www.malankaralibrary.com

# Indian Gu

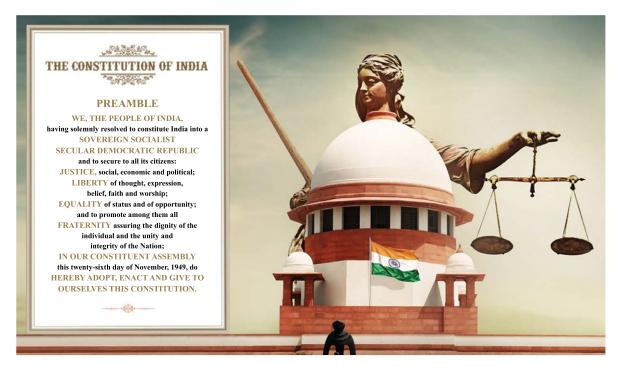
# CUFFENTS JOURNALISM WITH A SOUL GUE TO THE SOUL TO TH

www.indiancurrents.org • Vol. XXXV • Issue 4 • 23 - 29 January 2023 • ₹15

Total Pages - 40 Including Cover

## **AVALANCHE OF ATTACKS**

When the cornerstones are trampled upon by elected bodies, democracy faces elimination



# CRIPPLING THE CONSTITUTION

Those holding constitutional posts are today dismissive of the basic structure of the Constitution which includes fundamental rights, federal structure of the state and judicial review

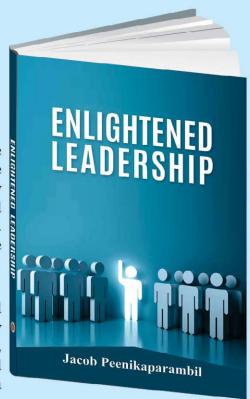
# New Book libert USM

# **Enlightened Leadership**

#### By Jacob Peenikaparambil

The world today looks desperately for enlightened leaders in the midst of mushrooming popular leaders who speak the language of hatred, revenge and exclusion. The urgent need of humanity today is building enlightened leaders with vision, character and competence, and schools play a pivotal role in building leaders. The book, 'Enlighted Leadership' will be a great help to the teachers and principals in the task of training leaders.

Leaders are needed not only in politics, but in all fields, and all individuals are expected to play leadership role in their family and profession. Realizing the urgent need for building leaders, Fr. Jacob Peenikaparambil has written the book, Enlightened Leadership. Besides highlighting the qualities needed for a leader, the book presents many examples of ordinary individuals who have displayed extraordinary leadership qualities. As Dr.



George Arickal has pointed out in the foreword of the book, "The different chapters in the book are not theoretical treatises on leadership, but they are referring to actual happenings in life. The background is real, the message is authentic and clearly articulated. Qualities, attitudes and capabilities needed for an enlightened leader are described in this book".

Since 2014 Fr. Jacob has been part of the USM team that facilitates one-week Enlightened Leadership Training for students. On the basis of his experience of interacting with young people he has written short articles on leadership since 2020.

This book will be an appropriate gift to students and teachers . It also can be a significant part of resource items for value education.

Varghese Alegaden

Pages: 152 | Size: 22 cm. x 14 cm. | Price: Rs. 170/- (Paper back)

Place your order to:



## **UNIVERSAL SOLIDARITY MOVEMENT**

of Value Education for Peace

R-847, Mahalakshmi Nagar, Indore - 452010 (M.P.) Tel: 0731-4072057 E-mail: usmindore93@gmail.com / Web: www.universalsolidarity.in



#### MUSCLING CONSTITUTION

The recent weeks witnessed an avalanche of attacks against the apex court. Significantly, it came not only from the government but from a couple of constitutional bodies too. The appointment of judges to the Supreme Court and the High Courts has always been a matter of tussle between the Central government and the Collegium of the Supreme Court.

There were occasions when the government sent back to the Collegium the names suggested by it for reconsideration. But it usually got solved with the Collegium sending the file again to the government recommending the same names; and the government, without creating a fuss, used to clear it.

It is not so in the Narendra Modi regime. It has become a rule, unlike an exception earlier, for the government to return files, containing the names of probable judges, to the Collegium.

Adding insult to injury, the government sits over even those names which have been reiterated by the Collegium. Reports suggest that there are over 100 recommendations made by the Collegium of high courts pending with the government.

Similarly, there are reportedly the names of 10 judges recommended for elevation which have not got the green signal from the Centre.

Now comes the bolt from the blue. The Union Law Minister Kiren Rijiju has written a letter to the Chief Justice of India stating that the government should have a bigger say in the appointments to the higher judiciary. He has proposed that a government nominee should be included in the search committee which will shortlist names to the High Courts and Supreme Court Collegium.

In other words, the government wants to have its nominees as Judges in the higher courts. The whole effort seems like an overbearing government breathing down the judiciary's neck. The government has almost achieved its target of having its 'yes men' in Raj Bhavans across the country and as heads of many other bodies. It has apparently not achieved its target in the judiciary, and the present efforts are nothing but a bid to tackle it.

As if the efforts from the government are not enough, some constitutional persons too have joined the chorus to take on the judiciary. That is what the Rajya Sabha chairperson Jagdeep Dhankhar and the Lok Sabha Speaker Om Birla did at a conference of all-India presiding officers in Jaipur recently.

Dhankhar even questioned the judicial mandate of 'non-violation of the basic structure of the Constitution', stating that the Parliament must have the right to amend the Constitution in whichever way it wants. The Lok Sabha Speaker too remarked that judiciary should respect the sanctity of the legislative body, indirectly hinting at the supremacy of the Parliament.

It seems those holding constitutional posts are dismissive of the basic structure of the Constitution which includes fundamental rights, federal structure of the state, judicial review, etc. If these corner stones are allowed to be trampled upon by elected bodies, democracy would become meaningless.

It is important to take note of what B. R. Ambedkar said: "All of us are aware of the fact that rights are nothing unless remedies are provided whereby people can seek to obtain redress when rights are invaded." If the supremacy of the Supreme Court is overstepped by any legislative body, who will be there to redress violation of even the fundamental rights of ordinary

As always, we would be happy to hear your reviews, comments, and suggestions. Happy Reading!

**Dr. Suresh Mathew** 

Editor

 $\triangle \rightarrow$  frsureshmathew@gmail.com

# contents

INDIAN NEWSPAPER SOCIETY (INS) ISSUE 04

# **GOVERNMENT VS JUDICIARY SLUGFEST**

BY CEDRIC PRAKASH





**COVER STORY COLLEGIUM** Vs **CENTRE** TRUTH BECOMES A **CASUALTY** BY A.J. PHILIP

COVER STORY
BID TO CRIPPLE BY JACOB PEENIKAPARAMBIL

**REALITY CHECK KAS-VISHWAS-VILAS-**

EDITOR:

Dr. Suresh Mathew

EDITORIAL BOARD:

John Dayal, AJ Philip, Marydasan John

ADVISORY BOARD:

George Plathottam, Skylark George, PJ Joseph, T. Dominic, PA Joseph, Anoop Abraham

**DESIGN & LAYOUT:** 

Dani Jose

CIRCULATION:

Ashish Victor

FINANCE MANAGER:

Jainamma

#### Indian Current Publications

375 - A, Pocket - 2 Mayur Vihar Phase - I New Delhi - 110091

Tel: 011-45873264, Mob: 7042562963

Email: icdelhi@gmail.com frsureshmathew@gmail.com indiancurrentsweekly@gmail.com Website: www.indiancurrents.org

#### DISCLAIMER

The views expressed by the writers in this Magazine do not necessarily reflect the views or policies of Indian Currents weekly or Editor.

Although all efforts have been made to ensure the accuracy of the content, neither the editor nor the publisher can take responsibility for consequences arising from errors or omissions in the information provided.

Reproduction in any manner without prior permission from the publisher is prohibited. All disputes to be settled in Delhi Courts only.

This issue of Indian Currents contains 40 pages including cover.



- 23 REFLECTIONS Confronting the Hate Plague BY MATHEW JOHN
- 26 FACT FILE Poor Turns Poorer, Rich Turns Richer BY JASWANT KAUR
- 28 ANALYSIS Survival of the Richest BY PRAKASH LOUIS
- 32 FROM THE STATE Save Mhadei. Save Goa BY **PACHU MENON**
- **3**/4 CORRUPT PRACTICES Wake Up Call on Corruption BY AARTI
- 37 REFLECTIONS IKIGAI Happiness of Being Busy BY P.A. JOSEPH
- 38 BOB'S BANTER Love Jihad and a Nine Yards Sari..! BY ROBERT CLEMENTS

### **POWER** QUOTES



I alone cannot change the world, but I can cast a stone across the water to create many ripples

- Mother Teresa



The greatest glory in living lies not in never falling, but in rising every time we fall

- Nelson Mandela



Every great dream begins with a dreamer. Always remember, you have within you the strength, the patience, and the passion to reach for the stars to change the world

- Harriet Tubman



Remember that the happiest people are not those getting more, but those giving more

- H. Jackson Brown, Jr.



Yesterday is history, tomorrow is a mystery, today is a gift of God, which is why we call it the present

- Bil Keane



Challenges are what make life interesting and overcoming them is what makes life meaningful

- Joshua J. Marine



Curiosity about life in all of its aspects, I think, is still the secret of great creative people

- Leo Burnett



The best portion of a good man's life is his little nameless, unencumbered acts of kindness and of love

- William Wordsworth



Sometimes you can't see yourself clearly until you see yourself through the eyes of others.

- Ellen DeGeneres

# Government Vs Judiciary **Slugfest**

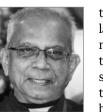
It is common knowledge that the Government wants pliable 'yes' men and women to be judges in the lower courts, high courts and even in the Supreme Court

#### BY CEDRIC PRAKASH

It is out in the open, as never before. It is no longer sparring practice between two friends before a serious fight. This is a slugfest that has brought into the ring virtually all who matter: the stake-holders and other vested interests. On the one hand, the Government is represented by the Vice-President, the Law Minister, law officers who are Government appointees; on the other hand is the Judiciary headed by the Chief Justice of India, the Collegium, several judges and other legal luminaires. On both sides of the debate are Constitutional experts (and interpreters), organisations and platforms, social scientists and activists, academics

The points of debate are seemingly contentious; they include the basic structure of the three Consti-

and other intellectuals.



tutional authorities: the judiciary, the legislature and the executive; the roles and responsibilities of each of these authorities; with whom and where does the 'buck' stop? Does the Government have the right to 'interfere' with the judiciary? Reams are being written, volumes are being spoken; editorials and op-eds, commentaries and

analysis: the whole range of them. Certainly, a power game; but it is also about the Constitution of India, democracy and the future of India.

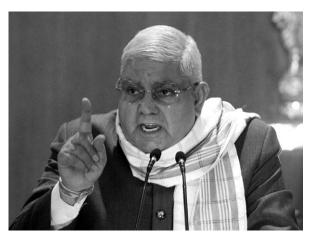
The slugfest is not only contentious but is becoming more and more acrimonious. On 19 January 2023, the Supreme Court did something unprecedented: it uploaded on its website (cfr Collegium Resolutions) its statements on the elevation of certain judges. The resolutions reveal the objections of the Centre and

of certain intelligence agencies to elevation of certain persons and the Supreme Court's reasons as to why the objections of the former were not acceptable. The statements were signed by Chief Justice D.Y. Chandrachud and Justices S.K. Kaul and K.M. Joseph.

The judges who comprise the collegium decided to bring their decisions into the public domain only after a series of meetings and serious deliberations. The most sensitive dimension of this 'going public' is the decision of the Collegium to re-recommend the elevation of lawyers Saurabh Kirpal, Somasekhar Sundaresan and R John Sathyan. The recommendation to elevate the three lawyers to the Delhi, Bombay and Madras High Courts was rejected by the Government in November 2022.

The Government's objection to Somasekhar Sundaresan was that he aired his views on social media about pending cases; to





Vice-President Jagdeep Dhankhar

this, the Collegium bluntly replied that expression of views by a candidate is not a disqualification. There is a similar objection to the candidature of R John Sathyan who shared an article on social media which was critical of the Prime Minister. He was apparently also critical of the Citizenship Amendment Act. The Collegium's rebuttal, is that sharing an article does not impinge on the suitability, character or integrity of a candidate. An unsaid fact is that Sathyan comes from a Christian background and the government has been hostile to and discriminating against the minorities of the country.

What is certainly doing the rounds in the corridors of power is the Government's objection to the elevation of Saurabh Kirpal because of his sexual orientation and the foreign nationality of his partner. The Collegium's response is extra-ordinary: the eight-paragraph, 600-word resolution is significantly longer than the two or three paragraphs such resolutions usually feature, and emphasises that

This latest imbroglio is just an example, perhaps the tip of the iceberg of the current slugfest between the government and the judiciary where the former is pushing for a bigger and more decisive role particularly in judicial appointments

"every individual is entitled to maintain their own dignity and individuality, based on sexual orientation". The strongly worded resolution states: "The letter of the law minister dated 01 April 2021 states that though 'homosexuality stands de-criminalised in India, nonetheless same-sex marriage still remains bereft of recognition either in codified statutory law or uncodified personal law in India'. Moreover, it has been stated that the candidate's 'ardent involvement and passionate attachment to the cause of gay rights would not rule out the possibility of bias and prejudice." (To which the Collegium says) "...Decisions of the constitution bench of this court have established the constitutional position that every individual is entitled to maintain their own dignity and individuality, based on sexual orientation. The fact that Mr Saurabh Kirpal has been open about his orientation is a matter which goes to his credit. As a prospective candidate for judgeship, he has not been surreptitious about his orientation.... In view of the constitutionally recognised rights which the candidate espouses, it would be manifestly contrary to the constitutional principles laid down by the Supreme Court to reject his candidature on that ground. Shri Saurabh Kirpal possesses competence, integrity and intellect. His appointment will add value to the bench of Delhi High Court and provide inclusion and diversity. His conduct and behaviour have been above board."

This latest imbroglio is just an example, perhaps the tip of the iceberg of the current slugfest between the government and the judiciary where the former





D.Y. Chandrachud, Chief Justice of India

is pushing for a bigger and more decisive role particularly in judicial appointments. In the recent past, the government has repeatedly objected to names chosen for elevation by the Supreme Court; last November, it returned the names of nineteen candidates -- a list that included the three lawyers from Delhi, Bombay and Madras High Courts mentioned above. It is common knowledge that the Government wants pliable and spineless 'yes' men and women, mainly from the majority community, to be judges in the lower courts, high courts and even in the Supreme Court. There are several examples to prove this! It has been a sheer disgrace that some of the judgements given in different courts are bereft of justice and even logic, meant solely to benefit the ruling regime or some vested interest. One doesn't need too much intelligence to realise how those who have delivered such judgements are rewarded immensely post-retirement with plum postings and endless perks.

What then is the basic structure of the Constitution? Article 50 of the Constitution clearly stipulates separation of the judiciary from the executive. The President who is the executive head is expected to consult the Chief Justice of India in the matter of appointment of High Court and Supreme Court judges. The concept of the independence of the judiciary is a basic feature of the Constitution, a noble concept which inspires the constitutional scheme and constitutes the foundation on which rests the edifice of our democratic polity. If there is one principle, which runs through the entire fabric of the

Constitution, it is the principle of the rule of law and under the Constitution, it is the judiciary which is entrusted with the task of keeping every organ of the state with the units of law and thereby making the rule of law meaningful and objective (S. P. Gupta v. Union of India 1981 Supp SCC 87). Parliamentary democracy, fundamental rights, judicial review, secularism, etc. are held by courts as basic structure, though the list is not

exhaustive. It is the Judiciary that is responsible to decide what constitutes the basic structure.

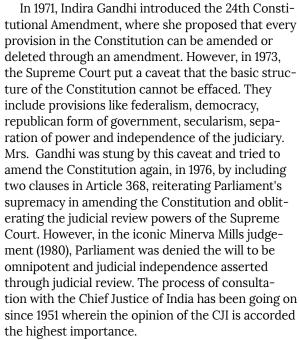
The following aspects are to be kept in mind where the Judiciary in India is concerned:

- The judiciary is autonomous in India. It means that it is not under the jurisdiction of the executive or the legislature. The Supreme Court and the High Courts have the authority to interpret the country's Constitution.
- Any law of the legislature or acts of the executive, whether at the level of the Union or the level of the State, may be found unconstitutional if they conclude that such a law or action is contrary to the Constitution.
- Thus, when it is challenged before them, they can decide the constitutional validity of any legislation or activity of the executive in the country.
- The Supreme Court of India has also ruled that Parliament cannot change the central or fundamental principles of the Constitution.
- The powers and competence of the Indian judi-

It has been a sheer disgrace that some of the judgements given in different courts are bereft of justice and even logic, meant solely to benefit the ruling regime or some vested interest

ciary are such that they can serve as guardians of fundamental rights. In the event of any violation of their rights, people have the right to contact the courts to obtain redress.

- To avoid the abuse of the power of the government to make decisions, the courts interfere. On the part of public officials, they verify malpractices.
- The method of appointing and dismissing the Supreme Court and High Courts judges makes the Indian judiciary very effective.



In India one has to strictly adhere to the doctrine of separation of powers which is an essential part of the basic structure of the Constitution, although not specifically mentioned. The legislature cannot pass a law violating this principle. The functions of the three organs are specifically mentioned in the Constitution. Besides Article 50, there are other Articles in the Constitution which subscribe to this doctrine. The judiciary also has the power of judicial review over the actions of the executive and the legislature.



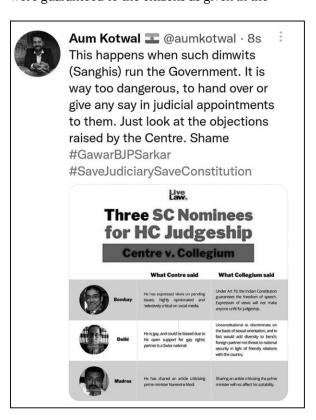
Justices K.M. Joseph

- The judiciary has the power to strike down any law passed by the legislature if it is unconstitutional or arbitrary as per Article 13 (if it violates Fundamental Rights).
- · It can also declare unconstitutional executive actions as void.
- The legislature also reviews the functioning of the executive.
- Although the judiciary is independent, the judges are appointed by the executive.

Checks and balances are meant to ensure that no one organ becomes all-too powerful. The Constitution guarantees that the discretionary power bestowed on any one organ is within the demo-

cratic principle.

In the Kesavananda Bharati landmark judgement (24 April 1973) by a thin majority of 7:6 wherein the majority held that any provision of the Indian Constitution can be amended by the Parliament in order to fulfil its socio-economic obligations that were guaranteed to the citizens as given in the



Preamble, provided that such amendment did not change the Constitution's basic structure. The Vice-President of India and Rajya Sabha chairperson Jagdeep Dhankhar recently openly questioned the historic 1973 judgment on the Kesavananda Bharati case and the resulting basic structure doctrine on the Constitution stating, "today this one-upmanship and public posturing from judicial platforms are not good. These institutions must know how to conduct themselves."

The collegium system for the appointment of judges is not ideal. It does have several flaws and is often opaque. What is

needed is a greater transparency, impartiality and objectivity. In 2015, the Government brought in an amendment to Article 124 in which they suggested that a National Judicial Appointments Commission (NJAC) should be the basis for the judicial appointments by the President. This Commission included the CJI as chairperson, two senior judges, the Law Minister and two eminent persons. The Apex Court struck it down as it would interfere with the independence of the judiciary. It also invoked the basic structure principle as per which judicial appointments should be independent of the executive.

In a dissenting opinion, Justice Chelameswar observed that transparency is a vital factor in constitutional governance. Drawing reference to the SP Gupta case he observed that the assumption of the primacy of the judiciary in the appointment of judges is empirically flawed. To hold that the government should be excluded from the process of appointing judges is a doctrinal heresy. For him, the majority viewpoint offends the principle of separation of power, which is a basic feature of the constitution

The judiciary is autonomous in India. It means that it is not under the jurisdiction of the executive or the legislature. The Supreme Court and the High Courts have the authority to interpret the country's Constitution

#### **Judges Appointments**

Central government's objections and Collegium's response

1. Saurabh Kirpal - Delhi High Court Government: He is openly gay, could be biased Collegium: Constitution recognises right to sexual orientation; Kirpal will add diversity



2. Somasekhar Sundaresan - Bombay High Court Government: Aired his views on social media about pending cases Collegium: Expression of views by candidate not disqualification



3. R John Sathyan - Madras High Court Government: Shared an article critical of PM Modi Collegium: Sharing an article does not impinge on suitability, character or integrity of candidate



The People's Union for Civil Liberties (PUCL), on 17 January, issued an excellent statement on the current slugfest. It said: "If the Executive succeeds in its aims, then even the sporadic reassertion of constitutional values by the judiciary will become a thing of the past. We will have before us an authoritarian regime which will be totally unchecked by any constitutional restraints. Such a situation cannot but be viewed with deep foreboding by anyone who cares about the future of India's constitutional democracy. It is important for citizens to understand that, at its very heart, the issue of appointment of judges is not a private affair between judges and the Executive but an issue with grave consequences to the common citizen in terms of preserving and protecting the Indian Constitution, promoting its ethos and values and ensuring the survival of constitutional democracy. It is under these circumstances that the PUCL is issuing this public call to "We, the People of India" with the reminder that what is at stake is the autonomy and independence of the judiciary. "We the People", especially constitutionally minded citizens and civil society groups, need to stand up to collectively raise their voices and demand that the Central Government and its functionaries stop the public attacks on the Collegium and the judiciary, abide by the spirit of the Constitution and respect its values, ethos and proprieties."

The slugfest between the government and the judiciary is about the elevation of Kirpal, Sundaresan, Satyan and much, much more: it is about the future of India! @

FR CEDRIC PRAKASH SJ is a human rights & peace activist/writer. Contact cedricprakash@gmail.com

# **Supreme Court asks to remove remarks** deriding minorities

Cupreme Court has asked a petitioner to delete scurrilous allegations he made against Christians and Muslims in his petition that sought a national law to end religious conversions.

The public interest litigation (PIL), filed by Delhi-based lawyer Ashwini Upadhyay, an activist of the Bharatiya Janata Party termed Christians and Muslims rapists and accused them of indulging in illegal religious conversions.

"Please make a formal application and delete those paragraphs," Chief Justice of India's Supreme Court D Y Chandrachud told the counsel of the petitioner on Dec. 16.

Upadhyay's petition complained that religious conversions are rampant in the country and that the Union government, headed by his pro-Hindu party, should frame laws to end them.

Eleven of India's 28 states already have enacted laws that criminalize religious conversion without informing that state, which also includes marrying for the sake of religious conversion.

The three-judge bench of the Supreme Court has also agreed to consider the maintainability of Upadhyay's petition, saying, "It will be considered at an appropriate stage."

Earlier, Upadhyay's petition was being heard by a Supreme Court bench headed by Justice M. R. Shah, which prima facie admitted that forceful conversions were a serious issue in the country.

Christian leaders, however, had criticized Justice Shah for openly supporting the BJP leader's claims.

The Union government also supported Upadhyay's demand for a law to end forceful religious conversions.

In its affidavit, the Union government noted that Article 25 of the Constitution guaranteed the right to profess, practice, and propagate religion to all citizens, but does not guarantee the "right to convert" others.

The bench, headed by Chief Justice Chandrachud, also questioned the conduct of the petitioner after it was brought to its attention that Upadhyay had ear-



lier filed similar petitions with another bench in the Supreme Court and in the high court of Delhi, only to withdraw them later.

Upadhyay withdrew his other petition in the Supreme Court after a bench, led by Justice Rohinton F Nariman, refused to entertain it.

You cannot keep on withdrawing and filing new petitions, Chief Justice Chandrachud observed.

Justice Chandrachud's bench is also hearing another petition challenging the constitutional validity of anti-conversion laws in six states.

Several cases also are pending in state courts challenging the constitutional validity of such laws.

The top court, however, has not yet decided on transferring all these related suits pending in high courts in various states.

Many intervention pleas have been filed in the Supreme Court, alleging that Upadhyay has filed the petition based on social media messages and unattributed sources, and not based on facts.

Recently, during an interview with a private television channel, Upadhyay walked out of the show when asked about the sources of his allegations. @ (Courtesy: UCANEWS)

# **Collegium** vs **Centre**

# Truth Becomes a Casualty

BY A.J. PHILIP

witness has to take an oath before deposition in a court of law in the country. The oath is as follows, although the language varies from court to court: "I do swear in the name of God/solemnly affirm that I shall state the truth, the whole truth and nothing but the truth". The truth is qualified as the "whole truth" and "nothing but the truth".

What the oath indicates is that the court does not want to hear any coloured truth or half truth. For instance, it was announced during the Mahabharata war that Aswathama, the elephant, was killed.

When this was announced, the announcer said the words "the elephant" in a lower pitch. The purpose was to mislead Dronacharya into believing that his son Aswathama was killed in the war.

Dronacharya was so shocked by the news that he lost all interest in the war. He became an easy prey for the Pandavas.

The complete truth was that an elephant named Aswathama was killed and Dronacharya was not bereaved. This shows how crucial the "whole truth" is to reach a conclusion. The government and the Supreme Court have been indulging in half truths on the issue of collegium.



Let us, first of all, know what the system of collegium is. If you check the Constitution of India, which is the most voluminous constitution in the world, you will not find the word collegium there. If one goes by the dictionary, collegium means "a group in which each member has approximately

It came into vogue in the early nineties when the Centre was led by a string of leaders, who could be described only as weak as they did not enjoy any groundswell of support.

equal power and authority".

The Supreme Court made use of the situation to introduce what came to be known as the system of collegium to select, appoint and promote judges of the high courts and the Supreme Court through its own verdicts. As I mentioned, the government was too weak to resist it.

Until the early nineties, it was the government of the day which decided who should be the high court and supreme court judges. It is nobody's contention that the government selected only yes men and yes women as judges. Justices of the calibre of VR Krishna Iyer also came up through this system, however flawed it was.

The collegium system that replaced the earlier system cannot be described as flawless by any standard. Anyway, under the collegium system, the chief justice of a high court and two senior most

The government wanted to enjoy a greater involvement in the selection process. In 2014, the government managed to enact a law to set up the National Judicial Appointment Commission (NJAC) to appoint judges

There is little transparency in the functioning of the collegium. Nobody knows for sure what criteria are followed by the collegium in the selection of judges. It does not have a structure like the Union **Public Service Commission** to select judges. What is in vogue is an informal system

judges of the same court form the collegium that chooses judges in an almost informal manner.

There is an apex collegium headed by the Chief Justice of India and four senior-most judges of the Supreme Court. This collegium vets the names suggested by the various high courts. It not only chooses judges for the Supreme Court but also promotes high court judges to the post of chief justices of high courts. It also decides all transfer cases.

The government does not have much of a role in this process. It has to do a background check on the candidates. The government can reject any candidate but once the collegium re-recommends the same person for appointment, it has to comply with the collegium's recommendation.

The chief justices of the high courts and the Supreme Court are by and large based on seniority so much so that it can be predicted whether a judge would become a chief justice and, if so, on which date. Somehow this system has been running smoothly until Narendra Modi came to power at the Centre.

For once the government realised that it could not fill the posts of judges with their nominees. The government wanted to enjoy a greater involvement in the selection process. In 2014, the government managed to enact a law to set up the National Judicial Appointment Commission (NJAC) to appoint judges. Incidentally, the Bill was passed almost unanimously.

The NJAC envisaged a new system of appointment in which the Chief Justice of India did not enjoy a pivotal role. All he or she could do was to remain a mute witness as the government would be both the judge and the executioner.



Small wonder that the Supreme Court struck down the Act in exercise of its power to review any law passed by the government. The government could have filed a review petition if it felt that what the court did was unacceptable. However, it preferred not to do anything, perhaps, to prove the point that it was not interested in bridling the judi-

If someone thought that the government acquiesced in the court's decision, she could not be faulted for it. However, few realised that the government was waiting for an opportune moment to hit back at the collegium. It is not possible to trace the showdown to any particular incident.

The government has been using whatever power it still enjoys in the selection and appointment of judges. Kuttiyil Mathew Joseph was the longest-serving chief justice of Uttarakhand. He is believed to have got into the bad books of the government for a verdict that questioned the Centre's decision to impose President's rule on the state.

The Collegium chose him for elevation to the Supreme Court. The government sat on the file for so long that it ensured that he would retire before becoming chief justice of India. At the Supreme Court, judges get their seniority not on the basis of their age but on the basis of the date on which they join the Supreme Court as a judge. The tenure the judge had at the high court is not counted.

#### COVER STORY

Justice Joseph who was the son of Justice KK Mathew was appointed only after the collegium insisted on having him on the bench of the apex court. There have been innumerable cases of the government sitting tight on the proposals mooted by the collegium.

There is little transparency in the functioning of the collegium. Nobody knows for sure what criteria are followed by the collegium in the selection of judges. It does not have a structure like the Union Public Service Commission to select judges. What is in vogue is an informal system.

Nobody can say with confidence that an informal system is the right one to locate persons of integrity and competence from among the 140 crore population of the country. There is no reservation for the post of judges. When KR Narayanan was the President of the country, he wrote a letter to the Chief Justice of India hinting at the desirability of having some sort of reservation while selecting judges.

Transparency is far from the mind of Rijiju and others. Had that been the case, there would have been greater transparency on the part of the government on why it has been sitting tight on some of the proposals made by the collegium

The President was lampooned for making the suggestion. In fact, one fortnightly journal which tried to imitate the Time magazine by using a plethora of adjectives and adverbs for every noun and verb it used published an ugly picture of the President on its cover page.

However, the fact remains that the apex court judges are chosen from a small basket of judges. Is it any surprise that sons and daughters of former judges become judges? Of course, there will be some representation for the minorities and Dalits. I do not have to elaborate from which section a vast majority of the judges come from.

There have been some specific cases where judg-

es chosen under the system of collegium had to be transferred. In fact, one had to be jailed. This showed that due diligence was not observed in the selection process. As I mentioned, the collegium does not have the infrastructure that a public service commission

While the apex court struck down the NJAC Act, it preferred not to take a bold stand on many issues. For instance, the citizenship law which questions one of the basic structures of the Constitution was not subjected to judicial scrutiny. Similarly, the abrogation of Article 370 of the Constitution escaped such scrutiny.

One of the chief justices who came up through the system of collegium accepted the nomination to the Rajya Sabha soon after he retired from the apex court. Even if it was not an act of quid pro quo, the appointment was certainly questionable. Looked at from any angle, the collegium system cannot be said to be perfect.

The other day, Union Minister for Law and Justice Kiren Rijiju fired a salvo at the collegium system. He wants a representative of the government to be a part of the collegium when it deliberates on these issues.

He made the demand in a letter to Chief Justice DY Chandrachud. It is difficult to see the letter in isolation, as the Centre has been consistently putting the collegium under pressure so that it wilts. In fact, Rijiju has been working in tandem with the vice-chairman of the Rajya Sabha and the Speaker of the Lok Sabha, who also have a bone to pick with the collegium.

If the collective bid is seen as an attempt to bring about transparency in the functioning of the collegium, it is totally erroneous. Transparency is far from the mind of Rijiju and others. Had that been the case, there would have been greater transparency on the part of the government on why it has been sitting tight on some of the proposals made by the collegi-

There is no clarity on the pick and choose policy the government exercises when it comes to acting on the advice of the collegium. When it accuses the collegium of lacking in transparency, it forgets that it promotes opaqueness, not transparency.

Innumerable are the constitutional and other senior posts which are filled routinely by the government. Does anyone other than a few in the top echelons know the rationale for the selection, which is



nothing but arbitrary? The gubernatorial posts are routinely filled with party men or yes men who do not have any knowledge of how to uphold the Constitution at all times in all their dealings.

They seem to believe that their job is to keep the chief ministers, if they happen to be posted in states ruled by non-BJP chief ministers, on tenterhooks. The only criterion that is followed in the selection of persons is their loyalty to either the party or its lead-

A report that cast aspersions on the selection process followed by the collegium would have made greater sense if the government had, for instance,

There is no clarity on the pick and choose policy the government exercises when it comes to acting on the advice of the collegium. When it accuses the collegium of lacking in transparency, it forgets that it promotes opaqueness, not transparency

justified the grounds on which Muslims are not given representation in the council of ministers, though they constitute at least 15 percent of the population. The condition of the Christians is not any better. True, there is a need for the collegium to pick up from a larger basket of lawyers and judges. The same can be said about the government which is also very discriminatory in its selection process. The argument advanced by the

chairman of the Rajya Sabha, Jagdeep Dhankhar, that the striking down of the law enacted by Parliament would have made some sense if Parliament had been more accommodative. The whole country knows how much public life was disrupted in the country by the government's determination to force the agricultural laws down the throats of the farmers.

Similarly, the unrest it created by enacting the citizenship law which is totally discriminatory to one community did not show the two Houses in a good light. The presiding officers often conduct themselves as henchmen of the ruling party, rather than as the symbol of the autonomy the Houses enjoy. In other words, the government has no moral right to question the collegium.

By now the people know the intentions of the government. It has captured all the institutions of power. From the President to the Vice-Chancellors, all the nominees are of the party or the Prime Minister. In 2014 when the NJAC Bill was discussed, most parties supported the government. Today, there are few takers for Kiren Rijiju's argument because they know that he does not say the "whole truth" and "nothing but the truth"! @

AJ PHILIP is a citizen journalist and social worker. He can be reached at: ajphilip@gmail.com

# **Bid to Cripple Constitution**

The reason for the relentless attack from different corners on the Basic Structure Doctrine and the judiciary seems to be to change the Constitution

BY JACOB PEENIKAPARAMBIL

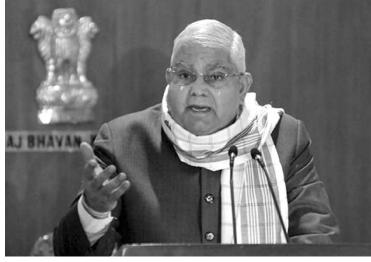
ecent statements emanating from Union Law Minister Kiren Rijiju, Vice-President Jagdeep Dhankhar and Lok Sabha Speaker Om Birla give the impression that there is a concerted effort on the part of the BJP government at the Centre to control the judiciary and thereby debilitate the Constitution. Besides, the recent statement of Rashtriya Swayamsevak Sangh chief Mohan Bhagwat regarding Muslims is to be understood in the wider context of the RSS going to celebrate its birth centenary in 2025. The overarching of the Governors in the opposition-ruled states along with their confrontations with the state governments is another aspect of a multipronged strategy. The three-pronged strategy could be read as the push towards the full realization of the dream of the RSS-BJP combine of converting India into a Hindutva Rashtra.

As long as the higher courts, especially the SC, were delivering verdicts in favour of the government, it had no quarrel with the judiciary. The BJP government wholeheartedly welcomed the Ayodhya verdict. When the higher judiciary pronounced certain judgments not in favour of the government, the latter began to express its opposition to the **Supreme Court** 

According to Mohan Bhagwat, the "new-found aggression in Hindu society" is because "Hindu society has been at war for over 1,000 years" and it is "but natural for those at war to be aggressive". "Sangh has offered its support to this cause, as have others. There are many who have spoken

about it. And it is because of all these that the Hindu society has awakened," he said. Clarifying that the "war is not against an enemy outside, but against an enemy within", the sarsanghchalak said Muslims in India have "nothing to fear" but they must "abandon their boisterous rhetoric of supremacy". Bhagwat made the above remarks in an interview with the editors of the RSS-affiliated Hindi journal Panchjanya and the RSS-affiliated English weekly Organ-

Political analysts have interpreted the statement of Bhagwat as a justification of the violent behaviour of the Sangh Parivar members and the discriminatory behaviour of the government. As journalist Ashutosh has written in an article in Free Press,



Vice President Jagdeep Dhankhar

#### COVER STORY

"RSS has realized that as its centenary year is approaching, it is better to expose the full might of its ideology. And in this pursuit every arm of the government has to play a decisive role". That could be the reason for the Union Law Minister on behalf of the Executive and the Vice-President and the Lok Saba Speaker on behalf of the Legislature harping on the issue of appointment of judges and engaging in an attack on the judiciary. The overarching of the Governors could be seen as a strategy to weaken



the federal system of governance and thereby slowly paving the way for a unitary system.

The tussle between the Supreme Court (SC) and the government on the appointment of judges to the SC and HCs that started in the last quarter of 2022 reached its climax on January 16, 2023, when the Union Law Minister wrote to the Chief Justice of India, D. Y. Chandrachud, that the Supreme Court Collegium that decides on judges' appointments should include government representatives. According to the law minister, "this would infuse transparency and public accountability."

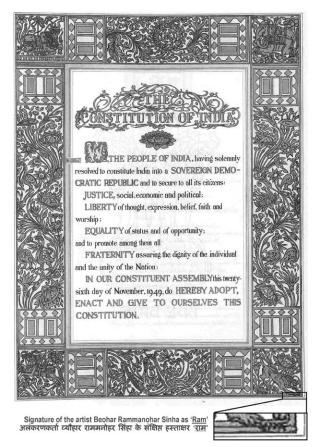
As long as the higher courts, especially the SC, were delivering verdicts in favour of the government, it had no quarrel with the judiciary. The BJP government wholeheartedly welcomed the Ayodhya verdict. When the higher judiciary pronounced certain judgments not in favour of the government, the latter began to express its opposition to the Supreme Court on the issue of the process of appointing judges to SC and HCs. The government started sitting over the names proposed for appointment as judges of the Supreme Court and High Courts by the Collegium. This resulted in conflicts between the judiciary and the government.

The Collegium system comprises the Chief Justice of India (CJI) as the head, and four other senior most judges of the court. A High Court collegium is led by the incumbent Chief Justice and two other senior most judges of that court. The system was evolved by the Supreme Court. National Judicial Appoint-

ment Commission (NJAC) Act, 2014, which was passed by the Parliament, was declared unconstitutional by the Supreme Court in 2015 and the Collegium system is being continued. The NJAC was to comprise the Chief Justice of India as the ex-officio Chairperson, two senior-most Supreme Court Judges as ex-officio members, the Union Minister of Law and Justice as ex-officio member, and two eminent persons from civil society. The government could not reconcile with the scrapping of the NJAC by the SC.

In October 2022, while addressing a gathering in Ahmedabad, the Union Law Minister Mr. Rijiju said that "judges spent half of their time in deciding who to appoint as judges instead of delivering justice". He also criticized the Collegium system as "opaque" and described the Indian selection system as the only one where judges appoint judges. "The primary task of a judge is to deliver justice to the people. What I see as a law minister (is that) half the time of the judges is spent on deciding who would become the next judge rather than giving justice," Rijiju said.

The law minister continued his swipe against the Collegium system on several occasions. Speaking at the Times Now summit on November 25, he said the Collegium system is "alien" to the Indian Constitution. "You tell me under which provision the Collegium system has been prescribed," he asked. "Anything which is alien to the Constitution merely because of the decision taken by the courts or some judges, how do you expect that the decision will be



backed by the country," he questioned.

The attack on the Collegium system was supported by Mr Dhankhar who is also the Chairman of Rajya Sabha. While addressing the all-India presiding officers conference on the role of judiciary, he characterised the Supreme Court Judgement on the NJAC Act as "a glaring instance of severe compromise of parliamentary sovereignty and disregard of the mandate of the people". He also said, "we cannot have an ostrich-like stance". Speaker Om Birla added to this by demanding that, "the judiciary was expected to follow the separation of power mandated by the Constitution". Both the leaders wanted the judiciary to work in harmony with the executive and legislature. Presiding over the Rajya Sabha for the first time as chairperson, Mr. Dhankhar had slammed the Supreme Court for scrapping the NJAC Act.

The Vice-President also questioned the Basic Structure Doctrine evolved by the Supreme Court through its pronouncement in the landmark Kesavananda Bharati case (1973), saying that it does not reflect the correct position of law. According to

Dhankhar, the basic structure doctrine has usurped parliamentary sovereignty and goes against the democratic imperative that the elected legislature should reign supreme.

Constitutional experts and opposition leaders have vehemently criticized the stand of the Vice-President and of the Union Law Minister. They have defended the Basic Structure Doctrine, saying that without it, the Constitution and democracy may not survive. According to them, the Constitution is a fundamental document, and it is supreme. It not only creates the three organs of the state – executive, legislature, and judiciary – but also defines their powers and limitations. The basic structure doctrine has helped save the Constitution from being undermined through the misuse of parliamentary majority. The main purpose of the doctrine is to ensure that some fundamental features of the Constitution are not legislated out of existence.

Responding to the stand of Mr. Dhankhar, renowned lawyer Kapil Sibal said that the basic structure includes many elements like the rule of law, the separation of powers, judicial independence, the power of judicial review, federalism, secularism which in this context means religious harmony and respect for disparate religious beliefs etc. "At the heart of the basic structure theory is the concept of judicial review and the supremacy of the Constitution. The supremacy of the Constitution is articulated through rulings of the court. In Kesavananda Bharati case, 13 judges of the court held that there are certain basic features of the Constitution that cannot be amended," he said.

No one claims that the Collegium system is fool proof or the best. The government can bring in a new law instead of the NJAC (National Judicial **Appointments Commission**) after wider consultation with the judiciary and other stakeholders in order to ensure transparency, objectivity and impartiality

The basic structure

doctrine has helped save

undermined through the

misuse of parliamentary

the Constitution from being

majority. The main purpose of

the doctrine is to ensure that

some fundamental features

of the Constitution are not

legislated out of existence

Senior Congress leader P Chidambaram said that Dhankhar is wrong when he said that Parliament is supreme because the basic structure doctrine was evolved in order to prevent "majoritarian driven assault on the foundational principles of the constitution".

The confrontation of the Governors with the state governments in the opposition-ruled states is to be viewed from the perspective of weakening the federal system that is opposed to the RSS view of unitary form of government of one country, one nation, and one state with one legislature and one Cabinet for the whole country. It appears that the Centre is trying to usurp the powers of the states through the belligerent assertion by the Governors. The decision of the Tamil Nadu Governor R N Ravi to omit three

crucial paragraphs from the speech prepared by the state government for his address to the Assembly amounted to overstepping the role of the constitutional and titular head of the state. The state was called Tamizhagam instead of Tamil Nadu in the invitations sent by the Governor for Pongal get-together at the Raj Bhavan. The letterhead of the invitations bore the Central Government's seal and not the State

Government's emblem. The T N Governor is sitting upon a dozen Bills cleared by the Assembly. On the one hand the BJP government at the Centre argues for parliamentary sovereignty in its conflict with the Supreme Court. On the other hand, its Governor is sitting upon the Bills passed by the state Assembly. It appears to be highly hypocritical on the part of the Central government.

It is to be remembered that the RSS did not accept the Indian Constitution when it was adopted by the Constituent Assembly. Three days after the Constituent Assembly passed the Constitution, the RSS mouthpiece, Organizer on November 30, 1949, in an editorial, rejected it and demanded the archaic Manu Smriti, as the Constitution. It read: "But in our Constitution, there is no mention of the unique

constitutional development in ancient Bharat. Manu's Laws were written long before Lycurgus of Sparta or Solon of Persia. To this day, his laws as enunciated in the Manu Smriti excite the admiration of the world and elicit spontaneous obedience and conformity. But to our constitutional pundits that means nothing".

It appears that, for the time being, the BJP doesn't want to overthrow the present Constitution. It wants to maintain the form of a democracy with the external forms like legislature, judiciary and other democratic paraphernalia in order to show to the outside world that it is a democracy. At the same time, it is determined to convert India into a Hindutva Rashtra as envisaged by the founders of the RSS. The system of appointment of judges to the Supreme Court and

> the High Courts along the relentless attack from and the Collegium system Constitution.

with the supremacy of the Indian Constitution is a stumbling block in the path of the RSS-BJP combine. It has already captured all other institutions and saffronized them to a great extent. What is left out partially is the judiciary. That could be the reason for different corners on the Basic Structure Doctrine in view of crippling the

No one claims that the Collegium system is fool proof or the best. The government can bring in a new law instead of the NJAC (National Judicial Appointments Commission) after wider consultation with the judiciary and other stakeholders in order to ensure transparency, objectivity and impartiality. But the objective of the current concerted attack on the judiciary on account of the Collegium system by the government appears to be bringing the judiciary under its control in order to transform India into a Hindutya Rashtra.

JACOB PEENIKAPARAMBIL is a trainer and consultant to Non-Profit Organizations and presently a team member of Universal Solidarity Movement (USM) Indore. He can be reached at: jacobpt48@gmail.com

# Vikas-Vishwas-Vilas-Vinash

Of the 4 Vs, Vikas is ill-conceived, Vishwas is lost, Vilas is a mirage and Vinash is imminent

#### BY **CHHOTEBHAI**

There has been a progression, or rather regression, of Vs over the last week. For those unfamiliar with Hindi, let me first do a literal translation of the 4 Vs in this title - Vikas (Development), Vishwas (Faith), Vilas (Luxury) and Vinash (Destruc-

Vikas has been the buzz word of the BJP Government. There is no doubt that various development works have been carried out, especially in infrastructure like road building and air connectivity. There have also been various welfare measures that contribute to Vikas, like free rations, gas and water connections, housing for the poor etc.

This is where the dichotomy surfaces. The top echelons of the government, like the Prime Minister, highlight their development works. Unfortunately, in the process, they negate all and everything that went before them, with statements like: "Nothing happened in the previous 70 years"; thereby seeking to create a narrative that it is only after their advent that things began to move. It is not my intention to enter into a debate over what previous governments

did or didn't do. In fairness, let us give credit where it is due, be they present or previous governments.

In the 2019 Lok Sabha election campaign, another word was

Far from gaining the confidence of all, there is an increasing trust deficit, especially among the Minorities, and all others who do not subscribe to the Hindutva agenda

added, "Vishwas". Politically speaking it would be more correct to translate it as "trust or confidence". It should be read in the light of the statement "Sabka Vikas, Sabka Saath, Sabka Vishwas" (through development to earn the trust and confidence of all).

Here is where the cookie crumbles. Far from gaining the confidence of all, there is an increasing trust deficit, especially among the Minorities, and all others who do not subscribe to the Hindutya agenda. The sustained attacks and curbs on the meat and leather industries have hit the Muslims the hardest. Then there are pogroms against so-called love jihad and the hijab.

For Christians the one whipping boy is the allegation of forced and fraudulent conversions; with a plethora of anti-conversion laws in the BJP ruled States, euphemistically termed "Freedom of Religion Acts". This, despite the data from the 2011 Census of India pointing in the opposite direction. The government got a good excuse of Covid to not conduct the census in 2021, as it would have belied the false propaganda.





Another grave concern for the trust deficit is how the Executive has become pliant and the media compliant. The last standing pillar of democracy, the Judiciary, is now under attack from no less than constitutional functionaries like the Chairperson of the Rajya Sabha and the Speaker of the Lok Sabha. "Judicial over reach" is the new mantra to tame it. The elevation of D.Y. Chandrachud as the Chief Justice of India, with a two-year tenure, is probably causing jitters in the ruling party, that wants to clip his wings.

Other than the questionable use of enforcement and spy agencies, another area of concern is the shrewd manipulation of election results. Using both the carrot and the stick, the BJP has, in recent times, formed or is part of the government in several States where it did not win a majority. So much for the will of the people. The table below speaks for itself.

The last standing pillar of democracy, the Judiciary, is now under attack from no less than constitutional functionaries like the Chairperson of the Rajya Sabha and the Speaker of the Lok Sabha. "Judicial over reach" is the new mantra to tame it

Other than the above, there are some other States in the North East where the BJP has managed to align with regional parties, to hold the reins of government and reign by remote control. How then can one have Vishwas in such a scheming party?

The last straw on the camel's back, or nail in the coffin, is the last two words - Vilas and Vinash. Readers and viewers would have seen the launch of the MV Ganga Vilas by the Prime Minister on 13th January at Varanasi, his parliamentary constituency. It was hyped as a symbol of a resurgent country to which foreign tourists and foreign exchange would pour in. Now to the fine print.

This cruise ship is not owned by the government. It is owned by Kolkata based Antara Luxury River Cruises, founded by one Raj Singh. It has 18 cabins accommodating 36 passengers. It will take 51 days to traverse the 3200 kms cruise to Dibrugarh, Assam. One round trip would take over 100 days. Discounting the turbulent monsoon season this would mean two round trips in a year, with a maximum of 36x2x2=144 passengers per annum.

State	Year	Seats	Majority Mark	BJP Seats	Result
Goa	2017	40	21	13	Formed government
Manipur	2017	60	31	21	Formed government
Meghalaya	2018	60	31	2	Part of government
Haryana	2019	90	46	40	Formed government
Karnataka	2018	225	113	105	Formed government
Madhya Pradesh	2019	230	116	109	Formed government
Maharashtra	2019	288	145	105	Formed government

The charges are Rs 25,000/- to Rs 50,000/- per head per day, or Rs 20,00,000/- for one trip. Who can afford such charges? We Indians will certainly not spend such sums for floating down the Ganga! An entire family could easily fly off to some foreign destination with that sum of money. Assuming, without admitting, that the cruise runs to full capacity, it will generate revenue, not profit, of just Rs 28 crores per annum. The cost of the boat alone is Rs 98 Crores. The government, on its part, will have spent several more crores on publicity and infrastructure. So, what benefit and to whom?

One more thing. The advertorial that I saw in the Hindustan Times on 13th January mentioned a bar and a multi-cuisine restaurant. The cruise website says that it will be serving Continental food. So, is the cruise serving booze and non-vegetarian food on the sacred Ganga? Alternately, do we expect foreign tourists who have paid through their noses, to survive on sherbet and samosas for 51 days?

Ironically, Raj Singh states that no non-vegetarian food or liquor will be served on board! Whom do we believe? Could this mean that the biryani, kababs and whisky will be served onshore? This entire exercise in showmanship is a fraud on the public with tax payers' money. A country where many still go to bed hungry can ill afford such Vilas (luxury).





This is also another instance of double standards and hypocrisy. A few months ago, some Muslim youth on a boat in Varanasi were eating chicken. Their video went viral and they were arrested for desecrating the Ganga. So, is there one set of rules for rich Swiss tourists and another for poor Indian Muslims?

Let us now turn to Vinash (destruction) as evidenced in Joshimath and other parts of Uttarakhand, the source of that very same Ganga. The government terms it "subsidence", a polite way of saying that the township is sinking.

The government is trying to pass it off as a natural phenomenon. The locals are not amused. They insist that this is a direct consequence of unplanned development (Vikas). The major culprits are the Tapovan mega hydro-electric project and the Char Dham (4 places of pilgrimage) whose access roads are being widened into 4-lane highways by blasting the fragile hills. Here too, like the Ganga Vilas, the Char Dham has been showcased as a major achievement of the Modi government.

At the end of the day, of the 4 Vs, Vikas is ill-conceived, Vishwas is lost, Vilas is a mirage and Vinash is imminent. Fellow Indians, awake, read the signs of the times and see the widening fissures, for the Emperor has no clothes! ©

#### ABOUT THE AUTHOR

CHHOTEBHAI is a social activist and civil rights crusader

# **Confronting the Hate Plague**

The Bharat Jodo Yatra is foremost a peaceful march not in opposition to any political adversary but against a creeping tyranny that has divided the people

BY MATHEW JOHN

need to preface this essay with a caveat. I was an unrelenting and downright mean L critic of the Gandhi trio for privileging their own interests over everything else and for refusing to cede power within the party when all was lost, which cussedness helped strengthen the tyrant. I wrote desperate emails to the Congress website prior to the

Lok Sabha elections of 2019 and again in the run-up to the UP elections of 2022, urging the Gandhis to ally with other parties even as subsidiary partners. That did not happen, and it is now regrettable consequential history! However, the recent election of a seasoned Dalit non-Gandhi as President of the Congress party and, even more crucially, Rahul Gandhi's coming of age, have forced me to eat my words about him. For one, he is not like his mother, which is a happy augury! All things considered, I am now an unabashed supporter of Rahul Gandhi's mission to resuscitate Indian democracy. There's certainly no harm in imagining a better world.

We have never been so disengaged from one another. We seem to have lost the capacity for compassion, for brotherly love, for ordinary humanity. Exploiting our deathless caste, communal and



regional cleavages, the bigots have transformed the largest democracy into a schizophrenic nation besieged by hate. Presiding over the psychic wreckage is the most menacingly powerful socio-political dispensation (the BJP-RSS nexus) ever, that has fattened by dividing our society.

Last week, a hawkish Mohan Bhagwat, the reigning pontiff of Hindutva, gave a call to war, throwing down the gauntlet to the very idea of secular India conceived by our founding fathers. He blithely stated that Hindu society had awakened after being at war for over 1000 years and was now ready to do battle to defend Hindu society, Hindu Dharma and Hindu culture, "not against an enemy without but against an enemy within." In the same breath, he warned Muslims to "abandon their boisterous rhetoric of supremacy", leaving no doubt who he considered the enemy. And for good measure, he reiterated the majoritarian trope: "The simple truth is this, Hindustan (the land of the Hindus) should remain Hindustan", where minorities live on sufferance. His was a textbook case of seditious, hateful speech, but then he was merely articulating this authoritarian regime's creed of governance. As one of our leading public intellectuals put it, what's on the line is the spirit of fraternity and our democratic national self itself.

In this bleakly joyless period, one constantly reminds oneself of Rajmohan Gandhi's reassuring certitude that evil cannot last forever, and as evil has reigned for quite a few years, its time for the good to prevail

#### REFLECTIONS

Never has a country been so badly in need of awakening and moral re-armament to combat the fissiparousness that is destroying us. In this bleakly joyless period, one constantly reminds oneself of Rajmohan Gandhi's reassuring certitude that evil cannot last forever, and as evil has reigned for quite a few years, its time for the good to prevail. Ironically, at the grimmest of times, a glimmer of hope has sprung from the most unlikely source – Rahul Gandhi and his felicitously named Bharat Jodo Yatra (BJY), which is turning out to be a hope-filled song of redemption that dares to pitch itself against tyrannical power, against hate, against fear, and speaks for the oppressed and the vulnerable.

No political figure in recent times has faced greater criticism than Rahul. For the last eight years, there has been a relentless campaign of calumny against him -- spearheaded by Modi and amplified by the media -- mocking him as an unintelligent, ill-informed "Pappu (dolt)" and an entitled, spoilt "Rahul baba". The criticism resonated with the people who watched the Congress party hit the depths of electoral ignominy as Sonia Gandhi privileged the promotion of family over the interests of the Congress party. Even that consummately sophisticated and perceptive Barack Obama, in a fleeting interaction with Sonia and Rahul in January 2011. couldn't help noting Sonia's focus on projecting her son in the most favorable light, which left Obama to wonder if "the baton would be successfully passed to Rahul, fulfilling the destiny laid out by his mother." The fond mother's aspirational fantasies of dynastic hegemony were the millstone round the neck of her devoted son, Rahul.

Misfortune and bad times can make or break people and organizations. Until a few months ago, the once mighty Congress party, steered by the dynastic trio, was floundering, internally conflicted and uncertain about the future. Virtually at a dead end, there was no option but to do what well-wishers of the Congress party had been demanding for years. After 24 years of family reign, the Congress party elected a Dalit non-Gandhi, Mallikarjun Kharge, as President of the Congress party. This move, that was a long time coming, signaled serious intent to do things differently in order to rejuvenate the moribund party.

But the real regeneration of the Congress party has been triggered by Rahul Gandhi coming into his own, metamorphosing from caterpillar to butterfly. Carl Jung, the renowned Swiss psychiatrist, believed that midlife is a critical period in a person's life "when a metanoia or a mental transformation, not infrequently, occurs." This Jungian mutation has, most certainly, happened in Rahul's case. Emerging from the shadow of his dominating mother's overweening ambition for him, he has discovered himself. He can no longer be accused of being an entitled family dynast who has everything laid out for him but is proving to the world that he is an accomplished politician in his own right.

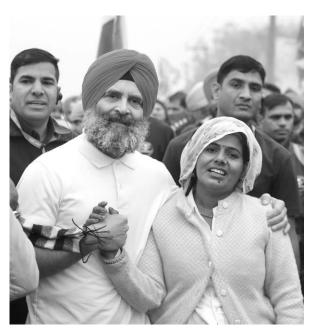
The Bharat Jodo Yatra is foremost a peaceful, deadly serious protest march, not in opposition to an ordinary political adversary but against a creeping tyranny that has divided us and threatens our very survival as a secular democracy. At the kick-off of the Yatra in September in Kanyakumari, Rahul stated rather dramatically: "I lost my father to the politics of hate and division. I will not lose my country



to it.... Love will conquer hate; hope will defeat fear. Together we will overcome."

A man who has been ridiculed for his languorous political style and for periodic holidaying, has been trudging across the country for nearly five months, braving the elements in a T-shirt, displaying not only physical fitness but steely determination, singleminded commitment and raw courage, unwavering in his intent to rally round his fellow men, women and children in the cause of an inclusive, democratic and fraternal India. Despite the sheer physical arduousness of the trek, he has won hearts with his calm, stoic and exemplary conduct, his compassion, his unfeigned, authentic human touch in every interaction, his sheer decency - altogether so unlike a politician! Just the other day, reacting to a pesky journalist, he said that he had killed the old Rahul and would not let criticism, good or bad, deflect him from his mission.

#### REFLECTIONS



The Yatra has succeeded in its primary mission of projecting the potent threats to our secular democracy, but more importantly, appealing to our common humanity and critical need for fraternal re-connection with each other

Which brings me to the criticism that the Yatra has purely sectarian interests and is all about refurbishing the image of Rahul Gandhi and reviving the Congress party. There is no doubt that these are important objectives and, to quote Aldous Huxley, democracy depends on individuals and groups making intelligent and rational choices in their enlightened self-interest. But the Yatra has stretched infinitely beyond self-serving obsession. The Yatra must be assessed on the basis of the issues raised and their resonance among the common people, and in this regard, it has been an unmitigated success. It has amplified, like no other medium could, the injustices, the hate and the oppression perpetrated by the ruling regime, and the criticality of idealism and decency in politics. Even the Godi media have been sucked in by this momentous political spectacle that

has captivated a nation. As a protest march against injustice, the Bharat Jodo Yatra is as historically significant as Martin Luther King Jr's Selma to Montgomery march of 1965.

The grueling 3,500 kms journey of penitential self-flagellation has presented a panoramic pageant of this beautiful and sad country, sprinkled with unforgettably poignant vignettes - Rahul playing with children, helping a girl wear her sandals, riding a bullock cart, hugging Rohit Vemula's mother, blowing kisses in the direction of the BJP office, tying his mother's shoelaces, assisting the elderly, grooving with tribal dancers, consoling the distressed. Such a refreshing contrast from the carefully manicured photo-ops of the Vishwaguru!

The Yatra has succeeded in its primary mission of projecting the potent threats to our secular democracy, but more importantly, appealing to our common humanity and critical need for fraternal re-connection with each other. After all, though "we may not be in the same boat, we are in the same storm" and therefore need to fight unitedly. But it would be a colossal blunder if the positive response to the Yatra is viewed by the Congress party as attestation of its renewal and inspires the foolish delusion that it can now take on the BJP juggernaut on its own.

Judging from what's happened in America where, even after the horror of the January 6, 2020, insurrection perpetrated by Donald Trump, his constituency of racists is firmly behind him, it is insane to believe that this country will respond differently to evil. Be under no delusion: the bhakts here are steadfast in their loyalty to the authoritarian. The churning and switching of allegiances in the electorate because of the Yatra are happening among those already opposed to the present regime. The inescapable reality is that only a united opposition can take on the Narendra Modi phenomenon, which, indubitably, has been slightly dented by Rahul's fearless jousting.

In conclusion, it must be said that our country is a more hope-filled place because of the Yatra. And to borrow the incomparably eloquent Nabokov's Don Quixote critique, the Bharat Jodo Yatra has transformed Rahul and now "the parody has become the paragon." @

MATHEW JOHN is a former civil servant. The views are personal

# **Poor Turns Poorer, Rich Turns Richer**

India has the world's highest number of poor at 228.9 million. In contrast, we have 166 billionaires; Yet, a large chunk of nation's wealth is in their hands

BY JASWANT KAUR

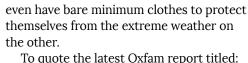
ast week, several events gained media attention. Let's have a brief look at a few dand start with one of the most glamorous ones. The fabulous bungalow that Mumbai is often likened to, was decked up like a newly-wed bride. Why should it not be? After all, the son of one of the richest persons was getting engaged.

The Internet was rife with pictures of people who attended the wedding. From famous cricketers to Bollywood celebrities to business tycoons, everyone was wearing the best of the dresses and accessories that one could think of. Many would say, what is unique in this? Celebrity events are bound to be like

Let's move on to the other event. Around 100 people died of a severe cold wave in North India. Many people in the national Capital were found sleeping on footpaths, curling up their bodies, lighting up fire to get some warmth. This happened despite the orders issued by the deputy commissioner for shifting the roofless people to the night shelters!

Yes, we have people who have the best of the embellishments on the one hand while many do not





"Survival of the Richest: The India Story", India has the world's highest number of poor at 228.9 million. In stark contrast, we

have only 166 billionaires, comparatively a very small number. Yet, a large chunk of the country's wealth is in their hands.

To give a number, the 100 richest people hold a staggering \$660 billion (Rs. 54.12 lakh crore). The money is sufficient to run this country for more than a year. In fact, if this money is taken away, the government would not need money for around 18 months!

In fact, more than 50 percent of this \$660 billion is actually held by the top 10 richest people. It has grown by 32.8 percent since 2021. And the bottom 50 percent of the population lost around 13 percent of the national income and held only 3 percent wealth! Does it not give goosebumps? Why should there be so much imbalance? More particularly, when we call ourselves a socialist country. At least this is what is written in the preamble of our Constitution.

This imbalance is not restricted to mere figures. It does indicate an imbalance in all basic amenities one needs for survival, be it food, shelter or clothes. Small wonder that 1.77 million people were estimated to be homeless by another report last year. "More than 40 percent of these people did not get any relief during the lockdown," says another report. In fact, circulars issued by 16 states did not even acknowledge their existence during the pandemic, forget, providing them any relief!

The pandemic has robbed the poorest of the poor of whatever they had while the rich were able to fill their coffers. To add to the woes of the poor, food inflation touched new heights both in urban and

rural areas. The apex bank in an attempt to contain inflation increased the repo rate five times last year, only in vain. In fact, the middle class had to pay a higher price as the interest rate increased substan-

The report says that 1.7 million people die every year due to diseases related to poor diet. A country that runs several schemes, including the one under the national Food Security Act, is unable to meet the most basic requirement of a human being! Should the power-that-be not have sleepless nights after reading such reports?

When it comes to health, the story is equally horrifying. In the name of universal health coverage, what people got was health insurance. However, the WHO estimates show that around 55 million people lose their wealth because of the high out-ofpocket expenditure on health. Out of this, 17 percent of households incur "catastrophic levels of health expenditure". This also raises a question on the quality and accessibility issues concerning our health infrastructure.

As per the latest government data contained in the Rural health Statistics report, there are 1,61,829 sub-centres (SCs), 31,053 Primary Health Centres (PHCs) 6,064 community health centres (CHCs), 1,275 Sub-divisional Hospitals (SDHs) and 767 District Hospitals (DHs). If one looks at the ratio of population versus these SCs, PHCs and CHCs serve, one will assume a lot of work is being done.

However, the moment you look at the manpower shortfalls, one gets a huge shock. Except for ANMs, where the shortfall is minimum, these units fall short of 66.6 percent health workers in SCs, 74.2 percent of health assistants in PHCs, 83.2 percent surgeons, 74.2 percent obstetricians and gynaecologists, 79.1 percent physicians and 81.6 percent paediatricians. The report is silent about the shortfalls in sub-divisional and district hospitals. The urban PHCs and CHCs are comparatively better than the rural ones.

In such a situation, people in the rural regions have no option but to visit either quacks and avail of sub-standard medical facilities or visit far-off hospitals in the cities, adding on to their out-of-pocket expenditure. Clearly, the poor are becoming poorer tilting the equilibrium in favour of the rich.

The Oxfam report lays down a set of recommendations to reduce this inequality by reintroducing wealth tax. The report says even if 1 percent wealth tax is levied on the rich, it would be sufficient to

#### Even if 1 percent wealth tax is levied on the rich, it would be sufficient to meet the cost of the National Health Mission

meet the cost of the National Health Mission. It has proposed various ratios to meet the country's public expenditure not only on health but also on education, mid-day meals and so on. The money could be utilised in several ways for the development of the nation, be it filling the vacancies in health centres, hospitals or schools.

However, it certainly needs a political will to devise policies that could benefit the poor while asking the rich to pay for it. It certainly speaks of a similar formula that Thomas Piketty speaks of in his book, "Capitalism in the 21st Century". There is nothing new about this idea of taxing the rich for reducing inequalities.

Coming back from where we started, one incident that certainly shocked everyone was the announcement made by Jacinda Ardern about her resignation. It was certainly unbelievable as she was doing a commendable job as the Prime Minister of New Zealand.

While looking back at the work her government did, she said, "I'm leaving, because with such a privileged role comes responsibility. The responsibility to know when you are the right person to lead and also when you are not. I know what this job takes. And I know that I no longer have enough in the tank to do it justice. It's that simple."

Many might criticise her for the decision she took. What is admirable is the kind of standards she has set for political leaders globally. On the contrary, we often see hunger and greed to stay in power. The poor are used to garner votes and forgotten after the elections. They are treated as non-existent essential components of society, struggling every day for two square meals a day! What actually remains is the agenda set forth by the privileged few. And our leaders never ask whether they are the right person to lead! That's what leads to this world which works for the "Survival of the richest". @

#### ABOUT THE AUTHOR

JASWANT KAUR, a company secretary, can be reached at jassi.rai@gmail.com

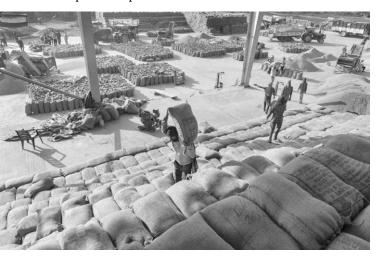
# **Survival of the Richest**

According to the latest Oxfam report, the richest 1 percent grabbed nearly two-thirds of all new wealth worth \$42 trillion created since 2020, almost twice as much money as the bottom 99 percent of the world's population

#### BY PRAKASH LOUIS

he World Economic Forum President recently declared, "Expecting India to be the fastest growing economy". Surely Adanis and Ambanis would be upbeat to hear this proclamation. But the common masses of the country would be depressed to hear this, since they know well this statement is not based on facts and figures but on falsehood and myth created by the present regime. The fact of the matter is that from the 168th position in 2020, India's rank deteriorated to 177th position in 2021; in 2022 it became one of the worst-performing nations in the realm of "environmental health, protecting ecosystem vitality and mitigating climate change" and ranked at the bottom in the overall list.

In the Global Hunger Index, India's position is 101 out of 120 countries and it stood 107 out of 121 countries in Global Poverty Index. India has by far the largest number of poor people worldwide at 228 million. Even this is an old number. During and post-COVID-19, more people from the vulnerable communities have joined the rank of below poverty line. Two-thirds of these people live in a household in which at least one person is deprived of nutrition. More than one in five children in India are poor compared with around one in seven adults. It



is in this background one should examine the facts revealed by the Oxfam's report, 'Survival of the Richest'.

But before that, let us analyse the World Economic Forum's 'The Global Risks Report' released this month. The central revelation of the report is the risks that are being

manifested currently, like energy supply crisis and the cost-of-living crisis. The report goes on to add that the much-needed attention and resources are being diverted from global risks that may become tomorrow's shocks and crises.

Failure to mitigate climate change and adapt to climate-change are leading to natural disasters and extreme weather conditions. This would further lead to biodiversity loss and ecosystem collapse. This will result in large-scale involuntary migration. In addition to already increasing number of migrants and refugees, it is predicted that over 200 million forced climate migrants by the year 2050. Even this is a conservative estimate. The negative consequences of migration are already unbearable. It is reported that over 100 Nepali migrant labourers died during the preparation of the stadium in Qatar.

Every crisis generated due to socio-economic, cultural, political and religious degradation will end up in erosion of social cohesion and societal polarization. Neglect of sound and solid national economic policies that do not keep the citizens in focus but focus only on the interest of the corporates would rob the poor to feed the rich. Economic downturn will result in increase in cost of living, further leading to economic crisis. This could take the shape of economic warfare among the individuals, and social groups. And may result in economic warfare between countries. In the recent past, this cruel story unfolded itself in Sri Lanka. Economic crisis resulted in total turmoil in the country.

It is in this background, Oxfam report 'Survival of the Richest' released on 16th January, 2023 sounds danger signal to all those who care to examine the

#### ANALYSIS

crisis engulfing India and the world. The report succinctly states, "Both affordability and availability of basic necessities can stoke social and political instability. Last year, the increase in fuel prices alone led to protests in an estimated 92 countries, some of which resulted in political upheaval and fatalities, alongside strikes and industrial action. The impact of insecurity will continue to be felt most acutely in already vulnerable states..." One can also add in addition to vulnerable states, vulnerable persons and communities.

The report further argues that the crisis after crisis has driven an ever-greater wedge between the haves and the have-nots, exposing the consequences of entrenched inequalities. Most recently, the COVID-19 pandemic and runaway food and fuel prices have led to poverty and a cost-of-living crisis for many, while driving relentless wealth and income growth for the richest. Governments have a responsibility for this inequality explosion. Most have failed to implement progressive policies that prevent or reduce inequality, that redistribute money and power, and that break the vicious cycle of the wealthiest capturing politics and policy-making. Trillions of dollars have been pumped into propping up the economies of wealthy nations. While this prevented economic disaster and further hurt for the poorest people, it has been largely captured by those at the top. Today, every government in the world has a responsibility to urgently implement a comprehensive action plan to reduce inequality. This must include measures to ramp up taxes on the wealthiest, and to significantly curb their ability to amass undue levels of wealth and power in the future.

The LPG cylinders under Ujjwala scheme cost Rs 500 sometime ago. But now it is about Rs. 1,053 and 40% of the rural, poor, Dalit, tribal and minority families cannot afford to invest on this. Any conversation with over 70% of the common masses who are forced to fend for themselves in this hard time, bemoan the fact that they are forced to make hard choices. "Gas cylinders for household use used to cost Rs 450, but now they cost slightly more than a thousand rupees. Now we have to choose between feeding our children or educating them.' This is the plight of Yusuf, taxi driver, and Shahana, housewife, Bhadarpur Colony, New Delhi.

There is more depressing news for the Indians. The Times News Network reported that 79% of

Beti Bachao's Rs. 447 crore went into ads only. Even if girl children are not educated it is ok for parents but a government which claims for, by and with people should at least protect these girls from being raped and murdered. Similarly, a sum of Rs 1,894.85 crore was incurred as Information, Education and Communications expenditure under Swachh Bharat Mission (Grameen) from 2014-15 to 2021-22, the Minister reported in the Parliament. Information, Education and Communication (IEC) is a strategy to spread awareness through communication channels to target audience to achieve desired positive result.

The Swachh Bharat Mission (Grameen) (SBM-G) was launched by the government on October 2, 2014 with the main aim to make the country open defecation free (ODF) by October 2, 2019, by providing access to toilets to all rural households. If this amount was directly transferred to those who do not



have toilets and are forced to defecate in the open, they would have built toilets. In a country where the poor are forced to live in huts and river beds, where would they get land to build toilet is not taken into consideration by those who plan, propagate and benefit out of this scheme.

Conscious economic analysists of the country argue that a government scheme's success is not judged solely on how many people subscribe to that scheme or how many subscribers are added in a short span of time, but how much utility the subscribers are able to obtain from the scheme and how much people are able to use the facility provided under it. Another crucial fact of this discussion is that it is not how many crores of rupees are spent on schemes like these but what is it spent on, who benefited out of it and who paid for it. A government that takes to myths, history, falsehood

and hatred is not interested in attending to these burning issues of the masses.

Cracking of the Joshimath is a clear case of not just cracking of Joshimath but cracking and dismantling of the Indian development paradigm and seven decades of economic policies and programs. An economic system is a means by which societies and governments organize and distribute available resources, services, and goods to all the citizens. But in India the following fundamental questions are not raised when it comes to economic policies and programs: 1. Who owns the means of production? 2. Who works on the means of production? 3. Who distributes or exchanges the product? 4. Who controls the economic system? 5. Who benefits from these? And 6. Who pays for these?

The Father of the Nation, Mahatma Gandhi, had warned of seven sins. Three of them make lots of

sense for our discussion: 1) Politics without principles and values; 2) Property without hard work; and 3) Business without moral values. The present regime which came to power with slogans like 'Sab ke Saath aur Sab ka Vikas' and 'Sab ke Saath aur Sab ka Vishvas' has betrayed both development and faith of the people placed on it as an alternative government. These days, it is just focused on winning the general election in 2024 with money, muscle, machine and mind power. Hence, it is working overtime to dismantle Mahatma Gandhi and Dr. B. R. Ambedkar who burnt their midnight lamps to secure a free, independent, democratic, secular, socialist, egalitarian country for all the citizens of the country.  $\odot$ 

#### ABOUT THE AUTHOR

**DR. PRAKASH LOUIS** is an Action Researcher, Writer, Activist, and Animator, Trainer. He was the Director of Indian Social Institute, New Delhi and Bengaluru



aharashtra police arrested 14 Christians including a teenage boy for allegedly attempting to convert Hindus at a popular pilgrimage town in Maharashtra.

"We arrested all the 14 but they were released on bail. Our team is investigating the case," Senior Police Inspector Sunil Godse of Alandi Police Station in Pune district told UCA News on Jan. 18.

Those arrested included 10 men, three women and a 17-year-old boy. They were charged with causing religious hatred and hurting Hindu sentiments by allegedly offering financial help to poor Hindus in an attempt to convert them to Christianity.

Godse said this was the second incident of its kind reported from rural areas in the vicinity of Alandi, a pilgrimage town known as the resting place of 13th-century saint-poet Dnyaneshwar who interpreted the sacred Hindu texts of Bhagwad Gita.

On Jan 15, two of the male suspects, Pradip Waghmare and Prashant Waghmare, "reached out to me and asked if I knew anything about Christianity and told me to read the Bible and convert to Christianity for a better life," complainant Prasad Salunkhe, a Hindu from Markal village, told the police.

His family was being harassed to convert to Christianity. The group also approached other villagers

and tried to lure them by offering money for running their small business, Salunkhe said in his complaint registered at the police station on the same day.

He further claimed that the Christians said worshipping Hindu gods and reading the Hindu scriptures were of no use. "Instead, they advised that I should go to church and worship Jesus," Salunkhe added in his complaint.

In another complaint registered at the same police station on Jan. 4, three people led by a pastor called Sudhakar Suryavanshi were accused of asking people to remove Hindu gods from their homes and offer prayers to "Yeshu" (Jesus).

Police said the complaint by Uddhav Kamble who resides in a slum in Alandi, stated the pastor and his associates, including a woman, entered their locality on Jan. 1 and offered them grape juice, claiming it was Christ's blood and would help solve their problems. "You start worshipping Jesus. All your health problems will vanish. Leave the Hindu religion and accept Christianity," Suryavanshi allegedly told the Hindus, according to the complaint.

A video of the incident went viral on social media platforms damaging the peaceful atmosphere of the town. Both Hindu and Christian communities held protests in Alandi, police said. © (Courtesy: Mattersindia)

## Priest, nun die in separate accidents

73-year-old Dominican nun and a 36-year-old diocesan priest have died in tragic accidents at Ltwo different parts of India.

Father Melvin Abraham Pallithazhathu of Bijnor diocese died on January 19 when his vehicle fell into a gorge of 500 feet deep at Joshimath in the Chamoli district of the northern Indian state of Uttarakhand. He had gone there with relief materials from the diocesan headquarters of Kotdwar, some 275 km southwest.

Sister Jussina Pulikkottle died January 16 when she fell on railway tracks near Bengaluru, southern India. Her funeral took place at 11 am on January 19.

A message from Bishop Vincent Nellaiparambil says Father Pallithazhath's autopsy and embalming were held January 20 at Joshimath. They plan to bring his mortal remains two days later to St Jospeh's Cathedral at Kotdwar for public homage. The funeral is scheduled at 9 am on January 30.

An earlier message from the bishop said the priest's body was kept in a mortuary in Joshimath hospital. "Due to heavy snowfall in Joshimath, they are facing a hard time there."

Father Pallithazhathu, who had studied mass media at National Institute of Communication Research and Training at Vaishali in Uttar Pradesh, was in charge of a printing press in Kotdwar. He had shared two videos with his friends from Joshimath.

In one of them, he said he was carrying relief materials for some 20 families who were hit by heavy landslides in Joshimath, located at 6,150 feet above





the sea level. Joshimath, a gateway to several Himalayan mountain climbing expeditions, trekking trails and pilgrim centers like Badrinath, was recently in news for land sinking. It is home to one of the four cardinal pīthas established by Adi Shankara.

Father Pallithazhathu was born on March 3, 1986, at Chakkittapara in the Kozhikode district of Kerala. He was ordained a priest on May 6, 2015.

Sister Pulikkottle was born on March 25, 1950. Her first profession was on May 15, 1976.

She had gone for her holidays and was returning from home when the accident happened. She reportedly fell from the train just before reaching her arrival station in Bangalore Cantonment.

"She must have been at the door to check the station as she was supposed to get down at the Cantonment station when she accidentally fell from the train. Either, she slipped or the door banked her from behind," said Father Faustine Lobo, the spokesperson of the Catholic Church in Karnataka.

Father Lobo described the nun as "a humble sister engaged in parish-based faith formation programs. He told Matters India he had met her when he went to give a two-day seminar for the Dominican nuns at their convent in Bengaluru's Indiranagar.

Apostolic Carmel Sister M Nirmalini, the president of the Conference of Religious of India, expressed her condolences at the loss of Sister Pulikkottle and her death was an "unfortunate incident." (Courtesy: Mattersindia)

# Save Mhadei, Save Goa

The dispute over Mhadei river began in the 80s. The trigger was Karnataka's move to design a number of dams and barrages to divert its water

#### BY **PACHU MENON**

ntensive agitations have only brought about interim solutions to the problems L plaguing Goa. Appeasing tactics employed by successive governments to mollify the protesters have often denied the state practical solutions to long pending issues.

Today, SAVE MHADEI, SAVE GOA as the clarion call of Goa and Goans at large serves to be a public backlash for the procrastinating ways of the elected governments which have miserably failed to safeguard the interests of the region and is bound to rock the government of the day.

"Inter-state water disputes are a continuing challenge to federal water governance in India. Rooted in constitutional, geographical and institutional ambiguities, they tend to become prolonged conflicts between the states that share river basins." (Federalism and Inter-state River Water Governance in India, By Sayanangshu Modak and Ambar Kumar Ghosh)

Mhadei river rises in the Western Ghats, from the Bhimgad Wildlife Sanctuary in Khanapur taluk of Karnataka's Belagavi district. Flowing westward, it enters Goa from Sattari taluk of North Goa district.

The dispute over Mhadei river began in the 80s and grew stronger in the subsequent decades. The trigger was Karnataka's move to design a number of dams, canals and barrages to route the river water to the Malaprabha basin. Karnataka claims that channelling the river water into the basin of Malapraphha, a tribute of Krishna, would meet the requirements of water-scarce districts of Bagalkot, Gadag, Dharwad and

But Goa contends that its population is dependent on the river's natural path and any move to divert it would affect its fragile ecosystem.

It further claims that the ingress of salt water in the river, which is dependent on monsoons, will ultimately end up killing the state's mangroves and green belt, disturb the relationship between the people and the land, as well as the ecological balance (Express Web desk).

The Chief Minister retorts that the on-going Mhadei water dispute between Goa and Karnataka is a 30-year-old dispute and one which cannot be solved in a jiffy with one visit to the national capital. Maybe he is right!

But with the Mhadei issue having flummoxed governments in the state for well over half its independent existence, one should not be grudged against for harbouring a feeling that not enough has been done all these years by the powers-that-be to resolve the issue once and for all.

It does appear that by dilly-dallying, governments over the years in the state have only managed to prolong the agony without any visible signs of relief forthcoming in the future in all such matters.

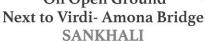
Let us for instance take the decision by the Sanguelim Municipal Council to revoke the permission granted to hold a public rally on January 16 on Mhadei issue at the town's civic grounds on the premise that it would cause inconvenience and commotion on a day of the weekly bazaar in the area!

But when the SMC chairperson has come out openly flaving the decision to revoke the permission saying that the council was not taken into confidence, it becomes more than obvious that the Chief Officer has succumbed to pressure and done a



CHALO SANKHALI

16th January 2023 At 4:00 PM On Open Ground



SAVE MHADEI, SAVE GOA

#### FROM THE STATE

U-turn which clearly goes against the spirit of saving Mhadei.

However, for a government that has decided to vehemently demand that the Centre withdraw the approval to the Detailed Project Report of the Kalasa-Bhandura (canal) drinking water project on Mhadei and that it forms a Mhadei Water Management Authority to stop illegal diversion of water, it comes as a huge shock that it is in jitters no sooner the public decides on a show of solidarity on the matter.

On the contrary, as has been so rightly observed, the Chief Minister should extend support to any public discourse on Mhadei and use it to leverage the state's position with the Centre.

Moreover, with the intent that is shown in taking up the issue lately, one cannot think of any strong reason for the government to run away from scrutiny on the issue.

At the same time, one is at pains to understand the haste shown by the Opposition to take on the government whenever such adverse decisions which affect the region are promulgated by the Centre.

Let us not forget that for almost a decade now, many of the state's legislators have oscillated between the Opposition and ruling sides only to have their opinions vacillating according to their current political loyalties.

It is not about the issue being exploited to score brownie points! An unbiased approach to the problem with an eye to offering a sustainable solution is the key rather than mudslinging leading to the creation of a political atmosphere which will be counterproductive to the efforts being made to resolve the issue. It is a matter that concerns the whole state and does not deserve the kind of political antagonism that it has invited between the government, the Opposition parties and the general public.

Just as the Cauvery issue, is the Mhadei conflict between Goa and Karnataka too destined to linger on without any feasible solution in sight!

Another apprehension that one could broach at this point is whether the warring factions, even if an understanding is arrived at, would religiously stick to the terms and conditions of a water-sharing agree-

But all that is for later. Right now, the need is for a balanced approach to untangle the Mhadei issue.

No doubt the Centre's go-ahead to Karnataka's water diversion project has been made in a bid to boost the electoral prospects of the ruling party in Kittur in Karnataka region in the poll-bound state.

It has been suggested that both the states need to shed the regional approach as the solution lies in cooperation and coordination, and not in conflict. The solution needs to be people-centric.

Nevertheless, the sort of politics being played over the issue will definitely pose threats of far-reaching consequences for both the sides. ©

ABOUT THE AUTHOR

PACHU MENON is a Goa based journalist

# Catholic priest burned to death in Nigeria

Catholic priest burned to death on Jan. 15 after bandits set fire to his parish rectory in north-Lern Nigeria.

The body of Father Isaac Achi was found among the charred parish building of Saints Peter and Paul Catholic Church on Jan. 15, according to the Catholic Diocese of Minna, Nigeria.

He died after armed bandits attacked the priest's residence in the village of Kafin Koro at 3 a.m. Another priest at the rectory, Father Collins Omeh, escaped the building, but sustained gunshot wounds and is being treated in a hospital.

Alhaji Sani Bello Abubakar, the governor of the Nigerian state of Niger where the attack took place, described the attack as "ungodly and inhumane" and

directed the local security agencies to pursue the attackers, according to The Daily Post.

"This is a sad moment, for a priest to be killed in such a manner means that we are not all safe, these terrorists have lost it, and drastic action is needed to end this ongoing carnage," Bello said.

Achi served as the parish priest of Saints Peter and Paul Catholic Church where he died. He was also the chairman of his local branch of the Christian Association of Nigeria (CAN).

"May the soul of very Reverend Father Isaac Achi and the souls of all the faithful departed rest in perfect peace," the Diocese of Minna said in a statement shared by the Nigeria Catholic Network. @ (Courtesy: CNA)

# Wake Up Call on Corruption

During the period from 2017-18 to 2020-21, vigilance cases have been filed against 2,742 FCI employees, showing something is wrong somewhere

BY **AARTI** 



Preventing corrupt practices means putting in place a slew of measures.

At a time when the Central Bureau of Investigation (CBI) has reportedly registered FIRs against some 52 officials of the Food Corporation of India (FCI), for alleged criminal conspiracy as well as corruption, it is noteworthy that the Union Minister of Consumer Affairs, Food & Public Distribution, Mr Piyush Goyal, too has urged FCI to adopt a policy of zero tolerance on corruption and also institutionalise a mechanism to reward whistle-blowers.

Set up in 1964, the mandate for FCI is to ensure food security for the citizens, efficiently procure food grains at minimum support price, besides maintain buffer stocks and arrange for its distribution. The FCI was in all praise for effectively handling the world's largest food supply chain system, especially during the COVID-19.

Despite an increase in its workforce, probably, lack of an effective oversight policy has seemingly posed several challenges to FCI, most importantly being the cancer of corruption. Evidently, as studies have shown, people typically do not wake up one morning and suddenly decide to become corrupt. There could a host of factors but personal greed surely plays a major role in so far an individual is concerned.

That during the 2017-18 to 2020-21 (till September, 2020) vigilance cases have been filed against

2,742 FCI employees depicts that something is wrong somewhere.

For instance, following complaints of illegal demands made by some FCI employees for clearing pending bills, when CBI laid a trap in 2021, four employees fell into it.

An Assistant grade employee was found to possess about ₹3.01 crore in cash, gold jewellery weighing 387 gm and 670 gm silver. In all, four FCI employees including a Divisional Manager and an Accounts manager were apprehended for allegedly collecting 'bribe money' from service providers like Security agencies. The ill-gotten money was lent at 2 per cent interest to businessmen like builders.

Some six months ago, CBI launched 'Operation Kanak', an undercover initiative, to identify suspects in the syndicate of officials, rice mill owners and middlemen, among others who were allegedly indulging in corrupt practices in FCI. Going by news reports, the crackdown has brought to light how corruption was channelised in procurement, storage and distribution. FCI officials are said to have shown more procurement on paper than what was available in godowns. The accused officials allegedly received bribes from silo operators and rice millers for extending favours during the tendering process.

The brazen malpractices committed by an alleged syndicate of FCI officials and millers unravelled by the CBI is mind-boggling. Following the arrest of a DGM-level FCI officer in Chandigarh for allegedly receiving a bribe of Rs 50,000, searches at 50 locations in Punjab, Haryana and Delhi yielded Rs 80 lakh including Rs 10 lakh cash from a female officer who had hidden the money inside a washing machine.

The brazen malpractices committed by an alleged syndicate of FCI officials and millers unravelled by the CBI is mind-boggling

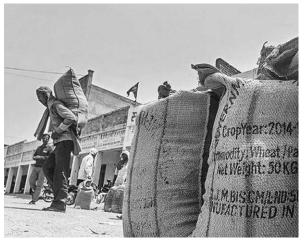
As many as 74 persons (34 are serving officials, three are retired, 17 private persons and 20 entities) including an Executive Director level officer, have since been booked by the CBI.

The FCI personnel on the ground level allegedly charged a fixed amount for each truck loaded with substandard food grain stored in private rice mills and warehouses to be procured by the FCI.

The money distribution for each truck loaded with substandard grains was Rs 1,050. Out of the bribe money, Rs 200 went to the General Manager, Rs 50 for each of four Deputy General Managers, Rs 20 to Research Officers in the laboratories and Rs 100 to an Executive Director posted in FCI, headquarters, in Delhi (He and his wife also allegedly received Rs 10 lakh and Rs 5 lakh respectively to avoid blacklisting a rice mill for low quality rice supplied).

In the case of Rs 4,000 bribe for each truck, the bribe share got divided as per Rs 100 to a Munim (storekeeper) at the depot level, Rs 1,000 to Rs 1,050 towards the central pool, Rs 1,000 to the Quality Officer, Rs 200 for the local expenses and remaining Rs 1,600 to Rs 1,700 to be kept by the Technical Assistant for himself.

It is interesting that the Parliamentary Standing Committee on Food, Consumer Affairs and Public Distribution, in its Report on Procurement, Storage and Distribution of Foodgrains 2020-21 laid in both Houses of Parliament in 2021 had among others observed that "corruption in FCI may spiral out of control if strict action is not taken". It recommended



that FCI should strengthen its vigilance mechanism in coordination with the States/UTs so as to detect corrupt practices by FCI officers and take stringent punitive action against them, if found guilty. Maintaining that senior officers should be held accountable to uproot the evil of corruption, the Committee suggested that the Public Distribution System should be made more transparent and accountable. Further, the FCI staff should be transferred after a fixed period to avoid creation of vested interests.

So, in dealing with corruption, research shows clearly that the chance of being caught is a vastly more effective deterrent than even draconian punishment. At the institution level, there is an imperative need to fast track cases of corruption and ensure they are taken to their logical end. @

# A tale of India's sibling bishops

**T**n a second incident of siblings becoming bishops Lin the history of the Indian Church, Pope Francis on Dec.31 appointed Father Sebastiao Mascarenhas, 63, as bishop of Baroda in the western Indian state of Gujarat. Eight years ago, his younger brother Theodore Mascarenhas, 62, was appointed auxiliary bishop of Ranchi in the eastern state of Jharkhand by the same pope.

The first siblings to become bishops in India were the late Jesuit Bishop Alphonsus F. D'Souza of Raigani in West Bengal and his younger brother and former Archbishop Albert D'Souza of Agra in Uttar Pradesh.

"I will take up the new responsibility, the new post as it comes," Bishop-elect Sebastiao told UCA News. Both brothers belong to the Society of Mission-

aries of St. Francis Xavier (popularly known as the Pillar Fathers), an indigenous congregation based in Goa, western India.

Father Sebastiao was all set to take up his new assignment to the Khempur Mission in Ahmedabad Diocese in Gujarat. He was planning to work "at the grassroots level and also do some writing."

In Khempur he was appointed the assistant parish priest and the hostel in charge. "But will be heading to the Baroda diocese." Father Sebastiao said.

He and his brother bishop have told their family to keep the celebrations simple, in keeping with the teachings of the Pillar Society that works for the poor and the marginalized.

(Courtesy: UCANEWS)

## **Hindu mob attacks Catholics on train**



Catholic priest sought police protection for his non-governmental organization (NGO) in Maharashtra a few days after his staff members were attacked by Hindu nationalists on a running train alleging they were missionaries involved in conversion activities.

Seven teachers of a Catholic NGO working in Dhule district were assaulted by a mob of around 15 Hindu youth while traveling by an express train.

The team was out on an education tour when the attack took place at Sangli railway station on the night of Jan. 16.

"I was pulled down from the berth and hit on my head with a steel object until blood began to ooze out from a wound," says Gunilal Pawara, supervisor of a team of 42 teachers including 14 females who work for the NGO named Shirpur Vishwa Mandal Sevashram.

The mob accused the team of trying to convert indigenous tribal people and kept asking for Father Constancio Rodrigues, the director of the NGO, Pawara said.

Father Rodrigues told UCA News on Jan. 20 that he was to accompany his team but could not join them at the last minute.

"It was a well-planned attack as they had the exact berth numbers of our team members, but apparently they intended to target me," the priest said.

The team managed to continue the journey and alighted from the train at Belagavi railway station in the neighboring state of Karnataka in the south.

A team of 10 Railway Protection Force (RPF) officials, who were alerted about the attack inside the train coach, escorted them out of the railway station.

"When we landed there, at least 40 youth gathered and threatened us in the presence of railway officials," Pawara said.

The RPF officials handed them to the local police who took them to a nearby Catholic institution where they spend the night.

"The youth tried to force a male teacher to issue a statement that they were being taken for religious conversion. When he refused they assaulted him as well," Father Rodrigues said.

The local police in Belagavi advised the team to return to Dhule by a state transport bus instead of taking a train. Two police officials accompanied them to the border of Karnataka-Maharashtra states, the Jesuit priest said.

"Even after the team returned, we noticed some unidentified people keeping a watch on our activities and hence sought police protection at our institution," he added.

Apprehending further trouble, Father Rodrigues wrote to the Superintendent of Police in Dule on Jan. 18, seeking police protection.

Meanwhile, the priest and his team are preparing a complaint to be sent to Federal Minister of Railways Ashwini Vaishnav.

"We could not file a complaint with the RPF or Government Railway Police as per the set procedure due to fear of being further attacked," the priest said.

Father Rodrigues said he wants legal action against the culprits who physically targeted his staff by raising the "bogy of conversion."

The Catholic NGO provides free-of-cost tuition for children from indigenous tribes across 40 villages in Dhule district to help them pick up elementary English, mathematics and science.

"Our NGO has been helping school students who are weak educationally and economically for over five decades and never converted anyone as is being alleged. In fact, our teachers are all from indigenous communities" the priest said.

Pawara said he has been working for the NGO for the past two decades and "nobody ever asked me or anyone else to convert." ©

(Courtesy: UCANEWS)

# IKIGAI **HAPPINESS OF BEING BUSY**

In the Japanese perspective there is no retiring, but they keep on doing; in their language there is no word meaning retiring

BY P.A. JOSEPH

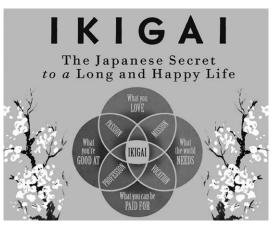
very country, every **⊢** people have their own learned insights, lived customs, traditional ways of beliefs, expressions etc. What is very relevant in America may not have any meaning in Asia; what is very relevant in Russia may not be of any meaning in India; what the Europeans are fond of may not be of any meaning for those who are in China; the Chinese script is pictural

but the English letters are quite different. The Britishers wonder at the Arabic letters.

Similarly, among all or most of the cultures, the Japanese have great respect for the "used things" or even "dead things" or animals or even creatures like police-dogs, birds, fish, ants, flies, insects etc. Similarly pens, books, table cloths, utensils, hammers, nails, brushes, needles and such things are held with much respect in Japan.

What we often discard or throw away, the Japanese give a sort of religious burial. In a way they feel that those creatures, plants or even things have a socalled souls; hence these are given a sort of funerals. Theses religious/funeral services are called in Japan "kujo". These services are conducted by Shinto or Buddhist clergy. These practices show the love and regard the Japanese have for the things they have used or were useful to them. There is a certain kind of animistic ethos in them. The above-mentioned details reveal the specialty of one kind of people.

Japanese have a life-touching ideology called IKIGAI meaning "the secret to long and happy life". The real meaning of Ikigai is interpreted as "the happiness of always being busy". Only staying active will make you want to live a hundred and more years. If I am not active, I become bored and my life



becomes a burden for myself and even others. Hence what you do, continue to be doing, and do not look for retiring; in the Japanese perspective there is no retiring, but they keep on doing; in their language there is no word meaning retiring. They ask you if you are committed and interested in a job/ task, is there any meaning in retiring. Can someone really retire if she or he is fully

involved and interested in continuing. That is why Japan is called the land of eternal youth. This is the secret of longevity in Japan.

They want life and work to be continuing in a very regular manner. They do not want to put a stop at something they are keenly interested in and finding fulfillment. They want to work as long as they are physically, emotionally and mentally, able to continue. They have discovered a sense of purpose, meaning and value in what they have been doing. This makes them stay young. Mastering an active and adaptable mind is the key factor of staying alive. This demands great amount of openness to others. This we can learn from young boys and girls; how they adjust and accommodate in front of varying life situations and experiences.

As they continue in this healthy style, they slow down in aging process. Besides intellectual activities, curiosity, reading, desire to learn something new and daily, and to interact with others are very useful to maintain youthfulness. This will keep the mind young and anti-aging. Each one has a unique reason for living, functioning and a forward-looking goal to achieve and persevere. In this context backward looking events for silver, golden, diamond jubilees of persons are obsolete and meaningless.

# Bob's Banter » BY ROBERT CLEMENTS

bobsbanter@gmail.com



# Love Jihad and a Nine Yards Sari..!

he first melody I learned to play on my harmonica as a youngster was the 'Red River Valley' and often as I played its sad, melancholic tune, wondered what the lyrics meant. It was only recently I heard the reason behind the strange title, and why the lyrics were written.

"More than two hundred years ago," the narrator said, "hunters from Europe gathered in the forests bordering the United States and Canada, in an area called the Red River Valley where they hunted animals for their fur.

The fur sent back home made them a fortune, but it also took time to build that fortune, sometimes decades during which time they left their families behind in Europe and lived alone in the wilds of Canada. They will bury me where you have wandered Near the hills where the daffodils grow When you're gone from the Red River Valley For I can't live without you I know!

But she learned to live without him, and also learned over a period of time as women became educated as much as their menfolk, that there was no need to get into such temporary arrangements to survive, that they could do well for themselves, and most importantly, by themselves.

Our women in our own country know this! Over the last seventy-five odd years after independence, our women are as knowledgeable, and strong as our men. They are not fools to fall into the arms of any



Become a Powerful Writer and Speaker!

Online course of 1 month, 4 hours a week and write like a Professional

- Write a book
- Speak at functions
- Create change around you

Taught by Robert Clements himself.

Just send a to +91 9892572883

But man hates to live alone, right, and so most of these white hunters took Indian wives, mostly from the Metis tribe, who looked after them and even bore them children. In return, he sheltered, fed and cared for these poor women.

But finally, the man left. Back to home, hearth and original family, leaving behind a hurt, frightened woman, from whose lips the original song is said to have first sprung.

Come and sit by my side, if you love me Do not hasten to bid me adieu Just remember the Red River Valley And the woman who loved you so true

From this valley they say you are going We will miss your bright eyes and sweet smile For they say you are taking the sunshine That has brightened our pathways a while man who comes their way. But how do our men treat our women?

With every law that we make in the guise of protecting them, we are sending them back hundreds of years. Laws such as 'love-jihad' and those on inter- community marriages are only throwing them back into the dark ages of the Red River Valley. These laws say, "Women are weak! They are like the Metis Indians of the Red River Valley!" It's time every single woman in our country realizes what is happening, or sadly I will have to take my old harmonica from it's case and play same sad tune, only calling it the, 'Red Nine Yards Sari..!"

#### ABOUT THE AUTHOR

**ROBERT CLEMENTS** is a Newspaper Columnist, with an estimated readership of 6 million. He also conducts a short-term Writer's Course. Contact him on bobsbanter@gmail.com for more details

Colour your Dreams with us

JYOTI PRINTERS







Designing Lab



Pre-press Unit



**Printing Services** 

**Flyers** 



**Binding Unit** 

#### **OUR SERVICES**

News Paper Pamphlet
Brochures Catalogues

Brochures Catalogues Posters
Stickers Magazines Diary

Books Annual Report Calendar

Visiting Cards Identity Cards Writing Books



9289<mark>19</mark>9317 9747691436

9990988511

# KRISTU JYOTI COLLEGE BENGALURU - 560036 (AGGREGATED TO THE PONTIFICAL SALESIAN UNIVERSITY - ROME) FIRST UNIT COLLEGE IN COURSES OFFERED

- 1. A Two Years Master's Degree Course in Theology
  - a). M.Th. with Specialization in Youth Ministry (June 2023 to March 2025)
  - b). M.Th. with Specialization in Catechetics (June 2023 to March 2025)
  - c). M.Th. with Specialization in Liturgy (June 2023 to March 2025)
- 2. A Three Years Bachlor's Degree Course in Theology (B.Th. in Theology)
  - a). For students preparing for Priesthood (June 2023 to September 2026)
  - b). For other students (June 2023 to March 2026)

#### (Two years of Philosophy is a must for obtaining a B.Th. Degree)

- ..3. A Three Years Degree Course in Philosophy Cum B.A. in Sociology (with a B.A. from ICNOU: June 2023 to June 2026)
- 4. A Two Years Basic Course in Philosophy (June 2023 to March 2025)
- 5. A One year Diploma Course in Formation of Faith Education and Youth Ministers
  (June 2023 to March 2024)

It consists of: Phase I - Basic Theology for Faith Formators

**Phase II - Faith Formation and Youth Ministry** 

**Phase III - Audiovisuals in Pastoral Ministry** 

- 6. A Three months Certificate Course in Liturgy (June 2023 to August 2023)
- 7. A 10 week Certificate Course in Pastoral Communication (January 2024 to March 2024)
- 8. A 6 month Diploma Course in Formative Spirituality for the Formation

of the Formation Guides (During the Summer - Spread over 3 Years)

#### **ADDRESS**

THE PRINCIPAL / REGISTRAR, KRISTU JYOTI COLLEGE, KRISHNARAJAPURAM, BANGALURU - 560036

Mobile: Principal (0) 9449362433; Registrar (0) 7795234212 E-mail: kjcprincipal@gmail.com; registrarkristujyoti@gmail.com

For more details and application forms, log on to:www.kjcblr.org (or) contact the Registrar or Principal