

THE RADICAL HUMANIST



ESTABLISHED : APRIL 1937

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

Founder

M.N. ROY

Vol. 88 Number 4

JULY 2024

Rs. 15 / MONTH



652

THE RADICAL HUMANIST

Vol. 88 Number 4, July 2024

Monthly journal of the Indian Renaissance Institute

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

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Donations and Subscriptions can also be transferred directly to :

The Radical Humanist, Current Account Number
0349201821034, IFSC Code CNRB0002024, Canara
Bank, Totaram Bazar, Tri Nagar, New Delhi- 110035.

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

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Editorial :

Interpreting Verdict 2024

Mahi Pal Singh

The long drawn Parliamentary elections in India are over and with the declaration of results on 4th June 2024, in which the National Democratic Alliance (NDA) led by the Bharatiya Janata Party (BJP) has won 293 seats, 21 seats more than the simple majority mark of 272, and Narendra Modi is set to become the Prime Minister for the third consecutive term. The BJP, however, against the tall claims of Modi and Amit Shah of getting more than 370 seats for the party, has been reduced to a mere 240, losing 63 seats it held earlier, though with its pre-poll alliance partners Chandrababu Naidu's Telugu Desham Party, which has won 16 seats and Nitish Kumar's Janata Dal (United), which has won 12 seats, the BJP has got a workable majority to rule the country. However, in Uttar Pradesh the BJP got a drubbing not getting even 50% seats there where it made tall claims of getting all the 80 seats, even losing the prestigious Ayodhya seat, that too after the pranpratishtha ceremony in the Ram Temple on 22nd January on the basis of which it hoped to reach 400 seats.

The combined opposition INDIA block got a good success not only in UP but also in Tamil Nadu, Rajasthan, Kerala, Maharashtra and West Bengal but it still fell short of the majority mark of 272 by 38 seats. On the basis of the 293 seats, the NDA got the mandate to form the government, but the difficulties the BJP, and particularly Mr. Modi, are going to face in future cannot be undermined. At the same time, though unable to attain the coveted opportunity to form the government at the centre, the achievements of the INDIA block are not small.

Mr. Modi, who has never faced the prospect of running a minority government dependent on other coalition parties of different ideologies,

faces an uphill task of running that government. During the last ten years of his rule, Modi's BJP had a majority of its own and the NDA partners lent it an additional support. So, he could indulge in authoritarian postures to the extent of declaring himself not a biological person but an incarnation of God, many leaders of the BJP and the whole mainstream godi-Modi media endorsing his claim and lying prostrate at his feet because nobody among them had the audacity even to think of questioning that claim. He could easily and openly indulge in hate speech in his poll campaigns talking of fish, mangal sutra, mujara, houses and buffalows being taken away from them to be given to the infiltrators with many children, meaning thereby Muslims, if the opposition came to power. He could do it without any fear because he had the lap-dog media and an army of cowardly BJP leaders, who could not even think beyond what he said, just backing him. It is the same mainstream media which ran a fully sponsored Exit Poll in the evening of 1st June predicting a 400 seats win for the Modi led BJP and its hollowness was fully exposed on 4th June. Mr. Modi could also take for granted the spineless Election Commission of Modi because the Election Commissioners appointed by him could not but ignore his poll campaign hate speeches, misuse of religion for electoral benefits and other violations of moral code of conduct.

This election has made it evident that the BJP cannot attain a majority in the Lok Sabha on its own on the basis of its percentage of votes it normally gets. In 2014 it got a majority as a result of the anti-corruption sentiment aroused by the movement led by Anna Hazare against the Congress, supported on the one hand by Arvind Kejriwal and his associates and the

RSS and the BJP on the other. In 2019 Modi was able to increase his tally riding on the wave of the strong nationalist sentiment aroused against the Pulwama terrorist attack in which 44 of our soldiers died and politically exploited by him for his electoral benefits, although later it became evident by the exposures made by Satya Pal Malik, the then Governor of Jammu and Kashmir, that Mr. Modi, Amit Shah and the Prime Minister's Office and the Home Ministry were directly responsible for the gruesome killing of our brave soldiers as they did not respond to the demand of five aeroplanes made by the army several months in advance for airlifting those soldiers.

Because of his dependence on the TDP and the JD (U) to continue to fulfill his lust for power, Narendra Modi may not be able to afford the kind of arrogance that he has been indulging in with impunity. His big-brotherly role has been reduced now by his smaller partners, mainly the JD (U) and the TDP, who are known to be hard bargainers. If he bows to their demands of cabinet berths, special status and more finance to their respective states of Bihar and Andhra Pradesh, and many more, they will ride on his shoulders. If he does not do so, they will have the option of shifting their support to the INDIA alliance, which will be more compatible to them considering their ideological similarity. As such they are the biggest gainers in the NDA along with some still smaller partners, of course, and the BJP and Modi are the smaller gainers because of the constraints this gain has come with. He will no more be able to push his divisive communal agenda the way he has been doing during the last ten years as both Nitish Kumar and Chandrababu Naidu have a secular outlook and inclusive approach and do not consider the Muslim community as the enemies of the country. Both of them appreciate their role in the

independence movement and the development of the country in the post independence India. How Narendra Modi, who has been nurtured in the strong anti-Muslim and pro-Hindutva RSS ideology, will cope up with their ideology is difficult to imagine. What Narendra Modi will do when Nitish Kumar demands a caste census in the country will be interesting to watch.

What the INDIA alliance has succeeded in achieving is that the Narendra Modi government has been bridled now and will not be able to push for constitutional amendment to abolish reservation for the SC/STs as many of its MPs were clamouring for, obviously on the instructions of the higher leadership, if they succeeded in getting 400 seats. Even before the formation of the government headline of a newspaper dated 7th June says: New govt. should review Agnipath scheme: JD (U); which the Modi government had earlier ruled out completely. Democracy in the country has also been saved now. Presumably, the Modi government will not be able to misuse ED, ITD and CBI against leaders of the opposition now as the junior alliance partners of the government will not allow it to do so, particularly the JD (U), as it has to face a poll for the state assembly soon where the Chief Ministership of Nitish Kumar will be at stake. The farmers will not be dealt with in the manner they were on two occasions earlier. Rather they may hope for the legal guarantee of Minimum Support Price (MSP) for their produce, their longstanding demand.

The loss of the INDIA alliance in not getting a majority in the Lok Sabha will, however, continue to impact the unemployed youth and health and education may continue to suffer along with high prices of essential commodities as the alliance partners may not be able to push the government away from the influence of the big industrialists like Adani and Ambani.

(To be Contd....on Page -6)

Yogendra Yadav on BJP's 2024 poll performance: Getting the numbers, not mandate

*The people have denied Modi government iqbal
– moral authority, prestige, legitimacy*



Yogendra Yadav

This was the least free and fair national election in the history of independent India, where everything was stacked against the Opposition. Money, media, administrative machine — the ruling party enjoyed an infinite advantage over the Opposition.

Let us begin with an elementary distinction: The formal logic of numbers versus the political logic of the mandate. The former is a simple arithmetic exercise: Do the number of seats won by a party or a coalition add up to a simple majority in the legislature? It answers a legal question: Does the claimant have the statutory right to form a government? The latter demands a complex reasoning beyond the self-evident numbers: Who has won popular endorsement in the elections? It answers a normative question: Does the government enjoy popular sanction? This distinction explains the outcome of 2024: **The BJP has the numbers to form the government, but it does not enjoy a popular mandate.**

The formal logic of numbers is easy to settle. The BJP on its own is the largest single party in the new Lok Sabha, yet it does not have the 272 seats required to form the government. The National Democratic Alliance, a pre-electoral coalition, has 292 seats, well above the majority mark. Given the settled precedent, the President is justified in inviting the leader of the BJP parliamentary party to form the government. As long as it wins a vote of confidence in the new Lok Sabha — which is a formality now — there is no constitutional or legal hurdle or

impropriety in the NDA forming the next government.

The political logic of the mandate

takes us to a very different conclusion. Decoding the mandate requires us to answer a difficult question: Have the 60 crore plus voters endorsed Narendra Modi's claim to lead a BJP government for the third term? Here are three simple yardsticks to measure whether the BJP has obtained the popular mandate in this election. One, how has the BJP fared compared to its performance in 2014 and 2019, the two elections where it clearly enjoyed a popular mandate? Two, how does it look in the mirror of its own claims and widespread expectations? Three, how does the BJP performance in this election look in the overall political context?

On the first count, the BJP's claim to a mandate is unclear. Writing in this paper on the last day of polling, I had suggested the following thresholds to measure the BJP's performance: While an improvement in its tally of 303 would be a victory, anything below 300 would be a moral defeat; a tally below 272 would be a political defeat for the BJP and below 250 would be a personal defeat for Modi. If that suggestion has any merit, this is clearly a moral, political and personal defeat for Modi in whose name the election was fought. Compared to the last elections, the BJP has lost 63 seats and has fallen 32 short of the majority mark. On the face of it, the decline in popular vote share is

negligible: From 37.4 per cent to 36.6 per cent. But when we disaggregate these national-level seat and vote figures, we arrive at a clearer picture. The BJP's gains (9.3 per cent votes as well as 20 seats) in the south-eastern coastal belt from Kerala to Odisha have softened the severe loss of votes (3.6 per cent) and seats (83 seats) in the rest of the country. It is facile to claim that the BJP has emerged as the largest single party; so did the Congress after what was rightly perceived as its humiliating defeat in 1989. At the very least, this is no ringing endorsement of the BJP or the NDA.

The truth is much harsher when seen in the context of the BJP's own claim of "400 paar", a self-fulfilling prophecy that was very much the centrepiece of the BJP's campaign and news reporting by pliant newspaper headlines, loyal TV anchors and opinion polls culminating in the curious number of 401 in the exit poll. We would never know how much the inevitability projected by the Modi campaign contributed to the BJP's vote share (my guess is at least 2-3 per cent of the national votes), but we do know that despite this the NDA failed to cross 300. It is fair to

say that the BJP did not get the mandate it asked for and expected.

These two criteria assume that 2024 was a normal electoral contest where a two-term incumbent was trying his luck for a difficult third term on a level playing ground. But everyone knows that it was anything but that.

This was the least free and fair national election in the history of independent India, where everything was stacked against the Opposition. Money, media, administrative machine and what have you — the ruling party enjoyed an infinite advantage over the Opposition. The Election Commission was blatantly partisan. And yet the people inflicted severe reversals on the ruling establishment. This is reminiscent of the popular mandate against the Congress in 1977, though even then Indira Gandhi had triumphed in the South. As a friend put it: "This was a David vs Goliath contest and David managed to give a bloody nose to Goliath". While it would be silly to claim that the BJP has been vanquished in this election, it would be ostrich-like to deny that the BJP and Modi have suffered a defeat. They have the numbers in the Parliament, but not the popular mandate that they sought to steal.

Let there be no confusion about it. This election was about The Supreme Leader seeking post-facto public approval for the brick by brick dismantling of the republic and popular endorsement for the proposed mutilation of India's constitutional democracy. The Indian public refused to give him that authorisation. If the contest was a shade more fair, he would have been sitting in the Opposition. Eventually, he has managed to reclaim the chair he so desperately needed but the public has denied him the iqbal (moral authority, prestige, legitimacy) that he so craved.

The writer is member, Swaraj India

Courtesy **The Indian Express**, June 7, 2024.

Contd. from page - (4)

Interpreting Verdict 2024

The labour class is likely to continue to suffer as the Modi government is likely to pursue its neo-liberal and anti-poor policies. Retired and retiring government servants may not be able to see the revival of the old pension scheme. As such the INDIA alliance will have a greater role as the watchdog of the interests of the poor, the minorities, the unemployed, the farmers and workers and the small business class as well as the middle class people. It will be expected to act as a balancing as well as a restraining force on the government. If it does so in earnest, it will have fulfilled its assigned role. 🌈

Lok Sabha Results: Modi's Myth Shattered

Jyoti Punwani

The Vishwaguru who addressed the maximum rallies and boasted of being blessed with divine energy, who promised guarantees in his own name, turned out finally not invincible, points out Jyoti Punwani.

What is the best thing about the Lok Sabha results?

There's not one, but too many welcome outcomes to condense in one sentence. But surely, the victories of candidates Mohua Moitra (the TMC firebrand expelled from the Lok Sabha after a fraudulent inquiry); 'Comrade' Amra Ram (CPI-M farmers' leader from Sikar, Rajasthan); Raja Ram Singh and Sudama Prasad (Bihar CPI-ML, a party that fights for the poor); Supriya Sule (Sharad Pawar's last bid against the BJP's untiring efforts to end his hold over Baramati); Anil Desai (Uddhav Sena's Rajya Sabha MP, fighting his first election); Awadesh Prasad (Samajwadi Party winner from Ayodhya where the Ram Mandir was consecrated just 6 months ago by the PM); K L Sharma (the unknown Congressman who defeated Minister Smriti Irani from Amethi); and Manipur's Angomcha Akoijam and Alfred Arthur, would count among these.

In each of their victories lies a David versus Goliath story, and one which shows that voters have not yet been brainwashed by the 24/7 propaganda that the BJP runs through its many arms: be it TV channels or Whatsapp groups.

The other equally crucial outcome of this result is the shattering of the myth of Dear Leader. The *Vishwaguru* who addressed the maximum rallies and boasted of being blessed with divine energy, who promised guarantees in his own name, turned out finally not invincible.

There could have been no better indicator of this than the changed language of our TV channels. On Monday night, three anchors and their guests spent an hour singing paeans to

'Brand Modi', comparing him to a 'buffet; from whom every section can take what it likes, a *dashavtar* who presents himself differently to different people.

On Tuesday, when the results clearly showed that the BJP was substantially short of a majority on its own, these same anchors were questioning their BJP guests on whether the 'Modi factor' was enough any longer.

Modi's own victory too sits strangely with the claims he and his party make about him being the chosen of the gods. At 6 pm, **Modi's victory margin** was slightly higher than 152,000, down from almost 5 lakhs and 4 lakhs in 2019 and 2014 respectively

Rahul Gandhi, on the other hand, the man



IMAGE: Congress General Secretary Priyanka Gandhi Vadra and party leader Rahul Gandhi show victory signs after the Lok Sabha election trends and results, June 4, 2024. Photograph: ANI Photo

whose name the PM and his party take with derision, was leading with more than **3,89,000 votes in Rae Bareli**, and 3,64,000 from Wayanad.

The icing on the cake is that this time, it was the Congress' narrative that made a difference to the outcome. Rahul Gandhi holding up the Constitution; and the Congress' warning that the Constitution would be in danger if the BJP wins 400-plus seats, seems to have swayed people to deny this dangerous prize to those in a position to change it.

That we finally have a Parliamentary Opposition representing all of India is, of course, the best thing about the Lok Sabha results. Last time, the Lok Sabha had rung with shouts of 'Jai Sri Ram' as the BJP's 303 MPs took their oath to uphold the Constitution. This time, at least half the MPs will not make such a mockery of the Constitution.

But the implications of the results (at 8 pm, June 4) go beyond the relief of having an Opposition that should not be bulldozed as easily

as the BJP, aided by the Lok Sabha Speaker, has been doing over the last 9 years. 2015 was the last time the Opposition could play its role and stall the passing of the Land Acquisition Bill.

For the first time in his political career, Narendra Modi is dependent on others to stay in power. What conditions Nitish Kumar of the Janata Dal-United will impose, remains to be seen. Right now, the man who refused to share the stage with Modi even though he was his ally, who walked out of the NDA without any notice, can call the shots. It was under him that the BJP was forced to agree to a caste census.

Known for his closeness to Bihar's Muslims, will he force a tone down of the BJP's aggressive Hindutva pitch? Will Chandrababu Naidu, now the BJP's ally with the largest number of seats, do so?

One of Naidu's campaign promises was to protect the 4% reservations for Muslims in Andhra Pradesh, and to restore all the welfare measures for them which CM Jagan Mohan Reddy had done away with.

(To be Contd....on Page -20)



IMAGE: Dravida Munnetra Kazagham workers in Chennai, June 4, 2024, celebrate the party's triumph in Tamil Nadu. Photograph: ANI Photo

Lok Sabha 2024:

‘A little less suffocating’: Why many Muslims view the Lok Sabha verdict with cautious hope

Some find hope in a stronger opposition and a tempering of hateful politics, but others say little will change, especially how Muslims are perceived.

Tabassum Barnagarwala & Rokibuz Zaman

For several days in June last year, Ayaz Shaikh could not go to his carpentry workshop as he ran from lawyers to police station to court, hoping to get his 17-year-old son out of trouble.

On June 6, his son was among five minors in Kolhapur detained by the police for sharing an Instagram post featuring pictures of 18th-century Mysore ruler Tipu Sultan – and subsequently sent to a remand home.

Mistaking Tipu Sultan for Mughal ruler Aurangzeb, Hindutva groups had accused the boys of hurting religious sentiments and insulting Chhatrapati Shivaji Maharaj, the 17th-century Maratha ruler revered in Maharashtra.

A mob had gathered outside Shaikh’s home and thrown stones, injuring another son while his elderly mother hid inside. Riots soon broke out in Kolhapur on June 7, 2023, damaging 80 vehicles and property worth Rs 7 lakh.

“After my son came out of juvenile home, we feared for his safety for months,” he said. Most rioters, said Shaikh, were residents from their neighbourhood. “This had never happened before,” said Shaikh. “And we hope it does not get repeat.”

When Shaikh went to vote on May 7, he resolved to support a political party that would ensure peace. He voted for Congress candidate Chhatrapati Shahu Shahaji, a descendent of Chhatrapati Shivaji Maharaj.

In his campaigns, Shahaji told voters that he chose to enter active politics at the age of 76 “to protect the Constitution” and “to retain democracy”.

When the results came in on June 4, the ruling Bharatiya Janata Party stopped short of a simple majority, its tally reduced from 303 seats to 240.

Shahaji won by a margin of 1.5 lakh votes, defeating a candidate of the Shiv Sena, which is a BJP ally.

The verdict came as a relief for several Muslim voters, who have faced the brunt of demolitions, hateful speech and discrimination in the last decade. Prime Minister Narendra Modi’s divisive speeches throughout the election campaign had targeted Muslims, referring to them as “infiltrators” and “those who have more children”.

“People are fed up with riots, with inflation,” said Shaikh. “The results show that one party cannot continue to dominate.”

But for many Muslim voters who spoke to *Scroll*, the hope for an end to the politics of hate is tempered with caution.

‘People have resisted’

Saidur Rahman Mullah, a 40-year-old pharmacist in a remote village in Western Assam’s Dhubri, is hopeful that the results will rein in the BJP, which he said had “dehumanised the Muslims” in the state.

“The BJP is targeting Muslims, evicting them from their homes, arresting and putting them in jail for child marriages,” he said.

Mullah said madrassas were shut and masjids were demolished. “But the results show that one cannot rule a country with such hate and prejudice.” Mullah’s own shop was

demolished six months ago by the Dhubri administration.

Mullah is most optimistic about the Congress's performance. But he felt that Muslims of Bengali-origin will continue to be under siege unless there is a change in the government in Assam. Since 2021, Assam's Himanta Biswa Sarma-led administration has been openly targeted Muslims in the state, especially those of Bengali origin.

"Perhaps, if Congress manages to form a government in Delhi, it can return to power in Assam too in 2026," said Mullah.



Saidur Rahman Mullah, on the extreme left, in his village in Assam.
Credit: Rokibuz Zaman.

In Uttar Pradesh's Saharanpur, 38-year-old Mohammed Salim said the verdict will force the BJP to soften its stance against Muslims. "Pehle akramak the. Earlier they were in attack mode," he said. "Now even if the NDA forms a government, police atrocities will be reduced. The administration will not do as it pleases."

Salim took hope in the representation of Muslims in Parliament. In the Saharanpur constituency, where Salim voted, Imran Masood

from the Congress won by a margin of over 64,000 votes, taking the total number of Muslim parliamentarians to 24, which is still lower than the 26 elected in 2019.

Shaheed Ahmed, a 29-year-old Barpeta-based legal researcher, said that the resurgence of the Opposition had made him hopeful about democracy.

"Despite the Election Commission trying its best to favour the ruling party, people have resisted and fought for democracy," Ahmed said. The Congress should represent and speak for the people so that they can breathe, he said.

'Not a defeat of communalism'

Several other voters were reluctant to read too much into the verdict.

In Mumbai, 24-year-old law student Umair Alware said the results are "not a defeat of communalism". It will still take time to change the communal mindset and how the majority community perceives Muslims in India, said Alware. "BJP has not lost," said Alware. "They only have fewer seats than the last term." Voters who had

drained their savings during the Covid-19 pandemic had sent the ruling party a message, he said.

Alware, however, was relieved that the BJP's inability to secure an absolute majority could push back the party's agenda of introducing a uniform civil code, implementing simultaneous state and general elections, and creating a National Register of Citizens.

Courtesy **Scroll.in**, 7 June 2024. 🌈

Narendra Modi, Authoritarianism and ‘God Complex’

Democracy is a system of society won after long and intense struggles. The preceding society had mostly Kingdoms. A typical kingdom was an alliance between the Feudal lord-King and clergy. While clergy was representative of the religious power, the king was presented as the son of God whose decisions and actions had the sanction of clergy. Clergy very cleverly cultivated the concept of Heaven (*Swarga*, *Jannat*) and hell (*Narak*, *Jahannum*). Those obeying to the king-clergy combo were doing *Punya*, *Sawab*, virtue and were adding to their positive points for deserving Heaven, while the act of disobedience to these twin authorities were getting negative points, *paap*, sin, *gunah*. The sum total of negative and positive points determined whether one deserves heaven or hell.

With democracy coming with lots of hiccups, the Kings were replaced by the elected leader, who is bound by the set of laws, mostly outlined in the constitutions. There is a lot of variation in the process of transition from kingdoms to democracy. Democratic process is not static and there are many factors which can reverse the process with the head of state assuming total powers and at places getting legitimacy from the religious authority. This needs a brief recall as in some of the countries globally and particularly in South Asia, the hard won democracy is being replaced by authoritarianism laced in the language of religion (Sri Lanka, Myanmar, Pakistan and India). At places the Supreme Leader assumes the twin roles of head of the state and chief priest both, as being seen currently in India in particular.

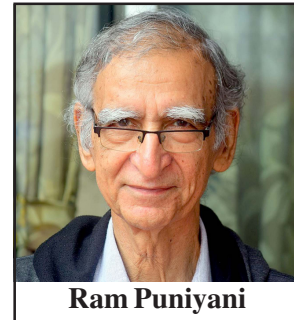
There are no uniform patterns. We earlier saw Indira Gandhi being hailed as Goddess Durga, when she led the country in 1971 war against Pakistan, which led to the formation of Bangladesh. She herself ignored this ‘honor’ being bestowed upon her. Divinity was not on

display in her pronouncements or actions.

Narendra Modi the present Prime Minister is very different. To begin with he is a Hindu

Nationlist, a trained Pracharak of RSS which has the goal of Hindu nation. Such sectarian nationalisms have the avidity for dictatorships under the cover of religion or race. The promotion of a great image for the top leaders is part of the religious nationalist project. Such nationalisms do preferably need a charismatic leader, whose position is made above questioning due to the aura created around them. As Narendra Modi became the Chief Minister of Gujarat, the exercise of creating charisma around him began. On one hand APCO, an image creating firm, was hired to create his powerful image. On the other his childhood was also glorified to back up his image. A comic book was published, ‘Bal Narendra’. In this the story was elaborated that while as a child, when playing with his friends, he entered the river to retrieve the ball and along with the ball he also brought a baby crocodile.

With his taking over as the Prime Minister, the Cabinet system, Prime Minister is first among equals, was replaced by all powerful Prime Minister, with Ministers’ powers reduced abysmally. No doubt he called himself, Pradhan Sevak (Chief servant of Nation). His participation in religious functions and places of worship increased. With the media being taken over by his corporate friends, his image as a great ruler was deliberately created. This trend continued and in the 2019 elections, he was presented as Chowkidar (Security guard of the Nation) as more and more of National assets were given over to



Ram Puniyani

his favorite industrialists. His longings for becoming the head of religion were gradually surfacing as seen in the consecration ceremony of Lord Ram idols. In this he combined the roles of head of the state and the head of religion.

The concentration of power in his hands is more or less too strong by now. On the top of this as he is campaigning for the 2024 Parliament elections he has stated in an interview ““When my mother was alive, I used to believe that I was born biologically. After she passed away, upon reflecting on all my experiences, I was convinced that God has sent me. This energy could not be from my biological body, but was bestowed upon me by God. I believe God has given me abilities, inspiration, and good intentions for a purpose... I am nothing but an instrument. That’s why, whenever I do anything, I believe God is guiding me”. He also stated that those who will vote for me will get the *punya* of what good I do. What good has Modi been doing? Subversion of democracy, making policies for the benefits of his cronies, marginalizing Muslims and Christians, glorifying the values of hierarchies of ancient times among others are major outcomes of what he has been doing.

This statement is also a delayed response to the Godi media anchors who have been asking

him from where do you get so much energy? While those around him have no spine to question him on his policy failures, they also add up in taking his image a few notches up. Already many of his devotees, Kangana Ranaut e.g. are calling him as the reincarnation of God. Now he himself is convinced that he is so and that is the source of his endless energy.

One does know that all other dictators also present themselves as being God etc. but there is one dictator, who believed in his being God. Interestingly he himself enunciated this in a book, ghost written by him. That is none other than Adolf Hitler. His biography, ‘Adolf Hitler: His Life and speeches’ was published in 1923. This compared him to Jesus Christ. It mentioned German Aristocrat and War hero, Victor Von Koerber as the author. One research scholar has shown that it was Hitler himself who wrote this book to enhance his image.

We have a unique situation now. Chronology of Narendra Modi from crocodile catcher as a child, to behaving like Nero when the Gujarat carnage was going on, Pradhan Sevak in 2014, Chowkidar selling nation’s assets from 2019 and now ‘sent by God’, God incarnate with infinite stamina sleeping only three hours and eating only once as day as per his acolytes. 🌈

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- Mahi Pal Singh, Editor, The Radical Humanist

After Elections, Defections

S.N. Shukla

After the recent elections for Lok Sabha and some state Assemblies the problem of defections by legislators in search of greener pastures is likely to raise its head again on account of the ruling dispensation at the Centre/ in the state trying to retain or increase its power and the opposition trying to thwart such a bid. This menace has been troubling our democracy for more than half a century. From 1967 to 1971, some 142 Members of parliament and over 1900 MLAs switched their political parties. Beginning with Haryana, governments in many states collapsed due to this phenomenon of Aya Ram Gaya Ram not envisaged by the framers of the Constitution because they were men and women of very high moral values who put the interest of Nation above their own self interest. However, it took 18 years to address such a grave moral and political crisis.

To check frequent political instability in states due to defections, in 1985 the Parliament added the Tenth Schedule to the Constitution (popularly known as anti-defection law) and clause (2) to Articles 102 and 191 to provide that a person shall be disqualified for being a member of either House of Parliament/state legislature if he is so disqualified under the Tenth Schedule. The SOR of the Bill of the Constitution 52nd Amendment 1985 said: *“The evil of political defections has been a matter of national concern. If it is not combated, it is likely to undermine the very foundation of our democracy and principles which sustain it....The Bill is meant for outlawing defections.....”* However, due to the provisions for ‘split’ and ‘merger’ in its paras 3 and 4, the Tenth Schedule failed to check defections.

Dinesh Goswami Committee Report (1990) on Electoral Reforms recommended that the

decision to disqualify a member be made by the President/Governor rather than the presiding officer of the concerned House. The

Law Commission of India in its 170th Report on Electoral Reforms (1999) *recommended deletion of paras 3,4* and other allied provisions of the Tenth Schedule. Later, the National Commission to Review the Working of the Constitution (NCRWC) in para 4.18.2 of its report (2002) recommended that **all** persons defecting *whether individually or in group* from the party or alliance of parties on whose ticket they had been elected, *must lose their membership and the protection under the provision of split etc. should be scrapped.* Further, the power to decide questions as to disqualification on grounds of defection should vest in the Election Commission instead of the Chairman or Speaker of the House concerned.

Thereafter, only para 3 and the words “paragraph 3 or, as the case may be,” in para 1 (b) of the Tenth Schedule were omitted by the Constitution 91st Amendment Act, 2003. Thus, what was done was clearly half hearted and left many loopholes like the provisions for merger and decision on question of disqualification by Speaker. Consequently, going by the number and frequency of defections the Tenth Schedule has utterly failed in its mission due to these *serious lacunae which have caused tremendous damage to our body politic and require urgent remedial action.*

The main reason for unabated continuance of defections is the *inherent infirmities* in the Tenth Schedule itself. The provisions in its paras 4 and 6 are not only contradictory to the object and purpose of enacting the Schedule, but are also against the letter and spirit of the

Constitution. Para 4 is patently violative of Article 14 in view of the law laid down in the case of Subramanian Swamy (2014) 8 SCC 682. It is also violative of the principle underlying Articles 101(3)(b)/ 190(3)(b) and makes meaningless the oaths taken by legislators under Articles 84(a) and 99/173(a) and 188 as candidate and again after election.

Likewise, para 6 of the Tenth Schedule is also against the object and rationale of Articles 103 and 192 as well as the intentions of framers of the Constitution as is clear from the replies of Dr. Ambedkar to the debate on these Articles showing that the *Constituent Assembly purposely and deliberately did not entrust to the Speaker/ Chairman the power of disqualifying the members*. In view of this, there was no valid reason to make them adjudicatory authority for disqualification on the ground of defection in the teeth of the well considered decision of the Constituent Assembly. Nor does the SOR of the 1985 Act give any justification for it. *Instead, the procedure laid down in Articles 103 and 192 could be made applicable to cases of defections also by simply omitting the words “clause (1) of” in clause (1) of these Articles.*

Significantly, two Speakers of Lok Sabha—Sarvashri Rabi Ray and Sheoraj Patil themselves doubted their suitability to decide cases arising under the Tenth Schedule. Also, despite the concern expressed by the Apex Court, *there have been any number of instances of undue delay in deciding disqualification cases by the Speaker casting doubts about their impartiality and fairness*. Such delay has resulted in defectors continuing to be members of the House for months and even years making neutrality of Speaker prima facie suspect and defeating the purpose of the Tenth Schedule. As observed in para 29 of the judgment in the case of Manipur MLA, C A No. 547 of 2020 (AIR ON LINE 2020 SC 54) “*In the years that*

have followed the enactment of the Tenth Schedule in 1985, this Court’s experience of decisions made by Speakers generally leads us to believe that the fears of the minority judgment in Kihoto Hollohan (supra) have actually come home to roost”

Apart from the provisions of paras 4 and 6 of the Tenth Schedule another serious loophole in the existing anti-defection law is that a legislator can resign from the Legislature, switch sides, re-contest under a new symbol and come back to the House from a different party. *The ‘operation Kamal’ in Karnataka in 2008 and 2019 and later similar episodes in Uttarakhand, Madhya Pradesh, Goa, and Manipur are the latest examples of this sordid situation.*

Due to the aforesaid apparent legal infirmities in the Tenth Schedule, even after nearly 4 decades of its introduction the malady of political defections continues unabated. It needs to be addressed at the earliest so that the original intent of the 52nd Constitutional Amendment to ensure political stability and checking betrayal of voters’ mandate by their own so called ‘representatives’ becomes a reality unhampered by the loopholes in the existing law. The recent spate of incidents in various states, especially Maharashtra highlights the need to put an end to this sad state of affairs threatening the proper functioning and future of democracy in the country. Going by its past track record, it is unlikely that the Parliament will respond in the required manner. Since almost all political parties have been a party to the devious game of defections, with hardly any requisite political will to find a solution to this problem, *intervention of the Apex Court is evidently the only way out.*

To be continued in the next issue... 

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Weak but sensible voices should be listened to in the path of democracy

Prem Singh

I have been living in Shimla, the capital of Himachal Pradesh, for the past one month. In my general conversations with many people living in Shimla from different parts of Himachal Pradesh, there has been some discussion about the Lok Sabha elections also. The election is to be held in the last phase on four Lok Sabha seats here. One day five-six BJP workers came to my house in Summerhill. As soon as I opened the door, a senior worker among them said, 'We have come for Modi ji . . .' I welcomed them smilingly and asked them to first tell me about their candidate contesting from Shimla constituency. Narendra Modi is the Prime Minister of the country, everyone knows him. Pointing to the candidate's photo printed on the poster they were holding, they said, 'Yes, yes, he is our candidate from Shimla.'

While taking the election material from them, I apprised them that my vote was not here. I will definitely read your pamphlet. I kept talking about the elections with those workers for ten-fifteen minutes. They were not in a hurry. At my query they told me that there is a close contest on the Shimla seat. They further said that BJP's victory in Hamirpur and Kangra seats is certain. The Congress may win the Mandi seat again. (The BJP candidate had won from Mandi in 2019 Lok Sabha elections. Congress won this seat in the midterm elections held in 2021 due to the death of the elected MP.) I asked why it seems that there is no tough competition in Mandi? The senior worker explained that such candidates can be fit in big cities. It is difficult for them to make a mark in a small city like Mandi. They all seemed to be very ordinary level workers of the party. During the entire conversation, they presented their assessment of the elections with a lot of neutrality and objectivity. I bid them farewell by conveying my best wishes for their efforts.

A day before this, the Congress workers had come to our colony. I could not meet them. They had left their election material on the ground floor and put up posters in the compound and left. Maybe they thought that since the house is closed on the ground floor, there will be no one on the upper floors either. Or they may have been too lazy to climb to the upper floors. If they had come, I would have had some intimate discussion on elections and politics in Himachal Pradesh with them as well. I was happy to see that in Himachal, at least in the cities, the tradition of going door-to-door and distributing election material and asking for votes for the candidate still exists. And this work is done with ease. This is a positive activity in the path of democracy.

I mentioned this episode because the BJP is fighting the elections in the name of Prime Minister Modi and the high command. From the BJP's side, a sticker type poster with the pictures of Prime Minister Modi and the BJP national president, who comes from Himachal Pradesh, has been put up separately in the entire state. Even on the posters/handbills appealing for votes for the BJP candidates, there are big pictures of Modi and the party's national president above the candidate's picture. Along with them, small-sized pictures of some other senior and new leaders of the state are put.

The Congress, like in the previous assembly elections, is in the election fray on the strength of its state-level leadership. The state party organization has distributed the gist of the Congress party's national manifesto and the state government has distributed details of its work done in the last fifteen months as election material. Small pictures of the high command leadership have been put on the top of the posters and pamphlets, which also include pictures of the state-in-charge and

the state-president. The posters mainly have pictures of Chief Minister Sukhwinder Singh Sukhu and the candidate with him. In short, the state Congress is not asking for votes in the name of the high command.

This is a good sign for democracy. Often the dictate of one person or family prevails in the name of the party high command. This gives rise to autocracy on one hand and sycophancy on the other in politics, which is fatal for democracy. If there is no high command culture in parties, it will be beneficial for democratic consciousness, democratic institutions and constitutional federalism.

Journalists reporting on the elections in Himachal Pradesh have reported that this election is complex and full of challenges for the Congress. In the recently concluded Rajya Sabha elections, six MLAs of the ruling Congress had violated the party whip and voted for the BJP candidate against the party's nominee. The Congress had called it a conspiracy hatched by the BJP to topple the elected government. However, it is not a hidden fact that the internal power struggle of the state Congress also played a role in the Rajya Sabha election episode of Himachal Pradesh. The BJP candidate elected to the Rajya Sabha had also joined the BJP from the Congress about one and a half years ago. He has been an old Congressman, and was the working president of the state Congress when he left the party.

Elections are being held on the seats of the six MLAs whose Assembly membership had been cancelled, along with the Lok Sabha elections. The BJP has given tickets to all those six leaders. It is well known that there has been a series of sharp allegations and counter-allegations between Chief Minister Sukhu and the rebels, which has intensified during the elections. If these rebel candidates win on BJP tickets, it will not only have a bad impact on the state Congress organization but will also put the state government in trouble. If they lose the elections, the Congress will be strengthened at both the organization and government levels.

As it appears from the Prime Minister's speech in Mandi, the threat of the BJP toppling the Congress government in the state is not over yet. Apart from many people who claim to be unaffiliated to any political party, some BJP supporters also told me in casual conversation that people in Himachal Pradesh do not look favourably upon the attempt to topple an elected government, even if the ruling party has its own internal quarrels. They believe that the healthy rhythm of democracy that has been maintained in Himachal Pradesh should not be broken. In the din of populist slogans/promises and exaggerated predictions, such sensible voices should be heard in the interest of democracy.

It is also worth noting that there is clear dissatisfaction in the BJP over the decision to give party tickets to all the rebels of the Congress. They say that an attempt is being made to convert the Himachal BJP into Congress. According to them, even the argument that the Congress has a history of toppling state governments is not justified. The BJP should be allowed to remain BJP and the Congress should be allowed to remain Congress. A writer, and a small businessman friend of mine in Shimla do not like the current Congress high command. Yet they say that the Congress should continue to exist in the political arena. They have the same belief about the BJP.

This kind of thinking of citizens gives an important indication for Indian politics. After three decades of neo-liberalism or finance capitalism, it is an open truth that ideology has almost vanished from mainstream politics. Even the walls of parties are crumbling. Any leader can join or leave any party/alliance just for the sake of power. If serious activists and vigilant citizens of all parties start opposing this trend, then some way may remain open for the restoration of ideology in politics.

(The writer associated with the socialist movement is a former teacher of Delhi University and a fellow of Indian Institute of Advanced Study, Shimla) 🌈

It's not working: Are netas hearing young talk about jobs crisis?

TOI Edit

Throughout the election period, from prosperous Kerala, Haryana and Maharashtra to Bihar, Odisha and Rajasthan, unemployment has been a running theme among voters that reporters, pollsters, party workers have all picked up. This distress call is no surprise – that India is facing a big youth unemployment problem that has only worsened post-Covid is borne out by all estimates. The latest PLFS data on unemployment, the Jan-Mar quarter, for the age group 15-29 is at 17%, a notch higher than the previous quarter. Double-digit unemployment crisis in this age group has only worsened over the years. Unpaid work is increasing, the quality of nonwhite collar jobs is declining, self-employment, a desperate choice for most low-income earners, is going up and real wages have been falling. This, when around 5 million people annually join the workforce.

One cruel twist of many desperate tales is that while coveted 'govt jobs' are elusive, being part of the paper-leak rackets of qualifying

exams is kosher – because there's a chance to make a quick buck. Explosion of low-quality private colleges across India in the last decade has meant an explosion of the numbers of graduates. Some of those with the means have taken illegal routes abroad only to fall prey to job scams, lured into wars, labour work and illegal activity. The short-term Agnipath scheme for army recruitment has been a point of pain. To be "retired" at age 24 is how the scheme is increasingly perceived.

Whether or not the jobs distress has an electoral impact, the message for politicians is clear. Unemployment needs as much political cooperation as political will for Centre and states. Focus on the job of creating jobs via light manufacturing and skilling young India. That vaunted demographic dividend is fast losing hope in the ability of elected govts to create employment opportunities.

Courtesy **The Times of India**, May 25, 2024. 🌈

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‘India should impose wealth tax on ultra rich to tackle inequality’

Thomas

A new paper by the World Inequality Lab proposes an annual wealth tax and an inheritance tax for those with net wealth exceeding Rs 10 crore. The paper, authored by Thomas.

NEW DELHI: India should include an annual wealth tax and an inheritance tax for those with net wealth exceeding Rs 10 crore, equivalent to top 0.04 per cent of adult population, who currently hold over a quarter of the total wealth, a new paper has suggested.

The paper by the World Inequality Lab has proposed a comprehensive tax package on ultra-wealthy to tackle what it called the massive concentration at the very top of the wealth distribution and create valuable fiscal space for crucial social sector investments. It called for raising phenomenally large tax revenues, while leaving 99.9 per cent of adults unaffected by the tax.

“In a baseline scenario, a 2 per cent annual tax on net wealth exceeding Rs 10 crore and a 33 per cent inheritance tax on estates exceeding Rs 10 crores in valuation would generate a massive 2.7 per cent of gross domestic product (GDP) in revenues,” according to the paper authored by Thomas Piketty, Nitin Kumar Bharti, Lucas Chancel and Anmol Somanchi.

The paper said the package would need to be accompanied by explicit re-distributive policies to support the poor, lower castes and middle classes. “For example, baseline scenario would allow nearly doubling the current public spending on education, which has stagnated at

To Boost Social Sector Investment			
TAX PROPOSALS			
	Baseline	Moderate	Ambitious
Wealth tax	2% on net wealth over ₹10cr	2% on net wealth over ₹10cr	3% on net wealth above ₹10cr
		4% on net wealth over ₹100cr	5% on net wealth above ₹100cr
Inheritance tax	33% on estates over ₹10cr	33% on estates over ₹10cr	45% on estates above ₹10cr
		45% on estates above ₹100cr	55% on estates above ₹100cr
Adults affected	Top 0.04%	Top 0.04%	Top 0.04%

Source: World Inequality Lab

2.9 per cent of GDP over past 15 years, well below - less than half - 6 per cent target set by govt’s own National Education Policy 2020 (NEP),” it said.

The issue of inheritance tax and redistribution of wealth has emerged as a raging topic with the BJP and main opposition party Congress sparring over the matter.

Courtesy TNN, May 25, 2024 🌈

Ramachandra Guha: India's many fault lines undermine our future – they must be addressed urgently

Compromised public institutions, undemocratic laws, a flailing economy, a ravaged environment are among the problems the new government must try to fix.

Ramachandra Guha

This has been a bruising and interminably long general election whose results will be known in a few days time. Whichever party/alliance forms the next government shall be confronted with a set of serious challenges, which the election campaign has relegated to the background. For India today is riven with a series of fault lines, which, if not adequately addressed, may undermine our future as a Republic.

The first fault line is the corruption of the party system itself. Political parties are supposed to have internal democracy, with leaders who are freely chosen and accountable to their party colleagues. Indian politics today radically departs from this model. Here, parties are either captive to a cult of personality or have become family firms.

The Bharatiya Janata Party is the most striking example of the first kind. Over the past decade, the entire party apparatus – and large sections of the government apparatus too – have been devoted to making Narendra Modi into a larger-than-life, superhuman, and even quasi-divine figure, demanding that citizens worship and follow him unquestioningly.

However, within their own, more geographically circumscribed, spheres, Mamata Banerjee in Bengal, Pinarayi Vijayan in Kerala, Arvind Kejriwal in Delhi, YS Jagan Mohan Reddy in Andhra Pradesh and Naveen Patnaik in Odisha all operate as if they embody the past, present, and future of their states in their own individual selves.

No less egregious are the family parties posturing as democratic entities. The Congress is of course the prime culprit here, with Priyanka

Gandhi made general-secretary overnight, superseding those who had worked for decades to build the party. Not to be outdone by the Gandhis, the Congress president, Mallikarjun Kharge, chose his son-in-law to run for Parliament from his old seat in Gulbarga, while already having a son as a cabinet minister in Karnataka.

Likewise, the Rashtriya Janata Dal in Bihar, the Samajwadi in Uttar Pradesh, and the Dravida Munnetra Kazhagam in Tamil Nadu are all devoted to ensuring the control of their party in perpetuity by members of a single family.

Consider how radically different India is in this regard from the country whose political system we have adopted, namely Great Britain. There is no cult of personality around the prime minister, Rishi Sunak. The leader of the main Opposition party, Keir Starmer of Labour, does not come from a political family. Both got to where they are by dint of hard work and persuading party colleagues to support them. Once they lose the trust or respect of their colleagues, they will quietly demit office, to be replaced by individuals who likewise are self-made, not political dynasts, and not vain enough to believe that they speak for the entire nation.

A compromised system

The party system in India is corrupt and corroded. Meanwhile, the Indian state is arbitrary and capricious. The civil services and the police are supposed to function autonomously and independently, owing their allegiance to the Constitution. In fact, they have become highly compromised, answering to the demands of their political bosses. This is true at the Centre

as well as in the states where, for the Indian Administrative Service or Indian Police Service officer, promotion and preferment often depend more on proximity to ministers than on professional excellence. Meanwhile, regulatory institutions such as the Election Commission are also widely seen as not independent enough and too prone to succumbing to pressure from the ruling party.

India's democratic credentials are further vitiated by the existence of laws under which citizens can be jailed without trial and languish in prison for years on end. These laws have been used to intimidate and silence political opponents, indeed, dissenters of any kind. The courts have been complicit in this abuse of the law. Judges have been extremely tardy in granting bail and they have surprisingly allowed laws like the Unlawful Activities (Prevention Act), which should have no place in a civilised society, to remain in the statute book.

Such, in brief, are our political deficiencies, hidden behind the bombastic claims of being the world's largest democracy, indeed of being 'the mother of democracy' itself. Another claim, that of being "the world's fastest growing large economy", also conceals a multitude of sins. While economic liberalisation has indeed led to a dent in poverty, it has also increased inequality massively. Further, the rise in national income has not seen a commensurate growth in jobs. While India is a world leader in the production of billionaires, there are high rates of unemployment among the educated youth and abysmally low rates of workforce participation among women.

India's economic record is mixed; and its environmental record is disastrous. The water crisis in Bengaluru, the showpiece city of India's "economic boom", and the high rates of air pollution in New Delhi, the showpiece city of India's "global rise", are both manifestations of how callously we have disregarded the biophysical realities that govern our lives.

As I have written before in these pages, India is an environmental basket case. Our toxic air, falling water tables, contaminated soils, and disappearing biodiversity all exact steep costs in the present, imperilling the health and livelihood of hundreds of millions of Indians. And they raise disturbing questions about the future, as to whether our resource-intensive, capital-intensive model of industrialisation is at all sustainable. I should add here that India's environmental crisis is occurring independently of climate change. Climate change intensifies the problem, but even if it did not exist, we would still be confronted with enormous environmental challenges of our own making.

The malfunctioning of our party system, the deeply anti-democratic nature of the Indian state, the deficiencies of our economic model, the destruction of the natural bases of our existence – all these problems have deeper structural origins. The Congress party, which was in power for many decades, bears a great share of the responsibility. That said, many of these problems have worsened since Narendra Modi became prime minister in 2014.

What we might call the "communal problem" is also not new. Ever since the creation of Pakistan, the position of those Muslims who stayed behind in India has been less than entirely secure. As prime minister, Jawaharlal Nehru worked hard to assure Indian Muslims that whatever Pakistan did to its minorities, they would enjoy rights of equal citizenship. Yet Muslims nonetheless had to bear the burden of Partition. They were often treated with suspicion and hostility. Relations between religions further deteriorated during Rajiv Gandhi's prime ministerial tenure as he pandered to both Hindu and Muslim extremists.

Majoritarian ambitions

After 2014, the insecurities of India's largest minority community have magnified manifold, as, for the first time in our history as an independent nation, the ruling party at the Centre

has made explicit its Hindu majoritarian ambitions. Politics and public discourse have assumed an increasingly religious cast, as the prime minister has presented himself as a sort of Hindu emperor, sent by god on earth to redeem and fulfil all the hopes and fantasies held by Hindu supremacists down the ages. As a result, never have Indian Muslims felt as fearful and vulnerable as they do now. What this portends for the future is impossible to tell.

A last problem I'd like to flag is the relation between the Union government and the states. BJP supporters like to speak of Jawaharlal Nehru's dismissal of the communist-led Kerala government in 1959 and of Indira Gandhi's even more frequent use of Article 356. Yet their own attitude to state governments led by other parties has been exceedingly hostile. The regime led by Narendra Modi and Amit Shah has paid scant attention to the legitimate interests of states not ruled by the BJP, mocked lawfully elected chief ministers in indecorous language, appointed governors who have obstructed the functioning of lawfully elected governments at every turn, spitefully removed Opposition-ruled states from representation at important symbolic events

such as the Republic Day parade and, in all other ways, made it clear that it would not rest content until every state in India is ruled by the BJP. Its behaviour demonstrates an authoritarianism that is absolutist in its ambitions.

We have just witnessed the quite remarkable feat of hundreds of millions of Indians voting in a general election. However, it bears stating that these votes were cast in the context of unrepresentative parties, compromised public institutions, undemocratic laws, a flailing economy, a ravaged environment, a deep feeling of insecurity among religious minorities, and an increasing strain on the federal structure of the Republic. The first duty of whichever government that comes to power at the Centre would be to address and seek to mitigate these fault lines. Whether it might actually do so is another matter.

This article first appeared on The Telegraph.

Ramachandra Guha's latest work, The Cooking of Books: A Literary Memoir, has just been released. His email address is ramachandraguha@yahoo.in.

Courtesy **Scroll.in**, 2 June 2024. 🌈

Lok Sabha Results: Modi's Myth...

Contd. from page - (8)

Will he force Modi, whose entire campaign rested on condemning reservations for Muslims and the Congress' 'appeasement' of Muslims, to accept his programme?

The TDP chief stands out for promising specific measures to Muslims; no other political party has done so. In fact, no party has even mentioned the constant attack on Muslims by the ruling party at the Centre, despite the prime minister targeting the community in his campaign. Yet, Muslims have reason to rejoice.

Yogi Adityanath, one of two CMs who symbolise policies that strike at Muslims' livelihood, education and identity, sees a depletion of seats in what was considered a stronghold nobody could breach. And that's thanks to Akhilesh Yadav, the man the BJP hates because his father once ordered firing on a BJP mob out to damage the Babri Masjid.

And then there's Maharashtra, where, thanks partly to Muslim mobilisation, the coalition headed by Shiv Sena founder Bal Thackeray's son, has bagged a majority of seats.

The alienation of the country's largest minority has temporarily at least, been stopped. That itself is reason to rejoice in the Lok Sabha results.

Courtesy **Rediff.com**, June 04, 2024. 🌈

Should the Supreme Court have done more to ensure free and fair elections?

Despite questions over the independence of the Election Commission of India, the Supreme Court has consistently declined action in election-related cases.

Vineet Bhalla

Looking back at the recently concluded Lok Sabha election cycle, the longest in India's history, it is easy not to take notice of the role the Supreme Court has played in the conduct of the elections.

After all, the Supreme Court has adopted a hands-off approach in relation to almost all election-related cases that it heard in the last six weeks, deferring to the authority of the Election Commission of India.

However, the refusal to act in most cases impacted the election in significant ways.

There is no consensus among legal experts on whether the court's approach is desirable, especially in light of the alleged abdication by the Election Commission of its function to conduct the election in a free and fair manner.

Hands-off approach

In March last year, a five-judge Constitution bench of the Supreme Court had changed the process for appointment of election commissioners in order to secure their independence. The court had created a committee comprising the Prime Minister, the Leader of the Opposition and the Chief Justice of India to make appointments to the Election Commission until Parliament enacted a law on the subject.

However, in December, the Parliament passed a law that created a new committee to nominate members to the Election Commission comprising the Prime Minister, the Leader of Opposition and a Union Cabinet Minister – rather than the Chief Justice of India, as provided by the judgment.

Scroll had reported that this law went against the spirit of the judgment by bringing

the matter of selecting election commissioners, which the judgment sought to shield from executive influence, back within the Centre's control.

This law was challenged in January this year. A two-judge bench of the court had refused to stay the law. In March, as per the new law, two new election commissioners were appointed by the Union government. Again, the appointments were challenged before the Supreme Court.

However, the court refused to stay the appointments as well as the law on the ground that the Lok Sabha election was about to commence.

In February, another five-judge Constitution bench of the Supreme Court had held the Union government's electoral bonds scheme as unconstitutional and quashed it. However, it decided the petitions challenging the scheme seven years after they had been filed. The bench had held substantive hearings in the matter only in October and November of last year.

The Supreme Court had refused to stay the scheme in 2021.

As a result of the court's delay in hearing the matter, the unconstitutional scheme had been in operation from 2018 onward. The ruling party at the Centre, the Bharatiya Janata Party, was the largest beneficiary of the scheme and could utilise the money it gained from the scheme on the current election, as well as the previous general election and all assembly elections since 2018.

On April 15, the Supreme Court rejected a petition seeking arrangements to be made by

the Election Commission to enable internally displaced persons from Manipur settled outside the state to cast their votes in the election by setting up special polling booths in the states to which the displaced persons had moved.

On April 26, the court dismissed pleas seeking the tallying of all Voter Verified Paper Audit Trail slips to verify votes cast through Electronic Voting Machines.

On May 14, it refused to entertain a plea petition seeking to disqualify Prime Minister Narendra Modi from elections for allegedly making hate speeches and invoking religion during campaigning.

On May 24, it declined to pass interim directions to the Election Commission to publicly release the booth-wise absolute number of voters amid the Lok Sabha elections. However, on May 25 the Election Commission ended up publishing the absolute number of votes cast in each parliamentary constituency during the first five phases of the election.

It only bucked its hands-off approach in one case, when on May 10 it provided interim bail to Delhi Chief Minister and Aam Aadmi Party national convenor Arvind Kejriwal in a money laundering case.

In a first-of-its-kind verdict, the court allowed Kejriwal temporary bail only to campaign for the Lok Sabha election.

However, even here, the court failed to uniformly apply this principle. It rejected the interim bail applications of former Jharkhand chief minister and the working president of the Jharkhand Mukti Morcha party Hemant Soren and the AAP's Punjab MLA Jaswant Singh, both also arrested in money laundering cases. Both had sought to rely on the precedent of the bail granted to Kejriwal.

Election Commission missing in action

A ripple effect of the Supreme Court's insistence on not interfering with the election

commissioner appointment law has been the Election Commission's failure to meaningfully act against BJP leaders' repeated poll code violations. This has been flagged by retired bureaucrats as well as a former Supreme Court judge while a recent study by the Centre for the Study of Developing Societies and Lokniti showed decreasing public trust over the functioning of the Election Commission.

"There was a strong case for staying the 2023 law and the installation of the present Election Commission since the law clearly breached the rationale of [the court's March 2023 judgment] that emphasised the need for an independent selection committee to ensure that independent commissioners are appointed," senior lawyer and writer Kaleeswaram Raj, who practices in the Supreme Court and the Kerala High Court, told *Scroll*.

Raj had been part of the legal teams that successfully challenged the election commissioner appointment process in 2023 and failed to secure a stay on the subsequently passed law.

"The country had to pay a heavy cost due to the judicial indulgence shown," he said.

Constitutional historian and former bureaucrat SN Sahu, who served as press secretary to former President of India KR Narayanan and director in Prime Minister Manmohan Singh's office, told *Scroll* that the judiciary ought to have promptly intervened and taken action against BJP leaders for their communal appeals for votes.

"Securing the purity and integrity of the electoral process is not the sole duty of the Election Commission," he said. According to him, when the Commission fails in its duty, "other organs of the government, including the legislature, the executive and the judiciary also have key roles to play".

Raj agreed. "The role of the Supreme Court with respect to election has been highly

disappointing,” he said. He added that the court had “clearly failed in carrying out its constitutional function as against the executive, Parliament and the Election Commission itself”.

Should the judiciary have stepped in?

Some legal experts, though, don’t think that the judiciary has the institutional capacity to fill in the vacuum of effective regulation of the election.

“Article 324 of the Constitution of India squarely vests the superintendence, direction and control of elections with the Election Commission,” Ritwika Sharma, senior resident fellow and lead at the legal policy think-tank Vidhi’s Centre for Constitutional Law told *Scroll*.

“The Supreme Court has decided on the more principled issues concerning elections and electoral reforms,” she continued. “But it has remained hands-off with respect to the more practical issues concerning the conduct of elections.”

Sharma warned that if model code of conduct violations begin to be taken cognisance of by the judiciary, they will enter the judicial process and get mired in inevitable delays.

“Scepticism concerning the independence of the Election Commission should not translate to placing a greater responsibility on the judiciary to address violations of the poll code, given how overburdened the judicial process is,” she said.

Shubhankar Dam, chair professor of public law and governance at the University of Portsmouth, agreed. “Courts don’t want to, and shouldn’t, micromanage elections,” he said.

He added that “the text of the Constitution has never prevented the Supreme Court from doing anything.” Nevertheless, “the main reason why it has chosen not to intervene in elections is its institutional limitations,” he said.

Raj disagreed on this. “The hands-off approach has relevance only when the court’s order interferes with an ongoing election,” he said. “It is unconvincing when the court adopts such an approach when the direction sought for will, in no way, meddle with the polls.”

“Article 324 contemplates functional autonomy for the commission,” he emphasised. “It doesn’t create any embargo in the power of judicial review of the Supreme Court, as long as the court doesn’t stall an ongoing election.”

On the other hand, Sharma said that solutions must be sought from the Election Commission, given its vast repository of power under Article 324. She reminded that in the past as well, the commission had “taken stern action in case of violations of the model code of conduct, which it is fully empowered to do.”

According to her, “despite the Election Commission not doing enough, or perhaps because of that, difficult questions must be asked of the government and the commission itself about how a free and fair election can be conducted.”

“More than institutional mechanisms, public opinion could drive the Election Commission to introspect and discharge its functions responsibly,” she said.

Dam offered a more cynical outlook. “I am sceptical as to whether there any good solutions to this,” he said.

According to him, “it is a myth that the Election Commission has suddenly become craven to the government.” He said that the model code of conduct has never been properly imposed in India and that the Election Commission “has always been influenced by the ruling party.”

“What has changed is the way in which hate speech is amplified due to social media,” he said. “Today, the impact and potential for harm of hate speech is significantly higher.”

Courtesy **Scroll.in**, 3 June, 2024. 

THE COURTS IN THE ROLE OF SCAVENGERS

Bimal Kumar Chatterjee

Cancellation of 25,753 appointments made in teaching and non-teaching staff by West Bengal School Service Commission has justifiably evoked mixed feelings and reactions from the public at large including those who are directly affected by the order of cancellation passed on 22nd April, 2024 by the highest Court of the State of West Bengal. Many a people in their anguish went as far as to charge that the court had dispensed injustice instead of justice. The cause prompting the court in passing such heart breaking drastic order has been a concerted 'fraud', deliberate and calculated commission of 'illegalities' and a scam for personal and/or political gains in the matter of those appointments perpetrated by diverse persons in a league directly and indirectly involved in the process of those appointments in the administration of school education in the State of West Bengal including the Cabinet Ministers of the State.

In the scam recourse to nepotism, favouritism, manipulations and motivated destruction of primary documents were taken by those persons involved in the process of appointments. In paragraph 335 of its judgement the Court has tabulated as many as seventeen illegalities, all established by evidence, including that recruitment rules were never adhered to at all as appointments were given to: (i) them who were not in the panel; (ii) them who submitted blank OMR (Optical Mark Recognition) sheets meant for evaluation of answers of the candidates; (iii) persons after the expiry of panel; (iv) persons who were lower in rank in preference to those who were higher in rank; (v) supernumerary posts were created with the approval of the Cabinet Ministers to continue in service the illegal appointees although ill-advised School Service Commission's application therefor was rejected by court; (vi) more appointments were made than

the declared vacancies in all the categories. In short Rule of Law as opposed to Rule of Man was trampled instead of being strictly obeyed and followed. Rule of Law mandates absolute obedience to existing law in its letters and spirit even if such law, until changed, is found to be irrational because of either lapse of time or any change in circumstances.

The facts unleashed by the trail of events unfortunately reveal that there were a good number of genuine candidates within the said total number of 25,753 candidates who were no actors nor accomplices in the commission of either fraud or illegalities but they became pathetic victims for no wrong of their own. Simply they became innocent victims of wrongs committed by others who by their designation or otherwise were responsible and duty bound to protect their constitutional rights. In the absence of any enabling essential basic materials for segregation between genuinely successful candidates within the said 25,753 candidates and candidates appointed illegally the court delivering the judgement could not undertake any act of scavenging to rescue the genuinely successful candidates from the fateful disaster. The High Court found that (i) the exact nature of candidates fraudulently given appointments could not be identified; (ii) exact number of persons benefitted from manipulation / illegalities in the selection process could not be identified in its entirety (Para - 329) and further that (iii) such identification has been made improbable given the stand of School Service Commission, Secondary and Higher Secondary Board of Education and the State [Para - 331 (XV)] as OMR sheets were destroyed without the scanned mirror image being preserved. The criminal motivation for such destruction has become obvious by its result.

The subject order of cancellation is now under challenge before the highest Court of the land

whose initial observations have been frightening for us that there has been a systemic fraud when public jobs are so scarce and so valued that if the faith of the community in public employment goes then nothing remains. And further that the Court could not be unmindful of the impact of setting aside employment of a large complement of assistant teachers who have been recruited for classes 9 and 10 and classes 11 & 12. The Apex Court has also observed that an issue which merits closer analysis is as to whether the appointments, which suffer from a taint, can be specifically segregated and if such an exercise were at all possible it would be unfair to set aside the entirety of the selection. The Apex Court therefore is now unquestionably required to overcome all the hurdles identified by the impugned judgement to find out with exactitude the number of candidates who had been benefitted from manipulation / illegalities. In simple words, the Apex Court is required to weed out the chaff from the corn if that is at all possible. The exercise now to be undertaken by the Apex Court is therefore simply of scavenging. The Apex Court is primarily saddled not exactly with any judicial work but with a work of physical / arithmetical segregation of tainted from untainted not only for the ends of justice but also for doing justice to those untainted.

The scam which was the subject matter for final judicial scrutiny of the Division Bench of Calcutta High Court was initially unfolded by a Single Bench of the said court back in 2022 when over a period a number of persons including the education minister of the relevant time and head of School Service Commission and others said to have been involved in the scam were taken into custody by the Central Bureau of Investigation (CBI) while investigating the said scam as per order of the Single Bench. Very much prompt and bizarre reactions of the Chief Minister of the state to the said scam were two-fold. The first reaction was quite reasonable that there should not be any media trial of the persons so taken into

custody but the second was most unreasonable and unlawful that the Court may be pleased to permit the government instead of termination from services of those candidates who had been appointed illegally to absorb them in the new posts to be created by the government in excess of declared vacancies. In other words the malicious object of the second reaction was to let the status quo continue so that the result of the scam gets sanctified. The School Service Commission accordingly also obeyed and acted promptly making an application to the Court seeking such permission. In other words the administration involved in school education made an attempt to commit a second grievous wrong to make a right. The Single Bench however did not accede to the said prayer and instead directed a further CBI enquiry to find out the brains behind advising the commission of second wrong it has now transpired notwithstanding refusal by the court that the Cabinet Ministers in defiance had taken a decision to create supernumerary posts to absorb those who were unlawfully continuing in service being initially appointed illegally (Paras 257 and 235 (XVI) of the judgement of the Division Bench).

It is trite that conflicts of interest in society give rise to disputes and a good number of them need resolution by courts established by law whose primary duty is to adjudicate those disputes which may be broadly classified under four heads eg., (i) dispute between an individual and another individual; (ii) dispute between an individual and a group of individuals; (iii) dispute between a group of individuals and another group of individuals; and (iv) dispute between an individual or individuals and the State. In very much complex human relationship there can also be a good number of variations within or outside of the said four categories. Of all the aforesaid four categories disputes brought to courts under Article 226 and 32 of the Constitution for violation of fundamental rights happen to be the largest in number indicating first that individuals, whether

citizen or not, have become more conscious of their fundamental rights guaranteed under the constitution and any breach of any of those rights provokes them to move constitutional courts for redressal of such breach; and second, that the State through its agents including Ministers seem to have become willy nilly more indulgent in causing such breaches. As a consequence the number of writ matters awaiting hearing and disposal with a decision are mounting day after day and the courts are hard pressed for time to decide them. National Judicial Data Grid tells us of staggering number of both civil cases and criminal cases awaiting hearing for disposal by Supreme Court and High Courts. Just as an example it may be noted that in Calcutta High Court as on 21st May 2024 as many as 83,541 writ petitions were pending as against 63,421 civil cases whereas as on 19th May 2024 in Supreme Court as many as 63,935 civil cases (including writ petitions) and 17,161 criminal cases were pending. And India has now as many as 25 High Courts. Matters arising out of breaches of fundamental rights always outnumber other civil cases. In such background it is more sickening to know when it transpires that more often than not, breaches of fundamental rights are even caused by the State and its authorised agents by knowingly committing fraud and blatant illegalities for nursing their nepotism, favouritism and manipulation for personal gains, and/or political gains. And this seems to be exactly what has happened in the scam in respect of which the Division Bench has delivered its judgement expressing utter dissatisfaction, disgust and sadness that the Hon'ble Bench could not even save or rescue those candidates who had no role to play in the scam.

On a closer analysis the scam facilitated employment of those who were not eligible for appointment depriving other those who were genuinely eligible for appointment. There happens to be now three categories of candidates within the said 25,753 as a result of the scam and they

are: (i) who were ineligible for appointment but were fraudulently and illegally appointed; (ii) who were lawfully eligible but were denied appointments; (iii) who were lawfully eligible for appointment and were in fact appointed. Although three categories of candidates constitute total number of 25,753 but how many number belong to which category could not be identified or informed by the School Service Commission to the Division Bench compelling the Bench to deliver its judgement unhappily in utter despair.

Million-dollar question faced by the Apex Court is now how to segregate, if at all possible, the aforesaid three categories to do complete justice. In the aforesaid background a very fundamental judicial question justifiably emerges and that is: can the exercise expected to be undertaken by the Apex Court either on 16th July, 2024 when the matter has been fixed for hearing next or immediately thereafter to do justice with or without the help of School Service Commission and others be justifiably and strictly characterised as 'judicial' exercise? Constitutional courts are to judicially determine the cause of deprivation, if any, complained of on the basis of facts with the help of judicial interpretation of laws applicable to those facts. Does the proposed exercise strictly speaking seem to involve any such exercise? The exercise of segregation required to resolve the number of candidates rightly belonging to each of aforesaid three categories of candidates can hardly be said to be a judicial exercise of any Constitutional court and far less of the Apex Court. Nonetheless the Apex Court in its anguish has sought to undertake such an exercise of scavenging operation if at all that is possible and such work of scavenging has become necessary only because of inept, fraudulent and illegal activities of some of the executives including ministers concerned of the State. In the annals of Indian judiciary in the post-independent period the constitutional courts are being too often saddled with such exercise and more so in the recent period unjustifiably taxing

on the courts limited time in hand for adjudication of other genuine constitutional disputes requiring true judicial acumen and works of law. The subject scam reflects more than poor quality of performance of the members of the Indian beureucracy who have purposely deviated from the path of rule of law either for their personal gains or to please their masters for their personal and/or political gains abandoning the principles of fairness, equality, law and justice which all go together to constitute the cornerstone of any good democratic polity. To our dismay according to World Justice Report India ranks 79th out of 142 in rule of law index. India Justice Report (IJR), a think tank, has reported that excessive government litigation presently accounts for 50% of court load. No state has its full complement of judges in High Courts. High Court vacancies average 30% and can touch 50%. The shortfall in judges is measured against sanctioned strength. Law commission as early as in 1987 in its 120th

recommended 50 judges per 10 lakh population but India after almost four decades later has 15 judges per 10 lakh population. And beside this shortfall Indian judiciary has also other shortfalls contributing to frightening delayed justice. The fallout of all these is delay in administration and dispensation of justice delivery to the people deprived of their constitutional and other legal rights. India justifiably needs an impartial, just and comprehensive analysis and evaluation of performance of functioning members of beureucracy to guide beureucracy not to saddle judiciary with any such kind of work of scavenging to facilitate dispensation of speedy justice to get rid of Indian judiciary's stigma of delivering injustice in the shape of delayed justice. There is an adage that justice delayed is justice denied.

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

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SCIENCE AND ETHICS-1

Late Prof Raojibhai Patel

Whenever an accepted theory conflicts with a known fact the human mind is apt to relapse into earlier modes of thought. This fact is recognised in the generalisation that every revolutionary crisis is also a counter-revolutionary crisis. This is what is happening today in the field of ethics. The failure of the Utilitarian and the Communist theories of ethics has led to a retreat into the old position that a science of ethics is not possible being transcendental, is beyond science, morality. The failure of the Communist theory (that ethics is socially and ultimately economically determined) is evidenced by the fact that even though in the Russian society the means of production are socially controlled it is characterised by moral nihilism. The fact cannot be denied though it can be explained away—that in the world controlled by the Communists the binding nexus is the military power of the Soviet society rather than the ideal of Communism. The utilitarian theory of morals (known as hedonism) postulated the gradual perfection of society on the basis of competing individuals seeking their ends (pleasures as psychological states). The failure of this theory is evidenced by the fact that wars could not be prevented by societies based on competition. War itself became a mode of competition. Both theories assume that a science of morality is possible. The evidence of the failures of these theories has led some thinkers to abandon the belief in a scientific ethics. This paper attempts to show the dangers involved in abandoning a belief in scientific ethics. It also attempts to show that both the above-mentioned theories are based on a misunderstanding of the nature of science. The belief in scientific ethics goes back to Spinoza who attempted to present a science of ethics. Historically the importance of his

attempt lies in the fact that he tried to wean away ethics from theology. Although the concept of science that Spinoza had in mind was one that was accepted in his time (i.e. largely deductive in method), his was the first attempt in modern times to construct a world view on the basis of a naturalistic monism. His identification of will and reason shows that he was monistic philosopher. His identification of God with nature makes it clear that he was a naturalist. Spinoza's life suggests that his science was living. But the social forces were much too involved in theology; consequently his teachings could not pierce the educational systems. Even today the universities pay only lip-sympathy to Spinoza. His main teaching was taken over by the utilitarian thinkers who, however changed the meaning of the word 'desire'. Desire, in Spinoza's writings, is not associated with pleasure. He associates reason with desire whose object is freedom. When he maintains that desire is the basis of morality, he means that morality postulates a world of desire. Had the times in which Spinoza lived been more responsive to his ideas, perhaps the intellectual apathy and moral nihilism that grew at the same time when science was making its greatest strides, could have been prevented. The chief obstacle in the way of such response was theology, whose hold on the educational system was almost complete. By the time the hold of theology had relaxed, Spinoza's attempt was forgotten. The result was that ethics became the playground of new 'theologies' the human mind, having failed to integrate the world of morality with the world of intellect, fell prey to new and more ruthless versions of theology. (Theology is defined in this paper as a closed system of morals based on an absolute frame of reference). In fact Spinoza's disability flowed from a comparatively weak state of

science in his days. Since then science has made much headway. Nor is it any more limited to non-human parts of nature. The theory of biological evolution is a theory of life including the life of man. Man is not a mystery-to be known mystically. Man is a product of a natural process and as much knowable with the same cognitive process by which we know the rest of nature. And if the author of moral act is man himself, morality also is knowable in the same way as other natural processes are. This is what is meant when we say that a science of ethics is possible which does not, however, mean that very theory of ethics which claims to be scientific is necessarily true. The main objection to the view that moral behaviour is part of the natural phenomena and as such amenable to scientific treatment comes from mystics as also from some poets and artists. The proposition with which they attack naturalistic ethics is summarised in the statement that man is infinite-dimensional V and hence outside the field of casual determination. In the field of knowledge this proposition is maintained by emphasising the distinction between understanding and wisdom. The mystics maintain a cognitive distinction between the meaning of the two. While understanding is achieved, wisdom dawns. And morality is conditional not upon understanding but upon wisdom.—¹ (We can think of no other distinction which can be made between understanding and wisdom). ontological as It will be noticed that both the distinctions well as epistemological-made out as above are rooted in a consciousness proper to theology. The best version of the nature of man, from the theological point of view, is cited in the Bhagwad Gita Nainam Chhindanti Shashtrani, Nainam Dahati Pawaka. That the Atman is not a thing whose nature it is to enter into casual ties with other things. That the whole world of things may perish but the Atman cannot perish. The basic tenet is that the Atman

- the essence of man is outside the field of causality. The whole Hindu theology stems from this basic proposition - which is the inversion of Spinoza's pantheism. Ethics, in Hinduism, is not knowledgeable except to the mystics: it is beyond science. The same is broadly the position taken by Christianity. —' Such a concept of ethics is not limited to orthodox theology. In fact, every assertion that ethics cannot be scientific must be theologically oriented. This becomes clear as soon as the problem of cognition of ethical norms and their sanctions is raised. In a non-scientific ethics the cognition of values cannot be of the same kind as that of other facts (non-valuational), as otherwise ethics would be a department of science. How then are values cognised? We hold that any alternative to scientific cognition is ultimately based on some idea of revelation. (This is also true of the Kantian dualist). Observation, analysis, synthesis and criticism have no place in the cognition of values. Morality is a function of wisdom, and wisdom is not an object of science it is revealed. The distinction between scientific and non-scientific cognition is maintained on the basis of a distinction of conditions which are external to man from those which are internal to him. The external conditions are cognised scientifically. Values are maintained to be internal conditions and are thought to stand on a qualitatively different footing from the cognitive point of view. They are neither observed nor inferred. Their cognition is direct and intuitive. While the rest of the universe is caused, values are uncaused. And it is the absence of casual connection between values and other facts which makes the scientific process of cognition inapplicable. Thus the distinction between understanding and wisdom, in the final analysis, can be traced to a distinction between nature and man. Such a distinction is not a quantitative difference but a qualitative one. The external conditions are physical while the internal are

non-physical. Without such a division of the world into the physical and the non-physical, no distinction between the meanings of the two words understanding and wisdom can be maintained. Collected Works of Raojibhai The above analysis makes the conclusion inescapable that if one maintains that ethics cannot be scientific, one must also maintain the existence of non-physical-non-observable and non-inferential-entities (if one abides by logic). There seems to be no escape in that case from the theory of a disembodied Atman. One who maintains the existence of both the physical and the non-physical is a dualist while one who maintains the existence of the non-physical only is a vendantist. The former makes science instrumental the latter invalidates all science. Spinoza attempted to shatter the vicious dualism of his time by maintaining the existence of physical entities only. His monism was scientific. Human scepticism tended to invalidate science while Kant rescued science from the devastating nihilism of Hume by affirming dualism. Faced with a moral chaos consequent upon the world wars and the application of technology for the maintenance of competing political structures, almost all thinkers have a tendency to fall back upon Kant, if not on out-and-out theological dogmas. Things have been deteriorating still further: there is a tendency to scoff at the scientist if not at science itself for his alleged conciliation in the amoral political processes. Doubts are cast about his objectivity. We are not apologists of the scientist and do feel anxiety over his conformism, but we see no need to doubt his objectivity in the special fields in which he is working. It is a problem of valuing the cognitive process. If the philosopher of morality has been failing in advancing a more or less agreed theory of ethics because of their disagreement on the nature of cognition applicable to that field, the fault is not of the scientist working in non-axiological fields. We find, on observation, that

scientists working in non-axiological fields are as human, or inhuman, as thinkers in the axiological fields. Returning to the theme of this essay, let us examine the basis of the claim of a non-scientific ethics. The claim is based, as we remarked, on the assertion that man is infinite dimensional. Why, let us ask, can an infinitely dimensional object not be cognisable in the same way as other objects? A similar argument was advanced by Zeno, through his famous paradox of the tortoise and the hare, proving that the observation of motional phenomena is illusory. But modern mathematics succeeded in constructing concepts which can apply to such objects. The reader is referred, in this connection, to the concepts of Hilbert Space of infinite-dimensional vectors and their application to Quantum Mechanics. In the face of modern mathematics and its application to natural sciences, it is not given to us to maintain that an infinite dimensional object cannot be made an object of scientific cognition. It is futile to judge modern science by the standards of science in the age of Kant or even of Marx. Science is changing and living and the fate of humanity will hang on a delicate thread as long as its (i.e. science's) field of operation is restricted to only non-human areas by arbitrary and ad hoc assumptions about the nature of man. The fate of humanity cannot be consciously directed by treating facts as fictions, for by nature the cognitive level of a mind inclined to fictions cannot rise above mysticism. (If values are not treated as facts, we are led to treat them as fictions in one sense or another). Education through fictions is education through a mystic unity between minds. A humanity which cannot objectify itself to a cognitively scientific mind is a fictitious humanity. One does not gain even an iota of truth about values by treating them as fictions. If, on the other hand, they are treated as facts, they are and have to be amenable to scientific treatment.

Sent by: **Bipin Shroff** 

NARENDRAACHYUT DABHOLKAR

(1 Nov 1945 – 20 Aug 2013)

J.L. Jawahar

Dabhol is a small seaside village on Konkan sea coast about 250 km south of Mumbai.

Narendra was the youngest of 11 siblings....He was Founder President of Maharashtra Andhasraddha Nirmulana Samiti (MANS) since 1989. He dedicated his life to reform the society by making it free from blind faiths and illogical superstitions. He proposed the “Antisuperstition and Black Magic Bill” that was pending with the state government for about 18 years. The day before his death he returned from Mumbai after meeting the officials in connection with the legislation. It was issued in the form of an Ordinance on 24 August 2013, four days after his death. He was awarded PadmaSri in 2014 in recognition of his untiring efforts in social reform.

He was MBBS from Miraj Govt. Medical College. During his college days he was the Captain of University Shivaji Kabaddi Team and earned Shiva Chatrapati Yuva Award for Kabaddi. He was married to Shaila and had two children – the son named Hamid Dabholkar after the Muslim social reformer Hamid Dalwai. The daughter was named Mukta. Narendra practiced as a doctor for 12 years, led social justice movement “One Village-One well” against untouchability. He was an atheist and did not consult almanac (panchamgam) for the marriages of his children. Just selected convenient times and performed the functions with least expenditure. He formed a committee for Eradication of Superstition in Maharashtra and challenged godmen, Tantrics and Hindu ascetics. He was the founding member of PARIVARTAN in Satara to empower marginalized members of society and help them lead an honorable life. He was closely associated with the renowned rationalist Sanal

Edamaruku of Kerala. He was editor of Marathi weekly “Sadhana”. He was the Vice-president of the Federation of Indian Rationalists Associations. Supported renaming of Marathwada University after Babasaheb Ambedkar. He happened to address more than 3000 meetings in support of amelioration of dalit’s conditions. He questioned Asaram Babu (We know now what he is) for wasting water in the name of celebrating Holi when the state was facing draught in March 2013.

He exerted too much to get the Anti-superstition Bill passed. But it was opposed by both BJP and Shiv Sena stating that it offends the Hindu culture, customs and culture. He told them there is not even one word against god or religion in the bill. It was against fraudulent and exploitative practices only. The state Assembly had seven sessions after the Bill was introduced, but there was no decision on that. The cabinet met a day after the assassination of Dabholkar and issued an Ordinance promulgating the Act. But it was held back in parliament and approved only after the Ordinance was amended as required. Issued on 18 December 2013.

Since 1983 he made himself a target of orthodox and revivalist groups and received many threats to his life. But he refused to seek police protection stating that “If I have to take police protection in my own country from my own people, then there is something wrong with me. I am fighting within the framework of the Indian constitution and it is not against anybody, but for everybody.” The reformer who fought against blind faiths had faith in the people to the extent of self effacement!

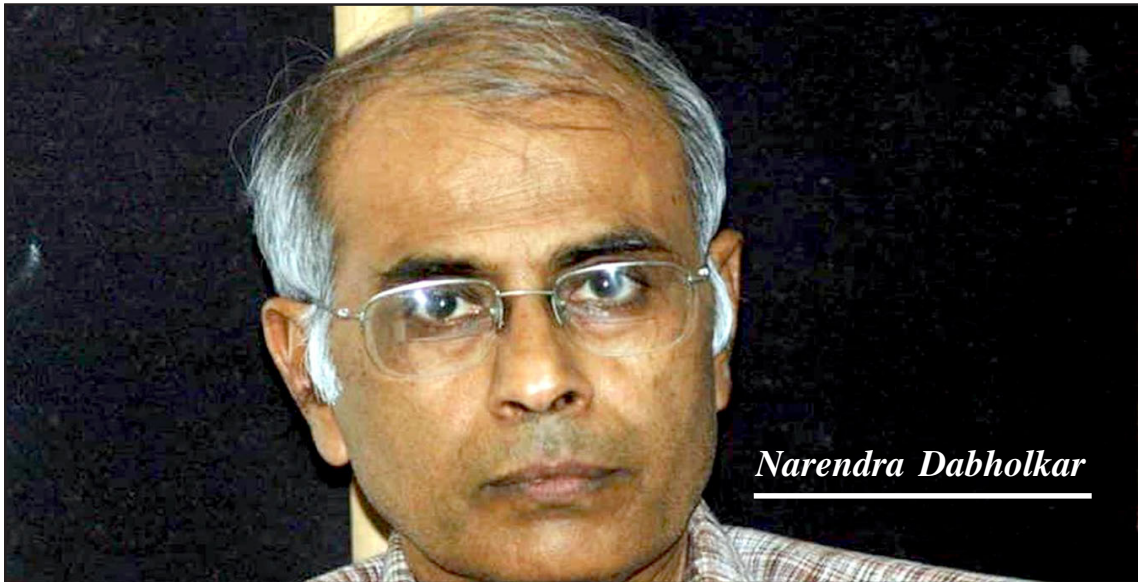
While he was on a morning walk on 20 August 2013, he was shot dead at point blank range by assassins who came and fled away

on motor bikes. Dabholkar died on the spot. The body was donated to the medical college according to his wish. After autopsy it was found that the body was mutilated to an extent that it was declared unfit even for academic purposes and returned to the family. It was cremated in Satara without any rituals. The pyre was lit by his daughter Mukta. His ashes were spread over

Prakasrao Andure on 18 August 2018 identified as one of the gunmen.

All India Peoples Science Network (AIPSN) took 20th August as the National Science Temperamant Day in honor of Dabholkar. India Publishers produced a short film “Book Shelf” in honor of Dabholkar.

In May 2019 two more persons were



his organic farm.

A “bandh” was organized in Pune in protest against the assassination. The Chief Minister offered a reward of one million rupees for information about the assassins. On 2 September 2013 the police sent footage of cameras to London Forensic Laboratory. Ketan Tirodkar filed a petition seeking investigation by NIA alleging that right wing activists are involved in the crime. But NIA stated that the case falls under IPC. The case cannot be taken by them just because the petitioner had a suspicion of involvement of rightists. The Home Minister stated that the case will be handed over to CBI if there is no progress in investigation. Accordingly, it was given to CBI.

On 20 January 2014 two persons were arrested based on ballistic reports. It took more than four years for CBI to arrest Sachin

arrested having links with Sanatana Samstha. One of them Sharad Kalaskar was identified as the one who opened fire on Dabholkar. On public demand the Karnataka government passed the “Prevention and Eradication of Inhuman Evil Practices and Black Magic Bill” in 2017. In March 2021, when the Bombay High Court asked CBI for a progress report in the case, they said they are ready for trial.

Between 2013 and 2015 three prominent rationalists were assassinated for questioning superstition or Hindu Nationalism. Government officials were reluctant to condemn the assassinations. Minorities Minister in the Central cabinet Mukhtar Ahmed Naqvi stated that “you cannot judge the government on isolated incidents of violence”.

Sharad Kalaskar told the Karnataka police that he shot Dabholkar twice – once in the head

from behind and after he fell down shot above the right eye. He also admitted having links with the murder of Pansare in 2015 and of Gouri Lankesh in 2017. During interrogation with reference to case of Gouri Lankesh, Kalaskar admitted his connections with rightist wing, of having attended the crash course on ideology, use of firearms and making of bombs. Virendra Tawade, the brain behind it all, told him to kill these people. When Kalaskar fired the second shot after the fall of Dabholkar, his bullet was stuck up and he had to remove the same and fire the second shot. After that Andure also fired at Dabholkar. Kalaskar was introduced by Tawade to Amol Kale who was arrested in connection with Gouri Lankesh murder case. In a meeting held in August 2016 the people working against Hinduism were discussed. In the meeting held in August 2017 plans were finalized and duties assigned to kill Lankesh. She was murdered in September 2017. He also stated that there were plans to target B.G.Kalsa Patil, a retired judge of Bombay High Court.

Passing an Act is one thing, a part of legislative function. But the Act will not come into force immediately. It is necessary to form rules under the Act as guide to the officers who are to implement the law. That remains the responsibility of the executive, which is honorably called secondary legislation. While passing the Act, the legislature does not fix any time limit for drafting the rules. It remains at the discretion of the executive. The Antisuperstition Bill was passed in December 2013. But the rules were not framed even nine years after that. The Act could not be brought into force. Meanwhile governments changed three times. People continue to follow their faith and subject themselves to superstitions. In practice many innocent lives were destroyed which could not be prevented as the act was not in force.

After taking charge of the case in 2014, CBI filed charge sheets against five persons

including the ENT surgeon Virendra Tawade, lawyer Sanjeev Punalekar and his assistant Vikram Bhawe. On 15 September 2021 the Special UAPA court framed charges against Tawade, Andure, Kalaskar and Bhawe under sec.16 of UAPA and Arms Act for murder, conspiracy to murder and terrorist acts. Punalekar was charged for destruction of evidence. All pleaded not guilty.

In August 2013 when Dabholkar was murdered, it was the Congress-NCP government that was ruling Maharashtra. In February 2015 when Pansare was murdered it was BJP-Shiv Sena government. From 2019 it was Shiv Sena-NCP-Congress government. Everyone claims it is the progressive state of Phule and Ambedkar, but nothing moves in the state. Punalekar is out on bail. He is himself a lawyer! CBI recovers a firearm from the Thane creek. It is the weapon used in killing of Gouri. After receiving threats to his life, Narendra handed over a file on Sanatana Samstha to the Anti-Terrorism Squad of Maharashtra police.

Hamid Dabholkar, the son of Narendra Dabholkar, is a well read and sensitive boy. He is qualified as a psychiatrist. In his school days he was teased by his peers as the name was a mismatch of communities. It is not unusual but, in his case, it became a means of irritating the boy. Finally, he decided to know why he was named like that and asked his father about it. The father was expecting it. He patiently explained why he named his son after a Muslim. He told his son that Hamid Dalwai was a Muslim reformer and stood against foolish faiths and rituals. He questioned the system of Talaq in Muslim community. "Names have no religion" he said. He showed him the document "Hamid – The unsung Humanist" directed by Maruti and Jyoti Subhash, featuring Naseeruddin Shah. "Through this film I got connected to both Dalwai and my father" said Hamid Dabholkar after seeing the document.



Hamid Dabholkar

“There is need for Muslims and Hindus to become Indians first,” said Hamid Dalwai. He was deeply influenced by Mahatma Phule. His “Muslim Satyasodhana Sabha” was designed on the lines of “Satyasodhan Samaj” of Phule. Those were the days when communal forces were trying to radicalise the youth donning political garb. Any resistance to religious practices invited threats to life.

Naseeruddin Shah attended the first death

condemning what Narendra Dabholkar was doing. They did not hesitate even to openly threatening him with serious consequences. “If you don’t stop this work of eradicating of superstitions, you will be made the second Gandhi” they wrote insinuating that he too would be shot like the Mahatma.

Hamid Dabholkar was examined by the CBI. He was also produced before the Special Court of Addl. Sessions Judge and cross examined.

He was asked whether the funds received from abroad by ANIS (Andhasraddha Nirmulana Samiti) were transferred to Sodhana Trust. This was with reference to the Foreign Contributions Regulations Act (FCRA). Hamid denied any knowledge of it. But he asserted that the accounts of ANIS are regularly subjected to audit and reported.

In December 2015, Rijiju, the then Law Minister, told the Rajya Sabha that there was no



Naseeruddin Shah with Hamid Dabholkar

report to suggest any linkage between the murders of Pansare, Dabholkar and Kalburgi. It was a wrong statement and was immediately challenged by Hamid Dabholkar.

Narendra Dabholkar was maintaining an organic farm as a family activity. He established a trust “Parivartan” to facilitate receiving funds from interested private organisations and government schemes. The Hindu Janajagrit Samiti raised the question that its connections with Naxalites shall be examined, a naked display of revengeful attitude. The trust received funds from one “Swissaid” as an encouragement of organic farming. A map was published in Switzerland in which Kashmir was shown as part of Pakistan. Immediately attempts were made to involve the trust under FCRA and verify if the funds received for organic farming were diverted to the anti-Hindu movements led by Narendra. He was questioned why he was against only Hindu faith and did not question the superstitions prevailing in other religions. The futility of the question is obvious.

In 2000 Dabholkar led a group of women to enter the Shani Sherginapur temple. But the trust in charge of the temple objected to it and filed a case which is still lying with the court. As there is nobody to pursue the case now, it may take time to try the case or may be dropped.

After the death of Dabholkar, in one of its editorials in its mouthpiece Sanatan Pratibha, the Sanatan Samstha stated that his death was “God’s Wish”. What type of God he could be to make such a wish, is for anybody to draw his own conclusions.

In 2013 the Maharashtra government passed an Act on the lines suggested by Dabholkar. But they tried to cover all the evil practices in the title of the Act itself making it clumsy even to remember. “Maharashtra Prevention and Eradication of Human Sacrifices and other Inhuman, Evil and Aghori Practices and Black Magic Act, 2013” It is a debilitated version of what was proposed by Dabholkar. It was also

rendered ineffective by reserving the right to complain to the affected parties and not to public. The trust MANS has 250 branches in the state and about 5000 volunteers to watch over the implementation of the Act.

Atish Shripad Dabholkar, appointed as a director of Abdul Salam International Center for Theoretical Physics in Trieste (Italy) is a nephew of Narendra Dabholkar.

Narayanrao Patil, a minister at the time, was a founder member and Chairman of the Maharashtra Andhasraddha Nirmulan Samiti. When he died on 17 January, 2022 his wife Saroj Patil (sister of Sarad Pawar) was made the Chairperson. A trust was formed in 1993, registered in Satara with Prataprao Pawar as Chairman. Avinash Patil was also a trustee. After the death of Dabholkar, his wife Shaila was given charge of the trust. It has funds amounting to about Rs. 7 crores, accumulated over 25 years. Avinash Patil started alleging that the family of Dabholkar has taken over the trust. He has also become inimical to the children of Dabholkar. All the allegations of Patil were rejected by the members of the trust and he was expelled from the trust. No funds were drawn by the family from the trust at any time. In fact, the trust is operating from the premises given by the family after Shaila took over. Naturally the Sanatan Samstha is happy at the development of differences and trying to make capital out of it.

The Hindu Jana Jagriti Samiti started calling Narendra Dabholkar as an urban Naxalite betraying the connections and forces behind the murder of Dabholkar. It is the terminology used by prosecutors in connection with arrests under the abominable UAPA. They call urban naxalism an enemy of India and compare it with Corona virus. Some call it communist conspiracy while others attribute it to Islam. When you coin a new term, you have the liberty to define it in any way you like. Once you are branded an urban Naxalite, you can be attributed with

anything illegal, like tax evasion, money laundering, misuse of foreign funds and what not? Atheism and anti-Hindu are equivalent to anti-India. Is it an attempt to cover them under UAPA? In fact when final charge sheets were filed in September 2021 against the five accused, the draconian UAPA was also invoked alleging that they were striking terror among a section of the people. Obviously the section of people terrorized includes the rationalists and social reformers. But no attempt was made at any stage to declare the Sanatana Samstha a terrorist organization. When the house of Vaibhav Rout, a Sanatan member in the suburbs of Mumbai were searched substantial quantities of explosives and crude bombs were found. Plans to assassinate Prof. K.S.Bhagwan also were found on record. Two of Rout's aides – Andure and Kalaskar – were arrested. In addition, ten other members involved in the murders of rationalists were also arrested based on the information gathered. Amol Kale, formerly convener of Sanatan Samstha and leader of Hindu Janajagriti Samiti and Bharat Kurne were involved in planning the murders of Pansare and Lankesh.

In September 2016 CBI filed a charge sheet naming Sarang Akolkar and Vinay Pawar as the real culprits who shot Dabholkar. But in the charge sheet filed in August 2018 Sachin Prakashrao Andule and Sharad Kalaskar were mentioned as the real shooters. A supplemental charge sheet was filed in November 2019 against Sanjeev Punalekar and Vikram Bhawe who was already in prison. Punalekar, an advocate was released on bail. He is reported to have long association with Sanatana Samstha having represented them in many cases earlier. Bhawe was alleged to have conducted a *recce* and helped plan the murder. He helped the culprits escape from the scene of murder and also to change vehicles midway.

One Manish Nagori, an arms peddler and his aide Vikas Khandelwal were arrested

earlier. After the case was transferred to ATS in October 2013 their premises were raided and 40 illegal firearms were recovered. But they were released on bail and no charge sheets were filed in time. As there was no further evidence of their involvement was produced, they were not charged.

One of the witnesses, Sanjay Sadwalkar, a Hindutva activist, mentioned the name of Dr. Tawade as the mind behind the murders. Tawade was arrested earlier in connection with the murder of Pansare. A clear picture was emerging involving the murders of four rationalists – Narendra Dabholkar, Govind Pansare, M.M.Kalburgi and Gouri Lakesh – between 2013 and 2017, perpetrated by the same persons using the same weapons, convincingly proving the involvement of Sanatana Samstha. But there is no attempt to declare the Samstha a terrorist organization! The name of Tawade was being mentioned in all the charge sheets. But always qualified as having no sufficient evidence to make him the brain behind the crimes.

The Samstha itself was established by Jayant Athavale for the avowed purpose of Kshatra Dharma Sadhana. The Kshatra Dharma consists in killing of all *durjana* (evil persons) who are against establishment of Hindu Rashtra. It is this spirit that is playing havoc with the secular character of the country now. The concepts of equality, freedom of thought and expression, social justice, and the right to dissent are all under threat. In 2015 the son and daughter of Narendar filed a petition with Mumbai High Court seeking constitution of Special Investigation Team and the court to monitor the investigation. CBI told the Court that out of the 32 witnesses only 8 remain to be examined and the trial could be concluded in two months. In December 2022, the accused Virendra Singh Tawade appealed to discontinue monitoring by Court as investigation was completed. (What could be his interest in it?)

The Court also felt later that monitoring cannot be a perpetual process and discontinued monitoring.

By the time investigation was closed, the prosecution could not trace out the motorcycle used by the culprits and the weapons used in shooting Dabholkar. But another rationalist Govind Pansare was murdered in February, 2015 and the forensic experts determined that the weapon used was the same as used against Dabholkar. That means, the weapon was not destroyed but retained as an asset by the culprits. But the investigators failed to recover the same.

It was reported that the Pune police recruited even retired members to help in the investigation, obviously as they were supposed to be experts in the field. But they were seen to follow occult practices that were condemned by Dabholkar himself. When it was revealed, the Police Commissioner of Pune was transferred.

In 2014 one RTI activist Ketan Tirodkar filed a petition in the High Court to transfer the case to the CBI. At that time the family of Dabholkar were apprehensive of delay if CBI is involved and objected to it. But, in view of lack of progress by the local police, the court handed over the case to CBI. The most radical change in that year was when BJP came to power and the investigation suffered due to lack of cooperation from the administration. The court was demanding a report of progress. Finally, in June, 2016 Tawade was arrested.

The only motive for them was that the rationalists were engaged in eradication of ghastly practices of human sacrifice and black magic and demanding to discard superstitions. They are standing in the way of establishing the much-revered theocratic society as Hindu Rashtra. The charge sheets filed by the three investigation agencies confirmed that all the murders of the four rationalists were interconnected.

Finally, Hon'ble Judge Prabhakar P. Jadhav

of special court in Pune pulled down the curtain on 10 May 2024 on this drama running for more than a decade with scathing remarks on investigation methods. He declared that Sachin Prakashrao Andure and Sharad Bhausaheb Kalaskar were guilty of shooting Narendra Dabholkar to death on 20 August 2013 at 7.20 am while he was on his morning walk and sentenced them to life term of imprisonment and a fine of Rs. 5 lakhs each. The three other accused – Virendra Sinh Saratchandra Tawade who was accused as the master mind behind the murders, the lawyer Sanjiv Gajanan Puralekar and Vikram Vinay Bhawe who were accused of assisting the shooters were left free in the absence of adequate evidence. The judgment confirmed that the culprits did not have any personal enmity with the victim except ideological differences. It was also stated that considering the economic and social status of the culprits they cannot be considered as the master minds behind the murder that was executed with perfect plan. There is a separate master mind behind it, he said. The Hon'ble Judge took exception to the "very strange and condemnable" attitude of the defense counsel to prolong the trial by resorting to unnecessary and irrelevant cross examination. An attempt was made in the final arguments to tarnish the image of the victim and justify the killing of Dabholkar by labelling him as anti-Hindu.

More important, the judge held that the application of UAPA is not justified. He asked the CBI and Police to introspect whether their deliberate failure was "due to influence by any person in power" Usually Courts do not go to such an extent in referring to external influences on investigation unless there is something on record to prompt such a possibility.

However strong this judgment be in law, it could not put an end to the litigation in the case. The family members of the deceased Narendra Dabholkar were not happy that the main mind

behind the crime could go free without any blemish. Of course, master minds are wise enough to avoid any evidence of their part. They deal with foot soldiers like the ministers dealing with secretaries. Nothing on record and it is so difficult to bring them to book. Assisting the criminal in performing the crime is also an offence, but not so grave as planning and execution of the crime itself. Moreover, this is a crime based on ideological differences playing at a level above the ordinary criminals. Dabholkar's daughter Mukta stated that this is not the fight of Dabholkar family; it is for all those who are interested in democracy. The daughter-in-law of Pansare, who was also one of the victims of this fanatics is with the family of Dabholkars. Tawade was also involved in the murder of Pansare and she wants to know the circumstances that enabled acquittal of a criminal like Tawade.

Mr. Prithviraj Chavan, former chief minister of Maharashtra was also disappointed at the failure of investigating agencies in collecting evidence against the conspirators. More

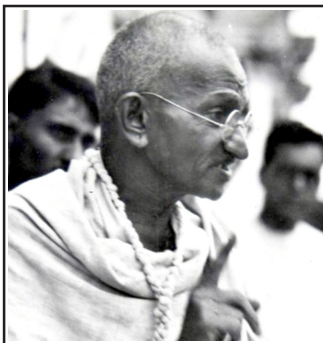
surprising is the audacity of the Sanatan Samstha members to blame the former chief minister for 'creating a false narrative to promote the Hindu terrorism theory consequent to the murder of Dbholkar'. They had the moral courage to blame the Dabholkar family for "using every opportunity to defame the Samstha during the trial. The fact that the master mind was acquitted is taken as a proof that the Sanatan Samstha was not involved in the murder. That gave them the courage to find fault with the former chief minister and to blame the victim's family too. Those who blame the Samstha as a Hindu terror organization are "urban Naxals" and deserve what they have done to them. The present political set up will naturally give them the courage to say that. At least to undermine that courage it is necessary to appeal the judgment and get the master mind convicted.

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16 May 2024 🌈



"Your beliefs become your thoughts. " "Your thoughts become your words, Your words become your actions, Your actions become your habits. " "Your habits become your values. " "Your values become your destiny."

- Mahatma Gandhi

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‘The Radical Humanist’ is now available at <http://www.lohiatoday.com/> on Periodicals page, thanks to Manohar Ravela who administers the site on Ram Manohar Lohia, the great socialist leader of India.

– Mahi Pal Singh

Continued from the June 2024 issue...

THE PATH OF GANDHI: REVIEW OF THE PAST

Koganti Radha Krishna Murty

India has travelled a long distance on the “Path of Gandhi”. It is a journey that has no rest or respite. There have been many ups and downs and twists and turns on this path. But India crossed many land marks and earned a lot of experience. It is more than three decades since Gandhi died. (This book was originally written in 1980. Gandhi died in 1948). It is time for us to have a look backwards and ascertain our position.

The first land mark in the path of Gandhi was Truth and Non-violence. This is as ancient as it is modern. The physical structures established by man with all efforts are bound to get dissipated and destroyed over time. But the ideas generated in the mind of man continue to move with their own momentum and continue to affect the history of man. The one theory that politics can be purified with Truth and Non-violence could impart immortality to Gandhi. It was his whole hearted effort to introduce ethical values into politics. The fact that he used Truth as a synonym for God was his way of introducing morals into practice of politics. He used his non-violence as a means for it. If a sacred purpose is to be achieved, the tools used also shall be sacred. Like tools, like results. At the same time it has to be agreed that Gandhi deranged the situation many times by insisting on God and religion on insignificant issues. The day-to-day development of science and technology are affecting the society leading to fast changes in the way of life and its values. In that context the attempts of Gandhi to depend on spiritual teachings could not have any influence on the people.

They refused to believe in or depend on salvation, end of rebirth, heaven and hell etc.,. Thus the experiment for Truth failed. It has in fact affected the respect people had for Truth. He tried to teach that all the knowledge of man is not real and reality is something unknown and unknowable, hidden behind the visible world. It alienated Truth from real life. He has gone to the extent of declaring that Truth is available only to those who have faith in God and worship Him daily. He elevated religion to the status of corner stone of human existence.

Over time the knowledge and intelligence of man is increasing and expanding. Everyone is acquiring capacity to decide for himself what is good and bad. But all are not equally intelligent and competent. It leads to exploitation of some by the more intelligent. But even the exploiters are getting the support and blessings of God and religion. The exploited people are told to tolerate it in the name of God and religion. People felt it is not just.

It is necessary that man must be freed from these bondages. He must be made to understand the cause and nature of all his earthly troubles faced by him and encouraged to solve those problems. It is necessary to teach him to be fearless and get self-confidence. He must have conviction to discard metaphysical bondages and understand the nature around him. That would be the time for him to think of Truth and non-violence and decide for himself how far he could follow them in his life. Then only he would be able to understand the implications of passive resistance and peace in society.

It has to be acknowledged that individual freedom and democracy are the most elegant edifices on the Path of Gandhi. Untiring alertness is the price to be paid to protect them. He told an eternal truth when he said that centralized institutions under any system are sources of violence. Unfortunately it has also to be accepted that the alternative suggested by him is also not pragmatic. There is no use of digging up history. It would not be wise to ruminate over the ancient culture and civilization and ignore or reject the modern culture and civilization. Culture, civilization, science and technology are not static and no limits can be prescribed for them. There is nothing like a final stage for them. The tragedy is that man failed to control the means of production and products that were devised by himself. They have become the properties of a few and used for oppression of others. There must be decentralization and cooperative system shall be encouraged for social justice. It is necessary to use the scientific knowledge and technology for progress. Aspirations of people must be always tempered with actual experience in life.

Whatever Gandhi might have thought in his early life, the humanism he taught in his later part of life earned him immortality. It is a great message to humanity. An enlightened theory is necessary to help man to win his age old struggle against natural forces. Such a theory shall reinforce the ethical values and expand the limits of individual liberty and social justice. Marxism that has swept over the world gave undesirable results in many aspects. Marx's theories were twisted in the establishment and conduct of the present capitalism. Capitalism did not fall because of its intrinsic defects as suggested by Marx. It is thriving using the latest technology. Trade and commerce is being subjected to regulations. Democracy is trying its best to sustain and spread. Trade unions have become pragmatic and realistic in their

demands. Middle class is expanding. Colonies were getting freedom even when the colonial powers were strong. Fascism died but capitalism is thriving. Socialism and communism discarded their international outlook and start supporting materialism. Just like the earlier capitalist countries the socialist countries started establishing colonies. It created conflict between themselves. Instead of annihilating the oppressive state, the proletarian dictatorship itself has become a means of oppression. Might has become right.

M.N.Roy who helped establishment of communism and watched its functioning in many countries, analysed the consequences of the philosophy pragmatically. He was deeply disappointed at the dictatorial tendencies manifest in the application of Marxism. He developed the concept of New Humanism as an alternative. In order to rectify the present day defects in the society, Gandhism is also being suggested by the side of New Humanism. It has to be seen to what extent either of them is appropriate to serve the society and help progress. It is true New Humanism has not spread as a popular philosophy. Similarly, the followers of Gandhi also are few and are dwindling in numbers. From the international point of view, both are in experimental stage only.

Roy was a materialist whereas Gandhi was a spiritualist. For the materialist the nature is real. For the spiritualist, God alone is the Truth. One depends on rationalism while the other seeks unquestioned faith. One depends on the brain, while the other depends on illusion. One upholds ethics based on rationalism. The other insists on religious ethics. One is modern. The other is ancient. One looks forward and the other looks backward. But both of them insist on democracy and individual freedom, decentralization of power and cooperative society. Even if there are differences in the ethical and human values, they are on the same path.

In some respects the efforts of Gandhi during his last two years are unparalleled. Russians who were not moved by the assassination of Gandhi and failed to offer condolences, changed their opinion over time and acknowledged the greatness of the concept of non-violence. A Russian scholar, who observed the conditions prevailing in India in 1961, stated that revolutions are possible even in religious societies.

Holding his personal life and spiritual aspirations as examples, Gandhi was able to awaken the common man and molded them as soldiers prepared for any sacrifice in the fight for freedom from colonial rule. That is his unforgettable contribution to India. Some of the constructive concepts spread by Gandhi are glowing bright while some proved black holes.

To be continued in the next issue... 

Reader's Comments

Hearty congratulations for the very telling cover page cartoon and your discerning editorial in the June 2024 issue of The Radical Humanist.

– S.N. Shukla

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Postal Regn. No.: DL(E)- 20/5537/2024-26

Total Pages : 44

RNI No. 43049/85

Posting: 1-2 July 2024 at Krishna Nagar H.O. Delhi-51

Date of Pub.: 27-28 June 2024



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