



The Foundation of Satyagraha

Acharya Vinoba

These days there are considerable differences of opinion among us. Here is nothing wrong in having differences of opinion. But we must distinguish between differences of opinion and disunion of hearts. An opinion is what our mind dictates independently. But the mind is like the British monarch. Has he independent views? Parliament makes resolutions and sends them for formal approval of the monarch. He has to put his signature on them. The condition of our mind is similar. Sense organs decide and the mind has to fall in line. The only difference is that mind is instinctively rational and therefore makes rationalizations in favour of the decisions. It advances arguments in their favour. It is not otherwise satisfied. Beyond that, using logical reasoning against the dictates of sense organs is perhaps outside its authority.

It has been laid down that spiritual seekers should reason in tune with the Vedas. Likewise, the mind is as if rule-bound to advance arguments in tune with the dictates of sense organs. An opinion so arrived at is no real opinion; it is a kind of self-deception. Organs are averse to rising early, so the mind argues, 'It is not good to rise early, for there would not then be full alertness during the day. It is against the divine scheme; had it not been so, God would have given light in the early hours.' And we take it as our opinion. We uphold independence of opinions for all individuals. But we have not really

understood what an independent opinion means. An independent opinion is that which the mind arrives at without being influenced by the sense organs. An opinion is not what comes to the mind, but what the mind brings. If one realize this, most of the differences would fall off of their own accord.

It is absolutely right to propagate what we feel to be right, provided we have restrained our sense organs beforehand. But the proper way to propagate it is to shape our conduct in accordance with it. To seek to propagate something through speech alone is illusory. This illusion is quite widespread among us. If our opinion were right, it would be automatically propagated when we put it in practice. We should have faith in truth. Truth has inherent power to propagate itself. It is self-luminous like the sun. Just as the sun cannot be covered, truth too cannot be covered. Attempt to propagate something without practicing it is futile. It rather spreads untruth and violence.

Propagation has its limits. The sun can spread its rays far and wide. But it too does not transgress limits. If someone is sleeping, the sun waits at his door. It does not come in by pushing the door. But once the door is opened, it immediately enters the room. This is how something should be propagated.

Even if our opinions are true, they must be

We dare not enter the kingdom of liberty with mere lip-homage to Truth and Non-violence.

- Mahatma Gandhi
Young India, 16-2-1922, p.103

propagated in a natural manner. To put them in practice silently is the right way of propagation. Violence makes its entry the moment that silence is broken. And the entry of violence inevitably means sacrifice of truth. Truth is extinguished by violence just as water extinguishes fire. And an attempt to propagate an opinion without putting it in practice is nothing but naked violence. Impatience for propagation is also a kind of violence. It also shows ignorance and lack of faith. And why not call it hypocrisy too? Children sow a seed and when it germinates, try to pull out the sapling to make it grow rapidly. Is not the impatience to spread our thoughts similar?

An opinion is what a mind feels after restraining the sense organs, and practice is the best way to propagate it—once these two fundamental principles are accepted, everything becomes clear. One need not altogether rule out utterance of opinions; it may accompany action to a little extent. But the temptation to refute others' views must be avoided. It is usually believed that refutation of what others say is an essential part of propagation of our views. But this is not true. Such refutation does not prove that what we say is right. In fact, lighting a lamp and dispelling darkness are not two different jobs. Similarly, presentation of our opinion is sufficient; there is then no need for refutation of opposite views. In fact, when a particular opinion is vehemently refuted, that betrays subtle attraction for that opinion.

At times, the flaws in the opinions of others may have to be pointed out while presenting our

opinions. But that should not take the form of criticising the holder of those opinions personally. While pointing out that someone's point of view lacks substance, the holder of that view need not be dragged into picture. A man's opinion may be wrong; the man himself is pure. His opinions are often shaped by external circumstances. We should be able to appreciate the essence of a man even when we rebut his opinion that we perceive to be wrong. We often find that our opinions too change with the time. If we do not like any of our opinions that we held in the past, we discard it and may even refute it. But what would the manner of and spirit behind such refutation be? We should refute others' opinions with the same spirit and in the same manner—as if we are refuting our own old opinion. And we must realize that our present opinion too is subject to change.

A man does not really know his true opinions. There are layers of opinions, one over the other, on his mind. On removal of those layers, one would find the mind at the core pure and straightforward.

And let it also be kept in mind that the whole truth cannot be contained in my opinion alone. A part of truth lies with others as well. This conviction is the foundation of satyagraha, and this is what defines the boundaries of satyagraha. No human being, no community, no institution is totally devoid of truth, totally bereft of divinity. That is why satyagraha can win over every human being, every community, every institution. We should, therefore, use nonviolent means while resisting them. This defines the boundary of satyagraha. In short, we should distinguish between the opinion or the act and the doer. That is the first and foremost principle of satyagraha.

An article written in 1925 and translated in English by Parag Cholkar.

(Courtesy: Strands of A Vision, Page 88-91)

An Open Letter To President of India

E A S Sarma • Jagdeep S. Chhokar

To,
Smt. Droupadi Murmu
Hon'ble President of India
Respected Rashtrapati Ji,

As concerned citizens, we wish to place before you our deep concern at a move recently made by the political leadership at the Centre to engage senior functionaries of the Central government in an activity that blurs the line between the party in power and its role as the head of the executive, giving an undue advantage for the ruling party on the eve of the ensuing ... elections.

The Department of Personnel, vide F.no. 1-28047/8/2023 dated 17-10-2023 seemed to have instructed all Ministries to nominate senior officers as "*District Rath Prabharis*" under their purview to "*showcase/celebrate achievements* of the NDA government during the last nine years through "*Viksit Bharat Sankalp Yatra*" from 20th November 2023 to 25th January 2024, a time frame that immediately precedes the ensuing State Assembly elections and overlaps the electioneering period. Several Ministries, including the Ministry of Finance (Department of Revenue) and the Ministry of Defence (<https://government.economictimes.indiatimes.com/news/defence/defence-ministry-asks-army-to-create-selfie-points-to-showcase-govt-schemes/104482005>) have issued instructions based on it.

In the specific case of the Ministry of Defence, such an unprecedented move implies that officers of the Defence Ministry would be engaged in showcasing the NDA government's achievements on the eve of elections, which may not be consistent with the apolitical role that one expects them to play.

This is the first time that political leadership in

power at the Centre has engaged its entire machinery and public resources to promote its image on the eve of elections, placing the political parties in opposition at a disadvantage. In our view, in addition to constituting a brazen infringement of the Model Code of Conduct (MCC), this amounts to a corrupt practice that should attract urgent deterrent action from the Election Commission of India (ECI).

The civil services in India owe their existence to Part XIV of the Constitution. Sardar Patel who laid the foundation for the civil services, while addressing trainee civil servants on April 21, 1947, emphasised that they should "*maintain the utmost impartiality and incorruptibility of administration. A civil servant cannot afford to, and must not, take part in politics*" it was on that basis that the civil services conduct rules were framed.

Under those Rules, civil servants are prohibited from taking part in any activity that is likely to exert an undue influence on the electorate. The Government of India, Ministry of Home Affairs Office Memorandum No.25/44/49/Ests. dated 10th October 1949 states, "*Attention is invited to the scope of Rule 23(I) of the Government Servants' Conduct Rules which lays down that no Government servant shall take part in, subscribe in aid or assist in any way, any political movement in India*". These instructions assume particular relevance in the present context.

Under Section 171C of the IPC, "*whoever voluntarily interferes or attempts to interfere with the free exercise of any electoral right commits the offence of undue influence at an election*". For any public authority to coerce public servants into such an activity is punishable

not only under the relevant election laws but also under the relevant provisions of the Indian Penal Code (IPC).

At least four Union Ministers are reported to be contesting the ensuing State Assembly elections (<https://economictimes.indiatimes.com/news/elections/lok-sabha/india/18-mps-including-4-union-ministers-bjps-star-studded-lineup-for-state-showdowns/articleshow/104290879.cms>). Deploying Central government officers in an activity that literally amounts to canvassing for the ruling political party in elections they are contesting would negate all democratic norms. It would also perhaps attract their disqualification under the relevant provisions of the election laws, which the ECI should examine urgently.

The latest move on the part of the Centre clearly makes a mockery of the vision of Sardar Patel on the role of the civil services.

The Centre's brazen move, referred to above, has wider implications. Firstly, considering that the campaign to showcase the NDA government's achievements, for the time being, will extend up to January 25, 2024, it will amount to deploying civil servants and public resources to influence the voters even during the 2024 Parliament elections. Secondly, the Centre's move has set an unhealthy precedent to encourage the political leadership in each State going for elections to do likewise, deploying their government machinery and resources in electioneering, a situation that would certainly lead to anarchy and wholesale, irreversible erosion of democratic values.

In recent times, the present political establishment at the Centre has displayed its indifference and insensitivity to the need to uphold the integrity of the electoral processes and ensure the independence of the ECI as envisaged in Article 324 of the Constitution.

For example, ignoring the norms stipulated by the apex court of India in a recent judgement on selection of candidates to be appointed as Election Commissioners, the present government introduced the Chief Election Commissioner and Other Election Commissioners (Appointment, Conditions of Service and Term of Office) Bill in the Parliament, which deliberately excluded the Chief Justice of India from the selection committee, rendering the process of selection non-transparent and loaded the selection committee with its own representatives, thus making a mockery of the idea of an independent Election Commission. But for a public outcry against it, the Bill would have been rushed through the Parliament with little discussion, reducing the Election Commission to no more than a rubber stamp. Already, in the absence of an independent transparent selection process, the Commission has tended to act more like an appendage of the government than an independent authority envisaged in the Constitution.

The present government's move to introduce such regressive legislation in a hurry, its reluctance to adopt several electoral reform measures proposed by the earlier incumbents of the office of the Commission and the latest move to engage the entire machinery of the government and its resources in electioneering point to eroding the sanctity of the Constitution and its democratic values. Ignoring such an unprecedented move on the part of those who are in a position to intervene would cause permanent damage to India's democracy.

We feel that by now the ECI ought to have taken cognisance of the latest move of the government to engage its officers in electioneering work and issued directions to the Central government to revoke the relevant instructions. To the best of our knowledge, the Commission is yet to initiate action.

Prisoners of Conscience

Tushar Gandhi

"If our rulers are doing, what, in your opinion, is wrong, and if we feel it our duty to let them hear our voice though it may be considered seditious, I urge upon you to speak sedition—but at your peril. You must be prepared to suffer the consequences." – M.K. Gandhi, Writings and Speeches of Mahatma Gandhi.

In recent times, there have been many occasions when what Bapu said has become very necessary and relevant and has attracted the kind of consequences Bapu warned of for those who courageously told the rulers that they are wrong and their authoritarianism will not be tolerated. The government's attempts to impose the Citizenship (Amendment) Act and implement the National Register of Citizens were blatantly discriminatory and, quite rightly, caused a great deal of anxiety amongst the Muslim minority. Spontaneous protest took place nationwide. The historic Shaheen Bagh sit-in took place in Delhi. The students of Jawaharlal Nehru University and Jamia Millia Islamia also launched protests. To their credit, the protests were non-violent and peaceful. The police and the administration used violent means to break up the protests. Finally, communal riots were

engineered to break up the protests and persecute the protestors. Several arrests were made; students conducting and participating in non-violent protests were charged and arrested with the help of severe laws enacted for use against terrorists and gangsters. The arrests and detention under these laws have a strategic purpose: to circumvent the legal safeguards provided in the statutes. Under these special laws, the police can delay filing charge sheets and yet keep the accused in custody. Their trials can be delayed almost indefinitely so that those charged and incarcerated are denied an opportunity to prove their innocence. Bail, which is their right, is denied to them, ensuring that they suffer the punishment of incarceration for an alleged crime. The police acting not according to established procedures but on the orders of their political bosses often file multiple frivolous charges to delay the process of justice. When they file a charge sheet, they ensure that it runs into thousands of pages, knowing that the court is obligated to read the entire charge sheet and that this takes a huge amount of time, thereby prolonging injustice. They do all this knowing that when the trial eventually begins, they are not going to be able to sustain their

⇒ The Commission's reluctance to recognise the inherent deficiencies in the use of EVMs in elections, its reluctance to order 100% cross-verification of the EVM count with the paper trail and its outright violation of the secrecy requirement of the Representation of the People Act, 1951 by ignoring the fact that the use of EVMs without totaliser facility violates booth-wise secrecy of voting, tend to show its reluctance to discharge its legitimate responsibilities as an independent authority under the Constitution.

In view of the above, we seek your urgent intervention to ensure that the Election Commission acts urgently and unhesitatingly in the above matter and directs the Central Government to revoke the above-cited instructions in order to safeguard the integrity of the electoral process.

Respectfully,
EAS Sarma
Former Secretary to the Government of India
Jagdeep S. Chhokar
Former Dean, Indian Institute of Management,
Ahmedabad (IIM-A)

trumped-up charges and the cases filed by them will be easily dismissed. So their tactic is to play for time and, in doing so, waste young lives. It is time we have a mechanism by which the police are punished and the administration is fined for filing trumped-up or false charges. Compensation must also be given to those who are found not guilty as charged.

There have been instances of people accused by the police of serious charges being acquitted by courts because the prosecutions' case against the accused was found to be unsustainable. Many of those who have eventually been proven innocent languished in prisons for decades. Abdul Wahid Sheikh is one such victim. He was accused of being a terrorist, charged, arrested and imprisoned for the 2006 serial blasts in local trains in Mumbai. Abdul, a schoolteacher, was mercilessly tortured and spent nine long years in prison till the court found that Abdul was innocent. Even though Abdul was freed, his life was ruined and his family reduced to penury. Today, Abdul fights for justice for others similarly languishing in prison.

Unfortunately, our legal system is so overburdened and so inadequate that cases get indefinitely prolonged in courts and those accused and imprisoned end up spending much of their productive life languishing in jail, many a times spending as much or even more time in prison than the quantum of punishment they would have to undergo for the crime they are charged with. Many Muslim as well as social and political activists have suffered due to this lacuna in our justice delivery system. Many remain incarcerated because of such denial of justice, unlamented and unknown.

Father Stan Swamy, an old, frail Christian priest working amongst poor tribals, was charged with waging war against the nation and incarcerated. His trial was delayed and he was denied bail despite his advanced age and frail and failing health. He

was even denied basic amenities. He died languishing in prison.

Many activists who were at the forefront of the anti-CAA/anti-NRC protests have been arrested and falsely charged. Similar tactics have been utilized to delay their trials indefinitely. Most prominent amongst them is Umar Khalid, a research scholar. In the aftermath of the Delhi riots of February 2020, Khalid was arrested and multiple charges and cases were filed against him. The police accused him of being the mastermind of the riots. The draconian Unlawful Activities (Prevention) Act was used to prosecute this civil resistor. Umar Khalid, Sharjeel Imam and several others continue to languish in jail. They have been denied a speedy trial. Both Khalid and Imam as well as the other have been absolved by courts in other cases when trials have been allowed to commence. It is ironic that 'leaders', 'saints', and elected representatives who have incited violence and fomented hate through their venomous speeches delivered in public, and now even in Parliament, are protected.

After having spent over a thousand days in prison, Umar Khalid had become the face of moral and ethical resistance. Every day that he and others like him spend in prison tarnishes the image of India as a just nation. The government, administration, and the police are complicit in denying justice to New India's conscientious resisters and present-day *satyagrahis*. The judiciary needs to be reminded that justice delayed is justice denied.

"When I despair, I remember that all through history the way of truth and love has always won. There have been tyrants and murderers and for a time they seem invincible but in the end they always fall. Think of it –always."

–M.K. Gandhi

(<https://epaper.telegraphindia.com/>,18-10-2023)

These are Testing Times

Johns Moolakkattu

THESE ARE TESTING times for Gandhian organisations and Gandhian studies. While the central government selectively employs Gandhi's name in India and profusely abroad, there is another side to the story. There is a concerted move to exentrate his legacy domestically. It started with two institutions in Gujarat. One would expect Gujaratis to be true to the heritage of their world-famous son. But this is no longer the case. First was the conversion of the Gandhi Ashram in Ahmedabad into an international tourist destination in the name of conservation of the site. Gandhi was made a valuable commodity, which satisfies the sensibilities of the neoliberal development advocates. It was undoubtedly unGandhian. The Mahatma always aspired to live like the poorest of the poor, and converting his ashram into a five-star facility at the expense of more than 120 million Indian rupees disagreed with the Gandhian spirit. The second was the takeover of the University established by Gandhi and run by people with a Gandhian background, with the last Chancellor being Ela Bhat of SEWA. In her place, the Governing Committee has elected the Governor of Gujarat, Acharya Devvrat, ceiling the fate of the fledgling University and its hitherto Gandhian credentials.

Soon, we would witness a total turnaround in how the institution is being run, and the faculty seems to be keen to please the powers and save their skin. The University is expected to move to a new location. The administration has been reported to have "banned" '*sarva dharma prarthana*' or all-religion prayer recited collectively by students every Friday at Upasana Hall on the campus.

The last in this series was the takeover of

"All should make it a point of honour to only use village items, wherever and whenever available. Given the demand, there is no doubt that most of our wants can be supplied from our villages. When we have become village-minded, we will not want imitations of the west or machine-made products, but we will develop a true national taste in keeping with the vision of a New India, in which pauperism, starvation and idleness will be unknown." - MK Gandhi

The Constructive Programme, P 11

the Gandhian Institute of Studies and the Sarva Seva Sangh Buildings in Varanasi, demolishing them and throwing academic books in the open left to rot, ostensibly for development purposes. The Gandhian Institute of Studies, established by Jayaprakash Narayan, was earlier handed over to the Indira Gandhi National Centre for the Arts (IGNCA). The UGC instituted some 60 centers for Gandhian studies under the scheme of epoch-making thinkers. None exists now. Hardly any research promoting Gandhian studies or ideas is encouraged by the ICSSR. The ICSSR's publication grant to Gandhi Marg, which allowed subsidized distribution of the journal possible, was also abruptly stopped. While an objective review of Gandhian organisations and study programmes is always to be welcomed to improve their effectiveness, the increasing trivialization and virulent attacks on Gandhi are worrying. At the ideological level, the greatest challenge to the ruling party's agenda is not Marxism but Gandhi. The essence of Gandhi is his openness to rational debate among people of different ideologies and beliefs. This space for discussion has shrunk in India in the last decade.

(Courtesy: Gndhi Marg,
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Rev.Martin Luther King Jr. said:

“Every man must decide whether he will walk in the light of creative altruism or in the darkness of destructive selfishness.”



“Nothing in all the world is more dangerous than sincere ignorance and conscientious stupidity.”



“An individual has not started living until he can rise above the narrow confines of his individualistic concerns to the broader concerns of all humanity.”



“The ultimate tragedy is not the oppression and cruelty by the bad people but the silence over that by the good people.”



“There comes a time when silence is betrayal.”



“We may have all come on different ships, but we’re in the same boat now.”

Universal Love and Friendship

The search for Gandhi is most intense all over the world. Gandhi’s thoughts and ideals have tied all the people of the world together in one thread. Inspired by Gandhi, there should be a movement for ‘Universal love and friendship’. We should take the ‘Message of Universal Love and Friendship’ to all countries everywhere. We should take this message at the government level and at the citizen level. Away from politics, how to build a bright future for the coming generations is the challenge before us. Therefore, it is our urgent duty to set examples of forgiveness, love, non-violence and moral values before children and youth so that they can become responsible citizens

With the arrival of the heads of various countries of the G-20 summit and their representatives, there was a grand celebration of peace, love and brotherhood, the view of *Vasudhaiva Kutumbakam*. We extend our sincere and hearty congratulations to the Government of India and our sincere thanks to all the Heads of the State of G20 and other dignitaries.

We would like to say that citizens play an important role in all these issues, challenges and their implementation. In the true and real development of the country and society, the citizens have the most important and fundamental role to play. It is a challenge for the citizen as well as the Government.

We need a reawakening of the human spirit in harmony with life. We have to set the right examples before the children and the youth of human society. The children and the youth of today are going to be responsible for the sanity of the future where the human mind is without violence and the environment is without pollution. For an inclusive development and a violence-free future, it is our responsibility to participate in the process at the individual and collective levels.

Friends of National Gandhi Museum
Rajghat, New Delhi - 110 002, INDIA

Punjab, Haryana, and Himachal Pradesh:

Following the division of Punjab, Haryana, and Himachal Pradesh, developmental work continued in Haryana, Chandigarh, and Punjab by Nidhi, while Himachal Pradesh experienced slower progress. Plans have been devised for education, comprehensive development, and community-level programs in Himachal Pradesh. Preparations are underway to launch intensive projects in rural areas of Solan, Mandi and Shimla districts, discussions and consultation were held with village panchayats, local communities, and social workers.

The election month in Madhya Pradesh revealed a despondent and hopeless youth due to unemployment. The condition of farmers is also unsatisfactory, with no improvement in government healthcare. Discussions with the public revealed that despite repeatedly presenting their issues to the representatives and administrators, there is no relief. Violent politics prevails, and the spirit of service is diminishing. While elections in Madhya Pradesh have usually been peaceful, this time there was heightened tension. Educated unemployed

Following the sudden demise of Pradeep Khelulkar, a dedicated secretary of the ashram, Vijay Tambe has been appointed as the new secretary. The popularity of the Aahar grihya (food court) at the ashram is increasing daily. Considering the need, shed construction has been increased, with a decision made in the meeting that construction work should follow Gandhian principles, utilizing local resources. Such technology should be adopted to match the hut built by Gandhiji. To carry out such work with better understanding, a sub-committee was formed which will prepare the plan with the advice of experts. The ashram-produced Khadi has been showcased under the name "Sevagram Ashram Gandhi ki khadi." In this era of adulteration, the Khadi produced by the ashram is a heritage. Therefore, the ashram is actively involved in the constant preservation of history and heritage. Shri Jamanalal Bajaj Memorial Library and Research Center for Gandhian Studies is a new venture of the Sevagram Ashram and the center has begun functioning efficiently. Connecting the younger generation with farming, cowshed management, and training programs have been decided as priorities. Over the past few years, Ashram's activities have been expended under the leadership of Chairperson Aasha Bothra, and better efforts are being made for its continuity and innovation.

Sansthakul December, 2023

Gandhi : I am an Ordinary Man

Indias Struggle for Freedom (1914-1948)

Edited by Gopalkrishna Gandhi

The extraordinary account of Gandhi's life in his own words against the struggle for independence.

About The Book

The book completes Mohandas K. Gandhi's story that began in *Restless as Mercury: My Life as a Young Man*. The work contained the story of Gandhi's life in his words from the time of his childhood until 1914 when, after the satyagraha launched by him in south Africa for redressing wrongs suffered there by the Indian community had ended in a measure of success, he returned to India. In this volume, we follow Gandhi's story from the time he returned to India – his hopes, challenges, jail stints, fasts, relationship with his family, and more—completing his narrative in his own words right up to the last day of his life. The account is divided into four sections: in Book 1 (1914-18), Gandhi launches his first satyagraha in India with the indigo growers of Bihar followed by the industrial satyagraha with mill workers in Ahmedabad. He then launches the movements for the exorcising of untouchability and for Hindu-Muslim unity.

Book 2 (1920-29) sees the launch of the non-cooperation movement and the adoption of ahimsa as an article of faith higher than all other beliefs, practices, and commitments. Meanwhile, Gandhi's attention remains fixed on abolishing untouchability, resolving the Hindu-Muslim standoff, and mobilizing people to spin khadi. He experiences his first prison term in India on the charge of sedition. The protests against the Simon Commission (the committee that was to suggest

constitutional reforms did not have a single Indian on it) lead to lathi charges, following which Lala Lajpat Rai dies, galvanizing the movement for swaraj. Gandhi sponsors the 'complete independence' resolution as the Congress's immediate goal and authorizes it to launch civil disobedience.

In Book 3 (1930-39), with complete independence having been set as the struggle's goal, Gandhi is once again at India's political helm. He leads about eighty satyagrahis from the Sabarmati Ashram to a coastal site in the village of Dandi, 241 miles away, to protest against the salt tax and the Salt Act as emblems of British exploitation. The historical Poona Pact is signed, in which Gandhi's proposal for reserved seats within a common electorate is accepted by Ambedkar. Gandhi starts the English journal *Harijan*, with Gujarati and Hindi versions. It is during these years that he undertakes an extensive all-India *Harijan* tour, both to abolish untouchability and to collect funds for the upliftment of the most disadvantaged. The Indian National Congress, meanwhile, is in turmoil over the presidency of the party as the world lurches towards war.

In Book 4 (1940-48), we see civil disobedience revived. The debate with Jinnah on his demands for Pakistan intensifies. The Direct Action Day called by Jinnah on 16 August 1946 leads to riots and Hindus and Muslims dead in their hundreds. Kasturba, Gandhi's lifelong companion, dies leaving him bereft. Despite all the privations, setbacks, and tragedies he has had to

A Bond of Secrecy

Ashok Lavasa

Almost everything in favour of and against the disclosure (or non-disclosure) of funding received via electoral bonds is in the public domain, save the identity of the giver and the receiver, and their bond.

The introduction of the bond as an instrument of political funding per se cannot be questioned but not making the information public has been questioned as being antithetical to the principle of transparency and against the Right to Information (RTI) Act. That political parties have themselves steadfastly resisted being brought into the ambit of the RTI Act despite feeble attempts by statutory bodies, speaks volumes about their commitment. But why should the State seem to collude with political parties in this obfuscation by granting income tax exemption? The Election Commission of India too had consistently argued against electoral bonds till it decided not to oppose the matter for reasons that remain as mysterious as the instrument.

Even past hearings, the Supreme Court (SC) raised inconvenient questions and appeared to be seeing the point made by the petitioners questioning the merit and intent of this opaque instrument. Instead of sealing the fate of the bond, it ordered the envelopes containing vital information to be sealed. The Court refrained from staying or delegitimizing

electoral bonds leaving everyone wondering I yet another opportunity to pronounce on a matter of 'great pith and moment' was lost in the absence of "the native hue resolution".

What the SC does this time is a subject of much anticipation. Will it look into the record of requests for anonymity from potential donors and validate it? Will it see if tax exemption without full disclosure is fair public policy? Can such tax-exempt money be kept forever by the recipient, without spending?

There is merit in the argument that an electoral bond is an authorized instrument that serves as an alternative to cash, but the logic of secrecy is confounding even if there is evidence that such a demand was made it is baffling that the state should reward secret transactions with tax relief, both for the donor and the beneficiary. Do the tax laws permit tax exemption without disclosing full details of the recipient tax-exempt organization or the donor claiming tax relief? Further, the general principle of granting tax exemption to any organization receiving donations is that funds received are utilized for the stated purpose. For example, an organization set up for assisting the orthopedically challenged

to endure, the last year of his life sees Gandhi at his greatest –courting danger, death, and determined to quell violence and strife as he fights for freedom from British rule.

I am an Ordinary Man (this is how Gandhi described himself at a Congress meeting in Madras on 30 January 1946) is the extraordinary account of Gandhi's life in his own words –his political philosophies, convictions, doubts, and determinations, as well as personal struggles – against

the huge canvas of India's struggle for independence.

About the Editor

Gopalkrishna Gandhi read-English literature at St. Stephen's College, Delhi. A former administrator and diplomat, he has translated the Tiukkural from Tamil, authored a novel, Refuge, and a play in English. Verse, Dara Shukoh. He is Currently Distinguished Professor at Ashoka University.

would have to show that the “use of proceeds” has been made to fulfill the objectives for which it was established. Similarly, if a political party receives tax-exempt electoral bonds, should it be allowed to retain that amount in definitely? It must be obliged to spend that amount substantially for election purposes in a given period or lose the benefit of exemption. This would curb the tendency of political parties to become recipients of tax-exempt funds without utilizing them.

Redressing this would require a specific provision in the relevant laws by which party accounts are subject to periodic proprietary audits and parties are made to incur tax liability for unutilized funds. This would align the provisions pertaining to political donations with those that apply to tax-exempt donations for other purposes.

Such a reform in tax laws would have to be accompanied by another stipulation specifying limits to expenditure incurred by a political party during an election. There have been suggestions in the past relating to this, including the EC proposing a specific limit. For a parliament election is, say, Rs.95 lakh, the political party fielding the candidate may be allowed to spend no more than, say 50 percent, of the expenditure reflected by the candidate in his accounts submitted to EC. This would automatically limit party expenditure during elections. Thus, if a party were to field a hundred candidates during Lok Sabha elections, it would be able to legitimately spend no more than Rs. 425 crore for campaigning from party funds assuming that all the candidates of that party utilize the entire expenditure ceiling.

If the proposed periodic audit by a CAG—appointed firm conducted every five years were to show that the party has been unable to spend the tax-exempt income it received for the declared purpose, it should be liable to pay income tax on

the unutilized portion along with interest. Tax exemption should be treated as a form of state subsidy to political parties and subject to the same principle of utilization of subsidy as is the case in other schemes funded by the exchequer. No tax exemption should be allowed on electoral bonds if the details are not fully disclosed. If the donor and a political party want to have a bond of anonymous munificence, such contributions and incomes must be fully taxed. When income tax laws insist on full and honest disclosure, why should the electoral bond incentivise secrecy?

This secret “bond” also begs a counterintuitive question: Why is it that in India, people prefer to contribute to the cause of democracy in secret? There are countries in which people proudly and openly claim to provide donations to political parties (like the Political Action Committees in the US), which are vital instruments of a democratic system. After all, democracy is as worthy a Cause as climate change, environment protection or looking after the homeless and infirm and an honest citizen would be happy to be associated with such a cause. Isn't that the principle behind making such contributions eligible for tax exemption? Why are we as a society such that those who fund it want to conceal their contribution and why does our political system support this? Let society introspect while the SC ruminates.

The writer is a former Election Commissioner.

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