



Document

Kasturba: A High Water-mark of the Loyal Devotion

Mrs. Sarojini Naidu's letter to Lady Pheroze Shah Mehta was published in 'Indian Review' February 1915 issue.

Dear Lady Mehta,

I venture to write to you as I see by the papers that you are the presiding genius of the forthcoming function to welcome my friend Mrs. Gandhi home again. I feel that though it may be the special privilege of the ladies of Bombay to accord her this personal ovation, all Indian women must desire to associate themselves with you in spirits to do honour to one who by her race, qualities of courage, devotion, and self-sacrifice has so signally justified and fulfilled the high traditions of Indian womanhood.

I believe I am one of the few people now back in India who had the good fortune to share the intimate home life of Mr. and Mrs. Gandhi in England and I cherish two or three memories of this brief period in connection with the kindly and gentle lady, whose name has become a household word in our midst with her broken health and her invincible fortitude—the fragile body of a child and the indomitable spirit of a martyr.

I recall my first meeting with them the day after their arrival in England. It was on a rainy August afternoon last year that I climbed the staircase of an ordinary London dwelling house to find myself confronted with a true Hindu idyll of radiant and ascetic simplicity. The great South African leader who, to quote Mr. Gokhale's apt phrase, had moulded heroes out of clay, was

reclining, a little ill and weary, on the floor eating his frugal meal of nuts and fruit (which I shared) and his

wife was busy and content as though she were a mere modest housewife absorbed in a hundred details of household service, and not the world-famed heroine of a hundred noble sufferings in a nation's cause.

I recall too the brilliant and thrilling occasion when men and women of all nationalities from East and West were gathered together to greet them in convincing proof that true greatness speaks with a universal tongue and compels a

**Our Heartfelt Tribute to Kasturba
Death Anniversary: 22 February!**

universal homage. She sat by her husband's side, simple and serene and dignified in the hour of triumph as she had proved herself simple and serene and dauntless in the hour of trial and tragedy.

I have a vision too of her brave, frail, pain worn hand must have held aloft the lamp of her country's honour undimmed in one alien land, working at rough garments for wounded soldiers in another Red Cross Work.

But, there is one memory that to me is most precious and poignant, which I record as my personal tribute to her, and which serves not only to confirm but to complete and crown all the beautiful and lofty virtues that have made her an ideal comrade and helpmate to her husband. On her arrival in England in the early days of the war, one felt that Mrs. Gandhi was like a bird with eager outstretched wings longing to annihilate the time and distance that lay before her and her far-off India, and impatient of the brief and necessary interruption in her homeward flight. The woman's heart within her was full of yearning for the accustomed sounds and scenes of her own land and the mother's heart within her full of passionate hunger for the beloved faces of her children. . . .

And yet when her husband soon after, felt the call, strong and urgent, to offer his services to the Empire and to form the Ambulance Corps that has since done such splendid work, she reached the high watermark of her loyal devotion to him for she accepted his decision and strengthened his purpose with a prompt and willing renunciation of all her most dear and pressing desires. This to me is the real meaning of Sati. And it is this ready capacity for self-negation that has made me recognize anew that the true standard of a country's greatness lies not so much in its intellectual achievement and material prosperity as the undying spiritual ideals of love and service and sacrifice that inspire and sustain the mothers of the race.

I pray that the men of India may learn to realize in an increasing measure that it is through the worthiness of their lives and the nobility of their character alone that we women can hope to find the opportunity and inspiration to adequately fulfill the finest possibilities of our womanhood even as Ms. Gandhi has fulfilled hers.

Believe me,
Yours sincerely,
(Sd) Sarojini Naidu

Organization is the Test of Nonviolence

Acharya Vinoba

I love solitude. But in jail, I had contact with all sorts of people. I found that every group or party had both good and bad people in its ranks in the same proportion. I, therefore, came to the conclusion that I should serve the good people without joining any party or institution. After my release, I put this idea before Gandhiji, who said in his characteristic language, "I understand what you mean. You will serve, but without any post or privilege. It is okay." I then resigned from all the institutions with which I was associated. It was painful, as they were very dear to me; I had been

striving for years to fulfill their objectives. But I was also delighted. I was going to continue to help those institutions, though I wanted to be free for the sake of development of nonviolence.

Association with an organization circumscribes and conditions our thinking and it is not conducive to the quest for nonviolence. For new exploration, objectivity is a must. A member of an organization cannot have such objectivity, even if he may do much work. New discoveries cannot be made with a conditioned mind.

If we seek organization instead of concerning

ourselves with free dissemination of our ideas, we would restrict ourselves to a small circle. But I do not want this ...

These days, many appear interested in organizing people, instead of awakening human heart. However, one can organize commodities, not humans. Human being can be educated. When we seek to organize human beings, we are treating them as commodities. There by we restrict the spread of ideas, rather than accelerating them.

However, had I been convinced that every institution invariably has some element of violence in it, I would have advised others also to keep away from any institution. But that is not the case. We are, for example, convinced that arms invariably involve violence; but I have not come to the conclusion that any institution necessarily involves violence. An individual has some violence in him, but when two good individuals come together, violence in both of them gets reduced.

However, when we form an institution, bound by certain discipline whose breach invites disciplinary action, there is possibility of violence. But if one is free to join it or not, that is another matter. If a person joins an institution of his own free will and yet flouts its discipline, the institution can justifiably take action against him. But when discipline itself is absent, there is no question of violence.

Defects and Limitations

Society should be properly organized. But it should be natural like a family. When people come together for sectarian considerations, their capacity to do good does not get enhanced. If they come together in a fraternal spirit, consider a human being more important than his opinions and inner attitude more important than external actions, look upon a human being as a human being only, the capacity to do good increases. I know many institutions, which were established with lofty objectives, but flaws crept in them eventually. And then there is a tendency to cover up those flaws. Fragmentation also follows.

I, therefore, have more faith in uttering truth than in organizations. It is not that organizations will always be unnecessary; if a man clings to truth, necessary organization takes shape of its own accord. But deliberate creation of organizations narrows our vision.

Strength lies not in organization, but in truth. Sarvodaya discerns this. It is not under the illusion that organization of weaknesses results in strength. Such an idea is a flight of fancy of lazy minds. Had collection of diseases resulted in health, there would have been no need of medicines and medical practitioners, or nutritious food!

Just as a human being has a body and a soul, an institution too has a body and a soul. Its soul is the principles at its foundation. This soul should keep on evolving. Body and institution – both can be helpful, and both can be hindrances too. It needs ingenuity to make them helpful. As far as the external structure is concerned, one need not have any insistence. But the foundation must be steadfastly held on to.

Local, small-scale organizations need not be ruled out. In such organizations, every individual would fully know all the other members. There would be little scope for hypocrisy and vanity. Such organizations can, and should, be dissolved when their utility is over.

Nonviolent organization

A nonviolent organization would be of a very different type; so different that to call it an 'organization' would be a misnomer. In a nonviolent organization advice is given. Those to whom it appeals follow it—and follow it resolutely – because it has appealed to them and has not been forced upon them. This creates a strong organization. In other organizations, not advice but command is given, which has to be obeyed. It cannot be said that the command is obeyed with full conviction. Obedience to it is naturally half-hearted. If the command is disobeyed, disciplinary

action follows. That is the usual way of organizations. My idea is diametrically opposite. A nonviolent organization can be strong if the advisors are wise, they follow their own advice and are capable of convincing others about the rightness of their advice. Nonviolence should demonstrate that the natural organization that is created through it is stronger, specifically because it is natural, and not purposely formed. This is the test of nonviolence.

Pyarelalji has quoted Gandhiji in his monumental work 'The Last Phase', 'Organization is the best of nonviolence. I would prefer the word 'planning' instead of 'organization'. We should understand what Gandhiji wants to say here. Some people think that in this statement, Gandhiji has signified the importance of an organization. But what Gandhiji wants to say is that nonviolence can never build up an organization in the same manner as violence. Outside aids available to violence for organization are not available to nonviolence. In nonviolence, no orders can be given, no punishment can be meted out, no coercive sanctions can be imposed, no enticement can be given, no medal can be offered. But in spite of this, nonviolence must have some plan to ensure that once a decision is taken, people will definitely accept it. As the advice is accepted whole heartedly, its execution should be much more effective than the execution of an order in a violent organization. Although the acceptance of advice is optional, in effect it should be much more imperative to follow it than a compulsory order. That which is optional is often essential. To drink water is optional, still people drink it invariably.

A nonviolent organization will have to demonstrate that what is optional would be acted upon more conscientiously than what is compulsory. When I think about how it could be possible, I am reminded of Jesus saying, 'Agree with thine adversary quickly.'

Nonviolence should impart the capacity to attune oneself to other.

My opposition to organization does not mean that there is no need of concerted action. The true test of nonviolence is that while there would be complete freedom of action, it should be able to show more and better discipline than the one visible in an organization based upon violence. In fact, violence is not intrinsically powerful. Protagonists of violence develop skill in building organizations. They erect a robust structure. And through that structure, violence is infused with the strength which it actually lacks.

The principle of unanimity in decision-making is the outward planning, while the inner planning is to rise above ego. If we keep these two things in mind and act accordingly, we will be able to build a sound and efficient nonviolent organization.

Individual vis-a-vis organization

I have faith in individuals, not in organizations, because an individual is full of consciousness and vitality, and an organization is not so. An individual can have galvanizing power; an organization does not have it. An organization can become a 'power-house' only if individuals infuse it with such a power. Organizations cannot uplift the world; they can rather obstruct its uplift. They cannot bring about revolutions. Buddha can bring about revolution, not the Sangh. Christ can bring about revolution, not the Christian Church. Shankarcharya can bring out revolution, not the monasteries established by him. Gandhiji can bring about resolution, not the inmates of Gandhiji's ashrams. In fact, an entrenched organization may be afraid of revolution; for it cannot go against public opinion.

Revolutions are mantrik (inspired by a vision) and not tantric (mechanical)

(Courtesy : Strands of a vision, Page 49-53, edited and translated by Parag Cholkar)

Youth and Morality

Dr. B. S. Srikanta

Swami Vivekananda has said, I quote "My faith is in younger generation, the modern generation out of them will be my workers. They will work out the whole problem like lions." In consonance with Vivekananda, we also ought to have tremendous faith in youth because they are the future citizens of our country and also indispensable assets to the growth and development of the nation. Youth are synonymous with energy, progress, change and enthusiasm. Mahatma Gandhi called youth as instruments of social change. Mahatma Gandhi emphasized on truth, non-violence, simplicity, tolerance, kindness and Sarvodaya and urged students to adopt these virtues in their lives. This call to the youth given by Gandhi is a timeless contribution to humanity, transcending all geographical and social boundaries. He called upon youth of today to follow moral values which is alarmingly on a downward trend.

Our focus on youth energy assumes greater importance in view of the recently published report that in the next one decade, our country will have the distinction of having the highest youth population in comparison with other countries in the world. Hence, it is imperative that youth energy has to be properly channelized and also ensure that youth are engaged in nation building activities. However, in recent times, it is observed that the youth are very strongly attracted towards social media like Facebook, Instagram, Twitter, etc., and the media is negatively affecting the lives of younger generation. Unfortunately it has become an integral part of youth's life. On an average, one third part of youth spend 2 to 3 hours per day on social media. It would not be an exaggeration if it is said that youth are active on social media from early in

the morning to late in the night. Undesirable, provocative, harmful, soft pornographic information and pictures are being shown in social media, glamourising a certain behaviour that will have negative impact on the youngsters' mental and physical wellbeing. Students are spending most of their leisure time by logging on to social media websites which many times is unproductive. Youth are misled by the weird content shown on the social media and many times they try to imitate leading to conflict with parents, friends and socially disagreeable behavior and on rare occasions loss of life.

Parents are not aware of their children's activities on social media sites. Drug addiction, alcoholism, smoking, involvement in criminal activities, hatred, dating, live in relationships have become very common among the youth thereby awfully affecting moral fabric of the society. Indian value system such as respecting parents, teachers, elders and fellow citizens has almost disappeared or become archaic. In educational institutions, several teachers are trying their best in educating children on the ill effects of getting addicted to social media and watching undesirable content but advice is falling on deaf ears. Many parents are expressing their inability to control their children and wean them away from social media. The changes in family structure like nuclear families, deprivation of parental love, single parent, single child, and pampering, greater freedom given to children are also contributing in a big way to this outlandish behavior of youth.

Even though social media can be scary, as mentioned in the previous paragraph, it can be beneficial also. There are many number of educational websites which can definitely help the

Democracy Not synonymous with 'reasonable nexus' or 'good intentions'

Arun Kumar

THE Supreme Court's majority judgment on demonetisation is based primarily on the premise that demonetisation had a 'reasonable nexus' with the objectives sought to be achieved. And, it is not relevant whether the objective was achieved or not. The dissenting judgment argues that the decision was 'well-intentioned' and well thought of, but it was unlawful on legal grounds. So, both the judgments imply that demonetisation was implemented to achieve desirable objectives.

Neither of them considered it important to go into the issue of whether the objectives were achieved and further, whether demonetisation could at all have achieved the stated objectives. Without that, how can it be concluded either that there was

a reasonable nexus or to say that the decision was well-intentioned? If the objectives were not achieved and if the expert opinion was that the objectives could not have been achieved, then one could not conclude about reasonableness or good intentions.

Indeed, checking the black economy was important for the nation then and now. But it has been known that stopping the 'legal tender character of currency' or the broader policy of 'demonetisation' cannot help check the black economy. It was also known that if it is done suddenly, it causes a shortage of money in the economy, which leads to freezing of transactions in the economy and a crisis ensues. Thus,

⇒ student in their academics. Social media is also a means for networking, building healthy relations and to be in touch with parents, friends and relatives especially when moved out of native. Social media and internet were extensively used for online teaching during covid. But, the fact is at that age of adolescence, youth are easily attracted towards information having negative impact on their physical and mental wellbeing. In a nutshell, though we have advanced in technology and means of communication, in respect of youth and social media, we are on a totally undesirable spot. It is indeed very alarming and we are left with no option but to rise to the occasion and take up remedial measures.

Social Transformation and instilling moral values can be brought about only through education. A lecturer in South African University wrote a message and placed at the entrance of the college. He wrote "Collapsing any nation does not

require use of atomic bombs or the use of long range missiles. But it requires the lowering of quality of education and allowing cheating in the exams by students".

We, Gandhians have greater responsibility of taking Gandhi values to youth and instil moral values among the youth. Otherwise, I foresee great danger to the society in future.

I conclude with a quote by Swami Vivekananda I Quote "Education is not the amount of information that is put into your brain and runs riot there, undigested, all your life. We must have Life-building, Man-making, Character making and assimilation of ideas. If you have assimilated five ideas and made them your life and character, you have more education than any man who has got by heart a whole library."

(Dr. B. S Srikanta is Director of Sindhi College, Bengaluru)

characterising demonetisation as 'well intentioned' or having a 'reasonable nexus' is unreasonable.

The step was premised on the misconception that 'black means cash', so, if cash is squeezed out of the system, the black economy would overnight vanish. It was also a misconception that it had to be carried out in secrecy and speedily. The idea was that people holding black cash should not be able to convert it into white. The objective fact is that in spite of secrecy, those who held black cash managed to convert it to new cash so that according to the Reserve Bank of India ('RBI'), 99.3 per cent of the demonetised currency came back to it and got converted to new currency notes. In the last six years, hardly anyone has been prosecuted by the income tax department for conversion of their black cash to new currency.

So, the objective fact is that the stated goals of demonetisation were not achieved – they could not have been achieved – but the economy got damaged, and crucially, democracy was subverted.

Importance of process in democracy

For a democracy, the process by which a decision is arrived at is important. While a decision can be taken by formally following a process, it may merely be in form and not in substance. That damages democracy. For instance, consultation may be formally carried out without taking on board the discussion in a meeting, and a preconceived idea may be presented as the outcome of the meeting.

The government says that it consulted the RBI over six months prior to the announcement of demonetisation. The person who was the RBI Governor for much of that time is on record as saying that he had advised the government against this step since it would not lead to an impact on

the black economy. So, consultation did not mean concurrence by the RBI. Clearly, the government had made up its mind, and consultation was for the sake of record. Historically, even when demonetisation was carried out in 1978, the then RBI Governor had given in writing that it would not help tackle the black economy. Dissent is important in a democracy since it often leads to a better decision than when policymakers act unilaterally.

If the RBI is taken to be an expert in the matter and its advice historically and currently was that the decision would be futile, then how can the decision be reasonable or well-intentioned? What other evidence was there to come to such a conclusion?

Another way to subvert a process is to hold a hurried, short meeting and claim that an agreement was reached after consultation. One needs to ask, whether there was time to come to a conclusion on an important decision in such a short time. A perfunctory meeting undermines democracy since it implies that the meeting was held with preconceived notions and there was no time to address any concerns of the members or clarify any doubts they may have had. As the dissenting judgment implies, the outcome of the Board meeting was pre-determined.

Democracy undermined

Calling a meeting of the Central Board of the RBI at 24 hours' notice at 5:30 p.m. could not have given much time for deliberations of such a crucial decision announced at 8 p.m. that very day. Neither the RBI nor the Board members are experts who have studied the black economy. If eight members of the Board were present, each could not have got more than a few minutes to express themselves. It is also said that the Board had chalked out a plan to be put into place. Where was the time for that?

Clearly, the RBI's plan of action had been already prepared and not worked out in the Board meeting, and the members would not have had the time to even comment on it. No wonder the plans were half baked and had to be repeatedly altered in the next few weeks. Because of lack of consultation across the government, the scheme got fouled up. Neither were the problems anticipated nor solutions for them worked out. Even the RBI could not help since it at best ignores the black economy. Its equations do not incorporate the black economy variables. Its statements on growth of the economy or inflation never refer to the black economy.

So, when it is said that the RBI proposed the step, given the process followed and objections of the RBI top brass, it can be concluded that democracy was undermined and an important institution was discredited.

Democracy was also undermined when demonetisation was carried out without prior discussion in the Parliament. The Parliament was in session from November 16, 2016, but the matter was not discussed there or approval sought.

Interpretation of 'any'

The key argument in the majority judgment is based on the interpretation of the word 'any' in Section 26(2) of the RBI Act. It is taken to mean 'all' the series of notes of any denomination.

The majority judgment states that reading 'any' to mean 'some' leads to absurdity. The judgment goes to great length to discuss various versions of 'any' to argue that it should be interpreted in its broadest sense. For that, it discusses the day to day use of 'anyone', 'anything' and so on. It cites past judgments to argue that it can be used in its widest sense.

This is strange because legal arguments often

hang on the use of commas and colons. The reading of 'any' as 'all' is a stretch. If one goes by the finer interpretations of the English language used in the Gazette Notification of November 8, 2016, it does not say that an entire denomination would be discontinued. That is what demonetisation implies. The Gazette notification says, "...bank notes of denominations of the existing series of the value of five hundred rupees and one thousand rupees (hereinafter referred to as specified bank notes) shall be ceased to be legal tender..."

So, the judgment needed to clarify whether this statement can stand for the discontinuance of an entire denomination using the power conferred in section 26(2). The Rs.1,000 denomination was discontinued, but the Rs.500 denomination notes have continued.

Final thoughts

A well-functioning economy growing at about 8 per cent suddenly came to a halt for months due to demonetisation. Data suggests that the economy is still to recover from the blow it received in 2016. International experts treated demonetisation in India as a case study to understand what happens to an economy when such a step is suddenly taken.

Clearly, a flawed process led to erroneous policy which is counterproductive and which resulted in not only damage to democracy but to huge adverse impact on the public, especially the poor. This is evident from pictures of closed markets, the closure of small and micro units, and long lines at banks, among several things. The process by which a policy is arrived at, also determines the outcomes. Can it then be said that the process was legal, even if formally, so the achievement of the objectives does not matter?

(Courtesy : The Leaflet)

The Barbarians

K. Satchidanandan

We were certain they would come.
We broke the idols of those who might
have stood against them, one by one.
We waited in the capital to welcome them
with goblets brimming with children's
blood.
We removed our clothes to put on barks
set fire to monuments.
Propitiated fire for the sacrifices to come,
changed the names of the royal streets.
Afraid our libraries might provoke them
we razed them to the ground, letting
only the palm leaves inscribed with
the mantras
of black magic to survive.
But we did not even know when they come.
For, they had come up, holding aloft
Our own idols, saluting our flag,
Dressed like we used to be,
carrying our law-books, chanting our
slogans,

Speaking our tongue, piously touching the
stone-steps of the royal assembly.
Only when they began to poison our wells,
rob our kinds of their food and
shoot people down accusing them of
thinking
did we realize they had ever been amidst
us, within us. Now we look askance at one
another and wonder.
'Are you the barbarian? Are you?'
No answer. We only see the fire spreading
filling our future with smoke and our
language turning into that of death.
Now we wait for our savior at the city
square,
as if it were someone else.

*(K. Satchidanandan, poet, art critic,
essayist and public intellectual writes in
both English and Malayalam. Courtesy:
The Beacon.)*

Homage

❖ Gandhian worker **Indrajit Bhai**, associated with Gandhi Hindustani Sahitya Sabha for 50-60 years, died on **January 2, 2023**. He also served as a General Secretary of Vishwa Samanwaya Sangh, founder by Kaka Saheb Kalelkar in 1967.

❖ **Soneswar Konwar**, Chairman of Assam Gandhi Smarak Nidhi passed away on **January 5, 2023** due to old age ailments. This is a great loss for Assam Gandhi Smarak Nidhi and Gandhian fraternity.

❖ **Dr. Suchet Goindi**, 1st women principal of Uttar Pradesh Women College, passed away on **January 16, 2023** in Chandigarh. One out of three daughters of the freedom fighter late Bhagwan Das Goindi, Suchet practiced as Satyagrahi in her whole life with great inspiration of Mahatma Gandhi, who once in September 1947 put his hand on the heads of three sisters at Allahabad Railway Station.

Our heartfelt tribute to departed souls. May God bless rest the souls in peace and give strength to the bereaved families to bear the losses. - Ed

A Citizen's New Year Wish

Rekha Sharma

We are on the cusp of the new year, nursing the hope that it will usher in a new dawn, where, in the words of Rabindranath Tagore, "the mind is without fear and the head is held high". The wish list is long. Briefly put, can we hope that in the new year no Stan Swamy, suffering from Parkinson's disease, will be deprived of a sipper and straw, ultimately meeting a tragic end within the four walls of a prison cell as he awaits the hearing of his bail application. Can we hope that no Siddique Kappan will be arrested, and kept in custody for over two years for offences under UAPA and PMLA, only for trying to report on the Hathras gang rape? Can we hope that like Munawar Faruqui, no stand-up comedian will be jailed for over a month for allegedly hurting religious sentiments during a show? Can we hope that no climate change activist, like 22-year-old Disha Ravi, will be kept in custody for days together just for sharing a toolkit relating to the farmers' protest, and that too on charges of sedition and promoting enmity? Can we hope that no Mohammad Javed will see his house bulldozed because he allegedly organised and participated in a protest against Nupur Sharma's remarks about Prophet Mohammad? Can we hope that no persons like the rapists of Bilkis Bano will roam free and be honoured? Can we hope that no principal or teacher, like those of a government school in Bareilly, will be suspended and booked for merely allowing the recitation of "Bacche ki dua" by Muhammad Iqbal — who also wrote "Saare jahan se achha Hindustan hamara" — on the ground that the prayer was a bid to convert the students to Islam?

All this is happening under the watch of the state. Some believe that it is with the blessings of the state, and this, to some extent, may be true. After all, was

it not a minister in the Union cabinet who raised the slogan, "Desh ke gaddaron ko" and prompted the crowd to respond with, "Goli maaro saalo ko"? Was it not a ruling party MP who compared the protestors at Shaheen Bagh with those who allegedly forced Kashmiri Pandits to leave Kashmir, and warned that such people could enter their homes to rape their mothers and daughters? Was it not the son of a minister in the Union cabinet who allegedly drove his SUV over a group of farmers, killing four of them and a journalist, apparently to teach them a lesson for protesting against the three farm laws? Was it not under the watchful eye of the state that a "Dharam Sansad" was held, where some self-proclaimed holy men gave an open call for violence against Muslims?

In such scenarios, who were the citizens to turn to but the judiciary as they sought protection of their right to life and liberty? Unfortunately, till N V Ramana took over as the Chief Justice of India, at least four of his predecessors were seen as standing with the government, even when the fundamental rights and civil liberties of the people were under attack and dissent was being suppressed by using the UAPA or the draconian law of sedition. It was only after Justice Ramana took charge that some faith in the judiciary was restored. During his tenure, the Supreme Court agreed to revisit the sedition law, and urged the government to refrain from lodging FIRs under the said law. It was his bench which cancelled the bail of Ashish Mishra, the son of a Union Minister of State. And again, it was his bench which halted the demolition drive in Jahangirpuri in Delhi. His successor, Justice

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In such scenarios, who were the citizens to turn to but the judiciary as they sought protection of their right to life and liberty? Unfortunately, till N V Ramana took over as the Chief Justice of India, at least four of his predecessors were seen as standing with the government, even when the fundamental rights and civil liberties of the people were under attack and dissent was being suppressed by using the UAPA or the draconian law of sedition. It was only after Justice Ramana took charge that some faith in the judiciary was restored. During his tenure, the Supreme Court agreed to revisit the sedition law, and urged the government to refrain from lodging FIRs under the said law. It was his bench which cancelled the bail of Ashish Mishra, the son of a Union Minister of State. And again, it was his bench which halted the demolition drive in Jahangirpuri in Delhi. His successor, Justice

U.U Lalit, who had a tenure of less than three months, made sincere efforts to bring about the much-needed reforms in the listing of cases with a view to ensuring that important cases no longer remained on the back burner, and were heard expeditiously.

The present Chief Justice of India is known for his commitment to fundamental rights and civil liberties of the people. The government had no problem with the Supreme Court as long as it was docile and was, by and large, toeing its line. But now, fearing a more assertive Court, the Union Minister of Law and Justice finds the collegium system of appointment of judges to the High Courts and the Supreme Court opaque and not accountable. Shockingly, he also feels that it is no business of the Supreme Court to hear bail applications. He has also questioned the Court's order putting the sedition law in abeyance. The Law Minister would do well to remember that law has to remain perennially in progress, and that what he desires is merely a recipe of disaster. It is the constitutional duty of the Supreme Court to hear bail applications whenever it finds that a person is being wrongly deprived of liberty. The present Chief Justice, in one of his orders, said that "deprivation of liberty even for a single day is one day too many." This is the essence of liberty.

Let us hope that in the new year the government will be less confrontational with the Supreme Court. As for the judiciary, it must author its own script and the new Chief Justice must follow his own sun.

(The writer is a former judge of the Delhi High Court)

Homage

Virendra Vidrohi takes last Breath

Virendra Vidrohi, a social worker from Rajasthan, took last breath on January 21, 2023. He was about 61 years old. Vidrohi joined Total Revolution Movement during his student life and led Alwar District's Chhatra Yuva Sangharsh Vahini. He also served as president of District Sarvodaya Mandal and founded a human rights and social organization 'Insaf'. In the honour of his social life, his friend and social worker Sawai Singh lit the pyre on behalf of all the social workers of Rajasthan with consent of Virendra's family.

**Our heartfelt tribute to Virendra Vidrohi.
God bless his soul rest in peace and also
give strength to the bereaved family to bear
the loss.**

- Ed.

Sansthakul

From IV-(Rule 8)

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