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Articles and Features :

India's largest minority deserves better politics

It comprises diverse communities. The idea of a monolithic bloc is common to both the BJP and the Opposition

"Republican Party doesn't care for the Blacks as they won't vote for it. Democratic Party doesn't care either, as Blacks must vote for it." This quip about American politics pretty much sums up the plight of the Muslims in contemporary India.

While every other social group can choose to vote on bijali, sadak, pani or on padhai, dawai, kama and what have you, Muslims are condemned to vote for survival, to escape lynching, bulldozers and riots. The party they cannot vote for treats them with antipathy and the party they cannot but vote for treats them with indifference, if not contempt.

This hostage-like situation is not of their own making. The rise of the BJP riding on vicious anti-Muslim vitriolic, cannot but push India's largest religious minority into a corner. At the same time, it must be remembered that Muslim political leadership and the politics of "secular" parties contributed in no small measure to this fate. After all, the politics of keeping Muslims insecure and vulnerable, so as to pocket their en bloc votes, did not begin with the rise of the BJP.

This manifests itself in an intellectual trap. Very often, the responses of the "secular" camp on Muslim issues are no more than a mirror image of the "communal" Hindu majoritarian politics it opposes. The RSS-BJP set the agenda, we just invert whatever they say. BJP trolls would like to paint Muslims as one unified community of villains; we present Muslims as a homogenous group of victims. Both sides share the image of Muslims as a unified political bloc.

As the BJP moves ahead with its project of reducing every Hindu voter to his or her religious

identity, we too collaborate by reducing every Muslim to his or her religion. The RSS-BJP insinuate that secularism is nothing but pro-Muslim posturing; we often confirm their suspicions by



Yogendra Yadav

failing to distinguish a Muslim and a secular point of view. Secular guilt often leads to a competition to be more Muslim than Muslims.

This makes for weak understanding and poor politics, leaving no coherent agenda or effective agency for Muslims in today's India, barring exceptional moments like the equal citizenship movement against the Citizenship (Amendment) Act. They have three options — resentful submission to the logic of their marginality, shamefaced collusion with the regime or angry victimhood that leads to alienation. None of these is a dignified option. None of these offers any agency.

As the Shaheen Bagh movement showed, Muslim society has no dearth of leadership, creative ideas and energy. But this has no connect with mainstream politics. Forging a coherent and effective politics for a Muslim is among the most pressing and difficult political projects of our time.

My former colleague at CSDS and a dear friend, Hilal Ahmed, has written consistently, and of late furiously, to address this question. The publication of his latest book *A Brief History of the Present: Muslims in New India*

(completed before but published after 2024 elections), following his Hindi book *Allah Naam Ki Siyaasat*, is a consolidated and updated statement of the position he has taken in his popular and academic writings, both in Hindi and English, keeping his gaze firmly on the Muslim question, its past, present and future. This book concentrates on Muslims in “New India” since 2014.

Ahmed has carved out a unique location to address this question. I first noticed it in the odd trinity of photographs in his office at the CSDS: The Holy Kaaba, Mahatma Gandhi and Che Guevara. These represent the three radically different ideological perspectives that he seeks to integrate. He is a devout Muslim who says five prayers a day and keeps all the rojas during the Holy Ramzan. At the same time, he is a revolutionary, inspired by Marxism and committed to the ideas of equality and social justice in all realms of life. And if this combination was not enough, he believes in the Gandhian idea of sarv dharma sambhav and his brand of non-violent politics of *satyagraha*.

It is not easy to weave these strands and his attempt at this ideological integration is still a work in progress. But this has yielded a distinct view point: “I do not want to give up my identity as a Muslim; yet, at the same time, I do not want to speak only as a Muslim”. He invites us to think of a politics of “more than a Muslim”, the most compelling perspective on the Muslim question.

Incidentally, this may be a good standpoint for secular politics in general — one leg planted inside the community and its traditions and the other firmly placed outside it. Ahmed is deeply concerned about the everyday physical and symbolic assault on Muslims, but he does not allow his anxiety to get the better of his judgement. He is willing to register a nuance without losing sight of the big picture. He does not give in to the dark trope of shikwa that dominates writings on and by Indian Muslims

that leaves the victim without any responsibility or agency.

At the same time, he leaves us wondering what this “more than Muslim” politics would look like. One thing is clear. The idea of one unified Muslim political bloc is unachievable, undesirable and counterproductive. A healthy politics of Indian Muslims will be a politics of many Muslim communities, each of which has more than one political option to choose from. In this he follows the pathbreaking work of political sociologist Imtiaz Ahmed.

There is no one Muslim community in India, just as there is no one Hindu community. There are innumerable communities that follow Islam, each with distinct ethnicities, languages, sociology-economic locations and, indeed, different religious practices. This goes against the project of a unified nation-wide Muslim political community that Muslim fundamentalists, some Muslim leaders and a section of clerics have worked for. The idea of a homogenised Muslim minority bloc can feed off and in turn contribute to the project of a homogenous Hindu political bloc that the BJP dreams of.

This is not about “dividing” Muslims. This is also about uniting local Muslim communities with non-Muslim communities with whom they share social and economic location. Following Ali Anwar’s pioneering work in Masawat ki Jung, Ahmed also foregrounds the pasmanda issue, that of backward and Dalit Muslim communities, that the Muslim elite wishes to elide.

This connects Muslim politics with Dalit, Adivasi and Bahujan politics. And in the footsteps of Asghar Ali Engineer, he visualises solidarity with other oppressed classes. Muslims are farmers, weavers, artisans, organised-sector workers, unemployed and so on. A principle energy of “more than Muslim” politics has to be on forging unity with others from all these categories, Muslims or non-Muslim.

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

Justice Chandrachud Should Not Blame God for His Own Awful Ayodhya Judgment

Hindutva politicians who are thrilled with the CJI's candour would be the first to yell 'bias!' if – in a bitter dispute between a Muslim and a Hindu litigant – a Muslim judge who delivers a verdict that favours the Muslim says the 'solution' came to him from Allah!

Speaking at a public event in Maharashtra over the weekend, Chief Justice of India D.Y. Chandrachud made a startling disclosure about one of the most controversial judgments he has been party to while on the Supreme Court.



Siddharth Varadarajan

“Very often we have cases (to adjudicate) but we don’t arrive at a solution,” he said. “Something similar happened during the Ayodhya (Ram Janmabhoomi-Babri Masjid) dispute which was in front of me for three months. I sat before the deity and told him he needed to find a solution,” he added.

India’s top judge has provided such a vivid and moving description that we can picture “the solution” being delivered in an epiphanous flash. And going by the judgment which Justice Chandrachud and his colleagues eventually delivered, the deity appears to have said: give me the land so that I can have another temple.

The deity having spoken, the only job left for the judges was to dress up this “solution” with the cloth of judicial reasoning to the best of their ability. His temple secured, the deity then honoured the faith that each of the five judges had shown in his divine judgment. The man who was CJI at the time, Ranjan Gogoi, was sent by God to the Rajya Sabha. Two of the puisne judges on the bench were elevated to CJI in due course. And of the two remaining puisne judges, God ensured one became a governor upon retirement while the other became head of the National Company Law Appellate Tribunal.

The deity’s role in its authorship also helps

clear up one of those mysteries about the Ayodhya judgment – that it alone among all judgments the Supreme Court had delivered till then was unsigned. After all, one can’t formally credit the hand of god now, can we.

Jokes aside, Justice Chandrachud’s statement is alarming for at least five reasons.

First, he and the Ayodhya bench definitely did not “find a solution” to the dispute and it is dishonest for him to pretend otherwise. What they did was to find in favour of the powerful party implicated in the illegal demolition of the mosque. The judges acknowledged that the demolition was a heinous crime but saw nothing wrong in allowing the vandals and their proxies to take possession of land they had illegally cleared. ‘Might is right’ can hardly be called a solution and it is laughable if Justice Chandrachud wants us to believe the bench’s direction to the government to provide five acres outside Ayodhya for a new mosque represents some kind of divine justice. The issue before the bench was not whether there is a mosque that Muslims can worship in but whether it is permissible for thugs to violently dispossess a person or a community. To the eternal shame of the Indian judiciary, the Ayodhya bench answered that question in the affirmative.

Second, the fact that the CJI actually thinks he delivered a divinely ordained solution to the dispute may explain why he has helped reopen the Gyanvapi dispute (and countless other disputes as a result) despite the Places of Worship Act, 1991, placing a strict bar on changing the character of a place of worship from what it was on August 15, 1947. This is also a pointer to the kind of divinely-ordained solutions that will doubtless follow in our courtrooms as Hindutva groups mount claims on Muslim places of worship around the country. Earlier this month, the CJI wondered aloud what his legacy would be. He need not wonder or wait too long to find out. He has opened the door to hundreds of destructive claims by Hindutva organisations. Judgments in those cases may then be respectfully laid at the feet of the newly minted “goddess of justice” commissioned by Justice Chandrachud.

Third, how could Justice Chandrachud have asked “the deity” to help find a solution to the dispute when the deity — through his ‘next friend’ — was a party to the original dispute? Is this not a conflict of interest? And think about the impropriety for a moment. Hindutva politicians who are thrilled with the CJI’s candour would be the first to yell ‘bias!’ if — in a bitter dispute between a Muslim and a Hindu

litigant — a Muslim judge who delivers a verdict that favours the Muslim says the ‘solution’ came to him from Allah!

Fourth, the truth is that Justice Chandrachud is seeking refuge in this kind of ‘divine’ rationalising and grandstanding because he knows the judgment he helped deliver in the Ayodhya matter was legally unsound. In doing so, he is surely perpetrating a great injustice on ‘the deity’ too — on whom the controversial verdict is sought to be pinned — when it was actually the handiwork of small men unwilling to take responsibility for their own flawed reasoning. Surely it is high time Justice DY Chandrachud learns to take responsibility for his own decisions.

Fifth, judges take an oath to do justice by the laws laid down in the Constitution and statute book. They are free to believe in deities or holy books and follow their orders and oracular wisdom in their personal lives. But when it comes to dispensing justice, no deity can be above the Constitution or be the ‘source’ of a decision. Yes, faith in god can sometimes give men the courage to take difficult decisions. I concede that tremendous courage would have been required to rule that the men and organisations who demolished the Babri Masjid would never be allowed to take control of that land. But there was no courage involved in the Ayodhya bench’s ruling — at a time when the ruling party at the Centre was politically desperate for the Ram temple as an election prop — that a temple must be built.

India already has a prime minister who directly communes with God and says he follows God’s will and instructions. The country now has a Chief Justice worthy of Modi’s own non-biological stature.

We should thank Chief Justice Chandrachud for removing the blindfold from not just Lady Justitia but from all our eyes as well.

Courtesy **The Wire**, 22/Oct/2024

Contd. from page - (4)

India's largest minority...

That still leaves many, bigger, questions that the quest for “more than Muslim” politics faces: Does the hegemonic control of the BJP leave any space for these issues to be foregrounded? Should we expect mainstream non-BJP parties to take up this agenda? If not them, who? Which policy issues must this kind of politics raise first? Ahmed does not offer good answers to these difficult questions. Nor does anyone else.



*Secularism is absolutely indispensable in a democracy. If secularism is going to be removed by any government from the Preamble to the Constitution, under the impression that by merely removing the word secularism you are removing the features of secularism...even if it is removed, **it will sound the death knell of democracy.***

KM JOSEPH

FORMER SUPREME COURT JUSTICE



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Facing justice:

Sightless no more: In decolonised garb, India's new Lady Justice is a contradictory symbol

The blindfold and sword symbolised the highest principles of justice.

Their modification signals a retreat.

Karanveer Singh



All India Radio News @airnewsalerts/X

The unveiling at the Supreme Court on October 15 of a modified statue of Lady Justice, stripped of her blindfold and sword, represents a concerning departure from the universal principles of justice under the guise of decolonisation.

The symbolism of Lady Justice is not a colonial imposition. Rather, it is a representation of judicial principles that have resonated across civilisations. Her origins can be traced back to the ancient Egyptian goddess Maat and the Greek goddess Themis. The Romans later depicted her as Justitia, incorporating elements

that would evolve into the familiar figure recognisable today.

The removal of the blindfold, in particular, raises serious concerns about the message this conveys about judicial impartiality. The blindfold was never meant to suggest that justice is blind in the sense of being unaware or ignorant. Rather, it symbolises the fundamental principle that justice must be administered without regard to the social status, wealth, or political influence of those seeking it.

To say justice is blind, means it sees all individuals as equal before the law – a principle

enshrined in Article 14 of India's Constitution.

Instead, does it now suggest that courts should now take into account who stands before them? That the administration of justice should be influenced by considerations beyond the facts and the law? This symbolic change could be interpreted as a tacit acknowledgment that the justice system may treat individuals differently based on their identity or status.

The replacement of the sword with the Constitution, while seemingly progressive, also raises philosophical concerns. The sword in Lady Justice's hand never represented punitive justice alone: it symbolised the authority and power of the law to enforce its decisions.

Without this symbol of enforcement, what remains is a justice system that may pronounce judgments but lacks the symbolic representation of its power to ensure compliance. The Constitution, while undoubtedly the supreme law of our land, is a document of principles and rights – it does not, in itself, represent an enforcement mechanism.

This modification appears to conflate anti-colonialism with the rejection of universal principles. Ironically, the principles represented by the traditional Lady Justice – equality before the law, impartial judgement and the power to enforce justice – were often invoked by independence movements against colonial powers. These principles are not colonial impositions but universal aspirations that have been embraced by societies seeking to establish just and equitable legal systems.

The argument that this change reflects a “new India” is particularly problematic. What

exactly is being suggested about this new vision of justice? That it will be administered with eyes wide open to the party that stands before the court? That enforcement of judgements is secondary to constitutional principles? These implications run counter to the progressive justice system India should be striving to build.

The modification of Lady Justice also raises questions about the approach to decolonisation. True decolonisation involves critically examining and rejecting harmful colonial impositions while retaining and reinforcing universal principles that promote justice and equality. By rejecting the blindfold and sword simply because they are associated with a colonial-era representation, we risk throwing out fundamental principles of justice in our haste to assert independence.

As we move forward, it is crucial to remember that symbols matter. They shape public perception and understanding of our institutions. The traditional Lady Justice, with her blindfold and sword, represented not colonial oppression but the highest aspirations of any justice system – equal treatment under law, impartial judgement and the power to enforce justice. In modifying these symbols, we may inadvertently be signalling a retreat from these essential principles.

The focus should be on ensuring that the justice system truly embodies the principles Lady Justice represents – principles that are not colonial relics but universal aspirations that are as relevant today as they were millennia ago.

Karanveer Singh is an advocate and founder of South Asian Law Chambers.

Courtesy **Scroll.in**, Oct 24, 2024 

The Radical Humanist on Website

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

– Mahi Pal Singh

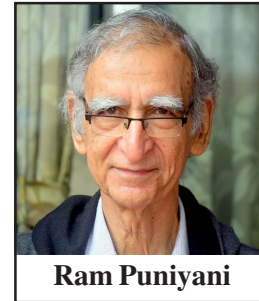
Restating the Agenda of Hindu Rashtra: RSS Chief sets the tone for BJP politics

This 12th October 2024, the Vijayadashmi (Dussara), which is regarded as the foundation day of RSS, as is the practice of RSS Chief (Sarsanghchalak), Dr. Mohan Bhagwat gave a speech. This came in the background of his other significant speech in the aftermath of the slide down of BJP in 2024 General elections. In that speech he had targeted Narendra Modi. Modi had been claiming that he thinks he is non-biological, sent by God. As BJP slid down from 303 seats to 240, Bhagwat stated that “a Man wants to be superman, Then a Dev (deity) then a Bhagwan (God).” This was probably the first election where BJP claimed that it was earlier seeking the help of RSS as it was not that capable, now it is more capable.

With this speech Bhagwat brought down the rising arrogance of Narendra Modi and RSS combine (called Sangh Parivar) became hyperactive in election in Haryana, and along with the helpful manipulations of Election Commission, BJP came to power, defying the perception of sure win of Congress party.

Now in his Dussara speech he restated most of the policies of BJP, took on the states where the non BJP governments rule and outlined the deeper goals of RSS and the core of Hindutva politics, “Words like ‘Deep State’, ‘Wokeism’, ‘Cultural Marxist’ are enemies of all cultural traditions. Their modus operandi is first to bring educational institutions under their influence. They then try to destroy the thoughts, values and beliefs of the society. They then artificially create problems and inbuilt a feeling of victimhood in people. Then, they fan discontent, they make people aggressive, create an atmosphere of anarchy and instill fear and hatred towards the system, laws, governance in people. This makes it easy to establish one’s dominance over that country,”

The less popular word wokeism is used in a derogatory way mostly by right wingers for “the behaviour and attitudes of people who are sensitive to social and political injustice” This is the core sentence



Ram Puniyani

of his talk. As such as the Hindu right wing has been dominating the social political scene RSS combine have adopted the modus operandi whereby through shakhas, schools like Sarswati Shishu Mandir, Ekal Vidyalays and word of mouth through its vast network it has influenced the social common sense which promotes conservatism, promotes caste and gender hierarchy. Lately through control of the media by sympathetic Corporate and IT cells of BJP the thinking of a large section of society is being shaped by Hindu nationalist discourse.

Now what does wokeism do? It is the longing for a just society. It is against the discrimination on the grounds of caste, religion, color, language and supports the LGBT rights. These rights for equality of all beings are what pinch the Brahminical values, the core of Hindu nationalist politics. To slightly generalize it all the political tendencies parading themselves in the clothes of religion, Taliban, Muslim Brotherhood, politics in the name of Buddhism in Sri Lanka and Myanmar, Christian fundamentalism promote inequality. They do have different expressions depending on the local situations.

In another way the founders of Hindu nationalist ideology eulogized Manusmriti for the same, as it subjugates dalits and women. RSS also regards Muslims and Christians as foreigners. And it did covertly support the genocide of Sikhs in 1984. Right wing politics regards wokeism as

evil as it is this which looks forward to values of equality, the goal of the journey of social movements in a society. It is precisely for this that democracy is a deeper longing for most movements of the deprived. While the movements of dalits, women and LGBT are looked down upon by Hindu nationalists in India, Women are the major targets in Muslim majority countries where fundamentalist forces rule. As RSS combine is for substituting the values of equality with the values of 'ancient Golden period', the values of inequality. The word Wokeism is being used by RSS ideologues for movements and ideas promoting rights of the deprived.

While internal dynamics between RSS and BJP is a parivar matter, the basic values of the two remain the same, despite the ego clashes. On most of the other issues as Bhagwat repeated what BJP is practicing. He criticized the non BJP ruling states, "Due to this, today Punjab, Jammu-Kashmir, Ladakh on the north-western border of the country; Kerala, Tamil Nadu on the sea border; and the entire Purvanchal from Bihar to Manipur is disturbed," The cat is out of the bag when he puts Ladhak and Manipur in the same category.

Manipur has seen the worst type of violence against Kukis, and women in particular. The apathy of the BJP Government in the matter is more than disturbing. As far as Ladhak is

concerned we have seen the best of the movements to protect the environment and demand for equal citizenship, as causes worthy for the struggle. And what a peaceful struggle it has been? The remarkable leadership of Sonam Wangchuk will be etched in the letters of gold. And how RSS progeny BJP has ignored the whole Ladhak movement, is a dark chapter of India's contemporary history.

His mention of R.G. Kar Medical college tragedy and keeping mum on the atrocities against women wrestlers, the rising atrocities on dalit girls is to say the least is most partisan. Once this gentlemen had proclaimed that rape happens in India (Urban) areas and not in Bharat (villages). Most of such cases in BJP ruled states have taken place in villages or small towns. A report released by the ministry of social justice and empowerment tells us "Uttar Pradesh with 12,287 reported cases, followed by Rajasthan with 8,651 and Madhya Pradesh with 7,732 cases of atrocities against Dalits in the year 2022 show a disturbing trend...)

The gem from his speech comes when he asks the Hindus to unite and be strong, as the weak are not able to defend themselves. Are we all not united as Indians? Is there any problem in unity as Indians as per Indian Constitution? But to expect otherwise from Bhagwat will be illogical as their faith in Indian Constitution is also a mere show for electoral benefits. 🌈

Articles/Reports for The Radical Humanist

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

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

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

- Mahi Pal Singh,
Editor, The Radical Humanist

Jail without Bail:

How bench changes have meant unending bail proceedings in the Delhi riots case

Long delays in bail are, in theory, against the law. But they are still common in

Vineet Bhalla



(From left): Shifa-ur-Rehman, Meeran Haider, Gulfisha Fatima, Khalid Saifi and Sharjeel Imam.

On August 29, the Delhi High Court bench of Justices SK Kait and Girish Kathpalia had fixed for final hearing on October 7 the bail applications of seven Muslims accused of conspiring to give effect to the 2020 Delhi riots.

However, on September 21, Kait was transferred by the Union government to the Madhya Pradesh High Court, where he was appointed the Chief Justice.

With this, the bail applications of the seven co-accused will have to be heard all over again before a new bench of the high court. This is the third time this will happen in two and a half years.

A *Scroll* analysis found that the bail applications of eight

Muslims accused in the conspiracy case have been listed at the High Court several times since 2022 – with the number of listings ranging between 45 for one case and 72 for another. Yet, they have not been decided in spite of



A photo from a violence-hit locality in Delhi on February 25, 2020. IPTI

arguments being heard out by two different benches of the court, due to the judge leading the bench hearing the case being transferred out of the High Court.

The result of this has been the accused serving out long periods in jail, which goes against the Supreme Court's directive regarding bail applications being decided expeditiously.

The conspiracy case

The Delhi riots larger conspiracy case stems from first information report no. 59/2020 by a Special Cell of the Delhi Police against 20 students, activists, local politicians and residents of the city for allegedly conspiring to plan and execute communal riots that swept northeast Delhi in February 2020, resulting in 53 deaths –

two-thirds of them Muslim – and over 700 injuries.

Of the 20 accused, 18 are Muslim. Twelve of them, all Muslim, remain under prison, with six granted bail and two yet to be arrested.

All of them have been charged under the anti-terror Unlawful Activities (Prevention) Act, apart from grave offences under the Indian Penal Code, the Arms Act and the Prevention of Damage to Public Property Act.

Scroll has reported that courts in Delhi adjudicating on matters relating to the riots have severely criticised the Delhi police's investigation and faulted it for planting false evidence while dismissing at least 60 such cases over the last four years.

Name of accused	Arrested in	Date of listing of current bail application	Number of times bail application listed	Number of benches that heard case	Number of listings before Mridul-Bhatnagar bench	Number of listings before Kait-led bench
Sharjeel Imam	Jan. 2020	April 29, 2022	64	7	44	17
Khalid Saifi	Feb. 2020	May 20, 2022	61	6	44	15
Gulfisha Fatima	April 2020	May 11, 2022	67	6	51	13
Meeran Haider	April 2020	May 20, 2022	72	7	57	12
Shifa-ur-Rehman	April 2020	June 3, 2022	70	7	55	12
Shadab Ahmed	May 2020	Nov. 29, 2022	52	6	40	10
Athar Khan	July 2020	Dec. 23, 2022	45	6	33	10
Mohd Saleem Khan	July 2020	May 23, 2022	70	8	54	11

Details of the pendency of bail applications of eight of the accused persons in the Delhi riots larger conspiracy case.

Note: A case being listed does not ensure it will be heard that day as it may be delayed due to lack of time, adjournment requests or other reasons such as issuance of notice, calling for counter affidavits or other procedural work or the judges not being available.

Never-ending bail hearings

In 2022, the Supreme Court had directed all courts to adjudicate bail applications within two weeks of them being filed. This timeline is rarely adhered to, especially in cases involving the stringent Unlawful Activities (Prevention) Act, under which it is notoriously difficult to secure bail.

However, the Supreme Court held in July that prosecution agencies must not oppose bail in cases in which trial is not likely to begin any time soon so as to uphold the rights of the accused under Article 21 of the Constitution that guarantees the right to life and liberty.

In the Delhi riots larger conspiracy case, not only has trial not begun but charges are yet to be framed even as the accused persons have spent over four years in custody.

Bail pleas of all the accused persons have been rejected by lower courts. After having approached the High Court, their bail applications have become stuck in limbo, pending adjudication for years. The cases were originally clubbed together and heard by a special division bench led by Justices Siddharth Mridul and Rajnish Bhatnagar from towards the end of 2022 till October 2023. Despite being listed multiple times and even having hearings concluded in the bail pleas of five accused – Khalid Saifi, Gulfisha Fatima, Shifa ur Rehman, Meeran Haider, and Mohd Saleem Khan, the pleas faced a major disruption when Mridul was transferred, taking up the position of Chief Justice of the Manipur High Court on October 16, 2023.

This development led to the reassignment of the bail appeals, which had to be reargued before a different bench, thereby prolonging the process. The bail pleas were then transferred to a new two-judge bench headed by Kait in November 2023. The cases had to again be reargued from scratch.

The individual experiences of the accused illustrate the impact of the bench reassignment.

Sharjeel Imam's bail plea, initially listed in April

2022, had been heard by the Mridul-Bhatnagar bench on 44 occasions between May 2022 and October 2023, with several adjournments and procedural delays. After being reassigned to Kait's bench, this progress was nullified.

Meeran Haider's case saw similar delays: listed 72 times before different benches of the High Court since May 2022, it progressed only on nine days, with arguments occurring on four occasions and procedural work on five others. Even though judgments were reserved in Haider's case by March 2023, the change in bench composition meant that the hearings would essentially have to start over.

Haider eventually withdrew his bail application from the High Court in September, reportedly due to the long pendency of the plea. He will approach a trial court for bail again.

Other accused faced comparable issues. Khalid Saifi's bail plea was listed 44 times before the special bench, with judgments reserved twice: initially in December 2022, and again in January 2023 after new arguments were presented. Gulfisha Fatima's case followed a similar path, being listed 51 times with judgement reserved in February 2023. Despite these cases progressing to the stage of reserved judgments, the reassignment to Justice Kait's bench meant that these outcomes were stalled indefinitely.

The frequent changes in bench composition and the reassignment to a new bench after Mridul's transfer also affected the unreserved cases of Shadab Ahmed, Athar Khan and Imam. Their bail pleas had been repeatedly listed but made little progress, facing adjournments or instances where the bench "did not assemble" due to scheduling conflicts. This was because both Mridul and Bhatnagar led separate benches and had to sit together specifically for this special bench, which met only once a week.

The reassignment to Kait's bench did not expedite matters. Since November 2023, all the cases were listed over ten times without adjudication. Again, the applications were heard

on only some of the listing dates, with others spent on adjournments due to lawyers or judges not being available.

Kait was in various hearings partnered on the bench with Justices Shalinder Kaur, Manoj Jain and Kathpalia, due to periodic roster changes. In the Indian judiciary, rosters refer to the schedule or assignment of cases to different judges or benches by the chief justice of the court, specifying which judge or bench will hear particular types of cases. Having multiple judges hear a matter at different times is inefficient because each new judge must spend time getting familiar with the case's details, leading to delays and repeated proceedings.

In July 2024, when the bail pleas of six accused were listed before a bench of Justices Prathiba M. Singh and Amit Sharma, the hearing could not proceed due to Sharma's recusal. This further complicated the already lengthy process, as the cases had to be scheduled yet again before another bench.

Later that month, the Supreme Court collegium recommended the elevation of Kait as the Chief Justice of the Jammu and Kashmir and Ladakh High Court. This means that Kait was aware that he was being considered for transfer

out of the Delhi High Court. Yet, he posted the matter for final hearing in October and refused Imam's application in September for early hearing in the matter. Now with assignment before a fresh bench due to Kait's transfer to the Madhya Pradesh High Court, the bail applications are set to be delayed adjudication further.

These long delays for bail are, in theory, against the law. The Supreme Court, in a verdict in August granting bail to an accused under the Unlawful Activities (Prevention) Act, pointed out that Article 21 of the Constitution guarantees the right to a speedy trial and timely judicial proceedings, irrespective of the nature of the crime. However, implementation of this order has been spotty, as the Delhi riots cases show.

The bail pleas of nine Muslims accused in the case have currently been placed before a bench of Justices Navin Chawla and Kaur and are set to be heard afresh on November 25.

The Supreme Court on Friday urged the High Court to expedite the hearing of Imam's bail application after he filed a writ petition earlier this month seeking a direction to the High Court for swift disposal of the matter. The Supreme Court did not order any deadline, though.

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True Test of Any Judiciary Lies In Public Trust: Kapil Sibal

Sanjeev Sirohi

Who does not know all over the world that Mr Kapil Sibal who is one of the most eminent and distinguished lawyers and jurist that India has ever produced in its soil took birth in this great city named Jalandhar on August 8, 1948? He has been India's Union Law Minister, Union Human Resource Development Minister and has handled many other most important portfolios in Centre in Dr Manmohan Singh regime as PM and earlier also! Whatever he has earned in life till now is solely and solely because of his sheer intelligence and relentless hard work! No doubt, he was born in a rich family of lawyers and his father late Mr Hira Lal Sibal was a most eminent lawyer, jurist and two times Advocate General of Punjab and Haryana who declined an offer to become Judge of Punjab and Haryana High Court and who started his practice from Lahore High Court in undivided India in 1937 and then migrated to Shimla and ultimately settled in Chandigarh. Mr Hira Lal Sibal was a recipient of the Punjab Rattan Award of the Government of Punjab and the International Bar Association awarded him the "Living Legend of Law" honour in 1994. The Government of India very rightly awarded him the third highest civilian award Padma Bhushan in 2006 for his contributions to law. His two elder sons Virender Sibal and Jitendar Sibal are former IAS officers while his third son named Kanwal Sibal has been India's former Foreign Secretary whose editorials I always enjoy reading in top newspapers and top magazines just like that of Mr Kapil Sibal.

Very few know that Mr Kapil Sibal had qualified for IAS in 1973 but as he did not get IFS like his elder brother Mr Kanwal Sibal and wife late Mrs Nina Sibal and so he decided not to join IAS and continue to pursue law in the Supreme Court as lawyer in which he enrolled in 1972 and really excelled also breaking all

barriers emerging as one of the biggest legend that India has ever produced. He did his BA and MA in history from St Stephens College, University of Delhi and so also LLB from University of Delhi as he moved to Delhi in mid-1960s from Chandigarh and completed his LLM from Harvard Law School, Harvard University, Cambridge, Massachusetts in USA in 1977 while his wife late Mrs Nina Sibal was posted in USA as she was in IFS and also practiced law in Wall Street.

It must be disclosed here that Mr Kapil Sibal was designated as a senior lawyer of the Supreme Court in 1983 at the young age of just 35! He became India's Additional Solicitor General of India in 1989-90. He earned wide acclaim all over the world in 1993 after he successfully, rationally and most robustly defended the former Chief Justice of High Court of Punjab and Haryana and a Supreme Court Judge – Mr V Ramaswami against impeachment proceedings in the Lok Sabha. He also very rightly underscored what Francis Bacon once famously said that, "The place of justice is a hallowed place, and therefore not only the Bench, but also the foot space and precincts and purpose thereof ought to be preserved without scandal and corruption."

By all accounts, it must be gracefully conceded that the sheer elegance, immaculate eloquence and so also most meticulous, logical and forceful arguments that Mr Kapil Sibal forwarded in most gracious manner fortunately saved Mr V Ramaswani from being impeached turning the tides in his favour and this very rightly earned laurels for him thus becoming known all over as a well known specialist in Constitutional law. Apart from writing in many reputed newspapers and law journals also, Mr Kapil Sibal also published two volumes of poetry named I witness (2008) and My World Within (2012).

It certainly deserves mentioning here that he was nominated for the first time to the Rajya Sabha in 1998 representing the Congress party from Bihar. In 2000-02, Mr Kapil Sibal had served there as Secretary of Congress's parliamentary membership. It also definitely merits mentioning here that Mr Kapil Sibal had contested from Chandni Chowk for Lok Sabha and won in 2004 and 2009. It is also worth mentioning here that he left the Indian National Congress party in 2022 only to file his nomination again for the Rajya Sabha independently but backed solidly by Samajwadi Party and won.

Most recently, Mr Kapil Sibal was in news again when he threw in his hat in the ring for the prime post of the President of the Supreme Court Bar Association. The polls were held to elect the Executive Committee of the Supreme Court Bar Association on May 16 and the results were declared in night. It must be mentioned here that Mr Sibal got 1066 votes and his nearest rival and senior lawyer Mr Pradeep Rai got 689 votes. So Mr Kapil Sibal won decisively by a comfortable and clear margin of 377 votes.

As we witnessed, he said on being elected to top post that he will ensure that there is complete cooperation between the Bar and the Bench to ensure smooth dispensation of justice in the Supreme Court. It may be recalled that Mr Kapil Sibal had last served as the President of the Supreme Court Bar Association in 2001-02. It may also be recalled that Mr Sibal had earlier also served twice before that also as well in 1995-96 and so also in 1997-98. So this is the fourth term of Mr Sibal as President.

It is definitely worth noting that even before getting elected to the prestigious post of President of Supreme Court Bar Association, Mr Kapil Sibal while speaking his mind to journalists of 'The Indian Express' newspaper said most reassuringly that he intends to ensure that politics is not brought into the courtroom. When asked by journalists about his politics,

Mr Sibal said that politics must be outside the courtroom. Delving deeper and speaking straight about his position on it, Mr Sibal said that, "The fact of the matter is that a lawyer is first a lawyer, right? He owes his duty to the values of the Constitution. Some of us are politicians as well but we cannot bring politics into the Bar... We can do our politics independent of the Bar."

While explaining further his stand, Mr Kapil Sibal said very elegantly, eloquently and effectively that, "Our ideology is the Constitution of India... to uphold the rule of law and to protect citizens from excesses of the State. That's what a lawyer is for, right? Every government in the history of the world always exceeds the exercise of powers that is warranted by the law. And the lawyers are there to protect the citizens. That's the only ideology and I don't think we should bring politics into it at all. I've never brought it. I intend to ensure that does not happen." Absolutely right!

It must also certainly be mentioned here that Mr Kapil Sibal while responding to the Chief Justice of India Dr DY Chandrachud who congratulated the veteran lawyer on his decisive poll victory for the most prestigious post of President waxed eloquent observing that, "It is my honour that I got this post after 22 years. I promise that there will be complete cooperation from our end because without that the objectives which we strike to achieve will not be possible." He further reiterated once again his firm stand known all over stating unequivocally that, "The Bar has to be cognizant of its own responsibilities and conduct in a fashion that demands the respect of the judges. I think the Bar and Bench are two sides of the same coin and an independent Bar brings an independent judiciary. Ultimately, the independence of the judiciary is fundamental to the rule of law." There can be just no denying or disputing it!

Frankly speaking, Mr Kapil Sibal also reiterated further that, “That’s all we want. We don’t want any favours from anybody. But we want the court to be perceived by the public as an independent institution, unconcerned with the politics of the day.” It must be mentioned here that on him entering the race for the coveted post of President after nearly 25 years which was totally unexpected this time, Mr Sibal said that he is deeply committed to the judiciary and to the institution. He also added further stating that, “This is my life, you know. I’ve had 50 years in this court, it’s a long time. I am wedded to it and I want the court to thrive. I want every citizen of this country to have great confidence in this institution.”

On October 26, 2024, Mr Kapil Sibal while delivering a captivating lecture at the Sikkim Judicial Academy argued most fluently saying that the true test of any judiciary lies in public trust. He said that, “If people lack confidence in the judiciary, it undermines its effectiveness.” He also very sagaciously suggested that India rethink colonial-era laws and practices, such as

police remand, which he characterized as antithetical to modern democratic principles.

While underscoring the urgent and dire need for reforms that align perfectly with best global practices, Sibal was quick to point out that, “In developed countries, investigations precede arrests while here, arrests precede investigations.” Absolutely right! It is the “poorest of the poor” who suffer the most and spend more time in jail as an undertrial than the criminal who commits the crime as he is unable to fight the case which reflects the shoddy state of affairs in our legal system which must be changed root and branch! It was Mr Kapil Sibal who as Union Law Minister had most commendably recommended creation of High Court Bench in West UP yet we saw that it was not implemented as the then Chief Minister Mr Akhilesh Yadav did not recommend the same!

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Re-Visiting the Role of Governor of the State under the Constitution Post Governors' Conference 2024

Bimal Kumar Chatterjee

Clear and unambiguous constitutional provisions are such that there is no, nor can there be any room for any kind of confrontation between two constitutional functionaries of any state i.e., between the Government and the Governor of the state. The two functionaries constitute the “trustees” of the “trust” known in India as “responsible democratic parliamentary governance” and the people of the State are its beneficiaries. After extensive deliberations in the debates of Constituent Assembly on draft Constitution the provisions have been settled demarcating the areas of responsibilities for each of the said functionaries so much so that, if both function according to democratic norms and the letters and spirit of the constitution instead of any confrontation between the two a very smooth cooperative functional State would ensure the welfare of the people of the state. Nonetheless it is very unfortunate that contrary to our decades long past experience the two functionaries in the recent period have in a number of states embroiled themselves in very unpleasant confrontations having an adverse impact on the overall welfare of the beneficiaries. Such confrontational relationship between the Government and Governor has always been found to be regressive for the state and detrimental to the beneficiaries. And it is more unfortunate that such confrontations have become more frequent and apparent in public domain where the state governments have been formed by a political party or parties other than the political party or parties forming the government at the centre which go even against the principles of newly invented “cooperative

federalism”. And the height of such confrontations has reflected in an unprecedented writ petition filed in March, 2024 by State of Kerala in the Supreme Court against the Governor of the state and the President of India asking for a compulsive direction (mandamus) upon them to assent to a number of bills pending for long, and that too for no disclosed reason, to convert those bills into laws of the State. The said writ petition is awaiting its disposal by the Court. Stoic silence in the matter of withholding consent in respect of those bills has become more intriguing in the context of constitutional mechanism as the President is to be aided and advised by the Council of Ministers with the Prime Minister at the head (Article 74). In the context of the said pending writ petition the reader may refer to my recent essay published in *The Statesman* on 18th April, 2024 wherein I had observed that there is an apparent incongruity in constitutional provisions dealing with almost similar legislative contingencies dissimilarly. First is the case of State Legislature passing any bill for the second time after remand by the Governor to the State legislature for reconsideration and the Governor reserving the bill for the President (Article 201) and second is the case of Parliament passing the bill for the second time after the bill being sent back by the President for reconsideration of Parliament (Article 111). In the first contingency there is no bar for the President withholding assent and keeping the bill pending for an uncertain period whereas in the second contingency there is a bar for the President to keep the bill pending and he is mandated to signify assent.

History of interaction between the

Government and the Governor India confirms that instances of confrontation, if any, between the Government and the Governor in the distant past were not only few but were also far between and most of them were of technical character and only for short period. And in any event the issues were never dragged to Court of law. But confrontations in the recent period in many cases turned into loggerheads between the two in those states where the governments have been formed by party or parties other than those forming government at the Centre. These confrontations also are more in number and mostly of egoistic and conceited character inspite of the fact that there is no scope for any kind of rivalry between the two, nor any rivalry is expected between them.

The constitution has made the Governor repository of all executive powers of the state and those executive powers simply mean the residue of governmental functions that remain after legislative and judicial functions are taken away. The Governor takes an oath to preserve, protect and defend the Constitution and the laws to the best of his ability (Article 159). Some of the executive powers may however partake of legislative and judicial character (Shamsher Singh vs State of Punjab (1974) 2SCC 831). The Governor may exercise those executive powers either directly or through any of his officers and all ministers of Council of Ministers constitutionally are his subordinate officers. The relevant constitutional provision first obliges the Governor primarily to function on the basis of “aid and advice” of Council of Ministers with the Chief Minister as the head (Article 163) and there are only very few limited and specific areas where he can function independently at his “discretion” and those specific areas are also of lesser functional significance to the responsible government. To exercise those powers he does not need any aid and advice of the Council of

Ministers. In other words, the Governor has been invested with certain discretionary powers where State Government is not to function and while exercising such powers the Governor also is not required to be aided or advised by the Council of Ministers.

The necessity of empowering the Governor with certain discretionary powers was extensively debated at the Constituent Assembly on Article 143 of draft constitution which is now Article 163 of the Constitution. In the said debates, some of the members of the Assembly even vehemently opposed to vesting the Governor with any discretionary power. For example Prof. Sibban Lal Saxena went as far as to submit that: “I think a mischievous Governor may even try to create such a situation if he so decides, or if the President wants him to do so in a province when a party opposite to that in power at the Centre is in power”. Notwithstanding such serious objections at the end of all debates all amendments proposed to scuttle Governor’s discretionary power were negated and the Constituent Assembly overwhelmingly opined in favour of vesting the Governor with certain discretionary powers. The Supreme Court in *Samsher Singh vs. State of Punjab* was pleased to tabulate Articles 239(2), 317(1)(b), 371 A(1)(d), 371 A(2) (b) and 371 A(2) (7), 356 and paragraphs 9(2) and 18(3) of Sixth schedule as the sources of Governor’s discretionary powers. The Court also clarified that “unless a particular Article provides Governor is not to act in his discretion and discretionary power cannot be inferred by implication and the constitution does not aim at providing a parallel administration within the State by allowing the Governor to go against the advice of the Council of ministers”. Thus the contours of Governor’s discretionary powers have also been judicially settled.

Dr. B. R. Ambedkar at the Constituent Assembly debates had also dispelled all

apprehensions on the issue of vesting the Governor with discretionary powers. A distinction was made by him between “functions” of the Governor and his “duties”. He elucidated that although the Governor has no function “in the government” but he has certain duties to perform. One of his such duties is to retain the Ministry in office as the Ministry is to hold office during his pleasure and he has to see whether and when he should exercise his pleasure against the Ministry. He had also clarified that the Governor is the representative not of a party, he is the representative of the people as a whole of the State. In the name of the people he carries on the administration. Dr. Ambedkar’s expectation was that the Governor must see that the administration was carried on a level which might be regarded as good, efficient and honest administration. He went on to say that “Therefore, having regard to these two duties which the Governor has namely, to see that the administration is kept pure, without corruption, impartial, and that the proposals enunciated by the Ministry are not contrary to the wishes of the people, and therefore to advise them, warn them and ask them to reconsider.” And the Governor is not in a position to carry out his duties unless he has before him certain information and further that he cannot discharge his constitutional functions unless he is in a position having power to call for and obtain information. Any denial by any government to furnish information so sought for by the Governor would be against constitutional spirit of democratic responsible governance. The government supplying the information sought for by the Governor is the ‘norm’ which needs to be adhered to for better governance of the state. Unfortunately it has been recently noticed that in some states including the State of West Bengal against the said norm the Government has on occasions shown reluctance to furnish information as if

he need not be ‘favoured’ with any such information. The said stance of the government goes against the spirit of good governance. Mutual respectful trust between the two is the cornerstone of good governance in the State whereas any deficit in the said trust tends to weaken the expectation of good, efficient and honest administration in the state. It is not to be presumed that he was fishing for information for any ulterior motive. Shri Mahabir Tyagi at the debate in the Constituent Assembly even argued that Governor is not to be there for nothing and Pandit Thakur Das Bhargava argued that the Governor should not be a dummy or an automation. Any expectation of any State that the Governor should remain a dummy and silent titular and ceremonial head is also against Constitutional spirit and requirements. The functions of Governor are essential and inextricable element of Indian federal structure and he is not to be considered a surplusage.

The Governor has the power to appoint his ministers (Article 164) and when he dismisses his ministry he then exercises his functions in his own discretion. Discretion however does not mean his whim. Circumstances must exist to back up and support exercise of such functions following the democratic principles and norms which exercise of powers is also subject to judicial review. There are also certain functions which cannot be exercised by the Governor on ministerial advice e.g. (i) reporting to the President under Article 356(1) that a situation has arisen in the state in which the government of the state cannot be carried on in accordance with the provisions of the Constitution and it is also to be noted that the Governor is not the decision making authority, but the Hon’ble President is although his decision is also subject to judicial review (*Bommai vs Union of India*, 1994 3SCC1); (ii) reserving a bill for consideration of the President (Article 200(1); and (iii) resolving

intra-party disputes among members of the assembly more particularly where rival parties stake claim to form the ministry on the basis of their respective claimed majority in the state Assembly.

There is another source of specific power of the Governor i.e. the State Universities Acts making the Governor Ex-officio Chancellor of state universities but he exercises those powers on aid and advice of the ministry. In recent period unfortunate confrontations have also occurred in this area when the Governor has sought to act in his role on the occasions of appointment of Vice-chancellors under those Acts in the State Universities. Very recently the Apex Court in the matter of confrontation between the Government and the Governor in the State of West Bengal had to intervene appointing an ex-Chief Justice of Supreme Court as one man Search and Select Committee to find out suitable candidates for appointment as Vice-chancellors of several universities and the said Search and Select committee presented the names of candidates successful in the interview in alphabetical order of their names for Chief Minister's choice for appointment of Vice-chancellors by the Governor.

There is hardly any difference between the role of Governor of a State and the role of Lieutenant Governor in a Union Territory. Nonetheless some of the Lieutenant Governors have actively engaged themselves in making partisan statements decrying governance of the elected government. The Lieutenant Governor of Delhi very recently has openly come out against the elected government of Delhi in an article published in the Indian Express on 28th August, 2024 which has been criticised on the following day by a Minister of Delhi government alleging that the Lieutenant Governor has stood in the way of functioning of an elected government. The minister also alleged that the posts of Lieutenant Governors and Governors being vestiges of colonial era have become

agents of ruling party at the centre and unless they were removed they would continue to function as agents of disruption to stifle the voice of the people and of democracy. A well known political observer of repute has also said that it was shocking to a sense of propriety that a sitting Lieutenant Governor could write against his own elected government. It is indeed sad to note that some Governors and Lieutenant Governors have indulged in acting as agents of central government sacrificing political responsibilities and parliamentary conventions at the altar of political expediency which had been warned against long back by the Supreme Court in *S. R. Chaudhuri vs State of Punjab* ((2001) 7 SCC 126). The Supreme Court in *Hargovind vs Raghukul* (AIR 1979 SC 1109) had clarified that the office of Governor is not an employment under the Government of India and he is not under the control of Government of India. He is also not amenable to the directions of the Government of India, nor is he accountable to them for the manner in which he carries out his functions and duties. He is an independent constitutional office which is not subject to the control of Government of India. He is independent head of the state, though not elected, in the constitutional federal structure.

In the aforesaid scenario of confrontations between the Government and the Governor to our dismay on 2nd and 3rd August, 2024 at a two-day conference of Governors contrary to the expectations of the states and the people concerned the speeches delivered by the Hon'ble President Murmu, Vice-president Dhankhar and Prime Minister Modi treating the Governors as "agencies" of central government has caused more tensions in the political circles causing legitimate apprehensions for more invasions on Indian federalism after its critical survival of a major invasion by "cooperative federalism" invented by the major political party constituting the present government at the centre.

(To be Contd....on Page -40)

Aligning State with Religion like Sri Lanka, a 16th century European idea, fraught with dangerous consequences: Prof. Rajeev Bhargava

Delivering the Foundation Day Lecture of A. N. Sinha Institute of Social Studies (ANSISS) on “Asoka and the Roots of India’s Democratic Pluralism” at Ashok Rajpath, Gandhi Maidan, Patna, Prof. Rajeev Bhargava, the author of *Between Hope and Despair: 100 Ethical reflections on Contemporary India* began with his response to what Prof. Faizan Mustafa the Vice-Chancellor, Chanakya National Law University (CNLU), Patna concluded with regard to accepting Hinduism to be the dominant spiritual heritage of India for the sake of social harmony.

Prof. Bhargava observed: “I think his conclusion is one which is in despair rather than in any hope that we should declare and in effect, we should have Hinduism as informally or formally the primary religious tradition of the country. That’s another way of saying its kind of a soft Hindutva line. I would just say that the example of Sri Lanka should really frighten us. Sri Lanka, in 1956 declared Sinhalese to be national language of the country. In the late 1950s, Buddhism was more or less the declared State religion of Sri Lanka. We know of the havoc it caused in Sri Lanka, a rapidly advancing economy, an extremely literate society, a very progressive society with a number fine academic institutions suffered a major setback because of the civil war that occurred in Sri Lanka beginning with 1980s. So, I think the way to establish social harmony is by giving recognition, perhaps, in some proportion, but giving recognition to all faiths, by faiths I just don’t mean only religions but also recognition to reason which is Nehru for example committed himself to. Reason works only when you have faith in reason. Reason does not work automatically. There are lots of areas which will not be



explored by reason unless we have faith in the success of reason. So, let's not oppose reason and faith. Reason is also among the many faiths that we have. And some recognition must be given by the State particularly in an era where belonging to the nation-state is one of the primary belongings of a human being and any form or any mode by which you alienate people by making the State belong to one community is not going to be good for civil friendship, it will not be good for citizenship equality and it will not be good for social or religious harmony between religious communities.”

He added: “We can go further back. The idea that a State is aligned to a religion goes back to 16th century Europe. In 16th century Europe, you might remember, it was fraught with so-called wars of religion. At that time one of the solutions that was adopted was that in each territory the king had to proclaim what his religion was and then all persons living under the territory had also embraced the religion of the king. The formula was one king, one faith, one law. This created religiously homogeneous communities but it was impossible to create these religiously homogeneous communities to have this strategic solution without expulsion and without extermination of large number of groups

that did not submit to the religion of the king. So that is one of the consequences of this whole idea that there should be a State religion. It was accompanied by massacres and by massive expulsions. In fact the whole of the United States of America it had people who were dissenters from various parts of Europe and particularly from what we now know as United Kingdom or Great Britain. So, religious homogeneity and State religion was created in a very unethical and undesirable ways which brought a lot of grief to society. I think accepting this idea is fraught with lot danger....we are all inheritors of certain ancient cultures....all of them in some ways shaped the ethos of this country....Cultures are not uniformly good and cultures are not uniformly morally worthy. There is deep ambiguity in cultures and religions. It is with this ambivalence that we have to contend and it is with an ethical direction that we need to bring about changes in our own cultures.” He underlined that his lecture is not on secularism but on democratic pluralism.

Prof. Bhargava was responding to Prof. Mustafa’s advocacy of failed Sri Lankan Buddhist model which has adopted Buddhism to be a State religion. Prof. Mustafa said, “Social harmony is far more important than whether the State is religion neutral or not. Therefore, if social harmony can be achieved by declaring Hindutva to be the dominant spiritual heritage of India, I don’t mind it.” He felt that the model of separation between the State and religion has failed and we should think of the jurisdictional model “just like the United Kingdom where the king is the defender of faith, head of the Anglican Church or like Sri Lanka where Buddhism dominant religious heritage, it has been recognised constitutionally. I still feel Indians don’t want to go the Pakistan way or the Saudi Arabia way. We don’t want that kind of relationship between the State and religion but if we recognise Hindutva to be the dominant spiritual heritage of India it will be historically

and culturally correct and if it can built peace in our society and this excessive religiosity and use of religion in politics can come to an end, this is not a big price to pay.”

The complete text of his lecture on “ASOKA AND THE ROOTS OF INDIA’S DEMOCRATIC PLURALISM”

This essay interrogates the resources in the ancient Indian tradition for the making of democratic pluralism and the values undergirding it. (As I will show in India democracy and pluralism are constitutively linked and therefore sometimes I will simply call this tradition, democratic rather than democratic pluralist) It argues that contemporary Indian politics, thinking, and political imaginary are influenced by two major but opposed traditions. One, which I shall not discuss below, consists of a masculine warrior ethic driven by realpolitik that directly or indirectly reinforces the hierarchical *Dharmasastric* worldview. This is a conservative, antidemocratic tradition that has no hesitation in setting aside higher moral law or values and in using violence for securing and maintaining power. The second which will be centre of my attention is shaped by a deep-rooted pluralist imaginary that valorizes mutual acceptance and civility between differing religious-philosophical groups and endorses government by discussion rather than violence. Its source lies in the Asokan social and political ethic, which is grounded in the pacification of politics. Twentieth-century Indian leaders like Gandhi, Ambedkar, and Nehru reconstructed it and can be viewed as founders of what in post independence India became a democratic pluralist tradition. While a fragile and delicate democratic order based on this ethically inclusive and pluralist tradition was founded in 1950, the other anti-democratic tradition, driven by political violence and grounded in hierarchy, formally opposed to kingship but steeped in the culture that fosters it— which I call the antidemocratic tradition— continues to thrive

and currently appears to have gained greater currency.

A preliminary remark is in order before exploring the issue further. Any textual material on democracy in the modern sense of the term is unlikely to be available in any ancient or medieval tradition. Nor is there is a linear tradition with a continuous history of democratic ideas. Therefore, I will not interpret this project as an exploration of a straightforward history of these modern democratic ideas and their relationship to morality. Instead, I have undertaken a brief but complex history of ideas and practices within monarchies, oligarchies, and republics that retrospectively were recognized as integral to a tradition of what I have here called a thin or thick version of democracy. My approach here is based on the following. At crucial junctures in history, certain conceptual spaces open up that, under certain conditions and provided we build an appropriate narrative, can be seen to contribute to the growth of modern complex ideas such as democracy or secularism. These conceptual spaces enable multiple historical agents to imagine new concepts, provided they have the motivation to do so.

A conceptual space may open up and remain wholly unutilized for long periods of time, sometimes so long that it may entirely recede out of our background and be entirely forgotten. The important thing is that they are available in the conceptual stock as a resource, for use, dissemination, and under certain conditions mobilization.

At key moments in the history of a society, all these elements drawn from different periods of history and therefore from different conceptual spaces may be forged together to form a broad conception of, say, democracy. It follows that to understand the relationship between democracy and Indian traditions, one must unpack democracy, break it down into its constituent elements, and conduct a study of

the history of these elements, taken discreetly, and explore if all these features are available in our traditions. Moreover, the complex history of democracy in India cannot be written without its knotted relationship with those elements within Indian that contested and opposed it. Therefore, what is attempted here is my own reconstruction of the history of those conceptual spaces/generating practices that may have existed within nondemocratic political formations but which, when combined with other historically discrete practices, go on to form, under different conditions and amid radically opposing ideas, a recognizable tradition of democracy in India. Of these two broad traditions, as I said, I shall focus largely on the democratic tradition and within it on the Asokan social and political ethic that makes, in my view, the largest contribution to it.

Crucial to this essay is the following understanding of the term democracy, which may, at least partly, have a distinctive Indian flavor. First, all persons living in a well-defined territory, regardless of their class, race, gender, language, or religion, are taken to be citizens, that is, members of a political community. Modern democracies are definitionally inclusive, not always in fact but in their ideals. Second, all citizens are equal. Two features of this conception are integral to democracy:

- (a) a commitment to pluralism and
- (b) the principle of non-exclusion and discrimination. This maximum inclusiveness also entails that the state cannot have a strong alliance with any one linguistic, religious, or ethnic group. Furthermore, democracies presuppose
- (c) the maximum possible pacification of politics—political power is transferred peacefully, not violently—and
- (d) the presence of an open public sphere where representatives are chosen or issues freely discussed, debated, and contested.

(e) Such free exchange of views tolerates dissent, and those with different viewpoints are viewed only as temporary adversaries not permanent enemies.

And (f) there is a willingness to negotiate and compromise in the interest of fraternity among citizens with radically different conceptions of the good. Points (e) and (f) require the virtues of self-restraint (*samyama*) and open-mindedness, the ability to listen to many (*bahushruta*). Without the cultivation of these virtues, civility, a central feature of democratic culture, is absent and democracies are severely endangered.

Finally, (g) the effective exercise of one's capacities as a citizen requires that everyone has a modicum of material well-being. While economic equality is not necessary for democracy, a modicum of material well-being is. A connection exists between democracy and the everyday good of ordinary people. If so, while the idea of democracy has been around for more than two millennia, it did not have a positive valence until the advent of modernity. By this criterion, democracy was not realized anywhere in the world until the twentieth century. There was no real democracy in Athens because women and slaves were never counted as citizens.

All contemporary democracies have had at least some elements of the above mentioned constitutive features in their pasts. Writing the history of democracies involves making a convincing case for their presence in the social and political traditions on which they draw.

An overview of the anti-democratic tradition

I begin with a quick overview of the antidemocratic tradition in India. Three features mark it. First, a warrior ethic that glorifies violence. This is already available in the oldest

text in the tradition, the Rig Veda, where Indra, the god of sky, rain, and thunder, is supreme. Through sheer brawn, he pushes apart the world into two halves, Heaven and Earth, releases primordial waters, and splits open the cosmic mountain so as to free imprisoned sunlight and cattle. As a result, he is also the god of war. The language used to glorify Indra is extremely masculine and violent. With his *ojas*, a Sanskrit term signifying both physical strength and the power of rulership and domination, Indra smashes and pulverizes rivals. He destroys, crushes, splits apart, slays, and breaks an enemy's rage. Rigvedic poets portray Indra's terrifying demeanor and unbridled, brute force by way of sexually charged metaphors involving male dominance and female subservience. Indra's physical act of forcing enemies down corresponds to a political act of subjugation and deference. By directing Indra to conquer the universe and conduct cattle raids for profit, Rigvedic poet-priests clearly propagate a violent masculine ideology—a Rigvedic warrior ethic in which bravery, toughness, and brute strength are celebrated as core components of manhood and in which men who flex their muscles in cattle-raiding expeditions and open warfare are praised and honored. The ideal men who accept Indra as their role model are called (big/strong man; champion), signifying one with an expert martial and political role. That this warrior ethic is gloriously amoral, exalts ruthlessness, brooks no conception of justice, and permits the use of any means to achieve self-aggrandizing political goals hardly needs underscoring. To take just one example from modern Indian thought, Vinayak Damodar Savarkar, the principal architect of Hindutva, claims that Ashoka's turn to nonviolence ultimately weakened India's independence at that time, making it susceptible to foreign invasions and therefore was "anti-national."

Second, amoral pursuit of earthly goods, particularly political power. The *Arthashastra*,

composed between the first century BCE and first century CE is the most well-known political treatise in this tradition. As Patrick Olivelle puts it, the *Arthashastra* is a comprehensive ideal-typical text addressing an absolute monarch who wished to achieve this-worldly success, covering a wide array of topics such as governance, law, economy, warfare, and foreign relations. It is centrally preoccupied with the concept of coercive law or authority (*danda*). In the *Arthashastra*, rules of statecraft have priority even over the Dharmic *varna* order; to secure public order, the king is justified in even disregarding Brahminical immunities. Indeed, the pursuit of *artha* (worldly success) is prior to all else. What we get from the *Arthashastra* is an articulation of a domain of politics that is abstracted from morality, religion, and metaphysics. From it, the antidemocratic tradition of modern India has derived much.

For instance, Savarkar combines violence with amoral ruthlessness in the political domain. He argues that warfare in ancient India followed the principles of just war, but only as long as it was honoured by both contending parties. But wars, he argues, cannot always be fought with a common understanding of the rules of engagement, or principles of *dharmayuddha*. In some contexts, Hindus must adopt alternative forms of warfare in order to defeat the invader-enemy. Such wars had to be unjust. Savarkar writes, “Were a serpent (an inveterate national enemy) to come with a view to bite the motherland, he should be smashed into pieces with a surprise attack, deceit or cunning or in any other way possible.” For Savarkar, if the end in one’s view is just, then any means, no matter how ruthless or unjust, can be adopted to achieve it. This is how one must fight British imperialists. Arguably, this ruthlessness is also to be adopted by Hindus toward their most intimate enemy, the Muslim.

Third, the Brahminical notion of Dharma. Patrick Olivelle mentions that in response to the

decentering of Vedic Brahminism by Buddhist and Asokan ethic, the Brahmins reappropriated and formulated a new comprehensive idea of Dharma that brought together under one system the ethical necessity of ritual sacrifice in the maintenance of the cosmic order and the fourfold, deeply hierarchical social order consisting of *Brahmins* (the priestly class), *Kshatriya* (warriors), *Vaisya* (the agrarian and mercantile class), and *Shudras* (the service class, which at the lowest rung included the untouchables). In the *Manava-Dharmasastra*, the duty of the Kshatriya king, (*rajadharma*) is to observe Brahminical rituals and enforce the deeply inegalitarian *varna* order. Large sections of the two major Indian epics also appear to incorporate this Brahminical view. Following this logic, a deeply inegalitarian, antidemocratic strand in Indian politics seeks a strict demarcation between the social and political domains and substantive political deregulation in religious matters. This is entirely consistent with the demand to preserve caste hierarchies, to deny “lower castes” the status of equal citizens, and to oppose women’s entry into the decision-making process and is therefore a fertile ground of antidemocratic thinking.

Restrictive Equality in the Antidemocratic Tradition

Kingship (in any of three major varieties—autocracy, morally self-limiting empires, or monarchies that submit to Brahminical *Dharma*) was not the only locus of governmental authority in ancient Indian texts. The other loci of authority existed in political forms where power was shared among a ruling elite or group of chieftains (the *ganas* and *sanghas*). The term *gana* was used as part of two compound terms: *gana-sangha* and *gana-rajya*. *Sangha* meant an assembly and *rajya* governance or the government. *Gana*, on the other hand, referred to all those who claim to have equal status. These *gana*-based polities, different from kingdoms, were egalitarian in the

narrow sense that members of the ruling clans treated each other as equals. The historian Romila Thapar refers to them as oligarchies, or oligarchic/aristocratic clan-republics.

These *gana-sanghas* were of two kinds. The first, deliberative assemblies did not have much role in actual decision-making. The king had the option of consulting them. At best, these acted as advisory or judicial bodies. The second appear to have had a greater role in decision-making. Three features characterized them: first, all heads of families met mandatorily in the assembly to discuss and debate matters of public importance. There were few restrictions on the expression of independent opinions of individual members and a greater tolerance for views different from one's own.

Second, if a unanimous decision could not be reached, the matter was put to vote.

Third, from among members of the assembly, a chief (*raja*) was chosen to lead. In some passages in the *Rig Veda* and the *Atharva Veda*, the king owed his position to the consent of important members of the political community (the extension of the modern concept of franchise to the entire population of the republic would be inaccurate and ahistorical). Qualities like physical strength, oratory skills, shared beliefs and practices with members of the political community, and leadership in warfare were considered favourable. This office was not hereditary. It did not pass from one generation to another within the same clan. Given this, the historian Jagdish Sharma refers to them as "government by discussion." Despite many democracy-resembling features, they don't count as democracies largely because they worked with highly restrictive ideas of equality. To take just one example, women were never allowed to be members of any form of deliberative assembly, or even be witness to the workings of the *sabha*. They were permitted only to attend *vidhata*, religious assemblies that served no

political function.

Given this, it is not surprising that the ideology undergirding *gana-rajyas*—the fourth feature— is incorporated within the modern antidemocratic tradition. For example, though Savarkar recognized and glorified these clan-republics, he was keener on emphasizing their militaristic dimension. In his account, all citizens making decisions about their community were militarily trained and ready to go to war and sacrifice their lives. While a militarized citizenry is entirely compatible with ancient republics, they don't sit easily with democracies. Nor is a democratized warrior ethic compatible with modern democratic thinking. But there is a deeper problem with Savarkar's ideas. In his thought, the *demos* morphs into an *ethnos*. By Savarkar's proclamation, only someone who is born in the subcontinent and whose religion too is born here is a Hindu. All others such as Christians, Muslims, Jews, and Parsis are outsiders. The entire subcontinent for Savarkar belongs to these Hindus, and to become a self-governing republic they must be ready for a war, even a civil war, with all outsiders (non-Hindus) living in the same territory. Elements of antidemocratic imagination come into Savarkar's thought from both his valorization of violence and the reduction of *demos* into *ethnos*.

Together, these four strands give rise to an amoral, violent, hypermasculine, exclusionary politics in order to frequently, though not always, maintain an inegalitarian social order. These strands constitute what I call India's anti-democratic tradition.

Democratic Elements in Asoka's Dhamma

Intertwined with the antidemocratic tradition, shaped by its response to it, and challenging it is the democratic tradition in India, inspired largely by Ashoka's political ethic, and to which I now turn. Among the features that transformed republics into democracies was the rejection of

the warrior ethic. In the initial period of his rule, Asoka himself exemplified this ethic with its masculine virtues. Asoka's principal contribution to what eventually became India's democratic tradition came in the later part of his life. The turning point in Asoka's life came in the eighth year of his rule, after the war waged on Kalinga. The scale of wanton destruction at Kalinga left Asoka distraught and changed his perspective on war. Henceforth, Asoka publicly denounced the very idea of glorifying continuous conquest. By doing so, he sowed the seeds of the pacification of politics.

It is best to distinguish first the project of social equality that treats people as equals in the social domain and political equality that aims to distribute power to all. Second, political equality might be restrictive or inclusive. The *gana-sanghas* mentioned above had equality among elites. This is restricted equality. Democracy, on the other hand, presupposes inclusive equality—everyone in the territory must have a share in power and at the very minimum a claim to be treated impartially by the political ruler. Elements of inclusive equality (social and political) are found in Asokan inscriptions. The principal constituent of his political *Dhamma* is that the king's main calling was not to conquer territories and show valour on the battlefield but instead to elevate life-sustaining goods of ordinary persons above power, conquest, and glory. Pillar Edict 6 clarifies that central to the king's *Dhamma* is material welfare of his subjects: *Sarvajana, sarvaloka hita* (welfare of all living beings in this world and hereafter). It is part of Asoka's *Dhamma*, his moral vision that all live and travel in comfort, be happy, and enjoy material benefits. War, conquest, and the pursuit of glory upset both the physical security of humans and the valid pursuit of these need-based goods. Moreover, a government run by *Dhamma* must be for all his subjects.

Quite clearly, the Asokan political ethic did

not have a conception of citizenship, particularly one of active citizenship. Yet, Asoka appears not to discriminate between his subjects based on any of their ascriptive qualities. Those who needed care from the ruler included women, slaves, servants, and the disabled. The seeds of an inclusive polity in which all subjects are treated without discrimination lie in this vision. Of course, an expansive conception of inclusive subjecthood can sit quite comfortably with a highly restricted idea of a political community of decision-makers. Yet, it can also be argued that the path from severely restricted ideas of subjecthood to an inclusive polity of citizens goes through an inclusive conception of subjecthood. This idea of inclusiveness is based on the dignity and worth of all living beings. It is in this vein that Asoka takes it on himself to plant mango groves, dig wells, build rest houses along main routes, and grow banyan trees on the road in order to provide shade to both humans and animals. The inclusion of animals is extremely interesting. With respect to many life-sustaining goods, there is no real distinction between humans and animals. Animals and humans alike need drinking water, food, protection from the sun, and medical treatment. For Asoka then, *dhammic* government must commit itself also to animal welfare. Asoka espouses not just human universalism but a universalism across species.

Consistent with his rejection of the warrior ethic is Asoka's declaration in Rock Edict 8 that instead of pleasure tours for hunting, the King must undertake *dhammic* tours. The key feature of these journeys is that he gets an opportunity to conduct discussions in moral assemblies and have deliberations, dialogues, and question-and-answer sessions on *Dhamma*. These are the vehicles of education in *Dhamma*, an important component of his political morality. Formal education needs specialists, a new class of intellectuals employed and trained by the ruler's administration, who explicate the content of

Dhamma and explain it in moral assemblies.

Asoka wished that the appeal of *Dhamma* would be restricted not only to elites but would also inspire ordinary folks. It must become part of their common sense, must penetrate popular imagination, take hold of the entire social imaginary. *Dhamma* is a sociopolitical project, a kind of mission to transform popular consciousness. This means that moral educators, intellectuals, must take *Dhamma* everywhere within the kingdom to help raise popular ethical awareness. Engraving and inscribing *Dhamma* is one way to realize this mission, but the message also needs to travel to other countries. For this, travelling messengers are required, and Asoka arranged for such trips. Thus, by formulating *Dhamma* and elaborating how it is to be realized, Asoka attempts to reshape the then existing *Brahmin-Kshatriya* culture.

Attention must also be drawn to other ideas crucial to the theme of democracy and morality: the necessity of persuasion, impartiality, and law that constrains kings. First, while subjects owe obedience to the king's commands, which in turn flow from *Dhamma*, Pillar Edict 7 makes it clear that compliance to *Dhamma* must arise from *njjhati* (persuasion) and not *niyama* (law). Everyone must follow *Dhamma* out of an inner disposition to comply—one's conscience, as it were. Second, Asoka's pillar inscription 7 speaks of the importance of impartiality of judges and public officials. All litigants must be treated fairly. This is as close as the ancient tradition gets to the idea of equality before law. Third, before Asoka, right and wrong actions were possibly determined by the king himself. The laws were applied not consistently but arbitrarily. Thus *rajas* rewarded or punished others according to their personal interests or whims. By fashioning the idea of *Dhamma*, Asoka attempts to tame the institution of kingship itself, to contain the absolute exercise of power by the king. *Dhamma* is a set of fundamental moral principles above even the emperor.

Participation

Unsurprisingly, full political participation, one of the key values of thick democracy, is not available in the texts of Indian tradition. Yet discursive engagement with one another in the public domain, without which democratic participation is impossible, is extensively discussed in Asokan inscriptions. For Asoka wants a change not only in the warrior ethic but also to what might be called the word-warrior ethic, in the reckless display of manliness in verbal battles, in hostility conveyed through words, in attempts at braggadocio, and in using language to humiliate others. By advising against *himsa* (violence) through *vaaccha* (speech), Asoka appears to introduce the idea of civility. He is keen to prevent physical violence and to inhibit any assault on human dignity.

This is particularly evident in what might be called the social dimension of *Dhamma*, in his articulation of intergroup morality—what we owe each other as religio-philosophical groups. In its social dimension, *Dhamma* consists of a specific form of civility and self-restraint, *samyama*. Society in Asokan times had deep religio-philosophical diversity. Given this diversity, profound disagreements and conflicts were commonplace between different religio-philosophical groups (*pasamdhas*): ritual-oriented Vedic Brahmins, philosophically minded Brahmins, and antiritualists such as Ajivikas, Jains, and Buddhists, who also differed from one another on issues of ontology and morality. Space does not allow me to go into the details of these differences, but it is clear that for a ruler with imperial ambitions, it was important to find a way to enable all *pasamdhas* to live together. What, despite profound differences in worldviews, could the basis of such coexistence be? For Asoka, such coexistence is impossible without shared values, what he called the *saara* (essentials) that constitute the common ground of these conflicting conceptions.

What then are these essentials? The

fundamental principle of *Dhamma* in its social dimension is *vacaguti*, variously interpreted as restraint on speech or control on tongue. Why give such importance to speech? In a context of intense word wars or verbal battles, speech had to be reined in. The question is what kind? Edict 12 says that speech that without reason disparages other *pasamdas* must be restrained. Speech critical of others may be freely enunciated only if we have good reasons to do so. However, even when we have good reasons to be critical, one may do so only on appropriate occasions, and even when the occasion is appropriate, one must never be immoderate. Critique should never belittle or humiliate others. Thus, there is a deep, complex, and layered restraint on one's verbal speech against others. Let us call it other-related self-restraint. However, the edicts do not stop at this. They go on to say that one must not eulogize one's own *pasamda*. Undue praise of one's own *pasamda*, without good reason, is as morally objectionable as unmerited criticism of the faith of others. Moreover, the edicts add that even when there is good reason to praise one's own *pasamda*, it too should be done only on appropriate occasions, and even on those occasions, never immoderately. As bad as blaming other *pasamdas* out of devotion to one's own *pasamdas* is undue or excessive self-glorification. By offending and thereby estranging others, one's capacity for mutual interaction and possible influence is undermined. Thus, there must equally be multitextured, ever deepening restraint for oneself. Let this be self-related self-restraint.

For Asoka, hate speech and self-glorification produce discord and dogma. He wishes instead to advance mutual understanding and appreciation, for which it is better to have *samovaya* (concourse), an assembly of *pasamdas* where they can hear one another out, communicate with one another. This may not always generate agreement, but it certainly makes them *bahushruta*, that is, "one who listens to all," the perfect listener, or one who hears or has

heard the many and thereby become open-minded. In this way *pasamdas* get an opportunity to tease out the impurities and imperfections from their own collective ethical self-understanding. This is the only path to *atma pasamda vaddhi* (an enhancement of ethical self-understanding) of one's own *pasamda* and to *par pasamda vaddhi*, growth in the ethical self-understanding of others. It also advances *saravaddhi* (the essentials of all religio-philosophical views). The edicts here imply that the ethical self-understanding of *pasamdas* is not static but constantly evolving, and such progress is crucially dependent on mutual conversation and dialogue. Censuring others without good reason or immoderately interrupts this process and, apart from damaging *Dhamma*, diminishes mutual growth of individual *pasamdas*. In another passage, Asoka says that those seeking improvement in their own ethical views should not only communicate with others with different ethical perspectives in order to learn from them but even follow their precepts and "obey" them. This form of practical engagement introduces an ethically charged experiential dimension.

In my view, the most important precondition of Indian democracy, that which played a pivotal role in its formation, is India's religio-philosophical pluralism. For religious pluralism to grow, three conditions must be absent. First, explicit or implicit theologies that encourage the idea of true and false doctrines. One implication of this is that there are permanent enemies, a strong deterrent to free discussion and openness. Second, the existence of a tight connection between ethics of self-fulfilment (paths to salvation or ultimate self-realization) and norms of social interactions; one is not permitted to choose any path to self-realization. A particular path entails specific social obligations dictated by common norms. Third, a close connection between the state and a particular ethical community and its beliefs. None of these conditions obtained with any degree of stability in most regions in India. Conditions

undermining religious diversity were not allowed to deepen.

It is true that toleration was not always intrinsic to each and every individual philosophical doctrine. However, all of them drew on a common understanding that imposed limits on the temptation to get rid of one another. The same common understanding constrained the state to provide exclusive support to any one of them. In short, groups lived relatively peacefully with each other and Indian states in the past encouraged such coexistence because they all shared the same moral and social imaginary. This imaginary was available not in theories or doctrines but in circulating stories, practical political ethics, theatrical performances, and other forms of popular culture. It was also present in the “high arts” and occasionally even in religious literature.

It is important to grasp the subtlety of this point. It can be no one’s argument that an endorsement of religious diversity results in a conflict-free harmony. Diversity is always accompanied from time to time with conflict. In diverse peaceful societies, such conflict does not always lead to violence. Nor are peaceful societies completely devoid of religious violence. But, it appears, it was never allowed to become permanent or persistent.

It is also not anyone’s claim that hatred and demonization of the other did not occur at all. The motives that propelled enmity between groups, therefore, did not flow from rigid categorical identities. Hostilities and demonization were not necessarily irreversible but eventually contained by the presence of a moral pluralist imaginary, reined in by an ethos that encouraged acceptance, accommodation, and even respect for the other. In this widely shared pluralist imaginary, no perspective was completely true or false. No group was completely wrong or right. No ethical community was permanently tainted by error. Most religio-philosophical worldviews in India stopped short of being radically exclusivist, always leaving a door open for

including what in other traditions would have become the radical other. While those at the extremes of a continuum saw themselves as rivals, barely any difference was identifiable between, say, moderate *astiks* (those who affirmed the Vedas) and *nastiks* (those who negated them).

To sum up, Asoka in the third century BCE articulated a socio-political ethic that gradually receded into the background to become a social imaginary shaping the thoughts and actions of individuals, communities, and political rulers. One should not infer from this that other nonpluralist ideas, whether articulated or not, did not challenge or undermine this pluralist imaginary. Yet many of its constituent elements were powerful enough to meet this challenge and from the late nineteenth century fed into what eventually became a vibrant tradition of democracy. India has witnessed a movement for dignity and rough social equality from time to time (however, this has never taken the shape of material or economic equality). However, an egalitarian political movement was born only with serious claims of independence from British rule. It is of course true that a push toward some form of social equality is embedded in the fabric of the Indian social imaginary (shaking the *varna* system, fighting intermediaries between the individual and the god, fighting for religious equality, caste rebellion). The demand for political equality, however, has not arisen from within the Hindu tradition.

Leaders such as Nehru recognized the existence of “tribal republics” in the past and viewed them “as a kind of primitive democracy, though, as in Greece, it was probably confined to the upper classes.” Yet he understood that democratic republics were different from both monarchies and oligarchic or aristocratic republics. In 1950 India proclaimed itself to be a sovereign democratic republic. The core idea of a republic—government by free and open discussion by citizens and regulated by law—was retained but was made inclusive with the help of

the adjective democratic. Nehru understood that inclusive equality was at the heart of the democratic imagination. Political equality was also interpreted in two ways in the early twentieth century.

Broadly speaking, Hindus endorsed but Muslim elites rejected the individualistic construal of political equality and the idea of representation based on it. They were keen on parity between Hindus and Muslims, which they believed was possible only when the votes of individual Muslims carried more weight than the votes of individual Hindus. They also sought community-specific political rights such as a separate electorate for Muslims. Without these special measures, they felt, real equality or democracy remained out of reach.

The great leader Ambedkar toyed with similar ideas. He believed that through equal citizenship rights, caste hierarchies could be dismantled over time. However, all historically disadvantaged castes, that is, those who were on the margins or excluded from the caste system, needed special representative rights, roughly in proportion to their population. While the individual subject was the eventual holder of citizenship rights, an egalitarian order cannot be successfully achieved without granting special caste-specific rights to the historically disadvantaged *ati-shudras*, or Dalits. A simple system of political representation will generate neither effective political equality nor social equality. In the constitution of India, these Dalit-specific political rights were included as a temporary measure to be re-examined every ten years. Since caste hierarchies haven't disappeared, these special political rights continue to be retained in the constitution.

Modern democratic imagination in India then has been shaped by this democracy-facilitating tradition for which the public activity of engagement, discussion, protest, negotiation with the radically different other, and collective decision-making requires a commitment to some values and the cultivation of civic virtues. There

was common agreement among the Congress leaders of India's anti-colonial struggle that violence and force had no place in politics.

Gandhi, probably the tallest leader of modern India, fought the empire by claiming truth on his side, with the belief that this fight could not be successful if violence was deployed for this end. Not only Gandhi, but also Nehru and Ambedkar are the inheritors of the tradition of peaceful and nonviolent politics. Following the later Asokan political ethic, they reject the warrior ethic completely, as they do the distinction between friend and enemy. In politics there are adversaries who, apart from their interests, have reason and conscience. For Gandhi in particular, if truth is on one's side and if one has the collective strength to fight for and insist on it, the adversary's conscience and reason can be awakened, and he can be made to submit to one's just demands. The only violence permitted by Gandhi's philosophy is violence to oneself, or self-sacrifice. Gandhi's *satyagraha*, a form of nonviolent, public protest, took inspiration from the Asokan tradition in making *samyama* or self-restraint one of its key values. The defining principles of *satyagraha* in terms of the orientation, mechanism, and dispositions are "a force containing within itself seeds of progressive self-restraint" and thereby the capacity to attenuate coercion and escalation in politics. Gandhi was acutely aware that an unrestrained or egotistic politics of conviction was especially liable to engender logic of escalation. Echoing Asoka's thoughts on self-praise and blaming others, he insisted that nonviolence could not be a movement of "brag, bluster, or bluff" but rather one premised on the cultivation of "unobtrusive humility." Not bravado or brinkmanship but the performance of self-effacing and self-sacrificing acts would do the political work of demonstrating firmly held political convictions and compelling attention to them. Nonviolence avoids condemnation in the form of criticism and judgment of the actions of others since "the more it speaks and argues, the less

effective it becomes.” Gandhi also appears to emphasize *Bhavashuddhi*: purity of motive implied removing all traces of anger and resentment toward one’s opponent, as well as personal vanity and ambition vis-à-vis the ends of action, so as not to invite bitterness and antipathy. Here we see the central mechanisms of *satyagraha* mobilized toward creating the conditions for mutual respect, trust, and equality.

Gandhi also emphasized the importance of the relationship between self-restraint and religious freedom. Living and engaging peacefully with others with different religious views is crucial to an inclusivist, pluralist democracy. This requires restraint on the full exercise of one’s freedom. But this restraint must come not from the state but the self. Gandhi considers the restrained conduct of individual adherents of a religion to be germane not just for determining the goodness of a religion but also for considering the appropriateness of collective attempts to defend religion. Gandhi advised that adherents of a faith cannot indulge in slander of another faith. “No propaganda can be allowed which reviles other religions. For, that would be negation of toleration. The best way of dealing with such propaganda is to publicly condemn it.” Arguably, the commencement of relations of friendship, which in turn could entail an accommodative stance on one’s part, requires the exercise of great restraint on the part of persons associating with one another while following their religiously inspired goals. And the commencement of such relations requires the presence of courage on the part of those involved—the courage to conduct themselves in ways that can foster friendship and trust with adversarial interlocutors. He was also clear that “I may not pursue my religious goals by compelling others to act in a particular manner.” So Hindus seeking to protect cows had to focus on themselves and set their “own house thoroughly in order first.”

Gandhi also wrote on civility, another feature of democratic public life that took inspiration from

the Asokan tradition. He begins with a critique of the nature of politics in the early twentieth century. “Civility, good manners and humility—these virtues are at such a discount these days that they seem to have no place at all in the building of our character.” Gandhi claimed that civility is really an expression of what he calls “the spirit of non-violence”; in contrast, incivility and insolence are indicative of “the spirit of violence.” For Gandhi, violence is not merely physical but psychological and discursive as well. He proposes that all politics of noncooperation must adhere to the principles of civility. This means being courteous even toward the government and its supporters, apart from displaying manners, respect, and politeness in all interactions. The purpose is to exhibit a “spirit of love” as an effective means for pursuing all political interactions. He also believed that “what is readily yielded to courtesy is never yielded to force.” Gandhi concludes his essay by arguing that civility should not only be considered a “virtue,” but each individual should try to “cultivate it” as part of individual or national culture.

Gandhi also rejected the idea of one absolute truth against multiple falsehoods. This multiplicity of absolutes was unavoidable given the impossibility of mortal knowledge of the divine, the simultaneous insistence on the absoluteness and unknowability (*neti, neti*) of truth. “It is impossible for us to realize perfect truth so long as we are imprisoned in this mortal frame. . . . This impossibility led the seeker after truth to appreciate *ahimsa*.” This inescapability of multiple truths marks religious pluralism as the inevitable and healthy destiny of human kind. This morally requires *ahimsa* and therefore interreligious toleration. But it also encourages interreligious equality. Unlike other conceptions that presuppose the idea that oneness with significant others as well as God is achieved by abolishing/ignoring/belittling the radical other, that is, by eliminating plurality, here oneness is attained by accepting all radical others as equally

significant because they variously manifest one supreme being or concept. Thus, to tolerate is to refrain from interfering in the life of others, not despite our hatred for them, nor because we are indifferent to them, but because we love them as alternative manifestations of our own selves or deeply care for some basic norm common to all of us. We may not be able to do or be what they are, we may even dislike some of their beliefs and practices, but we recognize that they are translations of our own selves or of gods within each of us. This binds us together in a relationship of lasting affection.

Nehru, India's first prime minister, consciously modeled himself on Asoka. Nehru quotes H. G. Wells, "Amidst the tens of thousands of names of monarchs that crowd the columns of history, . . . the name of Asoka shines, and shines almost alone, a star. From the Volga to Japan his name is still honored. More living men cherish his memory to-day than have ever heard the names of Constantine or Charlemagne." Ashoka was admired because for him "true conquest is the conquest of men's hearts not by force but . . . persuasion. . . . Everywhere an appeal was made to the mind and the heart; there was no force or compulsion. . . . He showed respect and consideration for all other faiths." Besides, rather than benefit himself, "this astonishing ruler, beloved still in India and in many other parts of Asia, devoted himself to public business." Nehru persuaded everyone to have *chakra*, the wheel of Law at the center of the Indian flag. Other Asokan symbols are also used as national symbols.

Conclusion

Contemporary Indian politics, thinking, and the wider political imaginary are influenced by two major traditions that are opposed to each other and are currently locked in a rather uneven battle. The first consists of (a) the masculine warrior ethic,

(b) an understanding of realpolitik found in the *Arthashastra*,

(c) the *Brahminical Dharmasastric* worldview,

and (d) parts of Indo-European traditions that without sufficient self-awareness draw on a conception of religion that was consolidated during the European Wars of Religion. Some extreme nationalisms even draw their inspiration from Nazism. It is on these traditions that contemporary Hindutva rulers draw inspiration. Indeed, all four of these related traditions are part of a violent, antidemocratic tradition in India that shapes not only the thoughts and practices of leaders of Hindutva but at least partly other Indian leaders as well.

The second tradition is shaped by a deep-rooted pluralist imaginary that valorizes mutual acceptance and accommodation between differing religio-philosophical groups and that limits overrideologization and the formation of radical otherness. This much older tradition of the Asokan political ethic emphasizes the importance of dialogue and discussion and encourages civility in the public sphere. It also advocates the pacification of politics. An even earlier tradition is well disposed to "government by discussion". These long-standing traditions assumed a constitutional form in contemporary India, the principal architects of which were Ambedkar, Gandhi, and Nehru. They laid the foundations of a rights-based democracy inspired by multiple values. The battle between these two traditions is seen by many in India as a struggle over the soul of India.

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(To be Contd....on Page - 40)

The Humanist Frame

RELIGION

(Summarized by **Vinod Jain**)

Julian Huxley

For the first time in history, science can become the ally of religion instead of its rival or its enemy, for it can provide a 'scientific' theology, a scientifically-ordered framework of belief, to whatever new religion emerges from the present ideological disorder.

This is imperative, since theology in this broad sense is a statement of belief and of their intellectual or rational justification: it dictates the general approach and character of a religion, as well as determining many of its particular features. Thus a theological system is to a religion what a framework of hypotheses and theories is to a science.

All theistic religions are based on the God hypothesis — the belief that there exist supernatural beings of a personal or super-personal nature, capable of influencing natural events, including events in human minds. This is a dualistic theory, for it implies the existence of a basic and essential cleavage between natural and supernatural realms of being.

Early theologies are all polytheistic. Christian theology calls itself monotheistic, but permits itself a partial polytheism in the doctrine of the Trinity, while the position ascribed to the Virgin, the angels and the Saints in Catholicism gives full rein to polydaimonism.

A theological system incorporating such beliefs has a number of consequences which Humanists find undesirable. The belief in supernatural beings capable of affecting human destiny leads to petitionary rather than aspirational prayer. Belief in a supernatural after-life leads to concentration on attaining salvation in the other world and to a lack of

concern for life in this world and its possible improvement. Belief in the fall of man, doctrines of Original Sin etc. lead to inherent inferiority of the female sex. Belief in the Bible as inspired word of God, and the Church and its representatives as the sole source of correct doctrine, leads to a regrettable dogmatism and to the rejection or playing down of secular knowledge and scientific method.

Belief in the Supernatural Ruler, endowed with absolute wisdom and the capacity of issuing moral edicts, coupled with an ignorance of the workings of the unconscious as revealed by modern psychology, permits would-be dictators, fanatical moralists and other power-hungry men to believe that their subjective feelings of internal certainty are 'really' the voice of an objective and external God.

Belief in the efficacy of ritual practices for ensuring salvation or other kind of religious advancement has a deadening effect on the religious and moral life. Belief in supernaturalism and the miraculous and magical elements which go with it, always leads to gross superstition, and usually to its financial exploitation.

To sum up, any belief in supernatural creators, rulers, or influencers of natural or human process introduces an irreparable split into the universe, and prevents us from grasping its real unity. It prevents the attainment of a full and comprehensive vision of human destiny.

All this merely spells out the consequences of the fact that theistic religions, with their inescapable basis of divine revelations and dogmatic theologies, are today not merely incompatible with human progress and the advance of human knowledge but are obstacles

to the emergence of new types of religion which could be compatible with our knowledge and capable of promoting our future progress.

What the world now needs is not merely a rationalist denial of the old but a religious affirmation of something new.

Construction needs a positive plan of some sort to work to and cooperative effort for its execution, and this demands intelligence, imagination, goodwill, and above all vision.

One of the main things needed by the world today is a new single religious system to replace the multiplicity of conflicting and incompatible systems that are now competing for the spirit of man. Our new vision of the universe and man's role in it is beginning to indicate the lines of its construction.

All religions, as I pointed out earlier, are psychosocial organs of evolving man: their function is to help him cope with the problems of his destiny.

As I have set forth at greater length in my "Religion Without Revolution", the raw materials out of which religions are formed consist of actual religious experiences, numinous or holy, mystical or transcendent. But the particular form which they take is primarily the result of their ideological framework or belief: I have given various examples of how the morality and the ritual expressions of a religion are determined by its beliefs to a much greater extent than its beliefs are determined by its morality or ritual.

Let us look at some of the basic ideas which our new vision will contribute or dictate to the new belief-system. In the first place we have a totally different view of the mysterious. With the advance of scientific knowledge, many phenomena which once appeared wholly mysterious can now be described or explained in rationally intelligible or naturalistic terms. This applies not only to physical phenomena like rainbows and eclipses, pestilences and earthquakes, but to biological phenomena like

reproduction and sex, heredity and evolution, and to psychological phenomena such as obsession and possession, insanity and inspiration.

The clear light of science, we are often told, has abolished mystery, leaving only logic and reason. This is quite untrue. Science has removed the obscuring veil of mystery from many phenomena, much to the benefit of the human race: but it confronts us with a basic and universal mystery — the mystery of existence in general, and the existence of mind in particular. Why does the world exist? Why is the world-stuff what it is? Why does it have mental or subjective aspects as well as material or objective ones? We do not know. All we can do is to admit the facts.

Initially, the universe reveals itself as too vast and varied to be accepted as a unitary whole by our small human minds; many of its components are apparently incommensurable with human thought and feeling, and in many of its aspects it appears alien and even hostile to human aspiration and endeavour. But we must learn to accept it, and to accept its and our existence as the one basic mystery.

Religion can be usefully regarded as applied spiritual ecology. The relations with which a religion must attempt to deal are the relations of mankind with the rest of external nature, and the relation of individual men and women with other men and women and with their communities.

All these can be much clarified by our new humanist vision. In its light the universe is seen as a unitary and evolutionary process. Man is part and a product of the process, but a very peculiar part, capable of affecting its further course on earth and perhaps elsewhere. But he is only able to affect the process constructively by understanding its workings.

Man's religious aim must be to achieve not a static but a dynamic spiritual equilibrium. And his emergent religion must therefore learn how to be an open and self-correcting system, like

that of his science.

All religions provide for some ceremonial sanctification of life, especially of events like birth, marriage and death etc.

This reformulation of traditional religious concepts and beliefs and ceremonies, their translation into a new terminology and a new framework of ideas, is a major task for Humanism.

Man makes his concepts. He constructs them out of the raw material of his experience, immediate and accumulated, with the aid of his psychological machinery of reason and imagination.

This is true not only of religious concepts but of scientific concepts like the atom or natural selection today, or the four elements or the inheritance of acquired characters in earlier times.

But whereas science is constantly and willingly improving its terminology and reformulating its concepts, even scrapping them and constructing quite new ones, religion on the whole resists any such transformation.

Religious concepts like God, incarnation, the soul, salvation, original sin, grace, atonement, all have a basis in man's experiences of phenomenal reality. It is necessary now to analyse that basis of reality into its component parts, and then to reassemble these elements, together with any new factors that have come to light, into concepts which correspond more closely to reality and are more relevant to present circumstances.

The forces are real enough: what we have done is, quite illegitimately, to project the god concept into them. And in so doing we have distorted their true significance, and effectively altered the course of history.

Once this is realized, it should be possible to reformulate such ideas as Divine Law, obedience to God's will, or union with the mind of God, in an evolutionary terminology consonant with existing scientific knowledge.

As Professor Waddington points out in his chapter, and reinforces with a wealth of supporting argument in his recent admirable book, "The Ethical Animal," psychology and evolutionary biology between them are now indicating a rational and coherent explanation for these facts.

The aim of the Humanist must be, not to destroy the inner authority of conscience, but to help the growing individual to escape from the shackles of an imposed authority-system into the supporting arms of one freely and consciously built-up. And this will involve a thorough reformation of the ethical aspects of religion.

Reformulation — even reappraisal — is perhaps most necessary in regard to man's inner life and what is called spiritual development.

Religious experiences often are or appear to be ineffable (too great for description in words), which makes their discussion very difficult. But their significance is a matter both high and deep; and they certainly need re-examination and reappraisal if their great potential value is to be realized.

But our new vision illuminates our existence and our destiny in a new way, and necessitates a new approach to their problems. In its light we see at once that the reappraisal of religious experience must be a part of something much larger — a thorough investigation of man's inner world, a great project of 'Mind Exploration' which could and should rival 'Space Exploration' in interest and importance.

From the specifically religious point of view, the desirable direction of evolution might be defined as the divinization of existence—but for this to have operative significance, we must frame a new definition of 'the divine', free from all connotations of external supernatural beings.

Religion today is imprisoned in a theistic frame of ideas, compelled to operate in the unrealities of a dualistic world. In the unitary

Humanist frame it acquires a new look and a new freedom. with the aid of our new vision, it has the opportunity of escaping from the theistic impasse, and of playing its proper role in the real world of unitary existence.

This brings me back to where I started — to our new and revolutionary vision of reality. Like all true visions it is prophetic; by enabling us to understand the present condition of life in terms of its extraordinary past, it helps us not only to envisage an equally extraordinary future, but to inject planned purpose into its course.

In its light, fulfilment and enrichment of life are seen as the overriding aims of existence, to be achieved by the realization of life's inherent possibilities. Thus the development of man's vast potential of realizable possibility provides the prime motive for collective action — the only motive on which all men or nations could agree, the only basis for transcending conflicting ideologies. It makes possible to heal the splits between religion and science and art by enlisting man's religious and scientific and artistic capacities in a new common enterprise. It prescribes an agenda for the world's discussions of that enterprise and suggests the practical methods to be employed in running it.

We also need to develop a new ecology, an ecology of the human evolutionary enterprise. This means thinking out a new pattern of our relations with each other and with the rest of our environment, including the mental environment which we both create and inhabit.

Psychosocial ecology must aim at a right balance between different values, between continuity and change, and between the evolutionary process for whose guidance we have responsibility and the resources with which we have to operate. Those resources are of two kinds — material and quantitative, for maintenance and utility; and psychological and qualitative, for enjoyment and fulfilment — such things as food, and energy, mines and industrial

plants on the one hand; solitude, landscape beauty, marine and mountain adventure, the wonder and interest of wild life on the other. Planned human ecology must balance and where possible reconcile the two kinds of resource.

What is the place of the individual in all this? At first sight the individual human being appears as a little, temporary, and insignificant creature, of no account in the vast enterprise of mankind as a whole. But in Evolutionary Humanism, unlike some other ideologies, the human individual has high significance. Quite apart from the practical function which he performs in society and its collective enterprises, he can help in fulfilling human destiny by the fuller realization of his own personal possibilities. A strong and rich personality is the individual's unique and wonderful contribution to the psychosocial process.

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Santayana has come close to the central idea of Evolutionary Humanism in sane and splendid words. 'There is only one world, the natural world, and only one truth about it; but this world has a spiritual life in it, which looks not to another world but to the beauty and perfection that this world suggests, approaches and misses.'

If we aspire to realize this potential beauty and perfection more fully, we shall have to utilize all the resources available—not only those of the external world, but those internal resources of our own nature — wonder and intelligence, creative freedom and love, imagination and belief. The central belief of Evolutionary Humanism is that existence can be proved, that vast untapped possibilities can be increasingly realized, that greater fulfilment can replace frustration. This belief is now firmly grounded in knowledge: it could become in turn the firm ground for action.

But it is time to bring this introduction to a summary conclusion. Increase of knowledge leads to new idea-systems — new organizations of thought, feeling and beliefs.

Idea-systems in this sense provide the supporting framework of human societies and cultures and in large measure determine their policies and course. During human history (psychosocial evolution), the adoption of each new type of idea-system has initiated a new type of society, a new step in psychosocial evolution.

At the moment, the increase of knowledge is driving us towards the radically new type of idea-system which I have called Evolutionary Humanism. The position is critical, because the guidance of this new type of idea-system is

needed to prevent psychosocial evolution from becoming self-defeating or even self destroying.

The immediate effort needed is an intellectual and imaginative one — to understand this new revelation made to us by the growth of knowledge. Humanism is seminal (providing the basis for future development). We must learn what it means, then disseminate Humanist ideas, and finally inject them whenever possible into practical affairs as a guiding framework for policy and action. 🌈

(to be continued)

Re-Visiting the Role of Governor...

Contd. from page - (22)

The Vice-President Dhankhar at the said conference lectured the Governors to make people aware of “incredible developments that have taken place during the last decade” which lecture to the political critics sounded to be quite propagandistic. Apparently being inspired by those speeches the Governors in some states have been (and also are likely to be) inspired to be more ‘proactive’ with a tilt in favour of the government at the centre. Any presumption or treatment of Governors as ‘agencies’ of the central government seems to be wholly contrary to (a) the result of deliberations held at the Constituent Assembly on the role of Governor, (b) consequential constitutional provisions and (c) the judicial pronouncements of the Apex Court on the role of Governor from time to time. It is to be noted that judiciary is the repository of all constitutional interpretations.

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

Aligning State with Religion like...

Contd. from page - (35)

He is a permanent (honorary) fellow at Balliol College (Oxford). He is a fellow in Ethics at the Harvard University, Columbia University, Stanford University, New York University, Institute of Advanced Studies (Jerusalem), Wissenschaftskolleg (Berlin), Institute for Human Sciences (Vienna), Australian Catholic University (Sydney), and University of Leipzig. His many publications include Reimagining Secularism (2023), The Promise of India's Secular Democracy (2010), Politics and Ethics of The Indian Constitution (2008) and Secularism and its Critics (1998) and Individualism in Social Sciences (1992). His work on secularism and individualism is internationally acclaimed. He has contributed to the Routledge Encyclopedia of Philosophy and the Oxford Handbook of Political Theory. Bhargava is on the advisory board of several national and international institutions, and was a consultant for the UNDP report on cultural liberty. The Foundation Day lecture was delivered on 2 October 22, 2024.

Tuesday, October 22, 2024

Posted by mediavigil. 🌈

Leo Tolstoy

This man is not a beggar or homeless wanderer

This is Leo Tolstoy, a Russian novelist and philosopher, best known for his novels “War and Peace” and “Anna Karenina”. He is considered one of the greatest authors of all time and a key figure in the realist movement in literature.

He sold all he has for homelessness to have home and beggars to have food.

Tolstoy was born on September 9, 1828, in Russia and died on November 20, 1910. His writing often explored themes of morality, ethics, and the human condition, and his works are still widely read and studied today.

Some of his notable quotes include:

“Don’t tell me about your religion, let me see your religion in your actions”

“If you feel pain, you are alive. But, if you feel the pain of others, you’re human”

Tolstoy’s legacy extends beyond literature, too. He was also a philosopher and social reformer, and his ideas about nonviolent resistance and simple living have inspired leaders like Mahatma Gandhi and Martin Luther King Jr.

He also inspired me to be a better writer and philosopher.

Sent by **A.P. Thotakura Venkateswarlu**, *Source FB..*



Helpful milords

(November 6, 2024)

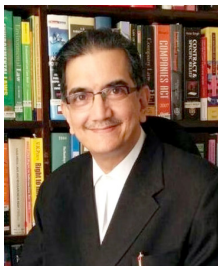
For amending Constitution
One needs majority's crown
Till then the helpful milords
Can always water it down
Bleeding hearts for the poor
Sometimes coalitions stitch
But power has mostly been
With the rich and for the rich
'Secularism' and 'socialism'
Are no longer touchstones
Rulers prefer that Benches
Have their ideological clones
A politician's job is very risky
Anytime electorate may fire
But milords once appointed
Serve faithfully till they retire
When Big Chief trains his gun
On a past acknowledged great
We, the people, should reflect
Upon nation's destiny and fate.

Nomenclature

(November 6, 2024)

A leopard can't change it's spots
Nor a cunning man his nature
But to attract more publicity
One can change nomenclature
There's no free time for milords
Can anyone say they're shirking?
They take absolutely no holidays
They are always 'partially working'!
If you spot a Big Chief dozing
Realise he's in fact meditating
Upon post-retirement options
Which in a queue are waiting
Judgments depend on the stars
Outcomes on prayers and gods
Don't you dare ridicule the bhakts
They have won against all odds
A new driver will take top seat
Old one shall exit supreme bus
Rather than ex, former or retired
Nomenclature may be 'Emeritus'!

**Raju Moray writes a regular column for *The Leaflet*, titled 'Adalat Antics'.
If you love the smell of paper along with spicy satire and the ring of laughter,
Raju Moray's new book *Tales of Law & Laughter* is out now.**



Raju Z Moray practices law in Mumbai. For more than 30 years he has been a contributor of articles and poems to publications of the Lawyers Collective. An anthology of his humorous writing for 'The Lawyers' magazine was published in 2017 as 'Court Jester' and the series of 60 poems he penned during the 2020 Lockdown for 'The Leaflet' has been published in December 2020 as 'The Locked Down Lawyer'. His new book 'Tales of Law & Laughter' is out now.

प्रथम दिवस आवरण
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**‘Selections from
The Radical Humanist,
Volume I and II’ reach still
bigger readership**

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The two volumes have been read in **277 cities in India and 648 foreign cities,** a total of 925 cities of the world.

Editor, ‘The Radical Humanist’