and was soon supported by another senior leader Pranab Mukherjee. Some leaders of the constituent parties of the UPA also started issuing statements endorsing the demand. Realizing that the proposal was being blown out of proportion, the Congress high command had to issue a statement that the Prime Minister's seat is not vacant and as such this proposal had no relevance. Even Rahul Gandhi issued a statement that Sh. Manmohan Singh continues to be the Prime Minister and there is no plan to change him.

However, if the Congress gets a majority in the next Lok Sabha election, though looking at the rising prices of essential commodities it does not seem possible at all, or the coalition led by the Congress comes in a position to form the government at the center, the question about who should lead the government will arise. From the reaction of the CPI General Secretary, Comrade A.B. Bardhan, it seems that Rahul will not be acceptable to his party.

When Sonia Gandhi gave the statement regarding non-acceptance of ministership by Rahul, perhaps she only wanted to project him as a person who was not after power, as she herself had done by not accepting the Prime Ministership in 2004. The only difference is that at that time she had every right to accept it because her party had then won the single largest number of Lok Sabha seats, 145 to be exact, which had been won under her leadership, and together with other coalition partners she enjoyed a majority in the Lok Sabha. But what special feat Rahul had performed to deserve the offer of Ministership in the central Government, is anybody's guess.

Perhaps it was a well-thought-out political statement through which she could take stock of the reactions on the matter. She must have become very well acquainted by now with the sycophantic character of the Congressmen who had given her a chance to appoint Rahul as a General Secretary of the Congress by demanding that young leaders should be given a chance in the organization. It would be absolutely wrong to believe that a person enters politics with a sense of 'sanyas' (renunciation) and does not aspire for power. If previous experience is an indication it may be pointed out that even those who had renounced the world at some point of time entered politics because of the attraction of money and power, and they continued to stick to the seat of power until political upheavals uprooted and threw them away.

If we see the incident of non-acceptance of Prime Ministership by Sonia Gandhi in 2004 in the light of some earlier and later events, things become clearer. When in the1998 Lok Sabha elections no party got a clear majority, Sonia Gandhi was the first leader to approach the President with a list of 272 M.Ps. to stake her claim to be invited to form the government. The list contained the names of elected members of the Samajwadi Party led by Mulayam Singh Yadav also, who dismissed her claim by saying that he had not even been consulted by Mrs. Sonia Gandhi regarding his support to her in the formation of the government. Harkishan Singh Surjeet, the then General Secretary of CPI (M), was the first leader who had declared his party's unconditional support to her even without being asked for it, thereby ringing the death-knell of the Third Front because it was only after that

that Chandra Babu Naidu, the leader of the Telugu Desham party, an important constituent of the Front, and some other Third Front leaders decided to extend their support to Atal Behari Bajpayee, the leader of the BJP and the National Democratic Alliance (NDA), in the formation of the government at the center, and in spite of her best efforts Mrs. Sonia Gandhi could not become the Prime Minister of the country at that time..

When after the 2004 general elections, it became clear that in the centre the United Progressive Alliance led by the Congress would form the government; it looked almost certain that Mrs. Sonia Gandhi would lead the government as the Prime Minister. But right then Mrs. Sushma Swaraj and some other leaders of the BJP again raised the issue of her foreign origin and threatened to take the issue to the streets if Mrs. Sonia Gandhi became the Prime Minister. It seems that instead of becoming a bone of contention, she had in her mind already formed a long-term power policy of making Rahul Gandhi the Prime Minister of the country, and his election as an M.P from Amethi, the first step in that direction, had already been taken. She did not consider it proper to make Ms. Priyanka Vadra the heir to the political legacy of the Nehru-Gandhi family in spite of her being more popular and politically more mature in comparison with Rahul Gandhi, perhaps because in our patriarchal social order the son is supposed to be the heir to the legacy of the father, and in case of Priyanka being chosen for the job, the legacy of the Nehru-Gandhi family would have passed on to the Vadra family in the next generation, instead of remaining with the Nehru-Gandhi family. If Pundit Jawaharlal Nehru had a son, perhaps Mrs. Indira Gandhi would never have inherited his legacy. But he had no other choice. Sonia Gandhi did not have to face this dilemma and she took the same decision that any other ambitious person desirous of keeping the family legacy of political power within the family would have taken.

Till the time she could fulfill her cherished dream, she needed a loyal and trustworthy person who could occupy and take care of the Prime Minister's chair in the interim period, and the person should not be influential enough to increase his strength to the extent of staking his claim on that seat beyond the required period (This policy had been successfully tried earlier in the north by Lalu Prasad Yadav and in the south by Jayalalithaa). She got such a person in Dr. Manmohan Singh who was incapable of winning an election on his own. (Is it not an irony that in a democratic setup where the lower house of Parliament is directly elected by the people, the Prime Minister, Dr. Manmohan Singh, who is supposed to be the leader of the House, still remains a member of the Rajya Sabha, and not of the Lok Sabha, even after more than four years of taking oath as the Prime Minister?) Sharad Pawar, Arjun Singh and Pranab Mukherjee did not fulfill her criteria, and obviously she could not risk making any of them the Prime Minister.

And as soon as they got the hint from above that Madam wanted to make Rahul a minister, the courtiers, as per the traditional Congress culture, started their chorus of "Why only a minister, why not the Prime Minister?" But it was soon stopped, again on directions from above, lest it should be interpreted as dissatisfaction against Dr. Manmohan Singh and lest the opposition should blow it further and make a political mileage out of it in the run up to the election in 2009. But certainly Mrs. Sonia Gandhi did not issue the statement regarding the offer of ministership to Rahul without any reason and purpose. By doing so she has ensured that if after the general elections of 2009, the Congress comes in a position in which the Prime Ministerial candidate is from her party, the name that is going to be vociferously touted in chorus will not be even her own name but that of Rahul Gandhi.

Now the question is whether Rahul has the same magical power of leading his party to success in the elections because of which the sycophant courtiers of the Congress look towards the Nehru-Gandhi family, as they have long forgotten things like grass-root level contact with the people and service of the people, as a result of which they are no more capable of winning elections on their own. They only depend on the name of Nehru-Gandhi family to cross the hurdle of elections, so that they can enjoy the fruits of power for one more term.

Unfortunately as of now their wish does not seem to be anywhere near fulfillment. At least the track record of Rahul's recent election campaigns does not seem to promise that. He undertook a concerted election campaign during the U.P. assembly elections, so much so that the Congress started claiming that it would form the next government there. But when the results came their expectations were more than belied and Ms. Mayawati's Bahujan Samaj Party came out an absolute winner. In the recent bye-elections there the BSP again made a clean sweep in all the five constituencies, including two Lok Sabha and three Legislative Assembly constituencies, and the Congress lost both the Parliamentary and the Assembly seats it held earlier, in spite of the hectic election tour of Rahul Gandhi, and of course the other party leaders. In the Gujarat assembly elections also the position of the Congress had been more than worrisome.

The Congressmen must now change their way of thinking. In order to win the confidence of the people, and their votes, they should not look for a magical figure but should go and work among the people because only then they will learn about the problems the people of the country face – rising prices, electricity, water, the atrocities perpetrated by police, education, health and unemployment. Until grass-root level contact and work among the people takes the place of road shows by leaders, the dream of the Congress to remain in power will remain a day-dream, and it might even turn into a nightmare. They should also remember that we have a democratic setup in the country and the Government and the Prime Ministership is not part of the legacy of any family in the country.

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The Trust Vote of Manmohan Singh's UPA Government
The Government Wins and Democracy Loses

When Sh. Manmohan Singh's Congress led UPA Government won the trust vote in the Lok Sabha on 22nd July, 2008 another black chapter was added to the history of parliamentary democracy of India. With a win by 275 votes against the 256 polled by the opposition, the Congress maintained its record of not losing any trust vote in the Lok Sabha so far, but with that it also established a new record of moral degradation indulged in by it. Another Government won in the numbers' game but it inflicted yet another deep wound on the body politic of the country which would perhaps never heal. If at all it does, it would leave such an indelible scar on the face of democracy that it would put our democracy to shame for a long time to come. Ironically enough, the leaders of the Congress and their UPA partners were seen congratulating the Prime Minister and Mrs. Sonia Gandhi, the UPA Chairperson on the floor of the House even before the results were officially declared by the Speaker and both of them acknowledged their 'victory' with beaming faces.

This trust vote has raised more questions than it has answered. Let us examine some of them.

Why was the trust vote necessitated?

The straightforward answer of the Congress party to this question would be that it was thrust upon them by the left parties because after the withdrawal of their support to the Government on the question of India-US Civil Nuclear Agreement on 9th July, 2008 there was no other option left before it. But the question arises whether the Government did not know that as soon as it declared its intention to go the IAEA for finalizing the India-Specific Safeguards Agreement related with the Nuclear deal, the left parties would withdraw their support to the Government. If yes, then did the Prime Minister not invite the left parties to withdraw their support to the Government by declaring his Government's intention to proceed to the IAEA immediately, on board the plane while traveling to Japan to attend the G-8 summit? Yet another intriguing question is that when Prime Minister Manmohan Singh himself, UPA Chairperson Sonia Gandhi and External Affairs Minister Pranab Mukherjee had declared several times earlier that the Indo-US Nuclear Deal was not the only question before their Government to risk their Government, then what necessitated Mr. Manmohan Singh to rush through the deal in a hurry? Did the Government, which had been assuring the people of the country to defend our national pride and the sovereignty of the country, collapse before the pressure exerted by the US President, under the conditions as laid down under the Hyde Act, even before the Nuclear Deal became operational? One can understand the hurry of the US administration because once the deal if finalized, their nuclear reactors lying unsold for the last 35 years as there are no buyers for them anywhere else, would get a buyer ready to spend billions of Dollars for that scrap, and also a powerful South Asian strategic partner as a follower, in bonus. Perhaps that was the reason why, when the trust vote was being debated in the Lok Sabha on 22nd July, 2008 and most TV channels were showing the position of the Government as marginally weaker, a statement released by Assistant Secretary, Richard Boucher, of the American Administration said that their Government had no objection in finalizing the deal even with a minority government. At the same time Boucher also admitted that if the deal is not finalized during the remaining part of the tenure of President George Bush, then the same can well be completed after the new President takes over. Then the question arises as to what was the hurry for Manmohan Singh to push the matter forward that he did not care for the withdrawal of support to the Government by the left parties and preferred to lose the support of comparatively reliable companions in favour of gaining the opportunistic support of Mulayam Singh Yadav of Samajwadi Party? Everybody knows that he did not get this support for free. Even if the terms of the deal with him do not become known immediately, but the fact that Amar Singh, the General Secretary of that party, visited the Prime Minister's Office immediately after meeting the Prime Minister and declaring his support for the Government in the trust vote and met various senior Government officials there, confirms that some secret deal had really been entered into.

Open corruption in exchange for the support

If Manmohan Singh had not shown an unwarranted hurry in rushing through the Indo-American Nuclear Deal he would not have been forced to make so many more compromises. Everybody knows that Shibu Soren of Jharkhand Mukti Morcha, who saved the minority Congress government of Narsimha Rao in 1993 after accepting huge sum of money from the Congress leaders, agreed to support the government at the last moment this time also after a lot of bargaining. Even accepting the prerogative of the Prime Minister to appoint Ministers in his Council of Ministers, nobody will accept that Manmohan Singh, who otherwise had a clean image, has not resorted to immoral and corrupt methods to secure the support of Shibu Soren and the other four MPs of his party, even if this kind of corruption may be categorized as constitutional corruption. Even if crores of Rupees did not change hands this time, as in the earlier case, it is quite clear that by promising to him the Coal Ministry (and much more), which is supposed to be a 'good' Ministry for earning black money, indirect corruption was indulged in. It is true that in order to prove the worth of his new friendship with the Congress and to assert his importance, people like Amar Singh were also trying their level best to save the government, but it is also equally true that in the whole exercise Manmohan Singh himself was also engaged directly and with all his might. At stake was Manmohan Singh's own Prime Ministership, and he was the first direct beneficiary of the trust vote. Therefore, he cannot escape the responsibility of legal and illegal, as well as moral and immoral, methods adopted to save the government. Nor can he remain untainted from the blackness of the coal of the Ministry which he promised to Shibu Soren under the deal.

So far as the act of brandishing of the currency notes of one crore on the floor of the house by the three BJP Members of Parliament, which was alleged to be the advance amount of Rupees nine crores, promised to them for remaining absent from Lok Sabha during the trust vote, is concerned, the dramatic manner in which it was done, may leave space for many questions, and many questions have indeed been raised. The tape of the 'sting operation' related to the whole episode has been deposited to the Lok Sabha secretariat by the TV channel CNN IBN and facts will come out only after a detailed investigation, but one thing, which can be said without any doubt, is that there is no smoke without fire and the claim of Amar Singh on the afternoon of 22nd July before the media in the full face of video cameras that he had secured the support of three additional MPs, apart from those belonging to his own party, and that they would learn about them at the appropriate time, added with the fact that he has not denied till now that these MPs had visited his house in the morning, throws some light on where the fire lay because it is he who was accused by the three BJP MPs of arranging the whole cash-for-vote episode.

One thing that can be safely said on the basis of allegations and counter-allegations in the cash-for-vote episode is that in order to secure the support of more and more MPs for the trust vote all the limits of decency and morality were crossed, and this did not happen for the first time. The only saving grace was that none of the Left Front MPs was approached by the bidders in the 'cash for vote' scam as they were the only ones who carried the 'Not For Sale' tags. It was also the result of moral degradation that even those MPs who had been found guilty of abductions and murders by the court and are serving various sentences in jails were treated as heroes on 21-22 July, 2008 and many not-so-tainted politicians were seen almost prostrating themselves before them to secure their support. The fact is that in a parliamentary democracy candidates, particularly those belonging to the leading parties, spend several crores of Rupees during their election campaigns and they will do everything to get back the money along with interest, of course at super heavy interest rates, and this is possible through corrupt means only. Thus, corruption is inbuilt in the system and instead of worrying the powers that be, it is finding more and more acceptability tacitly with the passing of time. Otherwise how does one interpret the well known fact of acceptance of cash for vote by Shibu Soren and his men to save the Narsimha Rao government and even the judiciary not taking any action in the matter. Secondly, when we elect abductors, rapists and murderers in the name of party,

caste and religion, we are bound to find them as makers of our destiny as the saying goes – As you sow, so shall you reap.

Five years ago the terrorist attack on the parliament house was an external attack, which was thwarted by members of our security forces who did not care for their own lives also. The attack that took place on our democracy from inside the parliament house on 22nd July, 2008 was conducted by those whom we have entrusted with the task of not only running but also protecting our democracy. The first terrorist attack had not been able to pierce the walls of the parliament house because all of us were united against it – there was no caste, no religion, no party to divide us. But the second attack has severely damaged the very foundations of our parliamentary democracy because it has shaken our faith in the very institution of parliamentary democracy. How much time it will take for us to come out of this shock, only time will tell. If we have to save our democracy, we must punish those responsible for the deadly blow – by rising above the divisions of caste, religion and political affiliations.

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Manmohan Singh's Trust Vote and the Tragedy of the CPI(M)

As soon as Prime Minister Manmohan Singh declared the intention of his UPA government to go to the Board of Governors of the IAEA to finalize the India-specific Safeguards Agreement to pave the way for making the 123 Agreement with the US operational on board the plane while traveling to Japan on 7th July, 2008 to meet George W. Bush on the sidelines of the G-8 summit, it became clear that as per their declared stand the left parties would withdraw their support to the government. On the 9th of July they duly submitted the letter of withdrawal of support to the government to Mrs. Pratibha Patil, the President of India. With it the Manmohan Singh government became a minority government and the President called the Prime Minister and asked him to seek a trust vote in the Lok Sabha on 22nd July, 2008. Although within hours of the withdrawal of support to the government by the Left parties, Mulayam Singh's Samajwadi Party extended its support to the government, yet it did not make a material difference as the government was still required to prove its majority on the floor of the House.

Somehow the government was able to prove in the House that it still enjoyed the support of a majority of the Members of the House, but before the result of the trust vote was announced by the Speaker, the Congress and its supporting parties on the one hand and the opposition parties on the other hand had several sleepless nights for garnering the support of a majority of the MPs. The worst was the condition of the Left parties for whom it had became a question of prestige to pull down the government after the withdrawal of their support to the government. For this their leaders ran from pillar to the post and they were ultimately able to cobble together a front to oppose the government on the trust vote, many of its members joining the formation at the last moment after weighing all options, and perhaps not getting the desired offers. Those who did, went over to the other side. On the other hand Mulayam Singh and Amar Singh also made it a question of their prestige to save the government. In a situation in which every single vote mattered, and for which MPs were being bought and sold, Sh. Somnath Chatterjee, the Speaker who was elected as an MP on the CPIM ticket, created a turmoil in the CPIM and the other Left parties by declaring that he would not resign as the Speaker and would continue to act as such. When even after applying a lot of pressure they failed to persuade him to agree and he did not budge from his stand, the CPIM was in a dilemma whether or not to take disciplinary action against one of their senior-most members, a ten time MP bestowed with the best parliamentarian award in 1996. Ultimately, when he stuck to his guns even after the special session of the Lok Sabha was adjourned *sine die* after the trust vote, the Polit Bureau of the party took the decision to expel him from the party. It was the second big jolt to the party after the government won the trust vote by a margin of 19 votes.

In fact, the party, and the Left front, had received its first big shock when within hours of the withdrawal of their support to the government their old camp-followers Mulayam Singh and Amar Singh declared their support to the government, taking a summersault on their earlier stand of opposing the government on the Indo-US Nuclear Deal. Not only this, the two Samajwadi Party leaders, in chorus with the Congress leaders, started openly criticizing them to the extent of calling them deceivers. The other leaders of the constituent partners of the UPA government like Lalu Prasad Yadav and Ram Vilas Paswan, along with the leaders of the Congress, took all the credit for the good things like enacting the Right to Information Act and initiating the National Rural Employment Guarantee scheme, and the Prime Minister said in his speech that he was finding himself like a bonded labour in the company of the Left parties for the last four years or so. (It is an enigma why he waited for four years and a quarter to free himself from that.) So much for their 'outside' support to the government. Adding insult to the injury, it was also alleged that the Left parties had entered into a pact with the communal parties to pull a secular government down, a charge which was repeated by a senior leader of their own party, Subhash Chakravarty, and even Somnath Chatterjee, in a reciprocal gesture for the former's support to him on his stand to continue as the Speaker, lent support to his argument by saying that even if he decided to abdicate the

Speaker's chair, he would not vote with a communal party like the BJP during the trust vote. On the prices front, as expected, the government chose to keep mum.

On the basis of their long experience, the CPI(M) should have known even at the time of rendering their services to the Congress that the day they decided to withdraw their support to the UPA government, they would have to face such allegations from the Congress leaders. They should also have known that the party that withdrew its support from and pulled down, or helped in pulling down, the governments of Charan Singh in 1979, V.P. Singh in 1989, Chandra Shekhar in 1990, H.D. Deve Gowda and that of I.K. Gujral in 1997 on flimsy pretexts, one after the other, in quick succession, within months of their formation, would not take the withdrawal from their own government placidly and in a dignified manner. It is in its character not to give support to others for forming a stable government; it only knows to take support of others to remain in power. If by declaring his unasked-for support to Sonia Gandhi for forming a government in 1998 in the name of blocking the formation of a government by communal forces, the then General Secretary of the CPIM Harkishan Singh Surjeet only paved the way for some Third Front partners like the Telugu Desham and the JDU join those forces in forming a government, and thereby strengthen those very forces he wanted to weaken. Prakash Karat, the present General Secretary, following that precedent lent his party's support formally for the formation of the Congress led UPA government at the centre in 2004 and pushed the remaining constituents of the former Third Front, like Lalu Prasad's RJD, into the Congress fold. Their last partner in the Third Front, apart from the other left parties, which too reached the verge of deserting them during the Nandigram massacre indulged in by their party cadres in collusion with the state police, Mulayam Singh's Samajwadi Party, also finally parted ways with them and immediately got entrenched in the lap of the Congress firmly, if their parting comments are any indication of their future course. It is a fact that the last nail in the coffin of the Third Front has already been thrust in because they themselves cannot tell how useful and stable their new formation with Mayawati, the over-ambitious BSP leader, and Om Prakash Chautala and Ajit Singh, the two shrewd Jat leaders, who are ever ready to form and join new opportunistic alliances directly suiting their own brand of politics and their own vested interests (The latter being in this formation by chance only because his last minute bargains with the Congress did not succeed in securing the intended promises except that of getting the name of Amausi airport at Lucknow changed into his late father Charan Singh's name.), is going to be.

So far as the argument of CPI(M) of lending support to the Congress led UPA government to keep communal forces away from power is concerned, the track record of the Congress shows that the door of the Babri mosque was opened not by the BJP but by Rajiv Gandhi, and when the old structure of the mosque was being demolished at Ayodhya on 6th December, 1992 by the BJP, Bajrang Dal and Vishwa Hindu Parishad activists, the Congress government's Prime Minister at the center, Narsimha Rao, was sitting in front of the TV screen in the Prime Minister's house at New Delhi and enjoying the spectacle being telecast live. The Congress led government of Maharashtra has so far not got time to see the Justice Sri Krishna Commission report on the Mumbai riots, not to speak of implementing it. The Congress and the Congressmen had completely disappeared from Gujarat during the communal carnage that took place there in 2002, instead of offering any resistance against it or even providing any legal or moral support to the victims thereafter, and even today if anybody is helping the victims in getting whatever justice is possible, it is the volunteers of the civil society and human rights activists who are relentless in their efforts even in the face of threats from Narendra Modi's communalized government machinery. The Congress leadership had even failed to respond to the SOS calls made frantically by their own former MP Ehasan Jaffri during the riots when communal butchers stood in front of him with swords, rods and guns ready to kill him and his family. Who was involved in and who caused the anti-Sikh massacre in Delhi and other parts of the country, the whole country knows well. Now the Left parties have become blessed by lending support to the same non-communal Congress party, and next it is the turn of the Samajwadi Party led by Mulayam Singh and Amar Singh. Even the openly communal BJP had put

in the cold storage its communal agenda of the Ram temple at Ayodhya and the abolition of Article 370 of the Constitution of India, granting special status to Jammu and Kashmir, to gain and maintain the support of its NDA alliance partners in the government led by it, but the Congress did not agree to abandon even its dubious agenda of the Indo-US Nuclear Deal for maintaining that support.

Now that the government has won the trust vote in Parliament, the Nuclear Deal will be pushed through rapidly, Manmohan Singh throwing the gauntlet at the face of the Left parties, however strongly they may oppose it now. History will tell that giving support to the Congress led UPA government by the Left was yet another of their 'historical blunders', which they have formed the habit of committing at regular intervals. Had it not been better if they had not given support to the government as such but provided support to the issues only, forcing the government to seek a trust vote on every single issue, requiring the government to convince a majority of the members of the house for ensuring the passage of each and every bill, failing which it would have automatically fallen. In that case the Congress would have learnt to respect those who provide it support. Today the condition in which the CPI(M) finds itself is the result of its own acts of commission and omission because it abandoned its declared policy of maintaining an equal distance both from the BJP (and other communal outfits) and the Congress, and it can blame only itself for this. It must have understood by now that maintaining an equal distance from both, the BJP and the Congress, means maintaining an equal distance from any dispensation in which they have a decisive role, failing which they would only be strengthening those forces they seek to weaken. Prakash Karat's declaration on 31st July, 2008 that he would not consider even a post-election alliance with the UPA, seems to indicate that he has learnt his lessons, belated though, as has become customary with the Communists in this country.

The issue of the Lok Sabha Speaker

Another loss the CPI(M) has suffered in the whole exercise of the trust vote is the controversy related to Somnath Chatterjee, the Lok Sabha Speaker. The controversy started with their mentioning his name in the list accompanying the letter of withdrawal of support from the government they handed over to the President. They did not indicate in the list that he was the Speaker – which, the party latter accepted, was a lapse on its part – nor did they seek his consent before including his name in the list, even by way of courtesy. Had it been done, perhaps he would not have made it a question of his prestige to resign from Speakership on the direction of the party. Once he declared his decision, it became difficult for him to retreat from the high moral posture of maintaining the impartiality and dignity of the Speaker, and the Congress and its allies, who were anxious to see that the Left did not get Somnath Chatterjee's vote, started supporting his stand in the name of the traditional morality of the impartiality of the Speaker's chair, although everybody knows that the Congress, which talks of morality in politics, has never tried to set up any such moral traditions in the country, and it took a moral posture on the Speaker's issue solely because it suited their political need of reducing every single vote it could from the opposition's tally at the time of the trust vote in the Lok Sabha.

The principle of impartiality of the Speaker the Congress was referring to, was established in England. There is a saying there – Once a Speaker, always a Speaker. It is true that once a member of the House of Commons is elected a Speaker, he resigns from his party and becomes an independent member so that in the discharge of his duties as the Speaker of the House he can function impartially. If he wishes to contest the next election, he does so as an independent and no political party puts up a candidate against him so that he is elected unopposed, and the House again elects him as the Speaker of the House, unopposed there too. In the history of the parliamentary democracy of this country this has happened exceptionally only once in the case of Vitthal Bhai who resigned from his party on being elected the Speaker, contested the next election as an independent and got elected unopposed, and was again elected as the Speaker of Lok Sabha. The

Congress did not establish such healthy traditions in the country. Here Speakers continued to be party members, contested the next election as a party candidates and accepted Ministership to fulfill their political ambitions. The Congress started the unethical practice of putting up as party candidates even those people who had formerly occupied constitutional positions like that of the Governors in states and Election Commissioners, and appointed them as Ministers on being elected as MPs. Even today, Shivraj Patil, the former Speaker, is the union Home Minister, Arjun Singh, the former Governor of Rajasthan and Punjab, is the Human Resource Development Minister and the former Chief Election Commissioner, another constitutional post, Mr. Gill, is the Sports Minister.

Had Somnath Chatterjee resigned from the party immediately on being elected as the Speaker, everybody would have accepted that he was trying to establish a high parliamentary tradition. But he declared his intention of continuing as the Speaker of Lok Sabha and to remain impartial in the matter at the time when his party needed the support of every single member on an issue like the Nuclear Deal on which the party had staked its prestige. The expectation of the party could not be called unreasonable, particularly in the backdrop of the Congress and its new found ally, the Samajwadi Party, making an all-out effort, moral and immoral, to induce defections in the ranks of the opposition to get the trust motion through Parliament. Not only this, a psychological pressure was being exerted by the Congress on Somnath Chatterjee to cast his vote in favour of the government in case of a tie in the voting on the trust vote, again in the name of non-existent high moral parliamentary traditions, although their stand would have been just the opposite had they themselves been placed in a similar situation. It is difficult to say whether Somnath Chatterjee became the victim of the atmosphere of pseudo-morality which was being build up by the Congress or he developed a political ambition, which often envelopes even great politicians, in the last phase of his political career. Who does not know that a man like T.N. Sheshan, a former Chief Election Commission, who earned a great name in that constitutional position, had the ambition of becoming the President of the country and our erstwhile President, A.P.J. Abdul Kalam wished to have a second term as the President as a consensus candidate for which the Congress did not agree. However, it can be safely said that Somnath Chatterjee's decision to continue as the Speaker has caused trouble in his party, which he strengthened with his sweat and blood, and it is going to harm the prestige of his party. On the other hand it is also equally true that when the party had left the decision of whether to quit or continue as the Speaker on him, either under pressure from some of its leaders or in the expectation that he would ultimately decide in favour of the party, the party could have avoided the present crisis by accepting his decision in the matter. But for a party which had taken hard decisions against party veterans like Nripen Chakravarty and V.S. Achyutanandan for going against the party line, perhaps it was not so easy to ignore such open defiance of the party diktat particularly as it came at a time when nobody could remain neutral.

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Amarnath Shrine Board Land Controversy

Thanks to good sense prevailing at last, the Amarnath Shrine Board Land Transfer controversy has been amicably settled paving way for the restoration of peace and normalcy in Jammu, and, of course, the Kashmir Valley where tension and killings by armed forces still continue. The controversy, which has taken a heavy toll in terms of life and property, was completely uncalled for. The question is where was the need for Gulam Nabi Azad led Congress-PDP government first to transfer land to the Amarnath Shrine Board, the cancellation of which paved the way for Bharatiya Janata Party (BJP) and its mass organizations to vitiate the atmosphere communally of first Jammu and then the disturb the normal life of the people in many parts of the country through the *bandh* call given by them.

The Amarnath Shrine pilgrimage has been going on peacefully for a long time and it has always received the support and cooperation of the Muslim community living there, even if for the sake of their business interests. That is the reason why that pilgrimage, which has become a symbol of communal harmony, has been irking in the eyes of the separatists and the Pakistan supported terrorists and they have been trying to put hurdles in it somehow or the other with the aim of fanning communal passions to that more and more Kashmiri Muslims become anti Hindu and anti India and join them, thereby making their task easier. But because of the strict vigilance of the the security forces and the local police and the cooperation of the local residents, the terrorists have not succeeded in their plans. But when thousands of Kashmiris started their march towards the Pakistan occupied Kashmir (PoK), it appeared that the Gulam Nabi Azad government had done, because of its shortsightedness, what the terrorists had failed to achieve in spite of their best efforts. It was not expected at least from the government of a sensitive area like Kashmir that it would not foresee the consequences of transfer of land to the Amarnath Shrine Board by it, and the resultant counter-reaction. Because of its wrong decision the Gulam Nabi Azad had to pay the price politically by losing his government in J&K, and an unwarranted controversy was also thrust upon the whole country and many innocent people had to lose their lives in the resultant protests and counter protests.

Whenever governments ignore the principle of Secularism enshrined in the Constitution of India and interfere in religious matters, they give rise to such controversies. After the opening of the gates of the Babri Mosque for religious prayers by the Hindus by Rajeev Gandhi, the then Prime Minister of the country, the controversy related with the Mosque became serious which ultimately led to the demolition of the Mosque and the resultant communal riots took a heavy toll of innocent lives. The government opened the doors of the Mosque for religious prayers, which was by no means the task of any government, but the government completely failed to stop the demolition of the Mosque or to contain the resultant communal like the ones which took place in Mumbai in its wake, which was the bounden duty of the government. Not only this, the successive governments have even failed to arrest and prosecute those who indulged in rioting, murders and rapes during those communal riots.

It is the result of the same failure of the government that Muslim extremists and separatists succeeded in persuading many Muslim towards terrorism by making them feel insecure which led to serial bomb blasts in many part of the country in which hundreds of innocent people lost their lives.

It is worth considering whether the governments have the right to interfere in religious affairs by ignoring the principle of secularism enshrined in the Constitution of India. The task of the government is to ensure the safety of the people, whether they are going to participate in some religious affair, to the market for purchasing goods, or on a business or enjoyment journey. It is also the duty of the government to see that people do not have difficulties in leading a normal life. But it is neither the duty nor the task of any government to directly interfere in religious affairs in any way, as was done in the case of opening of the gates of the Babri Mosque for performing *pooja*

there, and in the present case by granting land to the Amarnath Shrine Board. The best way in such matters is that concerned people talk to the affected parties, reach an agreement acceptable to all concerned, and proceed ahead amicably.

Even this is not the work of a government working under a secular constitution to misuse the money collected as tax by giving subsidies for religious pilgrimages, by giving 300 crore of Rupees on the 300th anniversary of the establishment of a religious sect, or to spend that money for promoting any religion or religious affair of any sect. this money is collected as tax from the hard-earned money of the people for the development of the country, for developing and maintaining roads, hospitals, schools, providing educational and health services, making provision for electricity and water and for ensuring the security of the nation and establishment of an equitable justice administration system, and should be spent on these things. To look after the religious affairs is the work of the people subscribing to and having faith in various religions, and they know fully well how to do it.

Secondly, even those people pay taxes who do not subscribe to or have faith in any religion or religious sects. Although the government has no legal right to spend the money collected from even religious people on religious affairs, it has absolutely no legal or moral right even to touch it, not to say of spending it, with the intention of spending it on religious affairs. The only mandated *raj-dharma* of a secular democratic government is to look after the secular, mundane, affairs of its people.

And the biggest thing is that until we learn to put the country and the humanity above religion, neither shakll we be able to keep the country united, nor shalkl we be able to establish the principle of '*Vasudhaiv Kutumbakam*', 'the whole world is a family'. In this connection the story of a Japanese boy from a family having great faith in Gautam Buddha is relevant. A teacher in his school asked him what he would do if someone attacked Gautam Buddha. The boy replied that he would kill that person. Then the teacher asked him what he would do if Gautam Buddha himself attacked Japan. The boy replied – Than I would cut the throat of Gautam Buddha. This story6, heard during my school days, may, perhaps, suggest a thoughtful way of choosing our priorities and solving most of the problems facing our country.

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Reviving the Radical Humanist Movement- The Delhi Experiment

It is a well-accepted fact now that the Radical Humanist movement in India is in its dying stage. If somebody shies away from accepting this, that person would only be living in a world of delusion. In the fast changing world of today if an ideology or a movement is not making any progress, then it is certainly retreating and would meet a certain death in due course of time. *The Radical Humanist* movement stopped growing a few decades ago, but it was at least keeping itself alive so long as people like V.M. Tarkunde and M.A. Rane were keeping the tradition alive through their activities of promoting democratic values, individual freedom and secularism and also reaching out to people by espousing their cause through their activities and writings, and scholars like Sib Narayan Ray were giving voice to the philosophy of Radical Humanism, propounded by M.N. Roy, by collecting and publishing his works. But their departure in quick succession has given a serious set back to the movement. What is even more serious is that those who had worked with Roy and had seen and were convinced with his determination and conviction of bringing about a social revolution though the Radical Humanist ideology, are at advanced stages of their lives and are also getting fewer in number with every passing year leaving a void behind. Those who are convinced with the strength of the principles and ideology of Radical Humanism to make life on this planet better have a bounden duty to convince others, especially the younger ones, with their ideas so that their legacy passes on to the next generation. It is in this respect that the enlightened ones have miserably failed except in bringing out the journal *The Radical Humanist* and holding an annual M.N. Roy Memorial Lecture. So far the ideology of Radical Humanism has remained confined to a few well-to-do intellectuals through the monthly journal and seminars held once or twice a year. A ray of hope has been kept alive, at least in Rajasthan, by people like Ugamraj Mohnot, Prof. Chand Mal and their associates who have been organizing an annual essay writing competition for young students and who have also been bringing out a journal named Nav Manav in Hindi for a few years now to reach out to Hindi knowing people. The fact remains that Radical Humanism, or for that matter any other movement, cannot survive merely on the strength of a journal or two and a few seminars. If it has to develop into a movement, the intellectual work has to be combined with work at the grassroots level among the masses who will ultimately constitute the mainstay of the movement.

So far as the socio-political conditions of the country are concerned, they are not averse to the spreading of the Radical Humanist ideology. On the one hand we have seen the introduction of Panchayati Raj, though in a fractured form without a proper and balanced devolution of powers required for them to function as an instrument of functional grassroots democracy, and the introduction of the Right to Information bringing in some hope of transparency in the governance of the country. Initiation of the process for the introduction of the Right to Education, though proceeding at a snail's pace even after a long struggle by human rights activists convinced the powers-that-be of the importance of this right for the development of the downtrodden, is a step in the right direction, however delayed it might be. On the other hand, if we review the functioning of our Parliamentary democracy, we realize that things have gone from bad to worse. With the exception of the leftist parties, election tickets are, in many cases, if not all, sold to the highest bidders, and we have no reason to disbelieve Mrs. Margaret Alva, a veteran leader of the Congress, when she recently said that election tickets were being sold in her party, even more so in a party like the Bahujan Samaj Party which was expected to wage a war against such corruption, if it really were a party of the downtrodden and suffering classes. Governance is no more considered a service; it is essentially the business of ruling the hapless masses by the contriving few, a business where you invest in millions and earn, I doubt whether it is the right word to use though it continues to be used even for the most shady incomes, in billions, unconcerned with the plight of those they rule. We have reached a stage where democracy has entrenched itself as 'a government

for the people', and not 'of the people and by the people' as the founders of our constitution had erroneously thought it would become.

Party based parliamentary system in India is hardly a democracy in character, as M.N. Roy had predicted long ago, though the beneficiaries of the system of our sham democracy claim India to be the biggest, and one of the most successful democracies in the world. Our party system is becoming more and more undemocratic day by day. There is no place for election for the highest functionary of the party in most of the political parties, including the Indian National Congress, which will continue to be led by a member of the Nehru (-Indira Gandhi) family in perpetuity, thanks to the well-nurtured sycophantic culture of the party. The system has been very well adopted by the Samajvadi Party led by Mulayam Singh Yadav, the Rashtriya Janata Dal led by Laloo Prasad Yadav, the DMK led by Karunanidhi, the AIDMK led by Jayalalithaa, the Shiv Sena, formerly led by Bal Thackeray and now by his son Uddhav, the NCP led by Sharad Pawar, and the Bahujan Samaj Party led by the one and only Mayawati, who has emerged as one of the most dictatorial leaders, both in her party and as the head of a government, to mention a few examples. The word of these leaders is treated as a gospel truth in their respective parties. They are no more called party leaders now, but 'Supremos', another word for the supreme authority or 'dictator'. Who can defy them and remain in the party? So, all decisions in these parties are taken by the party Supremos and unquestionably and dutyfully obeyed by the followers in the name of party discipline. Obviously, no need is felt to discuss anything in the party. Other party functionaries, from the second position in the party to the lowest level, are nominated, not elected. No surprise then that 'durbars' are held at the residences of these modern avatars of the princely rulers of the former days and at parliamentary, assembly and municipal election times they are presented with gold and silver crowns and swords, certainly an expression of our centuries-old servile tendencies, another of 'an ugly relic of the past', if I may take the liberty of using the phrase by M.N. Roy here, which he used for the caste system, the most ugly of them all, in India. Except for the workers and supporters of these leaders and their parties, all these leaders constitute a hateful band in the eyes of the general public, so much so that the general public has developed apathy towards elections and more and more people have started not voting or boycotting the elections. Hence more and more people have started demanding for 'I do not wish to vote for any of these candidates' option to be available to them at the time of elections. The two main parties are the two faces of the same coin – different only in words, not deeds. The other major parties, too, are no different and support one or the other only to have a share in governance. The 'aam aadmi', the ordinary person, is not on the agenda of either of the two main formations, and in the absence of a third credible alternative he/she is obliged to vote for one of them or simply look the other way at the time of elections.

It is in such conditions that the Radical Humanists can play an important role in taking up the cause of the masses, educating them regarding their rights and helping them in organizing themselves to free them from the clutches of these leaders and their parties – in short, to bring about the social revolution for the transformation of the society into an egalitarian, free and humanist society, as M.N. Roy had advocated. At least a beginning can be made in this direction. Conditions are ripe for it now and it is not an impossible proposition. It is through their participation in this struggle that young people, who are equally fed up with the present system and are desirous for a change for the better, will become a part of the movement and it is they who will become the flag-bearers of the Radical Humanist movement tomorrow. We in Delhi have undertaken an experiment in this direction, as narrated below, and maybe with new ideas being incorporated into it, the model can be tried at other places with whatever number of Radical Humanists is available and willing to undertake this task before it is too late.

First of all, we adopted a cluster of unauthorized colonies, beginning with Prem Nagar, Nangloi in Delhi three years ago. It is inhabited by poor sections of society including Scheduled Castes and Muslims. There are all kinds of civic and administration related problems in the area including that of ration cards and kerosene oil, complete lack of medical and schooling facilities, the most serious

of them all being the non-availability of drinking water as the underground water has a heavy content of arsenic, and is completely unfit not only for drinking but even for bathing. Streets have not been built, there is waterlogging during the rainy season and there is no sewerage system in place. Whatever water is supplied in the area by Delhi Jal Board through truck laden tankers, is used as a political tool by the water mafia led by the local political leaders who own these tankers which are hired by the JLB, the supporters of these leaders getting a lion's share of the water. The water supply is not even regular and people are seen running after the tankers whenever they happen to appear. People have a hard time fighting to get their share of water at the distribution point. So, agitation for potable water was the first step we undertook. Meetings in groups of tens and twenties were organized and after covering a big area, a bigger meeting was held covering the entire area. Then a signature campaign was also started to submit a memorandum to the JLB and the Chief Minister of Delhi. Information through the Right to Information Act was sought on the items on which the Municipal Councilor, the MLA and the MP had claimed that their funds had been utilized.

Police atrocities on the people were another of the big problems faced by the people of the area. Policemen collected money from those who built a room or two on their piece of land and those who did not oblige willingly, or protested in any manner, faced their wrath by being implicated in fake cases. The local police allegedly killed one person, Hafiz Kamaluddin, who used to raise his voice in opposition to such moves and came to the rescue of police victims. This case of custodial death was enquired into on behalf of the People's Union for Civil Liberties, Delhi and the report was released at a meeting in the same area jointly by (Justice) Rajinder Sachar, retired Chief Justice of the Delhi High Court and former President of PUCL, and a sitting Rajya Sabha Member. Delhi PUCL also sent a copy of the report of the fact-finding committee to the National Human Rights Commission. The result was that a large number of people both from the Hindu and the Muslim communities joined the PUCL and started attending the meetings of the PUCL (as well as of the Jal Sangharsh Samiti, which was formed for carrying on the movement for water). A PUCL Unit was formed in the area which started intervening in cases of police harassment as well as those related with ration cards, school admissions, installation of electricity meters etc. In the case of Hafiz Kamaluddin's custodial death, the Delhi High Court, taking a *suo moto* cognizance of the matter, had started an enquiry on its own. PUCL-Delhi intervened in the matter and on behalf of PUCL-Delhi Sanjay Parikh, Senior Advocate, Supreme Court, agreed to shoulder the responsibility of representing the case on behalf of the victim. It reassured the victim's family, friends and sympathizers that justice would be done and the guilty policemen would be brought to book.

When replies to the queries filed under the RTI started pouring in, a need was felt to give a feed back to the public so that everybody could be informed about the false claims of spending public money in developmental tasks by the elected representatives of the people. It was also necessary to start educating the people about their rights and also to introduce the philosophy of Radical Humanism among them. Although some members had started subscribing to the PUCL-Bulletin and *The Radical Humanist*, yet their reach was not much as only a few English knowing people could read them. As such a meeting of the activists of the area was called and it was decided by consensus that a Hindi fortnightly paper named 'Pahla Kadam', meaning *the first step*, should be started. The registration process was started and soon an eight-page full size newspaper was started. The price of the newspaper was kept at only Rs. 2.00 per copy and the annual subscription at Rs. 50.00 so that more and more people could subscribe to it. It was planned that the paper would be sent to the members in groups of 25-50 through the area committee leaders. Thus started the people's own newspaper in their own language and the first issue of the paper was released by Sh. Kuldip Nayar, a senior journalist, on 26th June, 2008 at a meeting organized every year as Anti-Emergency Day Meeting by Delhi PUCL and the paper contained an article on Emergency by M.A. Rane, a leading Radical Humanist and Civil Liberties activist. And from the very first issue articles on M.N. Roy and his philosophy of Radical Humanism, V.M. Tarkunde, M.A. Rane and other

leaders of the Radical Humanist and civil liberties movement started appearing in the paper, and soon these were familiar names in the whole area. Hard-hitting articles were written against the non-tolerant activities of the communal outfits and the paper from the very beginning advocated the constitutional values of communal harmony, scientific temper, democratic practices, dignity of the human person and social cohesion and denounced intolerance, gender bias and caste based discrimination. The paper also published the replies received from authorities in response to the RTI applications and the civic problems faced by people of the area. Initially we started with 2000 copies. The response was so overwhelming that the number of copies had to be increased to 3000 from the second issue itself. Now information was reaching more and more people and more people started taking interest in the meetings and activities of the PUCL and the Radical Humanist Association.

In a meeting of the area committee activists a suggestion was made that the people of the area should field a candidate of their own at the forthcoming Delhi Legislative Assembly elections scheduled to be held on 29th November 2008. By now most of them were convinced that those nominated by the main political parties only served their own interests or the interests of their political parties. They did not care to alleviate the sufferings of the voters who elected them. So it was not a difficult decision to take, and a unanimous decision was taken to contest the election as an independent non-party candidate and Shiva Kant Gorakhpuri, who had been spearheading their struggle as President of the Jal Sangharsh Samiti and also President of the Prem Nagar unit of the PUCL was nominated as the People's Committee candidate on the lines suggested by M.N. Roy in his plan for a party-less democracy. It might be a small beginning, but it certainly was a landmark decision, as it is for the first time that an election is being contested in the country as per the People's Plan for a party-less democracy. Another unique feature of this election is that during the whole process neither has any outside help of any kind been sought nor given. I too, who had been frequenting the area very often, did not go there even once during the whole election process. Every resource for the election was gathered and managed locally.

Our experiment in Prem Nagar, Nangloi in Delhi has been a success whatever the outcome of the assembly election. The Indian Radical Humanist Association, Delhi State Branch has planned to extend its activities to other areas. The paper will also go to other areas along with our activities and at least two pages will be devoted to the local problems and local activities and struggles. Ideological content will remain the same in all the area wise editions of the paper. The same pattern of People's Local Area Committees will be followed in all the other areas too and in the next five years we would try to reach as many electoral constituencies as possible.

The model can be replicated elsewhere too. With a monthly subscription of Rs. 5-6 it should not be difficult to gather together one thousand people to start a local paper after working with them for quite some time. The paper can look after the need of the philosophical side of the movement, which would be followed on the ground level through the activities of the People's Local Area Committees. The most important thing to remember is that the civic and other problems of the people must remain central for the movement because ultimately it is the welfare and well being of the people, which is our aim. The disillusionment of people from the political parties and the whole political system can thus be channelized and turned into a Radical Humanist movement for the establishment of a democratic, humanist society. We know that we cannot change the system overnight. But we certainly can provide a reliable alternative. Only a beginning has to be made. And we have no reason to be afraid of failure, unless and until we actually fail.

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Questions Arising from the Mumbai Terrorist Attack

The terrorist attack of 26/11 on Mumbai by Pakistani terrorists, trained, abetted and supported by terrorist outfits based in Pakistan as well as by the Inter Services Intelligence (ISI) of Pakistan army, and connived at, if not directly supported by, even the civilian government of that country, has opened a Pandora's box of questions, answers to which must be found if we wish to avoid recurrence of a like event in future. The first and foremost question is whether our political class is really serious about ending terrorist attacks of all kinds and also whether it wishes to go about the job in a transparent manner and whether it really has the will to go a step or two forward in the right direction for ending this menace which takes a toll of innocent lives every time it occurs.

There has been a war cry from many quarters in India, some people talking of surgical strikes against the training camps of terrorists based across the border in Pakistan. Even our political masters have been saying that no option is closed – meaning thereby that the option of waging a war is very much open, though the Indian Foreign Minister has at times himself admitted that it is not possible for India to pursue terrorists and their supporters across the border. That, in any case, is absolutely true also. If America, with all its force, has not been able to pursue Osama-bin-Laden, the leader of Al-Quaeda and the perpetrator of the 9/11 attack on the World Trade towers in the US in spite of the heavy presence of its forces in Afghanistan and its precision attacks across the border in Pakistan, how can India hope to pursue the perpetrators of the Mumbai attacks successfully by exercising the military option? It can only result in the larger numbers of innocent people losing their lives on both sides of the border, besides causing an irreparable loss to the Indo-Pak relations, which in any case are at its lowest ebb now. The supporters of the nuclear weapons should also realize, now at least, that these weapons have not given an edge to our position over Pakistan unless we decide to use these weapons, and if used, they can only cause untold suffering and devastation on both sides, leaving neither of the two sides in a position to claim an edge over the other. War mongering and ever increasing weaponization are no solutions to any problem. They have only taken a heavy toll of the financial resources that could otherwise have been available for development and providing education and healthcare to the people, and generating opportunities for employment thereby reducing discontent and alienation among the masses.

Although in the long run India has been able to garner the support of many countries and succeeded in building a pressure on Pakistan to act against the perpetrators of the Mumbai attacks, its handling of the matter has not been appropriate. First, our Foreign Minister continued to claim from the beginning that they had provided the proofs of the involvement of Pakistani elements in the attack to Pakistan whereas Pakistan continuously denied having received any such proofs. But when after about a month of the attack on Mumbai the chief of the Interpol, Mr. Nobel, declared at a press conference in Pakistan that India had not given any such evidence to the government of Pakistan, or to Interpol, regarding the involvement of Pakistani citizens in the attack, the news was absolutely embarrassing and shocking. What had been given was a list of about 40 suspected terrorists and their supporters stationed in Pakistan and their extradition to India for trial had been demanded. It is only after about 45 days of the incident that a dossier has now been given to Pakistan, along with other countries; containing whatever evidence India wishes to share with Pakistan. But what was even more shocking is the fact that no representative of the media, which had been so active in exploiting the terrorist attack for hyping the war theme, ever questioned Mr. Pranab Mukherjee, the External Affairs Minister, even after the revelation by Mr. Nobel, about the evidence he had been claiming to have given to Pakistan, or asked to clarify the position on what Mr. Nobel had said in Pakistan. Not that Pakistan would have done much had the evidence been provided to it, but what is equally worrying is that we do not question our own politicians about the claims that they make, and blindly accept as gospel truth whatever they tell us. Pakistan stands exposed in the eyes of the world for being insincere in taking action against the terrorist outfits like the *Jamat-ud-Dawa* and

Lashkar-e-Toiba. But at the same time we must also learn to question if we wish to be sincere in our search for truth, if we have to effectively tackle such issues as terrorism.

It is because of our habit of not questioning that we easily accepted the argument by some sections of our politicians that an stringent law like the POTA is a must for effectively tackling the menace of terrorism and our Parliament passed a law like the Unlawful Activities Prevention Act (Amendment) 2008, unanimously and without much debate, which was even in its earlier avatars nothing but a replica of POTA, which was scrapped by the UPA Government immediately after coming to power as part of a public promise, in the wake of strong protests against the history of its misuse against the minorities, other marginalized sections of society, people struggling against social and political injustices, working for human rights, and against the known opponents of those in power. In the amended act only the provision of legal admissibility of a "confession" made in police custody is left out. But, a most bizarre and anti-legal provision to treat an accused as guilty till proved otherwise and not to be granted bail unless the court finds the accused prima facie innocent, has been added to it. This evidently runs counter to the recent Supreme Court directive that during a trial, granting of bail should be the norm, and rejection an exception. The basic presumption in law everywhere in the world is innocence of a person until proved guilty whereas this Act presumes a person guilty of such grave crimes as terrorism until he proves himself innocent if the police books him for such a crime, thereby shifting the onus of proving him guilty from the police to the victim of proving himself innocent.

We do not question our politicians and legislators why they thrust such dreadful laws upon us which almost always result in depriving the marginalized sections of our own society of their civil liberties and human rights and provide unlimited powers to the police to book even innocent people under stringent laws and keep them behind the bars for long periods of time, only to be released later by the courts for want of evidence which never existed, with stigmas attached to them which deprive them of their normal position in society ever after, and such stringent laws almost never succeed in tackling terrorists against whom they are supposed to be used. Why do we not ask our lawmakers and administrators about the statistics and the history of success or failure of such laws in the past before they proceed to enact one more of such anti-people laws? Of course, the law implementing agencies will always demand such laws to cover up their failure to investigate, arrest and prosecute the perpetrators of terrorist activities, and fascist politicians willingly succumb to such demands which empower them with additional legal authority to throttle the voices of dissent and dissatisfaction among the people. This results in the arrest and detention for long periods of innocent people like Dr. Bin yak Sen, the Vice-President of National PUCL and General Secretary of the State Branch of Chhattisgarh, who has been in jail for 18 months without bail, on concocted charges. The governments, in their arrogance of power, do not even heed the protesting voices of Nobel laureates, human rights activists and those in whose selfless service the Doctor has spent more than twenty-five long years working as a doctor.

Such laws are counterproductive in the long run and lead to greater dissatisfaction among the people, denial of democratic rights to the people, and impede scientific inquiry and economic growth of the country, thereby leading to obscurantism and religious fundamentalism and intolerance. Justice Markandey Katju, a Judge of the Supreme Court of India, writing in The Hindu, dated January, 2009 under the title ‘Importance of liberty & democracy in India’ observed: “To my mind, harsh and draconian laws will curb liberty. That will not only violate the right to liberty granted by Article 21 of the Constitution. It will also lead to great evils such as an increase in corruption in the police and other law enforcing agencies, which will have much more opportunity to extort money from the citizens, apart from impeding scientific and economic growth.”

Then there was a news report that perhaps the perpetrators of the crime in Mumbai had secured their safe landing through the sea route by bribing the coast guards and other law enforcing agencies who had taken them to be ordinary smugglers, which only proves that it is a standard

practice to allow smugglers into the country after taking hush money from them, not caring for the fact that these smugglers, most of them narcotics smugglers, cause a great damage to the country's economy and health of the youth, besides providing huge amounts of money to the D-company, which in turn pumps back this money for funding terrorist activities in the country. While it was an appreciable gesture of thankfulness to appreciate the Mumbai police for its brave handling of the Mumbai terrorists, it is surprising that nobody questioned the role of the same police in letting them in for money. The people of the country are with the administration for honouring those who made the supreme sacrifice while fighting the terrorists, they equally have the right to demand punishment to those who have been making money out of the whole bargain regardless of the danger they cause to the country. However, the media, which is supposed to be ever vigilant for the defence of democratic freedoms in its role as an important column of the democratic structure of our country, failed to question the administration and the police on behalf of the people.

Governments need to be reminded that voices of dissent and protests, whether non-violent or violent, arising from within the country can only be effectively controlled by addressing the problems of people through dialogue and not through use of brutal force. Sovereignty of the people has always to be respected and serious effort has to be made in a transparent manner to fulfill their aspirations. Democratic and secular character of our polity has to be maintained and affirmative action has to be taken to help the marginalized sections of our society so that these sections also enjoy the fruits of freedom and development in an equitable manner along with the advantaged sections of our society. It can only be achieved by ensuring the rule of law and not the rule of those entrusted, by the people, with the responsibility of governing the country on their behalf.

Justice Katju has rightly observed, in the above quoted article: "Crime and terrorism cannot be eliminated by draconian laws. They can be eliminated only by the abolition of poverty and unemployment, which are the main sources of crime. Only rapid industrialization can abolish poverty and unemployment, which will largely eliminate crime and terrorism."

So far as dealing with *jihadi* terrorists from across the border is concerned, we have first to put our own house in order; we have to plug the holes through which they sneak into the country. We also have to address the problems of those who give shelter to them or become accomplices in their crimes because they nurture a grudge against the rulers of the country as a result of having been victims of communal violence or hatred in the past. Diplomatic efforts and international pressures can achieve what wars cannot achieve, as they can only bring more suffering and destruction to innocent people in the countries at war in their wake. There are peace loving, conscientious and sane elements everywhere, which like to live a peaceful and dignified life themselves and wish the same kind of life for others. Such people would never like *jihadi* terrorists to invite war and suffering on their own people through their actions. An appeal to them to force their rulers to let them live in peace with dignity can be more effective than a nuclear weapon because the former will attack only the wrong doers from within, whereas the latter kills all, indiscriminately, as terrorists do in a terrorist attack. Fear of cut in economic aid by the U.S. under the new President, Barak Obama, has already started showing its effect on the rulers in Pakistan and action has been taken to close the headquarters of Jamat-ud-Dawa in Muridke. We have not reached the end of the road yet, and there is still hope. Let us hope that good sense will ultimately prevail, on both sides of course, and war will remain not one of the options but the last one, never really to be exercised, and an atmosphere of mutual cooperation for mutual well being will again start being built up.

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Justice Delayed Need not always be Justice Denied

Within about a month there have been two police encounters in Uttar Pradesh, the earlier one in NOIDA in which two-three persons were killed, and the latest one in Ghaziabad in which two alleged antisocial persons were shot dead. In the former case, the police fired about one hundred rounds, but only ten empty covers were found on the spot where the encounter allegedly took place. The encounter took place at a lonely place. In the latter case, which too took place at a lonely place, two of the four alleged anti-socials were shot dead and two disappeared nobody knows where. Not a single policeman was even remotely injured in the alleged exchange of fire that is said to have taken place in both the cases. And the alleged act of looting the passengers of a van on a busy highway by the four anti-socials in the latter case was not noticed by a single soul. And when the irate neighbours of the two killed young men set a police post on fire, damaged many vehicles and blocked a road alleging that the two had been picked from a market earlier in the day by the police, the authorities put an inspector and five constables under suspension and booked them on charges of murder. The mob fury subsided seeing that justice had begun to appear in sight, at least for the time being.

Hundreds of encounter deaths take place in the country every year and over the years this number has multiplied into thousands. Ask any layman and he will tell you that not more than a few hundred of these cases might have been those of actual encounters. Yet no policeman gets booked on charges of murder even after depriving others of their basic human right of life. Since no case is registered against any of them, no investigation takes place and no question of ever being punished by the court arises even in cases of fake encounters. The immunity from being booked under the law proves encouraging enough to further trample the law under feet. Out of turn promotions and bestowal of awards provide added incentives to become an outlaw to kill in the name of maintenance of law and order or in the name of self-defence. Innocent victims also tend to lose faith in law. This only tends to pave the way for a lawless society. But mere registration of an FIR against the policemen in such cases, as happened in the above-mentioned case, brings back faith in law. Hope of securing justice sooths afflicted hearts even though the dead ones cannot return by punishing the murderers and nothing can compensate for the loss of near and dear ones.

In a recent judgement dated 6th February, 2009 a five judge bench of the Andhra Pradesh High Court consisting of Justice Goda Raghuram, Justice V.V.S. Rao, Justice R. Subhash Reddy, Justice Ramesh Ranghanathan and Justice G. Bhavani Prasad in one such case, on Writ Petition No. 15419 of 2006 (and others) against encounter killings of eight Maoist Naxalites, including five women, on 23.7.2006 at Nallamala forest, Prakasam District of Andhra Pradesh, filed by Andhra Pradesh Civil Liberties Committee and others, including People's Union for Civil Liberties, ruled that the first information relating to the circumstances leading to every encounter death will be recorded and registered as FIR as 'on information conveyed of death(s) in a police encounter recording and registering of such information is a non-derogable executive obligation u/Sec. 154(1) Cr. P.C,' 'a process that structurally ensures judicial oversight, control and supervision, of the integrity of the investigatorial process', 'treating the information as one relating to commission of the cognisable offence of culpable homicide amounting to murder,' and that in such cases 'an investigation mandated by Section 157 Cr.P.C. must follow,' 'and if in such transaction involving exchange of fire between police officer(s) and civilian(s) there be death(s) of member(s) of law enforcement as well, separate FIRs must be registered – one in respect of death(s) of police personnel and the other relating to the death(s) of civilian(s).'

The Court also observed: "Life and liberty are basic human rights ensured to every person in every civilized society. Article 21 of the Constitution mandates that *No person shall be deprived of life or personal liberty except according to procedure established by law*. This constitutional injunction is to all persons accused of even a heinous or the gravest offence must under the law be charged and convicted by a judicial authority after a due process and infliction of the sanction of deprivation of

liberty or extinction of life (as the case may be) must be administered only on the basis of a judicial order.

"As the State does not claim nor suggest any special or extraordinary legislative authority, for employment of lethal force against a Maoist/extremist/naxalite and adopts the position that the deaths in police encounters are invariably as a consequence of the exercise of the right of private defense by police officers, it is mandatory that the governance process, including the recording, investigatorial and where warranted the charge and trial process must conform to the injunctions of Article 21, and the requirements of Articles 14 and 19 as well," (*Francis Coralie Mullin v. Union Territory Delhi, Administrator* (1981) 1 SCC 608), and countering the argument of lowering of the morale of the police in case of putting legal restrictions to regulate their functioning, the Court put a lid over the whole matter by observing that: "In any event the inexorable mandate of law cannot be sacrificed at the altar of expediency or to placate executive phobia of the legal processes." This would have given a hope of securing justice to the victims' families in future and provided solace to the 6000 families of those killed in fake encounters over the last four decades in Andhra Pradesh alone.

However, this hope was to be belied and shattered soon. On March 4, 2009 came a verdict of a three-judge Bench of Chief Justice K.G. Balakrishnan, Justice P. Sathasivam and Justice J.M. Panchal of the Supreme Court of India, on a Special Leave Petition (SLP) filed by the A.P. Police Officers Association, represented by senior counsel Harish Salve, staying the judgement of the A.P. High Court. Though this interim stay cannot be construed as denial of justice, yet nobody can deny that it will further delay the process and the hope of securing justice to the victims' families.

But, at the same time, it was also necessary that the matter got finally settled once and for all. The apex Court is already seized of the matter. Earlier PUCL had filed a writ petition in the Bombay High Court alleging that a large number of people had been killed in fake encounters in Maharashtra. The High Court dismissed the petition but issued guidelines to the police to be followed mandatorily in cases of police encounters. PUCL Bombay, represented by senior counsel and former President, PUCL-Delhi, Prashant Bhushan, filed a petition in the Supreme Court against the verdict of the High Court. Sh. Prashant Bhushan had suggested several guidelines including no out of turn promotion or award to the officers for their role in an encounter, entering of any intelligence or tip-off regarding criminal movements or activities pertaining to the commission of grave criminal offences in the case diary, and handing over of cases against the encounter party for investigation to some independent investigating agency such as the State CBCID, instead of the police officers belonging to the same police station. Expressing serious concern over the increasing incidents of encounter deaths in the country, the Supreme Court Bench consisting of Justice Dalveer Bhandari and Justice H.S. Bedi said that it proposed to frame guidelines to be followed by all the States and Union Territories whenever encounter deaths take place. That was in November 2008 only. The National Human Rights Commission had also suggested guidelines earlier, but they mostly remained on paper unimplemented by various State governments. Since the matter has come before the Supreme Court of India, which is the interpreter and custodian of the fundamental rights of the people, let us hope that justice has only got delayed through this inevitable exercise of writs and appeals, but it will not be denied to the people of the country. The right to equality before law and the rule of law will equally apply to the civilians and the uniformed personnel of the government.

(**Note**:In its judgement dated 6th February, 2009 on Writ Petition Nos. 15419 of 2006, 26358 of 1999, 7906 of 2000, 14475 of 2002, 440 of 2003 and 857 of 2008 against encounter deaths, filed by Andhra Prudish Civil Liberties Committee and others, a five judge bench of the Andhra Pradesh High Court consisting of Justice Goda Raghuram, Justice V.V.S. Rao, Justice R. Subhash Reddy, Justice Ramesh Ranghanathan and Justice G. Bhavani Prasad ruled that the *first information relating to the circumstances leading to every encounter death will be recorded and registered as FIR*)

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Interpreting the Verdict 2009

When the trends and results of parliamentary elections held between 13th of April and 13th of May 2009 in fiv e phases started pouring in many forecasts proved wrong and many hopes were belied. The only chance of L.K. Advani, to become the Prime Minister of the country was also lost when, even against the exit-poll estimates of the United Progressive Alliance (UPA) led by the Congress getting 202 seats and the National Democratic Alliance (NDA) led by the Bharatiya Janata Party (BJP) getting something like 197-198 seats, the UPA has got 263 seats as against the 159 of the NDA. (The UPA was able to put together a comfortable majority with support from 322 of the 543 elected members. External support was provided by the Bahujan Samaj Party (BSP), Samajwadi Party (SP), Janata Dal (Secular) (JD(S)), Rashtriya Janata Dal (RJD) and other minor parties.) The aspiration of the grand old man of Indian politics, L.K. Advani, to become the Prime Minister of the country has been rejected by the people of the country once and for all as he had expressed his desire to retire from electoral politics after the tenure of the 15th Lok Sabha. His slogan of 'Strong Leader (meaning himself as the next Prime Minister), Strong Government' has obviously been rejected by the people of the country. With fewer NDA allies this time, it is abybody's guess as to what he had pinned his hope of winning this election on. Even Atal Behari Vajpayee was as man of the *Hindutva* brigade, as he himself had declared on several occasions, yet he had carved out an image of not being a hard-liner what L.K. Advani has always been known to be. That is why he does not enjoy the acceptability that Vajpayee did, to some extent even outside the communal parties. By defeating and giving even Bharatiya Janata Party fewer seats than what they had in 2004, the people of the country as a whole have rejected the politics of communalism which people like L.K. Advani and Narendra Modi indulge in. it was because of their brand of politics that J. Jayalalitha of All India Anna Dravida Munnetra Kargama (AIADMK), Farrukh Abdullah of National Cljonference and Chandra Babu Naidu of Telugu Desham Party (YDP) had already deserted them. Naveen Patnaik of Biju Janata Dal (BJD) left them after the anti-Christian riots at Kandhmal in Orissa because of the role played by the activists of the Vishwa Hindu Parishad (VHP) and the Bajrang Dal in those riots. Nitish Kumar's Janata Dal (United) is obliged to cling to them because of the political compulsion of saving his government in Bihar, which enjoys a majority in the legislative assembly on the basis of the support of the BJP.

The question of criminals being kept out got attention:

Though this time also about 150 tainted people with criminal record have entered the national Parliament, as against 128 such people in the 14th Lok Sabha, a matter of satisfaction is that many people with well-known criminal record of extortion, murders, rapes, etc. who were present in the 14th Lok Sabha, have failed to find a place in the list of the elected Members of Parliament this time. It seems that the concerned campaign by a T.V. channel (News 24) against electing people with known criminal record caught the attention of the electors.

Vote for work, not tall claims:

Another significant trend noticed in this election is that a blind anti-incumbency factor has not worked against any State government and the political party that rules that State. Wherever the State governments have pursued some pro-people developmental policies, the people have rewarded their political parties in the election and punished those whom the people found to be guilty of pursuing anti-people policies. A significant example is the victory of JD (U) in Bihar where the performance of the Nitish Kumar government has come to be appreciated by all, except his avowed opponents like Lalu Prasad Yadav. Within a short period as the Chief Minister of the State, Nitish Kumar has earned a rare reputation. The people's demands like *bijli, sadak and pani (*electricity, roads and water) have been attended to and the law and order situation in the State has considerably improved. Unlike even in the national capital, women can venture out in Patna and elsewhere in the State after the sun-set without fear. A general confidence building among the people has taken place. No surprise that the people of the State have rewarded his party for good

governance with a good number of seats in Parliament. Likewise, Biju Janata Dal has won hands down both in the State Assembly election and the Lok Sabha election and the Congress has won both the elections in Andhra Pradesh.

Future of the opposition to highlight the failures of the government:

Although the UPA government led by the Congress had miserably failed in controlling the unprecedented rise in the prices of essential commodities, the opposition failed to focus that issue completely. The BJP's continued to raise the issue of terrorism, though it had itself failed on that front completely, and to harp on strong leadership to counter that menace and projecting L.K. Advani as a strong leader to do so, which did not impress the electorate. The people are so much engrossed in the problems they face in their daily lives that question of Civil Nuclear Deal and foreign policy do no cross their minds so much as the questions of price rise, unemployment health and medical care, education, electricity, roads, water, and housing do. Had the CPI (M) withdrawn support to the Man Mohan Singh government on these questions, and focused on them during the elections, the UPA would not have done as well as people's real concerns would have got highlighted and they would have voted on those issues even more than they have done now.

What failed the Left?

In the State of West Bengal the Communist Party of India (Marxist) in particular and the Left Front in general suffered huge losses, the worst in the last 30 years of their continuous rule in the State. The Left Front government and the parties that form part of it have had an excellent record on the anti-communal and land-reforms programme in the country. It gave the ruling parties a large following in the State. But the same government has still proved to be a complete failure in the eradication of poverty and unemployment, promotion of literacy and educational programmes (although the Left Front government led by the same parties in Kerala has topped the country in that programme), providing health and medical services, and providing *bijli, sadak and pani,* even after a continuous rule for 30 years. On the strength of the large cadres it gained, after its land-reforms programme initiated in the early years of its rule in West Bengal, the Left Front has been able to perpetuate its rule for 30 long years, a record of continuous governance in the country. It is no mystery to understand why the same parties failed to get seats miserably this time, though they have been winning election after election in spite of the entire opposition combining against them on many occasions in the past, except to the CPI (M) leadership and the Chief Minister, Buddhadeb Bhattacharjee.

The two greatest blunders the Left Front committed in recent times were the support to the UPA government at the centre in 2004, knowing well what kind of economic policies the Man Mohan Singh government was going to pursue, in the name of keeping the communal BJP led NDA from coming to power, and the forcible land acquisition in Singur and Nandigram in West Bengal. Had the support been limited to issues and not to the government as a whole, the government would hardly have run for five years, thereby depriving it of the claim of being capable of running a stable government. By declaring his unasked-for support to Sonia Gandhi for forming a government in 1998 in the name of blocking the formation of a government by communal forces, the then General Secretary of the CPI (M) Harkishan Singh Surjeet only paved the way for some Third Front partners like the Telugu Desham and the JD (U) join those forces in forming a government, and thereby strengthen those very forces he wanted to weaken. If the government had continued to be in power, it would have been only on the basis of people friendly policies which would have benefitted the people.

No more a people's party:

The CPI (M) leadership will find it difficult to attribute its electoral debacle in West Bengalto its wrong and anti-people policies than to attribute it to the electoral understanding between the Trinmool Congress led by Mamata Bannerjee and the Congress. In his strong desire to gain the title

of a developmental Chief Minister, like Chandra Babu Naidu did in Andhra Pradesh during his last tenure as the Chief Minister of the State, Chief Minister Buddhadeb Bhattacharjee pursued policy of forcible land acquisition from the farmers to give it to Tata and other capitalists to set up industry in the state. So far as the setting up of the industry is concerned, nobody should and would have opposed it as it would have given opportunities of employment to the unemployed there. However, the way the land was sought to be acquired made him look like the agent capitalists rather than a leader of a party which claimed to be the party of workers and peasants. The party had vehemently opposed such acquisitions in U.P., Orissa, Madhya Pradesh and elsewhere. This was opposed by the peasants in the affected areas of Singur and Nandigram; and the Trinmool Congress, which did not have any issue to oppose the government, got with it a people's issue to raise. Everybody except the CPI (M) knew what the result of this was going to be. The present writer had written as early as January 10, 2007 in a Hindi Weekly named *Rajdhani Halchal,* which came out from Delhi that his policies would bring down the Left citadel ultimately. Even some members of the party had become apprehensive of losing their ground amongst the people and the matter was raised in the meeting of the Central Committee of the Party held at Kolkata between January 2nd and 5th, 2007. It was then when nobody even had the faintest idea that the Trinmool Congress and the Congress would join hands against the Left Front in the 2009 election. Yet the worst was still to follow.

The matter worsened when bloody encounters took place at Nandigram between the farmers and the Trinmool Congress workers on the one hand and not the police, which stood as by-standers, but the CPI (M) workers on the other. People were killed, women raped (in one case a CPI (M) activist was convicted on rape charges), houses burnt, and this was done by the red brigade. Thousands were rendered homeless and ran to safer places. The task of maintaining the law and order which belonged to the state police was taken over by the party cadres, but not for maintaining it but for destroying it. There seemed to be a complicity of the State government in it, exactly like the one which was earlier witnessed in 2002 in the communal massacre of minority community members by the Vishwa Hindu Parishad and Bajrang Dal activists in Gujarat under the Narendra Modi government. So much so that even some Left Front partners had to threaten that they withdraw support from the government. What brought even more disrepute to the Left Front government was that members of civil society and well-known social activists, artists, film makers, poets and writers who went to visit the area to see for themselves what was happening there, were blocked from going there, threatened, insulted and even beaten up, again by party cadres, as these activists themselves told the media later, with the police standing by as mere on-lookers. Thus the events of Nandigram and Singur had sealed the fate of the CPI (M) in particular and the other Left Front partners in general, long ago. The arrogance of power shown by Buddhadeb Bhattacharjee and the other party leadership shown at that time is more responsible than anybody else for their debacle in the State. What is worse for them is that this only the beginning of their end in the State, now that the Trinmool Congress and the Congress have tasted the fruits of a joint campaign, and more than that, the people of the state have realized the power of their vote, after a long time, to bring down governments. It would require a Herculean effort to turn the tide in the other direction now that the people have become conscious of their ability to bring down citadels of power.

A general apathy towards the politicians:

Ever since 26/11 the people have shown a general hatred for politicians, which was even reflected during the electoral campaigns when people threw shoes, *chappals* and stones at politicians. Though the argument is given that even in highly educated countries the percentage of votes remains low, the fact remains that in this election the total percentage of votes polled by the two leading parties, the Congress and the BJP, is less than 50% and the ruling Congress has got only 29.6%. With that percentage of votes, if the Congress claims to have got a clear mandate of the people of the country to rule it, the claim cannot be morally justified though nobody questions their right to rule on the basis of the poll outcome. People have become weary of corrupt politicians

making false promises and not fulfilling them. They have become far more removed from people than they used to be in the early stages of our constitutional democracy. People do not perceive them as their own candidates. That is the reason that in some circles the idea of 'People's candidates', chosen by them not nominated by political parties, was mooted. Some residents' welfare societies talked this time of fielding their own candidates. This certainly is a positive move to teach the professional politicians a lesson and matches the suggestion of 'People's Committees and party-less democracy' given by M.N. Roy long ago which alone can bring about direct/grassroots democracy and fulfill the aspirations of the people which the politicians of all hues have so far failed to fulfill. A beginning can be made with the next state assembly elections or municipal corporation elections.

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Challenges before the New Government

The nation heaved a sigh of relief when, after a week of the initial swearing in of Dr. Man Mohan Singh as the Prime Minister and his 19 cabinet colleagues, at last the complete Council of Ministers took oath of office on 28th May, 2009. When the pre-poll alliance partners of the United Progressive Alliance (UPA) got 262 seats in the newly elected Lok Sabha in the May 2009 elections it became clear that the Bharatiya Janata Party (BJP) led alliance, the National Democratic Alliance (NDA), had been rejected by the voters and the Congress led alliance would form the new government at the center. It was clear that mustering the support of ten more MPs, to reach the simple majority mark of 272 in a house of 543 members, would not be difficult. But, given the history of our politicians to become ministers by whatever means they can, what must not have surprised everybody was that there was a scramble for getting ministerial births not only from within the ruling alliance partners but also from amongst those who had parted ways with the UPA during the elections in the hope of getting more seats to be able to bargain for more and plum ministries, meaning thereby ministries where the chances of making more money through corrupt means are the maximum, at the time of the formation of the new government whichever group (the Congress or the Third grouping led by the Leftists) got the chance of forming the government.

This time the inclusion of Ram Vilas Paswan was ruled out because he himself was defeated in the election and his party, the Lok Jan Shakti Party (LJP), was also wiped out. The inclusion of Lalu Prasad Yadav of Rashtriya Janata Dal (RJD) and Mulayam Singh Yadav of Samajvadi Party (SP) also seemed doubtful because both of them, along with Paswan, had formed a separate front before the elections and deserted the UPA, and the Congress seemed in no mood to burden itself with them in spite of the fact that both of them declared their support to the UPA immediately after the election results pointed out that the UPA was going to form the ministry. After the drubbing that Lalu Prasad got in the elections at the hands of Nitish Kumar, the Chief Minister of Bihar, whose party the Janata Dal United (JDU) and alliance got an overwhelming support of the voters in Bihar and almost wiped out the RJD led by Lalu Prasad, the latter also became irrelevant in the national politics. Mulayam Singh's SP also was reduced from 35 seats to 22 and his bargaining power was reduced considerably, particularly because his support was not needed by the Congress. Being marginalized in the national politics, after losing power in their respective states earlier, must have come as a great shock to them because both of them have become accustomed to being in power, except of course during the six years' rule of the NDA. Therefore, one could understand their unilateral and overenthusiastic support to the UPA, which was nothing more than a desperate attempt to get into the Council of Ministers and continue to enjoy the fruits of power. However, the Congress leadership was in no mood to oblige them, particularly given the facts that it had been able to attain the simple majority mark with the support of some independent and single/double member parties in parliament and did not need the support of these two leaders for attaining power, and secondly because it was already being pestered for ministerial births of their choice by the Nationalist Congress Party (NCP) led by Sharad Pawar and M. Karunanidhi of Dravid Munnetra Kazhgham (DMK) who wanted more seats to adjust all his family members/relatives in the ministry. The frustration of Mulayam Singh Yadav and Lalu Yadav was also evident when the Congress did not invite them to join the Cabinet, so much so that the former adopted an adversarial attitude while speaking on the motion of thanks to the President after her address to both the Houses of Parliament, and seemed on the side of the opposition and not on the side of the government even though he had submitted the letter of his party's support for the government to the President earlier.

In a party based Parliamentary democracy, all parties try to win elections and to come to power but, at least theoretically, to implement their party programmes based on some ideology, which are reflected in their election manifestoes, for the welfare of the people of the country who elect them. But not so in India as the experience of the parliamentary rule during the last sixty odd years shows.

Here elections are fought for gaining power and to make huge unaccounted money by indulging in unchecked corruption and stacking the black money thus made, 'earned' cannot be the correct term to describe such money, at the cost of the suffering and starving, hapless and houseless billions, in the Swiss banks or investing in business and immovable property. Otherwise how does one explain the fact that all politicians who have been in the ruling circles own crores and crores of Rupees and huge properties, though all of them begin their political careers from very humble positions? (Based on the affidavits filed at the time of nominations for the elections, two thirds of those who were included in the Council of Ministers this time are multi-millionaires or billionaires). If the amounts talked of during the elections, belonging to these politicians which are said to be stacked in the Swiss banks are anywhere near the actual figures, one can easily understand why the hard-toiling masses of the country are still forced to live below the poverty line in the state of hunger, poverty, illness and illiteracy. If such is the quantum of corruption at the highest level of power echelons in the country, there should be no surprise that the Central Bureau of Investigation (CBI) raids on the houses of high government officials on 11th and 12th June, 2009, as reported in the media, unearthed huge amounts of cash and properties. At the same time the allegations of a Sub-Inspector of Delhi Police, made against the Station House Officer of the Police Station where he is posted, in a communication to the Commissioner of Delhi Police on 12.6.2009, that Rs. Fifteen lakhs are charged for the posting of a beat officer, seems to be quite in line with what happens at the top. And, as he has alleged, this is not what happens in one Police Station only. It is true of all police officers in Delhi, as per his statement. There is no accountability so far as Ministers and politicians are concerned, and even the CBI, as the past experience shows, and as many Directors of the CBI have admitted the fact openly on the television, cannot be expected to investigate and unearth the unaccounted wealth of the Ministers and politicians because it functions merely as a government department following the diktats of the political bosses, opening and closing cases against the political opponents and supporters respectively, as per their desire.

Corruption has eaten into the very vitals of this country and is certainly the biggest hindrance in the socio-economic development of the country. The money that should be spent on facilities like hospitals, schools, electricity, roads etc. for the people of the country goes into the pockets of politicians and bureaucrats and then into foreign bank accounts. That is the reason why and how politicians are able to use money and muscle power to gain political power. Politics has become the most lucrative business in this country, the second best being *babadom*, where you make huge tax-free money. That is also the reason why every politician wants to promote every member of his family in this business of politics. As a result, the present parliament is full of mothers, sons, daughters, brothers, wives and relatives of present and past politicians. And that forces senior journalists like Ms. Neeraja Chaudhary to observe publicly that, the way things are developing, a time will come when this country will become the family property of and be ruled by 543 political families in the same manner as it was ruled by 500 odd princes not long ago, or the power will be shared by hardcore criminals who are increasingly taking to politics as their profession because it does not involve any risks which are involved in criminal activities like abduction, extortion, dacoity and murder. Nothing else can explain the presence of 150 criminals in the Lok Sabha after the 2009 elections whereas their number was 128 in the 14th Lok Sabha.

The new government has to realize that corruption in this country, and that too corruption at the top level, is the single biggest factor which leads to abrogation of the human rights of the people as it results in the denial of the minimum conditions necessary for living a dignified life as a human being to millions and millions of people in this country. Hence, that is the biggest challenge before the new government. Dr. Man Mohan Singh, who, fortunately, has a clean image, has to live up to the expectations and hopes the people have reposed in him while electing the new rulers. It is also a challenge because L.K. Advani, the leader of the opposition in the Lok Sabha, had raised the issue of money deposited in foreign banks during the election campaign. Corruption has never been an agenda before the governments in the past, which is why the menace has acquired gigantic

proportions. If the new government can do something to control it, it will be the single largest service to the people of the country. Every single person living in this country wishes Dr. Man Mohan Singh success on this front. Whether he will do anything, and whether he will succeed or fail, or whether it will remain a mere rhetoric to be adopted at the time of elections only as has been done by various parties in the past, only time will tell.

Another matter that has long been pending before the Parliament is the passage of women's reservation bill. The policy statement of the new government as reflected in the President's address to the Parliament showed that the government is going to give top priority to the bill. That is a positive sign. But again some leaders have started talking of reservation for minorities, Other Backward Communities (OBC) etc. within the reservation for women, it seems that a consensus will not be possible on the bill this time also. Our parliamentarians should understand that the country looks forward to the passage of the bill at the earliest. If the country has to move forward in the direction of inclusive politics and empowerment of women, the passage of the bill at the earliest is a must. Women have proved their abilities in all spheres of life and denial of political power to them is a discrimination, which cannot be tolerated for long now. In fact, that is one way of ensuring that politics becomes clean and corruption free, though nobody can deny the presence of some corrupt elements even amongst them. But these are exceptional cases. On the basis of that argument the 'better half', as women are called in all civilized societies, of the population cannot be kept out of the governance of the country. What seems surprising to me is that even the exponents of women's reservation, including the most vocal of women politicians like Brinda Karat and Sushma Swaraj, to name only a few of them, have never demanded 50 % reservation for women who constitute a little less than 50 % of the total population, thanks to the practice of feticide of the girl child even among the educated and affluent sections of our society. The principle of equality of sexes should be applied honestly and provision should be made for 50 %, (or a little less on the basis of their percentage in the total population of the country) and not a discriminatory 33 %, reservation of seats for women in the legislatures all over the country. All political parties are guilty of not giving them their due at the time of distribution of tickets for elections and organizational posts in the parties. The best thing will be that all political parties sit and reach a consensus on such an important issue, and if that is not possible, then to pass the bill first, and consider amending it later for better provisions.

The concept of a welfare state seems to have been forgotten, particularly after the Congress government led by P.V. Narsimha Rao started moving towards the policy of globalisation, privatization and liberalization in 1991. As a result the focus shifted from the welfare of the people to the welfare of the industrialists and businessmen. The government started shedding its responsibilities towards the people and handing over the fate of the people into private hands, for whom profit, and not welfare, is the main driving force. In the wake of these policies even government owned hospitals started charging money for tests and operations. The position today is that for a heart, kidney and cancer related disease the cost of treatment even in a government hospital comes to lakhs of Rupees, which is beyond the reach of even middle class people, not to say of the poor people of this country. With the entry of private players in the supply of water, electricity etc. the cost to a poor man has gone well beyond his means. Living conditions in the villages have not registered a significant improvement even after sixty years of independence. Even in the cities vast sections of our people are obliged to live in inhuman conditions. In fact, Part IV of our Constitution dealing with the Directive Principles of State Policy, which forms the major portion of the Economic, Social and Cultural rights of the people and requires affirmative action by the government, has become redundant. This results into denial of these human rights, which are indivisible and inseparable from the political and civil rights contained in Part III of the Constitution under the heading of Fundamental Rights, to the people who most need them because they are essential for living a life of dignity free from exploitation, hunger and poverty. The government needs to focus on these issues if its claims for the concerns of *aam adami,* the ordinary

person, have any reality in them. Unless and until medical services, water and education up to the age of 14 become absolutely free and food and houses come within the reach of everybody, these claims will remain mere claims, an election time slogan only. This can only be achieved by empowering the institutions of local governance, like the Panchayati Raj institutions, and providing them funds directly because the people manning them know better than anybody else what they need and how to meet those needs.

Another important challenge before the new government, in fact before the whole world, is the fight against terrorism, and communalism. They have to be fought with a determination. The fight against terrorism is the concern of every individual living in the country, whatever religion, region or language he or she belongs to. But our experience shows that whether it is fight against terrorism exported from across the border, or fight against naxalism or Maoism within the country, it is used as an argument for enacting draconian laws in the form of Prevention of Terrorism Act (POTA), Armed Forces Special Powers Act (AFSPA), Control of Organised Crimes Act, Special Security Act etc., which are almost always used for suppressing the voice of dissent by political parties in power, or against poor and helpless people even for petty crimes. They are also used by the police for preventing human rights activists from defending the rights of detainees before the filing of the charge sheets in the court of law because it is at this stage that most human rights violations take place in the police stations. Bad economic, social and political conditions lead to marginalization of some sections of society and they become a breeding ground for the sympathizers of terrorist activities. Without improving those conditions terrorism cannot be fought against effectively. It is also important for the government to understand that human rights activists believe in the rule of law and do the work, which, in fact, should be done by the government itself – making sure that the human rights of the people are not trodden under feet. Therefore they should not be viewed as adversaries of the law of the land. The government should ensure their safety and protection, for which it should initiate steps to develop a full-fledged jurisprudence as has also been demanded from the government and the *National Human Rights Commission* (NHRC) by the *People's Union for Civil Liberties* (PUCL) in a petition pending before it.

Unity and integrity of the country cannot be ensured without controlling the menace of communalism. In fact, the perpetrators of communal hatred, which results into communal violence, are the people who should be booked under the strictest laws, tried on day-to-day basis and brought to justice. They are the real enemies of the country, the people and the society, and pose a real danger to the unity and integrity of our society and country. The government should set up special task force, special courts and enact necessary laws to deal with them.

The winning of 262 seats in the Lok Sabha by the UPA as a whole was described by the media as 'majority' and 'simple majority' to 'overwhelming majority' and 'clear mandate', whereas we all know that in an election in which barely 50 % of the electorate voted (we are not taking into account crores of those voters whose names did not figure in the voters' lists), the total percentage of votes polled by the Congress and the BJP was nearly 50 %, out of which the share of the Congress party was about 7 % more than that of the BJP. Thus, those who gave the Congress this so-called 'clear mandate' to rule does not work out to more than 13 or 14 % of the total electorate of the country, and not a majority of the electorate. Out of those 50 % who did not come out to vote, there are many who are fed up with the promises made by politicians of all hues at the time of elections, which remain unfulfilled thereafter. This apathy of the people towards elections, and their antipathy and hatred for politicians can only be removed by a government that works and not by a government that only talks, a government that works for the welfare of the people and under whose rule even the poorest of the poor can hope to live a life of dignity. It may be a difficult goal but it cannot be put off for long now. The patience of the people has exhausted. They cannot wait for long now. The country has the resources to achieve these goals – natural resources, human power and the technical know-how. What lacks is the political will to do so, by rising above the narrow personal, family, regional, linguistic, religious, caste and political considerations. Without being

pessimistic at the very beginning of the term of the new government, let us see whether our new government, the politicians and the various political parties rise to the occasion and redeem the pledge taken at the time of the adoption of our Constitution "to secure to all its citizens: JUSTICE, social, economic and political; LIBERTY of thought, expression, belief, faith and worship; EQUALITY of status and of opportunity to promote among them all FRATERNITY assuring the dignity of the individual and the unity and integrity of the Nation," or not.

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National Human Rights Commission, Annual Report: 2004-2005

The National Human Rights Commission (NHRC), which was established on 12th October, 1993 under the legislative mandate of the Protection of Human Rights Act, 1993, released its twelfth annual report for 2004-05 signed by its Chairperson Justice (Retd.) A.S. Anand, and members Justice (Retd.) Shivraj V. Patil, Justice (Retd.) Y.Bhaskar Rao, R.S. Kalha and P.C. Sharma, covering the period April 1, 2004 to March 31, 2005, on 12th January, 2006. The annual reports of the Commission serve as an essential source of information on the human rights situation in the country.

As the report itself points out, in democratic societies fundamental human rights and freedoms are put under the guarantee of law and therefore, their protection becomes an obligation of those who are entrusted with the task of their protection. The rights are broadly classified into civil and political rights on the one hand and economic, social and cultural rights on the other. While the former are more in the nature of injunction against the authority of the State from encroaching upon the inalienable freedoms of an individual, the latter are demands on the State to provide positive conditions to capacitate the individual to exercise these civil and political rights. The object of both sets of rights is to make an individual an effective participant in the affairs of the society. Unless both sets of rights are available, neither full development of human personality can be achieved nor true democracy be said to exist.

The Commission's purview covers the complete range of civil and political, as well as economic, social ad cultural rights. Areas facing terrorism and insurgency, custodial death, rape and torture, reform of the police, prisons and other institutions such as juvenile homes, mental hospitals and shelters for women have been given adequate attention. The Commission has urged the provision of primary health facilities to ensure maternal and child welfare essential to a life with dignity, basic needs such as drinking water, food and nutrition, and highlighted fundamental questions of equity and justice to the less privileged, namely the Scheduled Castes and Scheduled Tribes and the prevention of atrocities perpetrated against them. Rights of the disabled, access to public services by disabled, displacement of population and especially of tribals by mega projects, food scarcity and allegations of death by starvation, rights of the child, rights of women subjected to violence, sexual harassment and discrimination, and rights of minorities, are rightly claimed to have been the focus of the Commission's action on numerous occasions.

Terrorism, Encounters, Custodial deaths and Disappearances

Terrorism poses a great threat to the life and liberties of people and in most cases of terrorist attacks the victims are innocent people. As such the menace of terrorism has to be fought resolutely and by all sections of society to defeat the objectives of terrorists. Human rights of people and the unity and integrity of the country have to be protected. At the same time it is equally important to ensure that the terrorists, whatever hue they belong to, are not able to harm the social fabric of society, vitiate communal harmony or disturb peace. Because of its multi-dimensional effects on society and individuals, it is too serious a matter to be left completely to the police and the security forces on the one hand and the politicians, who cannot free themselves from biases and communal leanings even in such serious matters because of the compulsions of vote-bank politics, on the other. Varied reactions of politicians on the recent incident of police encounter at Batla House at Jamia Nagar, New Delhi, in which two alleged terrorists responsible for the recent Delhi, Ahmedabad and Bangluru bomb blasts were gunned down by the Special Cell of the Delhi police and in which Mohan Chand Sharma, an inspector of Delhi police also sustained bullet injuries and later died in the hospital, and the incidents of rape, vandalism, killings of innocent Christians and burning of Churches and houses of Christians in the states of Orissa and Karnataka by activists of the Bajarang Dal, which amounted to nothing less than (religious) terrorism, are examples of how politicians continue to react keeping in view their electoral politics only. Civil society has to act as a vigilant watchdog if civil liberties and democracy have to be saved. It is necessary to fight

terrorism resolutely, at the same time taking care that innocent people do not suffer unnecessarily at the hands of the state machinery acting in a biased manner under the instructions of its political bosses or arbitrarily and in a reckless manner thereby misusing the powers given to it for protecting the life and liberties of people and maintenance of peace in society.

The Commission has rightly observed that the menace of terrorism has to be curbed and the war against terrorism has to be fought relentlessly but in doing so, no democratic society can be permitted to chill civil liberties of the citizens. In the fight against terrorism, sensitization level of human rights cannot be allowed to be sacrificed. A terrorist who violates human rights of innocent citizens must be punished but his human rights should not be infringed except in the manner permitted by law. A critical task of striking a fair balance by way of security concerns and human rights is to be performed and the need of proportionality must not be ignored. While fighting war against terrorism relentlessly, the State cannot be permitted to be either selective in its approach or to go over board and in effect declare a war on the civil liberties of people because the rationale of anti-terrorism measures is aimed at protecting human rights and democracy. Counter terrorism measures should, therefore, not undermine democratic values or subvert the rule of law. Keeping this in view, the Commission had recommended an inquiry into the case of five persons who were killed in Patribal by the security forces in the aftermath of the Chittisinghpora tragedy in the state of J & K, to look into the matter and to fix responsibility on the delinquent public servant for the wrong doing. A CBI enquiry was ultimately instituted to look into the matter. The result of the enquiry later proved that those killed were not terrorists but innocent people.

The report states that in the light of the revised guidelines issued by the Commission on 2nd December 2003, 122 intimations were received from the various State Governments about killings in encounters during the year 2004-05. In all these cases, the Commission sought reports through adoption of the procedure prescribed under the guidelines in carrying out investigation of these encounter killings for ascertaining the genuineness or otherwise of the encounters. The Commission disposed of 46 cases after considering the reports received from the State authorities.

Although the Commission recognizes the fact that terrorism and the counter measures taken by the State to meet this menace is a matter of great concern because systematic human rights violations for long periods of time are often the root cause of conflicts and terrorism; that tyranny and widespread neglect of human rights and denial of hope of better future provides a fertile ground for breeding discontentment and terrorism; that social, economic and political disparities in a large measure only provide fodder to this discontentment making the situation more acute and bringing in its fold more and more people; and that indiscriminately taken counter measures prove menacingly counter productive, yet the Commission has failed in some important cases to ensure that the matter reaches its logical conclusion.

Clarifying the legal position and the circumstances only under which the police could deprive a person of his right to life the Hon'ble Chairperson, Justice A.S. Anand in his letter dated December 2, 2003 to the Chief Ministers of the States observed:

"Death during the course of a police action is always a cause of concern to a civil society. It attracts criticism from all quarters like Media, the general public and the NGO sector. The police does not have a right to take away the life of a person. If, by his act, the policeman kills a person, he commits an offence of culpable homicide or not amounting to murder, unless it is established that such killing was not an offence under the law. Under the scheme of criminal law prevailing in India, it would not be an offence if the death is caused in exercise of right of private defence. Another provision under which the police officer can justify causing the death of a person, is section 46 of the Criminal Procedure Code. This provision authorizes the police to use reasonable force, even extending up to the causing of death, if found necessary to arrest the person accused of an offence punishable with death or imprisonment for life. Thus, it is evident that death caused in an encounter if not justified would amount to an offence of culpable homicide."

The modified procedure, among other things, as laid down by the NHRC with the letter to the Chief Ministers stated:

*"*D*. A Magisterial inquiry must invariably be held in all cases of death, which occur in the course of police action. The next of kin of the deceased must invariably be associated in such inquiry."*

These guidelines are rarely followed by the States. It is only after a lot of hue and cry is raised by people, road-blocks are erected, police stations are attacked and the matter is widely reported in the media that enquiries are conducted and in all such cases those claimed to be robbers and terrorists, and killed in encounters, turn out to be innocent people. It is only then that those police officials who are first presented as heroes of the law-protecting force turn out to be villains. What is worrisome is that governments refuse to order magisterial/judicial inquiries into the incidents of encounter deaths on the pretext that such inquiries demoralize the police force.

What is worse still is that the NHRC itself starts flouting its own guidelines, as happened in the much talked of Batla House encounter in New Delhi. In which an Inspector of Delhi Police and two young alleged terrorists were killed. In spite of such demand from various quarters, including some human rights organizations, which pointed out many loopholes in the police story, the government of Delhi did not agree for a magisterial inquiry on the same old pretext of the police force getting demoralized. Even the NHRC did not hold an independent inquiry into the incident and accepted as true the whole story as given by the police, and later the Delhi High Court, relying on the report of the NHRC, declined to intervene. It is absolutely inexplicable as to why the NHRC did not adhere to its own guidelines making it mandatory for the government to order a magisterial inquiry thereby putting its own credibility too at stake. Trying to find a reason for such inaction, quoting a report by ANHAD's Shabnam Hashmi, Humra Quraishi, writing in *Mainstream*, dated August 15, 2009 said:

"It was expected that in these circumstances the NHRC would conduct its own investigation into the matter. The report dated 20th July, 2009 of the NHRC given to the High Court on 22nd July, however, shows that far from conducting any investigation into the matter, the NHRC has merely relied upon the police reports for their report. They have not even examined or investigated the above questions which were squarely raised in the PUDR petition on which the High Court order was issued to the NHRC. They have not even examined Saif, the third boy picked up by the police from the flat, nor even any of the witnesses of the Batla House area who had deposed before the People's Tribunal. They have just swallowed the police version hook, line and sinker. And this is despite the fact that there has been no independant police investigation or even a magisterial enquiry into the encounter as mandated by the NHRC's own guidelines.

"It is extremely unfortunate that the premier human rights body set up to investigate human rights violations is becoming a rubber stamp for the police. The same attitude of the NHRC was evident when the Supreme Court asked the NHRC to investigate allegations of rape and murder against the Salwa Judum. The NHRC sent a team of essentially police officers who spoke mainly to the local police and other officials and gave a white- washing report.

"The time has come to seriously re-examine the manner of appointment of members of the NHRC and its powers. The present system of appointment by a committee of the Prime Minister, Home Minister, Speaker and Leader of the Opposition etc. is not working satisfactorily. All of them seem to want a toothless and tame body which will not question those in power.

"Since the NHRC report does not address or answer the disquieting questions raised by the several independent fact-finding reports about encounter, it is therefore essential that there be an investigation into the 'encounter' by an SIT appointed by the Delhi HIgh Court." This report has been signed by Shabnam Hashmi, Colin Gonsalves, Harsh Mander, Moushimi Basu, Prashant Bhushan, Anoop Saraya and several other leading activists and legal experts."

Transparency cannot be brought about in such matters without the involvement of human rights organizations, NGOs, independent persons as well as media persons in the inquiry in such cases.

The NHRC would fail in its mandate if it does not ensure observance of human rights norms by government agencies in such cases. The government should also realize that a demoralized and suspecting citizenry is even more dangerous than a demoralized police force and it ultimately leads to sympathy for terrorist/extremist outfits. Faithlessness in the law enforcing agencies also leads people to resort to street justice including beating and killing of suspected thieves/dacoits, beating of uniformed personnel and stoning/burning of police stations. Resorting to illegal and dubious methods by the law enforcing agencies is one of the biggest hurdles in the attainment of respect for law. It is because of the uniformed men indulging in more fake encounter cases than genuine ones that a five judge bench of the Hon'ble High Court of Andhra Pradesh in its judgment on W.P. No. 15419/2006 filed by the Andhra Pradesh Civil Liberties Committee (APCLC), People's Union for Civil Liberties (PUCL) and others, dated 6 February, 2009 ruled that in cases of encounter deaths even "a magisterial enquiry (inquest) (u/Ss. 174 to 176 Cr.P.C.) is neither a substitute nor an alternative to the obligation to record the information as FIR and to conduct investigation into the facts and circumstances of the case and if necessary to take measures for the discovery and arrest of the offender(s) (u/Ss. 154(1), 156 and 157 Cr.P.C.)," making it mandatory to record an FIR in all cases of encounters and to investigate the genuineness of the encounter, leading to the arrest of defaulting police officers.

The Supreme Court vide its order dated 31.1.2003 referred for further investigation the case of disappearance of Dambarudhar Hazarika after his alleged release from its custody by the army personnel. A spot investigation by a team of its officers was conducted by the NHRC. 'However, despite the best efforts by the team, the whereabouts of Dambarudhar could not be traced and he continued to be missing. The Commission informed the Apex Court accordingly.' The report does not mention specifically whether the NHRC team tried to ascertain if he was really released by the army personnel or it was merely an 'alleged release' as the report mentions and that it could have been a case of custodial death, and if so, what action the Commission proposed to be taken in the matter.

Vide another order dated 12.12.96 the Supreme Court referred the Punjab Mass Cremation Case relating to 2097 cremations of dead bodies by the Punjab Police in the Police Districts of Amritsar, Majitha and Taran Taran of District Amritsar as unidentified during the period 1984-94 for further investigation. Vide its proceedings dated 11.11.2004 the Commission awarded compensation @ Rs. 2.5 lakhs to the next of kin of each of the 110 deceased persons who were 'admittedly in the custody of Punjab Police at the time of their death.' Thus some justice was done by way of compensation in nearly 5 % of the total number of cases referred to the Commission. But what action the Commission took in the remaining 95 % cases who had surely been cremated by the Punjab Police and still were not 'admittedly in the custody of Punjab Police at the time of their death.' Did the Commission try to find out how those additional 1987 dead bodies fell into the hands of the police and from where? This is no secret that fewer people were shown as taken into custody by the Punjab Police during those days of extremism and terrorism and thousands of innocent people were directly killed in encounters or killed under their custody and shown as killed in encounters, and, worse still, neither shown as taken into custody nor shown as killed in encounters at all. Keeping that in view, as the Commission should have, what action the Commission took in the matter is not mentioned in the report.

The report also mentions that during his visit to Central Jail Ambala on 18.10.2003, the Chairperson, NHRC, came to know of the case of a mentally ill prisoner Jai Singh. It appeared that after his admission to jail in case FIR No. 28 dated 3.3.1976 u/s 302/34 IPC he was transferred to mental hospital, Amritsar on 9.5.1979. He was never produced in the trial court in the said case and continued as an under-trial prisoner for over 26 years. The matter was brought to the notice of the Hon'ble High Court of Punjab and Haryana and is under consideration of the High Court for appropriate action now. It is well known that people have remained in judicial custody even for longer periods of time, in one case for 54 years, without trial even prior to this case. Hundreds or

even thousands could still be languishing in jails for want of appropriate action, and no one knows for how long. Providing succor in stray cases is a good sign, but the Commission does not mention what institutional mechanism it proposes to be developed so that a time would come when the country could proudly boast that there was no unattended under-trial in any Indian jail languishing there for any act of omission or commission on the part of jail or judicial staff.

Foreign nationals kept in illegal custody in Detention Centres

The report mentions that acting on a complaint in 2003 from four Pakistani Nationals confined for more than one and a half months in Restricted Foreigners Camp Lampur, Delhi on release from Tihar Jail after undergoing imprisonment in connection with different cases under IPC and Foreigners Act for entry in India without valid documents alleging that no action had been taken by the authorities for their deportation to Pakistan, the Commission took up the matter and got them released and repatriated to Pakistan. However, when a team of the Delhi People's Union for Civil Liberties (PUCL) visited the Camp for a Fact-Finding Enquiry on the complaint of a Pakistani National named M.S. Khan detained there under similar circumstances, the team found that many foreigners are still detained there for periods ranging from six months to more than ten years. The team also met a Pakistani National detained there who had been brutally beaten up by the police there only a few days ago and a cut on his head had to be given many stitches. In spite of coming to know about such detentions it is inexplicable as to why the Commission did not send a team to the Camp to know the position of other foreigners detained there. Nor did it initiate any action to evolve a mechanism for monitoring the situation there on a periodic basis, as the report itself mentions, "Since appropriate relief, after intervention by the Commission had been granted to the four Pakistani Nationals, no further action by the Commission was considered necessary and the case was closed on 25.4.2005." If we are sensitive to the rights of our own nationals living abroad, we cannot be oblivious or insensitive to the human rights of foreign nationals living/detained in our own country.

Rights of the Disabled

Regarding the issue of the Rights of the Disabled the Commission itself is of the view that even after ten years of the enactment of the Disabilities Act the mechanisms responsible to evolve a disability policy have failed to do so and despite international and domestic action taken the physically and mentally challenged persons in our country continue to face several obstacles in leading their life with dignity. A questionnaire, circulated by the Commission to various government departments and States and Union Territories to ascertain the number of schemes and affirmative action programmes introduced by them to guarantee right to health, housing, assistive devices, education, vocational training, employment and social security benefits did not get the deserved responses and 'it was difficult to draw any authoritative conclusion, as they were generally evasive, hiding more than revealing.' The States have been attributing their failure to implement the provisions of the Disabilities Act. 1995 to lack of economic capacity, an alibi put forth by all governments against implementation of all social welfare programmes, thereby continuing, in this case, the exclusion and marginalization of the persons with disabilities.

Right to Food

The Commission conducted many hearings on Starvation Death Petition between September 1997 and April 2004, and recommended several long and short term measures in 1998 and 2003, notable among the short term measures being Emergency Feeding Programmes and Old Age pensions and among the long term measures Employment Generation and Land Reform. A meeting on the 'Right to Food' was also held in January 2004. From among the nine issues that emerged from the meeting of the Core Group on the 'Right to Food', which was constituted under the Chairmanship of the Hon'ble Chairperson, some work was initiated only on the last part of the fourth one which stated: "Purchasing power of the rural people could be increased by rationalizing employment generation

programs, increase in minimum wages and taking up food-for-work programs," through the implementation of the National Rural Employment Guarantee Act. However, because of the unprecedented hike in the prices of food-grains and other essential commodities during the last four-five years, almost complete dislocation of the Public Distribution System in most parts of the country and mismanagement and high degree of corruption in the implementation of NREGA, it is highly doubtful whether the purchasing power of the rural poor and availability of food to them has made any improvement or deteriorated further, making realization of the 'Right to Food' a distant dream. A survey conducted in 2006-07, when the NREGA was in force in just 200 districts, at the behest of the Planning Commission, the Institute of Applied Manpower Research (IAMR) conducted a survey of 6,000 beneficiaries from across 20 districts across the country in a bid to evaluate the implementation of the scheme right from the stage of issue of job cards, besides studying its impact on arresting migration and on the quality of life of the households, revealed that it has been able to lift the standard of living of at least some of its beneficiaries living below the poverty line, as reported in *The Hindu* dated September 6, 2009. However, another report in the same paper paints a grim picture of the scheme in several districts of Bundelkhand, Madhya Pradesh where Bootha Ahirwar, a farmer from Majhora in the Bakswaha block said: "*Rozgaar guarantee mein kyun kaam karein?* (Why should we work under the scheme?). We have to pay bribes, face intimidation and still wages are never paid on time." Besides, there are reports from Bundelkhand, U.P. where poverty and starvation is forcing people to sell their wives and daughters. The only conclusion one can draw on the basis of the IAMR report is that programmes like the NREGA can be helpful in the direction of providing food security to the poor, whereas the Bundelkhand reports show how utterly they have failed in the absence of independent monitoring system, resulting only in increased corruption and wastage of public funds.

Right to Health

The Commission recognizes the 'Right to Health' as enshrined under Article 25 of the Universal Declaration of Human Rights (UDHR): "Everyone has a right to standard of living, adequate for the health and well being of himself and of his family including food., clothing, housing and medical care and right to security in the event of sickness and disability," and Article 12 of the International Covenant of Economic, Social and Cultural Rights (ICESCR): "The right of everyone to the enjoyment of highest attainable standard of physical and mental health." On the other hand the Commission is also aware of 'shortcomings in the present health care system', in the emergency medical care as well as normal medical care.

In this regard the Commission organized public hearings, suggested measures and advised setting up of various mechanisms for monitoring. However, as the government has been shedding more and more of its social responsibilities into the hands of private players thereby removing the tag of a 'welfare state', health care of the people has been becoming more and more costly and day-by-day it has been going out of the reach not only of the poor but also of the middle class people. Primary Health Centres have neither medicines nor competent doctors forcing people to run to the big hospitals in the metropolitan cities, which too fail to cater to the large number of patients. As a result even seriously ill patients are advised to go elsewhere, meaning thereby private hospitals, and most of them who are unable to afford the expenses to go to the big cities again and again and the high cost of medicines are left to the mercy either of cheap, unqualified quacks or abandon themselves and their loved ones at the mercy of nature and destiny, only to be deprived of their right to life in many cases.

So long as the government does not focus on the establishment of a welfare state, as mandated by the Directive Principles of State Policy enshrined in the Constitution of India, and assume total responsibility of the health care of its people in a big way, mere hearings and setting up of committees, core groups etc. will remain only cosmetic measures. The Commission has not even touched upon this mandatory aspect of the responsibility of the State in its report.

Rights of Women and Children

The report gives an account of various measures initiated by it for stopping trafficking in women and children for commercial sexual exploitation and for the abolition of bonded labour, including employment of children of tender age not only in shops, homes and even hazardous industries. However, the ground reality is that not much success has been achieved in these fields in spite of various laws enacted by the government. A sustained social awareness campaign followed by action and continuous monitoring with the help and active involvement of social activists, NGOs, media persons, elected representatives and police officers needs to be initiated and strengthened. What is even more important is that poverty alleviation and social security measures are undertaken in a big way.

Enactment of laws like the Domestic Violence Act 2005, measures taken for prevention of sexual harassment of women at work place and initiation of efforts by the Commission for the preparation of a Judicial Handbook on Combating Trafficking of Women and Children for Commercial Sexual Exploitation, in consultation with the representatives of the Department of Women and Child Development, Ministry of Home Affairs, National Commission for Women, UNICEF, UNIFEM, Lawyers' Collective and the Joint Women's Programme, '*to sensitize the judicial officers to the overall issue of trafficking and to realize how women and children experience the process of law relating to trafficking and the functioning of related support services so as the enable them to proactively safeguard the rights of victimised women and children through sensitive interpretation of the law*', have strengthened the position of women but so long as they do not get partnership in governance through measures like reservation in legislatures across the country exploitation of women cannot be stopped. A lot will also depend on the implementation of the long awaited and now passed Right to Free and Compulsory Education Act, which will go a long way in empowering women and protecting the rights of children, provided it is implemented sincerely and honestly.

Human Rights of Scheduled Castes

The Commission recognizes that "Despite elaborate provisions in the Constitution and other laws, it is an unfortunate reality that social injustice and exploitation of Scheduled Castes and Scheduled Tribes and other weaker sections persist. There are reports in the press about atrocities against persons belonging to these groups and the frequency with which they occur is a cause for disquiet." As such Sh. K.B. Saxena, a senior retired civil servant, was requested to look into this issue. Based on his report the Commission asked the States, among other things, 'to identify atrocity and untouchability prone areas and prepare a plan of action; give elementary legal training along with sessions on confidence building to self-help groups of Scheduled Caste women and to identify an NGO in each district which can be approached in case of custodial violence or any other atrocity.' The Commission also states that it 'proposes to closely monitor the implementation of these recommendations in the coming years.'

The States have not paid any heed to them and things and the situation remain as grim as they had been at the time when this report was released. What kind of 'monitoring of the implementation of these recommendations' has been done by the Commission, remains to be disclosed.

Human Rights Education in India

The Commission recognizes the importance of human rights education in the country. Though awareness about human rights has increased in the country, it has remained mostly confined to big cities only and that too because of the efforts of NGOs working in the field of human rights. There has hardly been any effort to start human rights courses at secondary and undergraduate levels by the government in the country. Government agencies, especially those connected with the maintenance of law and order, not only look down upon human rights activists but also project them as anti-national elements working for the protection of Naxals/Maoists and terrorists. This is also the case with the governments run by those political parties, which perceive members of the

minority communities as anti-nationals and sympathizers of terrorists only because of their religious affinity. This attitude of governments and government agencies is the reason why even prominent human rights activists like Dr. Binayak Sen, whose services for the cause of human rights of the poor and vulnerable sections of society are recognized internationally, are incarcerated for years on purely concocted charges and hundreds of such activists are threatened, intimidated and even killed by police. Unless such activists get the place they deserve in society, an atmosphere conducive for the protection and promotion of human rights cannot be created in the country. Here they have to cry for their protection. That is the reason why People's Union for Civil Liberties (PUCL) has filed a Petition with the NHRC for initiating steps to develop appropriate jurisprudence for the protection of the human rights of the Human Rights Defenders.

Studies and Recommendation

The Commission has launched several studies in various fields of human rights violations and one can only hope that action based on the reports of these studies will improve the situation in the country. The Commission has also recommended ratification of various international instruments and protocols so that they become binding on the State under the International Law. Various annexure and charts given in the report help a reader to have an overview of the human rights situation in the country and the steps taken by the Commission.

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In Jail without Trial

India has a democratic Constitution and Fundamental Rights of the people enshrined in it form an integral part of it. They contain the Human Rights of individuals as well as of groups of people, known as religious and cultural rights, in conformity with the Universal Declaration of Human Rights (UDHR) made by the United Nations on December 10, 1948 and the two Covenants on Civil and Political Rights and the other on Economic, Social and Cultural Rights passed by the UN and signed and ratified by most of the member States. The Supreme Court of India is the custodian of the rights granted under the Constitution.

Thus, as per the Constitutional scheme, India is a country where people enjoy all kinds of rights and civil liberties and the country is governed by the rule of law, meaning thereby that an individual's liberties cannot be abridged except in accordance with the procedure established by law. This presents a golden picture of the human rights scenario in the country but, unfortunately, only thus far. When it comes to the ground reality, the situation turns ugly. And we are not as yet talking of the Economic and Social Rights as enshrined in Part IV of the Constitution under the title 'Directive Principles of the State Policy', which were not made enforceable through the Courts by the founding fathers of the Constitution, and their implementation was left at the mercy of the State, though they are supposed to be fundamental in the governance of the country.

Some time ago a man named Om Prakash was released from the Mainpuri jail in U.P. after the intervention of the court after 37 years of imprisonment without any trial. He was arrested on charges of murder. His father, in order to save his young son from the arrest (Om Prakash was less than 20 years old at the time of his arrest), took upon himself the responsibility of the crime and confessed to having committed the murder. But both were arrested and the father died in the jail after a few years. Had the trial taken place and Om Prakash even proved guilty of murder and awarded the maximum punishment of life imprisonment, he would have come out of jail a quarter of a century ago. But during the 37 years he was in jail the trial did not even begin. The trial could not take place because the police could not trace the papers of the case. And for this serious lapse on the part of the police, no action was taken against any police official. However, Om Prakash languished in jail without trial for 37 long years and came out of jail as an insane person because his long confinement had turned him insane long ago, and at the time of his release he did not know who he was. Of course, there is no question of his recognizing his 80 years old mother, who was still happy to receive back her son in whatever condition he was at that time, a victim of gross state negligence pure and simple.

Raja Ram, aged 70, who spent 35 years in Faizabad jail and Varanasi mental hospital without being proved guilty was freed earlier on a personal bond. But his freedom was short-lived, as he could not trace his home in Torabganj in Gonda district. The SI of the Torabganj police station said that his village did not exist. His village was not on the map of the area. The Police Inspector said that Raja Ram could not locate his house. How could he, after 35 years' absence from his house and that too coming back in an insane state of mind? One can be reasonably sure that even Raja Ram did not know why he was sent to jail? What crime had he committed? He told a newspaperman, "I am not a thief. The real thief ran away and the police arrested me," as reported in a newspaper.

In yet another case reported in the same newspaper – 70-year-old Jagjivan Ram languished in prison without trial for 36 years because his records were missing and in the absence of necessary records his trial could not begin.

These few instances indicate that if there were thorough investigation across the country in different jails, there would be many more under-trial prisoners languishing in jails without being convicted.

In a different case pertaining to foreigners, 17 Pakistanis, who were found guilty of various crimes by the Courts, including that of entering the country without valid documents, were sentenced to

imprisonment for various terms. They were in jail during the trial period because they could not be granted bail for obvious reasons. So far so good. But after the completion of their jail terms they should have been deported to Pakistan within a reasonable time. However, there were some who were awarded only six months of imprisonment by the Court, and yet they were kept in the Restricted Foreigners' Detention Camp, Lampur, Delhi without the sanction of the law and in gross violation of their human rights for periods ranging from one year to more than four years even after they had completed the awarded jail term. The plea of the Central Government in such cases that 'these prisoners could be released only in return for an equal number of Indian prisoners languishing in Pakistani jails' was rejected by a bench of the Supreme Court of India, consisting of Justices Markandey Katju and R.M. Lodha on March 9, 2010, and they were ordered to be deported within two months. 14 of the 17 Pakistanis detained in the Camp were deported to Pakistan on 25th March 2010. But nobody was held responsible for their grossly illegal over-detention in the country and of course there is no provision for compensation in such cases.

There were still 12 Africans detained at the Lampur Camp and Nari Niketan, Hari Nagar, Delhi who were caught on various charges and had spent between 4 to 8 years in jail during the trial period, and were ultimately declared 'not guilty' by the Courts. However, instead of being deported to their respective countries, they were also dumped in the Detention Camp. Their freedom could be secured only after the intervention of the People's Union for Civil Liberties, Delhi which highlighted their illegal detention through the newspapers and the orders of the Delhi High Court which followed.

It is nobody's case that the police should abdicate its duty to catch and prosecute law-breakers and criminals. It has, however, been noticed that even in cases of abduction and extra judicial killings the guilty police officers go scot-free and even the most innocent victims suffer for the acts of omission and commission of the police. There should be proper, accurate and scientific investigation and gathering of actual evidence, not concocted one, to sustain the case before the trial Court. However, what is most essential to make justice administration system transparent and corruption free is to devise a system of accountability wherein the prosecuting officers should be held responsible for causing unnecessary and illegal detention of the accused, and punished, and the detainees should be adequately compensated for the physical, emotional and social loss caused to them and their families, including the cost of litigation which is also exorbitant and pushes access to the courts of justice out of the reach of most of our poverty stricken population, though no compensation can really compensate for the loss of their liberty and separation from their families and the resultant suffering caused to them. Mere cosmetic police and judicial reforms cannot cure our decayed justice administration system. It is high time that our legislators and the Courts, which are the guardians of the Fundamental Rights granted by our Constitution, considered these issues and took decisive and drastic action to ensure the un-encroached enjoyment of Human Rights of all individuals in accordance with the spirit of the Constitution and the UDHR. The National Human Rights Commission (NHRC) should also keep a regular watch and ensure that under-trials do not remain in jails on account of unnecessary delay in beginning the process of trials. It is the millions of common men and women whose liberties have to be sincerely and judiciously protected to ensure a just and democratic society through speedy and fair justice administration system. Protection of the Civil Liberties of the people is too serious and sacrosanct a matter to be left at the mercy and whims of the police and the prosecution's failure to begin the trial before a court of law.

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Fighting Naxalism the Democratic Way

Since the biggest incident of massacre of 76 CRPF personnel by the Maoists at Dantewada, Chhatisgarh on April 6, 2010 heated debates have been taking place in the media about how to tackle the menace of Naxalite/Maoist violence in the country. In these debates, which take place on almost all channels of the electronic media, spokespersons of the major political parties, retired military and police officers appearing on these channels as defence experts and T.V. anchors always end up holding the commanders of these para-military forces and the Central and State governments responsible for the strategic loopholes in the planning, training and equipment of these forces for such disasters. They also put the responsibility of these killings squarely on the Naxalites/Maoists, sometimes touching upon the lack of development in the tribal areas also as being responsible. These speakers are also vocal in denouncing killings by Maoists and almost always shun discussing incidents of killing, rape, torture and burning the houses of tribals by the personnel of para-military forces. This turns the whole discussion one sided, as a result of which the only solution which appears in sight to end the menace seems better equipment and facilities to the personnel and a greater political will on the part of the government to decimate the Maoists through brutal armed force.

Members of the civil society who get loud applause from informed gatherings in various hall meetings end up making fools of themselves before the studio audience even when they are invited to these discussions. In fact they are called there to be befooled by proving their arguments lame in comparison with those clamouring for even more powerful offensive against the Maoists by the security forces. But the question is who is to blame for this. How do these intellectuals and academics fail to seem convincing? Or, are all of them supporters of Maoists as is alleged on the floor of the studio? Yes, if the impression gathered at these studio discussions is any yardstick. And they themselves are to blame for this situation because they do not denounce Maoist violence in unequivocal terms, however brutal it might be, while criticising violence perpetrated by the para-military forces. It is only by criticising violence by both sides that they can gain acceptability of the young audience and highlight the woes of the tribal people and emphasise their right to development. When anchors ask them the uncomfortable question on whose side they are – on the side of the government and the security forces or on the side of the Maoists? – they fail to make the point that they are not on the side of either of them but on the side of the poor and deprived tribals living in the conflict affected areas and that if the Maoists support the cause of the tribals, they cannot stop these Maoists from doing so, and also that being on the same side of the fence as the Maoists in this case does not necessarily make them Maoist's supporters.

There should be no difficulty for the so-called Gandhians, and other votaries of democratic values, in criticising Maoist violence in clear terms because it cannot be denied that even amongst the Maoists there are sections, which are engaged in abductions, extortions and killing of those whom they perceive as police informers, and such people are also poor tribals. There is no denying the fact that many of them, or maybe most of them, have been pushed to the wall and forced into taking up arms against the State due to gross State negligence resulting in deprivation, hunger and starvation, police brutality and injustice, rape, burning of their houses for eviction of their land to be handed over to the Multi National Corporations etc., (though there might as well be hard core Naxals fighting in favour of their political ideology). In fact a high power committee set up by the Planning Commission in 2006 also blamed people's discontent and failure of governance as the cause of growing Naxalism. Otherwise the ranks of the Maoists would not have swelled menacingly to spread in areas of 250 districts of 23 states only within the last few years since when government sponsored land-grabbing exercise for the benefit of MNCs, and not for 'public purpose', has started or intensified, not for the development of these tribals but for the profit of the MNCs. Otherwise what can explain the displacement of 3.5 lakh people from 700 villages of Dantewada district alone which have been burnt by the security forces and the

volunteers of Salva Judum, a self-styled private army of goondas set up by the State government against which even the Supreme Court has made critical remarks. And, of course, the political bosses have a clear stake in all this as was exemplified by the discovery of more than Rs. 4,000 crores of unaccounted for money discovered from Madhu Koda, the former Chief Minister of Jharkhand, which is known for its mineral wealth, and everybody standing in the way of its loot by these political bosses, whether tribal or Maoist, is their sworn enemy and their governments, though harping on the cord of development which has remained only on paper all these years, would use any amount of force to displace and decimate him/her branding him/her as anti-national and Maoist because just by hanging that tag around anybody's neck, like the albatross, the security forces assume the right to torture and kill innocent people with impunity. The arrest and incarceration of Binayak Sen for more than two years on purely concocted charges of being a Maoist sympathiser is a point in question. How can the government explain the running away of 1200 terrified residents of Mukram village of Dantewada (immediately after the incident fearing a backlash by the CRPF), which is located only a few kilometres away from the site of the April 6 killings, into the forest for their safety except the history of brutalities, rape and killing of innocent people by the police and the para-military forces operating in the area? And if one is to believe, as the government would have us believe, as reflected in its actions, that all tribals have turned into Maoists or their sympathisers, then one can only conclude that the government has already lost the war against the Maoists because if people lose faith in the government which is entrusted with the safety of their life and property and run for safety from the government agencies to the people who oppose it, the government loses the right to govern.

Though nobody can certify the political leanings of members of the civil society, what can safely be claimed on their behalf is that all of them without exception are citizens who are concerned about the economic, social and cultural rights of the marginalized sections of our society, whether it is people belonging to minorities, scheduled castes or scheduled tribes. They know these people and their condition better than their co-speakers/panellists participating in TV discussions because they work on the grassroot level amongst these people for their welfare. Their model of development begins with the empowerment of the most deprived sections of our society, which, according to them, becomes strong and healthy only when every constituent individual of this society becomes healthy and strong in all respects, unlike the government model in which it is the big industrialists, politicians and bureaucrats who must first become rich and it is only afterwards that the benefits of development would percolate down to these people, the real owners of the land, mineral resources and natural wealth. Till that time comes, they must be banished from the land and resources, even if they do not remain alive for seeing the day when they would start getting the benefits of development. I wonder why the TV anchors do not ask the panellists whether they are on the side of these tribals or on the side of the MNCs and the government which want to deprive them of their only source of living, their land, which is the real and only cause of the government action in these areas.

Those intellectuals, if there are any, who harbour the imaginary notion that some day the Naxalites/Maoists will throw out the modern State with the force of arms and will establish a truly democratic State, should understand that it is not possible to overthrow a State defended by a modern and well-equipped army and secondly, and even more important, that the government established after such an overthrow is bound to be a dictatorial government led by a group of dictators, not a democratic State with equal rights to every person because no dictator can afford to give the right to dissent to any citizen. Even an imaginary situation like that can be detrimental to whatever democratic space exists today even in this sham democracy of ours. A philosophical and social movement against the forces of exploitation can be launched for educating the masses about protecting their rights within the framework of our Constitutional system. Let us not underrate the understanding and power of these people to throw out governments by pressing just one fingertip, not at the trigger of the gun but at the Electronic

Voting Machine. They have done it in the past and they have the capability of doing it at any time in future. Only you have to have faith in their power to do so. A bloodless revolution may be more difficult to bring about, but it has the potential of being translated into reality – at least more than the armed revolution.

So the intellectual class should have no hesitation in condemning violence, whether indulged into by the Naxalites/Maoists or by the State. And if the Government is really serious about ending this menace, first it should announce on the floor of the Lok Sabha an end to the policy of forcible acquisition of land. Then it should undertake a comprehensive programme of implementing the provisions of Part IV of our Constitution entitled 'Directive Principles of the State Policy' in right earnest, particularly in these tribal areas so that these people can live an honourable life at the place which belongs to them. The Maoists then will get no sympathisers. It is only after that that the Government will be justified in launching an operation like the 'Operation Green Hunt' if anybody lifts arms against the State. Till then the butchery indulged into by the State as well as the Maoists must stop because every bullet, whether fired by the security forces or the Maoists, brings down a poor man who could otherwise contribute to the development of the country with his hard work.

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Our Criminal Justice Administration System Needs Drastic Changes

India has a democratic Constitution and Fundamental Rights of the people enshrined in it form an integral part of it. They contain the Human Rights of individuals as well as of groups of people, known as religious and cultural rights, in conformity with the Universal Declaration of Human Rights (UDHR) made by the United Nations on December 10, 1948 and the two Covenants on Civil and Political and the other on Economic, Social and Cultural Rights passed by the UN and signed and ratified by most of the member States. The Supreme Court of India is the custodian of the rights granted under the Constitution.

Thus, as per the Constitutional scheme, India is a country where people enjoy all kinds of rights and civil liberties and the country is governed by the rule of law, meaning thereby hat an individual's liberties cannot be abridged except in accordance with the procedure established by law. This presents a golden picture of the human rights scenario in the country but, unfortunately, only thus far. When it comes to the ground reality, the situation turns ugly. And we are not as yet talking of the Economic and social Rights as enshrined in Part IVof the Constitution under the title 'Directive Principles of the State Policy', which were not made enforceable through the Courts by the founding fathers of the Constitution, and their implementation was left at the mercy of the State, though they are supposed to be fundamental in the governance of the country.

Some time ago a man named Om Prakash was released from the Mainpuri jail in U.P., after 37 years of imprisonment without any trial, after the intervention of the court. He was arrested on charges of murder. His father, in order to save his young son from the arrest (Om Prakash was less than 20 years old at the time of his arrest), took upon himself the responsibility of the crime and confessed to have committed the murder. But both were arrested and the father died in the jail after a few years. Had the trial taken place and Om Prakash even proved guilty of murder and awarded the maximum punishment of life, imprisonment, he would have come out of jail a quarter of a century ago. But during the last 37 years the trial did not even begin. The trial could not take place because the police could not trace the papers of the case. And for this serious lapse on the part of the police, no action was taken against any police official. However, Om Prakash languished in jail without trial for 37 long years and came out of jail as an insane person because his long confinement has turned him insane long ago, and at the time of his release he did not know who he was. Of course, there is no question of his recognizing his 80 years old mother, who was still happy to receive back her son in whatever condition he was at that time, a victim of gross state negligence pure and simple

Raja Ram, aged 70, who spent 35 years in Faizabad jail and Varanasi mental hospital without being proved guilty was freed earlier on a personal bond. But his freedom was short-lived, as he could not trace his home in Torabganj in Gonda district. The SI of the Torabganj police station said that his village did not exist. His village was not on the map of the area. The Police Inspector said that Raja Ram could not locate his house. How could he, after 35 years' absence from his house and that too coming back in an insane state of mind? One can be reasonably sure that even Raja Ram did not know why he was sent to jail? What crime had he committed? He told a newspaperman, "I am not a thief. The real thief ran away and the police arrested me," as reported in The Hindustan Times.

In yet another case reported in the same newspaper – 70-year-old Jagjivan Ram languished in prison for 36 years because his records were missing.

These few instances indicate that if there were thorough investigation across the country in different jails, there would be many more under-trial prisoners languishing in jails without being convicted.

In a different case pertaining to foreigners, 17 Pakistanis, who were found guilty of various crimes by the Courts, including that of entering the country without valid documents, were sentenced to imprisonment for various terms. They were in jail during the trial period because they could not be

granted bail for obvious reasons. So far so good. But after the completion of their jail terms they should have been deported to Pakistan within a reasonable time. However, there were some who were awarded only six months of imprisonment by the Court, and yet they were kept in the Foreigners' Detention Camp, Lampur, Delhi for periods ranging from one year to more than four years after they had undergone the awarded jail term, without the sanction of the law and in gross violation of their human rights. The plea of the Central Government in such cases that 'these prisoners could be released only in return for an equal number of Indian prisoners languishing in Pakistani jails' was rejected by a bench of the Supreme Court of India, consisting of Justices Markandey Katju and R.M. Lodha on March 9, 2010, and they were ordered to be deported within two months. 14 of the 17 Pakistanis detained in the Camp were deported to Pakistan on 25th March 2010. But nobody was held responsible for his or her grossly illegal over-detention in the country and of course there is no provision for compensation in such cases.

There are still 12 Africans detained in the Lampur Camp and Nari Niketan, Hari Nagar, Delhi who were caught on various charges, spent between 4 to 8 years in jail during the trial period, and were declared 'not guilty' by the Courts. However, instead of being deported to their respective countries, they were also dumped in the Detention Camp and the Government is said to be planning to file an appeal in the High Court against their acquittal. This means that they will be spending another 5 to 10 years in the Detention Camp (because they cannot be sent back to Tihar jail once they have been acquitted).

The question is that if the Government has enough and conclusive evidence against the accused, why did it not produce it before the trial court. And if it has none, then what is it appealing for? And if after considering the appeal of the Government the High Court too does not find any merit in the Government's case and acquits the accused, who will be responsible for this long incarceration of these innocent people? Or will they be compensated for it? The answer is a big 'NO', as it was in all the above-mentioned cases. And is the appeal in the High Court only a ploy to further harass the accused persons for the prosecution's failure to get them sentenced to further imprisonment.

It is because of filing of such Special Leave Petitions (SLPs) in the higher Courts that the Supreme Court recently observed that it should not be burdened with unnecessary SLPs causing rush of cases and avoidable delay in justice administration.

It is nobody's case that the police should abdicate its duty to catch and prosecute law-breakers and criminals. It has, however, been seen that even in cases of abduction and extrajudicial killings the guilty police officers go scot-free and even the most innocent victims suffer for their (Police's) acts of omission and commission. There should be proper, accurate and scientific investigation and gathering of real evidence, not concocted one, to sustain the case before the trial Court.

However, what is most essential to make justice administration system transparent and corruption free is to devise a system of accountability wherein the prosecuting officers should be held responsible for causing unnecessary and illegal detention of the accused, and punished, and the detainees should be quite adequately compensated for the physical, emotional and social loss caused to them and their families, including the cost of litigation which is also exorbitantly high, though no compensation can really compensate for the loss of their liberty and separation from their families and the resultant suffering caused to them. Mere cosmetic police and judicial reforms cannot cure our decayed justice administration system. It is high time that our legislators and Courts, which are the guardians of the Fundamental Rights granted by our Constitution, considered these issues and took decisive and drastic action to ensure the un-encroached enjoyment of Human Rights of all individuals in accordance with the spirit of the Constitution and the UDHR. It is the millions of common men and women whose liberties have to be sincerely and judiciously protected to ensure a just and democratic society.

Justice is too serious and sacrosanct a matter to be left at the mercy and whims of the police. The recently constituted Law Commission should consider these questions in detail and form its recommendations accordingly.

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Fake Encounters in Kashmir: Dangerous for the Integrity of the Country

Fake encounter killing of innocent people at the hands of the personnel of the armed forces has become customary in those parts of the country where the draconian Armed Forces Special Powers Act is in force. Rarely do such incidents come to light except when some individual members of the armed forces come forward and speak the truth out. Only recently an army jawan, Abbas Hussain Shah of 161 Battalion of the Territorial Army in Gauntmullah, Baramullah, who himself was involved in the conspiracy, confirmed the killing of three youths on April 30 at Machil sector along the LoC in Kupwara district of Jammu and Kashmir. These young men were earlier lured from their village three days ago by a former special police officer and his accomplice on April 27 in the name of providing them work with the army, and handed over to an army Major, Opinder, for the set up encounter. After the fake encounter got exposed a Colonel was removed from his command and Major Opinder was suspended. The Army officers had claimed that the three young men were Pakistani terrorists and were killed during an encounter while infiltrating into the country, though inquiries later revealed that they were residents of Nadihal in Baramullah district. They had also claimed recovery of assault rifles and ammunition from their possession, which were obviously implanted by the army personnel themselves. Last month, in a similar incident the Army had claimed killing a 70-year-old militant in a gunfight inside Rainawari forests of Handwara. However, the deceased later on turned out to be beggar. The Police later registered a murder case against the Indian Army in that case also.

In another incident two young men from the valley were fitted with spiked boots and jackets and taken to the LoC with the help of a local SPO to be killed in a fake encounter. Fortunately, the plot became known and the local police sprung into action and saved the youths from sure death for them and ignominy for their families.

Allegations of planned and fake encounters by security forces for reward, money and promotions are frequent in Kashmir.

Some estimates put the number of Kashmiri's killed by the Armed Forces at 1,00,000 and the incidents of rapes at 20,000 during the last 21 years since 1989. According to International People's Tribunal on Human Rights and Justice more then eight thousand people have been reported missing during these years of insurgency. To a great extent they can be attributed to the impunity enjoyed by the Armed Forces under the AFSPA, which has similarly been misused in Manipur also from where similar reports pour in day in and day out.

The Armed Forces Special Powers Act (AFSPA), which has been in force for fifty-two years since 1958, is in clear violation of the letter and spirit of the Constitution and has led to an undeclared Emergency and Martial law in the Northeastern states of the country. The AFSPA has been responsible for the untold misery, death, rape and torture and the denial of civil and political rights to the people of Nagaland, Manipur and Assam. With the extension of AFSPA to Jammu and Kashmir the same culture has dawned upon the state. Extra-legal killings have become the order of the day there and people are denied their civil and political rights because the armed forces there enjoy unfettered powers over areas declared as 'disturbed area' prohibiting the assembly of five or more people. The citizen is wholly dependent upon the whimsical and subjective satisfaction of a warrant officer or a non-commissioned officer who becomes the ultimate officer to define "order" and determines the steps to be taken to maintain "order". Under Section 4(a) of the Act if the concerned officer is of the opinion that it is necessary to maintain public order, after giving such due warning as he may consider necessary "fire upon, or use such force, even to the causing of death," and under sub-section (c) arrest any person without warrant who has, or is likely to commit a cognizable offence; and under sub-section (d) enter, and search without warrant

any premises to make such arrest." And the worst part of it all is that to take such action the officer needs no permission from a superior and is not answerable to anyone.

Under Section 197 of the Code of Criminal Procedure (Cr.P.C.) no court can take cognizance of an offence alleged to have been committed by a public servant or member of the Armed Forces while acting or purporting to act in the discharge of his official duty except with the previous sanction of the central or state government whereas the permission of the central government has to be obtained to prosecute a military officer under Section 7 of the Armed Forces Special Powers Act, which practically means that people have no right to approach the court and launch prosecution for atrocities committed by any such officer. Even various commissions of enquiry appointed by the government have found security forces guilty of gross human rights violations but in most of the cases the guilty officials have not been prosecuted for the offences committed by them. When personnel of the armed forces go even beyond the powers invested in them under the AFSPA and indulge in extra-judicial killings, the gravity of the situation and helplessness of the affected people can well be imagined. Unfortunately all this happens in the name of protecting the unity and integrity of the country.

There is no doubt that the imposition of AFSPA in Kashmir and elsewhere has resulted only in an increased violation of human rights, breeding discontent and a sense of alienation in the minds of the people and pushing the frustrated youth into taking to arms and joining the insurgents – for self-defence, freedom from unwarranted killings, rapes and brutalities and for the establishment of a political and social order which would give them the right to live a dignified life as equal citizens of the country. Their angry, and quite often violent, demonstrations against extra-judicial custodial and fake encounter deaths should be seen and interpreted in the backdrop of these incidents. To continue to treat them the way they are being treated, as second-class citizens, can only result in further alienating them and strengthening their demand for freedom and separation from India.

Unless the draconian laws like the AFSPA (and UAPA which is in force in other parts of the country) are repealed and the army withdrawn from the state of Jammu and Kashmir and other parts of the country, a sense of safety cannot be produced in the minds of the people. To reinforce that sense of safety the presence of the armed forces should be strengthened on the borders, which is their mandated place during war times and when there is a threat perception from across the border. During peace times barracks are their best habitat. Their arms are also meant to be used against the enemy and not against their own countrymen who they are supposed to defend. Everybody praises and respects their deeds of bravery and sacrifice during their fight against the enemy. We should not allow their image to get tarnished by posting them in areas where they wreak havoc on their own people.

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Politics of Hatred and Violence will do no good to West Bengal

In line with her political agenda of throwing out the Communist Party of India (Marxist) led left front government from West Bengal in the next state legislative assembly election due in 2011 Mamata Banerjee, the President of the Trinmool Congress party, held a massive rally at Lalgarh on 9 August 2010 in association with the Maoist backed Police Santrash Birodhi Janasadharaner Committee (PSBJC). Though she touted the rally as apolitical, it was more than clear from the flags and banners of the TMC all the way on the roads leading to the rally venue at the playground of the Ramkrishna Vidyalaya that it was very much a political rally to keep intact her hold on the masses she gained during the farmers' movement (against the setting up of the Tata car factory on the forcibly acquired fertile farmland) which was led by her party along with the PSBJC. Even the presence of social activists like Medha Patkar and Swami Agnivesh, who played an important role in highlighting and protesting against the atrocities, murders and rapes perpetrated on the families of the protesting farmers by the state police and the CPI (M) cadres, could not give the rally a semblance of a non-political assembly.

Political battle-lines were drawn in West Bengal long ago with the formation of the TMC whose avowed aim was to dislodge the left front government in West Bengal but the movement could not go beyond the urban areas as Jyoti Basu's CPI (M) continued to enjoy a wide support base in the rural West Bengal as a result of the empowerment of the rural poor in the wake of the land reforms spearheaded by him in the country for the first time. But with his departure from the political scene of West Bengal, his successor Buddhadeb Bhattacharjee adopted the capitalist and multi-national corporations' development model adopted by several other neighbouring and other states, becoming the agents of those very capitalist forces his party had been opposing earlier, forcibly evicting farmers from their farmlands to hand over these lands for setting up of profit-making factories by those capitalists at Singur and Nandigram. This gave Mamata Banerjee the opportunity to woo the rural masses and she plunged into the movement, started by the affected farmers themselves, with all her might. State sponsored terrorism and massacre of the protesting masses widened the mass base of the movement and gave Mamata Banerjee the much-needed tag of the biggest mass leader of West Bengal. She soon got an opportunity to test and encash her popularity in the 2009 parliamentary election when her party, with the added benefit of her tie up with the Congress, trounced the whole left front and got more seats than the left front. In the civic elections, which followed in 2010, she again restricted the left front to one third of the elected bodies even without the help of the Congress.

Who wins the next state assembly election in West Bengal in 2011 will be of most interest to the political parties in the state and elsewhere but what is more worrisome for all is the way politics is increasingly becoming violent there. Aided and abetted by the Maoists, the Trinmool-led combine is targeting CPI (M) cadres and more than 250 of them were killed within the last two three months as alleged by Prakash Karat, CPI (M) General Secretary during the Central Committee meeting at Vijayawada on 8th August 2010. It is true that hell had been let loose on the innocent people defending their land rights at Singur and Nandigram by the state police and the CPI (M) cadres exactly in the same fashion as Hindutva forces were let loose on Muslims in Gujarat in 2002 in the communal onslaught sponsored by the state government there. It is also true that Maoists had been a dormant force in West Bengal for a long time when the left front government itself gave them a chance to come out in the open in support of the PSBJC, which was born to protest the atrocities committed by the police and the CPI (M) cadres alike, and together they killed many cadres of the party with equal brutality. What is equally true is that the CPI (M) led government is responsible for giving Mamata Banerjee an increased mass base paving the way for their own political suicide, the revival of Maoism and the politics of violence in the state. However, one could understand the angry reaction of the PSBJC activists who turned violent in the wake of the dictatorial onslaught of the state police and CPI (M) cadres on the protesting farmers at Singur and Nandigram, now that

Tatas have shifted to Gujarat and the state government has given up its policy of forceful acquisition of land, there is no justification for continuing the politics of hate and violence, which Mamata continues to indulge in. Perhaps the spectre of Maoism has acquired dimensions which are beyond her powers to control and which will, she may learn to her dismay at some future time, run after her like '*Bhasmasur'* to reduce her to ashes. Politics of violence has done no good to the CPI (M); it cannot be expected to do good to her or even to the Maoists.

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Ill-timed Controversy on Death Penalty

It was a foregone conclusion that the lone survivor responsible for the 26/11 Mumbai terror attack Ajmal Amir Kasab would get the maximum penalty of death from the trial court. It was also obvious that with the conclusion of the case the evidence presented before the court by the Public Prosecutor would become known and the Government of India would be under tremendous public pressure to demand action by the Pakistani Government against the masterminds of the attack sitting across the border in Pakistan whose names figure in the evidence. It was also clear that discussion in the media on these issues would occupy a lot of time during the next few days.

However, discussion on these issues did not last long. It is discussion on the death penalty, which was started by a TV channel that has got prolonged and stirred the question of hanging of Mohd. Afzal convicted for the 2002 Parliament attack case whose mercy appeal is pending before the President of India. Bharatiya Janata Party, the main opposition party in Parliament utilized this opportunity to attack the ruling UPA Government for not expediting action in the matter and keeping the hanging of Afzal in indefinite abeyance. One wonders whether the leaders of the BJP would be equally vociferous in demanding hanging of Pragya Singh Thakur, Lt. Colonel Srikant Purohit, Ram Narain Singh, Dayanand Pandey, Devendra Gupta and Chandrashekhar, belonging to the Hindutva outfits like the Hindu Jagaran Manch and Abhinav Bharat, accused of the Malegaon and Ajmer Dargah blasts and the Mecca Masjid terror attack in case they are also convicted and awarded the maximum penalty of death by the judiciary? From their reaction of defending Sadhvi Pragya Singh Thakur and the other accused so far, it seems most unlikely.

The media chose the most inappropriate time, only a day before the quantum of punishment was to be announced for Kasab, to discuss the very serious issue of the death penalty. It was clear that almost all the panellists would demand death for him. The man on the street and the victims or the family members of the 26/11 attacks were all bound to demand the same. The lawyers who appeared in the discussion and were asked to give their opinion on the basis of the law of the land, were also bound to pronounce the maximum penalty of 'death' in the case as it was certainly covered under the 'rarest of rare' cases, the yardstick prescribed by the Supreme Court for the award of the capital punishment.

So long as the provision of the capital punishment is present on the statute book, the courts are certain to award death in such 'rarest of rare' cases and the largest number of people is bound to demand it when any such case is under discussion. The question becomes case specific and the circumstances of the case, the barbarity, the cruelty, the horror and the bloodshed all visit the mind of the person asked to give his opinion, combined with his own anger at the outrage (and the sense of patriotism and nationality in the cases of acts of terror by Pakistani nationals) force him to pronounce 'death' as the only punishment. They demand it because that is the maximum punishment available under the law for such heinous crimes. What needs to be understood is that they would demand 'life imprisonment' for the same crimes if that were the maximum punishment available. Such crimes happen in those countries also, which have abolished the death penalty and the people in these countries demand, and the courts award, the maximum punishment of life imprisonment for them.

The question of death penalty needs to be discussed in an objective manner, in an atmosphere of detachment, without reference to any specific case. Such a discussion did take place at the Conference Against the Death Penalty held at New Delhi on 22nd and 23rd July 2000 in which retired Justices and Chief Justices of the Supreme Court of India and High Courts participated. The unanimous opinion of the Conference was that the death penalty should be abolished.

Different arguments were presented in the Conference for abolition of the capital punishment. They ranged from practical reasons that almost all those awarded the penalty of death are from the most vulnerable sections of our society – the poorest and those belonging to the scheduled castes,

scheduled tribes and minorities – because they cannot defend themselves properly in the courts because of the high cost of securing justice; that it is reminiscent of the old barbaric practice of eye for an eye and hand for a hand which does not befit a civilized society; that it has failed to act as a deterrent, to humanistic and moral considerations that no man has the right to take a life which he cannot give back. The last argument is also important in the light of the fact that several people like Sub-Inspector Balbir Singh in the Indira Gandhi assassination case and Prof. S.A.R. Geelani in the Parliament attack case, who were convicted for the crimes and awarded the death sentence by the lower courts, were adjudged not guilty by the higher judiciary and acquitted. Human life is too precious to be left to the vagaries and errors of the justice administration system particularly when it vows by the edict of not letting a single innocent person be wrongly punished even if in the process two criminals go scot-free. In a country where the big fish, responsible for the killing of thousands and rapes and arson in communal riots, not only roam around freely but also continue to rule the people, there cannot be any justification for continuing the capital punishment.

Dr. B.R. Ambedkar, the principal architect of the Indian Constitution, has observed, "This country by and large believes in the principle of non-violence. It has been its ancient tradition, and although people may not be following it in actual practice, they certainly adhere to the principle of non-violence as a moral mandate which they ought to observe as far as they possibly can and I think that, having regard to this fact, the proper thing for this country to do is to abolish the death sentence altogether." (*Dr. Babasaheb Ambedkar – Writings and Speeches*, Vol. 13, page 639, Govt. of Maharashtra Publication).

With the adoption of the Universal Declaration of Human Rights by the United Nations the first attempt at abolishing the death penalty was made. Since its adoption 140 Member States have abolished the death penalty either in law or in practice. In 1989, fifteen years after the International Covenant on Civil and Political Rights (ICCPR) entered into force, the General Assembly adopted a Second Protocol to the Covenant, aimed at the abolition of the death penalty, because many States Parties believe that "abolition of the death penalty contributes to enhancement of human dignity and progressive development of human rights." The European Convention, signed by 18 European States and ratified by another 24, entered into force in July 2003 is the first international treaty to ban the death penalty in all circumstances with no exceptions permitted, not even in wartime.

It is high time that we hear the call of the UN High Commissioner for Human Rights, Navnitham Pillay, and abolish the death penalty from our statute book when she says: "I hold this position for a number of reasons: these include the fundamental nature of the right to life; the unacceptable risk of executing innocent people by mistake; the absence of proof that the death penalty serves as a deterrent; and what is, to my mind, the inappropriately vengeful character of the sentence." For a country, which gave to the world the greatest apostle of non-violence in M.K. Gandhi, this is the only rational option. But such a decision cannot be reached on the basis of the opinion of the man on the street, that too with reference to a case like that of Ajmal Amir Kasab.

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Binayak Sen's Conviction Outrages the Conscience of the Nation

The way former Judges of the Supreme Court and High Courts, lawyers, civil liberties activists and intellectuals reacted spontaneously and immediately after Binayak Sen's conviction and imprisonment for life by a Raipur court on 24 December 2010 it became clear that the judgment has outraged the conscience of the nation in general and the rights conscious and democratic civil society in particular. It soon became clear that the judgment had not been delivered on the basis of evidence and merits of the case. Demonstrations against the biased action of the government of Chhattisgarh, in its attempt to silence the voice of activists championing the cause of the tribals, by filing cases on concocted charges and trumped up evidence and also the judgment started being organized throughout the country.

This judgment has, instead of closing the case, raised many questions for which answers have to be found if there has to be democratic governance and the rule of law in this country. Some people have questioned the organization of demonstrations and protests against this conviction of Binayak Sen and ask whether those doing so do not believe in the rule of law and the wisdom and independence of the judiciary. Is it because Binayak Sen is a human rights activist, there should be different laws for him? Then, where will the principle of equality before the law stand? If he, and the other accused, has any grudges against the judgment, shouldn't he go to the higher court with an appeal for redressal of his grievances instead of his sympathizers raising a hue and cry on the roads? These are indeed very pertinent questions and have to be, and must be, answered.

First, yes, Binayak Sen is a prominent human rights activist of the country and protests are taking place because of that. His is a famous case and activists all over the country know that the charges against him are concocted and blatantly false. In his prosecution and persecution they clearly see an attempt by the State to throttle the voices that rise against the wrong policies of the government resulting in the denial of civil liberties and the right to live a dignified life to the ordinary and marginalized people. But innumerable smaller Binayak Sens suffer in the same manner everyday and their voices never get raised. Ask any lawyer and he/she will tell you so. Does that mean that their cases should never be raised? Nobody is asking for any special treatment to Binayak Sen. He will, and in fact, has appealed against the Session Court's judgment to the High Court. And hopefully, he will ultimately get justice and walk out a free man. Does that mean that through his case, the civil society should not raise the question of undemocratic laws being misused by the political masters of the country for their own political ends and to hide their own failure to govern in a democratic manner? Binayak Sen's case is just one of many such cases, but it has given an opportunity to the civil society to come to a common platform and raise vital questions of democratic governance.

Second, why do governments see human rights activists in an adversarial role? Is it not the duty of the government to rule, nay run the country, in a democratic and transparent way so that the benefits of development reach the poorest of the poor also, as they do the richest of the rich? Do human rights workers not help the administrators in identifying the dark corners where the benefits of development never reach? Do they not do what the government should on its own be doing – empowering the people to enjoy full realization of their rights? Do these human rights activists, as the government would have us believe, create the menace of Naxalism/Maoism, which they undoubtedly are, or is it the failure of governance by the ruling classes which forces empty stomachs and feeble hands to lift arms against the State after being pushed against the wall for demanding what they rightfully deserve? If the administrators are responsible for the root cause of the problem, should they not be tried for aiding and abetting the creation and sustenance of the menace of Naxalism/Maoism, which they contrive to thrust upon innocent and well-meaning individuals and activists?

Third, Binayak Sen may ultimately be declared not guilty and set free. But will the judiciary automatically compensate him and his family for his incarceration, trauma and humiliation faced by

his family for years together and a lot of money, which has been and will be spent on going to the Courts? Will such compensation ever be given to the countless victims of suffering at the hands of the State? And does monetary compensation, even if given, bring back the important years, health and normality of life, which they would otherwise have enjoyed? And the other important question is: How many innocent victims of police and political harassment can afford to go to the higher courts for justice in this country in which even onion can sell at Rs 70-80 per Kg. and 75% people manage to earn Rs. 20/- or less a day to barely keep their body and soul together?

The last question is: If someone beats me I go to the police; if the police beats me I go to the Court; but if the judiciary beats me, where do I go? Should the judiciary not ensure by itself that the cases get decided on their merit after serious perusal of the evidence and not on personal perception of political atmosphere in the country or ideologies? What does the following remark of the judge in this case while awarding penalty suggest: 'Currently, the manner in which terrorist and Naxal organizations are killing Central Security Forces, police officials/police personnel, simple tribals, and innocent people with barbarity/cruelty, has spread fear, terror, and unrest in the entire country, state, and society. Looking at that, this court does not find it appropriate to give the benefit of the Criminal Relief Act to the accused or by showing kindness by penalizing them with the minimum sentence.' (*English translation of this portion of the judgment in Hindi*). In another judgment sentencing some accused under POTA in New Delhi, Additional Sessions Judge RK Gauba said in the verdict that the challenge posed by terrorism had to be met "head-on by a multi-pronged strategy", adding further: "India's war against terrorism is to be waged not only by security measures but also by all organs of the State, including the judiciary which must share the responsibility of dealing with such elements with an iron hand." (*Reported in the 7 January 2011 issue of* The Times of India). Do such judgments not smack of political overtones, going beyond the judicial limits? Loaded with such a mindset, can a judge remain absolutely flawless and unbiased in his/her judgment? This is a question the judiciary itself should ponder over and decide.

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On the 35th anniversary of the imposition of Emergency rule in the country:

PUCL: It's History of Struggle in Fighting the Structures

Introduction

The *People's Union for Civil Liberties* (PUCL) was founded by Jayaprakash Narayan, and originally named as *People's Union for Civil Liberties and Democratic Rights* (PUCLDR) in 1976, in the wake of the internal Emergency which was imposed by Indira Gandhi, the then Prime Minister of the country, on the nation on the midnight of 25th and 26th June 1975. The imposition of the Emergency was intended by her to destroy the democratic fiber of the country in order to concentrate unlimited power in her own hands. With the declaration of the Emergency Fundamental Rights of the people enshrined in the Constitution, including the right to life, liberty and freedom of speech and expression were suspended, more than a lakh of persons including ailing Jayaprakash Narayan, Morarji Desai, Atal Behari Vajpayee, L.K. Advani, Madhu Dandavate, and all the other leaders of opposition parties were illegally detained under the Maintenance of Internal Security Act (MISA), the most draconian law at that time, without trial, stringent censorship was introduced on newspapers and, above all, even the right to life could not be enforced by the courts. Virtual dictatorship was imposed on the country and all the institutions of democratic rule faced severe threat at the hands of Indira Gandhi. The lawyers led by eminent persons like Chief Justice M.C. Chagla, Chief Justice C.J. Shah, Justice V.M. Tarkunde, Ram Jethmalani and others waged a relentless battle against the Emergency and the consequent suspension of the fundamental rights.

Jayaprakash Narayan had been instrumental in the formation of the Citizens For Democracy (CFD) earlier before the Emergency was declared. CFD was established as a result of the mass movement built up by JP in response to the political and economic crisis in which the country had been plunged through Indira Gandhi's attempt to subvert the freedom of the Judiciary. The CFD was established on April 13, 1974 with Jayaprakash Narayan as its President and V.M. Tarkunde as the General Secretary. It was then that Jayaprakash Narayan called for a movement against this tyranny and subversion of democracy. Lakhs of People joined the massive protest rallies on the call of JP and thronged the meetings organized by him. Mass opinion was mobilized in favour of safeguarding the Indian democracy. When the Emergency was imposed and the very institution of democracy was subverted, a national seminar was held at New Delhi on October 17, 1976 to consider how the civil liberties of the people could be defended. Acharya J.B. Kripalani inaugurated it and a decision to form the PUCLDR was taken. It was originally intended to be an organisation free from political ideologies, bringing those concerned about defending civil liberties and human rights from different backgrounds onto a common platform. The PUCLDR was a loosely organized group of people who were working with Jayaprakash Narayan. (Justice) V.M. Tarkunde was elected as its President and Krishna Kant as General Secretary.

Jayaprakash Narayan died on October 8, 1979, after a prolonged kidney problem. In the year 1980 Indira Gandhi returned to power. Her Government resumed its assaults on rights of the people. Efforts were made once again to put some life in the PUCLDR and to bring about co-operation among various civil liberties groups. Learning a lesson from the past experience, it was decided that the organization should be put on a more firm footing. A conference of all those interested in the cause of civil liberties was called. A consensus emerged among civil liberties activists and various political parties that such an organization should remain non-partisan. The founding conference held in November 1980 drafted and adopted the constitution of the PUCL declaring the aims and objects of the PUCL and made it a membership based organization, aiming to have branches all over the country. The organization was re-christened as the People's Union for Civil Liberties (PUCL). What is different about this organization from a score of human rights NGOs, which have come up over the years, is that in order to protect its independence, neutrality and credibility the PUCL does not accept any funds from the government, foreign countries and the corporate world

and manages its working solely with the funds collected as membership and donations from friendly donors only. Besides, though members of political parties can join the organization, they cannot be elected as its office bearers at the State or national level so that the organization remains free from political influences too. The PUCL believes in upholding the rule of law and does not believe in the use of violence even for laudable objects.

The founding conference of the PUCL elected (Justice) V.M. Tarkunde as its President and Arun Shourie as the General Secretary. Later, Dr. Y.P. Chhibbar was appointed as Executive Secretary. Those elected as President and General Secretary in the following years were: President: V.M. Tarkunde (1982 to 1984); Prof. Rajni Kothari (1984 to 1986); (Justice) Rajindar Sachar (1986 to 1995); K.G. Kannabiran (1995 to 2009). General Secretary: Arun Shourie (1982 to 1986); Prof. Rajni Kothari (1982 to 1984); Dr. Y.P. Chhibbar (1984 to 2008); Prof. Dalip S. Swami (1986 to 1990). (Justice) V.M. Tarkunde was named Advisor in 1986 and remained in that capacity till his death on 22 March 2004.

During the last 35 years of its existence, the PUCL has not only gained credibility and fame as the largest civil liberties organization of the country, it has established itself, through filing of various Public Interest Litigations (PILs) in the courts of law, launching movements against draconian laws like the MISA, Prevention of Terrorism Act (POTA), Armed Forces Special Powers Act (AFSPA) and the Unlawful Activities (Prevention) Act (UAPA) for the defence of civil liberties and democratic rights of the people. It has also initiated and been at the forefront of the movements for making free and compulsory education a fundamental right, granting of the right to information and the right to food and for introduction of judicial, police and prison and electoral reforms, thereby intending to make elections free from muscle and money power. It has raised the question of accountability of all public servants, including the politicians, and also the question of judicial accountability. It has fought against all sorts of communalism and societal violation of human rights of the Dalits. The PUCL has had former Justices, Chief Justices, leading lawyers, academics and intellectuals as well as social and human rights activists as its members. Today it has a nationwide network with State Branches in almost all the States.

The *PUCL Bulletin* and Fact-finding Reports

The PUCL also started publication of the '***PUCL Bulletin***' in 1980, which publishes fact-finding reports on custodial deaths, fake encounters, and atrocities on Scheduled Castes/Tribes, communal violence and cases of gross human rights violation received from the State Branches, the most prominent among them being the fact finding reports on the anti-Sikh riots of 1984 (During October 31 to November 3, 1984 there were large scale killings of Sikhs in the wake of assassination of the then Prime Minister Indira Gandhi. In Delhi a joint team of People's Union for Civil Liberties and People's Union of Democratic Rights published a report titled 'Who are the guilty?' after detailed investigation and collection of evidence.), on the anti-Sikh flare up in Bidar, Karnataka, on communal riots in Hashimpura, Meerut in May 1987 by a PUCL team consisting of Justice Rajinder Sachar, I. K. Gujaral, A.M. Khusro, and Dalip Swami, a comprehensive report on the situation in Kashmir by Justice V.M. Tarkunde, Justice Rajindar Sachar, Prof. Amrik Singh, Inder Mohan, N.D. Pancholi, and others. The demolition of Babri masjid in 1992 and the subsequent anti-Muslim violence at a number of places including Mumbai, State sponsored anti-Muslim Gujarat riots of 2002 and the anti-Christian riots of Kandhmal perpetrated by the Hindutva forces engaged the attention of the PUCL and various fact-finding reports on these riots were published in the Bulletin. It published a detailed report on the Hindutva Parivar's war against the Christian minority entitled 'Crossed and Crucified' by PUCL Bhubneshwar & Kashipur Solidarity Group, Delhi. The Bulletin also carries press statements on incidents of human rights violation, which happen all over the country. Articles on various human rights issues by prominent writers and leaders of human rights movement are also published in it. Because of the authentic material published in the Bulletin, research scholars make use of its material for their research work.

Editorials written by (Justice) V.M. Tarkunde, Dr. Y.P. Chhibbar, (Justice) Rajindar Sachar, Dr. R.M. Pal, K.G. Kannabiran, Dr. George Mathew, Prof. Prabhakar Sinha and others have been providing insight into various issues of human rights and democratic governance and clarifying the stand of the PUCL on these issues.

The PUCL had instituted an annual 'Human Rights Journalist award of the year' for the best work done by a journalist for the promotion and protection of civil liberties and human rights, which carried a citation, and a cash award of Rs. 20,000/-. It has however been discontinued for paucity of funds. An annual JP Memorial Lecture on March 23rd by a prominent speaker continues to be the organization's regular feature. An annual lecture in memory of Justice V.M. Tarkunde has also been started in collaboration with The Tarkunde Memorial Foundation on 3rd September. The text of both the lectures is published in the *PUCL Bulletin*.

Besides, many law students from Law Institutes from all over the country come to the PUCL office every year as interns to get their first experience in research work. Some of their best research papers are published in the Bulletin.

In July 1994 PUCL was awarded the first M.A. Thomas Human Rights Award instituted by the Vigil India movement for its extraordinary work for the propagation and protection of civil liberties and human rights of the people.

PUCL and the Role of the Radical Humanists

The PUCL has been led by leading radical humanists from its very inception. Being the followers of M.N. Roy, the revolutionary freedom fighter, philosopher and intellectual, who was a strong votary of the democratic freedoms of the individual and participatory grassroots democracy for the empowerment and emancipation of the people whom he considered the sole source of the sovereign power of the State, the PUCL in its attempt to fight against the dictatorial Emergency regime of Indira Gandhi in order to defend the civil liberties of the people was the fraternal and natural ally of the radical humanists. That was the reason why Jayaprakash Narayan asked Justice V.M. Tarkunde, the leading light among the radical humanists committed to the defence of democratic freedoms, to head the PUCLDR in 1976 and he was the natural choice as the President of the PUCL when it was formed in 1980. Besides him, there were hundreds of radical humanists who joined the PUCL and many have played an important role in the organization. C.R. Dalvi has been active in Mumbai. M.A. Rane not only filed many Habeas Corpus petitions in the Bombay High Court for the release of those detained during the Emergency, but also served the Mumbai Branch of the PUCL for a long time and was its Secretary till his death on 24 July 2008 apart from being the President of the Mumbai Branch of the Indian Radical Humanist Association. Apart from being the Secretary of the Indian Renaissance Institute, which was founded primarily as a research and publication institute with the purpose of development of the Renaissance Movement and is the parent body of the Indian Radical Humanist Association, N.D. Pancholi has been a founding member of the organization and has participated in many important fact-finding enquiries. He has also been a Vice-President of the Delhi PUCL along with Fr. T.K. John, Dr. Anup Saraya etc. and he was elected as the President of the Delhi PUCL in December 2010. A close associate of M.N. Roy and well-known Royist ideologue and thinker, Dr. R.M. Pal has been a President of the Delhi PUCL. He also edited the *PUCL Bulletin* for a long time from March 1984 to September 2010. He has led the movement for free and compulsory education as a Fundamental Right through his editorials besides writing very strongly against communalism and societal violation of human rights of the Dalits. Among the younger generation, Gautam Thaker, General Secretary, Gujarat PUCL, has been amongst the leaders of the civil liberties movement in the State besides being the President of the Gujarat Branch of the Radical Humanist Association and Mahi Pal Singh, also the President of the Delhi Branch of the IRHA, served the Delhi PUCL first as its Treasurer and for more than five years as its General Secretary. He was elected as the PUCL's National Secretary at its Ranchi Convention in 2009. He is also the Editor of the *PUCL Bulletin.*

Onslaught of New Economic Policy

The economic policies based on the principles of globalization and privatisation have, in their wake, brought to this country imported consumer goods from developed countries for which India has provided a market with a vast potential, even if at the cost of the closure of a very large number of local manufacturing units resulting in the unemployment of a still larger workforce. This has done tremendous harm to the conditions of physical survival of those for whom keeping together their body and soul was never an easy task. At the same time the increased inclination of the youth belonging to the middle class, (in any case, the elite sections have always shown a tendency to be consumerist going to the extent of a blatant and vulgar display of their wealth earned, nay, amassed through the exploitation of the working classes, corrupt means or speculation in the share-markets – those legally sanctioned, unproductive gambling houses of the rich meant to deprive the unsuspecting people belonging to the lower middle class of their hard-earned and frugally saved money, if our experience of the last 19 years is any evidence), has taken away all his sense of honour, human dignity and the commitment to protect his civil liberties and human rights. His commitment towards his fellow human beings and their welfare has also received a serious jolt as a result of the mad pursuit of his self-centered motives.

To cater to the needs of the elite sections of our society, including the neo-rich, who have reaped the fruits of the new economic order, and also the not-so-rich, who emulate the other two classes because people from these classes spending a lot of money on luxuries, (and also the trigger-happy film hero killing people with impunity), attract them to the extent of becoming their role models, are coming up the costly shopping malls and multiplexes in all metropolitan cities as a result of which the new culture of consumerism has drowned the culture of human rights discourse in the country.

How else should one interpret the trend as reflected by the print as well as the electronic media where indecent photographs – so much so that, thanks to the efforts of the journalistic fraternity, some sections of the papers have come to be known as 'porn pages' – and stories from the film and fashion world and descriptions of marriages and parties of the rich invariably fill a large portion of the front pages of most of our national dailies and they also get a place of prominence on the news channels, and people's struggles, protests and movements even for their basic rights and tales of their sufferings and deaths due to hunger, mal-nutrition and at the hands of various agencies of the state hardly find a mention even in an obscure corner of the newspapers? Otherwise, how does one explain the complete obliteration of everything related to the imposition of the Emergency in the country on 26th June, 1975, the greatest danger to democracy, civil liberties and human rights this country has faced ever since attaining independence in 1947, from the newspapers and the electronic media even on the anniversary of that black day, and of any reports of meetings held on that day to observe anti-Emergency day to keep alive a continuous struggle for the protection of our civil and political rights from the next day's newspapers, as if the Emergency had never been imposed in this country, or perhaps to remember such events is considered a useless exercise to be undertaken only by some intellectuals in their seminar rooms as a ritual having nothing to do with the present day life.

Why to Remember the Emergency?

It would be a happy turn of events if we were no more required to recall such events, if they really became a matter of the past, never to recur again. But as things stand today the danger to our civil and political rights has not diminished a bit even after the 44th Constitutional Amendment to Article 359 disabling the President from suspending Articles 20 and 21 of the Constitution of India, thereby denying him the power to forfeit the fundamental right to life and liberty of any person even during a period of promulgation of Emergency in the country. Although promulgation of Emergency has been made more difficult, than it was in 1975, because the 44th Amendment has introduced 'armed rebellion' in place of 'internal disturbance' as the condition for such a

promulgation, and such a promulgation has also to be endorsed by a special majority in Parliament, yet there have been lesser laws which have been depriving people of the country of their basic civil and political rights with impunity, and what is worse, they do not require any such sanction of 'special majority' in Parliament for their imposition.

But for those who suffered the excesses of the Emergency, it will always remain a nightmarish experience never to be forgotten. But the young generation can hardly understand the importance of keeping its memories alive; we must not forget that those events took place thirty-five years ago. How can the youth of today know that "the darkest chapter in the history of independent India was written on the midnight of 25-26 June, 1975?" and that "With the imposition of the Emergency on that day, thousands of people including the opposition leaders were arrested and put in jail, and all the important fundamental rights were suspended. There were violations of all standards of morality, justice, and freedom; acts of barbarism and violence were committed. With the promulgation of the Emergency, all rights and justice, civil liberties, law and order were trodden under feet. The Emergency waged war upon democracy. Excesses that were committed were not accidental, but the logical and deliberate acts of an authoritarian political philosophy. The object of this philosophy was the destruction of all freedoms, and triumph of the strong." (Remembering the Emergency – Dr. R.M. Pal, *PUCL Bulletin*, June 1997).

We have to remember that the Emergency was imposed in the country because on a petition filed by Late Sh. Raj Narayan who had been defeated in a parliamentary election by Mrs. Indira Gandhi, the then Prime Minister, from Rai Bareily, in its judgement delivered on June 12, 1975, the Allahabad High Court had held Mrs. Gandhi guilty of corrupt practices in her election, and declared her election as null and void, and that at a meeting on June 25, all opposition leaders had declared that if she did not quit as the Prime Minister of the country, they would start a civil disobedience movement from June 29. Defying the court judgement and making a mockery of the rule of law, Mrs. Gandhi declared a state of Emergency in the country, usurping all authority into her own hands, suspending fundamental rights including the right to life and liberty only to perpetuate her illegal, immoral and authoritarian rule by ruthlessly silencing all opposition by putting all opposition leaders behind the bars, without warrants or charge-sheets and for periods nobody knew how long, and also gagging all the national press, first by ordering their electric supply to be cut and then through the introduction of very stringent censorship laws which did not allow anything to be published against the Prime Minister or her decisions, or any of the excesses perpetrated by her or her son Sanjay Gandhi, who enjoyed the status of an extra-constitutional authority and whose orders, as a member of the Nehru family wrote later, "sometimes verging on criminality were obeyed without question." Under his leadership the Youth Congress, the youth wing of the Congress (Indira), had acquired the notoriety as a band of goons and its leaders as the unelected executives of the areas under their command, and government officers including police SHOs thought it to be their most solemn duty to obey their word of mouth as if it had come from the Prime Minister herself. Such was the atmosphere during the Emergency regime of Mrs. Gandhi and her infamous son Sanjay Gandhi that one could not move freely, talk freely or breathe freely in this very democratic country of ours. What is even more disturbing is that "the fundamental lack of commitment to the values of freedom and democracy, tolerance of dissent, and the capacity to look beyond one's immediate interests which had made the intellectuals, with a few honourable exceptions, accept the Emergency and abide by its soul destroying demands." (Remembering the Emergency).

What the imposition of the Emergency did to the right to life with the connivance of the judiciary, whose independence had already been compromised, is best described by M.A. Rane in his article **Emergency, Lawyers, Judges** quoted below:

"The news of the declaration of the Emergency during the night of 25/26th June 1975 was not published in the morning papers of Delhi of June 26, as electric supply to the Feroze Shah Road,

where most of the presses of the newspapers in the capital were located. Most of the people learnt of this declaration and of the midnight arrest of number of leaders, including ailing Jayaprakash Narayan, Morarji Desai, Vajpayee, Advani, Madhu Dandavate, and several others from the announcement by the BBC in the early morning of 26th. In the course of the day censorship was clamped on the newspapers all over India. Lawyers all over India protested and abstained from attending the court on 26th June 1975. They passed resolutions condemning the declaration of Emergency and arrest of leaders like Jayaprakash Narayan, Morarji Desai and others. Since then the lawyers carried on a relentless battle against the Emergency and the consequent suspension of the fundamental rights. Eminent persons like Chief Justice Chagla, Chief Justice C.J. Shah, Justice V.M. Tarkunde, Jethmalani and others led the lawyers. A small section of lawyers like Rajani Patel, who were in Congress, supported the emergency rule. Some lawyers who were members of the RSS were detained under MISA on the very first day. Those who offered Satyagraha were also detained subsequently. More than a lakh of persons were illegally detained under MISA. Some of the earliest Habeas Corpus Petitions filed in the High Court on behalf of the detenues succeeded. The Delhi High Court released Kuldip Nayar and a group old Congressmen led by Bhimsen Sachar and six others who had just addressed a letter to Mrs. Gandhi protesting against the declaration of Emergency and arrest of Jayaprakash Narayan and other leaders. Soli Sorabjee argued their Habeas Corpus petitions. The Judges who released them were ultimately penalized. The senior Judge of the Bench was transferred to some other High Court and the junior Judge, Justice Agarwal, who was not confirmed and was reverted back to his office as District Judge. Chief Justice Chagla argued the Habeas Corpus petitions of Vajpayee and Madhu Dandavate in Karnataka High Court and got them released. However, fresh orders of detention were passed against them and they were rearrested. Morarji Desai and RSS detenues did not file Habeas Corpus petition as a matter of principle. However, petitions were filed on behalf of a large number of political detenues belonging to different political parties. In the Bombay High Court number of Habeas Corpus petitions were filed and the High Court directed the detenues to remain present on every occasion in the High Court. The result was the relatives of the detenues could meet them in the corridors of the High Court on such occasions. Other High Courts also released the detenues, taking a view that wherever it was found that the detaining authority had not applied their minds or that the orders were malafide, the detention orders were quashed and the detenues were set at liberty. Such decisions were given by all High Courts, except the Kerala High Court, notwithstanding the drastic amendment in the MISA prohibiting filing of petitions even on grounds of malafides. The petitions were also filed on behalf of detenues for certain facilities. Mrinal Gore, who at the beginning was underground but later arrested, was detained in the prison at Akola where there was no separate cell for female detenues. She was lodged in the part of the prison meant for lunatic females. A petition was filed in the High Court challenging the same. More than 150 lawyers appeared for the detenues with the sole object of indicating their solidarity against deprivation of civil liberties by the Government under the emergency rule. The Bombay High Court directed the Government to transfer her from Akola prison to Dhule prison where there was arrangement for the detention of female political detenues.

"The Government filed appeals in the Supreme Court against the judgements of the High Courts releasing the detenues. The case is known as ADM Jabalpur or Habeas Corpus Case. All the appeals were heard by a bench of the senior-most five Judges of the Supreme Court presided over by the Chief Justice A.N. Ray. The other members of the Bench were Justices Khanna, Beg, Chandrachud and Bhagwati. A number of leading lawyers appeared for the detenues. Majority of the Judges, with the exception of Justice Khanna, upheld the constitutional validity of the Presidential order dated 25.6.1975 declaring Emergency and barring maintainability of the petitions for writs of Habeas Corpus as well as constitutional validity of the drastic provisions of MISA. Each one of the Judges gave his separate opinion. **An inconvenient question was raised before the Judges as to whether the rule of law was abrogated and if an officer shot a person dead without authority of law whether the same could not be questioned in the court of law. The majority Judges fumbled in answering this query and it was held that article 21 was the sole**

repository of the right of personal liberty and as the article 21 was suspended during the Emergency by Presidential order no Habeas Corpus petition could be filed. If the majority had accepted the dissenting view of Justice Khanna and upheld the contention of the citizens, the lawyers could have been able to get released 90 per cent of the detenues detained under the MISA during the Emergency. It was worth noting the Chief Justice Ray, presiding over the bench, was a Judge who had superseded three other Judges and the other four Judges of the bench were entitled to be promoted as Chief Justices if the convention of seniority was followed. Therefore, the prospect of the four Judges of the bench of being promoted as Chief Justices was hanging in the balance. If any of them decided against the Government he stood the risk of being superseded. This event actually took place as Justice Khanna was superseded in February 1977 and his junior Justice Beg was promoted as Chief Justice of India. There was every reason to believe that the judgement of the majority of Judges in the Habeas Corpus case was the direct fall out of supersession of the three Judges that took place in April 1973, and of the power arrogated by the Union Government to itself in appointing and promoting Judges of the High Courts and the Supreme Court."

If democracy as a form of government, by and of the people, and its cardinal values like civil liberties and political rights, the freedom of the press, the right to profess any faith and the right to elect any government are to be preserved and protected, the people themselves have to exercise an eternal vigilance to ensure that those in power do not succeed in subverting the democratic system to satisfy their greed to stick to power through unconstitutional, corrupt or divisive means because all shades of politicians and political parties have adopted these means to come to power, and once in power, to stick to it. If Mrs. Gandhi's Emergency regime was an example of the first kind, Narsimha Rao's government was an example of the second and Narendra Modi's present government in Gujarat is an example of the third kind. Atal Behari Vajpayee's NDA (National Democratic Alliance) government also came to power riding the chariot of Hindutva, moving on the wheels of the divisive agenda of building the Ram temple at the site where Babri Masjid stood earlier at Ayodhya, to consolidate the majority Hindu vote and garner its support for achieving its narrow political end of capturing power, and his government also made a frantic effort of sticking to power by adopting the corrupt means of spending something like Rs. Seven hundred and fifty crores from the public exchequer to boost his own image, and his party's, through the 'Feel-good' and 'India Shining' campaigns. It is a different matter that these slogans invented by the think tanks of the BJP could not befool the uneducated and poor people of this country who thwarted their attempts to regain power at the Centre. To quote once again Dr. Pal from the article cited above, "We must take note of increasing corruption, manipulative politics, and other evils in the system which have been systematically eroding the values of democracy and destroying it."

Anti-democratic Draconian Laws in the Garb of Public Order Laws

In the name of bringing under control various terrorist and disruptive activities, the state of India has brought about various legislations and Acts ever since the country got independence in 1947. While it is true that various groups in different parts of the country took to arms or indulged in unconstitutional methods to press their demands, the methods adopted by the state to bring them into the mainstream have also been dubious. While nobody having a faith in the rule of law can and should support the use of arms to press any demands, however legitimate they might be, it is also equally true that a serious attempt has never been made to understand their problems, or to find out the compelling reasons which might have made them take to arms against the state. Poor, deprived people who had hoped to get a better deal at the hands of local rulers after attaining independence from foreign rulers, felt neglected and cheated when nothing was done to improve their conditions and they continued to suffer from starvation and disease. Their appeals of SOS continued to go unheeded and unheard and when they tried to organize themselves into a movement to force the powers that be to listen to their voices they got bullets in reply. When out of desperation they took to arms, they got Maintenance of Internal Security Act (MISA), Terrorist and Disruptive Activities (Prevention) Act (TADA), National Security Act (NSA), Armed Forces (Special Powers) Act

(AFSPA) and Prevention of Terrorist Act (POTA). While it is true that all these special Acts came into being with the purported intention of bringing under control only those few who were thought to be uncontrollable otherwise, and that too for a limited time and purpose, the fact remains that all such people could well have been brought under control under the ordinary criminal law, under sections 121 to 130, 153A, 294 and 295 of IPC. Another fact that cannot be contradicted is that all of them have invariably been used for a much longer period than they were originally planned to exist for. And the most dangerous common factor amongst them is that all of them have been used against the most innocent people to deprive them of their life and liberty, when these hapless people have tried to voice their grievances, and that too for excruciatingly long periods. Those in power, to subvert democracy, which they professed to protect, have misused all of them. All of them have been used ruthlessly against the people they were supposed to protect, to silence the voice of dissent, to crush the right to demonstrate against injustice and to decimate political opposition.

For example, TADA, which came into existence a decade after the imposition of Emergency in June 1975, following the assassination of Prime Minister Indira Gandhi which in turn was followed by a ruthless collective massacre of the members of the Sikh community, is still considered by the Sikh community as an Act which was brought into force as a measure of continuing vengeance against Punjab. It was later extended to Kashmir, Andhra Pradesh, Assam, and LTTE Tamils in Tamil Nadu and against Muslims after the demolition of Babri Masjid. This Act has been perhaps the most criticized law ever since independence. It was also one of the most 'lawless' laws along with the Armed Forces (Special Powers) Act and N.S.A. It gave wide powers to the police to arrest and to detain people without trial under its custody for periods, which could run up to one year and confessions made before a senior police officer were admissible as evidence before the court of law. The Act thus made a mockery of civil liberties and the fundamental rights of the people as laid down in the Constitution of India, and in fact, of democracy itself.

The following statistics prove beyond any doubt how this law was misused against the so-called 'terrorists': "This law was abused in almost every state for silencing activists and political opponents. According to the NHRC 165 men above the age of 75 years, 160 women, and 43 children below the age of 15 years were detained under this Act until the end of 1994, and the oldest detainee was an 83 years old woman in Gujarat," ('Open Letter to the Prime Minister for the Repeal of TADA' by K.G. Kannabiran – *PUCL Bulletin*, May, 1995.)

Within a short period of its passage by the Parliament, POTA also achieved the same notoriety, which was earlier enjoyed by TADA, and the list of those arrested under it in a short period in Chhattisgarh alone read like the list given above. Its misuse to silence the opposition is exemplified by the detention of Vaiko, a prominent opposition leader in Tamil Nadu, by J. Jaylalithhaa's government, and his release by the POTA court under the directions of the Supreme Court, as the charges framed against him were not found tenable under the POTA. The very fact that of the 76,166 persons arrested under the TADA till 1995, when the Act was allowed to lapse, only 843 (that is only 1.11 per cent) were convicted, as per Union Home Ministry's own statistics, is enough to show how widely and wildly the Act was misused to deprive people of their right to life and liberty by various governments.

After 26/11 of the year 2008 when Mumbai came under the terror attack by terrorists sent from across the border killing more than a hundred people and injuring about 400 at several prominent places, the Central government came out with a new avatar of the POTA in the garb of Unlawful Activities Prevention (Amendment) Act [UAPA] which has the same kind of draconian Sections as the POTA, particularly Sections 38, 39 and 40 as they lay the onus of proving 'not guilty' on the accused which is against the very tenet of justice: 'innocent till proved guilty'. This Act has also been used so far against innocent persons or those human rights activists who raise the issues of the most deprived sections of our society, especially the tribal people of Chhattisgarh, Jharkhand, Orissa, West Bengal and Andhra Pradesh where the government has waged a war against them in

the name of fighting the Maoists because that is a very convenient way of doing away with them and silencing the voices which go against the interests of the political class for which awarding mining contracts in these mineral rich regions has been a source of big corruption for which it has gained unprecedented notoriety in recent years. While PUCL strongly opposes this model of exclusive development, it supports and demands inclusive development in which the tribal owners of the land and resources are equal partners in development and the whole process is transparent and corruption free.

Armed Forces (Special Powers) Act, 1958, a Tool to Subvert Democracy in the Northeastern States

The Armed Forces (Special Powers) Act [AFPSA] which has been in force for fifty two years since 1958 is in clear violation of the letter and spirit of the Constitution and has led to an undeclared Emergency and Martial law in the North-Eastern states of the country. The AFSPA has been responsible for the untold misery, death, rape and torture and the denial of civil and political rights to the people of Nagaland, Manipur and Assam. Extra-judicial killings have become the order of the day there and people are denied their civil and political rights because the armed forces there enjoy unfettered powers over areas declared as 'disturbed area' prohibiting the assembly of five or more people. The citizen is wholly dependent upon the whimsical and subjective satisfaction of a warrant officer or a non-commissioned officer who becomes the ultimate officer to define "order" and determines the steps to be taken to maintain "order". Under Section 4(a) of the Act if the concerned officer is of the opinion that it is necessary to maintain public order, after giving such due warning as he may consider necessary "fire upon, or use such force, even to the causing of death," and under sub-section (c) arrest any person without warrant who has, or is likely to commit a cognizable offence; and under sub-section (d) enter, and search without warrant any premises to make such arrest."

Article 21 of the Indian Constitution guarantees the right to life to all people. It reads, "No person shall be deprived of his life or personal liberty except according to procedure established by law." Judicial interpretation that "procedure established by law" means a "fair, just and reasonable law" has been part of Indian jurisprudence since the 1978 case of Maneka Gandhi. This decision overrules the 1950 A.K. Gopalan case, which had found that any law enacted by Parliament, met the requirement of "procedure established by law".

Under section 4(a) of the AFSPA, which grants armed forces personnel the power to shoot to kill, the constitutional right to life is violated. This law is not fair, just or reasonable because it allows the armed forces to use an excessive amount of force.

Justice requires that the use of force be justified by a need for self-defense and a minimum level of proportionality. As pointed out by the UN Human Rights Commission, since "assembly" is not defined, it could well be a lawful assembly, such as a family gathering, and since "weapon" is not defined it could include a stone. This shows how wide the interpretation of the offences may be, illustrating that the use of force is disproportionate and irrational.

Explaining the AFSPA bill in the Lok Sabha in 1958, the Union Home Minister had stated that the Act was subject to the provisions of the Constitution and the Cr.P.C.. He said, "These persons (military personnel) have the authority to act only within the limits that have been prescribed generally in the Cr.P.C. or in the Constitution." If this is the case, then why was the AFSPA not drafted to say "use of minimum force" as done in the Cr.P.C.? If the government truly means to have the armed forces comply with criminal procedure, than the AFSPA should have a specific clause making this compliance mandatory. Further it should also train the armed forces in this procedure.

Sections 130 and 131 of Chapter X of the Cr.P.C. sets out the conditions under which the armed forces may be called in to disperse an assembly. These two sections have several safeguards, which

are lacking in the Act. Under section 130, the armed forces officers are to follow the directives of the Magistrate and use as little force as necessary in doing so. Under Section 131, when no Executive Magistrate can be contacted, the armed forces may disperse the assembly but if it becomes possible to contact an Executive Magistrate at any point, the armed forces must do so. Section 131 only gives the armed forces the power to arrest and confine. Moreover, it is only commissioned or gazetted officers who may give the command to disperse such an assembly, whereas in the AFSPA even non-commissioned officers are given this power. The AFSPA grants wider powers than the Cr.P.C. for dispersal of an assembly.

Moreover, dispersal of assemblies under Chapter X of the Cr.P.C. is slightly more justifiable than dispersal under Section 4(a) of the AFSPA. Sections 129-131 refer to the unlawful assemblies as ones which "manifestly endanger" public security. Under the AFSPA the assembly is only classified as "unlawful" leaving open the possibility that even peaceful assemblies can be dispersed by use of force.

However, the worst part of it all is that to take action under Section 4(a) of the Act the officer needs no permission from a superior and is not answerable to anyone. Under Section 197 of the Code of Criminal Procedure (Cr.P.C.) no court can take cognizance of an offence alleged to have been committed by a public servant or member of the Armed Forces while acting or purporting to act in the discharge of his official duty except with the previous sanction of the central or state government whereas the permission of the central government has to be obtained to prosecute a military officer under Section 7 of the Armed Forces (Special Powers) Act, which practically means that people have no right to approach the court and launch prosecution for atrocities committed by any such officer. Even various commissions of enquiry appointed by the government have found security forces guilty of gross human rights violations but in most of the cases the guilty officials have not been prosecuted for the offences committed by them.

Several incidents show how the Border Security Force (BSF) and army personnel abuse their powers in the North East. In April 1995, a villager in West Tripura was riding near a border outpost when a soldier asked him to stop. The villager did not stop and the soldier shot him dead. Even more grotesque were the killings in Kohima on 5 March 1995. The Rastriya Rifles (National Rifles) mistook the sound of a tyre burst from their own convoy as a bomb attack and began firing indiscriminately in the town. The Assam Rifles and the CRPF who were camped two kilometers away heard the gunshots and also began firing.

The firing lasted for more than one hour, resulting in the death of seven innocent civilians. 22 persons were also seriously injured. Among those killed were two girls aged three and a half and eight years old. The injured also included 7 minors. Mortars were used even though using mortars in a civilian area is prohibited even under army rules.

In Manipur, where AFSPA was extended 33 years ago in the name of fighting militancy, successive governments have retained it and there have been complaints of military excesses from the people. A 30 years old woman, Thangjam Manorama, was arrested on 11 July 2004 and allegedly gang raped and killed by 17 Assam Rifles personnel. Students supported by many NGOs and human rights organizations there have been agitating for action against the guilty as well as for the repeal of AFSPA which has become a tool in the hands of rifle wielding criminals to perpetrate such crimes. A Judicial Enquiry Commission headed by C. Upendra, the District and Sessions Court judge was instituted which submitted its report long ago but the Assam Rifles moved the Gauhati High Court challenging the legality of the Commission because Section 5 of the AFSPA says that the State government cannot prosecute the personnel of the armed forces without a prior permission from the Union government. The shows the highhanded impunity enjoyed by the personnel of the armed forces even against the most horrible kind of human rights violation. The saving grace, however, came on 31 August 2010 when the High Court directed the Manipur government that it was at liberty to act on the report of the C. Upendra Judicial Inquiry Commission. However, it was

a lone case in which the Judicial Commission was established and such Commissions are not ordered in all such cases. As a result, most of the cases, even of the gravest nature of human rights violation, go unreported, un-enquired and unpunished. In the wake of more than a hundred agitating young men having been killed in police and para-military forces' firing in the last one month in Kashmir, now even the Chief Minister of the State, Omar Abdullah, has demanded amendment in AFSPA or its partial withdrawal from the State on 8 September 2010.

Can the Courts Provide any Relief?

The Constitution of India has laid down the responsibility of protecting the fundamental rights of the people, as guaranteed under the Constitution, on the shoulders of the Supreme Court of India and the various High Courts. In individual cases these courts have given some historical judgements thereby extending the scope of some of the fundamental rights. The Right to free and compulsory Education as a fundamental right emanated from the judgement of the Supreme Court in 1993 in Unni Krishanan's case (AIR 1993 SC 2178) wherein the Court observed that the 'Right to Education' is also a right to life, which is implicit as it flows from the right to life guaranteed by Article 21, though it had been present in the Constitution of India as a Directive Principle of the State Policy under Article 45 ever since the adoption of the Constitution in 1949 without being considered a fundamental right by any government before that. Right to know and information have also emanated from the interpretations of Articles 19 and 21 of the Constitution by the apex Court.

However, in the matter of such draconian laws as the TADA, the POTA and the Armed Forces (Special Powers) Act, the courts have somehow failed to fulfill their responsibility as the protectors of the Fundamental Rights of the people as assigned to them by the Constitution and as recognized by themselves as such, when, in the Keshvanand Bharti case, otherwise known as Fundamental Rights case (AIR 1973 SC 1461) the apex Court observed that the democratic form of government and the fundamental rights are some of the basic structures and framework of our Constitution and they cannot be abrogated or whittled down even by the Parliament in exercise of its plenary powers of amending the Constitution. Yet the Court has gone against its self-assigned, and constitutionally mandated, duty again and again. On the allegations of "administrative liquidation" of two men by personnel of the Manipur police, the Supreme Court had ordered a district and sessions judge to conduct an investigation on a public interest petition filed by the People's Union for Civil Liberties (PUCL) in 1992. The Court, however, gave orders only for monetary compensation, in its judgement on February 6, 1997, to the relatives of the victims. It did not exercise its authority to refer the matter to the trial court for the criminal prosecution of the perpetrators of the crime.

When the necessity to examine the Armed Forces (Special Powers) Act arose as a result of a letter-petition addressed to the Court in 1982, it was converted into a petition under Article 32 of the Constitution. The judgement came after 14 long years and the Court ruled that *none of the provisions of the Act can be characterized as arbitrary*. Though utterly bizarre such judgements might seem, they are in perfect consonance with the status-quoits character of the establishment, be it the legislature, the executive or the judiciary. Otherwise how does one view the judgement of the apex court, during the Emergency in 1976, where in the Habeas Corpus Case, which came to be known as ADM (Jabalpur) Case, (AIR 1976 SC 597) the majority of the four Judges headed by Chief Justice A.N. Ray (Justice Khanna alone differing and paying the price for it) ruled that "Article 21 is the sole repository of the right to life and liberty and that since that right was suspended, Habeas Corpus petitions were not even maintainable," which practically meant that the Government had a right to kill a person without the authority of law and, in fact, contrary to the rule of law.

The National Human Rights Commission is even prevented by Clause 19 of the Protection of Human Rights Act from investigating directly complaints of human rights violations against the armed forces.

How Can an Atmosphere Conducive to Human Rights be Secured?

The National Democratic Alliance (NDA) government led by Atal Behari Vajpayee could not find time to pass the Women's Reservation bill to empower women during its six year rule because, as it claimed, it wanted to bring about a consensus on the issue. The same government passed the POTA within no time by calling a joint session of Parliament when it realized that it would not be able to get the bill through in the Rajya Sabha where it did not enjoy a majority. The same Congress party, which was opposing the move then, and later declared that it would abolish the Act as soon as it came to power, took a lot of time to do so, although, if Justice Rajindar Sachar, a retired Chief Justice of the Delhi High Court and expert in legal matters, is to be believed, the Act could be abolished overnight by an ordinance issued by the President. Not only that, the Congress led government at the centre is now planning to invoke Article 355 of the Constitution to keep the Armed Forces (Special Powers) Act in place in Manipur, where the people in large numbers have come out in favour of repealing the Act, in view of its gross misuse by the security forces. Article 355 permits the Centre to intervene in the state affairs without the consent of the state government *in the interest of protecting the state from external aggression or internal security threat.* What kind of threat from 'external aggression' or 'internal security threat' the government perceives is hard to comprehend. On the issue of keeping Manipur designated as a "disturbed area", there is a consensus in the political parties of all hues supporting the government, including the Left parties, who have otherwise been opponents of such black laws. The stand of the Congress party on continuing the AFSPA to remain in force in Nagaland and the other North Eastern states can well be taken as a foregone conclusion.

Situation in Maoist infested areas

With the entry of Multi National Corporations (MNCs) in the country in the name of globalisation, the government at the center declared a new development policy by setting up of Special Economic Zones (SEZs) in the country providing special incentives and facilities to the MNCs to establish enterprises for exploitation of the mineral wealth of the country, more for their own benefits (and the benefits of the politicians, if the example of Madhu Koda, who was caught with 4,000 Crores of Rupees of unaccounted wealth, is an example) than for the benefits of the people who own lands and resources of the targeted SEZs. When the various State governments started usurping their lands, mostly in tribal areas of central India like Chhattisgarh, Jharkhand, Orissa, Andhra Pradesh etc., at throwaway prices to be handed over to these MNCs, dispossessing the people of not only their lands but also of their only source of sustenance, the people arose in revolt. This gave chance to the Naxalites/Maoists to gain their sympathies and promote their ideological influence by supporting their cause against the various State governments. As a result there were violent protests against forcible land acquisitions resulting into ruthless suppression of these protests by police and para-military forces which resorted to large scale violation of human rights, rapes, burning of their houses, disappearances and extra judicial killings. Nandigram in West Bengal saw large-scale violence and the entire tribal belt of Lalgarh became alive with Maoist activities where, for a long time, no Naxalite activity was observed. POSCO and Tata projects faced strong protests in Orissa. Almost the whole of the mineral rich tribal belts of Chhattisgarh and Jharkhand became the epicenter of Maoists activities. But instead of listening to the genuine grievances of the poorest tribal population of these areas, the government at the center and the States resorted to the policy of suppression named 'Operation Green Hunt', on the face value against the Maoists but in truth against the tribals. Human rights activists working among the masses in their areas for their education, medical services etc. were also targeted. The arrest of Dr. Binayak Sen, a human rights activist and well-known doctor who had been working to provide medical services to the people in those areas for the last 25 years, was in effect a declaration of war by the State against all those who raised the voice of concern for the life, liberty and rights of these tribals. The State today is bent upon pursuing a model of development, which seeks to promote the interests of big capital and MNCs to the detriment of the poor farmers and the tribal population of the country. Accordingly,

anyone who espouses the cause of the tribals is labeled 'Maoist sympathizer' and put behind the bars. It is precisely for this reason that the PUCL has been named in the Kobad Ghandi charge sheet as a front organization of the Maoists, in spite of the fact that the PUCL has from its very inception denounced violence by any individual, political group and the State alike.

In a press statement published in the newspapers in June 2010 the Union Home Ministry threatened to use Unlawful Activities (Prevention) Act, 1967 for arresting those who criticize the policy of the home department of the Govt. of India in dealing with the tribal Maoist problem. It shows the stringent character of the provisions of this Act on the one hand and the blatant act of intimidation to suppress the right of every citizen to unrestrainedly criticize the wrong policies of the government under the right to freedom of speech and expression guaranteed under the Constitution on the other. The PUCL condemned this statement in strong words demanding immediate withdrawal of the statement.

Emergency-like situation in the country

Situation in the country today is no better than during the Emergency regime. In fact, it is worse.

In such a scenario, in which none of the three branches of the State seem to care for the human rights of the people, in spite of their commitment to them under the Constitution of the country, the United Nation's Declaration of Human Rights of 1948 and the Covenant on Civil and Political Rights that followed the Declaration, to which the country is a signatory, the people of the country are left with no other alternative except to organize themselves into a movement against such draconian laws which act as an instrument of depriving them not only of their civil liberties but also of their right to life with impunity. As Justice P.B. Sawant (Retd.) observed in the Twenty-third JP Memorial Lecture organized under the auspices of the People's Union for Civil Liberties, Pune, on March 23, 2003, "A citizenry well-empowered to assert itself, sufficiently well-informed to take proper decisions on public issues, active enough to participate in the day-to-day affairs of the state, and always alert to call the governors to account for their acts of omission and commission – these are the minimum prerequisites of a successful democracy." The people have to be vigilant because, to quote him again, the powerful people "are in a position to control all the key institutions – the media, the bureaucracy, the police etc. and manipulate and corrupt them, manufacture consent in their favour, and sabotage not only the will of the people, but also the law of the land." (Human Rights in Retreat: P.B. Sawant, *Mainstream*, June 28 and July 5, 2003).

If the people of the country are to be saved from the onslaught of inhuman laws and not to be pushed against the wall by them into taking to arms, which, in any case, are no solution of the problems facing them and the country, they must organize themselves into a strong people's movement to oppose such laws. Human Rights groups and other NGOs engaged in securing the rights of the people should lend full support to their peaceful efforts directed to this end. Some organizations from Nagaland, including some people engaged in the protection of human rights and civil liberties there, had approached PUCL, PUDR etc. some time ago to get their support for the movement to repeal Armed Forces (Special Powers) Act. It was decided to co-ordinate the efforts of various human rights groups in this regard and form an all India Committee to take up this cause. In this connection a convention was organized at the Constitution Club in New Delhi and a resolution was passed there. Another convention was organized at Gandhi Peace Foundation in which PUCL-Delhi played a very significant role. At the latter meeting, an action plan was also passed – including contacting various political groups and also individual MPs to muster their support for the cause. It was also decided to form sub-committees or regional committees, which can take up the matter with the governments and political parties at the level of various states where this law is in force. An awareness campaign about human rights education should also be started among the people so that the State can be pressurized to tackle such political issues politically through talks with all concerned groups instead of resorting to the use of armed forces which are best kept confined to their barracks except in times of external aggression.

PUCL on Abolition of the Death Penalty

The civilized world looks at the award of the Death Penalty from the perspective of civil and human rights.

The National Conference Against Death Penalty, held on 22nd and 23rd of July 2000 at New Delhi, which was presided over by Justice V.R. Krishna Iyer and consisted of Justice P.N. Bhagwati, Justice Rajindar Sachar, Justice H. Suresh, Justice N. S. Rau and scholars and activists like Kulip Nayar, Asgar Ali Engineer, dr. R.M. Pal, Prof. Iqbal A. Ansari, K. Balgopal and Baba Amte, was against the award of capital punishment. Gandhiji, the father of the Nation, also did not favour death as a penalty when he said, "Destruction of individuals can never be a virtuous act. The evildoer cannot be done to death. Today, attempts are being made to convert prisons into hospitals as if they are persons suffering from a disease." And what else was Veerappan if not a mentally sick person? We also have the opinion of Dr. B.R. Ambedkar, the principal architect of the Indian Constitution, who observed, "This country by and large believes in the principle of non-violence. It has been its ancient tradition, and although people may not be following it in actual practice, they certainly adhere to the principle of non-violence as a moral mandate which they ought to observe as far as they possibly can and I think that, having regard to this fact, the proper thing for this country to do is to abolish the death sentence altogether." (*Dr. Babasaheb Ambedkar – Writings and Speeches*, Vol. 13, page 639, Govt. of Maharashtra Publication). Jayaprakash Narayan, the founder of the PUCL, had observed in 1977 in a message to the Delhi Conference on Death Penalty: "A more humane and constructive remedy is to remove the culprit concerned from the normal milieu and treat him as a mental case. I am sure a large proportion of the murderers could be weaned away from their path and their mental condition sufficiently improved to become useful citizens."

In an article on the abolition of the death penalty Justice Rajindar Sachar recently observed: "Over the years, multi-nation forums have adopted four international treaties providing for its abolition: the Second Optional Protocol to the International Covenant on Civil and Political Right, aiming at the abolition of the death penalty, adopted by the UN General Assembly in 1989; Protocols No. 6 and No. 13 to the Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights), adopted by the Council of Europe in 1982 and 2002 respectively; and the Protocol to the American Convention of Human Rights to Abolish the Death Penalty, adopted by the General Assembly of the Organisation of American States in 1990.

"So far, 133 countries have abolished the death penalty in law or in practice. Only 25 countries carried out executions in 2006. There were 1,591 recorded executions that year compared to 2,105 in 2005."

The PUCL has always maintained that the death penalty should be abolished from the statute book and it has campaigned for it though there is no shortage of people who still favour it.

It was a foregone conclusion that the lone survivor responsible for the 26/11 Mumbai terror attack Ajmal Amir Kasab would get the maximum penalty of death from the trial court. It was also obvious that with the conclusion of the case the evidence presented before the court by the Public Prosecutor would become known and the Government of India would be under tremendous public pressure to demand action by the Pakistani Government against the masterminds of the attack sitting across the border in Pakistan whose names figure in the evidence. It was also clear that discussion in the media on these issues would occupy a lot of time during the next few days.

However, discussion on these issues did not last long. It is discussion on the death penalty, which was started by a TV channel that has got prolonged and stirred the question of hanging of Mohd. Afzal convicted for the 2002 Parliament attack case whose mercy appeal is pending before the President of India. Bharatiya Janata Party, the main opposition party in Parliament utilized this opportunity to attack the ruling UPA Government for not expediting action in the matter and keeping the hanging of Afzal in indefinite abeyance. One wonders whether the leaders of the BJP

would be equally vociferous in demanding hanging of Pragya Singh Thakur, Lt. Colonel Srikant Purohit, Ram Narain Singh, Dayanand Pandey, Devendra Gupta and Chandrashekhar, belonging to the Hindutva outfits like the Hindu Jagaran Manch and Abhinav Bharat, accused of the Malegaon and Ajmer Dargah blasts and the Mecca Masjid terror attack in case they are also convicted and awarded the maximum penalty of death by the judiciary? From their reaction of defending Sadhvi Pragya Singh Thakur and the other accused so far, it seems most unlikely.

The media chose the most inappropriate time, only a day before the quantum of punishment was to be announced for Kasab, to discuss the very serious issue of the death penalty. It was clear that almost all the panellists would demand death for him. The man on the street and the victims or the family members of the 26/11 attacks were all bound to demand the same. The lawyers who appeared in the discussion and were asked to give their opinion on the basis of the law of the land, were also bound to pronounce the maximum penalty of 'death' in the case as it was certainly covered under the 'rarest of rare' cases, the yardstick prescribed by the Supreme Court for the award of the capital punishment.

So long as the provision of the capital punishment is present on the statute book, the courts are certain to award death in such 'rarest of rare' cases and the largest number of people is bound to demand it when any such case is under discussion. The question becomes case specific and the circumstances of the case, the barbarity, the cruelty, the horror and the bloodshed all visit the mind of the person asked to give his opinion, combined with his own anger at the outrage (and the sense of patriotism and nationality in the cases of acts of terror by Pakistani nationals) force him to pronounce 'death' as the only punishment. They demand it because that is the maximum punishment available under the law for such heinous crimes. What needs to be understood is that they would demand 'life imprisonment' for the same crimes if that were the maximum punishment available. Such crimes happen in those countries also, which have abolished the death penalty and the people in these countries demand, and the courts award, the maximum punishment of life imprisonment for them.

It is high time that we hear the call of the UN High Commissioner for Human Rights, Navnitham Pillay, and abolish the death penalty from our statute book when she says: "I hold this position for a number of reasons: these include the fundamental nature of the right to life; the unacceptable risk of executing innocent people by mistake; the absence of proof that the death penalty serves as a deterrent; and what is, to my mind, the inappropriately vengeful character of the sentence." For a country, which gave to the world the greatest apostle of non-violence in M.K. Gandhi, this is the only rational option. But such a decision cannot be reached on the basis of the opinion of the man on the street, that too with reference to a case like that of Ajmal Amir Kasab.

PUCL on Criminal Justice Administration System

India has a democratic Constitution and Fundamental Rights of the people enshrined in it form an integral part of it. They contain the Human Rights of individuals as well as of groups of people, known as religious and cultural rights, in conformity with the Universal Declaration of Human Rights (UDHR) made by the United Nations on December 10, 1948 and the two Covenants on Civil and Political Rights and the other on Economic, Social and Cultural Rights passed by the UN and signed and ratified by most of the member States. The Supreme Court of India is the custodian of the rights granted under the Constitution.

Thus, as per the Constitutional scheme, India is a country where people enjoy all kinds of rights and civil liberties and the country is governed by the rule of law, meaning thereby that an individual's liberties cannot be abridged except in accordance with the procedure established by law. This presents a golden picture of the human rights scenario in the country but, unfortunately, only thus far. When it comes to the ground reality, the situation turns ugly. And we are not as yet talking of the Economic and Social Rights as enshrined in Part IV of the Constitution under the title

'Directive Principles of the State Policy', which were not made enforceable through the Courts by the founding fathers of the Constitution, and their implementation was left at the mercy of the State, though they are supposed to be fundamental in the governance of the country.

Some time ago a man named Om Prakash was released from the Mainpuri jail in U.P. after the intervention of the court after 37 years of imprisonment without any trial. He was arrested on charges of murder. His father, in order to save his young son from the arrest (Om Prakash was less than 20 years old at the time of his arrest), took upon himself the responsibility of the crime and confessed to having committed the murder. But both were arrested and the father died in the jail after a few years. Had the trial taken place and Om Prakash even proved guilty of murder and awarded the maximum punishment of life imprisonment, he would have come out of jail a quarter of a century ago. But during the 37 years he was in jail the trial did not even begin. The trial could not take place because the police could not trace the papers of the case. And for this serious lapse on the part of the police, no action was taken against any police official. However, Om Prakash languished in jail without trial for 37 long years and came out of jail as an insane person because his long confinement had turned him insane long ago, and at the time of his release he did not know who he was. Of course, there is no question of his recognizing his 80 years old mother, who was still happy to receive back her son in whatever condition he was at that time, a victim of gross state negligence pure and simple.

Raja Ram, aged 70, who spent 35 years in Faizabad jail and Varanasi mental hospital without being proved guilty was freed earlier on a personal bond. But his freedom was short-lived, as he could not trace his home in Torabganj in Gonda district. The SI of the Torabganj police station said that his village did not exist. His village was not on the map of the area. The Police Inspector said that Raja Ram could not locate his house. How could he, after 35 years' absence from his house and that too coming back in an insane state of mind? One can be reasonably sure that even Raja Ram did not know why he was sent to jail? What crime had he committed? He told a newspaperman, "I am not a thief. The real thief ran away and the police arrested me," as reported in a newspaper.

In yet another case reported in the same newspaper – 70-year-old Jagjivan Ram languished in prison without trial for 36 years because his records were missing and in the absence of necessary records his trial could not begin.

These few instances indicate that if there were thorough investigation across the country in different jails, there would be many more under-trial prisoners languishing in jails without being convicted.

In a different case pertaining to foreigners, 17 Pakistanis, who were found guilty of various crimes by the Courts, including that of entering the country without valid documents, were sentenced to imprisonment for various terms. They were in jail during the trial period because they could not be granted bail for obvious reasons. So far so good. But after the completion of their jail terms they should have been deported to Pakistan within a reasonable time. However, there were some who were awarded only six months of imprisonment by the Court, and yet they were kept in the Restricted Foreigners' Detention Camp, Lampur, Delhi without the sanction of the law and in gross violation of their human rights for periods ranging from one year to more than four years even after they had completed the awarded jail term. The plea of the Central Government in such cases that 'these prisoners could be released only in return for an equal number of Indian prisoners languishing in Pakistani jails' was rejected by a bench of the Supreme Court of India, consisting of Justices Markandey Katju and R.M. Lodha on March 9, 2010, and they were ordered to be deported within two months. 14 of the 17 Pakistanis detained in the Camp were deported to Pakistan on 25th March 2010. But nobody was held responsible for their grossly illegal over-detention in the country and of course there is no provision for compensation in such cases.

There were still 12 Africans detained at the Lampur Camp and Nari Niketan, Hari Nagar, Delhi who were caught on various charges and had spent between 4 to 8 years in jail during the trial period, and were ultimately declared 'not guilty' by the Courts. However, instead of being deported to their respective countries, they were also dumped in the Detention Camp. Their freedom could be secured only after the intervention of the People's Union for Civil Liberties, Delhi which highlighted their illegal detention through the newspapers and the orders of the Delhi High Court, which followed.

It is nobody's case that the police should abdicate its duty to catch and prosecute law-breakers and criminals. It has, however, been noticed that even in cases of abduction and extra judicial killings the guilty police officers go scot-free and even the most innocent victims suffer for the acts of omission and commission of the police. There should be proper, accurate and scientific investigation and gathering of actual evidence, not concocted one, to sustain the case before the trial Court. However, what is most essential to make justice administration system transparent and corruption free is to devise a system of accountability wherein the prosecuting officers should be held responsible for causing unnecessary and illegal detention of the accused, and punished, and the detainees should be adequately compensated for the physical, emotional and social loss caused to them and their families, including the cost of litigation which is also exorbitant and pushes access to the courts of justice out of the reach of most of our poverty stricken population, though no compensation can really compensate for the loss of their liberty and separation from their families and the resultant suffering caused to them. Mere cosmetic police and judicial reforms cannot cure our decayed justice administration system. It is high time that our legislators and the Courts, which are the guardians of the Fundamental Rights granted by our Constitution, considered these issues and took decisive and drastic action to ensure the un-encroached enjoyment of Human Rights of all individuals in accordance with the spirit of the Constitution and the UDHR. The National Human Rights Commission (NHRC) should also keep a regular watch and ensure that under-trials do not remain in jails on account of unnecessary delay in beginning the process of trials. It is the millions of common men and women whose liberties have to be sincerely and judiciously protected to ensure a just and democratic society through speedy and fair justice administration system. Protection of the Civil Liberties of the people is too serious and sacrosanct a matter to be left at the mercy and whims of the police and the prosecution's failure to begin the trial before a court of law.

PUCL on the Right to Food

Hunger deaths, malnutrition, scarcity of medical services constitute a very important component of the Right to Life granted under the Constitution. Part IV of the Constitution under the title Directive Principle of State Policy lays stress on this right under various Articles. In spite of being fundamental in the governance of the country successive governments have ignored them. The result is that even after 63 years of achieving independence, people die of hunger, malnutrition and lack of medical care in a country where 70% of the population is still engaged in agricultural farming. The country has been producing surplus food for the last several years but because of the lack of proper management and failure of governance due to the apathetic attitude of the ruling elite these issues have not been on the priority list of the government. Even the Supreme Court of India had observed as early as 23 July 2001 in its interim orders on the Writ Petition [Civil] 196 of 2001 filed by the PUCL in the "right to food case": "In case of famine, there may be shortage of food, but here the situation is that amongst plenty there is scarcity. Plenty of food is available, but distribution of the same amongst the very poor and the destitute is scarce and non-existent leading to mal-nourishment, starvation and other related problems."

What can be more appalling than the fact that millions of tons of food grains are allowed to be rotten for lack of poor storage and care, and the government still refuses to supply it to the poor people free of cost in spite of the Supreme Court's directions even after a Bench of Justices Dalveer Bhandari and Deepak Verma the Supreme Court gave this clarification on 31 August 2010, again

on the Petition of the PUCL, that its August 12 directive to distribute grain at "no cost" or "very low cost" was an order and not a suggestion as made out by Agriculture Minister Sharad Pawar. But still instead of implementing the orders of the Hon'ble Court, the Prime Minister himself came out in defiance of the Court's directions calling them an interference in the policy framing function of the executive forgetting that being the custodian of the Fundamental Rights of the people, which include the Right to Life also, the judiciary is within its rights, and even duty bound, to issue such directions.

In the light of this apathetic attitude of the government towards these fundamental issues of life and hunger, it seems natural for rights organizations to demand the Right to Food to be specifically granted the status of a Fundamental Right. A Right to Food Campaign was, hence, started by the PUCL in coordination with several other organizations and the government had to introduce a Food Security Bill in Parliament, which, however, is not acceptable to the Rights activists because of glaring shortcomings in the Bill in meeting the needs and aspirations of the people to ensure a hunger free society where, even by moderate estimates, more than 37% people live below the poverty line. Unless Public Distribution System (PDS) is streamlined, at least 35 Kgs. of wheat and/or rice is given to every family, all essential food items are supplied at reasonable rates through the DPS shops and every individual is brought within the ambit of the PDS system, the Right to Food will have no meaning. Unfortunately, the Food Security Act does not address these problems.

Protection of the Human Rights Defenders

As has been stated above also, the State is becoming more and more ruthless towards the human rights defenders who advocate the rights of the people. Adopting an adversarial attitude towards them, instead of looking at them as helpers in ensuring proper governance of the country in accordance with the rule of law and in a democratic manner for which the Indian Constitution stands, the State machinery harasses, arrests, tortures and even kills these human rights defenders. The arrest of Dr. Binayak Sen is an example of the same. In a country where even the human rights defenders, who work as a watchdog for the rights of the people, are not safe and are targeted by the State, how can the rights of ordinary citizens be said to be safe?

Hence the PUCL has been advocating for a robust institutional mechanism for the support and protection of human rights defenders. To this end the PUCL had submitted a detailed petition to the National Human Rights Commission (NHRC) and had raised this issue during the core meeting of NGOs affiliated to NHRC organized on 12.10.2009 by the National Human Rights Commission at New Delhi. Acting on the plea of several other rights groups as well, the Commission has finally set up a Focal Point for human rights defenders on 4 June 2010. It is hoped that now at least the aggrieved can approach the mentioned cell.

However, much cannot be hoped for unless and until the State apparatus changes its attitude and approach towards the human rights perspective in the country and does not devote itself to governance in accordance with the letter and spirit of the Constitution of India. In its absence the need of human rights organizations will continue to exist and the PUCL will continue to pursue the goals for which it was constituted.

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Who are the Guilty?

In yet another case of travesty of justice Seema Azad, a young journalist and editor of a bi-monthly magazine – Dastak, and also the Organising Secretary of PUCL Uttar Pradesh, and her husband Vishwavijay were convicted under Sec 13 (punishment for indulging in unlawful activities), 18 (punishment for conspiracy to commit a terrorist act), 20 (being member of a terrorist gang or organisation), 38 (membership of a terrorist organisation), and 39 (providing support to a terrorist organisation) of the UAPA amended 2004 and 2008, and u/s 120, 121 and 121(A) of the IPC for being in possession of objectionable literature, to life imprisonment by a court at Allahabad on 8 June 2012.

Seema Azad, a grassroots journalist and a well known civil liberties activist was returning after attending a book fair in New Delhi and her husband had gone to the station to receive her when they were arrested by the Special Task Force on February 6, 2010 from the Allahabad station, under the Unlawful Activities (Prevention) Act, for their alleged links with Maoist organizations. There is absolutely no incriminating evidence against her. The only evidence provided was a book carried by Seema Azad containing information on Maoist politics. From then on, they have been detained in custody, and have been refused bail. It is clear to human rights activists that Seema Azad and her husband were charged under the draconian laws for political reasons. Ms. Seema has relentlessly raised her voice against local scams and injustices, denouncing the working condition of mining workers, exposing the practices of the local mafia and its nexus with the police force.

“On a number of occasions, she (Seema Azad) had taken up the cudgels on behalf of poor labourers and exposed the nexus between the police and the illegal contractors, who used to deploy labourers for unauthorised mining of stone or sand in various regions of Uttar Pradesh, particularly the Sonbhadra district,” PUCL UP Vice-President Ram Kumar said in a statement after the judgement was pronounced.

It has become a trend for the governments to book those dissenters, who criticize their anti-people policies and expose the misdeeds of politicians-police-bureaucrats and mafia nexus or give voice to the exploited, suffering, displaced and disinherited masses, under the most stringent laws, brand them as anti-national or Maoists and keep their voices muzzled by incarcerating them. What is even more worrisome is that the judiciary, which is supposed to be the protector of the freedom and liberties of the people, also fails to do so. And the worst is that those who book innocent people on false and concocted charges always go unpunished even when higher courts reverse the judgment and set them free, of course, when they have already spent several years of their prime life in prisons. Seema Azad and her husband’s case has again brought these questions into focus and for all freedom loving people and human rights activists to take up the cause.

Seema’s is not a solitary case of its kind. Thousands of innocent citizens are languishing in different jails in the country today on charges of sedition and waging war against the country, for being Maoists or their sympathizers, or Terrorists, merely because they tried to raise their voice against the anti-people policies of the government. Earlier Dr. Binayak Sen, a well-known pediatrician, public health specialist and human rights activist, and the national Vice-President of the People's Union for Civil Liberties (PUCL) was also sentenced to life imprisonment by a Chhattisgarh court on similar charges, including that of sedition, and on similar grounds. In sharp contrast, the same Binayak Sen was presented with the International Peace Award by the Gandhi Foundation along with Bulu Imam for the "humanitarian work and practice of non-violence" on 13 June 2012 at London, England. The award honours individuals and groups who have advocated and practised Gandhian non-violence but who have received little recognition for doing so.

The judgement again raises many wider and serious questions for which answers have to be found out. Why is it that in free and democratic India innocent people are being charged, convicted and awarded even life sentences on charges of sedition merely for possessing some books or pamphlets

whereas under the British rule leaders of the freedom movement like Gandhiji and Tilak were awarded much less sentences even though they were really revolting against the British government? Why is it that today convictions are taking place on a large scale under the same kind of laws though hardly any convictions took place under the equally draconian laws like the Maintenance of Internal Security Act (MISA) or the Defence of India Act (DIA) even during the Emergency rule when thousands of people were booked under these Acts? Why is it that such undemocratic and illegal laws as the UAPA, AFSPA, the sedition law and the like have existed on the statute book though they clearly violate the letter and spirit of the fundamental rights of life and liberty and the right to freedom of speech and expression guaranteed under the Constitution of India, the supreme law of the land, and why does the higher judiciary, which is mandated to protect the fundamental rights of the people, fails time and again to declare such laws and Acts as ultra vires? Why is it that the executive branch of the State conveniently ignores the suggestions/orders of the apex court when it says that instead of letting the food-grains rot, they should be supplied to the poor starving people free of cost and why do the lower courts ignore its remarks when it says that mere possession of literature does not make a person a Maoist (15th April 2011 while granting bail to Dr. Binayak Sen), or membership of a banned organization will not make a person a criminal (3rd Feb 2011 Criminal appeal No(s) 889 of 2007), and continue to award even life sentence on those very charges? And why is it that even at the level of the highest court a dispute regarding the share of natural gas between the Ambani brothers is heard and settled within months while an appeal for grant of bail to someone, who according to its own opinion, cannot be held guilty on the charges mentioned above, drags on and on for years and years? Where was the need to set up the National Human Rights Commission if the courts had effectively protected the rights of the people? But has the NHRC also not failed in its mandate to do so and forfeited the right to exist after it has stopped conducting independent inquiries into the complaints and started to function as a government department, only endorsing the illegal actions of the government officials based on the reports of the police officers, the Secretaries/Chief Secretaries of the governments etc. only legitimizing their illegalities? Why are those politicians not punished for producing Maoists, who for their own greed placate Multi-National Corporations and big industrialists by adopting anti-people policies and forcing the harassed toiling and poor masses into joining the ranks of the Maoists, and the bureaucrats and police officers for acting at the behest of their political masters, multiplying the miseries of these hapless people by indulging in high-handed behaviour, even resorting to burning of their houses, rapes and killing with impunity thereby unleashing a reign of terror? And the last, but not the least, are we living in a free and democratic country where we will decide for ourselves what we would eat or not eat, wear or not wear, think or not think and read or not read, or the process of Talibanisation has started and the State will decide such things and those who do not conform to their whims and dictates will be tagged as either Maoists or Terrorists and decimated?

All of us must find answers to these questions if we have to save our hard earned freedom and democracy for which lakhs of our forefathers laid down their lives. We must think and decide whether those who are acting as the agents of the MNCs and in order to promote their business and protect their interests are uprooting farmers and tribals from their lands and forests and forcibly displacing them, in utter disregard of their economic and social rights as enshrined in part IV and also the Fundamental Rights enshrined in part III of the Constitution, have become instruments of loot of the mineral wealth of the country, have given birth to Naxalism and Maoism in the country by adopting anti-people and partisan policies and continue to promote and intensify their activities by creating conditions which provide them the support and sympathy of an increasing number of hungry and naked people by forcing them to seek protection from them instead of the State, and have waged a war, in the name of fighting the Maoists which is their own creation, against their own people, who raise their voices against this injustice, by using the State's authority and fire power, in effect waging a war against the country itself and its interests, are guilty of these crimes or those like Dr. Binayak Sen and Seema Azad, who have been and are trying to give a voice to

those voiceless millions who are being exploited, intimidated and killed and their houses burnt to evict them from their lands so that the mineral rich land becomes available for mining and setting up of industry for the benefit of multi-nationals and the rich and powerful of the country, though these Binayak Sens and Seema Azads have never supported the use of violence by anyone, be it any individual, the Maoists or the government machinery? And how long will the peace loving and innocent people continue to suffer at the hands of this so-called 'justice administration system', in which they continue to have faith though it hands out more injustice than justice to them?

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No Crime but Punishment and No Punishment for Crime

Hundreds of encounter deaths take place in the country every year and over the years this number has multiplied into thousands. Ask any layman and he will tell you that not more than a few hundred of these cases might have been those of actual encounters. Yet no policeman or personnel of para-military forces gets booked on charges of murder even after depriving others of their basic human right of life. Since no case is registered against any of them, no investigation takes place and no question of ever being punished by the court arises even in cases of fake encounters. The immunity from being booked under the law, as provided under Section 197 of the Cr.PC and Section 7 of the Armed Forces Special Powers Act 1958 where permission of the government is required for filing a case in a court of law against the delinquent officials of the police or a member of the armed forces, which practically means that people have no right to approach the court and launch prosecution for atrocities committed by any such officer and this proves encouraging enough to further trample the law under feet. Out of turn promotions and bestowal of awards provide added incentives to become an outlaw to kill in the name of maintenance of law and order or in the name of self-defence. Innocent victims also tend to lose faith in law. This only tends to pave the way for a lawless society. Though the dead ones cannot return and nothing can compensate for the loss of the near and dear ones yet mere registration of an FIR against the policemen in such cases brings back faith in law. Hope of securing justice sooths afflicted hearts if chances of the guilty being punished seem in sight. Unfortunately, that rarely happens.

Consequently innocent people are killed or arrested on charges of being supporters of Maoists, prosecuted and dumped in jails for years and years and ultimately prove 'not guilty' and are released, at least those who are lucky and able enough to traverse the intricate and labyrinthine corridors of our justice delivery system from the trial court to the Supreme Court. But by that time their whole life, and those of their family members, are completely destroyed. And, as always, the perpetrators of the crime of murder, rape, arson and destruction of the life of innocent people enjoy a free life. As a result of the structural failure to book the guilty the Chhattisgarh police and the personnel of the CRPF go on rampage brutally killing about 17 innocent tribals including women and school-going minor children in a village under the Kottaguda Panchayat of district Bijapur in Bastar region on 28-29 June 2012 claiming the incident to be an 'encounter' with ''hardcore Naxals" as the Union Home Minister described it. His praise for the CRPF after the incident only reflects his contempt for the tribal people and their right to live a dignified life and also utter disregard for all ethics of democratic governance, what the government of Chhattisgarth and the Union government have been showing again and again. Reports not only of independent journalists but also of the Congressmen who visited the area after the incident show that indeed those murdered in the incident were innocent villagers. The home ministers of Chhattisgarh and the Union Government should realise that blatant denials of atrocities on the people, which are not based on facts, and are in fact contrary to facts, only further erode their credibility which in any case is already at its lowest ebb. Unfortunately, such incidents are an everyday affair in Chhattisgarh and Jharkhand though they are not a rarity in other parts of the country.

This could have stopped and the perpetrators of the crime of 'fake encounters' would have faced prosecution and been punished had an order of the Andhra Pradesh High Court not been stayed by the Supreme Court. In a judgement dated 6th February, 2009 a five judge bench of the Andhra Pradesh High Court consisting of Justice Goda Raghuram, Justice V.V.S. Rao, Justice R. Subhash Reddy, Justice Ramesh Ranghanathan and Justice G. Bhavani Prasad in one such case, on Writ Petition No. 15419 of 2006 (and others) against encounter killings of eight Maoist Naxalites, including five women, on 23.7.2006 at Nallamala forest, Prakasam District of Andhra Pradesh, filed by Andhra Pradesh Civil Liberties Committee and others, including People's Union for Civil Liberties, ruled that the first information relating to the circumstances leading to every encounter death will be recorded and registered as FIR because 'on information conveyed of death(s) in a police encounter recording and registering of such information is a non-derogable executive obligation u/Sec. 154(1) Cr. P.C,' 'a process that structurally ensures judicial oversight, control and supervision, of the integrity of the investigatorial

process', 'treating the information as one relating to commission of the cognisable offence of culpable homicide amounting to murder,' and that in such cases 'an investigation mandated by Section 157 Cr.P.C. must follow,' 'and if in such transaction involving exchange of fire between police officer(s) and civilian(s) there be death(s) of member(s) of law enforcement as well, separate FIRs must be registered – one in respect of death(s) of police personnel and the other relating to the death(s) of civilian(s).'

The Court also observed: "Life and liberty are basic human rights ensured to every person in every civilized society. Article 21 of the Constitution mandates that *No person shall be deprived of life or personal liberty except according to procedure established by law*. This constitutional injunction is to all persons accused of even a heinous or the gravest offence must under the law be charged and convicted by a judicial authority after a due process and infliction of the sanction of deprivation of liberty or extinction of life (as the case may be) must be administered only on the basis of a judicial order.

"As the State does not claim nor suggest any special or extraordinary legislative authority, for employment of lethal force against a Maoist/extremist/naxalite and adopts the position that the deaths in police encounters are invariably as a consequence of the exercise of the right of private defense by police officers, it is mandatory that the governance process, including the recording, investigatorial and where warranted the charge and trial process must conform to the injunctions of Article 21, and the requirements of Articles 14 and 19 as well," (*Francis Coralie Mullin v. Union Territory Delhi, Administrator (1981) 1 SCC 608)*, and countering the argument of lowering of the morale of the police in case of putting legal restrictions to regulate their functioning, the Court put a lid over the whole matter by observing that: "In any event the inexorable mandate of law cannot be sacrificed at the altar of expediency or to placate executive phobia of the legal processes."

This would have given a hope of securing justice to the victims' families in future and provided solace to the 6000 families of those killed in fake encounters over the four decades in Andhra Pradesh alone.

However, this hope was to be belied and shattered soon. On March 4, 2009 came a verdict of a three-judge Bench of Chief Justice K.G. Balakrishnan, Justice P. Sathasivam and Justice J.M. Panchal of the Supreme Court of India, on a Special Leave Petition (SLP) filed by the A.P. Police Officers Association, represented by senior counsel Harish Salve, staying the judgement of the A.P. High Court.

So long as the men in uniform enjoy the immunity from prosecution even for the gravest crime of murder, incidents like the Kotteguda killing will continue to be repeated. Laws, which provide that immunity, need to be repealed for which Human Rights activists have been agitating for a long time. The judiciary, particularly the Apex Court, also needs to be more rational in protecting the life and liberty of the people and the Constitution of the country and not the draconian laws and the actions of the government, which go against the very spirit of the Constitution and norms of democratic governance. The government also needs to realise that Maoism/Naxalism is a political problem and can be solved only politically through dialogue and not through indiscriminate use of lethal force against the very people it is mandated to protect.

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Democracy *vs.* Communal Fascism and Why India needs to remain a Democracy?

DEMOCRACY is a form of government in which the people of a country elect their rulers for a fixed tenure and the government thus elected is responsible and answerable to the electorate for its actions. In this form of government every elector has an equal right as a voter irrespective of his caste, creed, religion, language and sex. In this form of government a prerequisite for success is that nobody bullies the other, any majority based on any of the factors like caste, creed, religion or language does not impose its will on the minority – in other words even the majority has no right to pass any laws which might put the minority in a disadvantageous position in comparison to the majority. Such a form of government is based on the principle of tolerance where differences of opinion based on various diversities are accepted as a matter of fact and no attempt is made to achieve uniformity through the use of force or coercion.

FASCISM on the other hand means intolerance of any dissent based on any of the factors like caste, creed, religion or language and extermination of dissenters as was done during the Nazi rule in Germany where six million Jews were killed to cleanse Germany of the only minority it had. It was 'national fascism' that Hitler had tried to impose there. A 'communal fascism' is based on a difference in community, like a difference based on linguistic community or religious community.

The very definitions of democracy and communal fascism make it clear at the very outset that the two are antithetical, where the one is based on tolerance and the other on non-tolerance or intolerance. A government based on fascism can be anything like a dictatorship but not a democracy.

When India attained independence in 1947, it chose for itself a democratic form of government, because it was adjudged to be the best form of government, so that its people could progress together in spite of their differences in language, religion, caste, communities and regions because they had fought for their independence from the British together, without letting any of these differences come in the way of their common fight against the foreign rulers or in the way of achievement of their national unity, at any stage during the long struggle. As such, the Preamble to the Constitution of India, which was formed soon after to rule the vast country in a democratic way, declared as its aim, among others, the freedom to profess and propagate any religion. But the country was divided into two based on the theory of two nations which emanated from communal passions fanned by religious or communal fanatics as a result of mutual mistrust spread by vested interests in both the major communities inhabiting India, the Hindus and the Muslims, though India chose to remain a secular country after partition. Communalism has always stood in the way of India occupying a place in the comity of civilized nations. According to Gandhiji, the claim of a country to civilization depends upon the treatment it extends to the minorities.

If democracy as a form of government, by and of the people, and the cardinal values like civil liberties and political rights, the freedom of the press, the right to profess any faith and the right to elect any government are to be preserved and protected, the people themselves have to exercise an eternal vigilance to ensure that those in power do not succeed in subverting the democratic system to satisfy their greed to stick to power through unconstitutional, corrupt or divisive means because all shades of politicians and political parties have adopted these means to come to power, and once in power, to stick to it. If Mrs. Gandhi's Emergency regime was an example of the first kind, Narsimha Rao's government was an example of the second and Narendra Modi's present government in Gujarat is an example of the third kind. Atal Behari Vajpayee's NDA (National Democratic Alliance) government also came to power riding the chariot of Hindutva, moving on the wheels of the divisive agenda of building the Ram temple at the site where Babri Masjid stood earlier at Ayodhya, to consolidate the majority Hindu vote and garner its support for achieving its

narrow political end of capturing power. It is a different matter that the slogans invented by the think-tanks of the BJP could not befool the uneducated and poor people of this country who thwarted their attempts to regain power at the Centre

In 1984 hundreds of innocent Sikhs were butchered as a result of communal passions fanned by leaders who wanted to cash the killing of Mrs. Indira Gandhi, the then Prime Minister, by one or two of her security guards who happened to be Sikhs. The whole community was maligned and punished for the guilt of a few.

Since 1990 when L.K. Advani took out a rath yatra fanning communal passions, majority communalism has resulted in the killing of a large number of people across the country in communal riots. In 1992 came the demolition of Babri Masjid at Ayodhya bringing in its wake killings of hundreds of people in Mumbai in the riots in 1992-93. The incident of burning of a train compartment at Godhra in Gujarat resulted in the killing of more than two thousand Muslims there. Quite obviously, the ground for communalism has been made fertile by the educated section of our population, not by the common men and women. If only the latter were left to themselves, to manage their affairs without any interference from the "educated" people, the evils of communalism would be eradicated.

The "educated" people in our country, by and large, have been fed on evils like intolerance; fanaticism; irrational notions like, for example that Hindus and Muslims cannot unite, Hindu-Muslim enmity was the creation of the British, Hinduism is the highest creation of God almighty, "the Mussalman is impure", "the Hindu is Kafir", the demand for Hindu *rashtra*, the values of which are to be exclusively Hindu culture and Hindu values, Indianisation of Islam and the Christian Church, and so on. The people responsible do not understand that by starting the hate campaign against people belonging to the other community they are only laying the foundation of another division of the country. If we start moving away from one another on linguistic, religious or communal basis, then the country will be divided into more than five hundred small units again and in this unipolar world the super powers will devour the whole country without any resistance as the saying goes, "United we stand, divided we fall." Politics of communalism is only for narrow political ends started by political leaders who cannot look beyond their narrow vested interests. A hate campaign needs to be started against such leaders and not amongst people dividing them on communal lines if democracy is to be protected and preserved in this country. If people of the country resolve to protect their democracy and the nation, such leaders cannot divide them. No other form of government, except a democratic one, can take the interests of a large nation full of diversities into account well. That is, in fact, the only form of government in which the country can survive and progress as people themselves are ultimately their own rulers and who else can give them better governance?

Lessons from the Delhi Gang Rape

The gang rape of a young girl of 23 years in a moving bus in New Delhi, her subsequent death and the massive and spontaneous protests in Delhi and all over the country which followed the incident expressing the anger and the outrage among the people, particularly among the youth of the country, once again exposed the ability of the police to ensure safety of women, the patriarchal mindset of the society in general and the hollowness and hypocrisy of the political class in ensuring a place of dignity and equality to women.

Men continue to be what they have been for centuries – dominating and patriarchal in thought and behaviour. So no surprise when Mohan Bhagwat, the RSS chief, said that rapes do not take place in rural but urban India and further, "A husband and wife are involved in a contract under which the husband has said that you should take care of my house and I will take care of all your needs. I will keep you safe," following it up with, "So, the husband follows the contract terms. Till the time, the wife follows the contract, the husband stays with her, if the wife violates the contract, he can disown her," or when President Pranab Mukherjee's newly elected Congress MP son, Abhijit Mukherjee remarked that "dented and painted" women were protesting against the gang rape in Delhi, or when a CPI (M) leader in West Bengal, Anisur Rehman made a highly offensive remark against Mamata Banerjee, the woman Chief Minister of the State, hurting her dignity as a woman. When Khap Panchayats issue diktats to girls and women to wear one kind of dress and not the other or about who to marry or not marry, it is the same mindset which is reflected. They want to remain masters of their destiny and their bodies and to treat them the way they want. That is the reason why they commit murders and rapes and the most powerful amongst them get elected as legislators, the position which shields them from law. And then they become arrogant also not caring for the people who elect them. They themselves require Z-Plus security with scores of gun-toting commandos for their safety and to-hell with the safety of women, young girls and the *aam-aadmi.* Are the political parties not abetting crime and crime against women when they gave Lok Sabha election tickets to six persons and State election tickets to 27 such persons during the last five years who had declared that they were charged with rape, of which six MLAs actually represent people in State Assemblies today? Is it any surprise that they go scott-free after long trials in a country where conviction rate is so low that out of 1,26,753 rape trials in 2011 only 5724 accused were convicted; where the police connives with the accused and either does not register an FIR and the victims have to threaten to immolate themselves for an FIR to be registered, as happened in a recent Punjab case, or if registered, the case is made out to be weak or the policemen themselves pressurize the victims on behalf of the accused to withdraw the charges, of course not before their palms have been sufficiently greased. And if you protest against a rape case, as happened at India Gate on 23rd December 2012, be ready to be brutally lathi-charged or face murder charges against you if a policeman dies for other reasons during your protest, and it does not matter whether you are a student or a girl or an old man or woman and have come out spontaneously on the streets to sympathize with the victim and to demand safety to women on the roads, which otherwise also is the duty of the police and the political leadership. But they have other important things to do like accusing you of creating a law and order problem and the movement being a motivated one. That is the reason why, in spite of your being near the seat of power, no political leader of the party in power or anyone from the government stepped out to meet and listen to what you and the other young boys and girls had to say, not even Rahul Gandhi, the young leader of the party who is being projected as the sole leader of the youth of the country and the Prime Ministerial candidate of the party in the 2014 parliamentary election; not even anyone else from his youth brigade. In fact, till date, not even in the speech he made on 20th January 2013 at the Jaipur conference of the Congress party named '*Chintan Baithak*' after being elected as its Vice-President, has he uttered a single word condemning the incident or of sympathy for the young victim or about ensuring the safety of women. No surprise then that the Women's Reservation Bill for granting 33% reservation to women in Parliament, hangs in uncertainty even after being passed by the Rajya Sabha after long

years and the ruling party does not show any urgency for it though it easily manages to get the FDI in Retail Bill passed by both the Houses of Parliament in spite of huge opposition from most of the political parties and the public alike. The leaders of some other political parties, like the Samajwadi Party and the Rashtriya Janata Dal, will continue to block the passage of the bill in the name of providing reservation within reservation to minorities or OBCs. Of course, the ladies of their own families enjoy the benefit of top priority in nomination for elections and get elected. So long as they can do this, how does it matter for them whether other women reach our legislatures or not? Socialism for them ends there and this is how they pay their tributes to the socialists of yesteryears like Dr. Ram Manohar Lohia, Jayaprakash Narayan and Madhu Dandavate. Is it not surprising that in a democratic country where the President was a woman till recently, the chairperson of the UPA, the ruling formation at the center, is a woman, the leader of the opposition in the Lok Sabha is a woman, the Speaker of the House is a woman and three Chief Ministers of the big and numerically important States, namely, Tamil Nadu, West Bengal and U.P. have been women, of which two are still ruling, and every political party declaring again and again that they want to pass the women's reservation bill, but still the bill remains un-passed in Parliament?

But what pains any rational human being more is that even women Members of Parliament, who are supposed to lead the movement to ensure equality and safety to all women, show insensitivity towards their plight and concerns. When Sushma Swaraj, the leader of the opposition in the Lok Sabha showed her anguish at the incident of rape in the capital, her heart went out in sympathy for the victim and she demanded death penalty for the perpetrators of the crime like many of her counterparts in the ruling Congress. Let us forget for some time the rapes and murders that took place in Mumbai during the 1992-93 communal riots or what happened to girls and women in 2002 in Gujarat because reference to those communal incidents will be uncomfortable to her. However, even her slightest attention did not turn to Soni Sori, a tribal girl, who was stripped naked in a police station in Chhattisgarh, a State ruled by her own party, and stones were thrust into her private parts in a gruesome manner, not by some lawless citizens but by policemen, supposed to be the protectors of law and the life and dignity of the people, and when the Superintendent of Police under whose jurisdiction it all happened was honoured with a '*gallantry award*' by the State. Nor was she reminded of the gang rape and gruesome murder of Thangjam Manorama, a Manipuri girl, by the personnel of the security forces in 2004 facilitated by the immunity provided to the security forces under the Armed Forces Special Powers Act, which she and her party have been vociferously supporting, and which is in force in Manipur and the Kashmir valley, where also hundreds of rapes and killings at the hands of the rogue elements in the security forces have taken place. The question is: Why did she not demand the same punishment for those policemen and the Superintendent of Police concerned, or to the personnel of the security forces who committed rape and murder of Thangjam Manorama? Her head also did not hang in shame when many women of Manipur stripped themselves stark naked and demonstrated in front of the Assam Rifles headquarters in Manipur, whose personnel were involved in the gang rape and murder of Manorama, with banners 'Come and rapes us too!' in protest against the non-action against the perpetrators of the crime. Perhaps because the girls of Manipur and the Kashmir valley are not her and her party's constituency.

Another female MP from the Samajwadi Party wept out her outrage in the Rajya Sabha and outside in front of the media cameras but even she did not show the courage to ask her party leader to expel her party MLAs in UP who face similar charges against them and even now they and their close relatives continue to perpetrate such atrocities on women in UP, the State ruled by her own Party, even after the Delhi rape case. Dr Kakoli Ghosh Dastidar, a senior leader of the Trinamool Congress party and a Member of Parliament, herself a woman, said that the Park Street gang rape case of a young girl in West Bengal, which is ruled by a woman Chief Minister, Mamata Banerjee, of her own party – in which the woman was raped by five men after she came out of a nightclub - was not a case of sexual assault but a misunderstanding during a deal between a woman and her

"client". She was merely toeing the line of her leader who was accused of shedding crocodile tears while offering support for making strong laws in the wake of the Delhi gang rape while, as many people felt, her own government was trying to cover up the Park Street gang rape case in her own State because perhaps the perpetrators were her party sympathizers. After the remark by Kakoli Ghosh, the rape victim in that case told the NDTV, "I cannot imagine how a woman can say something like that about another woman, about me. Here I am waiting for justice and she has gone ahead and said something so insulting."

These are women MPs, who, at least, are supposed to be sensitive and vocal, rising above party politics, on inhuman crimes against women. Is it not surprising, too, that none of them have ever thought of demanding 50% reservation for women in legislatures, as has been provided in Panchayats in many states, or in their party posts, even though they form almost 50% of the population of the country? If that happens, women by themselves will be able to decide what police, judicial or administrative reforms or laws are necessary for them to live as equal citizens of the country and they will be able to take decisive action in all matters pertaining not only to their safety but also to their education, employment, healthcare and social security in all other matters. But what they indulge in, like their male counterparts in the party, is mere politics and sheer hypocrisy! Perhaps they know better than us that their male counterparts in their own political parties will not let them do so, or maybe, they tacitly support them by bowing before their male hegemony, or probably they dare not do so for fear of losing their own personal position in the party for the sake of lifting the status of all women in the country, and to continue to use it as a slogan to promote their own politics. Hypocrisy thy name is Politics!

Nothing seems to have changed in the last one month after the Delhi gang rape and the following protests. Rapes continue to take place, the attitude of the police and the politicians remains the same, the perpetrators of the crime in the Soni Sori, Manorama and thousands of other cases like theirs in Chhattisgarh, Jharkhand, Kashmir, Manipur, Haryana, U.P. and elsewhere, including Delhi, the rape capital of the country, continue to roam free. The AFSPA remains in place providing immunity to the personnel of armed forces and Iron Sharmila continues to be on fast even after 11 years demanding repeal of the draconian law, politicians continue to enjoy the powers they have sitting on the heavenly citadels of power and the security of commandos (for them the God is in the heaven and all is well), and holding conferences planning strategies to remain in or come to power in the 2014 Lok Sabha election, and to pay lip service to the victims while defending their party colleagues by repeating their oft quoted remark that they are 'innocent till proved guilty' and 'the law will take its own course if and when they are proved guilty', instead of expelling them from their parties or denying them party tickets for elections. However, the angry protests by young girls and boys in New Delhi and other cities of the country, as happened earlier in the movement against corruption led by Anna Hazare and his team, which too was sought to be demonized by the ruling dispensation because that too targeted their vested interests, show that the youth of the country has decided to change things and will no longer tolerate the callous attitude of the law enforcing agencies and the political class as a whole towards protecting women and their honour and giving them their rightful place as equal individuals in society, is a beginning in the right direction and it cannot but have its effect sooner or later, the sooner the better. The determination of the youth as reflected through these protests shows that they want change in attitudes and the society, and that is a positive sign, which cannot be, and should not be, brushed aside. It is the women themselves who have to understand that by virtue of being born as human beings, they too are born with the same human rights as men and they are fully entitled to choosing what they wear and who to choose as their life and/or sex partner and to lead a respectful life with dignity and safety in accordance with their own free will as any other individual. Nobody else will change things for them. They themselves will have to rise to the occasion and lead the nation towards the change they visualize. The march towards that end has only begun…..

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AFSPA and the Sedition Law must be Repealed

Justice Jeevan Reddy and Justice J.S. Verma Committees' Recommendations must be honoured and implemented

While delivering the K. Subrahmanyam Memorial Lecture on 'India's National Security – Challenges and Priorities' at the Institute for Defence Studies and Analyses on 6th February 2013, the senior-most Cabinet Minister, P. Chidambaram, made a bizarre statement regarding making the Armed Forces (Special Powers) Act a more "humanitarian" law, that the Union government could not move forward as there was "no consensus" between it and the Army on the issue. He further stated, "The Army has taken a strong stand against any dilution of the AFSPA… We can't move forward because there is no consensus. The present and former Army Chiefs have taken a strong position that the Act should not be amended. They also do not want the government notification [of bringing areas under the AFSPA] to be taken back. How does the government move forward…to make the AFSPA a more humanitarian law?"

His words, coming as they do from the mouth of the most powerful minister of the Union government, do not augur well, in more than one way, for the future of the world's biggest democracy we claim to be. First, it is a stark admission of the fact that the policies of the government are determined by the 'strong stand' of the armed forces and not guided by the democratic and sacred Constitution of the country, nor are they bound by the opinion of 'We, the People' who gave the country that Constitution. Even Pakistan, which by no means claims to be a truly democratic state, has never admitted that its policies are influenced by the military generals or the ISI (Inter Services Intelligence), a fact accepted even by the close allies of Pakistan. Perhaps he forgot that the country is governed by a civilian government representing the will of the people who exercise their control over it through their elected representatives sitting in the Lok Sabha and its functioning is based on the principle of the superiority of the civilian government over all other departments of the government including the defence establishment. His remark also seems to throw into the dustbin the recommendations of the two important committees established by the government itself – one under Justice Jeevan Reddy and the other under Justice J.S. Verma – both of whom have made recommendations against continuance of the AFSPA in its present form.

Justice J.S. Verma Committee has recommended the Review of Security Laws in Conflict Zones. Giving the reasons for it the Committee has, in a nutshell, made the following recommendations:

"Due to the number of reports of sexual offences committed by the armed forces in India's conflict areas such as Kashmir and the North East, the Armed Forces Special Powers Act (AFSPA), a controversial law that gives sweeping powers to and often confers immunity on security forces, must be reviewed. Security forces must be brought under the purview of ordinary criminal law rather than under army law. Special commissioners for women's security must be deployed in all areas of conflict. Such commissioners will have powers to monitor and take action in all cases of sexual violence against women by armed personnel. Introduce 'Breach of command responsibility', making a senior officer of security forces or police liable to a jail term of at least seven years if his/her subordinate commits rape."

Justice Jeevan Reddy Committee has rightly observed, "While providing protection against civil - or criminal proceedings in respect of the acts and deeds done by such forces while carrying out the duties entrusted to them, it is equally necessary to ensure that where they knowingly abuse or misuse their powers, they must be held accountable therefor and must be dealt with according to law applicable to them. It is not unusual that there will be some indisciplined individuals in these forces as well, but their wrong actions should not be allowed to sully the fair name of the armed forces and the para military forces. While our armed forces are one of the most disciplined in the world, situations may arise when they are deployed outside their regular duties, i.e., when they are deployed for maintaining public order or for quelling internal disturbance in a part of the territory of India, when certain members thereof may seek to take advantage of their power and position to

harass or otherwise trample upon the rights of the citizens of this country. The legal mechanism should ensure that such incidents do not take place and should also ensure that adequate remedial measures do exist where such incidents do take place."

"Keeping in view the material placed before us and the impressions gathered by the Committee during the course of its visits and hearings held within and outside the North-Eastern States, the Committee is of the firm view that:

(a) The Armed Forces (Special Powers) Act, 1958 should be repealed. Therefore, recommending the continuation of the present Act, with or without amendments, does not arise. The Act is too sketchy, too bald and quite inadequate in several particulars." Commenting on the constitutionality of the Act, the Committee says, "It is true that the Hon'ble Supreme Court has upheld its constitutional validity but that circumstance is not an endorsement of the desirability or advisability of the Act. When the constitutional validity of an enactment is challenged in a Court, the Court examines (i) whether the Act is within the legislative competence of the Legislature which enacted it and (ii) whether the enactment violates any of the provisions of the Constitution. The Court does not - it is not supposed to - pronounce upon the wisdom or the necessity of such an enactment."

Was the minister's remark of throwing the responsibility of not letting the AFSPA be 'humanised' squarely on the armed forces meant as an excuse for the government's inability to amend or repeal the Act or is the government itself complicit in the whole affair? It is true that the army generals would not like the impunity clauses removed from the Act because they give their men the freedom to act as they will, without any accountability being fixed on them or their higher ups. If in the line of their duty they have to act tough one can understand it but, as the Supreme Court observed in a case related to the killing of five villagers in Kashmir by personnel of the armed forces in Pathribal incident, "You go to a place in exercise of AFSPA, you commit rape, you commit murder, then where is the question of sanction (for prosecuting such officers)? It is a normal crime which needs to be prosecuted and that is our stand," the judgement by Justice Swatanter Kumar and B.S. Chauhan declared a year ago. This is exactly what the Justice Verma Committee has observed and it is this impunity from prosecution which Justice Jeevan Reddy Committee wanted to do away with when it recommended repeal of the Act. No wonder that because of this impunity provision in the last 54 years since the Act came into force in 1958 not a single personnel of the armed forces has been prosecuted for murder, rape and burning and destruction of houses and villages in Manipur or Kashmir where there are reports of disappearances of people running into tens of thousands and mass graves of unidentified people were recently discovered in the Kashmir valley. That the Union government has not published the Justice Reddy Committee report or tabled it in Parliament till date, though it was submitted in 2005, speaks volumes about the seriousness of the government to make the law more 'humanitarian'.

The minister's remark shows not only utter insensitivity to the sufferings of the people, particularly women who ultimately suffer the brunt of the atrocities perpetrated on innocent people including tribals, apart from the pain of rape and murder they are made victims of, but also contempt of the public opinion and saner voices raised against draconian laws like the AFSPA, the sedition law and the UAPA which have been, and still are, used against the suffering masses who raise their voices in protest against forced usurpation of their land and means of livelihood, their health and safety rights and their right to dissent – be it in Jammu and Kashmir, Odisha, Jharkhand, Chhattisgarh, Tamil Nadu or elsewhere in the country. In a democratic set up such laws have no place and go they must. These laws have only resulted in untold suffering to the people, alienating them and brewing more and more discontent among them. The government must also understand that it is not 'impunity' but 'accountability' which is the governing principle in a democratic country and that the ultimate 'sovereign', "We, the People", have every right to demand it and the government is morally bound to honour that demand, particularly in the light of the report of the two Committees.

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Violence Breeds Violence

The dastardly and condemnable attack on the cavalcade of the Congress party in the Sukma district of Chhattisgarh on 25th May 2013 in which several Congress party leaders, their security guards and many other innocent people were killed was clearly an act of revenge, specially targeted against Mahendra Karma, the founder of Salva Judum, the illegal army made of Tribal youths purportedly for fighting the Maoists. While the act of violence by the Maoists has been condemned by all from the political leaders to the civil society as such acts cannot provide justice to the victims of atrocities perpetrated by the *Salva Judum* on the poor, suffering and hapless Tribal people of Chhattisgarh, it is equally true that Salva Judum's armed goons, backed by the state establishment and political leadership, had indulged in the killing of thousands of innocent tribal people of Chhattisgarh, raped their young girls and women and burnt their houses, and their acts had been even more dastardly and condemnable because they were directed at absolutely unarmed and innocent people who were unable to defend themselves or their families. This fact was recognized by the Supreme Court of India and it ordered the *Salva Judum* to be wound up. The tragedy is that many of those who vociferously condemn the 25th May attack by the Maoists have never in the past condemned the inhuman acts of the Salva Judum. That highlights the inherent bias in the minds of our political class which treats political leaders belonging to their own parties as citizens of this country and super human beings who are born to govern and rule, while it treats the poor tribals and ordinary people as second class citizens of the country and sub-human beings whose suffering and pain does not even deserve their attention. That also is the reason why huge financial compensation is immediately announced on the death of people belonging to the political class, their supporters and the elite sections of our population killed by the Maoists while no compensation has ever been announced for the survivors of the families of the innocent people killed by the *Salva Judum* activists and the police and personnel of the para-military forces.

This fact is best illustrated from the incident of the killing of seventeen innocent villagers including women and school-going minor children in a village under the Kotteguda Panchayat of district Bijapur in Bastar region on June 28-29, 2012 by the CRPF, claiming the incident to be an 'encounter' with '''hardcore Naxals", as the Union Home Minister described it. His praise for the CRPF after the incident only reflects his contempt for the tribal people and their right to live a dignified life and also utter disregard for all ethics of democratic governance, what the Government of Chhattisgarth and the Union Government have been showing again and again. Not a single tear was shed by the ruling political class at the State or Central level on their killing. They were considered un-equal citizens of the country, not worth the attention of the rich, the powerful and the ruling class of the country. Obviously their murder was not considered equal to the killing of the Congressmen on 25th May. So there was no question of compensating the survivors of those killed financially. And the question of holding the perpetrators of the grave crime accountable and prosecuting them for the cold-blooded murder of the innocent tribals did not arise, simply because they did not belong to the political class or the elite sections of our society.

The bias of the ruling political class, both at the center and the State level came out in the open again at the all-party meeting held recently at New Delhi which was called by the Prime Minister for reaching a consensus to pass a resolution regarding the steps to be taken for the resolution of the Maoist problem, (read killing them all) in the wake of the attack on the Congress cavalcade. The original draft resolution did not contain a single word regarding the injustices done to the tribals and when Basudev Acharya of the CPI (M) suggested that a paragraph should be added that would include mention of the rapes of tribal women, sometimes by the SPOs of the *Salva Judum* did not find favour. When Gurudas Dasgupta of the CPI suggested that there should at least be some mention of the fact that there had been alienation of the tribal people because of a lack of governance, and that this was creating fertile ground for breeding Maoist, Arun Jaitley of the BJP, the ruling party in Chhattisgarh, said that there was no need to rationalize violence. It was only when the two left parties threatened to vote against the resolution that the phrase 'redress any sense of alienation' was finally added in the sentence which read: "We assure them that the governments will be sensitive to their concerns and redress any sense of alienation and the injustices of the

past." However, how much sensitive they have been in the past is clear from just two examples: Conferment of the President's Police Medal for Meritorious Service to SRP Kalluri, IGP of Chhattisgarh who raped a tribal woman, Ledha Bai, when he was the SP of Sarguja District, and ordered her gangrape by his juniors and then terrorized her and her lawyer when she decided to file a complaint against him. Mr. Kalluri is notorious for the reign of terror he let loose in Sarguja district as its SP, under the pretext of fighting Maoists. During his tenure as the SP extra-judicial killings were frequent, such as the one of Narayan Khairwar, and anyone who raised a voice against this was victimized. This conferment of honour came on the heels of the award of the President's Gallantry medal to Ankit Garg, another Senior Superintendent of Police in Chhattisgarh who had sexually assaulted another tribal woman in his custody, Soni Sori, and treated in the most inhuman way.

Let any number of meetings be held and resolutions passed, the problem of Maoism cannot be solved the way the governments want to solve it. If it could be solved through brutal use of arms, the problem would not have survived, in fact turned more acute, for the last 46 years. Forcible acquisition of the land and source of sustenance of the tribal population in the name of development is the main cause which has resulted in the increase of the cadres of the Maoists. There are hundreds of examples of this. Giving an example in an article 'Repression is no solution' (The Hindu, June 8, 2012) in which he quoted what the Supreme Court of India said in the matter, Gopal Subramanium, a former Solicitor General of India, wrote: "In the *Mahanadi Coal Fields Case* (2010), the Supreme Court took strong exception to the manner in which the Central government and the Mahanadi Coal Fields Limited had acquired the lands of tribals in the Sundargarh district of Odisha and not compensate them even 23 years later. In fact, 20 years after dispossessing them, the government noted that the land was actually not required!

"The Supreme Court observed: "The whole issue of development appears to be so simple, logical and commonsensical. And yet, to millions of Indians, development is a dreadful and hateful word that is aimed at denying them even the source of their sustenance. It is cynically said that on the path of 'mal-development' almost every step that we take seems to give rise to insurgency and political extremism [which along with terrorism are supposed to be the three gravest threats to India's integrity and sovereignty] … The resistance with which the state's well meaning efforts at development and economic growth are met makes one think about the reasons for such opposition to the state's endeavours for development. Why is the state's perception and vision of development at such great odds with the people it purports to develop? And why are their rights so dispensable?"

There are ways in which the problem of Maoism can be solved and the issue of development of the tribal areas can be tackled but they require the political will of the government and its goodwill towards the tribals. The tribals are a satisfied lot and are happy with whatever meager means they have. They have never demanded any development. So the first need is not to dispossess them of whatever little they have – their house, their land, their water and their forest. If at all any of them is required in '*public interest*' for the sake of development, not for the sake of handing over the vital resources to the MNCs and the big industrialists to satisfy their greed for profit, then it should be done with their full consent and they should be made equal partners in this progress, the other partner being the government itself. Then all the false cases against the tribals be withdrawn immediately and thousands and thousands of them languishing in the jails of Chhattisgarh, Jharkhand and elsewhere be set free and adequately compensated for the sufferings thrust upon them. All those who have committed heinous crimes against the tribals, the policemen, the personnel of the para-military forces and the former cadres of the Salva Judum, including high officials like SRP Kalluri and Ankit Garg, should be booked for their crimes and prosecuted on fast track basis. It is then that the tribals will get a sense of justice and not feel alienated. That will remove the fear of being harassed, arrested, killed and raped from their mind. That will pave the ground for educating them and providing them with medical and other facilities which will then surely succeed. Then the exodus of the tribals towards the Maoists, whom they see as their only

sympathizers against the adversarial State today, will also stop. It will surely attract back many of those, who had turned Maoists because of the injustice they got at the hands of the State, to lay down their arms and lead a peaceful family life. It will then be possible to deal with the remaining ones through talks and negotiations, the only method through which even serious international conflicts are ultimately resolved. But that does not mean that such talks must wait till then. They can be begun any day provided the aim is to win them over and bring them back to the mainstream, and not lure them for talks and then kill them in encounter, as has happened often in the past, one such incident being the cold-blooded murder by the police of Raj Kumar alias Azad, a leader of the Maoists, who was coming for talks to resolve the Maoist problem along with Hemchandra Pandey, a journalist, on the request of Swami Agnivesh, bringing down the credibility of the State and discouraging the Maoists to come forward for such talks. For such talks to begin hostilities from both sides have to stop, the sooner the better, so that an atmosphere of mutual confidence is built up and the State has to take the initiative in that direction. Will the Prime Minister and the leaders of all political parties show seriousness to end the Maoist problem and consider these suggestions sincerely? Or will the All-party meeting prove to be the latest of the ceremonial exercise in futility towards ending the Maoist problem?

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Will Extra-Judicial Killings Ever Stop?

Making a mockery of the Rule of Law, which is supposed to exist in this country because of the existence of a Constitution in accordance with which the country is supposed to be run, Surjit Singh, a police official from Taran Taran in Punjab, disclosed about a month ago that he had been involved in the killing of 83 people in faked encounters on orders from his superiors. This was during the period from 1984 to 1996, the period when militancy in the State was at its peak, when according to various investigating agencies and human rights groups, more than 25, 000 people were killed by the Punjab police while the official figures put the total number of people killed in Punjab at 15,000 though even that is not a small number. This number includes persons "missing" from their homes, killed in "encounters," cremated as "unidentified" and "escaped from police custody." It is important to mention here that during that period, police personnel, whether officers or constables were a law unto themselves and many of them were involved in merciless killing of youth by branding them as terrorists for rewards and promotions and also for settling personal scores. The bodies were silently cremated with no questions asked. In 1995, Jaswant Singh Khalra, an officer at a bank at Amritsar in Punjab, who became an activist, used government crematoria records to expose more than 6,000 secret cremations by the police in just one of the then-13 districts of the state. Mr. Khalra himself was killed in October 1995 and, 10 years later, a judge finally convicted six Punjab police officers for their role in his murder. However, given the record of political leadership in the country, it is very doubtful whether those police officers who ordered Surjit Singh to kill with impunity will ever be enquired against, held accountable if found guilty, and punished.

This is just one story of just one so-called 'encounter specialist'. There are hundreds of such encounter specialists in the country and thousands of cases of fake encounters are spread in not only the trouble torn states but also in the comparatively peaceful states. Even government figures show that 555 cases of fake encounters were registered across India during the last four years of which Uttar Pradesh had 138, Manipur 62, Assam 52, West Bengal 35, Jharkhand 30, Chhattisgarh 29, Odisha 27, Jammu and Kashmir 26, Tamil Nadu 23, and Madhya Pradesh 20 and nobody knows how many unregistered cases of fake encounters take place in the country. The very fact that these encounters were fake, even by the admission of the government machinery, it is clear that the victims were killed in cold blood by the trigger-happy uniformed personnel and no civilized society can grant them the authority to indulge in extra-judicial killing of these persons even leaving space for some of them having some kind of criminal record behind them. This is against the very concept of the rule of law and a result of the culture of impunity enjoyed by the personnel of the police, the para-military and the armed forces. But as no case is registered against any of them, no investigation takes place and no question of ever being punished by the court arises even in cases of fake encounters. This is because of the immunity they enjoy from being booked under the law, as provided under Section 197 of the Cr.PC and Section 7 of the Armed Forces Special Powers Act 1958 where permission of the government is required for filing a case in a court of law against the delinquent officials of the police or a member of the armed forces. Every other individual would be booked for murder not get bail easily if he/she kills a person even while exercising the right to private self-defence as granted to every person under the law. Not so for the uniformed personnel.

This could have stopped and the perpetrators of the crime of 'fake encounters' would have faced prosecution and been punished had an order of a five-judge Bench of the Andhra Pradesh High Court dated February 6, 2009 which ruled that the first information relating to the circumstances leading to every encounter death will be recorded and registered as FIR because 'on information conveyed of death(s) in a police encounter recording and registering of such information is a non-derogable executive obligation u/Sec. 154(1) Cr. P.C,' 'a process that structurally ensures judicial oversight, control and supervision, of the integrity of the investigatorial process', 'treating the information as one relating to commission of the cognisable offence of culpable homicide

amounting to murder,' and that in such cases 'an investigation mandated by Section 157 Cr.P.C. must follow', not been stayed on March 4, 2009 by a three-judge Bench of Chief Justice K.G. Balakrishnan, Justices P. Sathasivam and J.M. Panchal of the Supreme Court of India, on a Special Leave Petition (SLP) filed by the AP Police Officers Association. The hope of ending the murderous impunity enjoyed by the lawless uniformed personnel of the police, the para-military and the armed forces awaits the final judgment of the Supreme Court of India in the case and the repeal of the laws which provide such impunity. But, as the Apex Court has not taken up the case for consideration even after more than four years, we do not know when the culture of 'impunity' will replace the culture of 'accountability' and when, if at all, maintaining the morale and confidence of the people in the justice administration system of the country will acquire equal, if not more, importance than maintaining the morale of the police force and the personnel of the armed forces and para-military forces which acts as a deterrent for governments from taking action even against the most lawless of them by providing them the protection of impunity laws.

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Another SC Judgement in the Right Direction

In a significant Judgement on 27 September 2013 in the PIL case filed by the PUCL in 2004, "PUCL *vs* Union of India", the Supreme Court of India has upheld the right of the Indian voters to reject all the candidates in the parliamentary and state legislative assembly elections if they feel that none of the candidates fielded by various political parties deserve their vote. Accordingly the Court has directed the Election Commission to provide a **"NONE OF THE ABOVE"** or **(NOTA)** button in the Electoral Voting Machines (EVMs) through which the voter can register his displeasure regarding the fielded candidates. The Election Commission has also taken steps to include this NOTA button in the EVMs from the next assembly elections to five state assembly elections due in November/December 2013. With this an important milestone in electoral reforms empowering the citizens of the country to elect clean and untainted representatives to the legislative assemblies and the Parliament has been achieved.

The Judgement has been welcomed by the civil society and others who have been agitating for electoral reforms to make our democracy truly representative of the will of the people which the political parties and our elected representatives have been neglecting with impunity sometimes reaching the stage of sheer arrogance of power. Now the political parties will have to take note of the will of the people as expressed through the NOTA button if they persist in fielding candidates with a record of serious criminal cases like dacoity, murder, rape and corruption. The Supreme Court has observed in its Judgement that "Negative voting would gradually lead to systemic changes as political parties will have to respect the will of the people in selecting their candidates." In a democracy the will of the people as expressed through the voting machines is of paramount importance because it is the expression of the will of the ultimate sovereign and neglecting this will of the people can be detrimental to the interests of the political parties who dare to do so. It is also hoped that more and more voters will come out to vote, who did not do so earlier because of their disgust of the candidates fielded by the political parties, and who felt completely helpless to express their dissatisfaction and disgust against such candidates because they had only two options – either not to take part in the electoral process at all, which deprived them of their legitimate right to elect their representatives or, worse still, to vote for one of the candidates however strongly they felt against him/her. The 'right to reject' existed earlier also under the Conduct of Election Rules 1961, Rule 49-O, but the voters had to lose their privacy of vote because they had to make a declaration to that effect in form 17A, which could even endanger their lives as they could become victims of the ire of candidates who would feel outraged at their rejection by the voters. The SC Judgement provides for the protection of the privacy of the voters' 'expression of will' which was also very important given the number of anti-social elements contesting elections at present. Besides, to vote according to his/her free choice is the fundamental right of freedom of speech and expression of the citizen under Article 19(1) and Article 21 grants him/her protection of life and personal liberty which can be ensured only if he/she is able to exercise the right to vote in secrecy without any fear or risk of losing that protection.

Some skeptics question the utility of the right to reject – maybe their experiences with the political class have been too bitter in the past. Some people had also questioned the utility of the earlier Judgement of 2003 in another PIL filed by the PUCL in which the Supreme Court had ruled that all the candidates contesting an election to the Parliament or State assembly would be required to declare his/her financial assets and criminal anecdotes. It is true that in spite of that provision of declaration, the political parties have continued to field tainted candidates with serious criminal charges against them. These parties may not have changed their process of selection of their candidates, but today the voter has an informed choice at the time of voting. At least the voter knows who and what the candidates presented before him/her are even if his/her hands have been tied so far to vote for one of them even though that candidate also has serious criminal charges against him/her. Within a period of ten years since 2003, the question of the presence of criminals

in politics and legislative houses has acquired gigantic proportions in public discourse and reached its culmination in another earlier SC Judgement of 10 July 2013 whereby the Court ruled that if an MP or MLA was convicted in a serious offence and sentenced to two years of imprisonment or more, he/she would lose his/her seat immediately. Today, Rashid Masood, Laloo Prasad Yadav and Jagdish Sharma have lost their membership of Parliament after being convicted in corruption cases. Things move slowly in a democratic system but it cannot be said that they do no move at all. The latest SC Judgement on the right to reject is another step forward in the right direction, a path-breaking Judgement, and its effect may take a few years to become visible. If the political parties do not mend their ways and provide clean candidates, a time will come when more and more voters will exercise this right and the day more than 50% voters reject all the candidates in the fray, the Election Commission, the government of the day and the Parliament will have to consider framing laws to countermand that election and to debar the participating candidates from re-contesting that election, because that will be a clear and incontrovertible evidence of the 'expression of the will of the people' done in a constitutionally legitimate manner which nobody will be able to neglect. Of course, such a law does not exist today. But it cannot be said that such a law will not be framed in future. We have to remember that public pressure has forced the government to pass a strong Act for the protection of women in the wake of the powerful and widespread mass protests across the country against the 16th Dec 2012 gang-rape case of Nirbhaya in Delhi, to introduce the Lokpal and Food Security Bills in Parliament, and to withdraw the ordinance which was brought to circumvent the SC order of 10 July in an attempt to enable convicted MP and MLAs to continue as legislators till the final rejection of their appeal by the highest court, This is the power of the people that democracy grants to them and that has to be respected by all political parties and the government.

People ask: "What next after the 'right to reject'?" Obviously, it will be the 'right to recall', the next and logical step forward. A time will surely come when people will demand accountability from the ruling class. The 'right to recall' will empower the citizens to withdraw the non-performing legislators, unlike at present when the elected representatives do not care to know the 'will of the people' who elect him, and the citizens feel helpless and at the mercy of the very persons they elect, till the next elections when they get a chance to show their satisfaction or anger against the acts of omission and commission by their elected representatives. They do not know whether the next representative will care for them, or they will have to wait for another five years to express their will again. The 'right to recall' will empower them to punish those elected representatives who betray their faith. The argument of non-viability of holding re-elections and the cost of holding re-elections, in case of mass rejection of candidates through the exercise of the 'right to reject' or the 'recall' of the non-performing representatives, by politicians and the government is a lame argument because the cost of holding elections/re-elections is the price which the people pay in exercise of their right to live in a democratic polity. Has any politician ever questioned their right of contesting election from more than one constituency and vacating of more than one seats from where he/she gets elected, thereby forcing the cost of holding re-election in the constituencies thus falling vacant? Does that not put an extra and avoidable burden on the people? If a proposal were to be made that a candidate can contest an election from one constituency only, all politicians would cry foul and say that it would deny them their democratic right to seek election. Then the cost factor would not come to their mind. By the same argument, it is the right to every citizen of this country to have a clean representative of their choice and to recall him/her if he/she does not perform according to their aspirations. The cost of holding re-elections in such cases will be negligible compared with the dividend of holding the political parties and the elected representatives 'accountable' to the voters without which a democracy is phony and not real.

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Civil Liberties & The Armed Forces (Special Powers) Act

(***This article was written in 2004 exclusively for the*** **PUCL Bulletin** ***but for unknown reasons could not be published in it at that time. It was later published in*** **The Radical Humanist** ***in September & October 2004, in two parts. It is being published in two parts here because the issues raised herein have not been resolved so far and the facts provided in the article are as relevant even today as they were in 2004***. Ed.)

The economic policies based on the principles of globalization and privatization have, in their wake, brought to this country, imported consumer goods from developed countries for which India has provided a market with a vast potential, even if at the cost of the closure of a very large number of local manufacturing units resulting in the unemployment of a still larger workforce. This has done tremendous harm to the conditions of physical survival of those for whom keeping together their body and soul was never an easy task. At the same time the increased inclination of the youth belonging to the middle class, (in any case, the elite sections have always shown a tendency to be consumerist going to the extent of a blatant and vulgar display of their wealth earned, nay, amassed through the exploitation of the working classes, corrupt means or speculation in the share-markets – those legally sanctioned, unproductive gambling houses of the rich meant to deprive the unsuspecting people belonging to the lower middle class of their hard-earned and frugally saved money, if our experience of the last 13 years is any evidence), has taken away all his sense of honour, human dignity and the commitment to protect his civil liberties and human rights. His commitment towards his fellow human beings and their welfare has also received a serious jolt as a result of the mad pursuit of his self-centered motives.

To cater to the needs of the elite sections of our society, including the neo-rich, who have reaped the fruits of the new economic order, and also the not-so-rich, who emulate the other two classes because people from these classes spending a lot of money on luxuries, (and also the trigger-happy film hero killing people with impunity), attract them to the extent of becoming their role models, are coming up the costly shopping malls and multiplexes in all metropolitan cities as a result of which the new culture of consumerism has drowned the culture of human rights discourse in the country.

How else should one interpret the trend as reflected by the print as well as the electronic media where indecent photographs – so much so that, thanks to the efforts of the journalistic fraternity, some sections of the papers have come to be known as 'porn pages' – and stories from the film and fashion world and descriptions of marriages and parties of the rich invariably fill a large portion of the front pages of most of our national dailies and they also get a place of prominence on the news channels, and people's struggles, protests and movements even for their basic rights and tales of their sufferings and deaths due to hunger, mal-nutrition and at the hands of various agencies of the state hardly find a mention even in an obscure corner of the news-papers? Otherwise, how does one explain the complete obliteration of everything related to the imposition of emergency in the country on 26th June, 1975, the greatest danger to democracy, civil liberties and human rights this country has faced ever since attaining independence in 1947, from the news-papers and the electronic media even on the anniversary of that black day, and of any reports of meetings held on that day to observe anti-emergency day to keep alive a continuous struggle for the protection of our civil and political rights from the next day's news-papers, as if an emergency had never been imposed in this country, or perhaps to remember such events is considered a useless exercise to be undertaken only by some intellectuals in their seminar rooms as a ritual having nothing to do with the present day life.

It would be a happy turn of events if we were no more required to recall such events, if they really became a matter of the past, never to recur again. But as things stand today the danger to our civil and political rights has not diminished a bit even after the 44th Constitutional Amendment to Article 359 disabling the President from suspending Articles 20 and 21 of the Constitution of India,

thereby denying him the power to forfeit the fundamental right to life and liberty of any person even during a period of promulgation of Emergency in the country. Although promulgation of Emergency has been made more difficult, than it was in 1975, because 44th Amendment has introduced 'armed rebellion' in place of 'internal disturbance' as the condition for such a promulgation, and such a promulgation has also to be endorsed by a special majority in Parliament, yet there have been lesser laws which have been depriving people of the country of their basic civil and political rights with impunity, and what is worse, they do not require any such sanction of 'special majority' in Parliament for their imposition.

Why to Remember the Emergency?

For those who suffered the excesses of the Emergency, it will always remain a nightmarish experience never to be forgotten. But the young generation can hardly understand the importance of keeping its memories alive; we must not forget that those events took place twenty nine years ago. How can the youth of today know that "the darkest chapter in the history of independent India was written on the midnight of 25-26 June, 1975?" and that "With the imposition of Emergency on that day, thousands of people including opposition leaders were arrested and put in jail, and all the important fundamental rights were suspended. There were violations of all standards of morality, justice, and freedom; acts of barbarism and violence were committed. With the promulgation of Emergency, all rights and justice, civil liberties, law and order were trodden under feet. The Emergency waged war upon democracy. Excesses that were committed were not accidental, but the logical and deliberate acts of an authoritarian political philosophy. The object of this philosophy was the destruction of all freedoms, and triumph of the strong." (Remembering the Emergency – Dr. R.M. Pal, *PUCL Bulletin*, June 1997).

We have to remember that the Emergency was imposed in the country because on a petition filed by Late Sh. Raj Narayan who had been defeated in a parliamentary election by Mrs. Indira Gandhi, the then Prime Minister, from Rai Bareily, in its Judgement delivered on June 12, 1975, the Allahabad High Court had held Mrs. Gandhi guilty of corrupt practices in her election, and declared her election as null and void, and that in a meeting on June 25, all opposition leaders had declared that if she did not quit as the Prime Minister of the country, they would start a civil disobedience movement from June 29. Defying the court Judgement and making a mockery of the rule of law, Mrs. Gandhi declared a state of Emergency in the country, usurping all authority into her own hands, suspending fundamental rights including the right to life and liberty only to perpetuate her illegal, immoral and authoritarian rule by ruthlessly silencing all opposition by putting all opposition leaders behind the bars, without warrants or charge-sheets and for periods nobody knew how long, and also gagging all the national press, first by ordering their electric supply to be cut and then through the introduction of very stringent censorship laws which did not allow anything to be published against the Prime Minister or her decisions, or any of the excesses perpetrated by her or her son Sanjay Gandhi, who enjoyed the status of an extra-constitutional authority and whose orders, as a member of the Nehru family wrote later, "sometimes verging on criminality were obeyed without question." Under his leadership the Youth Congress, the youth wing of the Congress (Indira), had acquired the notoriety as a band of goons and its leaders as the unelected executives of the areas under their command, and government officers including police SHOs thought it to be their most solemn duty to obey their word of mouth as if it had come from the Prime Minister herself. Such was the atmosphere during the Emergency regime of Mrs. Gandhi and her infamous son Sanjay Gandhi that one could not move freely, talk freely or breathe freely in this very democratic country of ours. What is even more disturbing is that "the fundamental lack of commitment to values of freedom and democracy, tolerance of dissent, and the capacity to look beyond one's immediate interests which had made the intellectuals, with a few honourable exceptions, accept the Emergency and abide by its soul destroying demands." (Remembering the Emergency).

If democracy as a form of government, by and of the people, and the cardinal values like civil liberties and political rights, the freedom of the press, the right to profess any faith and the right to elect any government are to be preserved and protected, the people themselves have to exercise an eternal vigilance to ensure that those in power do not succeed in subverting the democratic system to satisfy their greed to stick to power through unconstitutional, corrupt or divisive means because all shades of politicians and political parties have adopted these means to come to power, and once in power, to stick to it. If Mrs. Gandhi's Emergency regime was an example of the first kind, Narsimha Rao's government was an example of the second and Narendra Modi's present government in Gujarat is an example of the third kind. Atal Behari Vajpayee's NDA (National Democratic Alliance) government also came to power riding the chariot of Hindutva, moving on the wheels of the divisive agenda of building the Ram temple at the site where Babri Masjid stood earlier at Ayodhya, to consolidate the majority Hindu vote and garner its support for achieving its narrow political end of capturing power, and his government also made a frantic effort of keeping to stick to power by adopting the corrupt means of spending something like Rs. Seven hundred and fifty crores from the public exchequer to boost his own image, and his party's, through the 'Feel-good' and 'India Shining' campaigns. It is a different matter that these slogans invented by the think-tanks of the BJP could not befool the uneducated and poor people of this country who thwarted their attempts to regain power at the Centre. To quote once again Dr. Pal from the article cited above, "We must take note of increasing corruption, manipulative politics, and other evils in the system which have been systematically eroding the values of democracy and destroying it."

Anti-democratic Draconian Laws in the Garb of Public Order Laws

In the name of bringing under control various terrorist and disruptive activities, the state of India has brought about various legislations and Acts ever since the country got independence in 1947. While it is true that various groups in different parts of the country took to arms or indulged in unconstitutional methods to press their demands, the methods adopted by the state to bring them into the mainstream have also been dubious. While nobody having a faith in the rule of law can and should support the use of arms to press any demands, however legitimate they might be, it is also equally true that a serious attempt has never been made to understand their problems, or to find out the compelling reasons which might have made them take to arms against the state. Poor, deprived people who had hoped to get a better deal at the hands of local rulers after attaining independence from foreign rulers, felt neglected and cheated when nothing was done to improve their conditions and they continued to suffer from starvation and disease. Their appeals of SOS continued to go unheeded and unheard and when they tried to organize themselves into a movement to force the powers that be to listen to their voices they got bullets in reply. When out of desperation they took to arms, they got Maintenance of Internal Security Act (MISA), Terrorist and Disruptive Activities (Prevention) Act (TADA), National Security Act (NSA), Armed Forces (Special Powers) Act (AFSPA) and Prevention of Terrorist Act (POTA). While it is true that all these special Acts came into being with the purported intention of bringing under control only those few who were thought to be uncontrollable otherwise, and that too for a limited time and purpose, the fact remains that all such people could well have been brought under control under the ordinary criminal law, under sections 121 to 130, 153A, 294 and 295 of IPC. Another fact that cannot be contradicted is that all of them have invariably been used for a much longer period than they were originally planned to exist for. And the most dangerous common factor amongst them is that all of them have been used against the most innocent people to deprive them of their life and liberty, when these hapless people have tried to voice their grievances, and that too for excruciatingly long periods. All of them have been misused, by those in power, to subvert democracy they were purported to protect. All of them have been used ruthlessly against the people they were supposed to protect, to silence the voice of dissent, to crush the right to demonstrate against injustice and to decimate political opposition.

For example, TADA, which came into existence a decade after the imposition of Emergency in June 1975, following the assassination of Prime Minister Indira Gandhi which in turn was followed

by a ruthless collective massacre of the members of the Sikh community, is still considered by the Sikh community as an Act which was brought into force as a measure of continuing vengeance against Punjab. It was later extended to Kashmir, Andhra Pradesh, Assam, LTTE Tamils in Tamil Nadu and against Muslims after the demolition of Babri Masjid. This Act has been perhaps the most criticized law ever since independence. It was also one of the most 'lawless' laws along with the Armed Forces (Special Powers) Act and N.S.A. It gave wide powers to the police to arrest and to detain people without trial under its custody for periods which could run up to one year and confessions made before a senior police officer were admissible as evidence before the court of law. The Act thus made a mockery of civil liberties and the fundamental rights of the people as laid down in the Constitution of India, and in fact, of democracy itself.

The following statistics prove beyond any doubt how this law was misused against the so-called 'terrorists': "This law was abused in almost every state for silencing activists and political opponents. According to the NHRC 165 men above the age of 75 years, 160 women, and 43 children below the age of 15 years were detained under this Act until the end of 1994, and the oldest detainee was an 83 years old woman in Gujarat," ('Open Letter to the Prime Minister for the Repeal of TADA' by K.G. Kannabiran – *PUCL Bulletin*, May, 1995.)

Within a short period of its passage by the Parliament, POTA has also achieved the same notoriety which was earlier enjoyed by TADA, and the list of those arrested under it in a short period in Chhatisgarh alone reads like the list given above. Its misuse to silence the opposition is exemplified by the detention of Vaiko, a prominent opposition leader in Tamil Nadu, by J. Jaylalithhaa's government, and his release by the POTA court under the directions of the Supreme Court, as the charges framed against him were not found tenable under POTA. The very fact that of the 76,166 persons arrested under TADA till 1995, when the Act was allowed to lapse, only 843 (that is only 1.11 per cent) were convicted, as per Union Home Ministry's own statistics, is enough to show how widely and wildly the Act was misused to deprive people of their right to life and liberty by various governments.

Armed Forces (Special Powers) Act, 1958 - a Tool to Subvert Democracy in the North-Eastern States

The Armed Forces (Special Powers) Act [AFPSA] which has been in force for forty six years since 1958 is in clear violation of the letter and spirit of the Constitution and has led to an undeclared Emergency and Martial law in the North-Eastern states of the country. The AFSPA has been responsible for the untold misery, death, rape and torture and the denial of civil and political rights to the people of Nagaland, Manipur and Assam. Extra-legal killings have become the order of the day there and people are denied their civil and political rights because the armed forces there enjoy unfettered powers over areas declared as 'disturbed area' prohibiting the assembly of five or more people. The citizen is wholly dependent upon the whimsical and subjective satisfaction of a warrant officer or a non-commissioned officer who becomes the ultimate officer to define "order" and determines the steps to be taken to maintain "order". Under Section 4(a) of the Act if the concerned officer is of the opinion that it is necessary to maintain public order, after giving such due warning as he may consider necessary "fire upon, or use such force, even to the causing of death," and under sub-section (c) arrest any person without warrant who has, or is likely to commit a cognizable offence; and under sub-section (d) enter, and search without warrant any premises to make such arrest." And the worst part of it all is that to take such action the officer needs no permission from a superior and is not answerable to anyone. Under Section 197 of the Code of Criminal Procedure (Cr.P.C.) no court can take cognizance of an offence alleged to have been committed by a public servant or member of the Armed Forces while acting or purporting to act in the discharge of his official duty except with the previous sanction of the central or state government whereas the permission of the central government has to be obtained to prosecute a military officer under Section 7 of the Armed Forces (Special Powers) Act, which practically means that people have no

right to approach the court and launch prosecution for atrocities committed by any such officer. Even various commissions of enquiry appointed by the government have found security forces guilty of gross human rights violations but in most of the cases the guilty officials have not been prosecuted for the offences committed by them.

In Manipur, where AFSPA was extended 27 years ago in the name of fighting militancy, successive governments have retained it and there have been complaints of military excesses from the people. Only recently a 30-year-old woman, Manorama Devi, was allegedly raped and killed by Assam Rifles personnel. Students supported by many NGOs and human rights organizations there have been agitating for action against the guilty as well as for the repeal of AFSPA which has become a tool in the hands of rifle wielding criminals to perpetrate such crimes.

Can the Courts Provide any Relief?

The Constitution of India has laid down the responsibility of protecting the fundamental rights of the people, as guaranteed under the Constitution, on the shoulders of the Supreme Court of India and the various High Courts. In individual cases these courts have given some historical judgements thereby extending the scope of some of the fundamental rights. The Right to free and compulsory Education as a fundamental right emanated from the judgement of the Supreme Court in 1993 in Unni Krishanan's case (AIR 1993 SC 2178) wherein the Court observed that the 'Right to Education' is also a right to life, which is implicit as it flows from the right to life guaranteed by Article 21, though it had been present in the Constitution of India as a Directive Principle of the State Policy under Article 45 ever since the adoption of the Constitution in 1949 without being considered a fundamental right by any government before that. Right to know and information have also emanated from the interpretations of Articles 19 and 21 of the Constitution by the apex Court.

However, in the matter of such draconian laws as the TADA, the POTA and the Armed Forces (Special Powers) Act, the courts have somehow failed to fulfill their responsibility as the protectors of the Fundamental Rights of the people as assigned to them by the Constitution and as recognized by themselves as such, when, in the Keshvanand Bharti case, otherwise known as Fundamental Rights case (AIR 1973 SC 1461) the apex Court observed that the democratic form of government and the fundamental rights are some of the basic structures and framework of our Constitution and they cannot be abrogated or whittled down even by the Parliament in exercise of its plenary powers of amending the Constitution. Yet the Court has gone against its self-assigned, and constitutionally mandated, duty again and again. On the allegations of "administrative liquidation" of two men by personnel of the Manipur police, the Supreme Court had ordered a district and sessions judge to conduct an investigation on a public interest petition filed by the People's Union for Civil Liberties (PUCL) in 1992. The Court, however, gave orders only for monetary compensation, in its judgement on February 6, 1997, to the relatives of the victims. It did not exercise its authority to refer the matter to the trial court for the criminal prosecution of the perpetrators of the crime.

When the necessity to examine the Armed Forces (Special Powers) Act arose as a result of a letter-petition addressed to the Court in 1982, it was converted into a petition under Article 32 of the Constitution. The judgement came after 14 long years and the Court ruled that none of the provisions of the Act can be characterized as arbitrary. Though utterly bizarre such judgements might seem, they are in perfect consonance with the status-quoits character of the establishment, be it the legislature, the executive or the judiciary. Otherwise how does one view the judgement of the apex court, during the Emergency in 1976, where in the Habeas Corpus Case, which came to be known as ADM (Jabalpur) Case, (AIR 1976 SC 597) the majority of the four Judges headed by Chief Justice A.N. Ray (Justice Khanna alone differing and paying the price for it) ruled that "Article 21 is the sole repository of the right to life and liberty and that since that right was suspended, Habeas Corpus petitions were not even maintainable," which practically meant that the Government had a right to kill a person without the authority of law and, in fact, contrary to the rule of law.

The National Human Rights Commission is even prevented by Clause 19 of the Protection of Human Rights Act from investigating directly complaints of human rights violations against the armed forces.

How Can an Atmosphere Conducive to Human Rights be Secured?

The National Democratic Alliance (NDA) government led by Sh. Atal Behari Vajpayee could not find time to pass the Women's Reservation bill to empower women during its six year rule because, as it claimed, it wanted to bring about a consensus on the issue. The same government passed the POTA within no time by calling a joint session of Parliament when it realized that it would not be able to get the bill through in the Rajya Sabha where it did not enjoy a majority. The same Congress party, which was opposing the move then, and later declared that it would abolish the Act as soon as it came to power, has still not found ways to do so, although, if Justice Rajinder Sachar, a retired Chief Justice of the Delhi High Court and expert in legal matters, is to be believed, the Act can be abolished overnight by an ordinance issued by the President. Not only that, the Congress led government at the centre is now planning to invoke Article 355 of the Constitution to keep the Armed Forces (Special Powers) Act in place in Manipur, where the people in large numbers have come out in favour of repealing the Act, in view of its gross misuse by the security forces. Article 355 permits the Centre to intervene in the state affairs without the consent of the state government in the interest of protecting the state from external aggression or internal security threat. What kind of threat from 'external aggression' or 'internal security threat' the government perceives is hard to comprehend. On the issue of keeping Manipur designated as a "disturbed area", there is a consensus in the political parties of all hues supporting the government, including the Left parties, who have otherwise been opponents of such black laws. The stand of the Congress party on continuing the AFSPA to remain in force in Nagaland and the other North Eastern states can well be taken as a foregone conclusion.

In such a scenario, in which none of the three branches of the State seem to care for the human rights of the people, in spite of their commitment to them under the Constitution of the country, the United Nation's Declaration of Human Rights of 1948 and the Covenant on Civil and Political Rights that followed the Declaration, to which the country is a signatory, the people of the country are left with no other alternative except to organize themselves into a movement against such draconian laws which act as an instrument of depriving them not only of their civil liberties but also of their right to life with impunity. As Justice P.B. Sawant (Retd.) observed in the Twenty-third JP Memorial Lecture organized under the auspices of the People's Union for Civil Liberties, Pune, on March 23, 2003, "A citizenery well-empowered to assert itself, sufficiently well-informed to take proper decisions on public issues, active enough to participate in the day-to-day affairs of the state, and always alert to call the governors to account for their acts of omission and commission – these are the minimum prerequisites of a successful democracy." The people have to be vigilant because, to quote him again, the powerful people "are in a position to control all the key institutions – the media, the bureaucracy, the police etc. and manipulate and corrupt them, manufacture consent in their favour, and sabotage not only the will of the people, but also the law of the land." (Human Rights in Retreat: P.B. Sawant, *Mainstream*, June 28 and July 5, 2003).

If the people of the country are to be saved from the onslaught of inhuman laws and not to be pushed against the wall by them into taking to arms which in any case is no solution of the problems facing them and the country, they must organize themselves into a strong people's movement to oppose such laws. Human Rights groups and other NGOs engaged in securing the rights of the people should lend full support to their peaceful efforts directed to this end. Some organizations from Nagaland, including some people engaged in the protection of human rights and civil liberties there, had approached PUCL, PUDR etc. some time ago to get their support for the movement to repeal Armed Forces (Special Powers) Act. It was decided to co-ordinate the efforts of various human rights groups in this regard and form an all India Committee to take up this cause.

In this connection a convention was organized at Constitution Club on 29th July and a resolution was passed there. On 30th July another convention was organized at Gandhi Peace Foundation in which PUCL-Delhi played a very significant role. At the latter meeting, an action plan was also passed – including contacting various political groups and also individual MPs to muster their support for the cause. It was also decided to form sub-committees or regional committees which can take up the matter with the governments and political parties at the level of various states where this law is in force. An awareness campaign about human rights education should also be started among the people so that the State can be pressurized to tackle such political issues politically through talks with all concerned groups instead of resorting to the use of armed forces which are best kept confined to their barracks except in times of external aggression. That is the minimum we should take a pledge to perform on this Independence Day if we have to save our democracy from slipping into anarchy or an autocracy, and ensure justice and full enjoyment of basic human rights for all our people. (***Concluded***)

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The Way Ahead for Anna is not Easy

The movement started by Anna Hazare and his colleagues has brought to the center stage the issue of widespread corruption in the country and the ensuing debate on the Lokpal bill has stirred the whole country. But that has neither stopped the appearance of new scams nor has the ruling class stopped defending its people involved in these scams. The latest scam that has become known pertains to the awarding of contracts in the coal-mining sector, which is much bigger than the 2-G spectrum allocation and allegedly involves a whopping sum of Rs. 40,000 lac crores. On the other hand a senior leader of the party and General Secretary of the Congress is still saying that in his personal opinion neither the former President of the Commonwealth Games Organising Committee, Mr. Suresh Kalmadi, who is under judicial custody on charges of corruption nor Mr. Ashok Chavan, the former Chief Minister of Maharashtra, are guilty and will come out clean. Such statements and the draft of the proposed Lokpal Bill prepared by the group of central Ministers are pointers enough that the Government is not serious in the fight against corruption. It is also clear that the Government which introduces a weak Lokpal Bill in the Parliament will also get it passed on the strength of its majority in both the Houses of Parliament. On the whole one can say that the way ahead for the movement started by Anna Hazare and his other colleagues from the civil society is not an easy one.

On the other hand it is also clear that in the event of a strong Lokpal Bill being not passed by the Parliament by 16th August 2011, his own declaration will force Anna Hazare to proceed on his proposed fast unto death from that date. The Government representatives on the Joint Drafting Committee of the Lokpal Bill have also made it clear that in future instead of having to do anything with the civil society in the matter of framing laws, the Government will deal with their agitations with a strong hand, obviously referring to the way the agitation of Ram Dev was crushed at the Ramlila Ground at New Delhi. In such a situation, a confrontation between the Government and the civil society will become inevitable. It is clear that Anna Hazare will at least not run away from the agitation site in the manner Ram Dev did as he himself has clarified and nobody should have any doubts in accepting that in the matter of moral force, conviction and public support Anna Hazare is way ahead of Ram Dev and that it will not be easy to crush his movement through the use of brutal force in the manner the Ramlila Ground agitation was crushed.

Almost all the political parties and their leaders who run their politics on the basis of the black money collected through corrupt means are only betraying their double character by neither expressing their views against the proposed Jan Lokpal Bill as prepared by the civil society representatives nor are they coming out openly in support of it. The reason is clear – they do not want that such a Bill, which would spell trouble for them in future and also dry up the sources of black money for them, should get passed by the Parliament. In such a situation they would make every effort behind the scenes to stall the Bill in the manner they have done during the last 42 years and also not allowed the Women's Reservation Bill to get through so far on one pretext or the other. At the same time they would like to ensure that their public image does not get tarnished. Under the circumstances, their effort would be to use delaying tactics till the next general election so that they could deceive their voters as ever before by telling them that they wanted to pass the Bill for a strong Lokpal but their opponents did not let them do so. They would plead innocence and yet succeed in maintaining the status quo, ever beneficial to them.

By now Anna Hazare and his colleagues must also have understood that it is a difficult road ahead for them because the people who have entrenched themselves in the seats of power firmly will neither let political power slip away from their hands nor will they allow their sources of illegal money to dry up because in that case they would not remain the rulers but get reduced to the status of public servants, and who knows it well more than they do that they did not join politics to become servants of the people, in spite of what role the Constitution of the country assigned to them.

In such a situation will Anna Hazare give the same kind of call for 'Sampurna Kranti', complete revolution, which Loknayak Jayaprakash Narayan had given in 1973-74 against rampant corruption, price rise and unemployment in the country? There are remote chances of his doing so, and if at all he does so, will the ruling politicians not react in the same manner in which the then leader of their party and Prime Minister, Mrs. Indira Gandhi, reacted by imposing the Emergency regime in the country in 1975 and putting all the opposition leaders in jails. The purpose at that time was to remain in power and to pass on the reigns of power into the hands of the next generation in her own family after her and the purpose even today is the same. Crony cheerleaders to applaud all their legal illegal activities were present in abundance then and there is no dearth of such cheerleaders even today. The only difference is that at that time Mrs. Indira Gandhi was the Prime Minister of the country and Mrs. Sonia Gandhi is only the Chairperson of the United Progressive Alliance (UPA), which has its government at the center, but the real power is still in her hands and without any accountability too. During the Emergency regime of 1975-77 the real power had been handed over into the hands of Sanjay Gandhi, the son of Indira Gandhi, without any responsibility and today Rahul Gandhi, the son of Sonia Gandhi, is exercising it without any accountability. Whatever good happens in the country today is loyally attributed to the 'able leadership' of Mrs. Sonia Gandhi and Rahul Gandhi by the Congress leaders in the same manner as was then attributed to Mrs. Indira Gandhi and Sanjay Gandhi by the Congress leaders at that time. It is noteworthy that during the last seven years of their political life, and particularly during the last two years' tenure of the UPA-II, when price hike and corruption have broken all the previous records in the country, neither Sonia Gandhi nor Rahul Gandhi has held any press conference so that they do not have to answer the difficult questions related to them and they remain blissfully protected from any accountability and whatever responsibility for the ill-doings falls, should fall on the government and its ministers.

Today the question is not only of transferring the political power to the next generation in the family, on the stake is also the lacs of crores of Rupees of illegal money and it is not easy to abandon the lure of this wealth for the leaders of the party because for them there can be nothing more precious than that. Today the challenge before Anna is no less than the challenge before Jayaprakash Narayan because at least those parties had come to support him whose leaders had become the victims of the anger of Indira Gandhi and had been put behind the bars during the Emergency. Maybe some left parties come forward to support Anna because they are the only ones whose members were not found guilty in the cash for question scam or cash for support to the government on the floor of the House during the confidence/no-confidence motion.

If Jayaprakash Narayan was able to dislodge the dictatorship of Mrs. Indira Gandhi from the country and bring about an end to the blackest chapter in the history of independent India and also to restore democracy in the country in 1977, it was due to the massive support of the people along with the support of the opposition parties. Anna Hazare is not likely to get the support of the political parties though he does enjoy the support of the people, perhaps in even greater numbers than Jayaprakash Narayan did.

We must also remember that even Indira Gandhi enjoyed the same kind of support of the party in Parliament which is available to the Congress leaders today on the basis of which they are challenging the civil society. At that time also Indira Gandhi was able to get Constitutional amendments of her choice passed by the Parliament in order to establish and protect her dictatorship. Today when the leaders of the Congress arrogantly talk of their prerogative as elected representatives of the people, governance in accordance with the provisions of the Constitution, though the same is conspicuous by its absence, and the power of the Parliament to frame laws, which they claim belongs to them as the majority party in the Parliament, and arrogate to themselves the right to neglect the views of the people, it naturally reminds one of the arrogance and dictatorial tactics of Indira Gandhi because she also used the provisions of the Constitution and the power of the Parliament to frame laws to establish her dictatorship. But these leaders forget one

thing, that Indira Gandhi was a much more powerful leader of the Congress and also enjoyed an absolute majority in Parliament but the election of 1977 taught her to respect the feelings of the masses whereas the coalition rule of the Congress at the center is dependent on the crutches of other parties. Add to it the fact that Sonia Gandhi stands nowhere in comparison with the political stature of Indira Gandhi.

However, this does not mean that in the fight against corruption the challenge before Anna Hazare and the civil society is in any way small. They will have to face the combined challenge of the land-mafia, mining mafia, corporate-mafia, corrupt bureaucracy together with the corrupt leaders of the ruling party as well as of the other parties and their money and muscle power. To imagine that they will be able to bring about a change of heart of these people is to over simplify the challenge. To deal with the challenge they face, they will have to give a political direction to the people's support they are getting because in a democratic set up the road to all the social, economic and political changes passes through the parliamentary process. To become a part of that system it is mandatory to change the political atmosphere of the country and that cannot be done without changing the present political leadership. That will be possible only when a clean, morally sound and credible alternative is presented before the people who are clamouring for drastic transformation in the system. In the absence of such an alternative being provided to the people, depending on the present leadership for any drastic changes will be an exercise in futility.

In order to provide such an alternative, they will be required to proceed in a well-planned manner. Today corruption is ingrained in the whole administrative machinery to such an extent that the life of 'aam aadmi', the common man, has become very difficult. He has to bribe officials in the police department, rationing, electricity and water supply departments for every little service. For him the meaning of corruption is confined to the corruption with which he is confronted everyday in his life. To fight against this corruption, local area level anti-corruption committees should be formed which can intervene in all such matters and bring relief to the people and should organize protest dharnas and demonstrations at local levels. The leadership coming out of such movements can later help organize district and state level committees. These committees should take upon themselves the responsibility to identify honest and devoted people whom they would like to elect as their representatives for the legislative assemblies and the Parliament. It is hoped that instead of the political parties thrusting their nominees upon them at the time of election they themselves would nominate their own candidates who would be accountable to them and not to their political bosses, and also would be loyal to them instead of being loyal to some political family. Only such representatives will be sensitive to their hopes and aspirations and will do what the people want them to do. Without giving the people better alternatives to elect, it is futile to hope that they would elect better representatives to the Parliament and the Legislative Assemblies. Such a system will be closer to Gandhi's idea of Gram Swaraj and M.N. Roy and JP's idea of direct democracy.

In this drive, the civil society can take the support of political leaders and parties who have a clean image and record, however small their number. But they will have to keep away from those parties and people who had come together under the leadership of Jayaprakash Narayan during 1976-77 only to use his name and support to come to power but ditched him soon after coming to power and started separating and regaining their former identities in order to gain more political power. Some of them, though they called themselves Socialists, formed their own political fiefdoms to run their own business of politics and soon fell easy prey to their greed for greater power and corruption forgetting the ideals of Jayaprakash Narayan and Rammanohar Lohia.

An attempt can be made to bring together the people of the left parties and those socialists who have remained away from the scramble for power and are trying to come together. People belonging to the political formations like the Maoists/Naxalites, who took to arms after being disillusioned with the present system, can also be brought into the fold and thus be brought into the mainstream of the society. Along with this, it will also be necessary to include those members of

the civil society who have a clean image and have earned respectability in society because of their long term pro-people and social services. Care will also have to be taken to ensure that all the leading people of this movement are essentially secular and have an unflinching commitment to the democratic values of life. For the success of this movement it will also be necessary to ensure the participation of all the sections of society. After a wide-ranging and exhaustive discussion a blueprint of this alternative will have to be worked out. Anna Hazare and his colleagues must consider these ideas and if they reach a consensus, he should undertake his fast with the conviction that if the ruling party/coalition does not pay attention to their suggestions, they would work for uprooting this corrupt system.

In order to clean this political pond of all the quagmire that has collected in it over the time on the one hand the institution of the Lokpal will have to be used and on the other fresh and clean water will have to be poured into it. Will Anna accept this challenge or will he just sit by the pond and recite mantras in the hope that the filth will get removed? This is time not for mere fasts but for concrete action.

*The writer is a National Secretary of PUCL and Editor of the *PUCL Bulletin*.

The Rise of the People's Power in Delhi

With the decision of the Aam Aadmi Party on 23rd December 2013, to form a minority government in Delhi consequent upon winning 28 Legislative Assembly seats in Delhi in the elections held on 4th December in the 70 member Legislative Assembly, preceded by the support by the 8 member Congress and one lone member of the Janata Dal (United) extended unconditionally to the AAP for the formation of the government, bringing the support base to 37, and more importantly, followed by an informal referendum through SMS messages and 280 public meetings across the 70 Assembly constituencies, the first phase of the rise of the people's power in Delhi is complete.

Though the BJP had won 31 seats and was being supported by one Akali Dal member, making it the number one party in Delhi elections, it was clear from the very beginning that the party would not be able to form a government as it would be unable to secure the support of the Congress or the AAP MLAs because large-scale defections would not be possible as required by the anti-defections law, as it stands today. It requires defection by 2/3 members to join another party. The AAP had declared before the elections that after the elections it would neither take the support of nor give it to the Congress or the BJP for the formation of the government. However, fearing that it would be completely wiped out if re-election was held in Delhi again in the absence of any party forming a government, the Congress, in a tactical move, declared its unconditional support to the AAP, thereby putting the AAP in a difficult situation because both the Congress and the BJP would blame the AAP for it if re-election was left the only option in case the AAP refused to form a government. However, the AAP leadership outmaneuvered both the parties by deciding to go to the people to seek their opinion on the matter. Of course, as expected, over 75% people voted in favour of their forming a government.

It was absolutely clear from the very beginning, when the Congress declared its support to the AAP for forming a government in Delhi, that it had three things in its mind. One, it would put the blame squarely on the AAP if re-elections were held in Delhi. Two, hoping that if the AAP was cornered into forming a government and failed to fulfill its promises like 700 ltrs. of free water per day to every family and reduction of electricity bills by 50%, it would be able to expose it and use its failures to win the next elections. Three, it would avoid its decimation in the immediately held re-elections and later on, when it withdraws its support to pull down the government at an opportune time, which it is bound to do, even if it has to be done on very flimsy reasons, it would tell the voters that only it was capable of running a full term government, as it did first by supporting from outside and then withdrawing its support and dislodging the governments time and again in the case of governments headed by Chandra Shekhar, Charan Singh, Inder Kumar Gujaral and H.D. Devegouda at the national level in the past. In fact, Congress leaders like Sheila Dixit have already started saying that its outside support to the AAP is not unconditional and the option of withdrawal of support at any time is open for it, even before the new government has been sworn in. The fact remains that the AAP was reluctant to accept its support primarily because it had fought against the corruption of both the Congress and the BJP, and it did not readily agree to have its so-called unconditional support as the Congress has completely lost its credibility as a reliable supporter given its past record. The Congress completely forgot, and is having a wishful thinking even before the AAP government has been formed, that the new government would fail to fulfill its poll promises and the Congress would again come to power. Now that the AAP has gone to the people to seek their opinion on whether to form the government or not, the move aimed to put the AAP into a tight corner by the Congress by extending its support to it has boomeranged and brought the AAP nearer to the people which they have done by going back to them to seek their opinion, a move never ever even thought of by the Congress or the BJP themselves and never forethought of by either of them. It, in fact, is perfectly in tune with the promise of the AAP to proceed towards participatory democracy instead of representative democracy, hithertofore practiced by all political parties, in which a representative once elected never went back to the voters who elected him to

know their opinion on any matter howsoever it affected their lives and working on the mandate of the party bosses instead of the wishes of the ultimate sovereign, the people. The move by the AAP is a welcome step and promises to empower the ordinary people who have been neglected so far because they were given no role to play in the formation of policies. It is only the corporate houses, industrialists and elite sections of the society who have been dictating the governmental policies by bribing the political masters of the country in the form of unaccounted funds for elections and it is these sections and the politicians alone who have been reaping and sharing the fruits of development and the *aam aadmi* has remained where he was. He is needed by the politicians only at the time of elections and to garner his support they use tools like caste, religion, region, language etc. besides money and muscle power.

Although the AAP was formed only a year ago, the failure of the government to govern, policy paralysis to control sky-rocketing prices of even the most essential commodities like vegetables and the unprecedented corruption by the politicians and the bureaucrats alike and the resultant popular movement of the people first by India Against Corruption, the movement initiated by Anna Hazare and planned, organized and implemented by the team of dedicated activists like Arvind Kejriwal, Prashant Bhushan, Yogendra Yadav, Manish Sisodia, Sanjay Singh, Gopal Rai, to mention only a few of them, in short the failure of the UPA government on all fronts and unprecedented corruption by its leaders gave the AAP the popular support the activists turned leaders needed after the formation of a political party. This support base increased geometrically when these people participated in large numbers in the movement against the 16th December 2012 Nirbhaya gang-rape in Delhi and also led large-scale movements against very high electricity bills eating into the pockets of the poor and the middle class people alike, and failure of the government to supply even drinking water to the people in Delhi even after remaining in power in Delhi for 15 years and having the Congress led UPA government at the center also. The ultimate result is that the people put the AAP in a position where they are going to form a government in Delhi with just 28 Assembly seats. More than 75% people who participated in the 280 meetings organized by the AAP to seek their opinion, people interviewed by various TV channels, and those who sent their opinion through SMSs, have voted in favour of the formation of government by the AAP under the leadership of Arvind Kejriwal.

The 28-seat tally of the AAP is not fully reflective of their real popular support. They won these seats against all kinds of odds. Various opinion polls gave them only 3 to 7 seats, only CSDS poll, conducted after the other polls, giving them 17 seats. Only Chanakya poll gave them 31 seats but this conclusion by the Chanakya was laughed at by all journalists and commentators sitting in the TV studio discussions as completely unrealistic. Arun Jaitley brushed them aside by saying that he would wonder if they got more than one or two seats. The AAP team had occupied the imagination of the *aam aadmi*, students, youths etc.so much that they would have won something like 50 seats if the mood of the man on the road was any reflection of the shape of things to come. But the tirade of the two main parties, the Congress and the BJP, that they were only vote-cutters or vote-spoilers day in and day out on TV channels had some effect on the voters, at least on the fence-sitters who would not like to waste their vote. However, the lethal damage was done to their poll prospects on 2nd of December, just two days before the polls on 4th December 2013, when Anna Hazare landed in Delhi and when asked by a journalist, said that he was not supporting the AAP and Kejriwal. The untold damage, perhaps intended, would not have been done had he just kept his mouth shut. Only a few days before that an old video was telecast on all channels repeatedly talking about the IAC funds being misused by Arvind for his party but only a few showed the clarification by Arvind that not a single rupee of the movement had been used by him and he had asked Anna to constitute a committee to enquire into the charges if he thought that there was any such possibility and at that time Anna had shown full faith in Arvind. Some damage might also have been caused by another doctored sting-video which was prepared by Sarkar.com to target only the AAP candidates although the video did not show any of the candidates accepting money even for party fund from

people posing as victims of some or the other government department, for any promise to show favours to them. The anchors also did not show the raw footage provided by the party to them a few days later which contained the portions mischievously cut to malign the AAP candidates and which cleared their candidates of all the charges leveled against them. The AAP leaders were also accused on the TV shows again and again of betraying Anna Hazare, their mentor, though the fact is that it is not the AAP leaders who betrayed Anna but it is Anna Hazare who betrayed them, if anybody betrayed somebody.

One must remember that Anna Hazare was present on the dais at Jantar Mantar in New Delhi when Arvind announced the formation of a political party and Anna himself had declared that he supported the move to form a political party to fight against corruption in the country as the political class was not listening to them, though later he deserted them by declaring that he was not in favour of forming the party and he had nothing to do with the party and told Arvind that they should neither use his name nor his photo to boost their political prospects, to which Arvind had agreed and he did neither. One can understand Anna's non-participation in politics himself because it is completely his own decision, but his negative comments against the AAP from time to time clearly showed that he was bent upon damaging the AAP to the extent he could. Later events clearly show that it was not his aversion to politics and political parties that was responsible for such remarks but a planned and concerted attack on the AAP and its leaders to damage their poll prospects and to help the BJP. Had the AAP failed to win a sizable number of seats Anna would have made life difficult for its leaders telling them that he was right and that they had not listened to his sane advice in committing a blunder of forming a political party.

Later events also show clearly that Anna was fighting against corruption, but the corruption of the Congress party alone and all those who are today with him, his team of advisers including Kiran Bedi, Gen. V.K. Singh etc., wanted to favour the BJP against the Congress. Gen. Singh launched a tirade against Arvind Kejriwal and the AAP in his speech at Ralegan Siddhi, Anna's home village, in the presence of Gopal Rai, a leader of the party who had gone there and sat on fast to show his solidarity for the cause of Jan Lokpal, along with Anna Hazare who was on his last fast for the passage of the Lokpal Bill by parliament, and Anna too asked him very rudely, instead of saying a single word to Gen. Singh not to talk politics from his dais, to leave the village when the former objected to Gen. Singh's remarks saying that the latter should not make any political remarks as that was a place only for demanding the passage of the Lokpal Bill. The country had earlier seen Gen. Singh sharing the stage with Narendra Modi, and later rumours were rife that he was likely to join the BJP, and Kiran Bedi advised the AAP leaders, when the results of the Assembly elections were declared and the BJP+ got 32 seats and the AAP 28, with the Congress getting only 8, that the AAP should form a coalition government with the BJP on the basis of a common minimum programme, obviously under the leadership of a BJP Chief Minister. Perhaps she did not see the corruption of the BJP leaders, the Reddy brothers, in Karnataka in the mining scams, nor of other leaders elsewhere like Madhya Pradesh, Gujarat, where ministers who have serious charges against them and have even been convicted remain firmly in the government, and Chhattisgarh where the party has been in power. As long as the BJP felt that the movement against corruption was against the Congress party, they were supporting the movement and its cadres were participating actively in the movement because they felt that the BJP would gain electorally from the movement. But as soon as they realized that people like Arvind and Prashant Bhushan were speaking against its own corruption also, they started distancing themselves from it and with the formation of the political party by them became its strong enemies like the Congress and left no chance unutilized to criticize them on whatever counts they could.

We must recall and remember that Arvind Kejriwal and his other colleagues in the AAP did not choose to enter politics on their own. In fact, they were strongly opposed to the idea when they were working for the movement against corruption with Anna Hazare. They were forced into entering politics by the arrogant attitude of the Congress as well the BJP leaders who challenged

them to get elected to Parliament and pass the Jan Lokpal Bill themselves if they really represented the people as claimed by them because at that time only they had the authority to pass such a bill as they represented the people as Members of Parliament and they would decide what kind of Lokpal bill they should pass. These arrogant politicians goaded these activists again and again to challenge their authority only after getting the requisite mandate from the people of the country and rejected the claim of the activists that the people of the country were wary of corruption and wanted a strong Lokpal bill to be passed. When these people entered politics after forming the AAP, these politicians, who hardly know the will of the people because they do not work among the masses and are busy only amassing money through corrupt means, made every effort to brush them aside as a bogus threat to their position as the masters of the destiny of the country and its people, not realizing for a moment that when the people rise the thrones of even the most powerful shake in a democratic system, which has been rendered into a phony democracy by these politicians over the years, at least when the people get the chance to express their will through electoral process. The Congress has forgotten that even the government of Indira Gandhi was thrown down by the *aam aadmi* in 1977 and she herself also could not win her Lok Sabha seat. In fact, in the whole Hindi speaking belt the Congress won only two seats. The fact is that these politicians were not expecting a victory for the new Aam Aadmi Party lead by non-politicians formed just a year ago, whereas they themselves were unable to feel the pulse of the people and their strong desire to throw out the Congress government in Delhi and deprive even the BJP of its coveted victory. The latter may have got 31 seats in Delhi but the people of Delhi have given it 2% lesser votes than in 2008. That should be a lesson for it and not a cause of rejoicing in any manner. The people have rejected not only the Congress but also the BJP. So far as the victory of the BJP in Rajasthan, Madhya Pradesh and Chhattisgarh is concerned, even that should not make it happy because even that is not a lasting benefit beyond the immediate benefit. People there have also voted for what they thought as the lesser evil between the Congress and the BJP, the only choices offered to the people in the absence of a third viable alternative. Wherever people have a viable alternative, they reject both of them. The Congress is a sinking ship and it will be decimated completely if it declares Rahul as its Prime Ministerial candidate for the 2014 election because he is the choice of Sonia Gandhi and the sycophants in the Congress, not of the people on the street. But the will of the people still has no meaning for the Congress and the UPA partners. The BJP too has been winning so far on its divisive communal agenda and emotive issues alone. With the rise of regional parties over the years and now the people's party in the form of the AAP, it has serious challenge ahead and it will be detrimental for it to take it lightly.

So far as the passage of the Jan Lokpal law is concerned, it has met a sad doom in the form of the Lokpal Bill passed by the Parliament under the pressure of Anna's last fast seen in the light of the repercussions of not passing it in the forthcoming parliament elections for both the Congress and the BJP who colluded to pass it in the winter session of Parliament, a Lokpal Bill in form but surely not in content. It is surprising that even Anna praised the passage of the bill, of course under the advice of his immediate advisers most of whom have BJP leanings. This bill had nothing of the Jan Lokpal law Anna had initially undertaken the fast at Ram Lila ground at Delhi for. The main demands of an independent CBI with independent financial, administrative, and investigative powers, and inclusion of lower bureaucracy under the ambit of the Lokpal, establishment of Lokayukata in the states on the lines of the strong Lokpal, passage of the citizens charter – the last three being the three conditions on which the sense of the House was communicated to him after which he broke his fast – are all missing from the law as passed by Parliament. Should it not surprise all why then did Anna become happy at its passage? The answer is simple. Anna with the team of dedicated volunteers like Arvind Kejriwal had become a force to reckon with at Ram Lila ground, igniting the minds of the whole country. But today he is a spent force. By himself he is unable to gather even a couple of thousand people wherever he sits on fast now, not even at his own village Ralegan Siddhi. He had started thinking that he was bigger than the movement itself and developed an arrogance not lesser than the arrogance of the Congress leaders against whose

corruption he was agitating. He has recognized his worth now and decided to compromise on the Jan Lokpal law for a tame Lokpal law, perhaps to save his own honour, though the former Anna team of Kejriwal and others has rejected the new law and vowed to continue their struggle for the Jan Lokpal law which they had drafted and agitated for – the law of which Mulayam Singh Yadav was so afraid that he had stated on the floor of the house that if that kind of law was passed, a '*daroga*' (Sub-inspector of Police) would catch an MP like him by the collar and drag him to the police station. Of course, he articulated the fears of the corrupt politicians but even those who did not articulate that fear had no intention to pass such a strong Lokpal bill because they had similar fears and we know that nobody signs his own death warrant. It is quite clear that Anna Hazare even betrayed the cause of the Jan Lokpal law for which not only his team of dedicated volunteers but also the whole country had supported, really the kind of Lokpal law Mulayam Singh Yadav was and still is afraid. Anna should also realize that if anybody is still promoting the cause of the Jan Lokpal law, for which he stood earlier, it is the AAP alone with all its volunteers and countless supporters. Instead of condemning them and harming their cause, he should be thankful to them that they are still continuing their struggle for the cause for which he stood only two years ago. And last, but not the least, he and his present comrades should understand that under the leadership of Arvind Kejriwal the movement against corruption has outgrown the movement and turned itself into a movement for participatory and direct democracy, a bigger cause, so that the present system, which has made the rich more rich and kept the poor poor, can be changed.

Team Kejriwal has proved all the fears of Anna Hazare wrong. He thought that poor people could not contest elections and win and that they could not change things by entering electoral politics as they would never attain such a position where they would be able to do so. Now the same team is going to form a government in Delhi and it has already decided to change the political culture of the ruler and the ruled. Most of their candidates were selected by area committees and almost all of them are *aam aadmi* and they have won. They fought 69 seats with just 20 crores of Rupees collected from the people, a fully accounted for money put transparently on their website which no other political party has dared to do. It may well be a trendsetter for future elections and future polity. Well begun they say is half done. Long ago, M.N. Roy the great visionary, freedom fighter, intellectual and great radical humanist had anticipated that the party based parliamentary democracy would work havoc on the people of the country and the leaders would only use them for their own benefits. Whatever he had said even before India became independent has proved true. He had talked of direct democracy through people's committees who would choose their representatives and the representatives were expected to consult them for every important decision. Team Kejriwal went back to the people, described by both the major political parties and many intellectuals as '*tamasha*', to seek their mandate when they faced the dilemma of forming a government with the support of the same Congress party against whose corruption their main fight had been, or not to form a government and let there be re-elections. Many commentators have started praising them for the introduction of a new kind of people's politics, of course, many of whom did not find any merit in their efforts earlier, though there were some notable and respectable exceptions like Abhay Dubey, Neeraja Chaudhary, Aarti Jairath and Arvind Mohan etc. who understood the mood of the people even earlier. But what surprises me the most is that here is a party which for the first time in the last 66 years is doing and intends to do what M.N. Roy wanted to be done, and yet none of the known radical humanists has come out and appreciated the radical moves of the Aam Aadmi Party and their leaders although they are in sync with the ideology of MN Roy. Perhaps they are still following the policy of 'wait and watch' before they do so, or perhaps they still do not appreciate the new approach to politics AAP seems to stand for.

My best wishes for the Aam Aadmi Party to work towards a real people's democracy, a shift from leader centric polity to people centric polity. I salute the rise of the people's power in Delhi in the recent Assembly elections. May they succeed at the National level also! Not only I, but also the

people of the country are today looking with a hope towards them. I hope that their faith and hope will not be belied.

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Criminal Justice Administration Needs Accountability

In a significant judgement on 7 January 2014, which did not get much publicity in the media, a division bench of the Supreme Court consisting of Justices C.K. Prasad and J.S. Khehar directed the home department of every state government to formulate a procedure for taking action against all erring investigating or prosecuting officials who are found responsible for failure of a prosecution case on account of sheer negligence or because of culpable lapses. It is for the first time that the Supreme Court has ordered fastening of accountability on investigating officers and public prosecutors saying that they must face punishment if it was found that their deliberate lapses resulted in the acquittal of the accused in cases involving serious offences. The Apex Court gave this ruling in a case in which shoddy investigation and lack of evidence led to the acquittal of a man accused of luring a six-year-old girl to a field, and raping and killing her, also severing her feet to steal her anklets though the trial court at Ahmedabad had found the accused guilty and considering the case 'rarest of rare' awarded death sentence to the accused.

If this direction of the court is implemented within the given time limit of six months sincerely, it will be a first major reform in our criminal justice administration system because for the first time it will introduce the concept of accountability for the investigators in police and also for the prosecutors. So far, there has not been any accountability for the investigators for whatever they do: frame shoddy cases against politicians and mafia on the one hand because of the police-politician-mafia nexus and deep-rooted corruption in our police and prosecution machinery, because of which Ministers and legislators remain steadfastly in their seats after acquittal in even the serious-most crimes like rape, murder, dacoity, fanning communal hatred resulting in communal riots and mass killings etc., and on the other innocent people falsely implicated in various cases spend long periods of their life in jails merely because the prosecutors and the investigators do not present their cases and non-existent evidence before the court for long periods. The result is that innocent people who cannot afford to engage able lawyers perish in jails and even those who succeed in getting bail after several years and are ultimately acquitted of the unfounded charges, lose precious years of their life at the altar of our faulty and insensitive criminal justice administration system. The accused in the first case not only enjoy freedom but also continue to rule or dominate the society with their money and muscle power and also continue to enjoy respectability in society whereas in the latter case, even though acquitted at the end of the case, loose their respect in society, their much needed jobs, whatever money or property they and their families possessed earlier and of course their freedom and liberty for long periods. The greatest loss for the society at large is that not only the victims, but also their families and relations, and sometimes their whole communities lose their faith in the justice administration system. No amount of compensation can undo or compensate them for their loss, though even that is not given to them. It goes without saying that the investigators who framed them in false cases are not held responsible for all the mess in the lives of the victims and never punished for their wanton and arbitrary acts leading to the sheer injustice meted out to the victims.

Some examples will bring out the horrendous truth of our failed justice administration system and the miseries suffered by the victims because of the unaccountability of our police force and the prosecutors.

Mohd. Amir Khan of Delhi, who was arrested at the age of 18 and implicated in 19 cases of terrorism like bomb blasts in Delhi and Ghaziabad, remained in jail for 14 years and in 2012 he was acquitted in 17 cases and released from jail. Reporting the case after his release, The Times of India dated 3 March 2012 wrote: "Of the 19 cases accusing him of masterminding the 1996-97 serial blasts, the most difficult to cope with related to the blasts in Frontier Mail in Ghaziabad killing two persons. It took nine years for the Ghaziabad court to initiate the trial against Mohammad Amir Khan. By the time the trial started in April 2007, his father, the sole breadwinner in the family, had passed away and his mother suffered a brain hemorrhage that left her paralyzed and speech impaired. The lawyer, who had been engaged by his debt-ridden mother Maimuni Bi to appear in

Ghaziabad, abandoned him after a newspaper report branded Amir a Pakistani national. In fact, the press report created such prejudice against Amir that nobody from the Ghaziabad bar was willing to represent him. It was in such adverse circumstances that veteran human rights advocate N D Pancholi (a founder member of the PUCL and now President, PUCL-Delhi) came to his rescue in December 2007," and further, "Amir was incarcerated for 14 years in the prime of his youth, not just because of the charges trumped up by the police but because the safeguards built into the criminal justice did not work. It was an institutional failure across the board: the prosecution branch and the courts are to blame as much as the police for the tragic fate of Amir….The irony is that this very claim of the police - recovery of explosive material at Amir's instance - was rejected by the courts, including Delhi high court, in 17 of the 19 serial blast cases and, in fact, formed a major basis for his acquittal in all those cases."

If he were guilty of serious crimes like bomb blasts in which many people must have died, he should have been behind the bars as a matter of justice to those who were killed in those bomb blasts. But an innocent youngster, he spent 14 years in jail, without being proved guilty even in a single case, instead of going to school and college and thinking of a career in life, the period any one convicted of a serious crime like murder would have spent in jail. During this period his family lost all their money and property in fighting the cases slapped against him. They also lost all the respect the family could afford to earn in spite of their poverty and simple life in their earlier life, because the tag of 'terrorist' was affixed to the boy in the family.

No one was held accountable for the destruction of the life of the young boy and the family. No one was, again, held accountable in the Malegaon and Ajmer Dargah blasts and the Mecca Masjid terror attack cases in which several Muslim youths were arrested, on the basis of strong evidence as claimed by the police, kept in jail for nine long years and acquitted later only when the same police found that Pragya Singh Thakur, Lt. Colonel Srikant Purohit, Ram Narain Singh, Dayanand Pandey, Devendra Gupta and Chandrashekhar, belonging to the Hindutva outfits like the Hindu Jagaran Manch and Abhinav Bharat, were involved in the cases and not the Muslim youths who had been accused earlier. Nobody knows where all the evidence, on which basis the latter were arrested, evaporated.

In 2010 Om Prakash was released on the intervention of the court from Mainpuri jail in UP after 37 years of imprisonment without trial. He was arrested on the charge of murder. Om Prakash was less than 20 at the time of his arrest. His father owned the crime to save his son. Both were arrested and the father died in jail a few years later. Had the trial taken place and Om Prakash was convicted and awarded life imprisonment, he would have come out of jail a quarter of a century ago.

In the last 37 years the trial could not even begin because the police failed to trace the papers of the case. And for this serious lapse on the part of the police, no action was taken against any police officer.

Because of his long confinement Om Prakash became insane. When he did finally come out of jail, he did not know who he was. He could not recognise his 80 years old mother, who was still happy to receive back her son in whatever condition he was at the time — a victim of gross state negligence.

Raja Ram, aged 70, spent 35 years in Faizabad jail and Varanasi mental hospital without being proved guilty. In yet another case 70-year-old Jagjivan Ram languished in prison for 36 years because his records were missing.

These few instances indicate that if there were a thorough investigation across the country in different jails, there would be many more under-trial prisoners languishing in jails without being convicted. No one has been held accountable in all the above-mentioned cases, much less punished.

It is nobody's case that the police should abdicate its duty to catch and prosecute law-breakers and criminals. It has, however, been seen that even in cases of abduction and extra-judicial killings the

guilty police officers go scot-free while even the most innocent victims suffer for their (the policemen's) acts of omission and commission.

The detainees who prove to be innocent and are acquitted by the courts should be quite adequately compensated for the physical, emotional and social loss caused to them and their families, including the cost of litigation, which is exorbitant. Mere cosmetic police and judicial reforms cannot cure our decayed justice administration system.

There should be a proper, accurate and scientific investigation and gathering of real evidence, not concocted one, to sustain a case before the trial court. However, what is essential to make the justice administration system transparent and corruption-free is to devise a system of accountability wherein the prosecuting officers are held responsible for causing unnecessary and illegal detention of the accused. We hope that the latest judgement of the Supreme Court will make a beginning in this direction.

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Secularism a Must to Protect our Democracy

India was divided in 1947 because of the two nation theory floated by both the Hindutva forces on the one hand and the Muslim League led by Jinnah on the other. The theory was based on mutual mistrust and the belief that the Hindus and the Muslims could not live in peace and develop together as part of a united country. We know that the partition led to the ruthless massacre of both the Hindus and the Muslims during the mass exodus that followed on both sides of the dividing line. It was a gruesome human tragedy in which lakhs and lakhs of people died, and those who survived became homeless and had to undergo untold suffering, the scars of which are present not only on the pages of history but on the faces and hearts of those who underwent that trauma. If history has any lessons to teach, we should have learnt not to let that mistrust raise its ugly head again – not in this country in any case which declared itself a 'Secular' country where people belonging to all faiths would live in peace, respecting the faiths of people belonging to other religions as they would have them respect their own religious faith.

But in independent India we have seen too many communal riots to believe that the people have learnt that lesson. At least the politicians who survive on the communal divide to consolidate their vote banks would not let them learn that lesson, though no religion teaches hatred towards others and we all know that the ordinary people have a natural instinct to live a peaceful life and they hope to complete their normal cycle of life and also to let others do so.

However, hate-mongers will not let them do so. These hate-mongers become more than life-sized big as soon as a communal party like the Bharatiya Janata Party (B.J.P.) comes to power. The result is that with the arrival of the Narendra Modi led BJP government at the centre and many states, they have started raising their ugly heads. The result is that they have started implementing their communal agenda – from innocuous looking 'Surya Namaskar' and compulsory teaching of The Gita in schools to advising Hindu women to produce at least four children to overcome the supposed danger of the Muslims overtaking the Hindu population at some future time, thinking to turn the country into a 'Hindu Rashtra', calling those who do not vote for the BJP 'bastards' and going to the extent of glorifying Nathuram Godse, the killer of Mahatma Gandhi, calling him a patriot; some of them going to the extent of erecting his statues and building temples for him. They have been threatening artists, vandalizing theatres as in the case of the film 'PK', muzzling every voice of dissent and framing activists in various cases. The purpose of them all is to enforce fundamentalism and spread hatred against the Muslims, the Christians etc. and to consolidate the Hindu vote bank to win elections.

The worrisome pattern is that the State which is supposed to be 'secular', as the Constitution of India declares it to be, seems to patronize these communal elements rather than protecting the minorities against their onslaught and taking strict action against these elements for attempts to tear apart the social fabric of our society which is based on the principle of 'unity in diversity' in which nobody can be discriminated against on the basis of religion, caste, sex, creed, language and region. These elements also forget that people from all the communities fought for the independence of the country and none of them can be 'advised to go to Pakistan', as some of them have done without any action being taken against them. They have to be told, once and for all, that all the Muslims, Sikhs, Christians etc. along with the Hindus belong to this country and the country belongs to them equally. The right place for those trying to create mistrust amongst them and divide them is jail and not the Parliament House. If this country has to remain united and prosper, people of all communities must get equal status as equal citizens to live honourably and the State must remain truly secular as mandated by the Constitution of India. If the country fails to resist these communal-fascist forces, the unity of the country and our democracy will be in real danger.

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Consolidation of the People's Power in Delhi

When the Delhi Legislative Assembly elections were held in 2013 and the Aam Aadmi Party won 28 seats against most of the pre-poll predictions which did not give it much importance. However, with a wholly discredited Congress Party with a record of massive corruption cases against it, it was clear that the electoral fight was going to be between the BJP and the AAP. But as history has it, the BJP with 32 seats could not manage a majority of 36 MLAs to form a government and the AAP formed the government with the outside support declared by the Congress Party which had 8 MLAs.

Within days of coming to power, the Arvind Kejriwal led AAP government fulfilled its promises of halving the electricity rates, free 20,000 ltrs. of water wherever the Delhi Jal Board pipe lines were available and by an large the police department and other government departments were completely corruption free within 15 days. Though when Kejriwal resigned as the Chief Minister of Delhi after only 49 days when his government did not find any takers for its 'Delhi Janlokpal Bill', in the Congress or the BJP, he did not know that because of his resignation he was going to be labeled a 'Bhagora' by both his political rivals and also that his three achievements in the 49 day tenure as the CM were going to give him the massive support of the people in the next elections which were ultimately held on February 7, 2015. The Bharatiya Janata Party led by Narendra Modi, which had won 282 Lok Sabha seats in May 2014, a clear simple majority in the House with a mere 31 % vote share, getting the benefit of 'first past the post' principle which applies in our electoral system, though it was hyped as a massive mandate by the BJP and its supporters, had come to power at the centre riding the anti- Congress wave which was evident everywhere even afterwards. However, the BJP leadership did not have the confidence and the courage to hold the Delhi elections even after winning the parliamentary and assembly elections in Rajasthan, Madhya Pradesh and to some extent in Maharashtra. Everyone was saying that if the Narendra Modi government of the BJP could fulfill some of its poll promises during the intervening period, it could easily win the Delhi election. But that was not to be. The BJP did not fulfill its poll promise of 30 % reduction in electricity charges in Delhi, the prices of essential commodities were out of control, corruption remained rampant even in the BJP led Corporations besides the police and other government departments and women were as unsafe as they were earlier. So far as the 'aam aadmi' is concerned, the new government was a complete failure in the eight months it was in power.

What the people of Delhi and the country as a whole had witnessed day in and day out, were the communal outbursts of the leaders of the Hindutva outfits and the saffron-clad brigade of MPs of the BJP - someone advising those opposed to the BJP to go to Pakistan and the other one naming the supporter of the BJP as 'Ramzade', meaning 'the children of Lord Rama' while calling those opposed to it as 'haramzade' meaning thereby 'bastards' even from an electoral platform, still another one advising the Hindu women to produce at least four children to keep their majority in the country intact. During the same time communal feelings were aroused in Kalyanpuri in Delhi and other parts of Delhi and many Churches were burnt or vandalized in Delhi itself, Country-vide religious conversions were organized and named 'ghar vapasi', meaning home-coming. One wondered where the development agenda the party had promised before the elections was.

Even the Prime Minister understood the importance of the Delhi election when he said that Delhi reflected the mood of the people of the country. That is why he plunged his whole cabinet, the whole BJP leadership and about 200 MPs in the poll fray. The party even parachuted down Ms Kiran Bedi, declaring her as their CM candidate, to contest the election, as they had no other clean candidate to take on Arvind Kejriwal and Narendra Modi himself and his party had failed to generate any credibility among the people of Delhi during the last eight months they were in power by default as the state was under the President's rule. Out of desperation, he himself called Arvind Kejriwal a 'bhagora', meaning 'a run-away' CM, an anarchist, a Naxalite, a liar and a corrupt person, a charge nobody else has been able to make against him so far, and calling himself a 'lucky' person

and advising the voters not to vote for the 'unlucky' ones. The Delhi voter saw that the PM had put aside the honour of the post he holds and stooped so low in his election speeches out of his desperation to win. In the process he had put his own honour at stake and made the Delhi fight the fight between himself and Kejriwal, though the BJP spokespersons will not accept it after the results they have got.

The people of Delhi rejected everything that Mr. Modi stands for and the BJP. They proved with a vote percentage of 54 % for AAP, all sections of society supporting the party unequivocally, that they have more faith and credibility in Kejriwal than him given the track record of both of them. As a result not only the Congress which did not even open its account in Delhi and all of whose candidates lost their deposits, the BJP was also routed completely with just 3 seats against the 67 of the AAP. It was undoubtedly a referendum on the 49 day performance of the AAP and the eight month rule of the BJP led by Narendra Modi at the centre in which he and his party were completely rejected by the people. It was as much a negative vote for the Congress and the BJP as it was positive for the AAP. If the 2013 Delhi Assembly results were 'The Rise of the People's Power in Delhi'*, the 2015 results are a consolidation of the people's power here. The Delhi elections are the beginning of the fall of the BJP and the rejection of its communal agenda and its own brand of governance in the country.

Massive mandate, as has truly been received by the Aam Aadmi Party in Delhi, brings massive expectations with it. It also means massive responsibilities and challenges for the AAP. One hopes that the Aam Aadmi Party government in Delhi will fulfill the aspirations of the people of Delhi and set new benchmarks in governance with transparent, corruption free, responsive and accountable government.

*An article written by the same author with the heading ‘Rise of People’s Power in Delhi’ was published in *The Radical Humanist*, January 2014 soon after Arvind Kejriwal formed his earlier government in Delhi

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Democratic Values Must Always be Upheld

With the expulsion of Yogendra Yadav and Prashant Bhushan, two of the founding and leading members of the Aam Aadmi Party from the Political Affairs Committee (PAC) of the party, accusing them of anti-party activities, on 4th March 2015, the internal rift of the party came out in the open. From the statements of some of the leaders a few days before the PAC meeting, what happened in the meeting was a foregone conclusion. It is being said that the entire dispute is regarding the National Convenorship of the party. It has been alleged that Yogendra Yadav and Prashant Bhushan have been hatching a conspiracy to remove Arvind Kejriwal from this position and make Yogendra Yadav the National Convenor; though both of them have strongly refuted the charge in their letter to the party volunteers dated 12th March, 2015. In the letter they have clarified that in the National Executive meeting on 26th February they had actually opposed such a proposal and proposed that Arvind Kejriwal 'MUST' continue as the National Convenor.

However, both of them admit that there have been differences with Arvind on several issues. The first point of discord was that Arvind Kejriwal was in favour of taking the support of the Congress for forming his government again soon after the Lok Sabha elections in spite of the fact that the AAP had filed a petition in the High Court for dissolution of the Assembly as no party was in a position to form a government. He and many MLAs of the party were adamant on trying to form such a government though he was advised against doing so by Yogendra and Prashant. Those in favour of forming a government somehow or the other were obviously shaken by the results of the Parliamentary elections which had given the Narendra Modi led BJP a clear majority in the Lok Sabha and all the seven seats in Delhi. They were afraid that if the elections were held in Delhi again at that juncture, most of them would not get re-elected and it would mean the end of their short political career. Arvind Kejriwal was either one amongst them or had bowed before their thoroughly unprincipled demand. He had forgotten that he had been thoroughly criticized for forming his earlier government with the support of the Congress although what went in his favour was that his party had not sought their support and the Congress had on its own given a letter of support to the Lieutenant Governor. Even then it was an unprincipled stand as he had declared during the election campaign that the AAP would neither give nor take support of the Congress or the BJP for forming a government in Delhi. It has become absolutely clear now through the leakages of information that Arvind even attempted to cause a defection in the Congress to win over the support of 6 Congress MLAs which was the minimum number mandatory according to the anti-defection law. Had he succeeded it would have confirmed the charge of the opposition that he too, like other politicians, is power hungry. Even the leakage of this information has heavily dented his image and credibility.

The second point of discord was the demand made by Manish Sisodia, Sanjay Singh and Ashutosh that all the members of the PAC should resign taking responsibility of the defeat in the Parliamentary elections and Arvind Kejriwal should be allowed to reconstitute a new PAC, according to his wishes and convenience. There was a demand for the dissolution of the National Executive also which was opposed by Yogendra and Prashant as they considered it unconstitutional.

The National Executive meeting in June 2014 had decided that the opinion of the volunteers should be taken regarding the decision to contest elections in Maharashtra, Haryana, Jharkhand and Jammu-Kashmir and the decision was finally left to the State units. This decision taken after taking into consideration the opinion of the volunteers was endorsed by a majority of the National Executive members. But this decision was overturned only because Arvind Kejriwal was opposed to it.

Arvind Kejriwal has also been accused of being dictatorial in the matter of selecting the candidates for the last Delhi assembly elections putting winnability as the most important criteria even if it went against the opinion of the local party volunteers.

It has now become known that Arvind Kejriwal had made up his mind to expel both Yogendra Yadav and Prashant Bhushan, both with an impeccable and long record of commendable social service and a commitment to constitutional and democratic values, from the PAC of the party, and who knows there a plan to expel them from the party also. Mayank Gandhi's disclosure that the members of the Executive that met on 4th March were coerced into taking a decision to expel Yogendra Yadav and Prashant Bhushan from the PAC by Arvind Kejriwal as he had declared in advance that he would not remain National Convenor of the Party if his wish was not fulfilled. Even then the decision was taken by 11 to 8 votes and Prashant Bhushan and Yogendra Yadav had abstained. Rakesh Parikh, the Rajasthan state unit spokesperson, has also alleged that although he was authorized to participate in the 4th March National Executive meeting by the State Unit which had planned to vote in favour of Prashant-Yogendra duo, yet he was prevented from attending the crucial meeting and Party Secretary Pankaj Gupta had asked Sunil Agiwal to attend the meeting instead. It is well known that the latter voted for the ouster of the dissenting duo. From these facts it becomes clear that the majority of the Executive members, which expelled them from the PAC, was a manipulated majority and the decision was taken under coercion.

The overwhelming support of the people for the AAP in the Delhi Assembly elections, giving it 67 out of 70 seats, may be interpreted, and is actually being put forward by some party leaders, as justification for the decisions taken by Arvind Kejriwal, though the fact remains that the people voted his party to power on the basis of the AAP government's performance in the short 49 day stint in which promises on 50 % electricity bills, free supply of water and giving a corruption free governance were fulfilled. It is also true that his government will be judged at the time of next elections after five years on the basis of fulfillment of the promises made in the manifesto and most voters hope that he will not belie their expectations. It is also true that he is the popular face of the party and was rightly projected as the Chief Ministerial candidate of the party during the Delhi Assembly elections. There is also no doubt in the fact that he has attained this position by dint of hard work, sacrifice, his unflinching commitment to fight against corruption and his social service but at the same time it is also equally true that his association with people like Yogendra Yadav and Prashant Bhushan have helped him to a great extent in attaining that position. It is his association with people like them that the AAP has attained acceptability and credibility among the intellectual class and the middle class equally. However, the recent happenings in the party have certainly dented his claim to be much different from other party leaders, most of who act as party Supremos, who take decisions by themselves and the party cadres, and even leaders, are only expected to toe their line, or get out. There is lack of internal party democracy. There seems to be no place for free expression of opinion in the party and absolutely no place for dissent which are very essential in a democratic set up.

It is not for the first time that Arvind Kejriwal has been accused of being autocratic in making decisions. Many leaders have left the party making that allegation. We may not consider the remarks of those who later joined the BJP, as their criticism could have been politically motivated and perhaps Kejriwal was proving a stumbling block in the fulfillment of their too high political ambitions. But certainly Yogendra Yadav and Prashant Bhushan cannot be accused of acting at the behest of the BJP. Even the questions raised by them cannot be brushed aside lightly; nor can any illegitimate motives be attached to them. Though the Prashant-Yogendra duo has not raised this question, yet what is illegitimate if someone asks, "How can Arvind himself hold two posts - as the Chief Minister of Delhi and as the National Convenor of the Party - when no two persons of the same family can seek party tickets for elections?"

If Arvind Kejriwal does not show his commitment for democratic values, both in governance and within the party functioning, he will soon forfeit his claim to be head of a party with a difference. Only by showing his commitment to these values, not only in words but also in his deeds, will he be able to make the party a vehicle of change for the better, which he has promised to bring about.

"The liberating role of any social organization is to be judged by the degree of actual freedom it allows its members," as M.N. Roy, the great radical humanist and champion of democratic values in thought and practice, has observed. We hope that Arvind Kejriwal will learn to respect the fundamental principles of democratic functioning and not compromise on democratic principles for political power.

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Absurd and Illegal Order of the NGT Banning Old Vehicles

The National Green Tribunal (NGT) headed by Justice Swatanter Kumar recently issued two orders, first banning of petrol vehicles older than 15 years old and the second one banning diesel vehicles older than 10 years. Though nobody can question the sagacity of providing clean and pollution free air to the people in Delhi-NCR, the way these two orders were issued without doing any research into the causes of pollution in Delhi and without taking into account a holistic view of the problem, the absurd, illegal and arbitrary orders seem to suggest the stringent remedy of cutting the head off for treating headache.

A study by Dinesh Mohan, a Volvo Chair professor emeritus at IIT Delhi, says that only 7 % vehicles in Delhi are more than 10 years old. He has also quoted a 2013 study that concluded that transport sector is responsible for only 17 % of fine, respirable particles which contribute to air pollution as against 15 % from brick kilns and 12 % from LPG or domestic sector.

It is also surprising that the order to ban old petrol vehicles came more than a month earlier than the order to ban diesel vehicles although a 2008 study commissioned by Central Pollution Control Board (CPCB) found that the particulate matter (PM) emissions from diesel vehicles was about 24 times and from light commercial vehicles (LCVs) 166 times that of the petrol-run vehicles. One wonders whether diesel cars were earlier spared because the SUVs and luxury cars run on diesel and belong to the rich, influential and affluent sections of the society. One also wonders whether the central government also went in appeal to stay the order only after a ban was imposed on old diesel vehicles. This order was stayed for 15 days, and later extended by 15 more days, by the NGT when truckers' unions threatened to block all supplies to the capital if their more than 10 years old vehicles were impounded at the borders of Delhi. What would have been the plight of the people of Delhi if the high-handed order had not been stayed is anybody's guess.

The NGT, in its over enthusiasm to clean the Delhi air instantly just by an order, committed many illegalities besides not imagining the social impact of the bull-dosing order. While issuing the order of banning more than 15 years old petrol run vehicles (and also the diesel based vehicles) it forgot that a very large number of such cars are now run on CNG which is supposed to be a clean fuel. All the vehicles are also checked for pollution every three months and issued Pollution Under Control (PUC) certificates. How can such vehicles be banned when they do not pollute the air? If PUC certificates have no validity, then why does the government collect crores of Rupees every month as the fee for issuing such certificates? Since the motor vehicle law does not specify any age for the vehicles, they can run on the roads provided their road-worthiness is certified by the Road Transport Authority as specified in the law. Merely the age of the vehicle cannot determine whether it causes air pollution or not. The central government has also observed: "Parliament has enacted the Motor Vehicle Act and people buying vehicles are doing so in accordance with it. In implementing the law to protect the environment - The air (Prevention and Control of Pollution) Act - how can the right of citizens ensured in another Act be snatched?"

The social impact of such a ban has also not been taken into account by the NGT. Most of these old vehicles are purchased and owned by middle and lower middle class people based on their need as they have to take their family members, who are physically disabled, heart patients or suffering from other serious diseases and very old members of their families, to hospitals in emergency situations and also elsewhere. For such people their vehicles are their ambulances. Is it not absurd to ban their vehicles on which their lives, and in many cases their livelihoods, depend? And that too without seriously assessing whether their vehicles really cause air pollution or not? Would it not have been better if the NGT had addressed problems like long traffic jams, in which thousands of vehicles keep idling and throwing out pollutants, the problem of affluent families keeping multiple vehicles and other factors that cause greater air pollution than the vehicles? Has the country really reached such economic development where the people can afford to buy new cars every 10/15 years? Does the NGT or the government have any plan to phase out old vehicles in such a manner

that the people do not feel the burden of replacing their old vehicles - at least those people who have somehow managed to get together the money to buy an old vehicle to satisfy their need? Why has the option of registering only those new vehicles in future which run on the 'clean' CNG fuel, and letting the present vehicles run as usual till they get phased out by themselves, not been explored?

The only beneficiary of the old vehicle ban order is going to be the vehicle manufacturing industrialists. This order will not, and cannot, ensure clean air to the people of Delhi-NCR which in any case is their right. A comprehensive and well-planned long term policy, based on proper research and in consultation with all the stake holders, including the government which has to provide the funds and the necessary infrastructure to implement such an ambitious but important plan, has to be devised for that. If the government has asked for six months to come out with such a plan, it is not too much considering the exercise it has to undertake to reach a viable solution of the problem.

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Time to take a Pledge

This 15th of August 2015 the country celebrates the 69th Independence Day from the British Raj. It is once again time to remember and express our gratitude to the innumerable freedom fighters who struggled and also laid down their lives so that their future generations could breathe and live with dignity in a free and independent country. They dreamt that we would live not only in a politically independent country but also in a country in which we would enjoy economic well being, social cohesion and equality of status and opportunities. Ultimately, after attaining independence on 15th August 1947, these dreams of theirs were enshrined in the country's Constitution when it was declared a SOCIALIST SECULAR DEMOCRATIC REPUBLIC and wherein a promise was made to secure to all its citizens:

JUSTICE, social, economic and political;

LIBERTY of thought, expression, belief, faith and worship;

EQUALITY of status and of opportunity; and to promote among them all

FRATERNITY assuring the dignity of the individual and the unity and integrity of the Nation.

After 68 years of independence, it is also time for stock taking and to sit and assess whether these promises have been fulfilled. Visionaries and freedom fighters like M.N. Roy had also presented an economic and political model through which the dreams of the people of India could be fulfilled. After all it was not merely for political independence that our ancestors laid down their lives.

An objective assessment shows that India has made tremendous progress in the field of nuclear science, rocket technology, communication, medical science etc. But the question is whether they have made the lives of the masses any better. Inequalities of all kinds still persist in our society: social inequalities in the form of caste system; economic inequalities in the form of still growing disparity in the income level of the poor on the one side and the well-to-do and the rich class on the other; political inequality as only a handful of politicians have usurped the sole control and authority to rule the country by making political parties their sole property, caste□based or family-based, through crores and crores of unaccounted and ill-got money and by dividing people on caste and religious bases. On all occasions, political and social, the politicians and the other rich make a vulgar show of their wealth whereas farmers continue to commit suicides in increasing numbers; electricity has still not reached all the villages and drinking water has not reached all even in the urban areas, not to speak of the rural areas. Even in the capital of the country, there are areas where drinking water does not reach and people have to fight it out to get a bucket of water if and when a water tank arrives there. In spite of the 'Free and Compulsory Education to all children up to the age of 14 Act' having been passed by parliament, young children can be seen in big numbers begging at the road crossings even in big cities like Delhi; health care facilities are still out of the reach of the majority of our population; unemployment has increased. The only people who have made tremendous progress are the Ambanis, the Adanies, the politicians, the bureaucrats and the like. They have grown thousands of times in their wealth and status and most of the money they have amassed is through corrupt means bending the whole system to cater to their needs. They look with contempt towards the masses, calling them 'cattle class', except when they need them.

Corruption has reached gigantic proportions. It is very difficult to locate an honest policeman, and almost impossible to locate an honest politician. During the 10 year rule of the Congress led United Progressive Alliance (UPA) government there were corruption scams worth lakhs of crores of Rupees in which central ministers, even the Prime Minister's office, were directly involved. Within a short period of less than a year and a half, the governments led by the Bharatiya Janata Party (BJP) in the states and at the centre have equaled the record of the UPA. Leave aside the charges of showing undue favours to Lalit Modi, an absconder businessman, in return for the undue financial benefits they and/or their family members had received from him in a mutually beneficial move,

against the central minister Sushma Swaraj and the Rajasthan Chief Minister Vasundhra Raje, over which the whole business of the national Parliament remains stalled during the monsoon session, the VYAPAM scam, an admission and recruitment scam involving politicians, senior officials and businessmen, of the Madhya Pradesh government involving thousands of crores of Rupees, has become the biggest scam of independent India by the sheer number of candidates affected, which is around 20,000 and the number of people, around 48, who either knew the details of the scam and could disclose them or journalists who were trying to investigate and find out the people involved in the scam, murdered or killed after the details of the scam started surfacing, obviously to shield the politicians and bureaucrats who have masterminded the whole scam. The position of those involved can be judged from the fact that the Chief Minister of the state, Shivraj Chouhan and members of his family, the Governor of the State and his son, who has since died, and very senior bureaucrats are allegedly involved in the scam. The Governor's residence, the Raj Bhavan, is also alleged to have been used for the bribe money to change hands. Looking at the seriousness and dimension of the scam, the Supreme Court of India handed over the investigation into the scam to the Central Bureau of Investigation (CBI) and a team of 40 investigating officers started looking into the matter. The scam is so big that the CBI requested the Supreme Court to provide it with a team of 200 investigating officers because the team of 40 people was not sufficient to investigate into the matter. And Narendra Modi, the Prime Minister, who had promised to the nation during his election speeches 'Na Khaoonga Na Khane Doonga', meaning thereby 'I shall not indulge in corruption, nor let anybody else indulge in it,' is just watching and conspicuously maintaining a perfect silence, reminding everyone of the silence Manmohan Singh, the UPA Prime Minister, maintained watching his ministers indulge in gigantic corruption. Not only this, under a well thought out plan the freedom of educational institutions, and even the Film Television Institute and the Film Censor Board, are being destroyed in a systematic way and people with no other qualifications but loyalty to the Rashtriya Swayamsevak Sangh (RSS), the parent body of the BJP whose Hindutva ideology the latter follows, are being appointed their heads.

The plight of farmers is already very bad. Still the Narendra Modi government is so much bent upon acquiring their farm lands, not for their benefits in any way, nor for purely public purposes, but to hand it over to private businessmen in the name of Private Public Partnership (PPP) for them to make big money at the cost of depriving the farmers of their only source of living, that it has issued ordinances thrice in spite of the fact that the parliament has not passed the land acquisition bill presented to it by the NDA government which has failed to get it passed in spite of its absolute majority in the lower house of parliament, the Lok Sabha and overall majority in both the houses taken together. Its adamancy to implement the law without the approval of parliament only shows how it disregards the public opinion expressed through its elected representatives.

Whatever civil liberties and rights people enjoy under the Constitution and other Acts of Parliament are being snatched away through government notifications. Activists who protest against the anti-people policies of the government are being dubbed as anti-nationals and traitors and killed or hounded and fixed in false cases against them. Right to Information (RTI) activists who seek vital information on illegal mining, corruption in defence and other establishments and various ministries are either killed by the land and mining mafia and those who fear exposure, or do not get the information they seek. A recent note approved by the central cabinet proposes to amend the Whistleblowers' Protection Act so that it would dis-empower the people and snatch away whatever empowerment they had got through the RTI Act passed by the UPA government in 2005 to seek information regarding how their money was spent by various departments of the government and how the government and its agencies were functioning. It is noteworthy to remember that thousands of cases of misuse and misappropriation of funds and illegalities committed by ministers and bureaucrats have been unearthed through RTI applications filed by ordinary people and RTI activists in the last ten years of the Act's passage. The cabinet note proposes that people cannot have the absolute right to blow a whistle and make a complaint if they see something wrong. It also

recommends restrictions like exemptions from disclosure under the RTI Act. The activists feel that once these amendments are passed, the bill may not leave anything to complain about.

In another case, "On one hand, the DNA Profiling Bill, which may result in a database of sensitive personal data with little to prevent its misuse, is being tabled in Parliament. On the other hand, the Attorney General took a shocking position in the Supreme Court of disputing the very existence of the right to privacy in the Aadhar case," says Chinmayi Arun. The government's argument was that the right to privacy cannot be held as a fundamental right of the people, which effectively means that this right is also going to be snatched away from the people. What is even more shocking is that the NDA government had opposed vehemently the scheme of the Aadhar cards when it was introduced by the UPA government on the very counts on which it is strongly supporting and continuing the scheme now, this in spite of the Supreme Court orders that these cards cannot be made mandatory for any service provided by the government. It seems that this government has no respect for the institution of the judiciary also in the same manner as it does not value the core values like freedom of speech and expression and secularism as promised by the Indian Constitution.

Today, Christians and the Churches are being attacked. Muslims are being mocked at, attacked and killed and their houses burnt, as happened in Muzaffar Nagar in U.P. Even M.P.s belonging to the ruling BJP openly threaten Muslims and some of them even advise them to go to Pakistan. The divisive agenda of the Hindutva brigade is being aggressively implemented with the aim of ensuring the support of the majority Hindus in elections. Does this country belong only to the RSS and its Hindutva outfits? By insulting a single Muslim, do they not insult thousands of freedom-fighters and martyrs including Muslims like Ashfaq-ulla Khan who laid down their lives fighting for the freedom of this country? Are they not mocking at the sacrifices of those brave and selfless soldiers, like Abdul Hamid, who died and are still dying fighting Pakistani infiltrators and attackers and still keep a 24 hour vigil along the line of control to save the unity and integrity of our country? Does this country belong any less to those who chose this secular country as their own in which to live and die, and not the religion based Muslim country Pakistan when they were offered a choice at the time of partition? Or does it belong only and only to the self-styled nationalists and patriots who are out to destroy the 'Ganga-Jamuni' culture of this country in which have lived people belonging to various religions and other diversities with love and respect for each other for thousands of years? Shall we not forfeit our claim to be a secular nation if minorities do not feel safe to live a life of dignity here? If there are anti□nationalists and traitors in this country it is they who are destroying the unified social fabric of this country and it is they who are a threat to the unity and integrity of this country. Unfortunately, they are the very people who are the powers that be and have arrogated to themselves the right to tag others as 'anti-nationals' and 'traitors'.

Every citizen of this country is duty bound to work for the constitutional and democratic values this nation has fostered and preserved against all odds. People of this country have learnt to raise their voice against injustice. They have also learnt to protest when their rights are in danger. They cannot be silenced now as they were silenced during the Emergency regime for fear of losing their liberty and even their lives. There may be threats, incarceration or even death. But that is the price we have to pay to protect our democracy and long held secular and democratic values and rights. By doing so we shall be paying a real tribute to our national heroes who died so that we may live in peace and with dignity, with our heads held high as free individuals of a free nation.

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Eternal Vigilance Necessary to Protect Our Democracy

Within 15 months of coming to power at the centre, the Narendra Modi government has amply shown its true colours. If we compare what Narendra Modi, the Prime Ministerial candidate of the BJP, and the party's President Amit Shah, had promised to the voters with what the government has done so far, the wide difference between the promises and the implementation comes out clearly. Mr. Modi had made a tall claim to bring back black money stashed in foreign accounts and put in every individual's account an amount of fifteen lakhs of Rupees each within something like three months has already been repudiated by Amit Shah who has truthfully admitted it to be a mere 'poll slogan', which clearly shows that they do not mind raising false slogans deliberately before the elections only to be forgotten and rejected after coming to power. The Prime Minister has also forgotten his promise of bringing down prices of vegetables and other essential commodities. Contrary to his 'poll slogan', the prices of vegetables and cereals have risen by 50% to 100% during the last few months, the prices of onions having reached, on an average, Rs. 60/- to 80/- per Kg. and 'dal Arhar' is being sold at an unprecedented high price of Rs. 150/ - per Kg. and the government has done pretty little so far to control the price rise. The Prime Minister's vow, or slogan should we call it, 'Na khaoonga na khane doonga' (I will neither eat nor let others eat) has come to be true not for weeding out corruption for which it was made, but for removing vegetables and cereals from the plates of the consumers. A frantic effort was also made by the government to snatch farm lands from the possession of the farmers by amending the Land Acquisition Act, passed by the earlier UPA government in 2013 with the express consent of the BJP, so that land acquisition, to hand it over to the builders and industrialists in the name of Public Private Partnership (PPP) projects, could become easier to the detriment of the farmers. The government was so desperate to pass and implement the new law that it brought central ordinance three times when it failed to get the bill through parliament. Had the new law been passed, farmer suicides, which are already very high, would have attained new heights with more farmers losing their only source of sustenance. Yet the same government claims to be farmer friendly. The government was so adamant on passing the amendment bill that it proposed to bring in a fourth ordinance but the move was abandoned after its efforts were strongly opposed by all the opposition parties in parliament and the farmers were agitating against the move throughout the country. The BJP, which had come to power on the basis of only 31% votes, could have hardly afforded the erosion of farmers' votes and still hope to come to power again.

After its failure, at least so far, to get the new anti-farmer Land Acquisition Bill passed by the parliament, now the government plans to bring in a new pro-factory owner and anti-labour law. The government plans to overhaul the 67-year□old Factories Act to allow two different departments of the same factory to be counted as two separate companies. A factory employing less than 40 people will not be treated as a factory. The move will encourage factory owners to list different branches or departments as separate factories to bring down the number of employees to less than 40 so that the new factories would be kept out of the purview of the Factories Act and they would enjoy many relaxations, including in their social security obligations. The irony is that the labour ministry which is supposed to safeguard the interests and welfare of the labour has prepared this anti□labour proposal.

The record of the Narendra Modi government on the education front is also deplorable. It has done nothing to send every child upto the age of 14 to school, as mandated by the Free and Compulsory Education to all children upto the age of 14 Act having been passed by the national parliament long ago. On the contrary, those already going to schools are being taught through the school text books that multiple rape and murder accused Asaram Bapu, a self□proclaimed Godman who is in jail, is a 'great saint' and finds himself listed in the company of Buddha, Mother Teresa and Guru Nanak only because he had supported the BJP during the elections. "Hitler lent dignity and prestige to the German government within a short time, establishing a strong administrative set-up," appears in a

chapter titled 'Internal Achievements of the Nazis' in a state text book used as a guide for children aged 13-15 years old. And those who belong to the RSS and hold such obscurantist and anti democratic views are being made heads of educational institutions, including institutions of higher learning.

On the front of human rights, the record of the NDA government so far is worse than that of the UPA. The latter had at least passed the Right to Information Act in 2005 which empowered the citizens to access government records to find out where their tax money was being spent and how the government was functioning. The BJP talked of transparency and accountability in public life when it was in opposition. Now the BJP-led central government has told the Supreme Court, in reply to a PIL filed by Prashant Bhushan, a noted lawyer and human rights activist, that it was against the idea of bringing political parties under the Right to Information Act arguing that the move will adversely impact their "internal working." It does not want people to know from where the party gets the funds for the elections, which run into thousands of crores.

In another bizarre U-turn, the BJP led government has strongly supported the Congress initiated UID/Aadhar card project of bringing in every citizen's personal details under the scanner of the government which it had opposed earlier on the argument that the data could be easily misused. In a case pertaining to the project, the government argued that the 'right to privacy' could not be considered a fundamental right. In relation to privacy as a fundamental right the Supreme Court itself observed - It worries the court that reading the 1954 judgment in MP Sharma's case and the 1963 judgment in Kharak Singh "literally" and accepting it as "the law of this country", would denude "the fundamental rights guaranteed under the Constitution of India and more particularly right to liberty under Article 21" of "vigour and vitality".

The government also does not like anybody to raise a dissenting voice. As civil society organizations oppose anti-people policies of the government, as they have been doing in the past, the government has cracked its whip on them in the name of foreign funding though in many earlier cases the judiciary has declared its moves as illegal and unconstitutional. In a new move, rights activists are being denied access to meeting halls and other places where people can discuss various issues as the government fears that such meetings would foster dissent. In a recent case in Gujarat, which has a BJP government, the Mehdi Nawaz Jung Hall at Ahmedabad which was earlier widely used by civil rights organisations has been made out of bounds by the Gujarat Governor O P Kohli for "any political activity or any activity against the government," on the basis of an "oral decision" by Governor Kohli. The decision has been strongly opposed by the People's Union for Civil Liberties whose state General Secretary, Gautam Thaker, strongly criticized the decision saying, "I think it is a move to stifle the voice of dissent. It is an attempt to suppress the freedom of speech and expression of civil society."

As if this is not enough, leading rationalist scholars and anti-superstition activists are being targeted and killed by the intolerant forces of the Hindutva outfits who choose to interpret even mere discussions, debates and statements about Hindu practices and rituals as an insult to Hinduism, and resort to threatening and attacking speakers and writers. Earlier, leading rationalist and anti-superstition activist Dr. Narendra Dabholkar was murdered in Pune on 20th August 2013, and left leader and outspoken critic of Hindutva, Shri Govind Pansare was murdered in Kolhapur on 20th February 2015. The latest murder of Prof. M. M. Kalburgi, a renowned rationalist scholar and former Vice□Chancellor of Hampi University, Karnataka hailing from Dharwad who was shot dead on 30th August 2015, along with the earlier two murders, is suspected to have been committed by right wing religious extremists. This belief gets credence because the Co-convenor of the Bajrang Dal's Bantwal cell, Bhuvith Shetty, welcomed the assassination of M. M. Kalburgi. Such right wing Hindutva elements are emboldened and are increasingly coming out openly against persons who are merely critical of Hinduism because they are getting the tacit support of the BJP government at the centre. To what extent their opposition can be allowed - to 'gali' or 'goli', 'abuse'

or 'bullet' - has to be considered by the society as a whole. If this trend is not checked and turned back immediately, the people of India will lose their right to freedom of speech and expression, and India's secular democracy will turn into fascism.

Showing their concern for civil liberties and the future of India in view of the bad record of the Modi government, leading US academics, most of them Indians working in the US, have in a statement urged Silicon Valley to be cautious in dealing with Modi government when he goes there in the second half of September 2015. This shows that not only the activists living in India but also those Indians living abroad who love their country and the democratic values equally perceive a danger to both of them under the rule of Modi dispensation. To save them both we all have to be eternally vigilant and oppose every undemocratic and anti-people move by the Modi government.

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Should Hindutva Sponsored Talibanisation of the Country be allowed?

For the last few years unruly elements of the Hindutva groups have been treating the law of the country with contempt. Sometimes it were the hoodlums of the Ram Sene who attacked young boys and girls sitting and talking in some garden or girls in jeans sitting in a restaurant having a cup of tea of coffee with a male friend. Then the goons of the Bajranj Dal started catching and beating up girls and boys who exchanged greetings or flowers on the day which is known as Lovers' Day. Sometimes these groups and many others tear posters of a film, vandalize theatres and do not allow theatres to screen that film even after having been cleared by the Film Censor Board merely because these elements do not like some dialogues of that film. Now BJP ruled governments have imposed a ban on the sale of meat in many areas for a few days, or extended the period and area of ban than used to be done in the past. These elements want that people should speak, eat, wear clothes, see films, meet people – do everything according to the rules prescribed by them or face insult, be beaten up or even be killed if they flout their diktats. These destructive and divisive forces have become emboldened with the Narendra Modi government taking over the reins of power at the Centre in the country. They know that no action will be taken against them, particularly if the state government is also with them. We used to hear such things happening in Afghanistan when the Taliban were controlling the country and later in Waziristan and some other parts of Pakistan. They too were intolerant of everything which did not happen according to their whims and destroyed everything they did not like – libraries, ancient and historical statues, and human beings.

Many notable dissenters like academic, activist MM Kalburgi in Karnataka last month, and earlier Pune-based rationalist Narendra Achyut Dabholkar and activist-rationalist Govind Pansare have been brutally and cowardly murdered after threats by these elements and nobody has been arrested and prosecuted for these crimes. These dastardly murders have been followed by death threats to Mysore-based rationalist KS Bhagawan. And now it is a well□known social and human rights activist and journalist Dr. John Dayal who, as per an article 'What the online attacks on my father say about India: activist John Dayal's daughter takes stock,' written by his daughter, Karuna John, and published in 'Scroll.in', has been threatened on social media with tweets like, "#ShameOnJohnDayal such bc should be hanged till death. Bkl 1:05 AM - 13 Sep 2015." The question is: How long will this 'talibanisation' of our tolerant society and professedly secular country be allowed at the hands of some anti-social elements who are out to destroy our composite culture? Or is it only the beginning of the backward march into the medieval and black ages? Those, who are bent upon turning this secular country into a 'Hindu Rashtra' and throwing away people belonging to the minority communities out of this country, obviously at the behest of their political masters like the RSS and the BJP to benefit them politically by polarizing the society on communal basis and garner the support of the majority of Hindu votes, mend their ways and learn to respect the Constitution and the law of this land? They are doing this, when only yesterday, the 14th of September 2015, our closest neighbor, Nepal's parliament has rejected the move to turn the Himalayan state again into a 'Hindu Rashtra', which it was till a few years ago, and chosen to continue to be a secular country.

The bigger question which faces us all who wish to see this country and all its people to prosper and live in peace is: Should we allow a handful of anti-social, uncultured and uncivilized people to tell us how this country will be run and to let fascist tendencies overtake whatever democratic freedoms we possess? Will the thinking people allow these brainless brutes – 'brainless' because they are cutting the branches of the same tree on which they are sitting and 'brutes' because they are indulging in violence and killing people who have done no harm to anybody - to dominate the society and rule over us, the all powerful and sovereign 'We, the People'? Shall we permit the legacy of the land of Buddha and Kabir be destroyed by these self-proclaimed 'thekedars', or

conscience keepers, of the Hindus and the Hindustan, or 'Bharat' as the country's Constitution describes this country?

(**Note:** It has been reported that on 16th September 2015 an activist of 'Sanathan Sansthan', another fringe group of the Hindutva brigade, that had publically justified the killing of activist Pansare, has been arrested for his murder though a spokesperson of the organization tried to defend the accused as 'innocent' in a TV discussion, but shamelessly justifying the murder still.)

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Interpreting Bihar Elections

When the leads for the Bihar Legislative Assembly elections started pouring in with the BJP and its alliance partners showing a slight edge over the Mahagathbandhan (the Grand Alliance of the JDU, the RJD and the Congress) led by Nitish Kumar, the incumbent and projected Chief Minister of the alliance, the BJP spokespersons on the discussion panels of different TV channels started forecasting a 2/3 to 3/4 majority for their alliance exactly the way most pre-poll and exit-poll surveys had been forecasting. Crackers started bursting in the BJP's state office and sweets started being distributed among the party workers. But by the end of the day, it became clear that the BJP and its alliance had fallen flat with a total tally of 58 seats with 31 % votes, with the BJP's share coming down to merely 24.4 % as against the 31 % in the parliamentary elections, and the Grand Alliance with a tally of 178 seats with 41.9 % of votes had dashed all the hopes of an unprecedented victory for its leaders to project the poll results as a sign of things to come in the 2019 parliamentary elections. But after the results were out the same spokespersons and the BJP's top leaders started describing it only as a state election having no bearing on the parliamentary elections in 2019.

Whatever may the BJP's leaders say now, the fact remains that it was the total rejection of Narendra Modi, the Prime Minister, who himself spearheaded the election campaign, Amit Shah, the BJP President, the RSS and all that they stand for by the people of Bihar against the performing Chief Minister, Nitish Kumar, as was earlier done by the people of Delhi giving the BJP only 3 seats out of a total of 70. But it is not unusual for the top leadership of political parties in India to disown and not take responsibility for poll debacles while taking all the credit for poll victories. Ascribing Mahi Pal Singh the poll defeat only to the RSS Chief, Mohan Bhagwat's remark regarding the need for a review of the reservation policy will only mean passing on the blame when one of its leaders said, "We had an initial advantage as the EBCs, dalits and mahadalits were apprehensive about RJD chief Lalu Prasad. But Bhagwat's statement changed the people's perception about the BJP stand on reservations," though that could be one of the factors which contributed to the BJP's defeat. However, the BJP leaders even officially admit, and add the party could not come out of the Lok Sabha euphoria and believed PM Modi would deliver victory on the platter. The fact remains that in spite of the BJP having won a majority of the Lok Sabha seats in 2014, it was only 10 seats above the simple majority figure of 272 seats with 31 % of the total votes cast and only a little more than 50 % voters having turned out to vote, which means that 85 % of the total voters had neither voted for Modi and his party nor supported him. It was only media hype which showed as if something unprecedented had happened and the whole country had supported him then. It had been more the rejection of the corrupt Congress than the victory of the BJP.

In the Bihar election, the defeat of the BJP becomes even more pronounced because it is a defeat against the same discredited Congress and the Rashtriya Janata Dal (RJD) of Lalu Prasad Yadav who was denounced by the BJP for his jungle raj (anarchy), and not wrongly so. It was also the defeat of Modi's non□performing development agenda, or poll slogan to call it correctly, against the performance backed developmental agenda of CM Nitish Kumar who maintained the sanctity of the poll campaign and did not utter a single objectionable word. On the other hand were the leaders of the BJP making all kinds of objectionable remarks – Giriraj Singh exhorting those who did not vote for the BJP, meaning thereby the Muslims, to leave the country and go to Pakistan and the BJP President, himself declaring that crackers would be burst in Pakistan if the NDA and the BJP did not win the election, as if Nitish Kumar's grand alliance winning the elections would mean the victory of the Muslims making people happy in Pakistan. We know that nothing of the sort happened. But such communal remarks definitely pushed the Muslim voters further away from the BJP than they had been earlier and they voted against the BJP.

Terrorists, by definition, are people who kill a few people to terrorize others not to criticize or oppose them or their ideology through acts or written word or word of mouth. Earlier those

involved in the Samjhauta train and Mecca Masjid blasts were doing exactly that – killing people to terrorize others. Now, Hindutva groups like the Sanathan Sanstha and Bajarang Dal have taken over and are killing people like Govind Pansare, Dabholkar, M.M. Kalburgi etc. to achieve the same goal – terrorize people. It is immaterial whether this happens in a Congress ruled state or in some other state. What is important to note is that it is the same people belonging to the Hindutva ideology with different names who are indulging in this terrorist violence. These self□appointed custodians of Hinduism and Hindu religious books are terrorists and anti-nationals. They are out to kill all dissent, the age old cultural integrity of the nation, the secular spirit of the Indian Constitution and to divide the nation on religious lines in the same manner as the RSS does so that the Bharatiya Janata Party gets the support of the majority Hindus in elections. They want to kill rationalist and scientific thinking and free expression of thoughts. It is an understatement to call them the fringe groups, they are the mainstay of the BJP's electoral support. That is the reason why the BJP has never condemned or even criticized them and their activities. At best it dissociates itself from them when too much pressure it put on it to make a statement on their activities. BJP's inaction against these groups and against its MPs and state leaders who used foul language and made uncalled for remarks bringing down the election campaign to abuses and a new low must have contributed the defeat of the BJP.

The BJP's efforts to communalise the election in its favour failed miserably because not only the Muslims but also the majority of the Hindu voters rejected it because of its intolerance of dissent in the country. In spite of the fact that the BJP leaders and its strong supporters in the media and elsewhere made frantic efforts to downplay the return of Sahitya Academy and other Awards by recognized writers, scientists and intellectuals in protest against the Academy's silence against the killing of intellectuals and rationalists by the Hindutva activists and the tacit support such elements were receiving from the BJP's top leadership including cabinet ministers and MPs, the general public and the intellectuals of the country felt that their protest against the atmosphere of intolerance being promoted by the BJP and the central government was fully justified. These award returnees were actually voicing the concern of the people at large. In the Bihar election, these voiceless people asserted their right to live in a secular and democratic atmosphere and proved that they cannot be brushed aside and taken for granted by any political party. To protect their democratic rights from the onslaught of the BJP, they thought it better to vote for the lesser evil of the RJD and the Congress. They showed their faith in the leadership of Nitish Kumar and his ability to deliver in spite of his dependence of the RJD and the Congress. The voters of Bihar have shown that they are no fools, as the BJP had thought them to be, and that they know what is good for them and the country they love.

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Has Democracy Failed Us?

When India became independent from the British yoke, the people decided to give themselves a republican democratic Constitution. It was hoped that as per the constitutional provisions the people of the country would be the ultimate sovereign and it would make them the real masters of their destiny as the people elected by them to run the country would act as the servants of the people and that they would run it in their best interests as per their wishes as the Trustees of their faith and hope. But that hope has been belied. The custodians of their hope and faith become their masters turning 'We, the People' who gave themselves that Constitution into mere subjects once they elect their 'political servants' once in five years. Once elected, these political servants never turn back to ask their supposedly sovereign masters (voters) what they want to be done. As a result out of desperation sometimes people ask, "Has democracy failed us?" On close analysis they realize that it is not democracy which has failed them but it is the political leadership of the country over the years, with some honourable exceptions, which has failed them. Those entrusted with the task of governing the country so as to empower the people, have only empowered themselves and their family members by becoming the modern maharajas of the country.

Party-based parliamentary democracy, as was anticipated by M.N. Roy long ago, has rendered democracy into a sham. Those who get elected through popular votes remain accountable to their respective political parties instead of the people who elect them. Many of them buy party tickets for elections and most of them spend crores of Rupees in the election campaign. For them the money spent by them is an investment as in a business venture. Obviously, they do not wish to get elected for serving the people. They want to grab electoral power to make a lot of money through corrupt means which our political system provides to them. It is not surprising that one third of our legislators, in states and the national parliament alike, have multiple criminal charges against them, and the cases against them drag on for years and before the cases reach their logical conclusion, they complete their ten□ure as legislators. Instead of legislating, they boycott legislative house meetings on trivial matters. Some of them have even been caught watching pornographic content on their mobile phones during the sessions of the legislature. And what is even more bizarre, they get lifelong pension for their (dis)service as legislators even for a period of four years and a half, the shortest period in the world for becoming eligible for a lifelong pension. Political parties take huge money for elections from industrialists and af□ter coming to power return it in the form of un□due favours to them and remain more concerned for their benefits than the concerns of the poor people. These political parties refuse to come under the Right to Information Act because they do not want to disclose their source of funding which involves a lot of black money. Hence, contesting election in India has become too ex□pensive an affair and an ordinary person, however well intentioned and committed to the welfare of the poor and secular-democratic values he/she may be, cannot even dream of winning, nay, contesting an election. Good people are, therefore, practically debarred from contesting elections and the field is left open to criminals who have money power. Backed by party support, which use caste, and do not even hesitate from fanning communal hatred to garner the support of some sections of the society, these anti-social elements get a clean sweep in the elections and what the voters ultimately get is the same faces and the same parties coming to power alternately 'ruling' over them and implementing their (undeclared) agenda.

Under these circumstances 'development' has come to mean the development of the people in power and their benefactors and 'economic reform' has come to mean a rise in the share index and increased burden of taxes and rising prices, not a rise in the human development in□dex of the ordinary people who are a means to gain power and their welfare is not the end to be achieved. The result is, thanks to the capital□ist economics, the rise in the share prices is interpreted by our economists trained in the western countries as well as politicians in power as 'economic progress' while more than one third of our population which remains in 'below poverty line' slab is forced to continue to languish in extreme poverty like in-humans – homeless, malnourished, naked, without

education and medical facilities, to sum it up, without the right to live or, to use a more appropriate term, exist. At the same time, ironically enough, our leaders, be it Mayawati, the supposed leader of the Dalits, or Mulayam Singh, the self-proclaimed socialist leader for whom socialism and welfare of the people is limited to the welfare and empowerment of his own family members, spend crores and crores of Rupees on their birthday celebrations.

It is not surprising, therefore, that the same people continue to be heads of most of their political parties. Bahujan Samaj Party (BSP) means Ms. Mayawati, Samajvadi Party no more than Mulayam Singh Yadav, his brothers, his son Akhilesh Yadav, daughters-in-law of Mulayam Singh and his nephews, Rashtriya Janata Dal (RJD) stands for Laloo Prasad Yadav, his wife, his daughter and his sons, AIADMK means Ms. Jayalalithaa, Dravida Munnetra Kazhagam (DMK) means M. Karunadhi and his two sons, Shiv Sena earlier meant Bal Thackeray now followed by Uddhav Thackeray and will in fu□ture mean his son, Biju Janata Dal (BJD) ear□lier meant Biju Patanaik and now his son Naveen Patanaik, Mamata Banerjee is the sole leader of Trinamool Congress in West Bengal and National Conference (NC) in Jammu and Kash□mir earlier meant Sheikh Abdulla, then his son Dr. Farooq Abdullah and now his son Omar Abdullah and People's Democratic Party (PDP) is nothing but Mufti Mohammad Sayeed and his daughter Mahbooba Mufti, Shiromani Akali Dal (SAD) is the sole property of Prakash Singh Badal, his son, his daughter-in-law and other relatives, whereas the Indian National Congress has always had someone from the Nehru□Gandhi (Indira) family as the supreme leader, the present incumbents being Ms. Sonia Gandhi as President and her son, Rahul Gandhi who will succeed her as the President, as the Vice□President. These details should amply show that politics is a family business for most political leaders and the CEOs of the party are from the same family. It is also pointer to the fact that there is absolutely no internal democracy in political par□ties, not even in the ones which have not been named here. When the Aam Aadmi Party came to power in Delhi with unprecedented support of the people it was hoped that at least this party would have internal democracy because all its leaders came from non-political social back□ground. But with Arvind Kejriwal emerging as the face of the party, he too became master of manipulative one-man politics within no time and people like Yogendra Yadav, Prashant Bhushan, Prof. Anand Kumar and Ajit Jha, who had a longer record of commitment to social service than him, were thrown out of the party to leave no one equal to him in the party, paving the way for a one man party which it has become now. It is difficult to understand how political leaders and political parties, which do not believe in in□ternal democracy, can promote democracy and democratic values in the country.

With the executive, the legislature, the political parties, the media houses all having sold themselves to the devil, and the judiciary remaining the only institution for the protection of constitutional democracy in the country, the future of democracy in the country cannot be said to be safe. There is still democracy in the country in form but it is missing in sub□stance. But it is not democracy that has failed the country, it is those people and institutions which were entrusted the task of making it a success which have failed it. It is useless to hope that they will mend ways and bring it on the rails. 'We, the People', the ultimate sovereign, who gave ourselves the Constitution of India, will have to think, rise above the politics of caste and religion and throw away those leaders who have taken over all our democratic institutions and befool us in every election and become our rulers as if they are destined to rule, and we to be ruled. We have done so in bits and pieces in the past and we are capable of overhauling the whole political system. We have only to realize our potential and make a beginning. It may be a small beginning, but history tells us that all the successful movements, revolutions and changes had a small beginning. Shall we make that beginning and change the course of history or, believing in the theory of 'karma', resign ourselves into the hands of fate – to suffer eternally, as if we are destined to do so.

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To Be, or Not To Be?

At the convention of the Radical Humanists held on 13th February 2016 at New Delhi the question of whether the Radical Humanists should take part in party politics was discussed at length. Earlier in 1940 M.N. Roy and his followers had formed the Radical Democratic Party and even contested elections. But utter failure in the electoral battle led Roy to disband the party in 1948 and he decided that the Radical Humanists should rather undertake the task of educating the masses so that they could not be led into voting for a particular party candidate without even knowing him, merely under the influence of the pomp and show and the beating of drums and chanting of slogans by a party, because such a candidate would not fulfill their aspirations as he would actually be responsible to his party which gave him the party ticket and not to them. Our experience of elections in the post independence India shows that Roy was not wrong. Party politics has pushed the electors further and further away from being able to decide the policies of governments. It is not the electors, nor even their elected representatives but the few top leaders of political parties in power who decide the future of the masses. It is they who decide how public money will be spent and how much of it will really be spent for their welfare. Since political parties take huge money from big industrialists for elections, they practically control the governments and their policies and reap huge harvests in the form of big loans from public banks and tax waivers. Crony capital practically controls governance in the country and the influence of the people is not seen anywhere.

The events following a students' meeting at Jawaharlal Nehru University is a pointer that we are living in troubled times and the worst may follow. Some slogans were raised in the meeting by some people with covered faces. Who they were has not been found out. But some student leaders were arrested and remained under judicial custody for about 15 days allegedly for shouting anti-national slogans, though none of the videos shows any of them raising such slogans, but they were booked on 'sedition' charges. JNU Students Union leader Kanhaiya Kumar was attacked, beaten up and later even threatened with life by goons in black coats in court premises. What is ironic in the whole matter is that innocent students were booked on 'sedition' charges while the fact remains that even those who shouted anti India slogans could in no way have caused any harm to the country merely by shouting those slogans. No one had indulged in violence of any kind. No one had lifted arms against the country. Those who shouted those slogans must have their frustrations, complaints and dissatisfactions which made them shout those slogans. On the other hand, what cause and right had those goons against them, who beat up Kanhaiya Kumar, JNU teachers and journalists?

Even today the JNU and Hyderabad University teachers and students are being hounded by the police. For the first time in history the police entered a class room in the JNU and stopped the screening of a film which formed part of the teaching. Does the government want that the students should be taught only what it wants them to be taught? If questions of governance and politics that affect the lives of the countrymen cannot be discussed even at the university level, where else will they be discussed? Is it not throttling of all dissent against the government, its policies and high□handedness? It is not surprising, therefore, that over 300 academicians, activists, artists and writers have in a statement condemned the state violence and unlawful detention of faculty and student protesters of the University of Hyderabad where even access to basic necessities such as water and food has been restricted on the campus.

Besides clamping down on students and teachers of various universities, the BJP leadership has taken upon itself the responsibility of deciding who is a nationalist and who is anti□national though it and its parent body, the RSS, has no history of participating in the independence struggle to stake a claim of being nationalists. First the fringe groups of the RSS killed noted writers, artists, thinkers and rationalists who raised their voice of dissent. Then came attacks on Muslims raising the bogey of beef eaters and non-beef eaters. The JNU, the highest seat of learning and research, has always irked in the eyes of the BJP as it has a long history of free thinking - free from narrow mindedness and communalism, the main tools of the divisive politics of the BJP. Now they have raised another

controversy. According to BJP leaders, those who do not raise the slogan 'Bharat Mata ki jai' are anti-nationals. Those who have been repeating the slogan 'Jai Hind' after the Prime Ministers every independence day have to say 'Bharat Mata ki jai' to be recognized as nationalists as if chanting the former shows lesser respect to the nation. It is quite possible that in their eyes the farmers who work in their fields day and night and the labourers who sweat it out in factories and at house building sites and may not have chanted the slogan 'Bharat Mata ki jai' are all anti-nationalists. However, black marketers, exploiters of the labour class, those who take huge loans from nationalized banks and never return it, those legislators and ministers who have multiple cases of rapes, murders, abductions, money laundering, corruption and causing communal riots through their hate-speeches are great nationalists merely because they shout 'Bharat Mata ki jai', even though they are bent upon dividing the country even to the extent of breaking it. Those who are real anti-nationalists have taken upon themselves the task of issuing certificates of nationalism and anti-nationalism to others.

The fascist forces have raised their heads as never before and are testing the patience of those crores of people of this country who love their country as much as they love to live in peace with their fellow citizens but refuse to follow the diktats of these fascists. After all who are they to tell us what slogans we should raise or not raise? We all are free citizens of a free and democratic country and we will decide what to do or what not to do within the limits of our rights and duties as enumerated in the Constitution of India. But the threat to our rights and freedom from these forces is so grave that we cannot ignore it and just sit and watch.

Today students across the country are agitated over Rohith Vamula's death in the Hyderabad University and the way the government has acted against the students of JNU on the basis of a doctored CD. The journalists and university teachers are agitated over their beating up in New Delhi's Patiala House court premises. Lawyers are agitated over the way some lawyers belonging to the Hindutva brigade maligned the name of law respecting lawyers. Farmers facing water scarcity are agitated over the apathy of the government towards their plight leading to farmers committing suicides. Tribal people are agitated because they are being thrown out of their habitat denying them their basis right of livelihood and life itself. Unemployed youth is agitated because in spite of tall claims of providing them employment nothing substantial has been done by the government during the last two years. Corruption stands where it stood when the NDA government took over. Students, teachers and social activists are being booked under the stringent and outdated 'sedition' law. There is chaos and suffering all around and there is no respite in sight.

Under these circumstances we all have to get together, both individuals and civil society groups, as happened during the anti-corruption movement demanding the Jan Lokpal Bill and also against the Nirbhaya gang-rape case both of which saw tremendous upsurge of people's power which vibrated across the country, and raise a strong movement to oppose these tendencies. A beginning can be made by getting together on specific issues like corruption, unemployment, price rise, repeal of sedition law and AFSPA and communal fascism facing our country and its people and the movement can be broadened as more and more people join it.

At this crucial moment, a beginning in this direction was made by Swaraj Abhiyan at New Delhi's Constitution Club on 27th and 28th February 2016 when a National Convention on Corruption was organized and an Anti-Corruption Team (ACT Now) was formed and joined by well-known activists working in the field of RTI, PIL, anti-corruption, human rights, judicial and electoral reforms, and activists belonging to various other fields like Aruna Roy, Nikhil Dey, Justice Santosh Hegde, Justice A.P. Shah, Admiral Ramdas, Wajahat Habibullah, EAS Sarma, Jagdeep Chhokar, Venkatesh Nayak, Kamini Jaiswal, Subhash Agarwal, Yogendra Yadav, Prashant Bhushan, Dr. Anand Kumar among about 1000 other participants from all over the country. Some Radical Humanists from Delhi also took part in the Convention. After long and serious deliberations an action plan to fight corruption was charted. We have to pick up the thread from there and go ahead.

It is time to end the dilemma of ‘To Be, or Not to Be’ part of the greater social and political movement, and ‘To Do, or Not to Do’. The risks are certainly grave as the corrupt are very powerful politically and financially, and we have seen activists being killed or implicated in various cases, but the task is bigger and greater than our lives and brooks no further delay.

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Should We still call ourselves a Civilized Society?

Everyday the news papers are full of inhuman atrocities on the most vulnerable and defenseless of the poorest and the most marginalized section of our society, the girls, women and children belonging to Scheduled Castes and Scheduled Tribes. The headings in the news papers tell their tales themselves: *Dalit girl who set herself on fire after rape dies; Dalit teen abducted, gang-raped, kept in cow-dung shed; Dalit boy of 11 years sodomized for many days, police don't file FIR; Dalit woman lodges complaint against RJD MLA for allegedly forcing her son to change his religion and torturing him when he refused to oblige; 13 Year Old Dalit Boy Beaten For Using Upper Caste Well*. The details as published in the Times of India dated 10 April about the first case, as reported by Abhijay Jha are even more alarming:

"The girl, who had suffered 40% burn injuries, died on Thursday afternoon but the ordeal for her family is far from over.

They are being harassed by villagers from a dominant community who are telling them to withdraw the case against the accused, Babloo and Rancho.

Even as emotions ran high in Bamheta village, the Dalit community held a meeting on Saturday and has threatened to become Buddhists en bloc if the atrocities perpetuated against them by the Yadav community continue. "For years we have been silently bearing the harassment of the majority community in Bamheta," the dead girl's uncle said.

"Whenever we raised our voices against the killing of our men and the rape of our women, we have been threatened," the uncle said.

"Neither police nor the administration came to our rescue and if it continues like this will convert to Buddhism," he said.

Our daughter has gone but we continue to be harassed by villagers who are pressuring us to withdraw the case," the rape victim's mother said.

"On Saturday a former village headman, Leela Pradhan, came to our house during a prayer meeting for our departed daughter and manhandled my brother-in-law and told us to withdraw the rape case," she said."

It is the same story repeated again and again in all the cases. Women, particularly from the lowest strata of society, are the softest targets in cases of revenge, social and caste strife, communal riots and times of war. In the recent Jat agitation for reservation in government jobs and educational institutions in the Other Backward Classes (OBC) quota, in spite of their being the most powerful and dominant caste politically and economically in Haryana, so much so that most of the Chief Ministers and Ministers of the state have been from that caste alone (and a very powerful one is in jail for 10 years for corruption committed in the recruitment of teachers), the agitators not only burnt and destroyed houses, vehicles, factories and business establishments worth thousands of crores in several districts of Haryana, but also women travelling on the main highway No. 1 at Murthal were dragged out of cars and subjected to gang rapes. The police, which had been mute spectators to all the rioting and what happened there and elsewhere, did not take any action against the perpetrators of the crimes at the time the incidents took place or afterwards because of the caste affinity of a large number of them with the agitators. Because of their clout and vote-power the state government hurriedly passed the legislation for granting them the demanded reservation in the state assembly although it is not likely to stand the test of judicial scrutiny. What is even more shameful is the fact that not only the senior police officers but also the state government has been ruling out the incidents of gang rapes at Murthal, which stand it had to change when questioned by the Punjab and Haryana High Court, and admit that the incidents of gang rapes could have taken place. It was in spite of the crying evidence of under garments and other clothes of ladies strewn in the fields close to the road and also the statements of two truck drivers, which appeared on the TV

channels, who had seen with their own eyes the ladies being dragged out of their cars and taken to the fields nearby by gangs of goons on the fateful night. Now several girls have come out and made statements that they were raped at Murthal. Had the High Court not taken a suo motu cognizance of the incident on the basis of news paper reports and appointed an SIT to probe the case independently and advising the local police and other officials not to interfere with the investigation, the inhuman treatment meted out to the women by the agitating goons would have been suppressed by the Haryana police as it was itself complicit in the dastardly crime.

The dominance of the upper castes and a tendency to harass, rape and kill people belonging to the lower castes, particularly their womenfolk, is meant to keep them under subjugation as they have always done. Rape, which becomes a life-long trauma for young girls and also brings with it a social stigma on the victim instead of the male perpetrator of the crime, is resorted to suppress and terrify other members of the family also. It is because of this mentality to discriminate against and to suppress them that M.N. Roy called the caste hierarchy an 'ugly relic of the past' which must be done away with if they are to get their rightful place as equal citizens as per the spirit of the Indian Constitution and as equal human beings, as they are born. To what extent it is possible in a country in which a senior political leader unhesitatingly and shamelessly reacted to cases of rape, when people in the streets were demanding capital punishment to the rapists, with the remark, '*Bacchon se aisi galti ho jati hai,*' (Such mistakes do happen at the hands of boys.) thereby trivializing the serious crime of rape as not being a very serious thing?

When the liberation struggle was on in the then East Pakistan in 1971, the Pakistani army personnel not only killed about 3 million civilians but also raped 4 lakh women. Till date, no apologies have been offered, or even regrets expressed by the Pakistan army or the various governments there since 1971 for the inhuman and dastardly behaviour. No one has, of course, been punished. Women from the minority community also faced the same fate during the 1992-93 communal riots in Mumbai, during the pogrom of 2002 in Gujarat and the atrocities on the Muslims that took place in Muzaffar Nagar about two years ago – all at the hands of the right wing Hindutva communalists whose leaders incited and supervised the heinous crimes – when thousands were rendered homeless as their houses were burnt and they had to live in fear perpetually in the tents which were provided to them after a lot of hue and cry by the civil society. Women were not only raped but their bodies also torn into pieces most brutally in many cases in Mumbai and Gujarat. Srikrishna Commission of Inquiry into the Mumbai communal riots identified the political leaders who master-minded the riots and some of the other culprits but they were never punished in the same manner as the masterminds of the anti-Sikh riots in 1984 in Delhi, whom the PUCL-PUDR inquiry report 'Who Are The Guilty?' identified as culprits, have still not been punished. If justice evades, and evades perpetually, the criminals get emboldened and if these criminals happen to be politically powerful people, they easily manipulate the administration and the justice administration machinery to remain intact and well saddled in their seats of power. This has happened too often in India but the people have still not lost faith, at least in the judiciary.

It was on the directive of the Bombay High Court that women were allowed entry into the Shani Shingnapur temple in Maharashtra breaking the 400 year old tradition which was discriminatory towards women. On April 1, the High Court held that it is the women's fundamental right to go into places of worship and the government is duty-bound to protect it. But for the judicial intervention, it would never have been possible because the self-appointed custodians of the religion, who even now ask in TV debates, 'What have they gained by entering the temple?" would have been happy to perpetuate the discriminatory tradition. Such people, with contempt for the right of the women to equality and the democratic values of the Constitution of India, would never ask themselves, "What has the temple lost because of the women's entry into the temple?" Shankaracharya Swaroopanand Saraswati of Dwarka Peeth, a senior Hindu religious leader, commenting on the entry of women into the Shani temple said that it will drive more rapes, perhaps unwittingly hinting at how those opposed to the entry of women into the temple can teach those women a lesson who dare to visit it,

which has been described by women activists on 11 April as "outrageous and appalling". Taking cue immediately from the Shankaracharya's remark, Trupti Desai, who has been spearheading the movement for women's entry into various temples, was actually attacked by some women, the priests of the temple and some other men, when she tried to enter the Mahalaxmi temple at Kolhapur with some other women on 13th April, just two days after the "seer's" remark, and had to be hospitalized with injuries. The reason given in this case was that she was not wearing a saree. Now the priests will also decide what a woman should wear or not wear. In any case, those opposed to women's right to equality and the fundamentalist priests and 'seers' will invent one reason or the other for stalling their entry whatever may the Court say. It is relevant to remember that it was not without reason that M.N. Roy called such priests and *dharma gurus* 'holy loafers'.

The argument of the Kerala government, put before the Apex court in the matter of entry of women into the Sabarimala shrine, that bar on entry of women was due to the biological phenomenon of menstruation and that the government was duty bound to protect the centuries-old tradition banning women from the temple, was frowned upon by the Supreme Court on 11 April 2016 and the Court observed that religious practice and tradition could not be allowed to dent constitutional principles and values as it was against the spirit of Article 25 which guarantees every citizen the right to practice and propagate religion. What women have gained through the entry into the temple is ensuring their right to equality in the matter of entry into a place of worship of their choice. But how far this right of women to equality with men will go in the male dominated society is difficult to judge from this victory alone. The discrimination is not there in the constitutional law of the country, not so much even in traditions and practices which are man-made in any case, but in the mind-set of the people – not only males but the females also, who, under the influence of what they have been taught from childhood and which runs through their veins like blood, themselves discriminate between a male and a female child in their families.

It is again the mindset which makes us differentiate between 'us' and 'they' when it comes to religion, caste, gender, language, region, country etc. etc. Until we get ourselves rid of this mentality and see all other human beings as 'ours', merely as human beings who are born as equal to us in everything except the differences of birth in a different place or upbringing. That will unite us into one entity, one culture and one world. That will be possible only when we rise above our narrow-mindedness of religion, caste, gender, language etc. That will be possible only when we adopt one culture – the humanist culture. If we do not start our march towards that goal, and continue to live as we have been living, under the influence of those – from the fields of politics, religion, society etc. – who have been exploiting our sentiments for their own selfish interests, we will not be able to live in peace with dignity as equals. But we must first ensure justice to the victims of gender and caste bias and also those who have suffered at the hands of communalists. Till we are able to deliver that, paving the way for a just society where nobody will suffer discrimination, intimidation, torture and killing, the question whether we should call ourselves a civilized society will continue to haunt us.

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The Specter of Emergency Continues to Haunt the Country

Forty one years ago this country witnessed the darkest chapter in the history of independent and democratic India when the state of emergency was proclaimed on the midnight of 25th-26th June 1975 by Indira Gandhi, the then Prime Minister of the country, only to satisfy her lust for power. The emergency was declared when Justice Jagmohanlal Sinha of the Allahabad High Court invalidated her election to the Lok Sabha in June 1975, upholding charges of electoral fraud, in the case filed by Raj Narain, her rival candidate. The logical follow up action in any democratic country should have been for the Prime Minister indicted in the case to resign. Instead, she chose to impose emergency in the country, suspend fundamental rights of the people, impose unprecedented censorship on newspapers and put all the opposition leaders and thousands of political workers behind the bars, including the ailing Jayaprakash Narayan, most of whom remained in jails for 19 months. During the emergency period the people who were not put into the jails felt that the whole country had been turned into an open jail because they could not speak a word against Indira Gandhi or her infamous son, Sanjay Gandhi, who had acquired an illegal and unconstitutional position as the ruler of the country. He ran a campaign of forced sterilization in the country and with the help of the goon force which the Youth Congress headed by him had become at that time which looted shopkeepers and businessmen without any fear of law because at that time whatever Sanjay Gandhi said was the law and every government servant, including the highest police officers, was supposed to follow his dictates, obviously with the connivance of Indira Gandhi, who wanted him to hold the reins of power after her.

In an atmosphere where a large number of people had been detained without trial under the repressive Maintenance of Internal Security Act (MISA), several high courts had given relief to the detainees by accepting their right to life and personal liberty granted under Article 21 and accepting their writs for *habeas corpus* as per powers granted to them under Article 226 of the Indian constitution. This issue was at the heart of the case of the *Additional District Magistrate of Jabalpur v. Shiv Kant Shukla*, popularly known as the *Habeas Corpus case*, which came up for hearing in front of the Supreme Court in December 1975. Given the important nature of the case, a bench comprising the five senior-most judges was convened to hear the case.

During the arguments, Justice H.R. Khanna at one point asked the Attorney General Niren De: "Life is also mentioned in Article 21 and would Government argument extend to it also?" He answered, "Even if life was taken away illegally, courts are helpless."

The bench opined in April 1976, with the majority deciding against habeas corpus, permitting unrestricted powers of detention during emergency. Justices A. N. Ray, P. N. Bhagwati, Y. V. Chandrachud, and M.H. Beg, stated in the majority decision:

In view of the Presidential Order [declaring emergency] no person has any locus to move any writ petition under Art. 226 before a High Court for habeas corpus or any other writ or order or direction to challenge the legality of an order of detention.

With this majority order the Supreme Court abdicated its duty to protect the fundamental rights of the people, which was most needed at a time when they were under the gravest threat. With this order the highest judiciary also succumbed under the pressure of the government and its prestige as an independent judiciary received an irreparable loss. There was, however, an honourable exception. Justice H.R. Khanna, the senior-most judge, resisted the pressure to concur with this majority view and gave a dissenting opinion:

The Constitution and the laws of India do not permit life and liberty to be at the mercy of the absolute power of the Executive . . . . What is at stake is the rule of law. The question is whether the law speaking through the authority of the court shall be absolutely silenced and rendered mute... detention without trial is an anathema to all those who love personal liberty.

Before delivering this opinion, Justice Khanna mentioned to his sister: *I have prepared my judgment, which is going to cost me the Chief Justice-ship of India.* True to his apprehensions, his junior, M. H. Beg, was appointed Chief Justice in January 1977. This was against legal tradition and was widely protested by bar associations and the legal community. Justice Khanna resigned on the same day. However, all the remaining three judges who had given the order in favour of the executive also went on to become the Chief Justice of India. The concept of 'committed judiciary' was playing its role.

After the judgement, the New York Times wrote:

"If India ever finds its way back to the freedom and democracy that were proud hallmarks of its first eighteen years as an independent nation, someone will surely erect a monument to Justice H. R. Khanna of the Supreme Court. It was Justice Khanna who spoke out fearlessly and eloquently for freedom this week in dissenting from the Court's decision upholding the right of Prime Minister Indira Gandhi's Government to imprison political opponents at will and without court hearings... The submission of an independent judiciary to absolutist government is virtually the last step in the destruction of a democratic society; and the Indian Supreme Court's decision appears close to utter surrender."

The imposition of the emergency, like the emergency of 1975-77, has now become almost impossible as it requires the prior approval of Parliament, the provision added after the 42nd constitutional amendment of 1977. But it is naïve to think that now the life and personal liberty of the people are safe. Without resorting to the proclamation of emergency, the central and many state governments have been resorting to fake encounters and arrests of innocent people under other black laws passed by both the governments under special security acts, AFSPA and the outdated and equally draconian sedition law under Section 124 (A) of the IPC. Rationalists, writers, thinkers, those who do not agree with the ideology of the ruling party or the policies of the government and those who try to expose the corruption and ill-governance through RTI are targeted, harassed, arrested and even killed. Students of institutions of higher learning like the JNU and Hyderabad University are being implicated in politically motivated and baseless charges and even physically attacked by the Hindutva outfits with the tacit support of the BJP and the RSS. Those who are prosecuted after being implicated in baseless charges and survive long periods of incarceration because of the failure of the prosecution to produce any evidence of guilt, are mostly left a broken lot – physically, mentally and financially. Emergency-like conditions still haunt the country – from Kashmir to Chhattisgarh and Jharkhand, U.P and Bihar to Rajasthan and Madhya Pradesh etc.

The ideological Hindutva bandwagon of the RSS and the BJP is a greater threat to the people today who hold a differing ideology or views because a mental slavery is even more dangerous than physical assault or incarceration. It was one goon force during the emergency. It is another goon force which is doing it now. Besides the hoodlums of the Bajrang Dal, the Sanatan Sanstha, the Ram Sene etc., the good-for-nothing brigade of the saffron-clad uneducated trouble-makers who are always doing what they know best to do – spreading hatred against the biggest minority in the country – the Muslims – in an attempt to communalise even the slightest and insignificant incidents. And the purpose is the same – to hold on the reins of State power by intimidation and divisive tactics. They do not know, and neither do their mentors, that in a democratic society the most respected and sacred book is the Constitution and the highest education is how to live in harmony democratically, respecting the faiths and views of others. The irony is that those who were victimized during the emergency earlier including the Jan Sanghis of that time, who are ruling the country with a different nomenclature today, are creating the same kind of conditions of intolerance and terror today that were experienced during the emergency.

The fight for democratic freedoms is not yet over; the specter of emergency still haunts the country, though in a different garb – the nationalist garb. Hitler did it in Germany earlier. Now the BJP is doing it in India. If you have a political backing and are booked even under the anti-terror laws

because there is evidence against you, you have only to wait for a favourable government to come to power to influence the prosecution and get you acquitted, as many have got bail and clean chit recently. But if you are an ordinary person and dare to oppose those in power in anything and become an irritant to them, or hounding you can politically benefit them in any way, you get labeled as 'anti-national' and then get ready to be prosecuted under anti-terror or sedition law. And mind you, even the courts will not examine the evidence against you at the first instance and send you into judicial, if not in police, custody. That will just be the beginning of a long ordeal from jail to the courtroom and back, for how long – nobody knows. It may take several years even if not even an iota of evidence existed against you. By that time you would have lost the prime years of your life as many, who have been acquitted of serious charges by higher courts recently, have done. Are civil liberties any less at the mercy of the political masters of the country today than they were during the emergency? The question may be unconfortable for many in power today but it begs of serious examination and answer.

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The BJP is at it again- Communalise, Divide and Polarise

In the run up to the Legislative Assembly elec□tions for Uttar Pradesh due in 2017 the BJP is back at its old game – communalise, divide and polarize the people and win the elections – as it has been doing in the past. It all started when Hukum Singh, the BJP MP from Kairana, a small town in western UP, came out with a list of 346 families which he claimed had 'fled' the town due to persecution from a particular community, Muslims, to be specific. He went on to add that Kairana had become like 'Kashmir of the 1980s' as 'threats from a particular community' were forcing Hindu families to flee. He was referring to the mass migration of Kashmiri Pandits from the Kashmir valley about 25 years ago when they migrated to other parts of the country under threats and actual attacks on them by separatist militants and Pakistan supported terrorists. Within a few days he took a u-turn and said that the 'exodus' was not communal but a law and order issue. But by that time the mischief had played its role and many in the BJP who were perhaps waiting for it to happen, started making statements. The party discussed it at the national level and the UP BJP immediately rushed a seven member team headed by Shahjahanpur MLA Suresh Khanna and set up by Keshav Prasad Maurya, the UP BJP chief, to examine 'facts'. After the visit of the team to the area, the team head, Suresh Khanna said: "The situation is too bad to be imagined. The state government is fully responsible for this. Those criminals belong to a 'specific' community and are given shelter inside and outside the jail by the administration as well as those who are in power." Although the attack was on the Samajwadi government in UP, which in any case has never been known for good law and order, the focus still did not shift away from 'a specific community' mentioned in Hukum Singh's statement.

Immediately after Hukum Singh's claim of an 'exodus' from Kairana, the BJP MLA from Sardhana, who is a prime accused in the Muzaffarnagar riots case, Sangeet Som, came out with another list of 10 Kairana residents who had left the town 'out of fear'. He also announced a 'Nirbhaya Yatra' from Sardhana to Kairana to "tell all those trying to create a 'Pakistan-like situation in Hindustan' that BJP will not allow to happen." He further added, "I'm referring to Pakistan because only one community is moving out of Kairana." Within two further days, Bajrang Dal and Vishwa Hindu Parishad, the two organizations connected with the RSS/BJP, issued a fresh list of 40 Hindu families that have supposedly fled from Deoband in Saharanpur. As per VHP's regional vice president, Sunil Parashar, about 1,000 Hindu families have migrated in the past decade from 12 localities in Lohamandi area of Agra. These are not the last lists and many such lists will appear in the next few days and weeks.

On 16th June, the UP government released what it called the "final report" on the issue of Hindu migration from Kairana after an extensive door-to-door survey which claimed that only three families have left the town and that too citing crime as a reason. Giving details, Shamli district magistrate Sujeet Kumar said that 16 people in the list of Hukum Singh have long died and the families of the three are still in Kairana. He further added: "of the 346 families, a total of 27 are still in Kairana; 67 families in the list left in 2006 or earlier. A few of them even left 20 years ago. Some 179 families left 4-5 years ago and 73 left over the last two years. However, when we enquired the reasons for their departure, we found it was for better business, health facilities and education. There is no communal tension in Kairana and it would be inaccurate to compare this to the situation in Kashmir."

The fact is that people have been migrating from rural areas and small towns from all over the country to big cities in search of jobs or for education and there is nothing new about Kairana migration. It is not correct to say that only Hindu families have gone elsewhere from there. A fact-finding team consisting of journalists and social workers constituted by Milli Gazette stated in its report: "It is not the case of Hindus alone, 150 Muslim families, according to local police sources, too have migrated to other places in the hope of a better life for them and their children.

"After this "Hindu list of exodus", local Muslims too have issued a list of Muslims who left the town showing that the migration was mainly for earning a better livelihood outside," adding further, "The ruling classes in Delhi and Lucknow are not listening to such voices (for better employment, education and healthcare facilities). They didn't pay attention for the uplift of the town and now they are playing the polarisation game. They promise development but deliver hate and fear instead, trying to divide society which easily gets influenced due to illiteracy and lack of trust manufactured by the right-wing extremist groups which spread rumours to garner votes and grasp power"

Even a team of Hindu seers visited Kairana and at the end of the visit Swami Chakrapani, President of Akhil Bharatiya Sant Mahasabha, one of the five seers who visited the area, slammed the BJP for playing the 'communal card'. He said, "It is wrong to claim that there is any religious angle to the problem in Kairana. BJP and its MP Hukum Singh are playing the communal card. It seems their only agenda is to win elections by striking fear in the hearts of Hindus in the region. We strongly condemn the politics of hate and fear-mongering."

A party which is running the central government and its Members of Parliament and MLAs are supposed to be responsible people. They are not supposed to make such irresponsible remarks on such sensitive issues which can be highly detrimental to the society at large. But for the wisdom, sagacity and restraint shown by the people, the Kashmir remark made by Hukum Singh and repeated by some others could have been the cause of eruption of communal riots in the country resulting into untold suffering to a numberless people, and national and international repercussions for the country's reputation as a secular state, which already stands dented after Modi took over as the Prime Minister of the BJP led government in the country. But the trouble is that the BJP has no track record of development either at the centre or in the states where it has had its governments or of pursuing pro-people policies and has to revert back again and again to the emotive issues like the Ram temple at Ayodhya, the supposed glorious Hindu past, repeal of Article 370 (on special status of Kashmir) from the Constitution and the hatred against the Muslims in one form or the other in the name of nationalism to win an election.

When migration from the rural areas and small towns in search of better education, healthcare and job opportunities has been taking place for a long time, there is another reason why the BJP has chosen to take up this baseless issue at this time – to divert attention once again from the steep rise in the prices of vegetables and pulses within the last fortnight or so, putting not only the poor but also the middle class people into great difficulty. About a year ago also there was an unprecedented rise in the prices of essential commodities and the common man had to face severe hardships in countering it. These two years of Modi rule have seen the highest price rise of essential commodities compared to any time in the past and going into the elections with this record would have ruined the BJP. Therefore it was necessary to keep the minds of the people busy in the Hindu-Muslim game away from price rise, unemployment, reduced funds for education, healthcare, Mahatma Gandhi National Rural Employment Guarantee scheme, drought situation in large parts of the country, including UP, forcing farmers into committing suicides etc. etc. It may be a good poll strategy from the point of view of the BJP but it is the worst kind of politics.

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The Horizon of Rights Must Widen

In the past several years now, we have been receiving only negative news – big corruption during the UPA government's rule and then steep rise in the prices of essential commodities, various instances of intolerance of dissent and people belonging to other religions, particularly Muslims, softened stance towards hate□mongers belonging to the Hindutva fold, beating up and killing of people belonging to Scheduled Castes and Muslims suspected of having/carrying 'beef' by the so-called 'Gau Rakshaks' and other Hindutva groups etc. etc. during the present NDA government's rule. In spite of wild claims of development being the agenda, nothing has been done to alleviate the sufferings of the people or to empower them. During the UPA government's rule several things had taken place which empowered the people. The most important was the passage of the Right to Information Act 2005 because of which people started getting their ration cards and other things done besides exposing corruption in government departments. The second big thing was the pas□sage of the Free and Compulsory Education Act which converted the provision in Article 45 of the Directive Principles of State Policy into the legally enforceable Right to Education. The third act which gave some relief to the rural poor was the introduction of Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA), the most innovative rural employment guarantee scheme, because of which the unemployed rural people started getting some work and wages to sustain them.

Recently a positive news has come. A draft National Health Policy has been proposed by the Ministry which will soon be put up before the Union Cabinet for approval. The draft policy advocates a National Health Rights Act which will make health a fundamental right of every individual which was a much needed reform looking at the poor health facilities in rural areas as well as semi-urban areas. This Act, when passed, will certainly give relief to the poor people who cannot afford expensive private treatment even in extreme cases and keep languishing for want of medical aid and ultimately die.

The second good news came when in a land□mark interim judgment, the Supreme Court on Friday, 22nd July 2016, said that the large-scale killings in Manipur in the guise of self defence while dealing with insurgency or militants was unacceptable. It said that if members of the armed forces are deployed and employed to kill citizens of the country on the mere allegation or suspicion that they are the 'enemy', not only the rule of law but also democracy would be in grave danger. A bench of justices Madan B. Lokur and Uday Lalit gave this ruling on a PIL filed by Extra Judicial Execution Victim Families Association alleging 1,528 fake encounter deaths in Manipur in the last decade and demanding a probe by a special investigation team. If any death was unjustified, there is no blanket immunity available to the perpetrator(s) of the offence. No one can act with impunity, particularly when there is a loss of an innocent life, the judges said. The bench also observed that living under the shadow of a gun that can be wielded with impunity is unsettling and demoralising, particularly in a constitutional democracy like ours. The court also said that there is no war or war-like situation in Manipur but only an internal disturbance, within the meaning of that expression in the Constitution – nothing more and nothing less.

The court further noted that: Each instance of an alleged extra-judicial killing of even such a person (an 'enemy' as defined in section 3(x) of the Army Act) would have to be examined or thoroughly enquired into to ascertain and deter□mine the facts. It said that even while dealing with the 'enemy', the rule of law would apply. If there have been excesses beyond the call of duty, those members of the Manipur police or the armed forces who have committed the excesses would be liable to be proceeded against in a court of law, and not necessarily by the army in court martial proceedings. Court Martial proceedings by a military court generally tend to favour the personnel of the armed forces as was seen in the Pathribal case in the Anantnag district of Kashmir in which five people were killed by the 7th battalion of the Rashtriya Rifles in its Operation Swift in March 2000. Because of al□legations of a fake encounter, the case was handed over to the Central Bureau

of Investigation which stated in its report submitted to the Supreme Court in 2012 that it was a case of "cold-blooded murder". But the case was sent back to a military court of inquiry, which closed it in 2014 stating that there wasn't enough evidence to establish a case.

As per the observation of the Court, the failure of the government in restoring normalcy in an area cannot be a reason to keep AFSPA in force there for prolonged periods. In a sharp observation, the court remarked that "…normalcy not being restored cannot be a fig leaf for prolonged, permanent deployment of the armed forces, as it would mock at our democratic process and would be a travesty of jurisdiction…" conferred by law.

The court's ruling justifies the demand of the civil liberties groups like PUCL and PUDR in the country who have been demanding the re□peal of the draconian AFSPA (or its state level variant State Security Act) and action against the rogue personnel of the armed forces because it has resulted in the killing of hundreds of innocent citizens and rapes of women, not only in Manipur but also in Kashmir and Chhattisgarh, at the hands of the personnel of the armed forces and they have gone unpunished because of the impunity clauses in the Act. The court will hear further the case after four weeks and may give its ruling on the withdrawal of the Act from the state. There is no doubt that the decision of the Court will be helpful in protecting the civil liberties and life of the people in the affected areas and widen their democratic freedom.

However, in another case, the Apex Court's judgement came as a shocker. The Supreme Court in its judgement dated 5th July 2016 refused to entertain a joint petition by six persons, acquitted by it in the 2002 Akshardham terror attack case, seeking compensation for their 'wrongful' arrest, prosecution and incarceration for almost a decade. The judgement was passed by the bench of Justices Dipak Misra and R. Banumathi rejecting the plea by advocate KTS Tulsi who said that they were persecuted through fabrication of evidence by the Gujarat police, resulting in their spending a decade behind the bars. The Court observed that acquittal by the court did not automatically entitle those acquit□ted to compensation and that awarding damages would set 'a dangerous precedent'. By acquit□ting the accused because it saw through the fabrication of evidence, the Supreme Court undoubtedly restored their freedom. But the accused did not get full justice as they neither got compensated though the state had brazenly violated their right to life and liberty in spite of their being innocent nor were those who fabricated false evidence against them punished. The accused have, no doubt, the option of going the National Human Rights Commission for compensation and they may even succeed in getting it after a few years. The painful part of the Court's judgement is that awarding damages would 'set a dangerous precedent' whereas not awarding compensation would put the accused into further difficulties, financially and socially, after the long incarceration during which they would have lost their jobs, social status, their near and dear ones and much more. In fact, what would set 'a dangerous precedent' is not awarding them the compensation and even more than that not taking any action against the perpetrators of the crime of fabricating evidence against innocent people. Would it not embolden the rogues in uniform to continue to do what they have been doing – deprive people of their civil liberties and freedom with impunity? The Supreme Court has the power and the responsibility to dispense full justice and it must do so on its own and not pass on the responsibility on others who may or may not do so. Otherwise, it would have done only half justice.

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Demonetization: Claims, Effects and Fears

Ever since Mr. Narendra Modi, the Prime Minister of India, declared his decision to demonetise the high value currency notes of Rs. 500 and 1,000 through his television speech on October 8, 2016, the whole country has been plunged into an economic crisis unforeseen before in the country. From October 11, the date fixed for exchanging the old currency notes of not more than Rs. 4,500 on a single day with the new ones from the banks, the country seemed to be standing in long serpentine queues waiting for hours and hours to exchange their notes only to be told that either the new notes had not reached the bank or that the cash was so little that the business for the day was over. Even the ATMs, which were supposed to give Rs. 2,000 per day, were empty and most of them remained so even after 50 days, the period asked for normal conditions to return. The people had no other task or money to do anything else but to stand in long queues day after day as if begging for their own money, to be turned away at the end of the day or to be thrashed with lathies by the police. More than 150 people died standing in queues for long hours waiting for their turn to come, many of them sick and desperate to get some money to run their life and many committing suicides because in the absence of any money at all they were unable to keep either their own body or their families alive.

In the absence of any money to buy the raw material and to pay to their workers, almost all small and medium level factory owners closed them and workers, rendered unemployed, rushed back to their villages or elsewhere where they could keep themselves and their families alive. Farmers were not getting even the cost of their produce, because the buyers had no money, and were forced to destroy their crop. With no money to buy seed and fertilizers, their fields remained either empty or they had to borrow whatever money they could get at very high interest to saw their fields. Families with sick people could not get medical treatment for them and even fixed marriages had to be cancelled or postponed – all because people had no money. There was chaos almost everywhere. Economic and social activities stood still in the whole country. We are told that a single day's strike call or bandh in a single metro city causes a loss of thousands of crores. How much loss this bandh of the whole country for several months will cause to the nation, the workers, the farmers etc. in terms of finance alone, leaving alone the loss of life, livelihood and extreme hardships faced by people, only time and honest assessment will tell. What can be said at its face value is that it must run into lakhs of crores – to the honest, toiling people of the country and to the nation as a whole. The forecasts of the fall in the GDP and all other parameters of development including human development index are a pointer in that direction.

The declared aim of the demonetisation was to curb black money and corruption, and to control cross-border terrorism. The experience of the post-demonetisation period shows that the experiment has failed in both. Hardly any black money has been tabbed with more than 15 lakh crores of the total of 15.4 lakh crores of big currency in circulation having been deposited in banks. The only losers in the whole process have been the urban as well the rural poor and the middle class people who suffered extreme difficulties for about two months running from banks to the ATMs to exchange the old currency notes and get the new currency notes to meet their daily needs. Those with black money had no difficulty getting their money exchanged even if it ran into lakhs or even crores. It is quite clear with some cases of possession of large amounts of new currency having come to light and more than 4,000 crores of it having been caught along with some banks/reserve bank officials being arrested for exchanging the currency of influential people. It seems to be only the tip of the iceberg. Lakhs of crores must have been exchanged, of course at a commission between 20% to 30% as disclosed by those caught, thanks to the once in a lifetime opportunity provided by the Modi government to the bank officials to earn a windfall of profit, thereby giving birth to a new class of corrupt officials who might earlier have been as honest as anybody else. It seems that the scheme has worked against its aim of curbing corruption. It is also strange that most of the new currency was provided by the government/Reserve Bank of India not to the large

number of public sector banks spread over the whole country including rural areas but to the private sector banks and their ATMs where most of the corruption, apart from the officials of the RBI involved in it, in exchanging the currency, took place. Because of this, most of the PS banks and their ATMs remained without cash and whatever cash was available was in the ATMs of the private sector banks. Whether there was corruption involved in this also so that the black marketers could easily exchange their old currency for new, or it was a government sponsored and well planned move to weaken the Public Sector Banks and strengthen the private sector banks by giving them special treatment over and above the public sector banks is anybody's guess.

Because of demonetization there is absolutely no reduction in corruption anywhere. In the first few days after 8th October, because there was no new currency, corruption was taking place in old currency and as soon as new currency started reaching the people, it was new currency which was used. Ask any roadside fruit/vegetable vender at Uttam Nagar East to adjoining Milap Nagar in Delhi and you will learn that the police continued to charge Rs. 210 per day and the MCD officials Rs. 120 per week from everyone of them as earlier. This is true of all other spots in Delhi and elsewhere in the country where these street venders do their business. The same is true of all other government departments. The fact is borne out by the fact that soon after the demonetization took place, many government officials have been caught with new currency notes taken as bribe. The only time corruption had stopped almost completely in independent India was in Delhi within 15 days of Kejriwal's government coming to power in its first tenure of 49 days. But in its second tenure of gaining power in Delhi with 67 MLAs out of the total of 70 seats in the Delhi Assembly, it has failed to achieve corruption-free governance mostly because the Modi government, acting through the Lieutenant Governor of Delhi, has blunted every attempt by Kejriwal's government to act against the corrupt, though nobody knows how much corruption he would have been able to control with his MLAs and ministers many of whom themselves have charges of corruption and misdemeanor against them.

When the government saw that demonetization did not seem to achieve its goals, it started talking of its intention to bring in a cashless regime where transactions will be through debit/ credit cards. This, the government says, will help in rooting out corruption. It is a farfetched idea in a country where most of the people live in rural areas and small towns. This country does not have a metropolitan culture with people buying their daily needs from malls and big departmental stores. Even in big cities, people buy vegetables/fruit and other daily needs from weekly roadside markets and small shops near their residences with cash. What the government is not telling the people is that by turning to plastic money they will only enrich the rich people who own big malls and stores and the small shop-keepers and pavement venders will be rendered jobless; the buyers will lose their right to bargain and buy things at lower prices, making some savings because they will be left on the mercy of big store owners and forced to pay the price as given on the tags. Besides, they will have to pay some government taxes and transaction fees when they pay through debit/credit cards. The big store owners will get more and more profits, the government more tax collection and the banks and card floating multi-national companies more money by way of transaction fee and all this money will go from the pockets of ordinary people who pay through these cards. How can, then, the government claim to be on the side of ordinary honest people against whose interests it is hell□bent? Or is it a big scam favouring big businessmen and MNCs and the evil is being presented as a virtue?

The Prime Minister himself, his ministers and party spokesmen have been trivializing the suffering of the people, ignoring the deaths of people as a result of the demonetization, and crying from rooftops that they are against the corrupt and demonetization is meant to root out corruption whereas those opposing demonetization are supporters of black money and the corrupt. Everybody in the country knows that the Congress and the BJP, who together have ruled the country for the most period, are both supporters of big industrialists and businessmen who own and control most of the money, whether white or black, apart from the corrupt politicians and government officials and

it is not the ordinary people who hold black money because they hardly have any money for that matter. Neither of these two parties, nor other political parties for that matter, has shown any commitment against corruption whenever and wherever it has been in power. They fight election on the strength of black money and pay back their donors with favours when they come to power. They have made contesting elections to the legislatures a big money affair, eliminating honest candidates from the contest, however clean and able they might be, thereby hijacking democracy itself. That is the basic reason why none of these political parties agree to come under the RTI Act. Economists and thinkers who have opposed the move of demonetization forced on the country cannot be called supporters of black money holders if they air the grievances of the people and the miseries they have suffered during this period and their objective assessment of the economic situation of the country and the future prospects. If the move of the government has failed to achieve its aims and also caused untold suffering to the people of the country, it is because of the grossly faulty planning and its worst possible implementation. By shifting the blame on to the opposition parties or others who do not see any merit in the whole move, the Prime Minister himself and his government cannot escape the blame and its political consequences.

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Truth behind Demonetisation and Cashless Economy

With new evidence coming to the fore with every passing day from all corners, it is becoming increasingly clear that Prime Minister Narendra Modi's move of demonetising the high value currency notes of Rs. 500 and Rs. 1,000 had nothing noble about it – neither in its aim nor in its implementation. It was directed at exploiting the people's nationalistic anger and sentiment of fighting terrorism, particularly terrorism supported from across the border, corruption, and black money, and make them suffer happily and voluntarily, even more than they had been suffering, with the false promise of making India a happy land and heaven, free from all these vices. It was also an exercise at diverting the attention of the suffering people away from sky rocketing prices of essential commodities, vegetables, fruit and other everyday needs under which they had been reeling continuously for about two years of BJP's rule. It was also an exercise at turning the anger and disillusionment of the people against the BJP's rule which was nowhere people centric as against its poll promises, into support for the BJP and even more than that for its Prime Minister, Narendra Modi personally, by arousing the sacrificial sentiments of the people. Never did the Prime Minister tell the nation that in this policy of moving towards the cashless regime, of which demonetization of high value currency was an important part, he was following the directions of the United States Agency for International Development (commonly known as USAID), Bill and Melinda Gates Foundation, Citi Foundation, Ford Foundation, Mastercard, Omidyar Network and Visa Inc. and that granting of new payment bank licence to PayTM along with ten other agencies in July 2015 was part of that well-thought-out plan to hand over the payments and transactions business regime to the international masters and manipulators of economies of the world, and particularly those of the developing and under□developed countries. The purpose was not to eliminate black money and terrorism but to allow the exploitation of the Indian masses to the extent of plunder, by forcing them into using the instruments of transfer of money like debit and credit cards floated by these agencies, in the name of transaction fee chargeable by these money handling international agencies.

According to a study conducted by India's largest organisation of manufacturers the All India Manufacturers' Organisation (AIMO), which represents over 3 lakh micro, small scale, and medium and large scale industries engaged in manufacturing and export activities, in the first 34 days since demonetisation, micro-small scale industries suffered 35 per cent job losses and a 50 per cent dip in revenue. AIMO has also projected a drop in employment of 60 per cent and loss in revenue of 55 per cent before March 2017. How can then the labourers who have lost their jobs and small factory owners who had to close their factories be made to believe that the demonetisation and the subsequent plan to shift to cashless regime can in any way bring about the welfare of the toiling masses?

It was not without reason that the bank employees' and officers' unions called for an all-India strike on February 7 demanding solution to the demonetisation problems and recovery of bad loans of which the government is wholly oblivious or has turned its head to the other side wantonly because these bad loans have been taken by the richest few of the country towards whom they are sympathetic. The unions also alleged that when the ordinary and common people are made to face such problems "in the name of curbing black money", the big defaulters of bank loans are getting "scot-free". "No action is being taken against the increasing menace of huge bad loans in the banks except provisions from profits, write-offs and desperate sale of NPAs (non-performing assets)," said AIBOA General Secretary S. Nagarajan. In a joint statement, the All India Bank Employees Association (AIBEA), All India Bank Officers Association (AIBOA) and the Bank Employees Federation of India (BEFI) also alleged that ever since the central government announced the demonetisation scheme on November 8, 2016, the entire banking sector plunged into turmoil. The unions also alleged that there was no transparency in supply of cash to banks. "While most of our banks are still suffering from short supply of cash, one cannot understand how a few private banks

get uninterrupted cash supply!" said BEFI's General Secretary Pradip Biswas on Jan 21, 2017. It was reported that when branches were starved of cash supply, huge new currency notes were found with some big people.

It is a known fact that most of the black money is stashed in foreign banks and a lot of it comes back as foreign direct investment (FDI) and finds place in business and share market but when the government is itself running after more and more FDI, how can it proceed to tab the source of that money. Internally, the biggest chunk of black money is invested in the real estate and gold and it is also a very well known fact that the former thrives on the strength on black money. As every sale and purchase of property involves 3 to 7 times of black money over and above the circle rates, it pushes up the prices of property to the extent that no person can think of purchasing a house with his honestly earned money.

Public bodies like the Delhi Development Authority, which were erected to develop land and housing and sell them to people at low and affordable rates, became dens of corruption and they pushed the prices of residential units so high that ordinary people cannot buy them with honestly earned money. When people find it difficult, nay impossible, to lead an honourable life honestly, they tend to become corrupt – and once corrupt, there is no limit to which they can go. But this is the tale of ordinary people who become corrupt because they have no means to add to their income honestly. What of those politicians, most of whom are thoroughly corrupt and own assets worth thousands of crores by looting public money, and builders, contractors, bureaucrats including IAS and IPS officers, engineers, doctors, policemen, and public servants working in municipal corporations, rationing offices and social service departments and businessmen who have made education and healthcare their happy looting grounds? Public schools, wrongly called so because they are private school, have become centres of looting the pubic, shops of education they should in fact be called, charging very high arbitrarily fixed fee, all schools, for example, in Rohini area in Delhi charging Rs. 9,000/- per month even for a nursery or play□way school level child. Private hospitals charge between Rs. 25,000/- and 1.5 lakh or more for a stent imported for Rs. 5,000/- only. Those who run these schools (a lot of them are owned by politicians) and hospitals amass huge amounts of black money. Over the years all of them have become so powerful through corruption that one cannot visualize a corruption-free Indian society. Unless all these sources of generation of black money are plugged, not an easy job to do in any case, mere cosmetic moves like demonetisation and cashless economy cannot control black money or corruption.

In fact, when most of those who have been entrusted with the responsibility of ensuring a corruption-free, egalitarian society have ganged themselves up for exploiting every available source to empower and enrich themselves and their families, every declaration by them of bringing in Ramrajya seems hollow like their pre-poll election jumlas with no hope of anything like what they claim to bring in. The fact that 1% of our elite control and own 58% of the whole money, and it has been growing with every passing year, is enough to prove in which direction we have been and are moving. That demonetisation and cashless economy will bring huge benefits to the people in future are also nothing more than hollow slogans, meant to keep people looking towards them and continuing to support them, in the hope of gaining those benefits, by handing over political power to them again and again. Those who have lost – money, employment, their family members etc. – during the period they were making sacrifices supposedly for a national cause, have lost them, and those who will benefit from these moves are well defined and they will gain and gain surely. So long as we continue to pawn our reasoning and believe them blindly we are destined to suffer and make sacrifices perpetually again and again – in the name of one nationalist cause or the other, for their benefits only. We have to examine our democracy which has stopped functioning 'for the people' and clean it up of those elements who blackmail and befool us in the name of nationalism, patriotism, jingoism, high cultural values, gods and goddesses, religion and caste etc. only to perpetuate their own rule. We have to learn to question if we want to reach the truth and to oppose and agitate, or live in a fool's paradise perpetually.

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UP Elections: Shape of Things to Come for the Country

When Narendra Modi, the Prime Minister of India, declared his government's decision to demonetise the high value currency notes of Rs. 500 and Rs. 1,000 denomination in a televised speech on 8th November 2016, it was indeed a master-stroke of a veteran politician very well groomed in the art of political deception. Through this one step he diverted the attention of the masses from the back-breaking prices of the essential commodities under which they had been reeling for a long time of his government's tenure. It was like cutting down the second hand to divert the attention of a person reeling under pain because he has lost a finger of the first hand – making him worry about the bigger loss of his hand and the ensuing pain from it and forgetting the pain in the other hand which would look trivial comparatively. Secondly, the PM was inflicting greater pain and suffering, even deaths, on the people in the name of fighting corruption, black money and terrorism and exhorting them to bear the pain and suffering resulting from acute shortage of currency with fortitude in the name of a national cause. And so they did. Many of them even praised him for it thinking of the future benefits of demonetiation promised by the PM.

Even after more than two months Mr. Modi has been flaunting his move as beneficial to the people and criticizing his political opponents in his election rallies as anti-national and pro□corruption and pro-black money. But in spite of his rhetoric and oratory acquired by him as a long term RSS pracharak he must have gauzed the anger and opposition of the farmers who could not get a profitable price for their produce, the labourers who lost their jobs and those who lost their near and dear ones standing in the queues for changing their old currency with the new one. He was not getting the kind of response from the election rally crowds, as he used to get earlier on, though most of them were BJP/RSS cadres or sponsored ones. That is why the whole BJP leadership has changed tack during the election campaign for the UP assembly election. They know that the simmering discontent and anger of the people against Narendra Modi and their party would not let them win the crucial UP election, crucial because after the demonetisation this is the first major election taking place in several states including Punjab, Goa, Uttarakhand etc., and also because win or loss in UP will, to a great extent, decide the shape of things to come in the 2019 parliamentary elections. Narendra Modi knows it well that a defeat in the UP elections will prove detrimental to the BJP and more so for him personally, because he and he alone decides everything in the government and the party, and it will become impossible for him to escape the responsibility of defeat though we all know that whether it is the Congress or the BJP, the responsibility of defeat is always shifted to the local leaders and workers and victory is attributed to the highest leader.

Considering the high stakes in the UP assembly elections, which they can ill afford to lose, now they are back at their well tested old poll strategy – communalism, divisiveness and of course, Ram Mandir. That is the reason why people like Sangeet Som, BJP MLA, Vinay Katiyar, BJP MPs Sakshi Maharaj and Yogi Adityanath have all been let loose for this, obviously with the connivance of Amit Shah, the national president of the party and Narendra Modi, who himself continues to use high□sounding phrases like 'Sabka Saath, Sabka Vikas' and project his image as a 'vikas purush' though even this year's budget presented by his party in Parliament speaks against his election campaign *jumlas*.

To take up just a few examples: Expenditure on education, without which no 'vikas' is possible, as a share of the Centre's allocation has been falling for the last three years. In 2013- 14, the last year of the UPA government, education got 4.57% of the total expenditure; in 2016-17 it came down to 3.65% and it is nearly the same at 3.71% for the coming year. The present government has carried forward the policy of abdication of responsibility of providing education to its people even more vehemently than the former UPA government led by the Congress did. They have left the field open to the mushrooming private schools, colleges and universities who have taken education out of the reach of common people. It is not a vocation, it used to be long ago, run by known educationists and social workers. Education has now become a business, run by businessmen,

purely with the motive of earning profit, and as much of it as possible, even if educational institutions become plunder-ground with no holds barred, as most of them have become, and most of them are owned by businessmen turned politicians or vice-versa.

SC and STs have received lowered allocations in the budget for their welfare. “In the Budget for 2017-18 according to a detailed analysis of allocations under various heads across ministries done by the National Campaign for Dalit and Human Rights (NCDHR), there is a shortfall of Rs 44,454 crore in the allocations made for Dalit communities and a shortfall of Rs 18,072 crore for adivasi communities,” says Subodh Varma in a report published in the Times of India. “Actual allocation for Dalits is just 2.5 percent of total expenditure while for adivasis it is 1.5 percent”, said Paul Divakar of NCDHR. Budget allocation for health services has been lowered while allocation for Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS) was only marginally increased against the claim of 25% increase.

This is their way of turning ‘Uttar Pradesh’ into ‘Uttam Pradesh’ as Mr. Modi is promising in his rallies which is no different from his promise of bringing in ‘acche din’ at the time of 2014 general election. If his model of ‘Uttam Pradesh’, or ‘Uttam Bharat’ for that matter as what the country has seen during the last about 3 years of the BJP rule, the voters in UP will think twice before voting for him and his party. In about a month’s time it will become clear whether they have chosen a non□communal government there or committed ***harakari.***

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Present Day Politics and the Task Ahead

Politicians are known for changing colours, ideologies, parties and views on different issues very often. This becomes evident very prominently at the time of election to different legislative and municipal bodies when old parties are ditched and new parties and leaders embraced. Those in the opposition parties who were criminals and corrupt become clean and noble overnight when they come to your side and those who were with you were clean and noble only till they were with you and become corrupt and criminals as soon as they leave you and join the opposite party. This also happens when those in power lose it and those not in power earlier come to power. Their views on the same issues take full u-turn without a shred of remorse or shame of any kind.

The latest is the u-turn taken by the BJP leaders in the government on the issue of 'Aadhaar' being used for various government services - in this case making it compulsory for Employees' Provident Fund accounts of employees without which they will not be able to withdraw their money from their accounts. The present Finance Minister in the central government, Mr. Arun Jaitly, was very suspicious of the whole Aadhaar number regime, introduced by the UPA government, when he was leader of opposition in the Rajya Sabha, and referring to the incident of surveillance of his mobile phones wrote in an article titled 'My Call Detail Records and A Citizen's Right to Privacy', "This incident throws up another legitimate fear. We are now entering the era of the Aadhaar number. The government has recently made the existence of the Aadhaar number as a condition precedent for undertaking several activities; from registering marriages to execution of property documents. Will those who encroach upon the affairs of others be able to get access to bank accounts and other important details by breaking into the system? If this ever becomes possible the consequences would be far messier." But now the government of which he is an important minister, is putting forward every possible argument before the Supreme Court, which is hearing a case against the possibility of Aadhaar number being used to kill the right to privacy of individuals and the minister has no complaint regarding the possibility of its misuse. Rather, he is very comfortable with it. Now he is not on the side of those whose right to privacy is in danger but on the side of those who are forcing others to part with information regarding themselves, making them victims of possible intrusion into their right to privacy. In fact, the Aadhaar bill which became the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016 after its passage by parliament, was pushed through parliament as a money bill so that it could not be stalled by the Rajya Sabha where the present government does not have a majority. The bill was passed during the Budget session in 2016 after overruling the amendments moved in Rajya Sabha. And this is not the first time the BJP has taken such a u-turn.

Earlier Dabhol Power Plant, begun in 1992 near India's financial capital of Bombay in Maharashtra state was supposed to supply energy-hungry India with more than 2,000 megawatts of electricity, about one-fifth the new energy needed by India each year. It was set up by Enron during the Congress government's tenure but was objected to by the BJP leaders on various counts including that of corruption against the Congress leaders for granting permission to set up the project. In fact, from the very beginning the Dabhol project was mired in controversy. Enron worked hand in glove with corrupt Indian federal government politicians, bureaucrats and two successive state governments as they rushed the Enron project through. Charges filed by an Indian public interest group also alleged that Enron and the Indian company Reliance bribed the Indian petroleum minister in 1992-93 to secure the contract to produce and sell oil and gas from the nearby Panna and Mukta fields to supply to the plant. With the Indian government onboard, the Dabhol project had moved onto a fast track. Construction was set to begin in early 1994. In June 2001, with the project about 90 percent complete, development was again put on hold amid new disagreements over the price of energy.

The overall result of the allegations was that by June 2001, the Maharashtra state government broke off its agreement with DPC because its power cost too much. That was the plant's one and only

customer. But later on, the project was again granted permission by the BJP government led by Atal Bihari Vajpayee when it came to power. Who were the ministers bribed this time by Enron, did not become known. The fact is that the Enron Company did not remain untouchable for the BJP leaders then. However, the project was again shut in 2013 because of want of natural gas which was used by it as fuel. But in 2015 the Maharashtra Cabinet of the BJP government again cleared the decision to revive Ratnagiri Gas and Power Private Limited, the erstwhile Dabhol Power Project, which was earlier known as U.S. power company Enron, by approving special concessions so that the project could start from November 1. Now the company is very dear to the BJP leaders although people had complaints against it: 'today in Dabhol, the power plant is considered polluting and undependable. Spring water has become undrinkable, the mango crop is blighted and the fish catch is dwindling. Often at nightfall, the electricity fails.'

How can people then believe that Prime Minister Narendra Modi was sincere and true, and there were no ulterior motives attached to it, when he said that he wanted to rein in black money and corruption through his move of demonetisation which has proved to be the worst economic disaster in independent India, by depriving crores of daily wage earners, labourers, small businessmen of their employment and work. The fact that more black money is flowing into the UP assembly election campaigns this time in 2017 than it did in the last election in 2012 shows that demonetisation has only empowered the corrupt and the powerful. These leaders should understand that people's bellies cannot be filled with people-friendly and alluring poll-campaign slogans. For pro people policies sincerity of thought and action is required, which, unfortunately, our political class lacks.

In such a situation, for the establishment of real welfare state and protection of democratic values, which alone can ensure development of individuals as free and honourable citizens of the country, there is need of an educated and enlightened electorate who cannot be beguiled and misled by power hungry politicians to vote for them again and again even though they know well from their long experience that the only and the first and last concern of these politicians is their own welfare. So the biggest task in a democracy is the political education of the masses. It is not an easy task but a great challenge. Success in such a monumental task can only be slow. Some civil society groups, like the People's Union for Civil Liberties (PUCL), People's Union for Democratic Rights (PUDR), Commonwealth Human Rights Initiative (CHRI), Association for Democratic Rights (ADR), Citizens for Democracy (CFD) etc., and various independent writers and intellectuals and people working on electoral reforms, are engaged in the task of informing and empowering the electorate in various ways. But their work, though noteworthy and appreciable, is not enough considering the enormity of the task. More selfless, enlightened and dedicated people need to engage themselves in this task. It has to take the shape of a philosophical movement involving people from all sections of our society before it can take the shape of a political movement whereby vital and wider questions of true representation of the people's will in parliament, electoral and democratic reforms etc. can be fruitfully addressed paving the way for our political parties and the whole political structure to become democratic and transparent – having internal democracy in party elections, transparency in decision making, functioning and fund collection and expenditure, and freedom to voice people's concerns in party forums as well as in legislatures, free from party diktats and party whip which only snatch away their right to act as true representatives of their electors. Let us think about it and see if we can be part of that gigantic effort even if our contribution may not be significant enough to need any mention.

Courtesy **The Radical Humanist***, March 2017*

Interpreting UP Assembly Election 2017 Results

The recent 2017 legislative assembly election results are important in many ways though the common factor in all of them has been anti-incumbency against the ruling party or coalition. In UP the Samajwadi Party and in Uttarakhand the Congress lost the elections while in Punjab the BJP and Akali Dal combine lost it to the Congress. In Goa the BJP was defeated but there and in Manipur it was able to manipulate and cobble together a majority of MLAs to form governments.

In comparison with the 2014 parliamentary elections in which the BJP got a majority in the Lok Sabha and was able to form government at the centre, though in that election also its overall vote share was a mere 31%, this time another common factor in all the states, except in Manipur where it got 36.3% votes as against 11.9% it got in 2014, has been a fall in the vote percentage of the BJP – in Goa 32.5% as against 53.4%, in Punjab 5.4% as against 8.7%, in Uttarakhand 39.7% as against 55.3% and in UP, where it has made a tremendous victory in terms of seats winning 317 seats in a house of 403, more than 75% of the total seats. In spite of this fall of percentage of votes almost everywhere, the BJP is celebrating the results of the assembly elections as a very big victory for itself and Narendra Modi, the Prime Minister, who was the chief campaigner for the party. It is merely because it has been able to form a government in UP, the biggest state, after a long time and with the highest number of seats it has ever won in the state. Another reason is that it sees it as a trendsetter for the 2019 parliamentary elections in which it now hopes to form a government at the centre again.

The single largest reason of the BJP's electoral victory has been the triangular contest in which the BJP, the Samajwadi Party and the Bahujan Samaj Party were engaged. The BJP got the benefit of divided opposition as well as that of anti-incumbency against the Akhilesh Yadav led Samajwadi Party government which bore the brunt of accusations of being pro-Yadav, as the party has always been, though during his tenure some good pro-people, pro-farmers, pro-students and developmental work had been done. The eastern UP, including Poorvanchal and Bundelkhand, did not see any development even during the tenure of Akhilesh Yadav as it has remained neglected under the rule of other political parties including the BJP also in the past. But the BJP was able to raise the issue this time effectively against the Akhilesh Yadav government. In the matter of social engineering also the BJP beat both Akhilesh and Mayawati as it was able to pull the support of non-Yadav caste groups like the Kurmis, Rajbhars, Nishads and Mauryas from amongst the OBCs on the one hand and non-Jatav scheduled castes on the other. As a result Akhilesh came to be seen as the leader of Yadavs and Mayawati of Jatavs only. Too much importance given to its own family members in ticket distribution, allegedly 22 of them were given tickets this time, as well as the family feud also put it in a disadvantageous position as it gave the BJP a lot of fuel to keep the fire of criticism red hot. People may disagree with it, but a lot of harm was done to the SP because of its decision to enter the fray with the Congress party led by Rahul Gandhi as its poll ally. Akhilesh Yadav should have known that the Congress was a spent force in UP and a rejected lot in the country even before these elections and after Rahul Gandhi's assumption of its leadership it has been rejected all around and its somewhat good performance in Goa and good performance in Punjab is not a victory of the Congress or Rahul Gandhi's leadership but a defeat of the utter mis-governance of the incumbent governments there. The Congress won there not because of Rahul Gandhi but in spite of him because of the strong anti-incumbency factor.

During the whole campaign, all the leaders of the BJP including Narendra Modi and Amit Shah had been completely anti-Muslim, casteist and divisive. They had made their intentions to polarize voters on the basis of religion to garner the support of the majority Hindu voters by not giving party ticket to a single Muslim candidate in a state which has about 20% Muslim population although a lone, non-descript, Muslim has been included in the Council of Ministers after the poll, perhaps symbolically. All of them talked of Ram Mandir, anti-Romeo squads, displacement of Hindus from some areas of the Western UP due to the fear of Muslims and appeasement of the Muslims by the

Samajwadi Party Government at the cost of Hindus, including backward castes and dalits. The whole campaign was aimed at polarizing Hindu majority votes, including those of scheduled castes and OBCs, in its favour. Above all, the BJP was able to sell the dream of 'uttam pradesh' and development as it was able to sell the dream of bringing back black money from foreign banks and put Rs. 15 lakhs in every person's bank account during the poll campaign during the 2014 parliamentary elections, though within the last more than two and a half years of its rule in the country hardly any development has been noticed and the latter was accepted as a mere 'chunavi jumla' (poll-slogan) by no other than the BJP President, Amit Shah, himself. All this gave the BJP more votes than those of other parties, enough to win more than 300 seats, though its overall vote percentage fell by 2.6% in comparison with the 2014 parliamentary election tally.

The selection of Yogi Adityanath, the head priest of the Gorakhnath temple who has been notorious for the aggravation of communal division and an explicit hostility towards minorities, as Chief Minister of U.P. by the BJP central leadership does not go in line with their poll slogans of 'sabka saath, sabka vikas', meaning thereby equal development of all without prejudice and the rule of law, but betrays their inherent desire to keep the pot of communalism, polarization and Hindutva agenda simmering, to come to full boil before the next parliamentary elections in 2019 to use it for electoral benefits. He was also responsible for the raising of a vigilante Hindu army, the Hindu Yuva Vahini, which has a reputation for violence and intimidation; the conversion of Muslims and Christians to Hinduism (ghar wapsi); the campaign against 'love jihad' etc. Besides, he is also known for defying BJP's whip on the women's reservation bill, being a defender of the caste hierarchy and an ardent advocate of the restoration of the monarchy in Nepal. Socially he is known for everything that represents the forces of reaction and regression. Adityanath is known more for his communal bigotry and divisive politics than for any developmental task, a perfect hardcore Hindutva icon and Hindu rashtra supporter as per the Rashriya Swayamsevak Sangh (RSS) ideology. Enthused by their poll strategy and the resultant success in the poll results in UP, the BJP, Narendra Modi and Amit Shah could not have found a more appropriate person to take UP further in that direction of polarization and consolidation of majority Hindu votes – hence his selection for the post.

And as Mukul Kesavan, writing in www.telegraphindia.com has rightly said:

What it tells us is this. When it is in a position of strength the BJP will, other things being equal, choose the most viscerally communal and Hindu-supremacist candidate on its shortlist. And it will choose him not despite the bigotry of his past utterances and actions but because of it. What we are seeing in UP is a textbook example of how a genuinely extremist party behaves when it is released from the constraints of coalition building and negotiation.

Coming together of the government head of a big and important state like UP with 20% minority population and the chief priest of a religious mutt in one person, that too a hardcore Hindutva leader known for his continuous and persistent hate mongering against that minority community is an ominous sign for the future politics of the country and does not portend well for the state itself as well as for the country and its secular framework.

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Modi Government's Anti-People Face Exposed in Three Years

Narendra Modi led National Democratic Alliance (NDA) government completed its three years in power in May 2017. Out of the total tenure of five years for which the Lok Sabha was elected and handed over Prime-ministership to Mr. Modi, three years is a long enough period to judge in which direction the government is heading and taking the country along with it.

It was clear even at the time of his assuming office as the Prime Minister of the country in 2014 that, looking back at his background as the RSS pracharak and a strong votary of the Hindutva, he would pursue the agenda of turning the country into a Hindu Rashtra, dividing the country on communal lines, pushing the minorities further onto the margins; making life even more hellish for the Scheduled Castes and Scheduled Tribes by snatching means of their livelihoods; depriving the youths of whatever employment they possessed; making survival for the farmers so difficult that they would be forced to commit suicides, and following blatantly pro capitalist policies making the lives of the toiling masses even more miserable than before.

The experience of the last three years has proved all our worst apprehensions come true. All the claims of development and 'sabka saath, sabka vikas' have proved to be mere poll slogans like the 'election jumla' of putting Rs. 15 lakhs of the (to be) recovered black money into every individual's bank account. Most of the cadres of the Hindutva fold have become so fearless of the law and order machinery that they commit all kinds of illegal acts without the fear of being caught. Someone is found dealing in narcotics, another one running a prostitution racket while some others hurl abuses and threaten even a lady IPS officer. Three activists of the Hindu Mahi Pal Singh Yuva Vahini, the outfit erected by the now Chief Minister of UPYogi Adityanath, named Jitendra Sharma, Pankaj Pathak and Avinash alias Anshu barge into the house of a 28 year old woman in Bareilly and gang rape her and fearlessly assault the sub-inspector Mayank Arora of Subhash Nagar police station when called for investigation later. Pehlu Khan and five others were brutally thrashed in Rajasthan when they were returning to their homes in Haryana along with some cows which they wanted to keep for milk for their families and also for sale which was their sole source of income. Pehlu Khan later died of fatal injuries.

Minorities have been targeted politically through communal riots initiated at the instance of the leaders of the ruling BJP and economically through moves like ban on sale of animals in the name of saving them from being butchered. Muslims and Dalits have been attacked and killed mercilessly in all BJP ruled states by gangs of goons belonging to the Hindutva folds masquerading as (illegal) 'Gau Rakshaks' calling the victims 'beef eaters'. Recently 16 year old Junaid Khan was killed in Ballabhgarh in Haryana. Similar incidents of lynching have taken place in Alwar in Rajasthan, Jharkhand and Dadri in UP which have rattled the conscience even of Hindus. In most of such attacks, the police have either remained mute spectators or booked and arrested the victims and let the hooligans go scot-free. This has obviously happened in all cases with the tacit support of the ruling dispensation. It is more than clear, and the message is loud and clear to its cadres that they can beat up and lynch people from the minority community at will to show to them that they are not equal citizens of this otherwise known as a secular country, because the Ministry of Home Affairs has decided not even to invite a report on such incidents from the state governments of Rajasthan and Chhatisgarh, two of the states ruled by the BJP. And of course there is no question of asking for such a report from the UP government led by an RSS stalwart who himself has been making the most horrible hate-speeches against the minority community.

The people bore the extreme hardships of cash crunch resulting from the unplanned and misconceived demonetisation move, undertaken by Mr. Modi, with fortitude without complaining against hunger, illness, death and loss of employment in the hope that 'acche din' (good times) as promised by the Prime Minister would come, but even after seven months of the demonetisation on 8th November, 2016, their condition and the condition of the country has only deteriorated. No new jobs have been created and the ones they had have, on the contrary, been snatched. Their

purchasing power is down and in the absence of increased demand, production is also down which is reflected in the country's GDP growth for the last quarter of 2016-2017 financial year which is officially pegged at 6.1%, a huge fall from the 7.8% claimed for the previous year. No black money has been recovered; only the economy has suffered heavily. The hopes of 'acche din', which the aam aadmi had been made to peg on the demonetisation exercise by the Prime Minister, have been belied.

The farmers had been promised a gainful Minimum Support Price (MSP) of at least 1.5 times of their total production cost for their produce also feel cheated. Farmers of one state after another – beginning with the Tamil Nadu farmers to the Maharashtra and then the Madhya Pradesh and Rajasthan have been forced to resort to agitation because the bread producer and his family everywhere is dying of hunger because whatever he has produced after a hard toil and a lot of loan money is not being sold for a gainful price. Out of desperation he is committing suicide and such incidents are being reported on everyday basis. Some states have declared a loan waiver scheme of upto 50,000 or one and a half lakh Rupees after a lot of pressure from the farmers but even that is hardly providing any relief. A very senior Union Minister, Venkaiah Naidu, made a condemnable remark that seeking loan waiver has become a fashion now, adding it is not the final solution and should be considered in extreme situations. Even today, the 23rd of June, PTI has reported: ''Govt apathy compels more farmers to end life. While three farmers committed suicide in MP, taking the toll to 20 in a fortnight, another farmer took his life in Kerala. 12 Thane cops hurt in farmers' protest.'' Are they not extreme situations? It is true that loan waiver is not the final solution. The final solution is the promised MSP as per Swaminathan Committee report. Why does he not advise his own government to implement its own promise on the MSP? He and his government do not see anything wrong in it when lakhs and lakhs of crores of tax waivers are provided to the big industrialists like the Adanis and the Ambanis and the likes of Vijay Mallya, Subrat Roy Sahara and scores of them who contrive to take loans from banks for their own luxuries without the intention of returning that loan to the banks but when it comes to waiving off the loans of farmers whose crops get destroyed or when their produce does not fetch even their investment, these politicians develop excruciating belly ache.

On the front of human rights the record of the BJP led government is worse than that of the Congress. Nobody is safe on the roads. You remember the human shield controversy, in which Farooq Dar, an innocent and helpless Kashmiri, was tied to the bonnet of a jeep by an army Major, showing utter disregard and THE RADICAL HUMANIST 5 disrespect to the dignity of human person and the army general and the Home Minister praised the Major for the act instead of denouncing it and taking action against him for going beyond his duties and in contravention of the Constitution of India. Such acts only result in further alienating the youth of Kashmir where the situation is worse than what it used to be a few years ago. Worse cases of human rights violation never get reported because either the media has no reach there or does not care. In fact, it has voluntarily surrendered its freedom on the feet of Modi and the RSS, and those who have not done so have to face the ire of the rulers at the hands of the government agencies like the CBI, the ED and the Income Tax department etc. as happened in the case of promoters of the NDTV. The message from the government is loud and clear – either you surrender and start singing songs in our praise or get ready to be butchered – something not different from what happened during the emergency rule imposed by the then Prime Minister, Mrs. Indira Gandhi, in 1975. In fact, it is worse because in most cases today the surrender is voluntary whereas in 1975 it was imposed and forced.

Vigilante groups can attack you if they think that you are wearing clothes which they do not like of if you eat, or are suspected of eating, anything they think you should not eat, or you are moving about with or trying to marry someone from a different religion (particularly if you happen to be a Muslim boy and love and are trying to marry a Hindu girl). These ruling party supported groups can attack you if you are a student and you are voicing your dissent against the government and its

polities. You can be killed if you are a free thinking secular intellectual or a scientific rationalist and express your opinion through speech or writing against the government policies and if you are a human rights activist and you speak for the rights of the tribal people or against the snatching away of their lands, forests and livelihoods, you can be labeled a Maoist or anti-national and either jailed or killed in a fake encounter. You can even be arrested on the charge of sedition, which invites imprisonment for life, if you happen to be a fan of a foreign cricket team, or even an appreciator of good game irrespective of which country the player belongs to and celebrate the victory of that team over the Indian team, particularly if that team happens to be the cricket team of Pakistan, and this will be done not by a vigilante group but by the police which is directly under the government. You can be fired at and killed if you are a farmer and protesting for gainful MSP or the emergent measure of a loan waiver as happened recently in Madhya Pradesh, the state ruled by the BJP.

The BJP forgets that in West Bengal the three decades old rule of the Left Front government was thrown into the dustbin by the people there when their own cadres fought against the farmers, who were merely protesting against forced takeover of their farm lands by the State government to be handed over to Tatas for setting up of the Nano car factory, killed them with bullets and bombs, raped their women and tried to force them to bend to the wishes of the government, which in any case was not their task. They had virtually taken over as the government and the police and enjoyed the tacit support of the Left Front government. In the BJP's case, its cadres are fighting against the whole population of the country – the working class, the farmers, the students, the teachers, the thinkers and writers, the minorities, the scheduled castes and scheduled tribes – in fact everybody who does not follow their diktats and their line of thinking. They too have virtually taken over the government in states ruled by the BJP and the support of the party and its governments in the states and the centre seems to be even more explicit than that of the CPM to its cadres in Nandigram and Singur West 6 July 2017 Bengal which was a black chapter in the history of human rights in India at that time. The day is not far when the BJP government will meet the same fate which the Left Front government met in West Bengal; maybe even worse. Remember that the Modi government came to power in 2014 with a total vote percentage of 31 and even during its overwhelming performance in the UP elections its vote percentage was only 40% of the total votes. The beginning seems to have been made by the farmers' uprising against the government's attitude of using force and bullets against their peaceful agitation for their genuine demands. The next two years can see the consolidation of the people's movement against the anti-people policies of the BJP led NDA government at the centre and the BJP governments in the States. Mere slogans cannot save non-performing governments. The 'Shining India' slogan could not save the Atal Behari led NDA government at the centre in 2004 as only the faces of the BJP leaders were shining then and not the faces of the 'aam aadmi', and 'sabka saath, sabka vikas' with which the present government began its tenure, and the present trend of a slogan a day will not be able to save this government in 2019 because what the people really need is performance, safety and equality, and not mere slogans.

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The Undoing of the Mahagathbandhan

On 19 August 2017 the Janata Dal United (JDU) faction led by Nitish Kumar, the President of the party and also the Chief Minister of Bihar decided to become part of the National Democratic Alliance (NDA) led by the Bhartiya Janata Party (BJP). The decision to return to the NDA came a little after four years when Nitish Kumar had driven the JD(U) to leave the alliance on 16 June 2013 when Narendra Modi was chosen as its prime ministerial candidate in the 2014 general election. Earlier he had resigned as the Chief Minister because Laloo Prasad Yadav had stubbornly rejected his demand of Tejaswi Yadav, the son of Mr. Yadav, to resign as the Deputy Chief Minister in the wake of corruption charges against him. Nitish Kumar had made up his mind to part ways with the Mahagathbandhan or the grand alliance comprising of the Rashtriya Janata Dal (RJD) led by Laloo Prasad Yadav and the Congress only to form a government in the state again on 27 July 2017 with the support of the BJP.

Nitish Kumar's decision to part with the RJD led by Laloo Prasad Yadav, and consequently of the Congress as part of the Mahagathbandhan also, as the latter does not possess enough numbers to make it vital for him to bank on its support to continue as the Chief Minister, cannot be questioned morally because he had been claiming to have zero tolerance against corruption whereas the whole family of Laloo Prasad Yadav, including his wife Rabri Devi, his son Tejaswi Yadav, his elder son Taj Pratap Yadav, his daughter Misa Bharati and her husband Shailesh Kumar – all are facing corruption charges. In fact, K.C. Tyagi, the General Secretary of the JD(U) declared Laloo the "Badshah (King) of corruption". .Nitish Kumar, a shrewd politician as he is, understands well that the Congress led United Progressive Alliance (UPA) Government lost the 2014 parliamentary election because the Congress had unprecedented charges of corruption against its ministers. As a result the BJP came to power with merely 31% votes only because it batted against the corruption of the Congress and made it the main agenda of its campaign when Narendra Modi declared '*Na Khaunga, Na Khane Doonga*' (I shall neither eat nor let others eat), '*Sabka Sath, Sabka Vikas*' being the other. Nitish Kumar understands well that anybody who is perceived to be corrupt or to stand with the corrupt cannot win popular vote and hope to form a government.

In view of the fact that after parting with the RJD with 80 MLAs at its command, Nitish Kumar could not have continued as the Chief Minister of Bihar, in his wisdom he decided to go with the BJP whose support combined with 71 MLAs of his own party could keep him in power. And he did so in a well planned manner by talking to the BJP bosses behind the scene in advance before taking the decision to resign. Politics is essentially a game of power and to come to power or to retain it is the sole guiding force behind every individual and every political party, and to achieve that end, they can go to any extent. Political expediency and shrewdness apart, ethically what Nitish Kumar did by aligning with the BJP was not appropriate because the reason for his breaking with the BJP has not changed – Narendra Modi, against whose projection as the candidate for Prime Ministership he had broken with the BJP, is the Prime Minister now. Secondly, he cannot guarantee that the ministers from the BJP, or for that matter of his own party, will not indulge in corruption in the new government.

It is also true that to remain with the known to be corrupt politicians only to continue in power could not be justified on any account. But one must not forget that Laloo Prasad Yadav had already been convicted in the fodder scam by the court when the Mahagathbandhan was forged and with the support of the same Laloo Prasad Yadav Nitish had become the Chief Minister. If it is morally unsound to continue with Laloo Prasad now, it was equally so when he assumed Chief Ministership of Bihar with his support, that too when his own party had only 71 seats as against the 80 held by the RJD. Therefore, any moral stance taken by Nitish Kumar to part with Laloo Prasad Yadav now on the pretext of corruption seems only an eye-wash.

For the time being Nitish Kumar has ensured that he continues as the Chief Minister of Bihar. With Laloo Prasad Yadav's RJD likely to be decimated in the next election because of his whole family

being charged of corruption and the Congress too being force-led by Rahul Gandhi not likely to do any better in Bihar, he may even continue to be the Chief Minister after the next election. It is also possible that his own party may not do well in the election and the BJP may emerge as the biggest single party in which case it will certainly like to have its own candidate as the Chief Minister and Nitish Kumar may stand nowhere.

Only time will tell whether he has made a politically correct move and his party will gain anything or it proves to be the greatest blunder of his life. His conviction against corruption would have been proved better and his moral stature would have risen to great heights had he resigned and gone for a mid-term poll alone leaving it to the people to decide what they wanted, and not aligned with the BJP to remain in power, against whom he had won as a part of the Mahagathbandhan. Even if he had lost the election, his stature would have been higher than that of any other leader in the country today. In the last few years he had emerged as a development man with a clean image among the galaxy of corrupt leaders belonging to the non-BJP and non-Congress secular parties. He would have been the obvious, credible and only choice as the opposition's candidate for future Prime Ministership as he was already in the reckoning for that honour which position he has lost forever now, besides losing on moral grounds. In the process he has given a big jolt to the chances of emergence of a credible secular front to dislodge the communal BJP from power in the 2019 parliamentary elections. Perceptions matter in politics in the long run and now the perception about him is that of a power hungry politician – no different from other politicians. He had got a chance to prove himself to be different from others which he has lost for now, and perhaps forever.

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Three Steps Forward in the Liberation Movement

Apart from bringing in the 70th anniversary of the independence of the country on 15th of the month, this year's August will be especially remembered for bringing in another three liberating events – first the declaration of *Triple Talaq* in one go as unconstitutional by a constitution bench of the Supreme Court of India with 3/5 majority judgement on 22nd August, liberating half the population of Muslims, the Muslim women, from the scourge of centuries old undue, barbaric and biased male dominance giving men the right to divorce their wives just by pronouncing '*Talaq*' thrice without assigning any reason whatsoever. Let fundamentalist elements and the clerics, who cannot be expected to support any progressive measure however beneficial it may be for the community in the long run, make any amount of hue and cry over the decision, this judgement is going to stay and keep Muslim women free from the scourge of instant triple talaq.

Then came another vital unanimous judgment on 24th August 2017 by the constitution bench of nine Supreme Court judges that right to privacy is "intrinsic to life and liberty" and is very much a fundamental right under Article 21 of the Indian Constitution, overruling the earlier contrary judgments by smaller constitution benches of eight-judges and six-judges in **M.P. Sharma** and **Kharak Singh** cases delivered in 1954 and 1961, respectively, that privacy is not protected under the Constitution.

Several petitions were filed in the Supreme Court in 2012, the first short having been fired by retired Karnataka HC judge KS Puttaswamy, joined later by Bezwada Wilson, Shanta Sinha, Major General SG Vombatkere, member of the National Alliance of People's Movements (NAPM) and People's Union for Civil Liberties (PUCL), Aruna Roy, founder of the Mazdoor Kisan Shakti Sangathan (MKSS) along with Shankar Singh, Nikhil Dey and many others, challenging Aadhaar as a breach of privacy, informational self-determination and bodily integrity. The petitioners argued that Aadhaar enrolment was the means to a "Totalitarian State" and an open invitation for personal data leakage. Usha Ramanathan has been continuously warning people against the Aadhaar for infringing the privacy of individuals through her writings and lectures.

The nine-judge Bench's judgement gains international significance as privacy enjoys a robust legal framework internationally though it had not been defined clearly in India. The judgment will have a crucial bearing on the government's Aadhaar scheme that collects personal details, biometrics to identify beneficiaries for accessing social benefits and government welfare scheme.

At last came the conviction and sentence, respectively on 25th and 28th August 2017, in a double rape case against the chief of Dera Sacha Sauda (DSS), Gurmeet Ram Rahim Singh, the first bold judgement against a self-proclaimed, powerful and politically backed godman, better called 'Satan personified', whom M.N. Roy, a great freedom fighter, intellectual giant and one of the earliest exponents of democratic and individual freedoms in India, would have appropriately described as a '**holy loafer**'. The judgement could well be a trendsetter because it would not have been easy for the CBI investigators and the Special CBI Court judge to act in an upright manner completely ignoring the political and administrative pressures and influences to go slow or to close their eyes to some incriminating facts to let the culprit go scot free. In this case both acted in an exemplary manner earning the respect of crores of right thinking people of the country and abroad. There are many cases of rapes, murders, running sex rackets or fake job racket, possession of illegal arms etc. against many self-claimed godmen (read holy loafers) like Asaram Bapu accused by a 16-year-old girl of raping her in his ashram in Jodhpur, Sant Rampal arrested along with his followers on charges of sedition, murder, attempt to murder, conspiracy, hoarding illegal weapons, Shiv Murti Dwivedi aka Ichchhadhari Baba, arrested in 1997 for running a prostitution racket, released on bail only to be arrested again in 2010 for running a multi-crore sex racket, Swami Sadachari the once influential 'Godman' who was known to be closely associated with those in power and arrested for running a brothel, Jayendra Saraswathi the 69th Shankaracharya Guru of the Kanchi Kamakoti Peetham accused of ordering a murderous assault on a temple auditor who questioned the

disappearance of 83 kg gold meant for Kamakshi Temple in 2002 and in 2004 accused of murdering a temple manager and former devotee of the Kanchi Mutth.

Now we can hope that in the cases pending in courts against such godmen who have been showing the fear of non-existent God to the gullible and blind devotees, most of them belonging to the uneducated and poor sections of society, and exploiting their religious sentiments only to deprive them of their money, land and property and the young girls of their honour, will be decided in a just manner and at a fast pace and the gangster-*babas* masquerading as holy godmen will be suitably punished. The Parliament should think seriously in terms of bringing in strict legislation to confiscate all the cash, land and other property amassed by such *babas* by befooling people. The judiciary can also force administrative machinery to enforce existing laws, as did the Punjab and Haryana High Court did in the present case, disregarding political pressures. Maybe, innocent and believing people, many of them well educated ones, who have been easy prey for such *babas* start thinking rationally and not become victims at the hands of such hypocrites. They will, then, be free from self imposed but wholly unnecessary religious bondage which does not let them think freely and rationally. Otherwise such *babas* and their *Deras* with secret luxury suites, meant for their carnal pleasures, will continue to mushroom as they are doing these days. The Parliament should also enact laws to confiscate all the vast empire of Deras, lands, properties and wealth running into billions of Rupees amassed by these unscrupulous *babas* by exploiting the religious sentiments of the public and not allowed to go into the hands of family members like legitimate inheritance. We can also hope, though against all hope, because some parties are in the habit of exploiting religious sentiments of the people for their political-electoral benefit, that political parties and leaders will stop surrendering before and lying prostrate at the feet of such *babas* for their support in elections.

The violence, arson and terror indulged in by the goon force of the rapist *baba* (who was later sentenced to 10 years of imprisonment each in two cases to run consecutively on 28 August 2017), which had come there in an organized and well planned manner carrying weapons and petrol bombs, which engulfed some parts of Haryana, particularly Panchkula, immediately after Gurmeet Ram Rahim Singh the self-styled godman and chief of Dera Sacha Sauda was convicted on 25 August 2017 by a special CBI judge in two rape cases of minor Sadhvis of his *dera,* is illustrative of the deplorable state of law and order in the State and complete failure of the BJP government of Manohar Lal Khattar, particularly as it came after the earlier incidents of mayhem and complete failure of the state machinery during the Jat reservation agitation, which cost the people in heavy loss of life and property, and the Sant Rampal (another sect chief who was also arrested in multiple cases including that of murders) arrest case. A three-judge bench of the Punjab and Haryana high court made several serious remarks, demolishing completely the government's defence for not reining in Dera Sacha Sauda followers, who ran riot on that day. "This was a political surrender to lure vote banks," the court observed, asking the state why it couldn't stop 200,000 followers of the sect from gathering in Panchkula in spite of prohibitory orders. At the time of sentencing Gurmeet to 20 years in jail, the special CBI court observed that he did not spare his own disciples and "acted like a beast". The judge also observed that he does not deserve any mercy. The judge further observed, "Both the victims put the convict on the pedestal of 'God' and revered him like that only. However, he committed breach of gravest nature by sexually assaulting such gullible and blind followers."

The two victims had to wait for 15 long years and to fight it out alone since 2002, defenceless against all kinds of threat from the perpetrator of the crime and his goon force from the Dera – the den of all kinds of illegal activities with a huge dump of illegal arms including firearms including AK 47 and machine guns – enough material and history to call him a hardened and conspiring criminal. During this long fight, one of them even lost her brother who was murdered by the same goon force. Their indomitable courage needs to be saluted because the perpetrator had the support of top leaders of the ruling dispensation, who, in fact, have made him the monster that he has become today with his spiraling empire of more than 1000 crore across the country and crores of

blind supporters as per his own claim. Even among the present BJP government of Haryana there are leaders, including the chief minister Manohar Lal Khattar, who regularly visited the Dera for political support of his followers. The BJP in-charge of the state Kailash Vijayvargiya, powerful Haryana Education Minister Ram Vilas Sharma, influential Haryana minister Anil Vij, Minister of State for Urban Local Bodies in Haryana Manish Grover have all been visiting him and donating to him huge amounts of public money out of discretionary fund – nothing short of bribe to garner his support in the forthcoming state assembly elections. Some of them visited him as late as on 15th August this year, on his birthday, with good wishes and huge donations when the case against him was pending for judgement within less than a fortnight. Delhi BJP chief Manoj Tiwari had earlier visited him to seek his blessings for success in the Delhi Assembly elections. It is a different matter that the BJP could manage to win only three seats in the assembly of 70 seats and got the most scathing defeat in the elections in spite of the blessings of the rapist *baba*.

The BJP MP Sakshi Maharaj on Friday, the day of judgement, came out in support of Dera Sacha Sauda chief Gurmeet Ram Rahim and instead of blaming the BJP government or the followers of the rapist *baba* for the large scale violence and arson in which 32 people died, many vehicles including cars, trucks, buses and OB vans of the TV channels were burnt and hundreds of people were injured, the BJP MP, a hatemonger of the saffron brigade and himself a rape and murder accused, who is always in the media for wrong reasons, blamed the judge for all this mayhem. And the BJP leadership has not come out with a single word against the outrageous MP or against the goon force which did all this, for fear of losing the votes of the Dera supporters. Of course, there is no question of taking any action against him for his derogatory remarks against the judge. After a few days of sentencing of Ram Rahim, another BJP MP from Hamirpur-Mahoba constituency in Uttar Pradesh came out in his support calling him 'great saint' adding, "The humiliation of saints, who have lakhs and crores of followers and that too on a complaint of a single person is really painful." Such remarks, come as they do from those who are lawmakers and supposed to uphold the rule of law as per the Indian Constitution, are highly condemnable. However, that does not reduce the influence they carry with the administrative machinery. We can gauge the clout and influence of the rapist *baba* in the BJP which is ruling in Haryana and at the centre. One can imagine the travails, plight and still the courage of the victims who fought against such a brute who enjoyed such tremendous support of the ruling dispensation.

It must be noted here that "speaking after the conviction of the Dera chief, M Narayanan, a retired DIG of the CBI, said that former PM had ignored political pressure and given Central Bureau of Investigation (CBI) a free hand. "The then Prime Minister Manmohan Singh stood by the CBI and ordered us to go by the law. He went through the statement made by two Sadhvis before a judge and did not succumb to the pressures from Punjab and Haryana MPs. After seeing the victim's statements before a judge, Singh backed us," Narayanan told CNN News18 in an interview," as reported in OneIndia. "Narayanan also mentioned that his boss Vijay Shanker was unfazed when "powerful MPs asked him to drop cases against Ram Rahim." If the CBI investigators had not got the freedom to investigate independently, the case would have been dead long ago.

Ram Chander Chhatrapati who first broke this story in 2002 in a small local daily called 'Poora Sach' (Total Truth) and kept pursuing the issue despite death threats ultimately paid the price with his life. He was in hospital after five bullets had been pumped into his body in October 2002 but the police did not even turn up for recording his statement during the 28 days he was in hospital before finally succumbing to death.

But the silver lining is that there are people who have the courage and commitment to stand up and fight for justice. Stalwart lawyers Hon'ble Rajindar Sachar (Retired Chief Justice of Delhi High Court and a former National President of PUCL), R.S. Cheema, Ashwin Bakshi and Lekhraj ji fought this case pro-bono. Sh. Rajindar Sachar an octogenarian then, an old, frail, white haired upright gentleman fought the case without charging a single rupee. We hope that justice will soon

be done in the Chhatrapati murder case also in which Gurmeet Ram Rahim Singh is the main accused and in which case judgement is expected soon.

We have won some battles for achieving the goal of a democratic and equitable society and certainly the three judgements have strengthened our faith in the rule of law and constitutional governance. They have also taken the cause of personal and democratic freedoms a little further. We hope that those who cherish these values will continue their efforts to take them further in the desired direction.

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Who will Win the Next Election and Why?

With the passage of time, as the term of the BJP's Narendra Modi led National Democratic Alliance (NDA) government is inching towards the end in 2019, it is increasingly becoming clearer that, if one may call it so, because the BJP had come to power in 2014 not on the strength of a positive vote for the BJP rule, which in fact was a mere 31% of the total number of valid votes in the general election but because the people had voted against the thoroughly corrupt Congress led United Progressive Alliance (UPA) government, the Modi magic is increasingly losing its sheen. The reasons are more than clear. It has completely failed to address the problems facing the farmers, the unemployed youth, the workers and the students. Farmers, the bread-producers, who were promised 50% profit on their farm investment, continue to commit suicide. New jobs have not been created and whatever jobs were available to the workers were snatched away from them by the mindless and unplanned demonetisation of high currency notes, which any case was a complete disaster, because of which lakhs and lakhs of small entrepreneurs closed down their businesses. Then came the Goods and Services Tax, (GST) move which further accentuated the situation.

It seems that this government never had the vision or intention to go for development of the masses and to mitigate the sufferings of the poor even though it talked of '*sabka saath, sabka vikas*' during its poll promises. Its leaders, even after three years of being in power, still continue to raise emotive issues like the Ram Mandir, *gau raksha* and beef-ban etc., which have only resulted in further marginalising the minorities and instilling fear in their minds. Another thing the BJP leaders and the Hindutva outfits have indulged in is killing dissent and the dissenters who disagree with their ideology and politics. It appears that even they themselves are not confident of winning future elections without resorting to communal and divisive politics because they have failed to live up to their promises of development, controlling and bringing back black money, providing employment to the youths and improving the lot of the farmers.

Now even the Rashtriya Swayamsevak Sangh (RSS) survey has predicted that the BJP will lose the Assembly elections in Gujarat in 2017 and in Madhya Pradesh in 2018. In the coming Assembly elections in Madhya Pradesh the Congress may win 120 or more seats while the BJP will hardly manage 57-60 seats. The survey forecasts at least 10 per cent decrease in the BJP's vote share. The survey has further stated: 'The Vyapam scam and many sex scandals related to BJP leaders have tarnished the party's image. The farmers' movement and death of 6 farmers during the movement, suicide by more than 50 farmers and sending the leader of Narmada Bachao Andolan, Medha Patkar, to jail are some of the issues which will seriously hamper BJP's path to victory in the elections.'

Even Saji Narayanan, National President of the Bharatiya Mazdoor Sangh, an RSS-affiliated labour organisation, in a statement demanded the government should declare a stimulus package towards employment generating activities in labour intensive sectors "to contain slowdown of the economy". Coming down heavily on the government for taking the economy into a "wrong direction", recently he urged Prime Minister Narendra Modi to "retract from the present reform process" and stop laying "excess thrust" on jobless growth that has resulted in mounting unemployment.

Recent elections of Students' Unions in JNU, Delhi University, Andhra Pradesh University and Allahabad University etc. and by-elections for many assembly seats, municipal corporation bodies and the latest Gurdaspur Lok Sabha by-poll in Punjab where the Congress candidate wrested the seat from the BJP by a huge margin of 1.93 lakh votes also show that the BJP and its students wing 'Akhil Bharatiya Vidyarthi Parishad' (ABVP) are being rejected by students and general public alike. It should have given a warning to the leaders of the ruling party that they are not only off the track but going in the opposite direction of what they had promised and what the country needs. But it seems that they do not care for the nation and its people and have other priorities and 'promises to keep' which they had made to their fund-providers for the election campaign in 2014

and will not heed the warning signals coming from these election results and their own people and learn from them.

It is too early, and perhaps a futile exercise, to predict the outcome of the 2019 parliamentary elections but it seems that if the BJP again comes to power, it will be because of the Congress, the second largest party today, not learning anything from its 2014 and subsequent poll defeats. Mrs. Sonia Gandhi, who is bent upon promoting only and only her beloved son, Rahul Gandhi, as the party leader and future prime ministerial candidate in spite of even many senior party leaders from the Congress itself expressing publicly their disapproval and anger against it, has not lent any wisdom to the party 'high command' as she is referred to by the Congress leaders. After all, all or at least most of our political parties suffer from this 'high command' culture as there is no internal democracy there. They too suffer from the same disease of eternally fixed or dynastic leadership and the party cadres cannot and will not, and perhaps also dare not, consider change in leadership even if their leaders are mired in corruption. Besides, all these parties continue to sail their boats in different directions because nobody is ready to accept the leadership of a person from another party to lead the combined opposition which in any case is a distant possibility. This absence of unity of purpose may also result in a gain for the BJP. However, wherever there is a viable opposition present, the BJP may be thrown out by the voters but that vote will most likely not be for that opposition party but against the BJP and its misrule in the same way as the 2014 verdict was not a positive vote for the BJP but against the corrupt Congress rule. Positive vote cannot come unless and until the political parties sincerely implement their election manifestos and not look for ways to raise emotive issues to garner votes which in fact is an admission of their failure to implement their poll promises.

In any case, the people of the country cannot have high, or even moderate, hopes from either of the scenarios as the whole political system in the country seems to have become corrupt, catering only to the ambitions of a few individuals, their families and their election fund-provider industrialists and business houses. The voters will continue to be pawns in the hands of this party or that and vote for this party or that, in a ritualistic manner, election after election, and after the election remain at the mercy of those elected by them and suffer perpetually because they have no control over them once they are elected. As things stand today, they can at best change one useless lot for another one as our experience of more than seventy years of parliamentary democracy in the country shows. Only political education of the masses, as M.N. Roy said, can bring about an awakening and consequent assumption of the reins of power in the hands of the electors directly, which he described as 'direct and responsive democracy' through participation in the electoral process through People's Committees. Only then can they hope for betterment of their condition. Till then, political parties, this or that, will be the winners and the citizens or the voters will be the losers.

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Gujarat Assembly Elections: A Win-Win Situation for All

Although the Bharatiya Janata Party (BJP) has been able to retain power even after remaining in power in the state for the last 22 years, Gujarat Legislative Assembly election 2017 results have not let down even the Congress party. In fact, it is a win-win situation for all. The BJP can still be happy that it has retained power by winning 99 seats, although it has failed to reach anywhere near the declared target of 150 seats in an assembly of 182 seats as declared by Amit Shah, the party president. It can also be happy that in spite of falling short of the tally of 115 seats it had in the outgoing assembly by 16, in terms of the vote percentage it has gained 1% above the previous tally it had in the 2012 elections despite the demonetisation of high currency notes of Rs. 1000 and 500 denomination in November 2016 which had resulted in the closure of lakhs of businesses and rendered crores of people jobless and the implementation of Goods and Services Tax (GST) which has further deteriorated the position of businessmen and traders. The BJP has already declared its happiness that it now rules in 19 states, in more than even what Indira Gandhi did when she was at the height of her popularity.

The Congress Party can be happy that it has won 77 seats, the highest in the last 22 years and also increased its vote percentage by 2%, 1% above the BJP. Mrs Sonia Gandhi, and all the sycophants in the party who have to depend on the Nehru-Gandhi family's name for getting popular votes simply because on their own they cannot win their own seats even as they have broken contact with the people completely, will be happy that her son, Rahul Gandhi, who she desperately wants to make the Prime Minister of the country, can be happy that he has at least one electoral success to boast of after a long list of failures and utter failures in the past including the failure in the Himachal Pradesh elections held simultaneously where the Congress lost its government to the BJP by 22 to 46 seats. Those in the Congress who would like to give the credit of winning 77 seats in Gujarat to Rahul Gandhi should not undermine the role of Hardik-Jignesh-Alpesh trio, who were against the anti-people policies and actions of the BJP government at the centre and in the state and also campaigned vigorously against the BJP in the Gujarat elections.

The people of Gujarat can feel satisfied that they have issued a strong warning to the BJP, Amit Shah and Narendra Modi, their local boys, by reducing the number of their seats and giving them a strong opposition in the Assembly, that they cannot win the 2019 Parliamentary elections merely on the basis of '*Jumlebazi*' ('slogan mongering') and must really fulfil their electoral promises to retain the support of the people.

The other parties opposed to the BJP must be feeling happy that in spite of not losing power in Gujarat, it is not invincible, as Amit Shah and Narendra Modi would have us believe, as the Gujarat elections also show that the BJP would have lost the elections but for Narendra Modi's rhetoric of being a local boy and playing the victim card of abuses at the hands of the opposition and making it a question of the pride and honour of all the Gujarati people, instead of pronouncing the word '*vikas*' ('development') even once in the whole election campaign with which he had come to power in 2014. The Prime Minister even brought in 'Pakistan conspiracy to defeat his party in Gujarat', a highly irresponsible remark made on the basis of one or two diplomats of Pakistan attending a party at the residence of Mani Shankar Aiyar, a former diplomat and leader of the Congress, in which former Prime Minister Dr. Manmohan Singh and many other guests were present.

It is also clear from these elections that in a bipolar election other non-Congress secular parties can defeat the BJP if even the Congress Party, which had been rejected badly by the people earlier, can give a strong fight to the BJP as it has done in Gujarat. The people are fed up with the BJP and its indulgence in non issues like cow and beef, divisive agenda of Hindutva, anti Muslim and anti Scheduled Caste stance manifested in various incidents, killing dissent in every form and calling all dissenters anti-nationals, banning books, films and speeches which do not subscribe to the Hindutva ideology of the RSS etc. instead of devoting their energies in governing the country in accordance

with their slogan of '*sabka saath, sabka vikas*'. At the same time people continue to be averse to the Congress because of its 'corrupt' tag, even after some of its leaders having been acquitted in cases like the 2G spectrum allocation. People have also not accepted Rahul Gandhi, the last dynast of the Nehru-Gandhi family in politics, as a capable and deserving leader to lead the country although he is being projected as the Prime Ministerial candidate of the Congress. In fact, even Akhilesh Yadav, the previous Chief Minister of U.P. whose Samajvadi Party lost to the BJP in the last Assembly elections very badly, has declared his intentions to contest the next Parliamentary elections alone because he seems to have realised that contesting the last Assembly elections jointly with the Congress was a wrong decision as allying with the Rahul led Congress brought along with it the burden of all the wrong doings, including corruption, of the Congress and also that in electoral politics the votes of one ally do not necessarily get transferred to the other ally whereas the blame of the misdoings of one ally takes away the votes of even those voters who would otherwise vote for the party. Such alliances are sometimes, even if by the opponents, called 'unholy' alliances and punished accordingly by the voters.

The actual hope of defeating the BJP in the next general elections in 2019 rests with the state level parties, particularly where they have a bipolar contest against the BJP. In the run-up to the general elections, there are going to be state assembly elections in Madhya Pradesh, Rajasthan and Karnataka. The BJP rules in the first two and the Congress in the last one and there are no other parties worth the name. It will thus be a direct bipolar election between the BJP and the Congress. In spite of all the infirmities, the Congress will be the beneficiary of the discontent against the BJP and of the anti-incumbency factor in Madhya Pradesh and Rajasthan as it is the only opposition party in both these states, and in Karnataka the fight will be between the anti-incumbency against the central government led by Narendra Modi and against the state government led by Siddharamaiah of the Congress. The outcome of the elections of these three states in 2018 will be very crucial and will project to a large extent the outcome of the general elections in 2019. For the Congress, and also for Rahul Gandhi, the results of elections in these three states will determine whether they will survive or perish politically, almost completely.

After the very hard fought, and won marginally, the election in Gujarat left many bruises on the face and heart of the BJP. The BJP leadership may deny this fact but they know it well that it will have to make an all out effort to win these three states and it will surely try to polarise the elections on communal lines to get the support of the Hindu majority and Amit Shah has already fired the first salvo by calling the Karnataka government an 'anti-Hindu' government. The Rajasthan, Gujarat and Madhya Pradesh governments of the BJP have already bowed before some self-appointed custodians of history and culture, like the BJP and the RSS people, in Rajasthan and viewing an electoral benefit in it, are not allowing the screening of the fictional film 'Padmavat' based on the Hindi epic of the same name by Malik Mohammad Jayasi, which is being opposed by them. One hopes that the politicians, particularly of the BJP, do not create a new record of sinking low in electoral campaigning in these elections after what they did in Gujarat. All parties must remember that the elections in the biggest democracy are watched the world over and people form their own impressions about the country as a whole on the basis of what they see in the election campaign also. In an effort to tarnish the image of their opponents for electoral benefits, they should not tarnish the image of the country because that would be truly an unpardonable act of anti-nationalism and a set-back for democracy in the country. Communal politics is in the DNA of the BJP politicians which they have inherited from their parental body, the Rashtriya Swayamsevak Sangh (RSS). So, to expect that they will shun this kind of politics even if it divides the society and country will be too much to expect from them because it will be like signing their own death warrant so far as their kind of politics is concerned.

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The Indian Taliban is at it Again

When vandals of the Bharatiya Janata Party (BJP), the Shiv Sena and the Vishwa Hindu Parishad entered the premises of the Babri Masjid at Ayodhya, climbed on top of its domes armed with heavy iron rods and hammers in hundreds and demolished it on 6th of December 1992 their act was no different from the act of the Taliban in Afghanistan when it demolished the two giant Buddha statues carved into the hillside nearly 2,000 years ago, busy erasing all traces of a rich pre-Islamic past, first with tank shells, and when even they did not have much effect, by tying explosives on the bodies of the statues and blowing it with remote control. The valley, visited by Buddhist pilgrims for hundreds of years, was closed to foreigners a month before this demolition. In both the cases the vandals erased historical structures which did not fit into their plan and ideology, completely disrespecting those who considered them important and holy. The two incidents also reflected intolerance of the ruling dispensation of everything belonging to and held in esteem by 'others'.

The uneducated vandals of the B.J.P. were again at their destructive best when they pulled down the statues of Lenin with the help of bull-dozers at Belonia and Sabroom in Tripura in the wake of the results of the Tripura Legislative Assembly elections declared on 3rd March 2018 showed that the BJP had won the election by 43 seats against the tally of 16 won by the left, dislodging the 25 years old rule of the CPI (M). Celebrating an election victory is wholly justified for any political party, but the BJP goons went on a rampage throughout the state attacking people, their houses, burning CPI (M) offices etc. These rampaging crowds do not know that they can pull down statues of great icons and burn offices and properties but they cannot kill thoughts and ideologies. We may disagree with what great leaders like Lenin thought and did, but we cannot erase them from history and the minds of the people. But it is too much to expect street goons to know that the thoughts of Lenin had inspired the spirit of revolt against repression and servitude and to be masters of their own destinies in crores of people belonging to half the world. They have proved that they really belong to the BJP and the RSS which represent the forces not of creation but destruction. They are destroying democratic institutions by subverting them and imposing their own ideology on the educational, literary and cultural institutions by stuffing them with ignorant but loyal followers of the Hindutva ideology of the RSS; killing constitutional values of secularism by inciting communalism; scientific and rational thinking by introducing and promoting subjects like astrology in place of astronomy. The list of BJP's failures, broken promises, retrograde steps and anti-people policies is long, too long.

In Tamil Nadu the followers of the BJP/RSS started damaging the statues of E.V. Ramasami Periyar, who promoted the principles of rationalism, self-respect, women's rights and eradication of caste and in Muzaffarnagar in U.P. and elsewhere, those of Dr. B.R. Ambedkar, one of the most respected Dalit icon, who inspired the Dalit Buddhist Movement and campaigned against social discrimination against Dalits, while also supporting the rights of women and labour. There was instant reaction and expression of outrage not only from their followers belonging to the Scheduled Castes but also from intellectuals and Dalit and Human Rights activists. In the case of Tripura demolition and burning incidents, the top BJP leadership did not issue any statement of condemnation, but in the latter case fearing large scale reaction and backlash from Dalits and consequent vote loss for the party, both the BJP president, Amit Shah and Prime Minister, Narendra Modi, came out with statements advising their workers not to indulge in such incidents. The move was, obviously, aimed at damage control.

However, the irreparable damage had been done. The BJP's utter negligence of the Scheduled Castes and other marginalised sections, including the minorities, accentuated by incidents of their beating and lynching, was already turning these sections against the BJP. Vandalizing the statues of their icons further exposed the real character of the saffron brigade and added to their anger. This anger found its expression in the coming together of the Socialist Party led by Akhilesh Yadav and the Bahujan Samaj Party led by Ms. Mayawati which resulted in BJP's crushing defeat in the U.P.

bye-elections for the Phulpur and Gorakhpur Parliamentary constituencies held in March 2018, the latter which was earlier held by Yogi Adityanath, the present Chief Minister, who had won from there five times, by a margin of 21,916 and the former held earlier and vacated by Deputy Chief Minister Keshav Prasad Maurya, by a margin of nearly 60,000 votes.

The defeats of the Bharatiya Janata Party in all the parliamentary bye-elections one after another from Alwar and Ajmer in Rajasthan, Araria in Bihar and the two VIP seats in Uttar Pradesh in 2018 should have brought down the BJP to the reality of its unfulfilled poll promises but it seems that the party is not ready to learn any lessons from these poll debacles. It is in the same mood in which the Atal Bihari Vajpayee government was when it felt that under its rule 'India' was 'shining' and later lost the 2004 parliamentary elections. Sensing defeat of the NDA and its main constituent the BJP, its allies are deserting it one by one. However, the worst that can happen to it, the SP and the BSP have decided to fight it together in U.P. If they had joined hands against the BJP in 2014, the party would have lost more than half the seats it won. Given the disenchantment of the people with it, the BJP will not be able to win more than 20-25 seats at its best in 2019. And in view of its likely loss in Rajasthan and Madhya Pradesh, it will not be able to reach a tally of even 150 seats. Mamata Banerjee is trying to bring together various parties ruling in states and form a federal front to challenge the BJP in a concerted manner. That should further worry the BJP party bosses. It is quite possible that they are seeing the shape of things to come in 2019 but pretending to be self confident, which is nothing more than self-deceit.

So far as their poll performance in various state elections are concerned, in many of them they have been able to come to power through manipulations. In Tripura they have had a resounding victory. The verdict of the people must be honoured. Now the people of Tripura have given themselves a BJP government. Whether they have taken a wise step by defeating an honest and performing government led by a thoroughly honest person as Chief Minister will be known after a few years. They deserve the government which they have elected, good or bad in the same manner as the people of the country deserved the BJP government led by Prime Minister Narendra Modi, even though they gave him only 31 % votes in 2014. The discontentment of the farmers, workers, students, the unemployed youth, the small factory and business owners, the Scheduled Castes and the minorities etc. shows that they are sorry for their decision in 2014, even a year before the next general elections due in 2019 after waiting for four long years for something good to happen, as much as they have been sorry during the last four years. Against the promises of '*acche din*' (good times), and '*sabka saath, sabka vikas*' (prosperity and development for all) they have only seen farmer suicides, increased unemployment and scamsters running away from the country with public money taken from banks one after another – Lalit Modi in June 2015 with ₹ 5,000 crores, Vijay Mallya in March 2016 with ₹ 9,000 crores, Mehul Choksi on 5 November 2015 with ₹ 11,600 crores and Neerav Modi on 1 January 2018 with ₹ 11,000 crores. Bhupesh Jain of Gujarat has also run away with ₹ 854 crores taken from the State Bank of India and 14 other banks. Almost all of them ran away to other countries, allegedly after tip offs from people in the ruling circles, just days before arrest warrants were issued against them.

But now enough is enough. Sensing the mood of the people, non-BJP parties and their leaders are making efforts to come together to defeat the fascist forces ruling the country. When the people decide, they have the power to throw off even the most powerful politicians. The country will see it again in 2019. The events and political formations taking shape at present are pointers to that inevitable.

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The Hypocrisy of the RSS and BJP Exposed in Karnataka

With the swearing in ceremony of H.D. Kumaraswamy as the Chief Minister of Karnataka after a high voltage political climax and anti-climax the matter has reached its logical and democratic conclusion. When the results of the state legislative assembly declared on 15th May, 2018 threw a hung house with the Bharatiya Janata Party (BJP) getting 104, the Congress 78 and the Janata Dal (Secular) 38 seats out of the 222 seats out of the 224 for which the election was held, it became clear that only a coalition government could be formed in the state. For that to happen in a legitimate way it was clear that two of the three parties would have to come together. Though the three parties had fought the election against each other, under the circumstances of a fractured mandate, it was mandatory that they should forget the election-period rivalry and think of a common ideology and programme so that two of the three formations could come together. It is obvious that the Congress and the JD (S) have a common ideology of Secularism and they were the natural coalition partners to form the next government. This they did and the Congress on its own declared that they would align with the JD (S) and accept H.D. Kumaraswamy as the coalition leader and the next Chief Minister. The offer was accepted by Kumaraswamy also and the matter was sealed as far as they were concerned even before the Election Commission formally declared the election results. Since the BJP had only 104 seats, seven seats short of the majority mark of 111 (since the house had only 221 members as Kumaraswamy had been declared elected from two seats), as against the 116 (+ one of the BSP) of the Congress-JD (S) coalition, and only two independent members left unaligned, the only logical and democratic step left for the Governor was to invite Kumaraswamy to form the government.

But that was not to be. Kumaraswamy declared his intention to meet the Governor at 5.30 p.m. in the evening to stake his claim to form the government. The BJP immediately swung into action and B.S. Yeddyurappa, its CM candidate, outsmarted him and went to meet the Governor at 5 p.m.and staked his claim to form the government as the leader of the single largest party in the assembly claiming that in such a situation that is the practice, very conveniently forgetting that that practice was not followed by the same BJP in Goa, Manipur and Meghalaya, where the Congress was the single largest party in the last elections, and it formed governments there by luring/bringing along members from other parties to gain majority after being sworn in as Chief Ministers. The Governors there, who happen to be the (former) leaders of the BJP and members of the Rashtriya Swayamsevak Sangh (RSS), sided with the BJP and invited its leaders to form governments there. They exercised their 'discretion' in favour of not the single largest party but the BJP which was not the single largest party in any of these three states, nor had any other group declared its intention to lend it support in forming the government before the BJP candidates were sworn in as Chief Ministers. The whole manipulation was done thereafter to prove majority on the floor of the house.

In the case of Karnataka, the same BJP took a diametrically opposite stand and there also the Governor, Vajubhai Vala, who also happens to be a former minister under Narendra Modi's Chief Ministership in Gujarat and also a staunch RSS member, out-rightly favoured the BJP candidate, B.S. Yeddyurappa inviting him to take oath, which he did on 17 May, as the next CM, also giving him 15 days' long time to indulge in horse-trading with a free hand and prove his majority on the floor of the house. It is true that under Article 164 (1) the Constitution gives the Governor the authority to "appoint the Chief Minister" and under Article 163 (2) his 'discretion' 'shall not be called in question on the ground that he ought or ought not to have acted in his discretion' but the choice of inviting anybody to take oath as the Chief Minister is based on the assumption that he will invite a person who in his opinion can provide a stable government in the state. Basing their argument on the 'discretion' of the Governor, the whole battery of the spokespersons of the BJP and the RSS who appeared on various TV channels justified the action of the Governor. All of them conveniently ignored the question of propriety and democratic norms which only exposed their hypocrisy of saying different things in spite of circumstances being similar. For Vajubhai Vala also

the directions of his political bosses were more important than political propriety because of which he had to close his eyes to everything which even an ordinary citizen could clearly see – about who enjoyed a majority in the assembly.

However, when the Governor formally invited B.S. Yeddyurappa of the BJP to take oath as the next CM, the Congress and the JD (S) leaders approached the Supreme Court the night before the swearing in. A bench was immediately constituted which heard the case from midnight till the next morning. Realizing the urgency of the matter and taking note of the arguments and copies of letters of support presented by the coalition parties to the Governor, in its judgement though the bench did not grant stay on the swearing in, it reduced the deadline of proving the majority on the floor of the house drastically from 15 days to 4 p.m. on 19th May 2018, a little less than 3 days. This direction of the Supreme Court was an indirect comment on the partisan behaviour and democratic impropriety committed by the Governor. Diametrically opposite 'discretion' shown by the Governors of Goa, Manipur and Mizoram on the one hand and by the Governor of Karnataka on the other also highlights the need for codification of this 'discretion' so that it is not arbitrary, biased and partisan, and against democratic propriety. After all even the Governor is a public servant and hast to observe the rules not only of constitutional propriety but is also bound by democratic norms. He too must not only be fair and unbiased but also appear to be so. Not only the Governors but also all other people in non-political constitutional posts are supposed to shed their political associations at the time of assuming such posts, but some people, including members of the RSS, find it difficult to do so.

As a result of the Supreme Court ruling, the newly appointed Chief Minister had to face the house for a confidence vote earlier than what his mentors in the BJP and the RSS had planned, which of course he did not seek as he knew that he did not have the required numbers, and resigned after 55 hours of becoming the CM. The master manipulators of the BJP failed to cobble up the required numbers by hook or crook as had been their practice earlier because perhaps the time proved too short for them to show their manipulative abilities.

After the coming together of the Samajwadi Party and the Bahujan Samaj Party during the two parliamentary bye-polls for Gorakhpur and Phulpur in Uttar Pradesh, the two BJP VVIP constituencies vacated by Yogi Adityanath, the CM, and the other vacated by Keshav Prasad Maurya, the Deputy Chief Minister, and comprehensively defeating the BJP candidates there, it is a good sign that the Congress and the JD (S) came together in Karnataka to defeat the power-grabbing designs of the BJP there. The non-BJP, non-communal, secular parties are realizing the importance of coming together to pave the way for a broader non-BJP alliance for the 2019 general elections. This is manifest from the presence of almost all the non-BJP party leaders at the swearing in ceremony of H.D. Kumaraswamy. This coming together of all the secular forces of the country was the greatest show of unity after 1996. It must have unnerved the BJP leadership come as it did before the Rajasthan, Madhya Pradesh and Chhattisgarh assembly elections due at the end of this year even before the decisive 2019 parliamentary general elections as it certainly has a definite potential to wipe out the BJP from the country.

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The Crusade for Democratic Freedoms Will Continue

We are passing through very difficult times. The very foundation of Democracy is being shaken as never before. When internal Emergency was imposed in the country in 1975 by the then Prime Minister of the country, Mrs. Indira Gandhi, fundamental rights were suspended including the right to life, as opined by the Supreme Court of India in a majority judgement, and censorship was imposed on press and media, the danger of dictatorship loomed large. Democratic institutions were being subverted in a systematic manner. All that was being done to perpetuate her personal rule for a very long time, to be followed later by the rule of Sanjay Gandhi, her infamous son, who had assumed extra-constitutional authority second only to the Prime Minister with her obvious connivance. But thanks to her error of judgement that she declared general elections; and also to the wisdom of the people of the country, who handed over the worst electoral defeat to her and threw away the yoke of her corrupt and atrocious misrule and saved democracy.

Today under the National Democratic Alliance (NDA) government led by the Bharatiya Janata Party's Narendra Modi not only the democratic institutions but also educational, cultural and social institutions are being systematically subverted and destroyed. Secular values are being destroyed and minorities are not only being neglected but also attacked and killed through mob lynching in the name of cow-protection by goons of the Hindutva brigade. Communalism is being promoted and used for electoral benefits. Civil society activists who spoke for the rights of the marginalised people are being incarcerated as Maoists – now called 'urban Maoists'. Educational and cultural institutions are being filled with Rashtriya Swayamsevak Sangh (RSS) followers. In place of promoting scientific and rational thinking, subjects like astrology are being force-introduced in universities. Rationalist thinkers are being killed, again by elements close to the RSS and the BJP. Those speaking against anti-people policies of the government are labelled as anti-national. Media houses, both print and electronics, have been 'managed' and either pay obeisance to the party in power on their own or are kept under control through threats or intimidatory tactics. It is ensured by government machinery that journalists who dare to criticise Narendra Modi and the policies of his government do not remain in their position. There is press censorship without declaring so. In 1975 it was dictatorial rule under declared Emergency; today it is Fascist rule under undeclared emergency. The nation as a whole is threatened as never before, not even during the Emergency regime.

In such a scenario, there is greater need to remember and cherish democratic values, or to be precise, radical humanistic values, as propounded by M.N. Roy, perhaps the greatest intellectual of the country in the last century and certainly the greatest democratic thinker for whom individual freedom – to think, decide and act – in matters political and religious alike, was of paramount importance. For him individual human being is the measure of all political, economic and social thinking and activity. He believed in self-sustained morality in political workers and parties alike. He wanted democracy to take root at the grass-root level for which he propounded the idea of People's Committees at the village and area levels who would decide who should represent them in government so that concentration of political power would not take place in a person or group of persons leading a political party. He was of the opinion that it was only scientific and rational thinking which could free individuals of outdated religious dogmas and social evils like caste.

Even before the imposition of Emergency in 1975, when all democratic institutions were under threat Jayaprakash Narayan and V.M. Tarkunde formed Citizens for Democracy (CFD) for fighting against those trends and during the Emergency regime when civil liberties actually came under severe attack, they along with many Radical Humanists formed the People's Union for Civil Liberties and Democratic Freedoms (PUCLDR) with the support of Gandhians and others and launched a crusade for the protection of civil liberties and democratic freedoms. At that time when press was muzzled, *The Radical Humanist* continued to raise its voice against the dictatorial regime.

Roy knew that without spread of political education, all this would not be possible. So he advised his followers to be workers and messengers of these values. *The Radical Humanist* was also started to reflect on the people's difficulties and promote and spread these democratic values of freedom, liberty, scientific and rational thinking among people.

Since 1970 when *The Radical Humanist* was started as a monthly magazine, it has been spreading these values among people. Contributions of great writers, thinkers and activists, besides M.N. Roy's, like Justice V.M. Tarkunde, Justice R.A. Jahagirdar, Justice Rajindar Sachar, Prof. Sibnarayan Ray, Pandit Premnath Bazaz, M.A. Rane, R.L. Nigam, M.K. Haldar, Jayaprakash Narayan, Nirmal Mukherjee, Swaraj Sen Gupta, Dr. R.M. Pal, Surendra Mohan, Kuldip Nayar, N.D. Pancholi and many others have been published in the magazine. Articles published in the journal have been inspiring generations of freedom loving people to continue their struggle for the protection of democratic freedoms. We have seen in the past since 1974-75 that the ruling parties, by their very nature, tend to be dictatorial. When Mrs. Gandhi came back to power in 1980 after a three year break between 1977 and 1980, civil liberties again came under threat and the People's Union for Civil Liberties (PUCL) had to be revived by Tarkunde and others. The crusade for the protection of our democratic rights is a continuous process. Even if the present regime changes, the challenges posed by the communal and divisive forces will remain. They may even intensify, requiring greater vigilance and a stronger movement against them. Eternal vigilance, it is said, is the price we have to pay for protecting our civil liberties and democratic freedoms. As a harbinger of political and social change *The Radical Humanist* has been fighting not only against authoritarianism and moral-degradation in politics but also against caste and communalism. The articles published in this journal will keep the flame of our humanistic desire to protect and promote the values of democratic freedoms, social cohesion and humanism alight, and strengthen the Radical Humanist movement in the country and elsewhere.

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Justice at last to the Victims of Hashimpura Massacre

Jessica Lal, a Delhi-based model and restaurant worker was shot in 1999 at a New Delhi restaurant by Siddharth Vashisht, better known as Manu Sharma when Jessica, along with actor and model Shayan Munshi, were closing the bar at the restaurant where they worked. They were approached by Manu and his two friends. Infuriated by Jessica's refusal to serve them drinks after the bar closed, Manu fatally shot Jessica. The killer is the son of the wealthy, influential, and intimidating Haryana politician, Vinod Sharma, a close aide of the then chief minister of Haryana, Bhupinder Singh Hooda.

The subsequent investigation and trial were foiled by Manu's family, who did not hesitate to use their political, financial, and law enforcement connections to intimidate, coerce, and bribe the majority of the witnesses to the crime.

Consequently in February 2006, the court acquitted Manu and his friends, citing lack of sufficient evidence. This set off a public outcry and widespread protests. Even a film named *No One Killed Jessica* based on the true story was made. The backlash forced the re-opening of the investigation, which was placed on a judicial fast track. In December 2006, Manu was found guilty and sentenced to life imprisonment.

In another case an Additional District Judge of Delhi gave a judgment in the long awaited case, known as 'Hashimpura massacre', on 21st March, 2015 in which all the 16 policemen of 'Provincial Armed Constabulary' better known as PAC, a police force of U.P. State, accused of murdering 42 Muslim innocent young men were acquitted giving them benefit of doubt. The judgment, which came after 28 years of the incident which took place on the mid-night of 22nd /23rd May 1987, was described as 'travesty of justice' by all human rights activists who believe in the 'rule of law'.

Before the incident, there was curfew in the Meerut city following communal riots during March to June 1987 with death toll of 350, and in the name of search of illegal arms 644 persons (all Muslims) were randomly picked up from their homes and were arrested. The charge against the policemen was that out of those 644 persons who had been rounded up around 42 young and able bodied persons were selected, taken in a truck to upper Ganga canal, Murad Nagar, near Meerut, shot some of them one by one, threw their dead bodies in the river, took rest of them to Hindon river and completed the process of killing and throwing them in the Hindon river waters. The PAC Jawans left the place under the impression that all persons thrown by them in the waters were dead. However 5 of them somehow survived and an FIR (Crime No. 110/87) was registered on the intervening night 22/23 May 1987 at Police Station Link District Ghaziabad on the complaint of one injured, namely Babuddin.

As the news of the incident spread across the media, minority rights organisations and human rights organisations voiced their outrage. The human rights body, People's Union for Civil Liberties (PUCL), appointed an investigation committee comprising the then PUCL President, (former Justice) Rajindar Sachar, I. K. Gujral (who later became Prime Minister of India), Prof A M Khusro, Prof Dalip Swamy, and Prof K C Gupta, and the committee brought out its report on 23 June 1987. In the report, which cast serious doubt on the conduct of the police (PAC), the PUCL noted:

"During our visit to Hashimpura we were told how on 22nd May people of the locality were carried in trucks in hundreds. They are said to have been beaten by the police. We were given a list of 41 Persons who were said to have been carried by the police on 22.5.87 from Hashimpura but whose whereabouts are not known in as much they are not to be found in any of the jail and their relations do not know where they are and it is suspected that they have been victims of police brutality, possibly leading to their death. A list is attached along with my letter. Out of this list I may mention that one of the persons who told us was Zamil Ahmed S/o Quadir mentioned at Serial No. 1 of the list. Similarly, Mohd Iqlak S/o Mohd Yasin (serial No. 3) met us personally and told us of their

misery. We were also told that this list has been supplied to the Commissioner for Relief which evidently means that responsibility has been taken for claiming that these people are missing since 22.5.87.

This is too serious a matter to be allowed to be proceeded with leisurely. Our organisation feels that Human Rights and Right to Live is too fundamental a matter and any violation of it must receive immediate attention of the authorities concerned. I am not aware of what the district administration or the U P Government is doing in the matter. I would, however, request that immediate high level enquiry may be instituted so that some confidence is restored to the minorities."

In both the cases the trial magistrates acquitted the accused on the plea of 'insufficient evidence' against them although in the Hashimpura case there were witnesses no less than Vibhuti Narain Rai, Superintendent of Police, Ghaziabad, and Naseem Zaidi, District Magistrate, Ghaziabad, apart from the survivors of the massacre. It seems that in delivering their judgments in both the cases the trial magistrates had not acted in an unbiased and fair manner. In the Jessica Lal case the trial magistrate was obviously under political pressure and in the Hashimpura case the judge himself was communally biased. It is clear from the reversal of the judgment in the case by the Delhi High Court.

The Delhi High Court on 31st October 2018 sentenced 16 former policemen to life imprisonment for killing 42 people of a minority community in Hashimpura locality of Uttar Pradesh's Meerut in 1987. A bench of Justices S Muralidhar and Vinod Goel reversed a trial court's verdict which had acquitted the accused. The high court termed the massacre "targeted killing" of unarmed and defenceless people by the police. It convicted the 16 former Provincial Armed Constabulary (PAC) personnel for murder, kidnapping, criminal conspiracy and destruction of evidence under the Indian Penal Code. It said the evidence against the PAC personnel is "clinching" in nature and the charges against them stand true beyond reasonable doubt. While sentencing all the convicts to life imprisonment, the court said the families of the victims had to wait for 31 years to get justice.

After the High Court's verdict, it has become quite clear that the PAC Jawans had acted in a communally biased manner and brutally massacred the innocent people belonging to the minority community in a pre-planned manner grossly misusing their authority and weapons. Every incident of violence and killing is condemnable but when such violence and killing takes place at the hands of those who are supposed to maintain peace, law and order and honour rule of law needs to be dealt with an iron hand and given exemplary punishment. The Delhi High Court has done exactly that. It has administered justice to the innocent victims of the mass massacre and also increased respect for the rule of law and justice in the hearts of ordinary law-abiding people.

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Beginning of the End of BJP Rule

Though the results of the five state Assembly elections which were declared on 11th December 2018 may be interpreted differently by political analysts and different political parties which contested the elections, there cannot be any doubt about the fact that the ruling Bharatiya Janata Party (BJP) has lost the election in all the five states. In Chhattisgarh where it was in power for the last 15 years it got only 15 seats out of 90 with a vote percentage of only 33% as against the Congress which got 43% votes and 68 seats whereas in Madhya Pradesh, another state where it was in power for the last 15 years, it got 109 as against 114 won by the Congress. In Rajasthan, another big and important state where it had a huge majority in the 2013 elections, it could win only 73 seats against the 99 won by the Congress. In Telengana and Mizoram it could not even make its presence felt.

Come as they did in December 2018, just before the Lok Sabha elections coming in a few months at any time before May 2019, these election results do not portend well for the BJP. Though Amit Shah, the BJP president had been claiming that his party would win more than 75% seats in each one of the states, yet the voters who had ultimately to decide, did not agree with him. It were not Amit Shah and company who had suffered the pain of demonetisation and faulty implementation of the Goods and Services Tax (GST) both of which resulted in the loss of jobs, living and even lives to the ordinary people. They had also seen the mob lynching incidents at the hands of the Hindutva goons belonging to the BJP fold and persecution of not the perpetrators but the victims and their families at the hands of the state machinery under the control of the BJP rulers. With no signs of the '*achhe din*' (good times) promised by Mr. Narendra Modi and his party anywhere in sight even after five years of the state rule and about four and a half years of the central rule by the BJP, the voters decided to throw away these rulers, only the first half coming in December 2018 and the second half to follow in 2019.

The Congress leaders have started singing paeans for Rahul Gandhi and his leadership for winning these elections. The Congress has cause to be happy about only in Chhattisgarh where is won convincingly overthrowing the Raman Singh government though rampant corruption in the state in the purchase and distribution of ration and atrocities on the innocent tribal people of the state in the name of fighting Naxalism, apart from other common problems like unemployment, played a significant role in the downfall of the BJP rule.

All-round failure of the BJP government at the centre, and also in the states ruled by it, and the anger of the people against it is the sole reason for the rout of the BJP in the elections. Although the Congress will form governments in the two other remaining main states, namely Madhya Pradesh, and Rajasthan also, yet it will do so merely by proxy. Actually it has not got a majority in either of them. It has won 114 seats in Madhya Pradesh, two short of the majority mark in a house of 230 seats and 99 in Rajasthan, one short of the majority mark in the 199 seats for which the elections were held. Even its vote share in Rajasthan is 39.3%, which is only .5% more as against the BJP's 38.8 and a bit lower at 40.9% than the BJP's vote share of 41% in Madhya Pradesh. It only got the benefit of the negative vote against the BJP it being the only alternative in sight. In Telengana with 119 seats going to the polls the Congress+ got only 21 seats and the Telengana Rashtra Samiti (TRS) swept the polls winning 88 seats. And, of course, in Mizoram it got only 5 seats as against the 26 seats won by the Mizoram National Front (MNF) and lost its government there. In fact, as the BJP has said, the whole North-East is now 'Congress-*Mukt*' (free of the Congress).

These elections have given ample food for thought for both the Congress and the BJP. The Congress should not fall a prey to the misconception that people have decided to bring it to power and anoint its party president, Rahul Gandhi, as the next Prime Minister of the country. If pitted against Narendra Modi as a Prime Ministerial candidate, he would fall flat and his party would lose some seats which it could otherwise win. In the three states where it will be forming the governments there was no other alternative to the BJP and it got the benefit of being the only

alternative there. Under Rahul's leadership it has not increased its acceptability in any manner because it has not come a bit closer to the people, their problems and their aspirations, and consequently to their hearts. Its leaders need to come closer to the people by working at the grass-roots level rather than looking towards the family and depending on them to get the party tickets and also popular votes, behaving like confirmed sycophants as they have been for about half a century. This will not work now because the family itself has lost its charisma among the voters, Rahul Gandhi being the worst representative of the legacy though his mother, Mrs. Sonia Gandhi, is desperately trying to make him the Prime Minister of the country. The conviction and sentence for whole life for Sajjan Kumar, an ex-member of Lok Sabha from the Congress party, by the Delhi High Court for the killing of five Sikhs in Delhi Cantt Area of Delhi during the anti-Sikh riots of 1984, on 17 December, 2018, the day when the three Chief Ministers (including Kamal Nath from Madhya Pradesh, who is also alleged to have led crowds who killed many Sikhs), from the Congress party are going to be sworn in, is going to create more difficulties for the Congress and Rahul Gandhi. Besides, Mamta Banerjee, Akhilesh Yadav and Maya Wati have already declared that Rahul Gandhi is not acceptable to them as the prospective candidate of the joint opposition for the post of Prime Minister.

At the same time these elections have provided even more food for thought for the BJP. It strongly and urgently needs to get over the narcissism it has been nourishing, thinking it is invincible. The story of winning the 2014 election with a majority in the Lok Sabha, though with a vote percentage of only 31, and the winning spree of one state election after another is now a matter of the past. Now it faces a disenchanted and disillusioned populace as it has realised through experience that the poll promises of the BJP were really '*jumlas*' as Amit Shah had himself admitted after the election. They know better than the BJP leadership that their promise of ending corruption and black money has utterly failed and both of them have grown in size on the strength of the new Rs. 2000 note because of which corrupt leaders and bureaucrats need lesser space to hide their ill-gotten money. This fact has also been confirmed by a former election commissioner of India only a few days ago. The farmers never got their promised 50% profit on their investment. Now the Ram temple bogey, again being raised with the help of one Hindutva group after another, does not seem to impress the people.

The 2018 assembly elections are going to prove a precursor to the 2019 parliamentary elections for the BJP. Raghuram Rajan, Arvind Panagariya, Arvind Subramanian, Urjit Patel and Surjit Bhalla, all of them economists of exceptional repute, quit working under the Modi Government prematurely, citing 'personal reasons.' However, the departure of these high profile personalities raises serious questions. Perhaps they could not be convinced to let the Modi government highjack and manipulate the Reserve Bank of India's reserve of three lakhs and sixty thousand Rupees or India's financial system to gain political mileage by using that money. It was another dimension of political corruption the Modi government was trying to indulge in but these economists thwarted these attempts. The public at large is watching these events.

The BJP leaders may pretend not to be affected by the assembly election results but in their heart of hearts they too know well that they are doomed to fall in 2019. Some intelligent ones who perhaps feel the pulse of the people better than their leaders, like Sushma Swaraj and Uma Bharati, both central ministers, declared their intention not to contest the 2019 parliamentary elections citing one reason or the other even before the assembly election results were declared. Obviously, who would like to board a sinking ship? A BJP Member of Lok Sabha from U.P. Savitri Bai Phule has even resigned from the party alleging that the BJP is trying to "create divisions" in the society, a fact she realized after four and a half years after enjoying as a Member of Parliament. She has warned the Prime Minister saying, "I want to tell (PM) Narendra Modi, *sanvidhan laagu karo ya kursi khali karo* (implement the constitution or quit)." The lawmaker from Uttar Pradesh had earlier this year gone public against her party leadership, alleging discrimination against Dalits. If such allegations come from its own MPs, the working of the Modi government can well be understood. Such

allegations cannot remain without having their effect on the shape of things to come for the BJP in 2019. There is no hope for the BJP to recover its lost ground as it cannot come out of its Hindutva ideological bindings, caste and religious biases and its class leanings which largely and ultimately help and protect the interests of the super rich industrialists who fund its elections. Constitutional values like secularism, rule of law, democratic freedoms, economic, social and political equality of all etc. have no value for the BJP leaders but the people of this country love and cherish these values and they will do everything to protect them. They have time and again shown it. They will again show it in 2019. Alleged corruption in the purchase of Bofors guns from Sweden in 1986 had cost Rajiv Gandhi the loss of parliamentary elections to the Congress party led by him in 1989. Allegations of far greater size of corruption by the Modi government in the purchase of Rafale fighter planes has added to the woes of the BJP further and will certainly take its toll in the 2019 parliamentary elections. As Mamata Banerjee, the Chief Minister of West Bengal, has also said, the assembly elections of 2018 are the beginning of the end of the BJP rule in the country.

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The Pulwama Attack and its Fallout

The terrorist attack on a CRPF convoy at Pulwama in Jammu and Kashmir on 14th February in which forty personnel of the para-military force were killed was a brutal, barbarous and cowardly act by an activist of Jaish-e-Muhammad, a Pakistan-based terrorist organisation aided and abetted by the military and Inter Services Intelligence (ISI) of Pakistan, needed and was rightly condemned throughout India by one and all as well as by the international community. The outrage was vociferously expressed by individuals as well as organisations including the political parties. The TV channels went out of all limits of jingoism adding dynamite day-in and day-out to the already raging fire with a war-cry of tit for tat against Pakistan. The passions were heightened to the extent that the Modi government thought it an opportune moment to take some military action against Pakistan so that it could well be used for garnering mass support a couple of months before the decisive Parliamentary elections due in April-May 2019. And it did exactly the same by sending a few Mirage-2000 fighter planes across the borders and attacking a JeM centre at Balakot because JeM had taken the responsibility for the Pulwama attack. Though there were doubts and questions regarding the number of people (terrorists) killed in the Balakot attack launched on 26th February, no party or individual questioned the retaliatory action of the country's armed forces. The happiness on the action of a Mig-21 Bison fighter plane flown by Wing Commander Abhinandan Varthaman to counter an attack by an F-16 fighter jet of Pakistan, in which both the planes were destroyed, was to some extent marred by the arrest of Wing Commander Abhinandan Varthaman by the Pakistani forces, who was, however, released without any harm a few days later by Pakistan as a goodwill gesture.

The whole nation had paid their tributes to those killed in the Pulwama attack, praised our air force personnel and officers for their retaliatory action against Pakistan and welcomed the return of our brave soldier Wing Commander Abhinandan Varthaman unharmed. All the action and reaction should have left us a bit wiser and more vigilant in future so that Pulwama-like attacks do not get repeated and the country does not get pushed to the brink of another war like the earlier wars. This unfortunate array of events should have ended at that. But that was not to be, and that did not happen.

The way Prime Minister Narendra Modi, the BJP President, Amit Shah, Home Minister Rajnath Singh, in fact all the leaders of the BJP have behaved, and are continuing to behave, in the aftermath of the Pulwama attack and the Balakot action that followed, it seems that they are treating the Pulwama attack as a golden opportunity to first react by some military action and then to encash it for their electoral benefit in the ensuing Parliamentary elections. In every election rally very elaborate reference is being made to the military action both by Narendra Modi and Amit Shah. The action and bravery of our soldiers is being arrogated by Mr. Modi to himself, as if he himself went across the borders and attacked Balakot. He does not realize that by doing so, he is denying the credit that should rightly go to our solders exclusively. He is trying to portray himself as the strongest Prime Minister of the country by allowing the security forces to take necessary retaliatory action. He forgets that the most decisive action against Pakistan was taken in 1971 by the then Prime Minister Mrs. Indira Gandhi which resulted in bifurcating Pakistan into Pakistan and Bangladesh and that the action taken by him does not even deserve a mention in comparison with that action. If he is so keen to take the responsibility of the success of the attack on Balakot, he cannot escape the responsibility of the three recent major terrorist attacks from across the border including the attacks at Pathankot airfield, Uri and Pulwama. His rule as the Prime Minister of the country has been that of continuous terrorist attacks from across the border as well as of almost everyday breach of cease-fire by Pakistani rangers from across the LoC in spite of the earlier surgical strike against the terrorist training camps based in Pakistan/PoK. During the last five years of his tenure as the Prime Minister of the country there have been more terrorist attacks by Pakistan trained terrorists in Kashmir and elsewhere and the security situation in Kashmir has also worsened.

His declaration of bringing to book all the Pakistan based handlers of terrorist attacks in India made in 2014 as poll promises, like all his other promises, have proved mere bogus slogans.

Taking cue from the top leaders of the party, Manoj Tiwari, President, Delhi state BJP, led an electoral rally in military fatigue in an attempt to exploit the prevalent nationalist sentiments of the people for political benefits. The incident was widely condemned except by the BJP. At another place a big electoral hoarding with photos of BJP national and other leaders also had a photo of Wing Commander Abhinandan Varthaman, another condemnable attempt to exploit for narrow political benefits the brave act of the soldier who intercepted and destroyed the Pakistani F-16 fighter plane which Pakistan had sent in retaliation for the Balakot attack.

The Prime Minister himself is responsible for spreading the war-cry, politicising the army action and using it for electoral benefits. In fact, that is another way of avoiding and distracting the attention of the people from the colossal failures of his government on almost all fronts. He portrays himself as the greatest defender of the country conveniently forgetting that the people of the country have been hit in greater numbers and more grievously by his move of demonetisation and introduction of GST resulting in massive unemployment, farmer woes including farming losses due to un-gainful prices of their farm produce, very high and massive corruption and free play of black money, absence of safety of children, women and other vulnerable sections of society, destruction or subversion of all the institutions of democratic governance including press and media, promotion of illogical and unscientific thoughts and education etc. Intellectuals and social activists are being targeted and framed in false cases as never before. Dissent is being labelled as anti-national and actual anti-national hoodlums belonging to the RSS ideology, including those terrorists who are being prosecuted for various terrorist activities including the Samjhauta train bomb blasts, are being defended or their actions connived at. Gangs of Hindutva goons have taken over law into their own hands and mob-lynching have become the order of the day. In the aftermath of the Pulwama attack, beatings of Kashmiris in various parts of the country by the Hindutva gangs wearing saffron kurtas have been added to the numbers of sufferings of ordinary peace loving people. By alienating more and more Kashmiris, the Hindutva forces led by Mr. Modi have made solution of the Kashmir problem even more difficult.

The Unnao BJP MP Sakshi Maharaj who is known for making controversial remarks, said during a party programme on Friday, 15th March 2019 that the upcoming Lok Sabha polls will be fought in the name of the country and there will be no elections after that. His statement is perfectly in consonance with the RSS ideology which does not believe in democracy, diversity and dissent and has been opposing the present Constitution and advocating for Hindu Rashtra against which the Constitution and democracy are the greatest hindrance. It is not surprising, therefore, that no leader of the BJP including Narendra Modi and Amit Shah has condemned, criticised or even expressed disagreement with the statement. Sakshi Maharaj's statement is a pointer to the intent of the BJP/RSS to the kind of state they want to establish. Hitler is the role model of the RSS and Narendra Modi is another Hitler in the making, if only he can win the forthcoming election by hook or crook. And in the nationalistic fervour they have aroused in the wake of Pulwama attack by taking a little military action against Pakistan, they want to drown all other issues of Kashmir, the country and the aam aadmi and win the election once and for all, as they ostensibly plan. Democracy in this country is facing a real challenge, unforeseen before. We have to think whether we are prepared for that.

It is said that the people get the government they deserve – more so in a democracy where they elect their own destiny makers. In 2014 the people of this country chose to elect the present government. Therefore, they can only blame themselves for their present woes. But the time has come to get rid of the present hollow slogan-shouting, non-performing, divisive and repressive dispensation led by Narendra Modi. They must not get swayed by misleading words of the top leaders of the BJP, the thoroughly biased media barring a few honourable exceptions, and the

influence of ill-gotten money which will be spent in thousands of crores to hide their failures behind the glamour of money power and nationalistic slogans. It is better to be vigilant and to act wisely today than to feel sorry during the next five years, maybe more. Even Mr. Modi knows that he has utterly failed to deliver and electoral defeat awaits his party and him. That is why he is desperately trying to ride the wave of fake nationalism which he himself is creating, the old trick of the communal, fascist forces. In his self-praise he has rendered even Narcissus look pigmy in comparison with him. It is time for him to come to reality or for the people to show him the mirror. They are capable of doing so, and they will surely do so. They are 'We the People' of India.

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Narendra Modi, the '*Chowkidar'* of the Elite

When he contested the Parliamentary election in 2014 for the first time Narendra Modi claimed to be a '*chaiwala',* referring to his humble beginning as a child, so that ordinary people would identify with him and vote for him. He and his party did get 31% votes which were sufficient for them to come to power under the multi-cornered and the present system of election in which the candidate getting the highest number of votes amongst the contestants is declared a winner, however low percentage of votes he/she may get. His claim of being a '*chaiwala*' at that time was a blatant lie because just before that he had been the Chief Minister of Gujarat for 12 years and his status, standard of living and position in society had changed drastically from his childhood when he might have been a '*chaiwala'*. Most of the people in this country, and elsewhere, have come from very humble backgrounds and most of them remain in the same position throughout their lives while some rise from that position and acquire good positions but rarely flaunt their humble beginning as Mr. Modi has been doing – only for votes and retaining the position he has reached. However, he won the election in 2014 and became the Prime Minister of the country but primarily people had voted then against the corrupt Congress regime and the BJP won by default being the only visible and viable alternative at that time. Nobody knows how many sympathy votes he got through the '*chaiwala'* gimmick.

Before the 2019 elections Modi has invented another name for himself – *chowkidar* – in fact he has launched the '*main bhi chowkidar'*, 'I am also a chowkidar', campaign, (called 'a hollow rhetoric' by the sitting BJP MP Shatrughan Sinha) - again with the purpose of identifying with the lowest strata of society and win the sympathies of ordinary people and get their votes. This again is a blatant lie, even bigger than his earlier lie of being a '*chaiwala'* because this so claiming '*chowkidar'* has not only been a C.M. for 12 years but also the Prime Minister of the country for 5 years. He does not even know how an ordinary *chowkidar* makes both his ends meet with the meagre pittance he earns keeping awake all the night and crying repeatedly '*jagte raho'*. He wears rejected and worn out clothes people charitably offer to him and not the 10 lakh Rupee worth coat which Mr. Modi used to flaunt after becoming the Prime Minister; the poor man has to travel on foot or at most on a bicycle whereas his big brother has spent half his tenure as the Prime Minister travelling the whole world in VIP aeroplanes, more than any other earlier Prime Minister, and the other half, of course, addressing election rallies. His calling himself a '*chowkidar'* is an insult to all the *chowkidars* or ordinary people of this country because if at all he is a *chowkidar,* he is not the *chowkidar* or protector of the life, property and interests of the ordinary people but the '*chowkidar'* of the Adanies and Ambanies whose interests he has been protecting and promoting sincerely and arduously throughout his five year term. If being a '*chowkidar'* means being in a position in which he himself is today, a really envious position for anyone to be in, almost everyone in this country will envy him and wish to attain his position. I have said 'almost everyone' because there are still many honourable people who would not like even to become a Prime Minister only to act as the '*chowkidar'* of the interests of the top billionaires of the country, grossly neglecting the interests of the toiling masses.

He had come to power on the promise of fighting and controlling the menace of corruption and black money and bringing back the illegal money stashed in foreign banks. Every citizen of the country except the votaries of the Hindutva ideology knows well that right from the clerical level, police, corporation offices etc. to the highest level the corruption has only increased. His move of demonetisation of high currency notes in the name of unearthing black money and controlling terrorism by drying up the coffers of those financing terrorism completely failed to achieve those goals, if they really were the goals. Most people are of the opinion that the introduction of Rs. 2000/- currency note only proved a facilitator for black marketers. Even the Prime Minister's office is under the shadow of corruption in the purchase of Rafale fighter jets from France. The Prime Minister and other important ministers in his ministry have been speaking and acting in a manner

which leaves much for suspicion exactly in the same manner as the then Prime Minister, Rajiv Gandhi, and his ministers were acting when there were charges of corruption against them in the purchase of Bofors guns. At that time the Congress party was not accepting the demand of the opposition for a Joint Parliamentary Committee (JPC) investigation and now the BJP has scuttled every effort by the Congress and other opposition parties for a JPC probe into the Rafale purchase deal. Only the players have changed this time. The menace of black money has acquired gigantic proportions during the rule of the Modi regime as never before. Go for purchase of any property, say, for example, in Delhi and you will know that today you have to shell out more black money than white for it. And of course, the poll promise of bringing back black money from foreign banks has proved a complete fiasco in the same manner as the assurance of bringing in the culprits of terrorist attacks in India from across the borders and punishing them. In fact, this government's intention to fight terrorists, whether internal or external, invites serious doubts because on 22 March 2019 those accused of Samjhauta train bomb blasts including Swami Aseemanandin, in which 68 persons had been killed, a greater tragedy than even the Pulwama tragedy in which 40 CRPF personnel were killed in a terrorist attack, have been acquitted by a court merely because the prosecution which was under pressure of top political leaders as all of them belonged to the Hindutva outfits, did not present its case and evidence before the court seriously. Justice was expected to evade the victims of the Samjhauta train blast tragedy under the RSS/BJP rule because the top leadership of the BJP was sympathetic to them, and also the accused in the Malegaon and Ajmer bomb blasts, from the very beginning and used to visit the accused in jail. And now Rajnath Singh, the Union Home Minister, has come out with a statement that the government would not file an appeal against the acquittal of Aseemanand. That proves beyond any doubt on whose side the present BJP government is – on the side of the terrorists, of course if they happen to belong to the Hindutva outfits, or the ordinary citizens of the country.

The bogusness of Mr. Modi's poll promise of ending corruption also stands exposed, particularly corruption in high echelons of power, from the very fact that he has ensured that the Lokpal is not appointed at the centre during his tenure as the Prime Minister. It is the institution of Lokpal who could have enquired into complaints against top political functionaries like the central ministers and exposed corruption in the functioning of the government. Anyone who hinders the process of appointment of Lokpal or Lokayakuta cannot rightfully claim to be against corruption. We cannot forget that cases of corruption against the BJP ministers, the Reddy brothers, and the Chief Minister, Mr. B.S. Yeddyurappa, had come to light in Karnataka through enquiries by the Lokayukta, Justice Santosh Hegde, there. The Lokpal has now been appointed at the fag end of the tenure of the present Lok Sabha and the government. There is no other authority which could have enquired into cases of corruption against the Prime Minister and his ministers. So Mr. Modi's ministers have been saved from any enquiry of corruption against them. In the absence of any enquiry against them, they can all, including the Prime Minister himself, claim to be non-corrupt. Mr. Modi is an adept hand at ensuring that no enquiries can be held against him and his ministers. As the Chief Minister of Gujarat also he had ensured that the Lokayukta did not get appointed during his 12 year tenure as the Chief Minister. That should by itself speak volumes against his claim of being non-corrupt. The saying goes that Caesar's wife should also be above suspicion but the non-appointment of the Lokpal by the Modi government has failed to keep him and his ministerial colleagues above suspicion. By hindering an enquiry against a police officer on charges of corruption by the Delhi government led by Arvind Kejriwal, and taking away the control of the Anti-Corruption Branch (ACB) of Delhi police from the Delhi government, which could enquire into cases of corruption against government officials, particularly police officials, the Modi government clearly appeared to be on the side of the corrupt by not letting the Delhi government act against the corrupt. Corruption in Delhi government offices is intact today because of the uncalled for interference of the Modi government for political reasons and people of Delhi hold the Modi government responsible for it. Public memory is said to be short, but not so if their everyday lives are affected seriously and adversely.

Only a few years ago the BJP used to call itself a 'party with a difference'. But in making promises and breaking or forgetting them after winning the elections it is no different from other parties. As per a report released on 15 March 2019 at Varanasi it has come to light that "Namami Gange-National Mission for Clean Ganga" project worth Rs 2000 Crore by Union Government to clean, conserve and rejuvenate Ganga has failed and the quality of Ganga water has worsened in the last three years. According to data collected by an NGO, Sankat Mochan Foundation (SMF), there is a significant rise of coliform bacteria and Biological Oxygen Demand, which are important parameters to check the quality of water. It should not be difficult to imagine where all the money earmarked for the purpose has gone.

What is surprising is that the pre-election discourse has slid down from discussion on the 2014 poll promises of controlling corruption and black money, bringing in *achhe din, sabka saath, sabka vikas*, profitable price of the produce to the farmers, one crore employment every year to the unemployed, lifting the living condition of poor people and ensuring national as well as internal security of the people and for this slide the ruling party leaders, including the Prime Minister Mr. Modi, are mainly responsible. The reason is clear. The BJP and its poster-boy Mr. Modi have completely failed to fulfil any of those promises so they cannot remind the people of any of those promises at this crucial moment. We are not even referring to the promise of putting Rs. 15 lakh in every person's account out of the black money which was supposed to be brought in from foreign countries because Amit Shah, the BJP President, had himself declared after winning the election that it was an '*election jumla'*, a mere election slogan.

The Prime Minister and his party know well that they are going to lose the 2019 Parliamentary elections. The simple mathematics of the combination of the percentage of votes and the pre-poll coalition of Akhilesh Yadav's Samajvadi Party (SP), Ms. Mayawati's Bahujan Samaj Party (BSP) and Ajit Singh's Rashtriya Lok Dal (RLD) in Uttar Pradesh shows that the BJP is going to lose at least 50 seats from its 2014 tally of 73 seats in UP alone when Modi's popularity was at the top because at that time he seemed to epitomise the fight against corruption which had become a trademark of the Congress. In Rajasthan, Madhya Pradesh, Delhi, Gujarat, Punjab, Haryana, Karnataka and Punjab the BJP had the highest number of seats which in any case is going to come down considerably. The combined effect is expected to be a loss of at least 100 seats which is an indicator of the shape of thing to come. Out of the frustration, desperation and fear of losing his Prime Ministership, Mr. Modi is trying to portray himself as a victim in an attempt to ensure sympathy vote. He no more refers to himself as a he-man with 56 Inch chest. That is why he is appealing to emotions by raising emotional issues like nationalism and calling himself a '*chowkidar'*. He cannot appeal to reason and mind or refer to real problems of the people because then no thinking person with a reasonable mind will be impressed with his '*chowkidar'* gimmick. Had he really acted as the '*chowkidar'* of the Indian Constitution, the Constitutional values like freedom, liberties, equality of all irrespective of religion, sex and caste, secularism, dignity of the person and protection and promotion of the interests of the poor and marginalised sections of society including employment and education, for which he was appointed and has been paid for by the people and not a dishonest one getting his salary and other perks from one master and protecting the interests of others with the intent of earning something more even if it is for funding the election campaign of his party, he would have won the forthcoming election with even a greater mandate than what he won in 2014. But only if he had been honest to the people, an honest '*chowkidar',* as '*chowkidars'* mostly are and also are supposed to be. But as an RSS man its Hindutva ideology and his party's political interests, and of course his own narrow personal interest of retaining the Prime Ministership of the country, are supreme and more important than the interests of the country and the people of this country. Perhaps he thinks that he can do so by being the '*chowkidar'* of the elite few and not the '*chowkidar'* of the ordinary, poor and suffering masses.

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BJP's Return to Power: Time for Greater Vigilance

When the leads/results of the 2019 Parliamentary elections started pouring in on the morning of 23rd May it became more and more clear that the Bharatiya Janata Party (BJP) along with its other National Democratic Alliance (NDA) partners was going to reach somewhere near the 350 mark in a house of 543 (minus one for which elections were not held) leaving the Congress alliance much behind at nearly 90 with the Congress itself reaching only upto 52 seats and the others including the Trin Mool Congress in West Bengal, the Mahagathbandhan partners Bahujan Samaj Party, Samajvadi Party and Rashtriya Lok Dal in U.P. and others like Biju Janata Dal in Odisha, Dravida Munetra Karagam in Tamil Nadu etc. etc. It is certainly celebration time for the BJP and its leaders who had claimed that their party alone would win more than 300 seats and the NDA 350. It must be said to their credit that they judged the mood of the people much more exactly than anybody in the opposition or the media. At the same time it is for the opposition to analyse and judge the cause of their failure to stop the onslaught of the BJP and its advance and success in states like West Bengal and Odisha where it had negligible presence earlier and where the RSS had been working and reaching out to the people for a long time.

The BJP leaders are attributing this victory to their work for the masses, development and things like distribution of LPG cylinders to the poor (although when Sambit Patra of the BJP was having dinner at a poor woman's house in Odisha during his election campaign, the woman could be seen cooking meal on a rural stove made of mud – showing the reality even of that claim) though the people hardly have money for getting them refilled, bank accounts to a large number of people though they have no money to deposit in them, building of toilets in large numbers, though they have not reached all and wherever they have reached they are incomplete and unusable, etc. During the election campaign, however, neither Mr. Narendra Modi nor Mr. Amit Shah referred to any achievement of their government or any significant work done during the last five years. They had nothing to say on very high unemployment, accentuated by demonetisation and faulty implementation of the Goods and Services Tax (GST), non-payment of dues to the sugar cane growers, non purchase of farm product at 50% profit over the input cost to the farmers and subsidy in urea and electricity, improvement in education and health infrastructure and facilities etc. Post Balakot surgical strike in retaliation of the Pulwama terrorist attack in which 40 CRPF personnel were killed, the PM talked only of national security, national pride and punishment to Pakistan for terrorist attacks and made it the main or almost the only theme of his campaign. Because of Pakistan's role in terrorist attacks in the country, there is prevalence of anti-Pakistan sentiment in the country and Mr. Modi exploited this sentiment to the maximum. This provided him the best way of sidelining the problems of the country and diverting the attention of the voters from them, at the same time gaining the support of the masses. He also talked of his backward caste and '*garibi*' being his caste to establish a rapport with the masses to gain their support.

This time the election campaign touched its new low because of indecent language used by many leaders and used as a main tool by Mr. Modi himself. He used some truths, some half-truths and many blatant lies during his campaign, some because of his utter ignorance and others in a planned way to malign the image of opposition leaders. His claim of ordering the air force to go for surgical air strike at Balakot on that night because their planes would not be caught by the Pakistani radars because of the presence of clouds and rains and the air force accepting it and going for the kill, had the presence of ignorance of the radar technology on his part. At the same time it had the element of falsehood because the responsible air force officers can hardly be expected to accept that claim. In fact it is an insult to their knowledge, experience and capability. So was his remark that Rajiv Gandhi had used INS Vikrant, the famous naval ship, as a personal taxi for touring Lakshadweep Islands for 10 days in December 1987 along with his family, friends and relatives from Italy. The statement was denied and denounced as utterly false by many concerned naval officers including Admiral L. Ramdas (Retired). The PM's statement questioned the integrity of the Naval Officers

present on that ship by almost calling them private taxi drivers. He talked of national pride and sacrifices of the army personnel without really having any respect for them. It is clear from the statement of the people of Bisan village in Jhajjhar in Harayna which is known as army-village because almost every family of the village has a serving or retired army jawan or officer, who told a reporter that "Army Is Miserable Under Modi's Government". One who really respects the sacrifices of our defence force personnel would not have asked the first time voters to vote for his party in the name of the jawans killed in the Pulwama terrorist attack to exploit their sacrifices for electoral benefits. This election campaign presented Narendra Modi as a compulsive and serial liar damaging the dignity and respect of the Prime Minister's post.

While Narendra Modi used every method to reach out to the people – through the NaMo TV channel especially floated for the election campaign time singing songs in his praise 24 hours a day, getting a biopic and a serial made and desired to be released during the campaign time, though disallowed from release at that time by the Election Commission, his two day visit to the Kedarnath temple and meditating in a nearby cave, with all the modern facilities present in it, in saffron robe like a *sanyasi* just before the last phase of election on 19th May with the sole aim of remaining 24 hours a day on focus before the eyes of the voters through the TV screen continuously for two days almost all TV channels obligingly following him through his journey. In fact, he was never out of sight, and consequently never out of mind, of the voters, supporters and the opponents. By making himself the centre of focus throughout the campaign period, he presented himself as bigger than life sized leader giving this election the semblance of a Presidential election, with nobody else even reaching his shoulder height to give the people an alternative to him. He must thank the money power, the vast media support he received in 2014 and also this time, and unequal strategy of the opposition leaders for his success. The opposition leaders failed miserably to bring the focus on people's issues, their sufferings throughout the last five years, particularly of minorities, women and scheduled castes / scheduled tribes, unemployment, the condition of farmers, reduced budget on education and health care etc. They were caught in the trap of Balakot and Rafale as desired by Mr. Modi who decided the electoral discourse. Only they are to blame for their failure. If they could not present a united front against the BJP and Mr. Modi, they have nobody else but themselves to blame.

Now that the people's verdict has come, it is time to ponder over the coming times and future challenges. Of course, the people must demand performance from the government unlike the last time. But what is most worrisome is that now that the BJP is in power for the second term, the RSS will press for the formation of the Hindu Rashtra which has always been its aim. So the minorities will have to be more alert. Those who believe in secularism and respect the Constitution of the country will also have to be more vigilant, vocal and active and not remain mere spectators or drawing room revolutionaries. Remember that the BJP President had declared during the elections that they would remove Article 370 and 35A if they come to power the second time. During the campaign Mr. Modi himself and Mr. Shah had criticised the opposition saying that they supported the '*tukde, tukde* gang', referring to the incident of some Kashmiri students shouting separatist slogans at the JNU campus. But they conveniently forget that any attempt to remove these Articles from the Constitution of India will invite even more disaffection in the minds of Kashmiri people and directly mean breaking away of Kashmir from India as was hinted by some Kashmiri leaders when Mr. Shah talked of removing these articles from the Constitution, except through the use of military force thereby internationalizing of the Kashmir issue as never before and playing into the hands of Pakistan which has been trying to do so for a long time without much success. This is not nationalism. In fact it will be an attempt of blatant anti-nationalism – a charge Mr. Modi and Amit Shah have been levelling against some students and the opposition leaders. What can be more dangerous and anti-national than something which has the potential of breaking the country? However, the BJP people have their own definitions. For them, like Pragya Thakur, and many others like her, Nathuram Godse, the killer of the father of the nation, Mahatma Gandhi, "is, was

and will remain a 'patriot'" and those who talk of removing the cause of discontent among the Kashmiris so that they do not think of separation from the country, are anti-nationals.

The people as a whole will have to guard the country against such attempts.

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‘Emergency’ Then and Now

While addressing the first session of Lok Sabha on 25th June 2019, the anniversary of promulgation of internal ‘Emergency’on the night of 25th June 1975 by the then Prime Minister, Mrs. Indira Gandhi under Article 352 of the Constitution, speaking on the vote of thanks to the President for his address to Parliament a day earlier, the second time elected Prime Minister, Mr. Narendra Modi, referred to that and criticised the Congress Party for imposition of the Emergency on the country. It was indeed a black chapter in the history of the country and needs to be criticised by one and all because at that time censorship was imposed on the press, fundamental rights of the people including the right to life were suspended and about one lakh people including leaders of all opposition parties and their workers were arrested under Maintenance of Internal Security Act (MISA) which was a draconian law at that that time. Civil liberties of the people were completely undermined. The Congress Party was not guilty only of imposition of the ‘Emergency’ regime and concentration of powers in one person, Mrs. Indira Gandhi, by making other ministers in her ministry mere puppets, but also of undermining the judiciary by appointment of committed judges to the apex court and through the constitutional amendment 42 took away the power of the judiciary to judicial review of the laws passed by the legislature, and also the legislature by extending the tenure of Lok Sabha to extend her own rule, and destruction of many other institutions of democratic governance.

However, a Prime Minister, whose rule is no different from Mrs. Indira Gandhi’s rule has no right to only criticise the Congress Party and get away with it. He has to look at his own way of ruling also. If he does not, then he cannot get away with it because the people watch his every move as they watched every move of Mrs. Gandhi and punished her by removing her from power when time came. During the 1975 ‘Emergency’, the press was muzzled through imposition of censorship; today the same press and electronic media has been made subservient to him through the influence of money power, or by getting unfriendly journalists removed from their positions, like Punya Prasoon Vajpayee. Only recently Ads in Times Group, ABP Group & The Hindu were frozen by the Modi government for not toeing his line. In Modi regime 2.0, what is it if not press censorship 2.0 after the ‘Emergency’ regime of Mrs. Gandhi?

Through refusal again and again to appoint judges recommended by the Collegium, the government is using its pressure to get committed judges in the top judiciary, committed to its Hindutva ideology and favourable to the present rulers. All other ministers in his ministry, as in his earlier rule 1.0, except Amit Shah, are lame duck ministers and all the powers are concentrated in Mr. Modi who is today no less authoritarian than Mrs. Gandhi in 1975. Thousands of political leaders and workers were arrested and put behind the bars in 1975 under the most draconian law at that time, Maintenance of Internal Security Act (MISA) because Mrs. Gandhi considered them dangerous to her rule. Today, civil society activists, all the leading ones of them, in large numbers, have been arrested and put behind the bars under the equally draconian and archaic law under Section 124-A of IPC, known as ‘sedition’ law, on charges of seditious activities branding them as ‘urban Naxals’ and ‘anti-national’ even against the directions of the Supreme Court to test whether an activity is seditious or not, and also without any evidence against the accused. They spend several years in jail and are let off after long periods of incarceration because of lack of evidence. Their only fault is that they stand up for the rights of the poor, marginalised people. The ruling dispensation of today considers them as dangerous to the perpetuation of their rule as Mrs. Gandhi considered even ordinary political workers as dangerous to her autocratic rule. Modern democracies today do not need a free speech restriction based on political concepts such as disloyalty and disaffection. This archaic law of sedition was introduced by the British rulers in 1870 to deal with incitement of violence against the government/state to protect its rule in the country. But today we see an alarming rise in sedition charges against people to quell political dissent.

Another disheartening fact is that even the judiciary does not take note of this rampant misuse of sedition law by government agencies and even the trial judges do not apply their mind to see whether the sedition law can really be applied in these cases. So much so that a total of 112 cases of sedition under section 124-A of the IPC have been booked in the country in three years, according to the latest compilation by the Ministry of Home Affairs (MHA). Among them are well-known social activists Surendra Gadling, Sudhir Dhawale, Mahesh Raut, Shoma Sen and Rona Wilson who were arrested on 6th June 2018 and are still lodged in Yervada Central Jail while on 28th August 2018 five more activists, namely, advocate Sudha Bhardwaj, Arun Fererra, Varnan Gonsalves, Gautam Navalakha and Varvara Rao were also arrested on sedition charges under Section 124-A and all of them face persecution for advocating the cause of the poor tribal and other marginalised people.

That is the reason why this sedition law needs to be abrogated at the earliest to protect the democratic rights of the people. All other institutions of democratic governance are also being subverted today in the same manner as they were subverted by Mrs. Gandhi during the 'Emergency' rule.

One other thing the Prime Minister conveniently forgot, or wantonly avoided, while referring to the 'Emergency' regime of Mrs. Indira Gandhi, is that the then Rashtriya Swayamsevak Sangh (RSS) chief, the Sarsangh Chalak, as they call him, Balasaheb Deoras, wrote a letter to Mrs. Gandhi and told her that his organisation was in no way opposed to the Emergency. He even praised it and assured every help in implementing her 20-point programme and requested her to release RSS workers from jail. Later on he even approached Bhoodan leader, Acharya Vinoba Bhave, who had also praised the Emergency as the 'Festival of Discipline', to plead with Mrs. Gandhi to release RSS cadres. Most of them, in fact, came out of jails by submitting '*maafinamas*' and pleading with her to free them. Mr. Modi was a *pracharak* of the RSS for a long time, and continues to be its important member. The RSS is the parent organisation of the then Jan Sangh and today's Bharatiya Janata Party. How does our '*desh bhakt*' Prime Minister forget the role of the RSS in supporting the 'Emergency' while he so vehemently opposed it in the Lok Sabha? Is it not sheer hypocrisy?

On several occasions Mr. Modi has criticised the killing of thousands of innocent Sikhs in Delhi and elsewhere in the country in the wake of Mrs. Indira Gandhi's cold-blooded murder by her body guards who happened to be Sikhs in 1984. It is a known fact that the top leadership of the Congress had actively supported the killing and some of its leaders were actively involved in it. The whole civilized society had condemned the killing of innocent people and remembers it as a black chapter. So does it the pogrom of 2002 Gujarat in which more than a thousand Muslims, including their women and children, were brutally killed and their houses burnt. It is also a known fact that the top BJP state leadership was behind that carnage. The whole civil society condemned those riots also. But while the top BJP leadership, including the Prime Minister, criticise the killing of Sikhs in 1984, they conveniently avoid referring to the Gujarat carnage of 2002, which is a more recent event. He also forgets that Mr. Atal Bihari Vajpayee, the highest leader of the BJP, referring to the Gujarat carnage and his role in it, told him on his face that '*Raj dharm ka palan hona chahiye*' meaning thereby that 'Raj Dharma must be observed', implying thereby that he had failed to observe 'Raj dharma'. It was nothing short of a 'moral indictment' for his acts of omission and commission. Is it not a case of partial amnesia on his part in this case and also in the case of 'Emergency' while the conditions are not much different today than during the 'Emergency'?

In fact, for many people the conditions today are worse than in 1975. In 1975, only political workers were arrested. Today, civil society activists, intellectuals, thinkers and rationalists are being arrested. At least nobody was being killed/lynched on the streets by the workers/supporters of the ruling party. In Modi rule 1.0 cow vigilantes lynched people in the name of and even on suspicion of possession of beef, mostly Muslims of course, today in Modi rule 2.0, they are being thrashed and lynched by Hindutva mobs even for having a Muslim identity like skull-cap or a

Muslim name. That difference is clearly brought out by the cases of Akhlaq who was lynched for possession of meat, suspected to be beef, in his refrigerator in Modi rule 1.0 and Tabrez Ansari, a 24-year-old Muslim man who was repeatedly asked to chant 'Jai Shri Ram', beaten mercilessly for 18 hours by a mob in Jharkhand on the suspicion of theft, and who ultimately succumbed to injuries three days later in Modi rule 2.0.

Chanting of 'Jai Shri Ram', which has become a political slogan rather than a greeting to show respect for each other and Ram, and forcing others to do so to undermine their religious identity, and to thrash people who do not show willingness to do so, has become very common for Hindutva gangs. In West Bengal this slogan is used as a political weapon to incite Ms. Mamata Banerjee to take action against them and to use that action to polarize Hindus for gaining their support. It is unfortunate that Ms. Banerjee has been trapped into taking action against them on an occasion or two, instead of ignoring them.

Reports of hate-crimes against Muslims by street goons belonging to the same organisation sponsored and supported by the ruling dispensation appear in the media almost every day. All civilized people feel ashamed on these inhuman acts. But the BJP government and its leaders go into denial mode when reports of UN human rights agencies and other human rights organisations within the country and outside refer to these incidents of religion based biases and hate-crimes and the role of Hindutva organisations in them. They do not understand that such denials in the face of such incidents being shown live on various TV channels day in and day out only result in the loss of credibility of our government and its agencies and leaders and also bring a bad name to the country as a whole. The better thing for them is to take strict and decisive action against the evil-doers, whoever they are, because they adversely affect the image of the nation and also destroy the social fabric of cohesion in our society. Such unscrupulous elements in fact are the real anti-national elements. Mere lip-service in these matters is not enough. What is required is exemplary action. Only that can provide a sense of justice to the victims of the minority community and restore their faith in the rule of law and democracy which means equality for all its citizens irrespective of religion, caste, creed, sex and place of birth and the right to live a dignified life, and a country where, as Rabindranath Tagore put it, 'the mind is without fear' of any kind.

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Revocation of Article 370 Means More than What Meets the Eye

On August 5, 2019 a meeting of the Union cabinet was held at the Prime Minister's residence in the morning after which Amit Shah, the Union Home Minister and BJP President rushed to the Parliament house with a beaming face to address the Rajya Sabha. There he presented a resolution to abrogate Article 370 and removal of Article 35A of the Indian Constitution, which gave special status to the region of Jammu and Kashmir, and also to downgrade the state of Jammu & Kashmir to two Union Territories of J&K and Ladakh, the former with a Delhi like powerless Assembly and the latter without even that. Article 370 was incorporated into the Indian Constitution as a condition of accession of J&K to the Indian Union and it stipulated that the other articles of the Constitution that gave powers to the Central Government over Jammu and Kashmir would be applied to the state only with the concurrence of the State's Constituent Assembly. This was a "temporary provision" in that its applicability was intended to last till the formulation and adoption of the State's constitution. But the State's constituent assembly dissolved itself on 25 January 1957 without recommending either abrogation or amendment of the Article 370. Thus the Article has acquired a permanent nature in the Indian Constitution, as confirmed by various rulings of the Supreme Court of India and the High Court of Jammu and Kashmir, the last one coming in April 2018.

A few days prior to August 5, the Governor of Jammu & Kashmir, Mr. Satya Pal Malik, had met central leaders in New Delhi. A rumour was in the air that the central government had plans to abrogate Article 370 and Article 35A. When asked about the subject of the talks with the central leaders by the journalists, Mr. Malik told them that no talks regarding these two articles took place in his meeting with the central leaders and there was no plan to remove these articles from the Constitutution. Now we know that he was telling a blatant lie. A couple of days later, an advisory was issued by the central government to the tourists who had gone there to participate in the Amarnath *yatra* to visit the holy shrine, which was then in progress, and other non-Kashmiris residing there to leave the state immediately as there were definite inputs from the intelligence agencies about possible attacks by the terrorists to kill, maim and terrorize people and disturb normal life in the valley. The way all non-Kashmiris were asked to leave the valley, many people including journalists suspected that the whole exercise had something to do with the abrogation of Articles 370 and 35A of the Constitution about which Amit Shah had been talking for quite some time. On 5th of August 2019 it became clear who those terrorists were who were out not only to destroy peace and normalcy in the valley but also to deprive people of the state of their civil liberties, democratic freedoms.and even the right to interact with each other and with the outside world.

The reasons given by the Home Minister for abrogating these articles were ridiculous to say the least – like: 'two-three political families of Kashmir had been looting the people of the state', as if elsewhere in the country politicians, including those belonging to the ruling BJP, had not been indulging in that loot and 'now it will be possible to undertake the development of the state which had been disregarded till now', without explaining why this development had not been undertaken when in the state government led by Ms. Mahbooba Mufti the BJP was an equal coalition partner and even at the centre, there was also the Narendra Modi government of the BJP with a full-fledged majority. Who had stopped the all powerful BJP government from undertaking development of the state if it really had any such plans for the state's development. Even after removal of these two articles from the Constitution, more than two months and a half have passed and not even the talk of development seems to be present in the agenda of the government. The ploy of 'development' seems to be only an excuse to surreptitiously enslave the people of Kashmir by depriving them of all the democratic rights to govern themselves in accordance with their own wishes and hand over the state territory and its people to the friendly crony capitalists of the BJP to be exploited economically and physically by them. We only know that the state has been turned into a military camp, almost all leaders of political parties, except those belonging to the BJP, have been arrested,

some of them including Ms. Mahbooba Mufti, Farooq Abdullah and his son Omar Abdullah – all former chief ministers of the state – have been put under preventive detention, as Ms. Mahbooba Mufti and Omar Abdullah or arrested under draconian laws like Public Safety Act (PSA), as Farooq Abdullah, as if they pose really great danger to the public safety of the state and the life of the people. All telephone lines, mobile telephone services and internet service have been disrupted. People have been confined forcibly to their homes. Even minor children, (at least 75 of them as reported to the Supreme Court of India by the Juvenile Justice Committee of the J&K High Court), some of them aged nine-ten years, have been lifted from their homes, tortured and interrogated although there is no provision under the JJ Act to detain juveniles under preventive detention. People have been denied essential commodities including medicines and even reach to the hospitals. Leaders of various political parties who wanted to visit Kashmir to see for themselves the plight of the people there were turned back from the airport. Journalists have been barred from reporting anything. This seems to be the BJP's model of development and we can expect to see more of it in Kashmir and elsewhere in the country in the coming days.

Regarding the release of Ms. Mahbooba Mufti, Farooq Abdullah and his son Omar Abdullah some central ministers have said that they would be released earlier than the expiry of 18 months. The question is that if they really pose a danger to the public safety and peace of the state, why are they not being prosecuted under relevant provisions of the law and punished at the earliest? If not, then why should they be deprived of their civil liberties even for a single day, not to say of a long period of 18 months. Not only these leaders, in fact, why should others who have been kept under preventive detention in various jails, including at Agra, should suffer loss of their civil liberties to satisfy the whims of Mr. Modi and Amit Shah?

The BJP government and its leaders have been claiming day in and day out that normalcy is fast returning to the valley but there is not even a semblance of normalcy there whatever may the central government claim. There is no democracy and there is no freedom in Kashmir. If there is silence, it is the silence of the grave. If there is peace, this peace is not born out of the self-ordained discipline in the people there but the enforced peace born out of the fear of the gun. There is simmering anger and discontent in the minds of the people at having lost their democratic right to decide their future by themselves through their elected representatives and at having been deprived of their civil liberties for no fault of their own but by the greed of the powers that be to control their lives and dictate to them how they would live, and, perhaps, die too. It is correct that other countries, including Pakistan in particular, which lost even the right to make a comment about Kashmir after usurping a part of the Jammu and Kashmir territory through military action in 1947, have no right to comment on the internal matters of the country. It is also correct that on the Pakistan occupied Kashmir (PoK) India has a greater claim than Pakistan itself as the whole of Kashmir had acceded to the Indian Union as per the Instrument of Accession signed between Maharaja Hari Singh of J&K and the Indian government. But at the same time it is also equally correct that Indian citizens, whether living out of Kashmir or those living there, have every right to comment upon and criticize the undemocratic action of abrogating parts of article 370 and removal of article 35A by the central government unilaterally without showing even the courtesy of taking into confidence the people of Kashmir if really the action of the central government was in the interest of and for the welfare of the people of Kashmir, as claimed by the Prime Minister and the Home Minister. How could Satya Pal Malik, the Governor of the state, who is really a bureaucratic agent of the central government and who has nothing to do with Kashmir as he represents the central government and not the people of Kashmir, act as the representative of the people of Kashmir or of its dissolved Legislative Assembly, even supposing that it stood for the Constituent Assembly which dissolved itself in 1957, and recommend to the central government on its behalf abrogation of Article 370 which is patently undemocratic, illegal and immoral. This action of the central government is also a lethal attack on the federal character of our polity which is part of the basic edifice of our Constitution.

What is even more worrying is that even the higher judiciary which is the protector of our fundamental rights, civil liberties and democratic freedoms has taken the clampdown in Kashmir casually. Instead of exercising its power of taking *suo motu* notice of the brazen denial of civil liberties to the people of Jammu and Kashmir and taking immediate and decisive action to protect their rights and liberties, it has chosen to defer hearing of the various Public Interest Litigations (PILs) in the matter to the middle of November 2019. It is as if allowing time to the central government to act arbitrarily and complete the damage to the democratic structure of the state as per its whims and designs. When people are persecuted by the state machinery they look towards the judiciary to provide relief and justice to them. Let us hope that the Supreme Court of India will preserve and protect the Constitution and the rights of the people when it takes up the case in November. But it must be said in all fairness that the civil liberties of the people of Kashmir could have been protected right from the beginning of the clampdown itself and the judiciary has so far only failed in doing so which has not set a good example.

For most of the people in other parts of India, the Kashmir situation is like fire in a neighbour's house and they are unconcerned while others see Prime Minister Modi as the general who has won over Kashmir for them. None of these people imagine putting themselves in place of the Kashmiri people who have been living as if in jail, under section 144 and worse than curfew-like conditions and facing guns all the time, without the right to speech and communication and free movement. Such denial of democratic and human rights to the people of Jammu and Kashmir needs to be condemned strongly by all lovers of democratic freedoms. If we Indians do not do so, we will be leaving space for others in the world to do so. Then only we ourselves, and nobody else, will be to blame for that international criticism. If we really love our country and want to save its fair name from being tarnished, we must stand by the people of Kashmir and their right to live freely under a democratic system governed by them as we all wish to. Death of democracy in Kashmir will mean death of democracy in the whole country which in any case is being eroded systematically by the BJP led National Democratic Alliance (NDA) government. It is a further step towards imposing an authoritarian regime in the country by the Hindutva outfit of the RSS and the BJP as per its ideology.

All the great leaders of the country who had fought for the country's independence, like Mahatma Gandhi, Jayaprakash Narayan and M.N. Roy dreamt of making India a truly free and democratic polity and wanted democracy to reach the grass-roots level of the society so that even the last man in society would exercise his sovereign right to decide his future. Gandhiji called it *Gram-Swaraj* and Jayaprakash Narayan and M.N. Roy called it 'power to the people' to be exercised through 'People's Committees' which would elect their legislative representatives from amongst themselves who would remain accountable to them. But that was the dream of those who had fought for the independence from the British yoke and who had made great sacrifices to make India independent and its people free. They also wanted India to remain a truly secular state where people belonging to all faiths would live freely and prosper together. Those who had no role in the independence movement of the country, like those belonging to the Rashtriya Swayamsevak Sangh (RSS) and its political wing, the Bharatiya Janata Party (BJP) cannot be expected to understand and honour the democratic values for which the war of independence was fought.

Editorial in ***The Radical Humanist*****,** November 2019.

A Judgment devoid of Justice

The judgment by the five judge bench of the Supreme Court in the historical Ayodhya land dispute delivered on 9th November 2019 seems to be a compromising judgment devoid of justice. The whole of 2.77 acres of the disputed land, on which stood the Babri Masjid till 6 of December 1992 when it was illegally demolished by the vandals of the Hindutva outfits, the fact accepted even by the apex court, has been awarded to those very outfits who are supporters of the Hindutva. Does this award not grant legality to the demolition of the Babri Masjid and award those who had indulged in that dastardly act although the Court itself has described the act of demolition of the Masjid as an "egregious violation of the rule of law"? Also remember that some unknown miscreant had put the 'idol' inside the Masjid in 1949 in the darkness of the night stealthily and it should not be difficult to imagine who those miscreants were.

There is no doubt in the fact that the judgment is based more on faith than facts. The bench has relied more on the statements of pilgrims and elderly people of olden times that they had heard from their elders that worship by the Hindus did take place on the disputed land although not a single witness has stated that he saw such worship taking place there. The Supreme Court's verdict says they don't have evidence to say that a temple was demolished and a mosque was built.The very fact of the Babri Masjid standing there till its demolition on 6 December 1992 could not attract the attention of the bench as evidence of substance.

The Hindutva outfits including the ruling BJP, the RSS, the Vishwa Hindu Parishad, the Shiv Sena and the like have every right to celebrate the occasion. They had been declaring since the very demolition of the Babri Masjid in 1992 – '*Mandir Vahin Banayenge*' where the Masjid stood once. They had also been declaring that 'Ram Mandir is a matter of faith and no court can adjudicate on that', hinting thereby that they would respect the verdict of the court only if it was in their favour as against the declaration by the Muslims, who have all along being saying that they would respect the judgment whatever it is. It is acceptance of the adverse judgment with grace which puts them on a higher pedestal.

It is a compromising judgment because it brings about a compromise formula to solve the long standing dispute - by asking the government to grant the Muslims 5 acres of land in Ayodhya for the construction of the Mosque. The Muslims seem to be compromising their position with the reality of the judgment which has gone in favour of the majoritarian stance. They can only wish that the court had relied more on hard facts than mere faith. They can also sit in peace at home because they need not fear for their lives and property which would have been in serious jeopardy if the judgment had been reversed and the court would not have the wherewithal to get its orders implemented and control the mayhem the Hindutva forces would be created, particularly given the fact that Hinditva governments rule the State of U.P. and the Centre. That is something which gives relief not only to the Muslims but also to the peace loving people among the majority community. Justice or no justice, at least for ensuring that vandalism, riots and carnage do not take place in the country in the wake of the judgment on Ayodhya dispute the sagacity and practicality of the bench of the apex court deserves appreciation. That does not, however, make the judgment a fair and justifiable judgment. It will provide some relief to the Muslims and other peace loving people of the country if the perpetrators of the crime of demolition of the Babri Masjid are duly punished at the earliest possible.

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Yet Another Politically Motivated Communal Riot

North-East Delhi once again witnessed a politically motivated and abetted communal riot from 23rd February to the night of 25th February 2020, exactly the kind of communal anti-Sikh riots that shook Delhi in 1984, which was also politically motivated and abetted, in which more than 3000 Sikhs were brutally killed and their homes burnt. The latter was abetted by the Congress leadership and some of its prominent leaders were actively involved in it while the former has been abetted by leaders of the ruling Bharatiya Janata Party as were the Gujarat riots of 2002. In all the three riots people of the minority communities were targeted and the police were either silent spectators or were complicit in the crime. The size of the affected area or the number of the victims of the current Delhi riots differs, but the ferocity and brutality of the crime and the complicity of the police and political leadership do not. It is a fact, whether we accept it or not, that the people by themselves are not communal minded and want to live in peace with people belonging to other communities but the leaders of various political parties spread hatred and promote communal enmity for their narrow political ends.

In the recent Delhi riots more than 50 people have died, about 500 got injured and hundreds of houses and shops were gutted, most of them in Shiv Vihar and Chand Bagh, both predominantly inhabited by Muslims. The number of the dead would have been in hundreds if the people of these areas had not fled to safer places when they saw the rioters approaching in large numbers.

A video telecast by BBC News on NDTV channel on 3rd March 2020 showed how brutally some communal rogues in uniform beat up Faizan, who later succumbed to the grievous injuries inflicted on his body, along with some other youths,. They behaved like fully trained Hindutva fanatics, exactly in the manner the PAC personnel did in Hashimpura and Maliyana in U.P. long ago when they picked up only Muslims, loaded them in trucks and threw their bodies in a canal after shooting them dead, knowing full well that nobody in the government will even try to enquire into their role, let alone charging them with the brutal attack on the youth and murder of young Faizan. That is why they were seen aiding and abetting some rioting crowds to attack some other people. Some of them were even spotted throwing stones along with the rioters. The Home Minister, Mr. Amit Shah, defended the police for this incident while speaking in the Lok Sabha saying that they were doing so to control the rioters on the other side. However, we do not know how he would defend the policemen breaking CCTV cameras fixed on an electric pole with their lathis and those policemen who were sitting idly in large numbers barely 200 metres away from a spot where arson and killings were taking place. Police inaction and complicity is also evident from the fact that almost all of the 3500 SOS calls made by people in distress remained unattended by the police. Will the Home Minister, Mr. Amit Shah, ever order an inquiry against the rogue policemen and take action against those who acted illegally? – Never, because how can he take action against the same police personnel whom he praised in the Lok Sabha.

It is surprising that the Home Minister defended the police supposedly for controlling the riots within 36 hours whereas many former IPS officers and a former Lieutenant Governor of Delhi Mr. Najeeb Jung along with almost all the media have criticised the police for its complete inaction for two days during which worst of riots were taking place, large scale burning of houses, shops and even of mosques and killing of people were taking place. He did not tell the house why he did not give orders to the police to control the riots within an hour or two or call in the army to do so. The police has been criticised for its complete inaction for two days because, obviously, its highest officers were not giving necessary orders to it because they knew the mood and intentions of their political masters very well and they did not want to annoy them. After all, the police commissioner who was to retire within a couple of days would be looking to get an appointment to a plum post after retirement more than his responsibility to stop the communally motivated riots, motivated by the leaders of the ruling BJP itself.

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Two Electoral Verdicts – Miles Apart

The 2020 presidential elections in the United States have been significant in many ways. The President, Donald Trump, was contesting as a Republican candidate to get re-elected for the second term whereas Joe Biden, who was earlier a Vice-President, contested it as a Democrat candidate. It was a closely contested election and it seemed to be evenly poised towards the last phase of counting. But in several states, which seemed to be going in favour of Trump, the tables ultimately turned in favour of Biden towards the very end which gave Biden the much needed edge. Trump made every effort to get the counting of votes stopped on one pretext or the other when he saw that he was slowly but surely going to lose the election. But that was not to be and Biden and his Vice Presidential nominee Kamala Harris won more Electoral College votes (candidates) which would ultimately elect the new President on 14th December 2020. But, in spite of knowing that he is finally going to lose the election when the Electoral College elects the 46th American President, Trump refused to concede his own defeat as per the American tradition, still showing his stubborn nature. Even the slogan of Indian Prime Minister, Narendra Modi, before the Indian American citizens, gathered at a meeting to see and welcome him when he visited America more than a year ago, '*Abki Bar Trump Sarcar* ' (This time again Trump government), did not help Trump get enough votes to get re-elected as the President of America.

By rejecting Donald Trump, the American people have also rejected 'Trumpism', as it is called by many commentators, which stands for telling lies, destroying democracy and promoting racist discrimination and authoritarianism etc. By electing Joe Biden they have voted for rational and scientific thinking which Biden and his Vice Presidential nominee Kamala Harris represent; they do not represent religious fundamentalism but reason and saner voices. It is hoped that during their tenure in office for the next four years, democratic values will get more respect in America for which the country is known.

However, the re-election of the National Democratic Alliance (NDA) government in the Bihar Legislative Assembly elections, results for which were declared on 11th December 2020, in which the ruling NDA won 125 seats, as against the 110 won by the *Mahagathbandhan* (MGB) consisting of the Rashtriya Janata Dal (RJD) led by Tejashwi Yadav, the son of Lalu Prasad Yadav, the several time Chief Minister of Bihar, now in jail on charges of corruption, and Rabri Devi, the latter's wife, also a former Chief Minister, combined with the Congress and some left parties, does not promise any such thing as the American President's election seems to indicate. In fact, it is being seen as vindication of the illiberal majoritarian approach of the Bihar's electorate although NDA won 125 seats by a wafer-thin difference of .03 % of votes as against the 110 seats of MGB out of a total of 243 Assembly seats. This time too, as always, all the leaders of the BJP including Prime Minister Narendra Modi did not talk of the NDA's achievements during its 15 year long rule but of Lalu Prasad Yadav's rule, or misrule, described by them as '*jungle raj*' till fifteen years ago. Obviously so because there were hardly any achievements of the NDA rule to boast of. They could not have talked of the forced mass exodus of migrant labourers rendered jobless and without money from other parts of the country walking on foot for hundreds of Kms. under trying circumstances, many of them dying on their way home because of hunger, fatigue and illness, because of the arbitrary and sudden clamp down of lockdown in the country in the wake of Covid-19 pandemic without thinking about what would happen to the crores of daily wage labourers who would be rendered jobless suddenly. Arbitrary and highhanded decisions have been the mainstay of the Modi government right from demonetization of currency four years ago to faultily planned GST which badly impacted the lower rung business class and crores and crores of service class people who lost their jobs and livelihoods. In Bihar also, there is very high unemployment; education has been almost completely destroyed and healthcare is at its worst. Even then, if the NDA has won the election even by a margin of .03 % votes, the reasons have to be looked into beyond the communal and divisive politics of the BJP.

One obvious reason is the failure the Congress party, which has been acknowledged by the party itself, to win more than 19 seats out of the 70 demanded and contested by it. It was a repeat of its performance in the UP assembly elections where it was one of the causes of the defeat of the pre-election coalition of Akhilesh Yadav's Samajwadi Party (SP) and the Congress. The Congress party, and particularly its leader Sonia Gandhi, cannot see beyond Rahul Gandhi as the party's supreme leader and the nation's future prime ministerial candidate even after the latter's rejection by the electorate again and again. He does not possess even the experience of a village *panchayat* Sarpanch. They do not realize that he is no match to Narendra Modi in spite of the latter's gigantic faults and shortcomings. Apart from his majoritarian and communally divisive stance laced with hollow nationalistic slogans, which polarizes the majority Hindu votes in his favour, the absence of a credible leader of good standing and wide acceptance in the opposition helps Modi in the elections. There was a time, during Jawahar Lal Nehru's tenure, when almost all the Chief Ministers of the Congress ruled states were stalwarts and all of them were capable of being the Prime Minister of the country, like Lal Bahadur Shastri, Morarji Desai, K. Kamraj, Yeshwantrao Chavan, to name a few, some of them actually becoming Prime Ministers at a later date. During those times Nehru fostered strong and capable regional leaders, many of them joining his central cabinet sooner or later. However, in 1963 Kamraj proposed to Prime Minister Nehru that in order to maintain good rapport with the people all senior Congress leaders holding ministerial office resign and take up party work because continuous office incumbency was distancing leaders from the masses. As a result six Union Ministers, including Lal Bahadur Shastri, Jagjivan Ram and Morarji Desai, and six Chief Ministers, including Kamaraj himself, Biju Patnaik and S.K. Patil resigned from their posts to look after the party work. This plan was known as 'Kamraj Plan'. Whether it helped the party coming closer to the people and making it strong is debatable. But it certainly paved the way for authoritarianism and one person rule. Indira Gandhi's rise to power as the Prime Minister of the country was the beginning of that trend. Sonia Gandhi has kept that trend alive in the Congress by dwarfing all experienced leaders and keeping away young ones from developing into bigger and powerful leaders so that nobody in the party becomes powerful enough to challenge Rahul Gandhi's supremacy as the sole party leader. The Congress is free to choose anybody as its leader but the people are under no obligation to accept such a person as their destiny maker.

It is obvious that but for the inflated self assessment of the Congress party to get acceptability among the people of the state and its demand of 70 seats in the MGB and poor performance winning only 19 seats, the MGB would have won the election and Tejashwi Yadav would have been the Chief Minister of Bihar. As the margin of defeat in Bihar elections shows, Tejashwi Yadav as the leader of the MGB found more acceptability among the voters, giving his party Rashtriya Janata Dal (RJD) 75 seats as against even the increased tally of 74 won by the BJP in spite of the Prime Minister and almost all big leaders from north India including Yogi Adityanath, the UP CM, one of the most communal and divisive leaders of the BJP, campaigning for the NDA. Nitish Kumar, the sitting Chief Minister and also elected by the NDA legislative party as its leader to lead the next government, could muster only 43 seats for his party Janata Dal (United), a fall from his earlier tally.

It is, no doubt, ultimately the people who decide who will rule them. They gave the verdict in favour of the NDA; so Nitish Kumar, although a junior partner in the coalition with 43 seats, is leading the NDA and has formed the new government. But who leads the coalition is not of much consequence. However, what is worry-some is that with a win in Bihar, the BJP has been emboldened. It thinks that it has got a mandate to play its divisive politics and to take its saffron agenda further in states like West Bengal, in the run up to the next state assembly elections in March-April 2021, which has largely remained secular during the rule of the left front government as well as the rule of Mamata Bannerjee's Trinmool Congress. The BJP's leaders have been continuously talking of implementing the CAA and the NRC, which are seen as discriminatory

against the minority Muslims by most of the people and the opposition parties by and large, in the country.

Another problem is that the BJP is largely a party which does not promote scientific and rational thinking, unlike what the Constitution of the country enjoins every citizen to do as a duty. Instead of dealing with the country's problems in a scientific manner, it believes in performing *yajanas* and *pujas* to solve them. Whether the problems get solved that way is highly doubtful. One recent example is performing of *yajanas* throughout the country by its workers and supporters to give Donald Trump a victory in the American elections, which, of course, failed. But it helps the BJP in keeping the people away from scientific education and rational thinking and depending on God and godmen for solving their problems. Wearing saffron clothes and flaunting their religiosity makes the BJP people and such other leaders connect with religious minded people better because these people start identifying themselves with such leaders. Such people can easily be influenced and swayed by hollow nationalistic slogans, false promises and claims and deceptive religiosity for political motives as has been done by Narendra Modi and his party again and again. It is easier to divide such people on religious lines and polarize them. It suits them to keep the people uneducated, unemployed and poverty stricken because they tend desperately to seek help of divine powers when they do not see any hope anywhere else. They can easily be made prone to believe in God for solving their problems and accepting their fate as God ordained and not to question the intention, inability and incompetence of the political class to do so. That way they enslave their minds, thinking and even their bodies. Belief and the ability to question do not go together. They lose the ability to question and without questioning scientific thought and knowledge, logical and rational outlook, democracy, and freedom of thought and action cannot be sustained and promoted. But only we can decide what we want ourselves and our future generations to be – open minded free citizens of a democratic system or mental slaves of an authoritarian regime who always succeed in ruling us by following the principle of 'divide and rule'. In such a situation, these rogues in politics are always the winners and the gullible, unsuspecting and unquestioning innocent people always the losers.

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One Man's Ego Stalemating Solution to the Farmers' Agitation

The farmers' agitation demanding the repeal of the three farm laws passed by the centre which the farmers view as anti-farmers, and for giving a legal status to the Minimum Support Price (MSP) for their farm produce is still continuing even after sixty days as on 23rd January 2021. A solution to the problem does not seem to be in sight as the farmers who have been agitating at the Delhi borders braving extreme cold and rain for the last two months are not ready to settle for anything less as they are facing a threat to their very survival in the form of these three farm laws. Ten rounds of talks with the group of ministers till 20th of January have not yielded any acceptable solution to the biggest farmer crisis since independence. In the last meeting the government side offered to put on hold the implementation of the controversial laws for 1-1.5 year, which in any case have been put on hold by the Supreme Court for the time being, to discuss and find a solution through a common committee. The farmers' unions perceive it merely as a tactic to bring about an end to their agitation and not as a genuine attempt to solve their problems which, in any case have been forced upon them by the central government itself through these farm laws. That is why the farmers' unions have decided to reject the government's proposal and to continue their agitation although during this agitation no less than 147 farmers have died at the Delhi borders because of extremely inimical weather conditions, some of them committing suicide in protest against the anti-farmer attitude of the Modi government. They have also decided to go ahead with their plan to hold their tractor parade on Delhi's Outer Ring Road on the Republic Day, 26th January 2021 peacefully and in a dignified manner. On the other hand the Narendra Modi led National Democratic Alliance (NDA) government is adamant on not repealing the three farm laws and giving a legal guarantee for MSP. It is also trying to stop their tractor parade through police intervention which is directly under the Union Government's Home Ministry headed by Amit Shah.

The government's attitude from the very beginning of their agitation has been anti-farmer. As the agitation progressively intensified, the BJP also intensified its attacks on the agitation. First they said that it was an agitation of Punjab and Haryana farmers only. Then their Ministers, Chief Ministers, MPs, party functionaries and party spoke persons started defaming the agitation by alleging that it was being led by Naxals, Khalistanis, China and Pak supporters, leftists etc. etc. and that it was being supported financially by anti-India forces sitting in foreign countries and that the so-called farmers were enjoying sumptuous meals and facilities at the Delhi borders. 40 farmer leaders and those running the *langar* for the farmers gathered there have been snapped with NIA notices to discourage them from supporting the agitation. From the very beginning of the agitation, all the party functionaries including the Prime Minister, Narendra Modi himself, have been saying that the agitating farmers did not represent the whole farming community. They went on addressing clusters of farmers in Gujarat, Madhya Pradesh and elsewhere telling them that the farm laws were for their benefit and that the agitating farmers were trying to deprive them of these benefits. They tried to bring about a division among the farmers. Obviously at the behest of the BJP, one or two groups of farmers belonging to the BJP got themselves registered in December 2020 and went to the Agriculture Minister supporting the farm laws. BJP supporting intellectuals started issuing statements in favour of the controversial farm laws. Four of them even found place in the Supreme Court formed committee to look into the whole issue of the laws, the farmers' demands etc. and come out with a report. This reminds one of committed judiciary which was witnessed earlier during the regime of Mrs. Indira Gandhi. Of course, as the farmers had declared a day before the announcement of the committee by the Supreme Court that they would not go before that committee as it was a political question and only the government and the farmers' unions could decide the matter through talks. After watching the composition of the committee, they became doubly sure that it was not meant to redress their grievances.

Because of the money and political power that Prime Minister Mr. Narendra Modi wields, a very large section of the electronic and print media has been neglecting or opposing the farmers' point of

view and supporting the government's side, even the mud-slinging on the farmers by calling the farmers Naxals, Khalistanis anti-nationals, pro-Pakistan and pro-China etc by the leaders of the BJP including its ministers, chief ministers MPs and party spokesmen, because it has become the BJP's and Modi's '*Godi Media*' as defined by Ravish Kumar of NDTV. This phrase brings to mind two similar phrases – 'laptop' and 'lapdog', of course the latter being very close in character and appropriate for this phrase. Ever since the BJP came to power in 2014 and Mr. Narendra Modi headed the BJP led NDA government, the so-called '*godi-media*' has been singing paeans in his praise, even for his militaristic and ultra nationalistic utterances which have done no good to the country in any way, attributing even the valour of our defence forces to him, and criticizing only the opposition leaders and parties, practically running a parallel election campaign in favour of the BJP and its leader. In a democracy the media is supposed to be a watchdog of human rights and to raise people's issues and question the policies and actions of the government which seem to go against the people. But except a few honourable exceptions, by and large the media has rid itself of this sacred duty. Otherwise, how does one see its deafening silence on the death of 174 agitating farmers which has failed to attract the attention, not to speak of any sympathy or words of condolence by Mr. Modi or other BJP leaders on their tragic demise, leaving behind their weeping families. Of course, there is absolutely no question of declaring any financial aid to the bereaved families by the government. Of course, understanding the nature of Mr. Modi and the BJP, nobody expected such a gesture of sympathy and kindness from them.

Mr. Modi and his party, the BJP, have been showing utter contempt for the farming community agitating for saving themselves from the grave danger to their survival they see looming large in the form of the three farm laws. On the other hand they have been describing these laws as beneficial to the farming community. They have said time and again that the farmers are being misled. This clearly shows that they are treating the farmers as a bunch of uneducated fools who do not know what is good or bad for them although there are hundreds, nay thousands, of farmers who are more educated than Mr. Modi himself and anybody else in his cabinet or party. If Mr. Modi is really concerned for the welfare of the farmers, he should be sympathetic to the women, old men and even children who are gathered at the Delhi borders. He should immediately, in fact he should have already done so earlier, repeal the three farm laws as demanded by the farmers and provide a legal framework for MSP for the farm produce. If the farmers are really fools and do not want to gain from his farm bills, as he is alleging, he should tell them to 'go to hell' and repeal the acts and leave them alone, to prosper or perish at their own free will, as any other sane person would have done. But he is bent upon thrusting the promised future benefits down their necks in spite of their strong resistence, as he did in the case of demonetization, which, of course, never came. The problem is that, as alleged by the farmers, he has pawned his conscience in exchange for the coffers of Adani and Ambani for his election funds. After all his only priority is winning elections and keeping himself in power and he can do so only in the way he has done it so far, through use of money power, ultra-nationalistic utterances, dividing and polarizing people on religious basis, militaristic gimmics and controlling media to his advantage, even if he has to put behind the bars hundreds of dissenting writers and intellectuals on false and concocted charges for it.

The heartlessness of Modi did not attract the media attention when hundreds of people died because of the ill-thought demonetization move imposed by him and he did not utter a single word of sympathy for the dead and their families, or for those who died or lost their jobs because of the hastily and ill-planned GST, or for those who died on their way home after losing their jobs and livelihoods suddenly as a result of sudden and abrupt imposition of lock down in the wake of Covid-19 outbreak without proper planning by the Prime Minister, walking on foot along with their families for hundreds of kilometers. It is good that he sympathized with those 23 people who died under the roof of the hall of a crematorium in Muradnagar in U.P. and quickly declared a financial aid of Rs. 2 lakh to each of the victims's families. It is also welcome that he quickly reacted to condole the deaths of 5 workers of the Serum Institute of India, the Covishield manufacturing unit

at Pune, in a fire incident on 21st January, 2021. Nobody can have any objection on his calling Saurav Ganguli, a former Indian cricket captain, to enquire about his health when the latter came out of a hospital in Kolkata after being treated for a minor heart problem even if Mr. Modi was enamored of him because there were rumors of his joining the BJP in West Bengal which is expected to go to the polls in a few months and Mr. Modi and his party are hell-bent at winning the assembly elections there by all means, fair or foul. All these incidents have been sincerely and meticulously reported in the media with words of praise showered over Mr. Modi's head profusely. Only Mr. Modi's utter and willful silence on the deaths of agitating farmers, the sufferings of their families who are accompanying them, and thousands of victims of his own doing in the wake of demonetization, GST implementation and lock down, did not find any mention in most of the media. The media is prompt and pro-active in supporting and praising him for everything, however insignificant, but not for criticizing or questioning him on anything, however inimical to the interests of ordinary people. How can such media be described if not as '*godi-media*'?

In spite of his only election centric strategy there is hardly any state election the BJP has won during the last four years. Yet he is portrayed as the most powerful and the best Prime Minister the country has had although for his failure to respond to the farmers' demands, even Atal Bihari Vajpayee would have reminded him to fulfill his obligation under 'Rajdharm' as he did after the Gujarat communal killings which Mr. Modi did not control as the Chief Minister of the state. Whatever elections he has won is because there is a divided opposition and people have voted for him because they realize that no government is no substitute to even the worst and most undemocratic government like the one he heads. It is a headstrong reaction and one man's ego that is coming in the way of an amicable and honourable settlement of the farmers' problem. However, he must understand that the farmers who feed the whole country including those soldiers who defend the country on the borders and in whose name he has won a few important elections, deserve a better deal and that even strategically his neglect of the farmers can harm him and his party very badly as it is harming the cause of the farmers as well as that of the country. If its farmers and workers suffer, how can the country prosper?

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The Country Stands with the Farmers and their Movement

More than a week before the actual event the farmers had declared that they would hold a tractor march on Republic Day, the 26th January 2021 in which thousands of tractors would take part and every tractor would display the national flag. In this way they would celebrate the Republic Day along with the nation when the armed forces would march on the Raj Path and the farmers would march with their tractors on the outer ring road. However, the Delhi police did not allow them to march on the outer ring road. Ultimately, both the sides mutually agreed on some other routes on which this march would take place. The tractor march was also to start after the march of the armed forces was over. But this agreement did not hold ground and some farmer groups started the march earlier and after some confrontation with the police, they reached the Red Fort and even entered it. Some miscreants climbed the ramparts of the Red Fort and hoisted a religious flag on the pole on which the Prime Minister unfurls the national flag every Independence Day when the country celebrates the Independence Day.

It was not a proper thing for anybody to climb that pole and to put up any flag there even if it was a religious flag which is otherwise respectable. But putting up even a religious flag at the pole, at which the national tricolour, which represents the secular and democratic India, is unfurled every Independence Day, was in no way proper. It was also highly improper to hold a confrontation with the police, indulge in violence and to enter the Red Fort. Since the Red Fort has become a symbol of our independence, the whole incident was rightly seen as an affront to our national ethos. It was also condemned by all the farmers' unions, political parties and every individual who saw the incident on the TV set. So far so good. But the BJP leadership has been making a lot of hue and cry on the incident, calling it an insult to the national flag and the whole nation. What is noteworthy is that the miscreants did not remove or insult the national flag in any way because there was no national flag on the pole where a person put up a different flag. What are even more noteworthy and objectionable are that 'all' the farmer leaders and protesting farmers are being painted as the participants and promoters of that incident and being labelled as anti-national elements. The central government and the ruling BJP have launched an all out campaign to defame and destroy the farmers' movement. This was being done and is still being done with impunity by the BJP leaders and most of the media, particularly the '*godi media*', is following their footsteps and trying to hold the farmer leaders responsible for the untoward incident in every TV discussion on the incident for which a few misguided and mischievous individuals were really responsible. Hardly any TV channel appreciates these farmer leaders for the tractor march which was completed on three agreed routes by lakhs of farmers in thousands of tractors peacefully in a dignified manner, in the same manner as has their protest at Delhi borders been conducted and continued for the last three months. The conduct of the '*godi media*' rightfully reminds one of lapdogs who dutifully and faithfully wag their tails continuously to please their masters, justifying the tag of '*godi media*' as attributed to them by Ravish Kumar of NDTV.

The two leaders of the Red Fort mob, Deep Siddhu and Iqbal Singh, have already been arrested and one hopes that their links and motivators will be exposed if the police conduct their investigation in a fair manner without fear and favour. It is intriguing how these people were allowed to start their march earlier than the fixed time and that too to the Red Fort covering a long distance from Singhu border when they had made their intentions clear a day before the planned tractor march.

If, however, one looks at the incidents that followed the Red Fort incident, apart from the conduct of the '*godi media*' which has been relentlessly blaming the farmers' union leaders for it, there remains no doubt that the incident was only one part of the deeper conspiracy to defame the farmers' agitation and their leaders and somehow or the other bring about the end of the agitation which has been intensifying and spreading throughout the country with every passing day, spreading dissatisfaction with the Bharatiya Janata Party and its leaders not only among the largest community of farmers but also among other people in general as a result of which Manohar Lal

Khattar's helicopter was not allowed to land at a village where he was scheduled to address a gathering of local people and many villages have banned the entry of BJP leaders into their villages, and the anger of people, particularly of the farming community, against the BJP can be fatal for the BJP's electoral plans.

After issuing many statements against the farmers' agitation and their leaders immediately after the Red Fort incident and seeing that all the people had condemned the incident, the BJP saw it as an opportune movement to crush the movement and decided to forcefully remove the farmers first from the Ghazipur border. Cases were filed against almost all the farmer leaders for the Red Fort incident, including Rakesh Tikait, who was leading the agitation at the Ghazipur border. A large number of armed police personnel were sent to the border. The District Magistrate and senior police officers also reached there and served a notice to the farmers to vacate the place immediately. Water and electricity supply to the place where the farmers were camping, was also cut. There were rumours that Tikait was to be arrested from there, who even decided to surrender to avoid brutalities on the farmers by the police if the administration decided to remove them from there by use of force, which seemed to be their plan. But soon Rakesh Tikait received the information that about 200 BJP workers led by two local BJP MLAs, Nand Kishore Gurjar and Sunil Sharma, had arrived and gathered below the flyover on which the farmers had set up a stage for their speakers and were sitting in agitation, and that the BJP workers were carrying lathis and other arms with them. On learning this, Tikait declared that he would not let the BJP goons attack farmers after he surrendered himself to the police and that now he would continue to sit in agitation there even if he was killed there. In an emotional voice, tears trickling down his cheeks, he declared that he was giving up even water and would drink it only when farmers brought water from their villages in protest against the stoppage of water supply to the farmers at the border.

Rakesh Tikait's appeal to the farmers, who were a little demoralised after the Red Fort incident, had a miraculous and electrifying effect. Thousands of farmers started from their villages in Muzaffar Nagar and other places with Ganga water or water from their own wells on their tractors and other vehicles for Tikait and other farmers at the Zhazipur border. Then it was the turn of the administration to get demoralised. It did not have the courage to remove the farmers forcibly from there that night. This incident happened on 28th January and from 29th January thousands of more farmers started reaching the border carrying water.

A similar incident happened at the Singhu border where about 200 people, claiming to be local people, carrying national flags and lathis gathered there and shouting slogans like '*Tirange jhande ka apmaan, nahin sahega Hindustan*' (India will not tolerate the insult to the tricolour), and also slogans against the farmers' leaders, attacked the farmers sitting there, pelting stones at them. They also demolished the tents erected there, also damaging the property of farmers kept in those tents. This was done in full sight of the large contingent of police present there many of whom were later seen shaking hands with these 'local people'. The fact that everybody else, including the media persons, was completely banned from proceeding towards the Singhu border and was stopped at least two kilometres away from that place, and these 'local people' could reach there easily, as if on a conducted tour by the police, raises serious suspicions of the complicity of the administration and political class in the attempt to remove the farmers from the agitation site. They were the sponsored, trained, motivated and committed goons of the BJP who were dutifully performing the task assigned to them by their leaders. But this attack by the BJP workers also backfired as farmers who had left for their villages earlier felt it as an attack on the honour of the farming community by the BJP and from the very next day thousands or more farmers started arriving at the protest site to support the agitation and to participate in it.

Seeing that the farmers' movement was getting stronger and stronger and that '*khap mahapanchayats*' being organised in various districts of U.P., Haryana and Punjab etc. were pledging their support to the farmers' movement and also asking their members to join the agitation

at the Delhi borders, the BJP leadership neither was nor is finding a way out of the imbroglio, and the Prime Minister, Mr. Narendra Modi, speaking in the Rajya Sabha on 8th February 2021, himself tried to defame those intellectuals, civil society members and social activists who have lent their support to the farmers' movement by calling them '*andolan jeevi*' and '*par jeevi*' , meaning thereby 'those who live on movements' and 'parasites'. By making these remarks he has only exposed his hatred for those who agitate against oppression, injustice and misrule, as did our freedom fighters like Netaji Subhash Chandra Bose, Mahatma Gandhi, Jawaharlal Nehru, Abul Kalam Azad, Sardar Patel, Chandrashekhar Azad, Bhagat Singh, Rajguru, Sukhdev and scores of others like them, against the British rule in India and why not because no person belonging to the Rashtriya Swayamsevak Sangh (RSS), of which he is a very loyal member, is known to have participated in the country's independence movement. In fact, Mr. Narendra Modi, who never feels shy of using the names of leaders of the independence movement, like Sardar Patel and Netaji Subhash Chandra Bose for political gains, himself is not known to have participated in any movement whatsoever. That is basically the reason why he does not understand the sacrifices of those who suffer so that others may live happily and that is also why he has not uttered a single word of sympathy or condolence for more than two hundred farmers who have died suffering from extremely inimical weather conditions during the farmers' agitation in the last more than three months. That is why various BJP leaders have been calling the farmer leaders Naxals, Khalistani terrorists, pro-Pakistan and pro-China anti-nationals, etc. and taking clue from his remarks, J.P. Dalal, the agriculture minister in Haryana's BJP government, went a step further and said that those farmers who died at Delhi borders during the farmers' agitation would have died at their homes also in any case – a very insensitive and uncivilized remark – like that of his leader. No BJP leader has criticised or condemned his remarks because they are no different. The attitude of the central government, particularly of Prime Minister Modi, has been confrontationist rather than conciliatory towards the farmers from the very beginning of their movement. All the BJP ministers, MPs, MLAs, spoke persons etc. know this very well, and knowing it very well that no action will be taken against them by the party high command, and following that line, regularly issue such statements from time to time. It is a practice in the party to support and reward rather than punish such people for such remarks.

In view of the later events as enumerated above it can fairly be concluded that people like Iqbal Singh, Lakkha Sidhana and Deep Siddhu, who led the crowd of farmers who indulged in violence and disrespect to the Red Fort and its sanctity were in fact BJP agents who were dutifully performing their assigned duty so that the government could use the incident to defame the farmers' agitation and its leaders and to crush the movement which has become a headache for the ruling BJP who does not know how to bring an end to it given the ego of one person. The fact that Deep Siddhu, the main accused, has been photographed with Amit Shah and also Mr. Narendra Modi at his official residence, do point to his connection with the high ups in the BJP. If one understands it, it becomes easy to conclude how the miscreants reached the Red Fort and how the so called 'local people' reached Singhu border with arms and freely indulged in stone pelting at the farmers. The farmers have remained united against the government's attempt to bring about a division among them and the fact that they genuinely feel that the three farm laws are meant to destroy agriculture and farmers in the country has helped them keep themselves united as it is a unity of purpose and a question of their survival. They have also continued their movement in a non-violent manner and have remained calm and composed even in the face of attempts to incite them by launching attacks on them. No amount of oppression and authoritative suppression of dissent in the farmers or the activists supporting them can destroy their movement. The whole country stands with the farmers in their movement for better lives for themselves and their posterity. No government, however dictatorial, can ignore them for long.

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The Villains of the Second Wave of the Pandemic

The second wave of the pandemic Covid-19, which began around the beginning of April 2021, has been more devastating and deadly than the first one which had begun more than a year ago. But to say that it came of its own will be a denial of the truth. Last time when it came, it came stealthily along with a few carrier passengers landing in the country from aeroplanes. It was some neglect here and some unpreparedness there against an unknown enemy which made, slowly though, a large population victim of the deadly virus which showed its even more deadlier face in America, Brazil and Italy and many other countries. The sudden and unplanned lockdown throughout the country and its worst possible implementation brought job loss to crores of poor migrant labourers who started migration back to their villages on foot, suffering hunger, illness, misery and death in thousands, on their way back, which became even more painful than the pandemic itself. There was shortage of health infrastructure including hospital beds and doctors were forced to experiment with various medicines. Nobody knew which medicines could help the patients of Covid-19. The medicine Remdesivir came very late and there were no vaccines then. Yet by the beginning of the new year, Covid-19 started coming under control and people and the government started heaving a sigh of relief. Labourers also started returning back to their jobs in the cities and economy seemed to be on its way back to recovery. But in April 2021 the pandemic suddenly returned with a greater force. The vital question is – what happened because of which the pandemic returned as a second wave causing unprecedented suffering and death, and in a deadlier form.

Undoubtedly, it was a lot of negligence on the part of the people themselves which initiated the second wave in Mumbai and Maharashtra as a whole. People did not take due care in observing the Covid-19 protocols like wearing masks and observing social distancing. As a result the number of daily Corona+ cases in Maharashtra reached more than 68 thousands and deaths more than 5,00, on 18th April and in Mumbai alone 11,163 cases and 31 deaths on 4th April. Soon the virus spread its deadly fangs into Karnataka, Kerala, Tamil Nadu, Gujarat, Madhya Pradesh, Rajasthan, Punjab and Delhi.

In West Bengal, where earlier the number of daily positive cases was less than 100, the rallies and road shows of political parties for the state assembly elections became the super spreaders of the virus and the number of Corona+ cases in the state crossed 18,000 cases daily. As per its own claims, the rallies of the Bharatiya Janata Party (BJP) were attended by lakhs of people and its road shows led by the Home Minister, Amit Shah, the party president, J.P. Nadda, and almost all the big leaders of the party, attracted thousands of people. The crowds did not wear masks and there was absolutely no question of their observing the social distancing as per required norms. Obviously not, because their leaders including the Prime Minister himself, his Home Minister, their party president, Chief Ministers of other states including yogi Adityanath etc. were all flouting the expected norms and none of them was seen with a face mask. If that was the example being set by these leaders, who in fact were responsible for getting the norms implemented in the country, how could the crowds be held responsible for not observing the Covid appropriate behaviour? Of course, it was the Election Commission which was technically responsible for getting the norms implemented, but did the Commission officers have the guts to question the Prime Minister and the Home Minister of the country? Even the higher judiciary reprimanded the Election Commission for its failure to get the norms implemented during the election campaigns; even it did not speak a word about the highly irresponsible behaviour of the highest leaders of the country. After being rebuked by the judiciary it came out with an advisory that not more than 500 people should gather for attending the rallies of leaders. But that was too insufficient and too late as only the last phase of the eight phase election remained to be completed and by that time the seeds of the highest spread of the virus in the people had already been sowed. It should also not be denied that Mamata Bannerjee's rallies, though far below the number of the BJP rallies, and her wheel-chair road shows also must have paved the way for the spread of the virus, though in its effort to get more than 200

seats in the election, as claimed by Amit Shah and other BJP leaders, these leaders desperately conducted tens of rallies every day to achieve that aim. The Prime Minister himself announced in all his rallies, "2 *Mai* (2nd of May), Didi *gai*" (Come second of May – the counting day - and Didi (Mamata Bannerjee) is gone. Of course, it all proved to be tall talk, like all other claims the Prime Minister makes, and the BJP could get only 77 seats, though much higher than the 3 it earlier had, but much less than its tall talk of crossing the two hundred mark and form a government in the state. The BJP, by pitching almost the whole central cabinet and all the Chief Ministers of the BJP ruled states, and in fact the Prime Minister himself, had made it the fight of survival between himself and Mamata Bannerjee but 'Didi' proved to be much more strong to maintain her previous tally of 211 seats and winning the third election after 2011 and 2016. Had she not won the state assembly election this time, she would really have 'gone', as the Prime Minister was declaring in all his rallies, for at least 5 years. But who should now have gone after the monumental defeat in West Bengal is what the people are left guessing. Of course, such political leaders only take the credit for electoral victories, but not the responsibility for defeats, however humiliating they may be.

In Uttarakhand the 'Kumbh' proved to be the super spreader of the virus. Before the Kumbh the daily number of the Corona + cases was less than 50 and the death rate was 4 or 5. After the Kumbh was called off, the number of daily Corona + cases reached about 9,000. In fact, between April 1 and May 7, the state recorded 1,713 deaths post Kumbh, which was half of the 3,430 total number of deaths in the state till then. The present Chief Minister of the state, Tirath Singh Rawat, declared that Corona cannot even touch those who take a holy dip in the Ganges. "Most importantly, Kumbh is at the bank of the River Ganga. Maa Ganga's blessings are there in the flow. So, there should be no corona," added the chief minister on April 13th, according to *ANI*. This was even after the death of some heads of various *Akharas* and more than 68 seers having become Corona + after their holy dip in the Ganges, obviously in big clusters ridiculing Covid appropriate norms. Mahamandaleshwar Kapil Dev Das, 65, of the Nirwani Akhada of MP, one of the 13 main Akharas, died of Covid complications at a private facility at Haridwar at the Maha Kumbh area. A senior official in the health department confirmed to TOI on 15th April that a total of 68 'top seers'in Haridwar have tested positive for Covid-19 between April 5 and 14 as per TOI report dated 16 April 2021.

Those who went back after attending the Kumbh spread the disease in various parts of not only the state but also in the neighbouring cities of UP like Muzaffarnagar and Meerut. Instead of attending to his duties as the Chief Minister of the state to control the virus, he was making such irresponsible and ridiculous remarks. A preliminary probe report by the Uttarakhand health department itself said on 15th June 2021 that out of four lakh Covid test results issued during the Kumbh festival at least one lakh which were forged by a private agency were fake. That itself shows the failure of the government as well as the reason for the spread of the virus in the state and adjoining areas.

In Uttar Pradesh (UP), the biggest Indian state, the Panchayat elections proved to be the super spreader of the virus. Just a few days before poll parties were to be sent to various polling stations in Shahjahanpur in UP, many teachers, who were deputed as polling officers, complained that they were not feeling well and had Covid symptoms and requested for being tested. They were not allowed to get tested for Covid for fear that if they tested positive, they would request for exemption from poll duty. For the fourth phase of polling on 29th April 2021 in Shahjahanpur alone as many as 12,200 polling staff members were deputed. A newspapers heading in The Times of India dated April 24 carried the news, "UP staff asked 'not to get tested' until polls." In the absence of tests, nobody knows how many of them were Covid + and potential spreaders of the virus among the rural voters. It is not difficult to imagine at whose orders they were stopped from being tested and allowed to spread the virus among large numbers of villagers. The result was that at least 1,248 teachers who were deputed for polling duties died of Covid between April 1 and May 31 after performing UP Panchayat poll duty as per the verified list of teachers issued by the Uttar Pradesh

director general of school education (DGSE) issued on 9 June. Apart from these teachers, 6 block education officers, 47 class IV employees, 172 *shiksha mitras*/contractual teachers and one class one officer "who contracted Covid during election duty" have also died. Earlier when the *Prathamik Shikshak Sangh* president had claimed that more than 2,000 teachers had died of Covid, the state government had rejected their claim and said that only 3 teachers had died of Covid during the poll duty. It is not difficult to imagine how many thousand, nay lakhs, of people would have got infected at the hands of those polling officers who themselves were Corona +. That exactly is the reason why the infection reached the rural areas, and in very big numbers, during the second wave. As early as May 10, a newspaper report said, "Coinciding with UP rural polls Covid cases rose 120% in a month." On that date the newspapers reported – Record 4,187 Covid-19 deaths, 4 lakh new cases in the country. The worst was still to follow. And the second, and more important question is who should be held responsible for the super spreading of the virus in UP during the second wave. Is it not the top most leadership of the state which is responsible for the spread of the disease and the death of thousands and thousands of those who fell victims to their criminal negligence? During all this period when Covid-19 was lashing the state with all its fury, yogi Adityanath, the UP Chief Minister, who was supposed to put all his energies in improving the health care facilities for the patients of the Covid in the state, he was busy most of the time with all his energies in campaigning for his party in West Bengal for the Assembly elections.

Once the Corona virus had spread far and wide, not only in UP but also in Delhi and also in almost all the other states, what was required was to provide medical facilities to treat the victims. The governments failed in that very badly. On 27th April Union Health Minister Harsh Vardhan had claimed that "the country is now better prepared, both mentally and physically to beat the Covid-19 pandemic as compared to 2020." Soon the country was to experience the worst possible preparation to fight the pandemic. There was not even an attempt to take necessary precautions to stop the virus from spreading. For example at the last Shahi Snan on 27th April at the Kumbh, in Haridwar a crowd of 25 thousand people took a dip in the Ganges. On May 10, Uttarakhand High Court observed, "The scientific community had been warning since January about the second wave of Covid but the government did not heed these warnings and it is due to these unfortunate mistakes and negligence that the pandemic has taken such a gargantuan turn." Newspapers were full with news like '31 die at Lakhimpur Kheri govt hospital in 24 hours', 'No O_2, 12 Covid patients die at Delhi hospital', 'O_2 crunch: 25 Ganga Ram patients die', '11 die at Chennai hospital due to O_2 disruption'. On May 15, a newspaper carried these headlines – 'Covid cases double in U'khand hills in 40 days', '13 more Covid-19 patients die at Goa hosp: toll 75 in 4 days', 'After 28 deaths in 45 days, village on edge' (Parwana village in Bulandshahr district), and 'India adds 3.4 L new Covid cases, 4000 fresh fatalities'. The worst was still to follow. There were no beds in hospitals; there was no oxygen for the dying patients who ultimately succumbed. MLAs, even those belonging to the ruling BJP, were complaining but no one heard. Jasrana MLA from UP said, "My wife lay on the floor for 3 hours, was given no food." Another BJP MP and Union Minister, Santosh Gangwar complained to the Chief Minister yogi Adityanath highlighting the Covid-19 'mismanagement' and said that he rang up senior health officials but no one even picked up the phone and oxygen cylinders were being hoarded; another BJP MLA from Barauli, Dalveer Singh, wrote to him alleging mismanagement and favouritism in refilling and delivery of oxygen cylinders. Even MLAs were afraid to speak up. Rakesh Rathore, BJP MLA from Sitapur in UP, said, "If I speak up, I face treason and sedition charge." One can imagine the plight of ordinary citizens who were desperately approaching officers and political leaders to save their dear ones, but no one heard. The Allahabad High Court on 17th May 2021, seeing the despicable condition of the health care system in the state, where a top Meerut hospital had kept the kin of an ex-Military Engineering Service official in the dark for 10 days, observed that "UP's state of health was '*Ram bharose*', 'at God's mercy'."

A government appointed committee had said in November 2020 itself that in the coming days there was possibility of the Pandemic increasing its reach and there would be acute shortage of oxygen. But no action was taken on that report. Procurement and distribution of oxygen was in the hands of the central government which failed miserably to supply it to the states where patients were dying for want of the life saver. So much so that the Supreme Court had to order the government to make arrangements to supply the oxygen wherever it was needed, for example 700 MT to Delhi where it was needed very badly. The central government was also responsible for the purchase and supply of vaccines to the states but thousands of vaccination centres were closing down in almost all the states because there were no vaccines. That was the preparation of the central government for treatment of the Covid patients as against the hollow claims of the Union Home Minister. The result was that between 1 May and 26 May, as per government records more than one lakh people died in comparison with the last year's total tally of 2 lakh deaths during the first wave.

There was so much under reporting of deaths that the actual numbers could be five to six times as per the crematorium and burial ground staff almost everywhere. Long queues of ambulances with the dead bodies could be seen at the crematoriums for cremation and there was no ground at the burial grounds. There was '10-fold rise in pyres at cremation ghats', said Raj Bhagat, a geo-analytic and earth observation expert and another newspaper heading said, 'Agra's lone electric crematorium stops – with a five-fold increase in workload surge, this is the second such disruption in a week.' Countless dead bodies of the victims of the pandemic were buried in the sandy river beds all along the Ganges. Videos of the crematoriums, burial grounds and the sandy river bed of the Ganges showed an extremely horrifying picture of the lack of dignified treatment even to the dead bodies. A TOI report from Dehradun on May 3 read , "Long wait, overcharging rampant at crematoriums," and another one on May 7 read 'Bodies of Covid dead not burnt properly, dogs at it'. But the governments of Uttarakhand, UP and Bihar were shamelessly covering up, downplaying and denying what everybody was witnessing on their TV screens every day. The Supreme Court had to intervene in the matter when hundreds of dead bodies were found floating in the Ganges, otherwise considered a holy river, in UP and Bihar. A video showed a man removing the shrouds from the dead bodies buried under the sand on the shores of the Ganges in Bihar, perhaps on instructions from above to hide the number of dead bodies lying there.

There can hardly be a person in the country whose relative, friend, neighbour or a known person did not become a victim of the Covid and die, most of them a desperate death, at road or home because of the shortage of beds in the hospital or shortage of medicines and oxygen if lucky enough to get a bed in the hospital. Most of them were victims of the worst possible health infrastructure in the country more than the victims of Covid-19. Fewer of them got a dignified burial or cremation when they were dead and most of them did not even find a place in the government lists of those who had died. We know that no courts will or can punish the villains of the second wave of the Pandemic for their hollow claims and highest possible mismanagement resulting in deaths to the victims and misery and suffering to the dead ones and their family members and friends. But punished they will be – in the court of 'We the People of India', the highest sovereign power above all the courts, the executive and the legislature, when time comes for them to deliver their judgement on the deeds of omission and commission of the villains of the second wave of the Pandemic.

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Black Laws like UAPA and Sedition Law must be Repealed
and those who Misuse them held Accountable and Punished

It has become a trend now, even more than at the time of the United Progressive Alliance (UPA) government led by the Congress till 2014, for political masters sitting in the government to quell dissent and criticism of the policies and actions of the government and its leaders by using stringent laws like Unlawful Activities Prevention Act (UAPA), Anti-terror laws or the outdated colonial Sedition law under Section 124A of the Indian Penal Code (IPC). They portray dissenters – social activists, painters, poets, writers, journalists, students, intellectuals and thinkers – not as those who disagree with the political rulers and their policies – but as terrorists, outlaws, anti-nationalists and as those who are out to divide and break the country. They were all named as 'Urban Naxals' by leaders of the ruling BJP government. Even farmers who have been agitating at Delhi borders for repeal of the three farm laws enacted by the Modi government and demanding guarantee of Minimum Support Price (MSP) for their farm produce were labelled as Khalistanis, anti-nationals and terrorists. The government (mis)uses the police and other central agencies like the CBI and other enforcement agencies at its command to terrorise, arrest and incarcerate innocent people to restrain them from expressing their views before the people. High level police officers willingly oblige their political masters in the hope of getting returns for their services rendered to these political masters in the form of high posts after their retirement from regular jobs, even party tickets for elections and ministerial posts.

These government officers, who take the oath of the Constitution to perform their duties faithfully and in an unbiased manner, do just the opposite of that. Take, for example, the manner in which the Delhi police acted during the 2020 riots in East Delhi during the anti-CAA agitations. People, mostly Muslim women, sat on peaceful *dharnas* in various parts of Delhi against the Citizenship (Amendment) Act because they considered it anti-people, particularly against the Muslims. One such *dharna* at Shaheen Bagh near Jamia Millia was the beginning of all such *dharnas* which spread not only to other parts of Delhi but to some other parts of the country also. These *dharnas* were absolutely peaceful and were gaining support among people of other faiths also, including the students of institutions of higher learning like the Jawaharlal Nehru University and Jamia Millia Islamia and also the secular intellectual class everywhere. But their spread to other places had the government worrying and it started looking for ways to quell the movement. First the BJP's well known leaders like Parvesh Verma, an MP from Delhi and Anurag Thakur, a central minister in the Modi government, called these protesters '*gaddars*'(anti-nationals), pro-Pakistanis etc. and in the same vein Anurag Thakur advised their followers '*Desh ke gaddaron ko, goli maro saalon ko*' (shoot these traitors) at an election rally and following his hint a young person reached the protest site at Jamia Millia within a few days on 30th January 2020, where students were peacefully protesting against the CAA, and fired a shot at the protesters in full view of the heavy police contingent injuring a student and got away easily without any hindrance. He was identified and apprehended later. Emboldened by very light punishment, as a juvenile of 17 years then, for this crime, he made a provocative hate speech encouraging attacks on Muslims at a *mahapanchayat* in Haryana and was arrested later. A Pataudi court rejected his bail application on 15th July terming his offence as "serious and severe" saying that the consequences of this can be "far more dangerous" and "may translate into communal violence".

Exactly this happened earlier when at another protest site in East Delhi Kapil Mishra, a BJP convert from Aam Aadmi Party, warned the anti-CAA protesters to vacate the place or face the consequences. When he issued that warning and a hint to his supporters to do what he wished them to do, which they actually started doing from the very next day, the Deputy Commissioner of Police of that area was seen standing with him without even moving his lips. The very next day, picking up the hint from their leader, the BJP supporters started indulging in large scale arson and rioting not only at that spot at Maujpur but also in a very large area of East Delhi predominantly occupied

by Muslims. Whole residential areas and shops at Shiv Vihar were burnt, many religious places were desecrated or burnt and people were brutalised and even killed. This continued for three days all over East Delhi. Muslims were fleeing with their women and children to places of safety, even to their villages in UP. There was no help from the police as the police phone numbers were not being picked up. And when the police did reach there, though after a long wait of one full day allowing the rioters a free hand, they did not help the victims in any manner. They were seen either just sitting and watching the rioters do their work or cooperating with the rioters, and breaking CCTV cameras to destroy the evidence. It is now on record that they brutally beat up young Muslim boys grievously injuring many and resulting in the death of some.

When it came for inquiry and filing FIRs, it were the victims themselves who were caught, tortured and put behind the bars. There was no mercy or medical treatment available to them. In the whole exercise, there was absolutely no question of taking any action against Parvesh Verma, Anuj Thakur or Kapil Mishra, either from the police, which is directly under the union home ministry headed by Amit Shah, or the ruling party to which they belong. After all these hate-mongers were the flag-bearers of the communal divide which is the main plank on which the BJP wins elections. The more venom you spew against the minority communities, particularly Muslims, the higher your status grows in the BJP and you can hope to be rewarded with a ministerial post or some other important position in the party. When there were anti-Sikh riots in 1984 in Delhi, there was tacit support of the Congress government to the rioters but when a PUCL fact finding report – Who Are the Guilty? - came out, even the Congress had to take action against its leaders named in the report, like Sajjan Kumar, who is in jail now with life imprisonment, and Jagdish Tytler, who escaped punishment but lost his ministerial post and party ticket forever. No such thing can be expected of the BJP government and the party in case of its three leaders who are directly responsible for the East Delhi riots. It should not be difficult to imagine why. Now during the trial the courts are reprimanding the police officers for filing false FIRs against innocent people.

In several other cases of dissenters, who have been incarcerated for long periods under very stringent and anti-democratic laws, bails are being granted to the innocent people by courts also declaring that the cases against them are baseless. We know that the cases against intellectuals and activists arrested in the Bhima-Koregaon violent clashes case which took place on 1st January 2018 near Sanaswadi at Pune in Maharashtra, between two caste groups -- Mahars and Marathas - accusing them of being part of the Elgar Parishad, a coalition of over 250 Dalit and other social activists who came together to mark the 200th anniversary of the victory of Mahars over the caste Marathas in the battle of Bhima-Koregaon, are also false and fabricated. Yet they have been in jail for a long time and have not got any respite even from the judiciary. The charge that they were planning to kill Modi, the Prime Minister, was added to the other charges to make the offence look more serious and ensure that they remain in jails for a very long time. Some of them have been very sick, yet there is no bail for them. Stan Swamy's death is no less than the judicial murder of a true social servant. And those who had really fomented violence at Bhima Koregaon, for which these innocent people have been incarcerated, are loitering freely because they are supporters of the RSS and the Hindutva brigade. A report by a multi-member "fact finding committee" led by deputy mayor Siddharth Dhende submitted that right-wing activists Sambhaji Bhide and Milind Ekbote had pre-planned the entire violence. On 2 January 2018, the Pune police even filed an FIR against Sambhaji Bhide alias 'Guruji'and the founder of ultra right wing group Shiv Pratap Bhoomi Mukti Andolan. Milind Ekbote, accusing them of instigating violence in Shaniwar Wada at Pune where the meeting had taken place. Instead of arresting them, in June 2018, the Pune Police arrested several activists including Dalit activist and co-organiser of the Elgar Parishad event Sudhir Dhawale, Nagpur University professor Shoma Sen and human rights activist Rona Wilson under UAPA. They were accused of being conspirators of the Bhima-Koregaon violence. At whose behest the whole narrative was changed and the dissenting intellectuals and activists were framed,

while the real conspirators kept free, should not be difficult to imagine. It was BJP government in Maharashtra then.

In August 2018 alleging a Maoist link to them the police arrested activists and intellectuals Sudha Bharadwaj, Gautam Navlakha, Arun Ferreira, Varavara Rao, Vernon Gonsalves, and many more later, in the same case. In October 2020 Father Stan Swamy was named in the chargesheet as an accused for planning to bring together Dalit and Muslim forces to 'bring down the fascist government at the centre' and arrested under charges of UAPA and sedition. The story of his incarceration and later judicial murder is well known now.

Those police officers who filed false and fabricated charge sheets against innocent persons at the behest of their political masters should be held accountable and punished by the courts for their deeds of omission and commission. Only that can deter them to some extent from blindly obeying the illegal orders of those political masters. After the Emergency of 1975, the Shah Commission had warned the bureaucracy not to obey the illegal orders of their political masters. But most of them continue to do so, particularly those belonging to the police force and the enforcement agencies who use their authority to coerce innocent persons, because either they are spineless people who should not have been in the seats of authority or they do so willingly in the hope of getting remunerative and influential appointments in return for their illegal work from those political masters after their retirement from government service. There are hundreds of examples of retired officers and even judicial officers getting rewarded by governments for favours shown by them during their tenure of service. The guilty should be identified and punished; otherwise the innocent will continue to suffer and the culprits will continue to prosper; Stan Swamys will continue to be incarcerated and killed and our democracy will remain phoney. The judiciary must also introspect to see whether it has judiciously fulfilled its role as the protector of the life and liberties of the people. It is true that provisions in the laws like the UAPA to some extent bind the hands of the judges, but it is equally true that the higher judiciary has the power to strike down any law which runs against the spirit of the basic structure of the Constitution of which Fundamental Rights are an integral part. It is baffling as to why the judiciary has tolerated the existence of such laws on the statute book. The black laws like the UAPA and the 'sedition' law, which are misused to harass, torture and incarcerate innocent people by the political class must be repealed as such laws have no place in a democracy. If civil society can force the government to repeal these black laws, it will be a befitting tribute of the civil society to Father Stan Swamy.

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Incompetent Government, Failed State

The present National Democratic Alliance (NDA) government of India led by the Bharatiya Janata Party (BJP) and headed by Narendra Modi has proved itself as the most incompetent government in the history of democratic India. Right from the sudden announcement of demonetisation of higher currency notes on the TV just four hours before its implementation in 2016, which resulted in great difficulties to the public at large in standing for hours in front of the banks to exchange small amounts of money and also resulting in large scale closure of businesses and consequent job loss to crores of people, to the faulty and unplanned implementation of the GST, to the sudden declaration of lockdown in the wake of the Pandemic without preparing the country of it, which again resulted in job losses to crores of daily wagers as well as middle class people and the largest ever exodus of people from cities to their villages thousands of kilometres away on foot, suffering miseries and death on their way home – all the decisions reflected the authoritarian mindset and utter incompetence of the Prime Minister. The utter mismanagement of health care system during the Pandemic resulting in the death of lakhs of people, thousands of them dying due to shortage of oxygen supply to the hospitals treating the patients and later inhuman and undignified burial and cremation of the dead ones in lakhs of cases showed the apathy and incompetence of the government in managing the crisis situation. Denial of the lack of proper management and shortage of supply of oxygen to the corona patients, who needed it the most, by the central government only rubbed salt into the wounds of the suffering relatives and friends of those who died in the worst of conditions.

For nine months now the farmers have been agitating at Delhi borders demanding withdrawal of the three farm laws passed by parliament, which they consider as anti-farmers, and demanding legal guarantee for Minimum Support Price (MSP) for their produce but because of its self-righteous and adamant attitude, the Modi government has not listened to them although the farmers have lost 700 of their colleagues during this agitation facing extreme cold and heat conditions as well as rain in their make-shift shelters. Nobody from the government, including the Prime Minister, has ever expressed a word of sorrow on their death betraying lack of sensitivity on their part.

In the case of snooping on the mobiles of more than 300 people including judges, intellectuals, journalists, politicians, activists and even its own Ministers through the Pegasus software purchased from an Israel firm sometime in 2017, the Modi government has broken all norms of fair democratic governance. It has not agreed to an inquiry into the case as demanded by the entire opposition in and outside the Parliament because of which the entire monsoon session of Parliament was washed out. If an individual infringes the liberty of another individual, he is called a criminal. If the same thing is done by a government, how else can it be described except as criminal. While people of the country can hardly expect a responsible and clean role from the legislatures full of criminal elements, who get party tickets and get elected to the august houses of Parliament and State legislatures, when the government starts acting like criminals, it leads to a failure of the State. The government has not denied categorically that it purchased the software and used it against its citizens. Even in an affidavit filed before the Supreme Court the government hid behind the facade of ‘national security’ adding that interceptions were being done in accordance with the statutory procedure and it would not wish to put out in public domain details of software used for lawful surveillance. That is admission enough of the software purchase and its use although the government had not been accepting it earlier in any manner. If the government considers all those whose mobiles were hacked as ‘national security threat’, it should come out and say it clearly. If it was doing so for its narrow political ends, the act is criminal and utterly shameful on its part. If the targeted persons were/are really a ‘national security threat’, it is a serious matter and the failure of the government to apprehend them again shows the high incompetence of the government even in matters relating to national security. Without clean legislatures, we cannot have clean governance but those in authority, be it political parties or political leaders sitting in the

government, do not seem to be in a mood to clean their houses. So long as the parties do not stop giving tickets to criminal elements for elections, it does not give any indication that they want clean legislatures and clean governance. Perhaps it suits them better as they can and do use muscle and money power to win elections and indulge in all kinds of illegal and immoral acts to stay in power once they get it. That is failure of democratic governance in the country.

Almost a daily price rise in petrol and diesel, which results in continuous rise of prices of even essential commodities because of the higher cost of transportation, is another failure of the government. The prices of petrol have crossed Rs. 100 per litre and of diesel are touching the one hundred mark. The price of domestic LPG cylinder has reached Rs. 859.50, more than double the 2014 level when Narendra Modi took over as the Prime Minister. The price rise in petrol and diesel is not because of the higher cost of crude import, which in fact has come down considerably since the 2014 level, but because of the higher 'special and additional excise duty' imposed by the central government. This gives the central government lakhs of crores of Rupees which it says is needed for social welfare and developmental schemes of the government. It does not care even if it means a lot of suffering for the people, particularly those living below the poverty line in the name of infrastructure development which is rarely used by the lowest class in society. The central government has taken a different route of increasing the excise duty on petrol and diesel by naming it 'special and additional excise duty' so that the whole increased amount falls in its pocket and nothing goes to the state governments as the state share, as if they do not need any money for the development of infrastructure in their states. This is another political move of the Modi government because the central government can claim before the people that it is more concerned for the development and welfare of the people than the state governments headed by other political parties because it is spending more money for their welfare.

While the BJP on Wednesday, the 18th of August, sought security cover for its grassroots representatives and workers in Jammu and Kashmir after two party leaders were shot dead by terrorists in a week, when it comes to the question of formation of a force to protect the judges, proposed in the wake of the killing of a judge on July 28 in Jharkhand's Dhanbad, the government informed the Supreme Court on August 17, 2021 that constituting a dedicated unit nationally for protection of judges is "neither advisable nor practical". Though the security of every citizen should be an equal concern for all of us, it seems that the security of its party workers alone is of paramount concern for the BJP. On the other hand, it treats the freedom and liberty of others, particularly of its dissenters, with contempt and uses central agencies like the CBI against them, for its political ends. That is the reason why the Madras High Court on Tuesday, the 18th August, asked the centre to consider enacting a law giving statutory status to the CBI, called a "caged parrot" in May 2013 by the Supreme Court, to ensure its autonomy without the government's administrative control. That highlights the failure of the central agency, another important arm of the State, to act independently and without bias.

The central government has been acting autocratically because the Parliament to which it is accountable has been rendered superfluous because of the crude majority enjoyed by the NDA government. The result is that no discussion on any of the issues like the Pegasus snooping, farmers' agitation, high price rise, mismanagement of the Covid situation during its second wave and the vaccination programme, high unemployment in the country etc. could be undertaken and the government succeeded in getting those bills passed easily without any discussion which it wanted to be passed. The executive of the country has failed to deliver to the country and it has rendered the legislative branch of the state, through which the people are supposed to hold the government accountable, also redundant. It is difficult to say when and whether the glory of the highest seat of democratic governance will ever be restored.

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Hail the Victory of the Indian Farmers!

When Prime Minister Modi appeared on the TV on 18 November morning in his own style of suddenly appearing on the TV and declaring an important matter of policy change, he again had an important announcement to make. Taking a complete U-turn from defending the three contentious farm laws his government and party leaders have been strongly defending at every forum and against which the farmers have been agitating for nearly one year under the banner of the Samukta Kisan Morcha consisting of 40 farmers' unions, he declared that his government was repealing them. This declaration of repealing the three farm laws is important because the farmer unions had declared their intent to continue the agitation until they were withdrawn. But by itself, it is mere reversal of the harm done to the country's farmers by the Modi government and does not in any way contain any measure to promote the welfare of the farming community.

The question is whether it was a change of heart and a goodwill gesture towards the agitating farmers who have lost about 750 of their colleagues during their movement and the realization of the real condition of farmers in the country who earn only Rs. 27 per day even as per government estimates, which persuaded the Prime Minister to repeal the three farm laws. Had it been so, he would have simultaneously declared a plan to give a legal guarantee of Minimum Support Price (MSP) for their farm produce and withdrawal of all cases against the farmers filed during the agitation meant to intimidate them, along with some mechanism to address their future difficulties. In his address, he 'apologised' to the 'countrymen' for not being able to convince 'some' farmers about the benefits of the three farm laws, and not to the farmers for treating them very shabbily; at the same time he also did not say a single word of condolence for the 750 farmers who made the supreme sacrifice for the cause of the farming community or a word of sympathy for their families who lost their bread winners. The answer obviously is a big 'NO'. It is clearly a face saving move and a political manoeuvre in an attempt to avoid a complete rout in the assembly elections which are just three months away in which three important states of Uttar Pradesh, Punjab and Uttarakhand are involved and in which the farmers' movement was projected to have a deep impact. Only a day earlier, Satya Pal Malik, a BJP appointed Governor and an important leader of the party had declared on a TV channel that the BJP was going to lose the assembly election in all these important states very badly and that there would hardly be any Member of Parliament of the BJP in the Lok Sabha in 2024 if the government did not concede the demands of the farmers. High unemployment rate, sky high prices of petrol, diesel, LPG and edible oils, vegetables and other consumable items along with the farmer woes would really have brought the BJP down in the coming assembly elections. That would really have been fatal for Prime Minister Modi's desire to be the Prime Minister of the country for the third time in 2024.

The Prime Minister's 19th November declaration should also be seen in the light of the government's earlier declaration of reducing the excise duty on petrol and diesel nominally by Rs. 5 and Rs. 10 respectively on 4th November, the Diwali day. It had come after a continuous increase of paise 35 every day on both for several months taking the prices of both to a never before high of Rs. 120 and 110. The relief was too late and too little. In the light of the coming elections the move was an expected one, though no relief was given on the price of LPG cylinder whose prices were increased by Rs. 350 within a few months (and the steep rise of Rs. 250 per bag on the cost of chemical fertilizers, needed by the farmers before the sowing season, announced a few days earlier). The people know it very well that they would not be increased now till the results of the assembly elections are out. The move is similar to the time more than two months before the West Bengal assembly elections when the prices of petrol and diesel were stopped to be increased and immediately after the declaration of the election results they started to be increased.

In the victory of the farmers' movement, we have seen the rise of the people's power. This has shown that the game of the BJP is over. If the people stand up, they can force Prime Minister Modi to sack Ajay Mishra, the Union Minister of State for Home, father of Ashish Mishra, who is one of

the main villain and accused in the Lakhimpur Kheri conspiracy and murder of four innocent and unsuspecting farmers by crushing them wantonly under the wheels of his vehicle on 3rd October 2021 (though the retaliatory killing of some BJP workers accompanying him and involved in the act, is also condemnable), and the Modi government to withdraw the CAA and labour codes and also stop the sale of national assets.

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Mr. Modi, forgive us, We the People of India, for voting you to power twice

It is said that people get the government they deserve, at least in a democracy where the people themselves elect their representatives and the government. So, 'We, the People of India', cannot blame anybody else but ourselves for the kind of government we have because we ourselves voted the National Democratic Alliance government led by the Bharatiya Janata Party and headed by Narendra Modi not only in 2014 but also again in 2019. Of course, we were befooled by slogans like '*Bahut hui mahangai ki mar, abki bar Modi sarkar*', ('the price rise has beaten us enough, let us now have Modi goverrnment', and the utterly false promise of 'Rs. 15 lakhs in everybody's account', which Amit Shah, now the Union Home Minister, later admitted as a mere election '*jumla*' after winning the election in 2014. Then came the dictatorial and sudden order of the Prime Minister to demonetize the big currency which resulted in great difficulties to the public and closure of lakhs of factories and businesses resulting in unemployment to crores of people in 2016, soon to be followed by the ill-planned and shoddily implemented GST further increasing the woes of the people and small businessmen. People were lynched publically by the Hindutva groups in the name of cow protection and cases were filed not against the perpetrators of the crime but against the victims and the cows thus saved have been let free to destroy the crops of farmers, mostly in Uttar Pradesh, without cow shelters and cow homes, where Yogi Adityanath, the self-acclaimed biggest savior of cows, runs the government.

Throughout the first tenure of the Modi government we saw a rise of the communal agenda of the Hindutva groups and the polarisation of the population on communal basis, which continues with a greater vengeance till date in the name of Ram Mandir and Kashi Vishwanath corridor inaugurated just a few days ago by him. Getting the benefit of the majoritarian Hindutva votes, the same government got elected again in 2019. Things got worse with the arrival of the Covid-19 pandemic and the sudden lockdown imposed by the Prime Minister, which again resulted in sudden closure of factories and offices and resultant unemployment to crores of people. The poor daily wagers were on the verge of hunger and death and mass exodus of the miserable population towards their villages hundreds of kilometers away on foot started, hundreds of them dying on the way of hunger and disease as well as of road accidents. The lockdown further aggravated the employment situation and crores of people further lost their jobs and means of survival.

During the pandemic health services were in deplorable condition everywhere but more so in Uttar Pradesh in which case the High Court went to the extent of saying that the health services there were at the mercy of God. Hundreds of dead bodies were seen floating in the Ganges and buried along its banks in spite of big claims of the efficiency of the 'double engine sarkar' of Modi and Yogi.

The farmers were agitating on the Delhi borders for more than one year for repealing the three farm laws enacted by the parliament without any discussion and considered as anti-farmers by the farmers themselves. During the agitation more than 704 farmers have died. But Modiji has had no time or inclination to listen to them or to utter a single word of sympathy for those who died. Ultimately under the fear of losing the forthcoming assembly elections in five states, particularly in U.P. whose election results will play a crucial role in the parliamentary elections due in 2024 and which can be detrimental for Mr. Modi's strong desire to be the Prime Minister for the third time, he withdrew the three controversial farm laws and broadly accepted the demands of the agitating farmers to wind up the agitation after more than a year of the beginning of the agitation. He knew well that the farmers are capable of strongly influencing the results at least in 120 constituencies in U.P. alone. The farmers will carefully watch the government's action on its assurances as its track record in the past has been dismal.

The Yogi Adityanath government in U.P. is not far behind. When four of the farmers protesting against the three controversial laws, were murdered in a cold-blooded manner on 3rd October 2021, by crushing them under the tyres of speeding vehicles, at least one of them belonging to Ashish Mishra, the prime accused and the son of the Union Minister of State for Home Ajay Mishra 'Teni', the UP police took a week to arrest him after a lot of discussion and protests in the media. The Supreme Court came down heavily on the UP government saying that the investigation was favouring the accused. On November 18 the SC appointed Justice Rakesh Kumar Jain, a retired judge of the Punjab and Haryana High Court, to oversee on day-to-day basis the Uttar Pradesh SIT's probe into the killing of eight people in Lakhimpur Kheri including four farmers. However, still no action has been taken against Ajay Mishra although he is alleged to be the main conspirator in the case, and also named in the FIR as such, as he had threatened the farmers on 25th September of serious consequences, about a week before the main incident, telling them in no unclear words that they should remember his previous record (as a criminal, of course). In spite of the fact that as the Union Minister of State for Home he is in a position to influence the investigation, he has not been sacked from the Union Cabinet by Mr. Modi. These days it is difficult to expect any morality from political parties and their leaders, but to expect it from the BJP and its leader is a far cry.

As per the revised charge sheet filed in the court by the Supreme Court monitored Special Investigating Team (SIT) against the 12 accused, including Ashish Mishra, the prime accused and the son of the Union Minister of State for Home Ajay Mishra 'Teni', under various IPC sections, including 307 (attempt to murder), 323 (voluntarily causing hurt) and 336 (act endangering life or personal safety of others) as it was found out that the act of killing of the farmers was a well thought out and planned conspiracy. But even after that, the Union Minister of State for Home Ajay Mishra 'Teni' has neither resigned from the central cabinet nor has the Prime Minister cared to sack him, which all the opposition parties are demanding in Parliament and the farmers have started agitating everywhere. How long the Prime Minister can shield him remains to be seen.

However, what is crystal clear is that the people everywhere in the country are fed up with this government, and the 'double engine government' in U.P. because of very steep price rise in edible oils, petrol, diesel, LPG, vegetables, lentils, for which the government is directly responsible. There is very high unemployment. U.P. tops in crime, particularly against women and also in malnutrition and child death. It is third in poverty in the country. Education is in bad shape. Add to it the farmers' woes whose income remains at a low of Rs. 27/- per day and their standing crops are eaten up by stray cows loitering everywhere around their agricultural farms. The people are blaming themselves for having elected the Modi government at the centre twice and the Yogi government in 2017 with a big mandate. Now they realize that the inauguration spree launched by the Prime Minister just ahead of the assembly elections in the beginning of 2022 and Kashi Vishwanath corridor and Ram Mandir cannot feed them and the free ration supply to the poor is also going to end in March 2022, just after the declaration of the results of the assembly polls. Further price rise in petrol, diesel and LPG is also just on hold till the election results are declared, as in the case of West Bengal assembly elections in 2021. From the past record of the top leadership of the BJP they know that the attractive promises being made before the elections will be declared as '*poll jumlas*' as they were declared after the 2014 parliamentary elections. Enough is enough. There is the 'double engine' anti-incumbency against the Modi and Yogi governments. Now 'We the People of India', including those of U.P., have made up our minds to teach our liar rulers a lesson. Although the suffering poor, including minorities, are not speaking up for fear of reprisals from the musclemen of the rulers, they will show their strength when time comes. The people have stood up and the game of the BJP is soon going to be over – first in 2022 and then 2024.

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