

jananta

Vol. 72 No. 17
May 14, 2017

Path To Kashmir's Solution
Sandeep Pandey

**Why and How "Secularism"
in Our Constitution**
Ravi Kiran Jain

Europe is Making History
D. K. Giri

Judicial Brinkmanship
J. L. Jawahar

**Free Speech, Nationalism
and Sedition**
Ajit Prakash Shah

Editor :
G. G. Parikh

Managing Editor : Guddi

D-15, Ganesh Prasad,
Naushir Bharucha Marg,
Mumbai - 400 007.

Email : janataweekly@gmail.com
Website: www.janataweekly.org

Ugly Side of War

Kuldip Nayar

War is ugly. It becomes uglier when it is between two inveterate neighbours. They go to any extent to harm and humiliate each other. Pakistan has mutilated and killed two Indian soldiers when they are said to have crossed the Line of Control (LoC). Understandably, India has retaliated and destroyed Pakistan's posts on the border.

Defence Minister ArunJaitley has condemned the reprehensible and inhuman act saying that "such acts don't take place even during war. It is an extreme form of barbarism. The whole country has full faith in our armed forces which will react appropriately. The sacrifice of these soldiers will not go in vain." Condemning the despicable act, Army chief BipinRawat, too, has vowed an "appropriate" response.

This has come closely on the heels of Turkish President Recep Tayyip Erdogan's suggestion that multilateral dialogue on Kashmir was the solution to end the impasse between India and Pakistan. New Delhi is opposed to his view because it believes that Kashmir is a bilateral issue and it should be solved by the

two countries while sitting across the table.

Beheading soldiers is nothing new. The army on both sides is said to have indulged in it before. What is annoying is Pakistan's flat denial of the incident. Unfortunately, there was no regret, no grief. The UN probe to verify facts could have been a possibility. But since New Delhi has stopped the International Court at The Hague from taking up a Pakistan complaint against India on the plea that the two countries settle their disputes bilaterally, it could not allow a third party to probe the incident.

However, the episode is too serious to be left at that. During earlier incidents, India had evidence to prove that Hafiz Saeed, the Lashkar-e-Taiba chief, who has been placed under house arrest now, was at the border before the clashes. But Pakistan, on its part, had failed to order a probe. Maybe, it is the doing of irregulars who, regretfully, seem to constitute a part of Islamabad's combative force. The country is already experiencing violence from

within. The Taliban are daily killing 20 to 25 Pakistanis and there is no place which is beyond the range of their guns.

When there is unabated domestic violence and when Pakistan is fighting against the Taliban in the Federal Administrative Tribal Area, it is not understandable why it should open a front with India? In fact, Islamabad has withdrawn some forces from the Indian border to fight on the West. Inter Services Intelligence (ISI) has declared publicly that it would concentrate on the threat posed by internal forces instead of engaging India. Therefore, there is no question of unnecessary hype.

New Delhi should realise that Pakistan is its front state. If it ever goes under, India would be directly threatened by the Taliban and face the danger of destabilisation. The policy should be how to retrieve Pakistan from the hopeless situation it is in. A weak Pakistan is a threat to India, which is powerful enough.

Any escalation of tension or a suitable retaliation at an appropriate time would only aggravate the situation. Dialogue is the only way to improve and it should never be suspended or downgraded. There is no option to talks. But I am surprised at some irresponsible statements emanating from Pakistan that dialogue between the countries should go on despite skirmishes on the border.

Indian Foreign Minister SushmaSwaraj has shown restraint and maturity and has not commented anything adversely. But the government's decision to keep the new positive visa policy on hold will only lessen people-to-people contact

which is essential for better understanding. Prime Minister NarendraModi's statement that business with Pakistan cannot be as usual is understandable and his ordering surgical strikes earlier have had the desired effect.

Yet my experience shows that Islamabad resiles from its rigid stand if and when New Delhi steps back and reflects. We have to learn how to live with an intransigent Pakistan. I recall what Director General of Trade Ismail Khan in Pakistan occupied Kashmir had said a couple of years ago. He said that trade and travel across the ceasefire line would remain suspended until the skirmishes subsided. This was an unwise step which must have hurt Pakistan as much as it did India.

For some reasons, former military officers on both sides have turned out to be more hawkish. Some years ago, I was shocked to hear Admiral Iqbal of the Pakistan Navy reminding India about Muslim rule in the country for 1000 years. Equally jingoistic was the suggestion by a retired Army Major General that the solution to India's problems with Pakistan was through military action. Both should realise that the engagement of the two countries would not be a street brawl. They have nuclear weapons and the worst can happen.

Civil societies in both the countries have proved to be disappointing. Instead of analysing the situation dispassionately, they have supported the stand of their country. Regretfully, civil society is always on the side of the establishment whenever there is a clash on the border or when a dispute assumes dangerous proportions. Were the two civil societies to put their weight behind peace and call a spade a

spade, their voice would be heard.

New Delhi's estimate that the ceasefire violations were meant to give cover to terrorists to sneak into Kashmir may be true. But the security forces in the Valley are strong enough to chastise them. The fallout of tension affects the people in Kashmir. They feel more insecure and fear the worst. The separatists, including Yasin Malik and Shabbir Shah, do not realize that they are increasingly becoming irrelevant. The same is the case with the Hurriyat.

I wish the establishments both the countries consider the ceasefire line sacred. This has been converted into LoC through the Shimla Agreement. The then Prime Minister, Zulfikar Ali Bhutto, hailed it as the "line of peace" in an interview to me. And it has been seldom violated for the last three decades. Blood at the border has unnecessarily disturbed the status quo. Soon the two sides should realize that some agreement was necessary.

Janata Subscription

Annual Rs. : 260/-

Three Years : 750/-

Demand Draft / Cheque

on

Mumbai Bank in favour of

JANATA TRUST

D-15, Ganesh Prasad,
Naushir Bharucha Marg,
Mumbai 400 007

Path To Kashmir's Solution

Sandeep Pandey

We were told that surgical strike was a decisive blow to Pakistan and it had been taught an appropriate lesson. Then we were made to believe that demonetisation would break the backbone of terrorism and naxalism. It was hoped that such incidents would cease. But these measures doesn't seem to have had any effect. Pakistani, terrorist and naxalite attacks continue to take place as before.

Targetting Pervez Musharraf in Gujarat assembly elections and claiming to possess a 56 inch chest Narendra Modi had boasted of having the ability to teach Pakistan a lesson. But he seems to be clueless about how to check these incidents. Narendra Modi, with the objective of establishing India's credentials in the world, made a whirlwind tour of nations all over the globe but today our relations with a number of them, including our neighbours Pakistan, China and Nepal, have soured. India has been cornered in United Nations. India didn't allow the UN Human Rights Commission team to visit Jammu & Kashmir whereas Pakistan allowed them access to the part of Kashmir in their control. What is India trying to hide in Kashmir from the world's gaze?

One cannot remember when the situation in Kashmir was this bad. The reason is that the ruling Bhartiya Janata Party and the wider Hindtva pariwar believes in the binary that you are either a patriot or an anti-national. Earlier some youth from Kashmir had been to Pakistan to receive training in terrorism. But

today, it is children, students and women who hurl stones at security forces. The Government of India believes that all of them are anti-national and Pakistani government instigates them and aids them financially.

This is incomprehensible. Pakistan is an external agency. Kashmir has been with India for 70 years now. How is it possible that Pakistan is able to manipulate every individual in Kashmir and the people there don't consider themselves as part of India? Somewhere the Indian government has been at fault in its approach towards the Kashmiri because of which the Kashmiri, over a period of time, got thoroughly disillusioned with India. Kashmiri women and children, fed up of the presence of military and the danger of being humiliated by them, are sufficiently outraged to pick up stones against the security forces. They want the security forces to vacate Kashmir. Perhaps they feel, even this freedom will bring relief to them.

But when Omar Abdullah, as Chief Minister of J&K, suggested the withdrawal of Armed Forces Special Powers Act from J&K, it was vetoed by the army.

The government of India would like to think that life in Kashmir is normal, there are regular elections, local parties run the governments, but doesn't allow the state government to function democratically and independently. In the name of national security the army overrules

the state government and even the national government doesn't intervene in such a situation.

Normalcy cannot return to Kashmir without the withdrawal of army. The government of India must completely trust the state government to govern on its own once and let the army take care of security at borders. What to talk of special provisions under article 370 of the Constitution, Indian government doesn't even extend the freedom to J&K which other states enjoy.

We blame the Kashmiris that they do not consider themselves as part of India. Truth is we don't consider Kashmiris as part of ourselves. For if we did we would never use pellet guns there which have made hundreds of people there physically challenged or visually impaired. It is unthinkable that these guns could be used anywhere else in India. When a Member of Parliament Raghav Lakhanpal Sharma attacks the residence of Senior Superintendent of Police in Saharanpur, UP along with two Members of Legislative Assembly and supporters it is not considered an anti-national act but when a Kashmiri throws a stone at security forces it is considered as such. What is the difference between the two incidents? In both people who represent the Indian state are being attacked.

In the process of administering Kashmir with the help of Army for such a long period of time, the people

of Kashmir have become disillusioned. Syed Ali Shah Geelani has been a MLA in J&K three times but the Indian government's policies transformed him into a separatist. Geelani's hold on people is greater than any of the people's representatives there. The Indian government says it'll not talk to separatists but in Nagaland it did engage them and also reached an agreement. It is a different matter that the agreement has not been made public.

Some people have begun offering suggestion to Kashmiris that if they don't want to live in India they should leave Kashmir. This represents a feudal and colonial mindset. It is a right of people anywhere in the world to decide how they would like to live. In our struggle against the British we considered it our right to choose a system of government of our own for ourselves. If we're not able to convince the Kashmiris to live with us it is their right to decide an appropriate system of their choice

for themselves. This will be good for both India and the Kashmiris. If the Kashmiris decide on their own to live with India it'll be a more harmonious relationship because then it would not be a decision imposed upon them by the Indian government. India should not treat Kashmir as its colony. Instead, it should be granted a degree of autonomy. Otherwise people will continue getting killed or seriously injured on both sides without a solution emerging.

Durable Opposition Unity - Common Minimum Programme of Equality, Justice and Secularism

Bharat Dogra

The BJP has been on a roll winning one electoral battle after another, or using other methods to install its government even in states where it could not win the most number of seats. There is now a real possibility of not even a single national level opposition party being able to play a strong opposition role at a time when this is badly needed. In such a situation there is serious requirement for opposition unity.

However most talks of opposition unity in recent times have been in terms of cobbling together some form of fragile agreement to either try to win an election or at least avoid a washout. Even if this limited aim is achieved, there are generally no durable gains for democracy and justice from such hurried and often opportunist efforts for accord.

Often and increasingly even this limited aim is not achieved as the BJP's powerful election campaigns are able to tear apart the

weaknesses of such election-based unions.

Hence there is a very strong case for building an opposition unity based on principles of equality, justice, democracy, protection of environment and governance reform with special emphasis on a strong campaign against corruption, black money and tax havens.

Representatives of some leading opposition parties should get together to prepare such a programme on the basis of which unification talks can be held.

If this is not forthcoming, then some senior and widely respected individuals can take a lead to prepare an agenda on their own and then present it before opposition parties as a document for initiating unity talks based on principles.

This task is extremely important. One cannot emphasize its urgency

enough. I hope the Opposition parties realize the necessity and do not delay too long.

Books by Surendra Mohan

1. **Vikas Ka Rasta: Nai Arthik Neetiyon ka vishleshan..** Price 600 rupees.
2. **Samajwad, Dharma Nirapekshata aur Samajik Nyaya** Reissued as second edition; Price 500 rupees
3. **Vartaman Rajneeti ki Jwalant Chunautiyan.** Price 400 rupees.
4. **Dr. Ram Manohar Lohia ki Neetiyan:** (This booklet was published late last year.) Price 25 rupees.

Published by Anamika Publishers and Distributors, Ansari Road, New Delhi 110002

Why and How “Secularism” in Our Constitution

Ravi Kiran Jain

Any discussion on secularism would need first to focus on two basic aspects: Firstly, the word ‘secularism’ has no substitute in any of our languages. Like ‘war’ is the opposite word of ‘peace’, in common parlance in the Indian context, ‘secularism’ is understood by its antonym ‘communalism’, while in the Western context, ‘secularism’ is understood by its antonym ‘theocracy. Secondly, the word ‘secularism’ was nowhere mentioned in the Preamble of the Constitution when it was enforced. It was included in the Preamble by the controversial 42nd Constitution Amendment during the Emergency with effect from January 3, 1977.

It is interesting to note that the Preamble, though the Constitution opens with it, was not the first to come into existence. It was the last piece of drafting adopted by the Constituent Assembly at the end of the first reading of the constitution. The motion to adopt the Preamble was moved on the 17th October 1949. It was suggested during the debates that the Preamble be taken up when the Constituent Assembly would meet in November for the third reading as by that time the Drafting Committee would also have submitted its final report to the House. Maulana Hasrat Mohani objected to the postponement submitting that unless the Preamble was passed on that day at the first reading itself, the Drafting Committee could not produce any report on the second reading. K M Munshi supported Maulana Hasrat Mohani by making a humorous comment — “Once in my life I support the Maulana Saheb!” The President ruled that the Preamble should be passed on that day to enable the Constitution as a

whole being passed in its second reading and the Preamble forming part of the Constitution. Several amendments were suggested to the Preamble but they were all negated. At the end, the President moved the motion — “That the Preamble stands part of the Constitution.” The motion was adopted on November 2, 1949. The Preamble was added to the Constitution.

In the words of Justice Jagan Mohan Reddy in his judgment in *Kesavananda Bharati v. State of Kerala, 1973 (4) SCC 225,-*

“The Preamble to the Constitution which our Founding Fathers have, after the Constitution was framed, finally settled to conform to the ideals and aspirations of the people embodied in that instrument, have in ringing tone declared the purposes and objectives which the Constitution was intended to sub serve.”

The question arises as to why it was introduced during the Emergency. Was it not a challenge to the wisdom of the Constitution-makers? The Constituent Assembly consisted of persons who had no partisan motive nor they had any axe to grind. They were men of vision; they inspired confidence, and were all products of the struggle for independence.

In the struggle for independence, the people of different religious pursuits had a natural worry as to what sort of religious freedom they would be able to enjoy in an independent India. When Mahatma Gandhi appeared on the scene and transformed the freedom movement into a mass movement in 1920s, it

was realized that people could hardly be motivated to go the whole hog for the freedom struggle unless they were assured that their religious beliefs and systems would be secure in a post-independent India and that they would not be marginalized and sidelined, in case they belonged to the minority community. It was in the pursuit of this very assurance that Gandhiji gave to the people the much-valued concept of ‘*Sarv Dharm Sambhav*’—the principle that all religions are equal. The Muslim League had boycotted the Constituent Assembly when it started its session on December 9, 1946, and it continued to boycott it even thereafter. Evidently the pressure worked, and on June 3, 1947, Lord Mountbatten announced the coming into existence of two independent States with effect from August 15, 1947.

On August 14, 1947, the President of the Constituent Assembly, Dr Rajendra Prasad remembered Mahatma Gandhi in the following words while speaking on the floor of the Assembly, “Let us also pay our tribute of love and reverence to Mahatma Gandhi who has been our beacon light, our guide and philosopher, during the last 30 years or more. He represents that undying spirit in our culture and make-up which has kept India alive through vicissitudes of history.” And then he went on to say, “To all the minorities in India we give the assurance that they will receive fair and just treatment, and there will be no discrimination in any form against them. Their religion, their culture, and their language are safe, and they will enjoy all the rights and privileges of

citizenship...To all we give the assurance that will be our Endeavour to end poverty and squalor and its companions, hunger and disease: to abolish distinction and exploitation and to ensure decent conditions of living.” These words of Dr Rajendra Prasad on the floor of the Constituent Assembly were clearly influenced by the overwhelming concept of “Sarv Dharm Sambhav” which reigned supreme in the minds of the members of the Constituent Assembly, and this later found ample manifestation in the provisions specifically incorporated in the Constitution. Article 15 says, “The State shall not discriminate against any citizen on ground only of religion, race, caste, sex, place of birth or any of them” and also Article 25 provides that “all persons are equally entitled to freedom of conscience and the right freely to profess, practice and propagate religion”. What needs to be taken note of is that absolutely nothing happened in the country from 1950, when the Constitution was enforced, to 1977 to hasten the urgency of bringing about a Constitution Amendment to incorporate the word “secular” in the Preamble of the Constitution.

As a matter of fact, the politics in the country remained during all these years focused on issues, people participated overwhelmingly and spontaneously in the poll process, and the public debates were focused primarily on the key issues concerning the masses of this country. In fact, cutting across all barriers of castes and religion, people voted on the issue of “*garibi hatao*” at 1971 Lok Sabha election. Paradoxically, however, the post-1971 years unfolded nothing effective to tackle the problem of poverty and economic disparities, but, instead, the State, literally dominated by one individual, gave place to a process of demolition

of Constitutional institutions. Three Judges of the Supreme Court were superseded. Then followed the Emergency, letting loose a reign of terror, and one of its fallouts was the apex court verdict in ADM Jabalpur case. Against this backdrop came the controversial 42nd Constitution Amendment.

Nehru told the members of the Constituent Assembly on August 14, 1947, “The service of India means the service of the millions who suffer. It means the ending of poverty and ignorance and disease and inequality of opportunity.” The country was to achieve this objective on the basis of the principles contained in Part IV of the Constitution, which were “fundamental in the governance of the country”. Incidentally, in the Statement of Objects and Reasons in respect of the 42nd Constitution Amendment, similar expression has been used in the following words, “The question of amending the Constitution for removing the difficulties which had arisen in achieving the objective of socio-economic revolution, which would end poverty and ignorance and disease and inequality of opportunity, had been engaging the active attention of government and the public for some years...It was, therefore, considered necessary to amend the Constitution to spell out expressly the high ideals of socialism, and integrity of the nation”.

Paradoxically, after the word “secular” found place in the Preamble as a result of the 42nd Amendment that it was lapped by sections of opportunistic politicians to fuel a highly retrogressive and diversionary debate of secularism vs communalism and vice versa. What the country saw in its wake? The demolition of Babri Masjid and the resultant communal

holocaust followed by Bombay, Surat attacks on minorities and in other cities in January 1993, thereafter Gujarat communal massacre and then the recent Muzaffarnagar communal riots.

Looking back, communalism vs secularism debate has only resulted in throwing into the background primary goals such as eradicating poverty, illiteracy, disease, and inequality of opportunity. While making non-issues into issues, the real problems became non-issues in politics and polls, and what has been worse, it generated its own pernicious offshoots. Politics and elections got additionally hooked onto the caste versus caste card. The real issues, confronting the people, like poverty, disparity, exploitation, hunger, unemployment, illiteracy, power crisis, environment degradation, and water scarcity, alarming loot and destruction of our forests, and population explosion have been sidelined. Likewise, criminalization of politics and corruption have also become non-issues.

There has been no difference between various governments at the Centre or the States during the last two decades on the question of following the economic policies on account which the forces of globalisation have slowly but solidly deprived India of its economic and political sovereignty so much so that the country has lost its right to determine its own agenda of governance and development, which now rests with international powers, multinationals and world-funding agencies. The question is how long shall we permit this to continue by keeping the people involved in nationally detrimental quarrels over secularism versus communalism and castes versus castes?

Europe is Making History

D. K. Giri

On May 5th, Paul Krugman, economist and New York Times columnist wrote, "What is the matter with Europe." He was referring to the elections in France, the second-round on May 7 where far right Marine Le pen, was defeated by Emmanuel Macron, the centrist newcomer. Macron won the presidency and created history. In a bit, we will see how.

Krugman was analysing the individual countries and their supranational regional body, European Union (EU). But, one should be not surprised at the developments in Europe, which has been the cradle of innovation, revolution and radicalism. Revolutions that changed the course of the world, took place in Europe - the French revolution, the industrial revolution, the Marxist experiments, all of which heavily influenced the politics and economy of the world. Europe is capable of thinking and doing the unthinkable and undoable. Three major countries of Europe, France, Britain and Germany led the world in the three revolutions just mentioned. In recent times again these three countries initiated epoch - making changes in Europe. In Germany, the biggest economy in Europe, the Berlin wall was pulled down. The wall was created after the Second World War to divide the Allied Powers-occupied West Germany, and the Soviet controlled-East Germany. With the wall torn up, history was re-written. Britain voted on 29 June 2016 to exit from the European Union. Few in Britain and the world had expected it to happen.

David Cameron, then the Prime Minister of Britain was too shocked to continue in office. That decision is historic as Britain was a member of EU for over four decades since 1973.

All the three big powers have elections this year. On May 7, France created history by electing a rank newcomer as president. Emmanuel Macron the president-elect does not even have a party, led a movement called En Marche (on the move) for a year. He is a greenhorn in politics. The old, established parties both of right and left could not make it to the run-off. Britain will elect its new Parliament on June 8, and Germany will have its federal elections on September 24. Let us look at each of these three big powers in Europe making history.

France, once a world power is undergoing radical political changes. It has been subjected to recurring terrorist attacks recently. Along with Germany, it was the main architect of the European Union. As a matter of fact, the detente between France and Germany after the Second World War was the foundation over which the European Union was built. Britain was an outside and reluctant player in EU. To recall, the powerful French president De Gaulle had twice vetoed - once in 1963, and again in 1967 - the British application to join EEC, now EU. What is happening in France now? They just elected their new president, Emmanuel Macron, who, at 39, is the youngest president France has had so far. Who is Macron and how is his victory so unusual in French

history? Macron is a newbie in French politics. He was not elected before to the French National Assembly or any other position. He was a banker drafted by the incumbent president Hollande as his economic advisor, then appointed for two years as a Minister of economy. Macron is said to have been a brilliant and a precocious student with high ambitions. He married his teacher 25 years older than him, who is now 64 year old. Macron apparently had said to her, "if I can persuade you to marry me, I can become the President of France". Macron, after two years of political activism became the president by pushing both the Republican and Socialist Party to the third and fourth position. Only these two parties had ruled France for so long. For the first time in French history, candidates of both these parties were eliminated in the first round itself. That is making history.

Britain voted to exit from Europe with a very slim margin, to the surprise and disappointment of many in Britain, Europe and elsewhere. Without going into the gains and losses of British withdrawal, Brexit is history in making. Britain, by far the number one world power in the past will try to chart a new course in world politics. It was playing a visible role alongside its ally USA more than any other country in the world as occasionally it was bound and restrained by its membership of the European Union. A Britain 'unchained' from EU will be desperate to look for new pastures for its foreign policy.

Britain goes for general elections on June 8 this year. It is a snap poll. British Prime Minister, Theresa May had to get a parliamentary clearance to hold this mid-term elections as Britain, since 2011, has fixed-term-parliament for five years. The elections were due in Britain only in 2020. One wonders why Theresa May called for elections. The issues in the election may lead us to an answer. Brexit is the main issue. The Prime Minister wanted a strong endorsement from people for negotiating the exit from EU. Education and skill is another major issue. Britain needs to focus on technical education, high-quality apprenticeships, and better support to help people find work: which is the way to building a new economy. The main opposition party, the Labor Party is promising a million high-quality jobs, better management of public utilities etc; but it is 20 percent behind the ruling party. Whatever be the results of elections, Britain is about to re-write the politics of Europe from outside the European Union.

Germany has its federal elections on 24 September 2017. The German chancellor Angela Merkel faces a tough challenger in Martin Schulz. Germany, since its defeat in the Second World War has been rising steadily as a great economic power. It used the treaty imposed by Allied Powers to its advantage and emerged as the biggest economy in Europe, from the ashes of defeat and destruction in the war. Now, it calls the shots in European Union politics and economy because of its unmatched economic might. But it has recently plunged into political controversies and challenges because of the huge exodus of refugees from Syria and other Middle Eastern countries. Germany also has

been accused of mismanaging the EU economy by forcing austerity policies on countries like Greece and thereby further crippling their weak economies. Germany is called upon to repair the cracks in EU member states. It has pulled itself higher in domestic issues but will it succeed beyond its borders in Europe and elsewhere.

What are the issues in German elections? First is the choice of personality between Merkel and Martin. Many think that Martin is a team player, has the ability to overcome adversity, and has greater will power. This characterization is drawn from his humble background and from his rise to the high position form an ordinary bookshop he ran for years. His opponent, the incumbent-chancellor Merkel has been there for 12 years. People seem to be simply fed up with Merkel. They use a phrase in German, 'Merkel muede' or Merkel tiredness. She recently capitulated on the question of refugees. She seems to have run out of ideas on EU. The migrants issue is going to be the main talking point between parties in the coming elections. This is a sensitive and an emotional issue. People could debate and decide on whims and hearsay. Security, after the Berlin Christmas attack has become an issue. Austerity has become a bone of contention in Europe which Germans will have to talk about during elections. However, the unrest, insecurity, violence and rioting in relation to refugees in Germany is going to be the main issue in the election. On this, Merkel will face major competition from the rising appeal of the anti-immigration party, Alternative for Germany (AfD).

Irrespective of the results of the

general elections in Germany and Britain, and with Emmanuel Macron as the new president of France, Europe will continue to make news in world politics. The international politics will not remain the same, influenced by a single super power, USA with occasional muscle-flexing by Putin's Russia. Europe will come in as another player to match British moves. The political growth of European Union was slow due to differences between the member-states mainly Britain and France, between the idea of deepening and widening and so on. With Britain gone, the consensus on the political role of EU will be easier to achieve.

A thought or two on what it means for India. It is a new opportunity for India to engage with the European Union and Britain. It will be the opposite of non-alignment. It will be the time for active engagement. For political cooperation, India could turn to Britain which is strong on diplomacy and has proximity with USA. For economic relations, India should look up to the European Union. In the past, there has been a mismatch between politics and economy in India's policy towards EU. Although India's trade deficit with EU was big, India did not have a serious EU policy. It needs to be corrected. Europe and Britain will also need India as a partner, the biggest democracy in the world and now fairly a big market. A closer relationship between European Union and the Union of India may prove to be historic in world politics.

Janata

is available at

www.lohiatoday.com

Judicial Brinkmanship

J. L. Jawahar

It is something unexpected and unforeseen. It is unfortunate that such unprecedented things happen to our judiciary creating stress in the system. The case relating to Justice C S Karnan is an example in extreme which points out the need for judicial restraint without giving space for ego or prejudice on both sides. The persons acting as judges shall look at the problem in an impersonal and dispassionate manner. It is more necessary in such cases where the reputation and respect for the system is involved. That reputation cannot be upheld by sweeping the problems under the carpet. The institution must be strong enough to face the situation and solve it to its best capacity in a judicial manner.

The primary allegation against Justice Karnan is that he made certain allegations against other judges and has gone to the extent of circulating the same to some other constitutional authorities, (but not to the public). He also complained that he is being mistreated by his colleagues. The Supreme Court tried to solve this problem by transferring Justice Karnan to the Calcutta High Court. But he was irritated by that order and refused to comply with it. As a judge, he himself suspended that order of transfer. It was no doubt a confrontation with the Supreme Court. Later he relented and joined the Calcutta High Court. At the same time, it has to be noticed that neither the Hon'ble Supreme court nor the statutory authorities to whom Justice Karnan sent his complaints against other judges, felt it worthy of investigation.

Even at Calcutta he persisted with his allegations and added that he is being mistreated as he is a Dalit. Fortunately, none of the Dalit organisations took up the cause. It is not clear why the allegations made by him against other judges are considered defamatory without investigation or trial. When allegations come from no less a person than the justice of the high court itself, it should have been taken with some respect.

Notices were issued to him to present himself before the Supreme Court and explain why action shall not be taken for contempt of the Court. It is certainly a rare development in the history of Indian Judiciary.

Earlier Justice (Retd) Markandeya Katju was also issued notice of contempt. He appeared before the Court and apologized. The matter ended there. But Justice Katju had retired whereas Justice Karnan is still in court.

Supreme Court told the Chief Justice of Calcutta High Court not to assign any judicial or administrative business to Justice Karnan. Justice Karnan called it more harassment and disturbing his life. He said that the justices of the Supreme Court do not have that right against a justice of a High Court and so they are liable for damages. He advised them stating "You should not show any prejudice at the time of holding any cases, but should follow the procedure of law. It is quite evident that the Hon'ble Justices deliberately and wantonly failed due

to lack of legal knowledge; this kind of worst type of acrimonious behavior will only endanger ultimately the general public. Hence I request you to close the contempt proceedings and restore my normal court assignments in order to maintain law and justice across the nation and to keep the dignity and decorum of courts intact." Still he denied he committed any contempt of the Supreme Court and refused to present himself before the Court. The Supreme Court felt it necessary to get him arrested and brought before the Court. They issued orders to the Director General of Police of West Bengal state to issue the bailable warrant to him, subject to a bail of Rs.10,000. If he refuses to accept the warrant, it is implied that he be arrested. But he accepted the warrant and did not offer any bail. "The West Bengal judicial jurisdiction is a part of my control and command. Therefore the bailable warrant becomes improper and untenable", he declared. The Attorney General Mukul Rohatgi, who yielded to the pressure of the Court in forming the unconstitutional collegium, demanded that strict action shall be taken against the recalcitrant Justice Karnan as his behavior is damaging the reputation of the judiciary itself.

No doubt, the Supreme Court has the right to consider the defiance of Justice Karnan as contempt of itself. The right to punish the contempt of itself is given to the Supreme Court under Art.142(2) which states that "...the Supreme Court shall, as respects the whole of the territory

of India, have all and every power to make any order for the purpose of securing the attendance of any person, the discovery or production of any documents, or the investigation or punishment of any contempt of itself.” But this authority is preceded by the omnipotent clause “Subject to the provisions of any law made in this behalf by Parliament...” The provisions made in the Supreme Court (Decrees and Orders) Enforcement Order, 1954 as amended from time to time does not extend that power to the privileged justices. After all, the High Court is not subordinate to the Supreme Court. The Justices in both courts have same and similar privileges.

But Justice Karnan is not trying to hide behind the privilege. He suggests that the case may be referred to the Parliament, where he thinks he can get justice. But the Parliament cannot discuss the behavior of a judge except as an impeachment process. Whether the impeachment leads to removal or not finally, is a different matter. But the matter should be considered by Parliament, he says. It is not clear as to who should take the initiative to place the matter before the Parliament — whether it is a Member of Parliament or executive (ministry) or the judiciary itself. Even then the process cannot be certain.

Recently there was an allegation against a judge of a high court that he mistreated a district judge who happened to be a Dalit. As the victim could not get justice from courts, he is reported to have approached an honorable member of Rajya Sabha to get the behavior of the judge discussed and take necessary action. The Hon’ble Member verified the record and was convinced that it is serious enough deserving discussion

in Parliament. He convinced some of his colleagues and obtained consent of required number of supporters for moving in the House. By the time the Sabha was ready to take up the matter, majority of the members who supported the cause announced that they had withdrawn their support and also their signatures. The matter could not be taken for discussion. We do not know what happened to it later. Perhaps, it is not a matter to be decided by law whether the signatures given can be withdrawn by oral statements. That is a different matter.

Meanwhile, the Hon’ble Supreme Court is aggressively pursuing its course of action against Justice Karnan. They have gone to the extent of suggesting that Justice Karnan has lost his mental balance and asked for a medical certificate in that regard. Still they insist that the judge shall make an unconditional apology to the judges against whom he made allegations. Is the court willing to accept that the mental condition of Justice Karnan is normal if he tenders an unconditional apology? Unfortunately, the two parties to the dispute appear to take it as a question of prestige and pulling in opposite directions. It is ultimately leading to discredit the judiciary itself. First of all, the matter could have been suppressed in the initial stage itself if the Hon’ble Supreme Court stated that the allegations made by Justice Karnan were verified and found to be baseless. Instead of that they called it defamatory and asked the judge to offer an apology which he naturally refused. Then the Supreme Court considered it a case of contempt of court which is a serious allegation. Justice Karna offered to get the matter referred to parliament. As it

is the only way provided in the constitution to remove a judge, it should have been accepted and reference made to the parliament. It is obvious that the Supreme Court considers him to be unfit to be a judge on the High Court as they deprived him of his functions as a judge. It is not clear what prevented the Court from referring him to the parliament. Even if he is not allowed to function as a judge and even if he is declared mentally unfit, the only way to remove him is through parliament. Why is the Court hesitating to take that step? Justice Karnan himself is asking for it.

It is a bad omen that some of the Justices in the higher judiciary are inclined to take arguments as personal and become touchy. Judges should show magnanimity and dignity and try to stay above the petty statements that the parties may be making before them. Judicial restraint earns more respect than aggrandizement.

Who knows what happens even if the case of Justice Karnan is referred to the Parliament as suggested by him? Strange things are happening with our judiciary!

Acharya Javadekar
A Satyagrahi Socialist



G. P. Pradhan

Price: Rs. 20/-

Janata Trust
D-15, Ganesh Prasad, Naushir
Bharucha Marg,
Grant Road (W), Mumbai 400 007.

Memorandum

Date: 4 May 2013

His Excellency
ShriPranab Mukherjee
President of India

Sub. : Request to bring back the mortal remains of Bahadur Shah Zafar.

Most Respected Sir,

The Socialist Party would like to request you to direct the Indian government to bring back the mortal remains of Bahadur Shah Zafar from Rangoon (presently Yangon), Myanmar, to Delhi. The Socialist Party takes inspiration from the thoughts of Dr. RammanoharLohia. Dr. Lohia had suggested that in case a leader passes away in a foreign country, her/his last rites should be performed there itself. The Socialist Party accepts this view of Dr. Lohia that would lead to strengthen the bonds of world brotherhood. But the case of Zafar was all together different. He was arrested by the imperialist rulers, tried and brought to Rangoon in captivity in 1857. He passed away there on 7 November 1862, at the age of 87, longing for two yards of mother land for his burial. Zafar, a poet of his own style, expressed his pains of exile in his famous couplet: 'kitnaa hai badnaseeb Zafar dafanake liye, do gaz-zamin-bhi-na mili kuue yaar mere'.

As you know, it is a long pending demand made by several citizens of India time to time. The first such request was made by the Bahadur Shah Zafar Memorial Society in 1949. However, the government has not conceded the demand though it knows very well that Zafar had expressed the desire to be buried in India after his death.

One can understand that the colonial rulers kept Zafar, the symbol of revolt and Hindu-Muslim unity, in captivity and then buried him in exile as a non-entity. But it remains unexplained why the rulers of free India are not ready, even symbolically, to undo the insult and injustice meted out to Zafar by at least bringing back his remains to India and put him to rest at the place of his choice — Dargah Qutbuiddin Bakhtiyar Kaki at Mehrauli, where an empty grave awaits his remains.

Sir, the demand to bring back the remains of Bahadur Shah Zafar to India is not merely an emotional issue for the Socialist Party. Zafar was the leader of our First War of Independence against the colonial powers and a symbol of Hindu-Muslim unity. Therefore, it should be the duty of the Indian government to bring back his remains. Further, a grand memorial should be constructed in the memory of the martyrs of 1857 for the benefit of present and future generations..

We would like to draw your kind attention towards the tribute paid to Zafar by NetajiSubhash Chandra Bose, addressing a ceremonial parade of INA at his tomb at Yangon. Netaji ended his speech quoting famous couplet of Zafar: 'Ghazion me in burahegi jab talakimanki/ Takht-e-London tak chalegi tegh

Hindostanki!' (As long as there is faith in the heart of the freedom fighters / The sword of India will pierce through the throne of London). Netaji declared on that occasion, "This parade is the first occasion when India's new revolutionary army is paying homage to the spirit of the supreme commander of India's first revolutionary army."

Sir, we make a sincere appeal to you to kindly take personal interest in this matter of great importance and convince the government to concede to the demand at the earliest.

With best regards,

Dr. Prem Singh

General Secretary/Spokesperson

Madhu Dandavate
By
B. Vivekanandan
Price: Rs. 20/-

Janata Trust
D-15, Ganesh Prasad,
Naushir Bharucha Marg,
Grant Road (W),
Mumbai 400 007.

Free Speech, Nationalism and Sedition

Ajit Prakash Shah

“A parochial, selfish, narrow minded nationalism has caused so much misfortune and misery to the world. A mad and exaggerated form of this cult of nationalism is today running rampant....” This statement made by M.N. Roy, as far back as 1942, may resonate with many even today, particularly in these times we live in.

...Today, we are living in a world where we are forced to stand for the national anthem at a movie theatre, we are told what we can and cannot eat, what we can and cannot see, and what we can and cannot speak about. Dissent, especially in the university space, is being curbed, and sloganeering and flag raising have become tests for nationalism. We have a 21-year old University student who is subject to severe online hate, abuse, and threats, only because she dared express her views.

In any society, at any given point of time, there will always be people holding divergent views. Such views are integral and inevitable in a healthy, functioning democracy. Nowhere has this been better expressed than by the judgment of the Bombay High Court in *F.A. Picture International v CBFC*, where the Court said:

“History tells us that dissent in all walks of life contributes to the evolution of society. Those who question unquestioned assumptions contribute to the alteration of social norms. Democracy is founded upon

respect for their courage. Any attempt by the State to clamp down on the free expression of opinion must hence be frowned upon”

Unfortunately, however, our institutions of learning are under attack today and there is a concerted attempt to destroy any independent thought. Today, sadly, in this country I love, if anyone holds a view that is different from the government’s “acceptable” view, they are immediately dubbed as “anti-national” or “desh-drohi”. This marker of “anti-national” is used to intimidate and browbeat voices of dissent and criticism, and more worryingly, can be used to slap criminal charges of sedition against them.

All these factors have led me to choose the present topic to generate further discussion and debate. I think it is all the more important to discuss and talk about nationalism.

What is Nationalism?

At the very outset, I would like to caution against, what the celebrated Nigerian author Chimamanda Adichie terms, the “danger of a single story” — the danger of understanding an idea only from a single perspective and ignoring the diversity of views present.

Mridula Mukherjee points out the nuances in the word “nationalism” and how it encompasses the ideas of progressive nationalism, a

revolutionary pro-people nationalism, and a regressive and jingoistic nationalism. Hitler’s nationalism, after all, was very different from Gandhi and Nehru’s nationalism. The European conception of nationalism, developed from the days of the Treaty of Westphalia and in the age of imperialist expansion, focused on the enemy within, whether the Jew or the Protestant. In contrast, the Indian conception of nationalism, developed as an opposition to an external imperialist British state, was more inclusive in uniting the people against them. This was then, an “anti-colonial nationalism, where the primary identity of an Indian was not their religion, caste, or language, but their unity as equals in their demand for freedom. It is thus important to remember that there is no single overarching “right” conception of nationalism.

How then did M.N. Roy understand nationalism? In Roy’s view, nationalism was representative of the desires and ambitions of a group of people within a certain geographical area, as opposed to people uniting on the basis of class. Nationalism thus emphasised the placing of one’s country’s interest over the interest of the rest of the world. There was a time in the 19th century, when countries were still isolated from each other, when nationalism was a historic necessity, under whose banner people came together and humanity progressed. However, he believed, it had now become a selfish, narrow-minded

“antiquated cult”, and the world should progress towards internationalism and international cooperation. The ambitions of different nations began to conflict with each other, contributing to an exaggerated and irrational form of nationalism, which manifest itself in the rise of Fascism and Nazism, eventually leading to the Second World War. Nationalism, in Roy’s eyes, had thus become a synonym for revivalism, whose advocates were consigned to glorify the past and advocate for a return to the bliss of the middle ages and a simpler life.

Rabindranath Tagore, the composer of the Indian national anthem, had even more radical views on nationalism. He believed that a fervent love for the nation represented a conviction of national superiority and a glorification of cultural heritage, which in turn was used to justify narrow-minded national interest. Writing in 1917, Tagore said, “when this organisation of politics and commerce, whose other name is the Nation, becomes all powerful at the cost of the harmony of higher social life, then it is an evil day for humanity.” He thus cautioned against such an exclusionary and self-aggrandizing form of nationalism that was based on a hate culture against an imagined or actual Other, who was viewed as the enemy.

On the other hand, the revivalists focus on the glory of ancient India, going back to the Aryan race as the building block of the Indian civilisation. This takes the form of cultural nationalism, where anyone celebrating “Western” festivals such as Valentine’s Day or even couples merely holding hands are to be ostracised and attacked. As religious nationalism, it endorses the two-

nation theory, which envisages a nation under Hindu rule, a Hindu rashtra in Akhand Bharat (a United India). This is premised on the belief that only a Hindu can claim the territory of British India as a land of their ancestry, i.e. pitribhumi, and the land of their religion, i.e. the punyabhumi. As Vinayak Damodhar Sarvakar propounded, “Hindu Rashtra (state), Hindu Jati (race) and Hindu Sanskriti (culture).” Muslims and Christians are viewed as foreigners, who are not indigenous to the territory of India, and whose religion originated in a separate holy land.

At this point, I would like to share my personal background. My maternal grandfather was the President of the Hindu Mahasabha in the 1940s, and the first literature that I ever encountered in my school days was Sarvakar’s writings. Writing in 1938, when Hitler was on the rise, Sarvakar justified Hitler’s policies towards the Jews and driving them away from the motherland. He said, “A nation is formed by a majority living therein. What did the Jews do in Germany? They being in minority were driven out from Germany.” I am not sure whether his views changed after World War 2, and when the extent of the holocaust came to be known. Sarvakar further believed that minority groups must lose their separate existence and separate identity if they want to live in India.

Roy, unsurprisingly, was critical of such views. While discussing the declaration made by the President of the Hindu Maha Sabha that “the majority is the nation”, Roy said that it sounds quite in “tune with formal democracy”, but in reality “particularly in the prevailing

atmosphere of Indian politics, it means that in a nationally free India the Muslims, constituting nearly 1/3rd of the population, will have no freedom”. He was thus against removing an imperialist regime and replacing it with a nationalist regime, which would continue to deny real freedom to most of the Indian people.

It is important to remember that both Tagore and Roy wrote in the context of the First and Second World War respectively. They had thus, witnessed first hand, how the pursuit of the glory of the nation had resulted in the great wars, and betrayed the ideas of liberty, equality, and fraternity of the French Revolution. Today, in independent India unfortunately, having such views is almost blasphemous and perhaps seditious.

India is a diverse country and people hold different views about nationalism, the idea of India, and our place in the world. We must respect these differences, not silence those who hold a different view on nationalism and patriotism for the country. Elevating only a single view — one that idolises the nation and staunchly rejects any internal or external criticism — will only polarize citizens against each other.

At the end of the day, it is important to question, what is the defining characteristic of a nation — is it the territorial boundary or the collection of people that is a country’s defining feature. Our Constitution starts with a solemn declaration of “We, the people of India...” In this context, is being anti-national equivalent to being anti-Government or is the hallmark of an anti-national that they are against the interest of the people, especially the minorities

and the depressed classes? Can an entire University and its student body be branded “anti-national”?

Our current state of affairs is especially sad when we consider that the freedom struggle gave us a country and a Constitution that was committed to the ideals of democracy, free speech, civil liberties, and secularism. Unlike Pakistan, religion is not the founding basis of our nation. Our right to free speech and expression is not a gift or a privilege that the Government bestows on us; it is our right, guaranteed by the Constitution of India, and won after decades of struggle and sacrifice by the people of India.

Free speech and the Constitution

Writing in *Young India* in 1922, Gandhi said, “We must first make good the right of free speech and free association before we make any further progress towards our goal. We must defend these elementary rights with our lives.”

Gandhi’s views were based on his belief that liberty of speech is unassailed even when the speech hurts and that “freedom of association is truly respected when assemblies of people can discuss even revolutionary projects.”

Gandhi was not alone in his ideas. Our early nationalist leaders too, from Raja Ram Mohan Roy to Bal Gangadhar Tilak, made the grant of civil liberties to ordinary Indians an integral part of the national movement.

These very ideas were incorporated into the Constitution by the Constitution drafters. They

understood that while the freedom of worship is part of democracy and is a fundamental right, the edifice of modern democracy has to be the freedom of thought and expression. Our Constitution is drafted as a positive, forward-looking, inclusive document that binds the aspirations of all Indians. The Preamble expresses the resolve of the people to constitute India into a sovereign, socialist, secular, democratic republic securing justice, liberty, equality, and fraternity of its citizens. This achievement is all the more noteworthy if we consider, as Fali Nariman recently pointed out, that in a Constituent Assembly of 299, 255 members (85%) were Hindus. Despite being in a massive majority, the Constitution drafters took pains to protect the interests of the minority, the oppressed, and the dissenters.

Having been given a magnificent and inclusive Constitution, it then fell on the Supreme Court to protect the rights guaranteed therein, especially the right to free speech and expression.

Free speech and the Court

The Supreme Court has repeatedly emphasised the value of free speech, noting that the freedom of speech and expression lies at the foundation of all democratic organisations, inasmuch as free political discussion facilitates public education and enables the proper functioning of the processes of government. The Court has emphasised the function of free speech as promoting autonomy and self-fulfilment, maintaining truth, and performing the function of a watchdog. It has also given express recognition to the value of free

speech in a “market place of ideas”, by quoting the famous dissent of 1919 of Justice Holmes in *Abrams vs. United States*:

“But when men have realized that time has upset many fighting faiths, they may come to believe even more than they believe the very foundations of their own conduct that the ultimate good desired is better reached by free trade in ideas - that the best test of truth is the power of thought to get itself accepted in the competition of the market, and that truth is the only ground upon which their wishes safely can be carried out.”

The value of free speech is thus, both intrinsic and instrumental, and has consistently been linked to democratic ideals. For example, the censorship of the play “*Mee Nathuram Godse Boltoy*”, which was extremely critical of Mahatma Gandhi was not permitted by the Bombay High Court. In an insightful judgment in *Anand Chintamani Dighe vs State Of Maharashtra*, the Court highlighted the importance of respect for, and tolerance of, a “diversity of viewpoints”, as being essential to sustain a democratic society and Government. The Court further went on to state, “Popular perceptions, however strong cannot override values which the constitution embodies as guarantees of freedom in what was always intended to be a free society.” In the same vein, the Supreme Court in *Director General, Doordarshan vs Anand Patwardhan* held in 2006 that the State cannot prevent open discussion, regardless of how hateful such discussion was to the State’s policies.

The importance of dissent is best understood by the Supreme Court’s

view in *S. Rangarajan v P. Jagjeevan Ram* that “In a democracy it is not necessary that everyone should sing the same song..”.

It has thus long been understood that free speech has to be countered by more speech; that the response to criticism is not to shut it down, but to engage with, and respond to, the speaker. Moral vigilantism, as Upendra Baxi rightly recognises, has no place in our Constitutional polity and democracy.

Free speech, though, is under attack. The joy over the striking down of Section 66A of the IT Act in *Shreya Singal* was soon replaced by despair over the Supreme Court’s decision to uphold the constitutionality of criminal defamation in *Subramaniam Swamy v UOI* and its “order” directing all cinema halls across India to play the national anthem before the start of a film, and requiring the audience to stand up as a “show of respect”.

Just last month, in relation to the comments made by Azam Khan regarding the Bulandshah gang rape, the Supreme Court raised the question of whether the right to free speech under Article 19(1)(a) is to be controlled singularly by the language under Article 19(2) or is it also impacted by the expansive right to life and personal liberty under Article 21 of the Constitution. The answer to this question will have a profound impact in restricting the scope of Article 19(1)(a) and undermine our Constitutionally guaranteed right.

Even the Bombay High Court, whose decisions I have referred to above, has on occasion failed to protect the right to free speech.

Recently, it constituted a three member committee (comprising of two lawyers) to give a report on the scenes in the movie *Jolly LLB-2* it found “objectionable”, because it was prima facie of the view that certain scenes — those involving a cowering judge and some dialogue between the lawyers — were in contempt of the judiciary and the legal profession. Mind you, this was a movie where the CBFC, i.e. the Censor Board, has given the requisite certification for its release. It was also a case where the High Court entertained the writ petition (later converted to a PIL) based only on two trailers and some photographs! As Justice Lodha had said, while dismissing a similar petition when *Jolly LLB-1* released, if the Petitioners don’t want to watch the movie, no one is forcing them. The Bombay High Court’s order, the report of the three member “committee”, and the proximity of the release date, essentially forced the producers and director of the movie to “compromise” and undertake to make the requisite modifications and deletions to the objectionable scenes.

I only hope that these judgments are aberrations in an otherwise glorious history of the Indian Judiciary in protecting and promoting the Constitutionally guaranteed right to free speech and expression.

However, free speech has to be protected institutionally — not only by the Courts, but also by statutory institutions and the media. Unfortunately, we read about reports where the CBFC, our “censor board” has refused to certify a movie such as *Lipstick under my Burkha*, because it was “lady oriented”, contained “sexual scenes, abusive words, audio pornography”; deleted the line “mann ki baat” from the

upcoming movie *Sameer* because that is the name of the Prime Minister’s radio show; and demanded that the *Hanuman Chalisa* be muted from a scene in *Phillauri*, because it failed to ward off the ghost. How can you forget that in *Udta Punjab*, a Adult-only certified movie, the Censor Board demanded 94 cuts (based on 13 suggestions), including deleting the name “Punjab”, deleting certain abuses and deleting the words “Election”, “MP”, and party worker”. If this is not an assault on the freedom of speech and expression, then I don’t know what is.

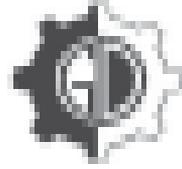
The freedom of the press is part of the freedom of speech guaranteed under Article 19(1)(a). This is because a free press is essential to disseminate different views, and promote democratic ideals. More importantly, today, when mass-communication and digital media have become prevalent, the media assumes an even greater importance in playing the role of the opposition and checking facts. In fact, no other institution wields as much power and influence on public opinion as the media. However, in recent times, a section of the media, through its biased and one-sided reporting, has unfortunately aided in the restriction on free speech. A news channel airs false and doctored footage, while others openly fan the flame of this patriotism and anti-national debate. It is ironic that the media, which played a critical role in asserting its right to free speech during and after the Emergency, and in the process helped develop our Article 19(1) jurisprudence, is now the institution that is compromising and challenging the same freedom of speech of the dissenters today.

(To be concluded)

Postal Registration No. MCW/275/2015-2017.

License to Post without prepayment WPP License No. MR/Tech/WPP-210/West/2017

Published on Sunday, May 14, 2017 & Posted on Wednesday May 17, 2017 at Mumbai Patrika Channel, Mumbai GPO-1



GANNON DUNKERLEY & CO., LTD.

An infrastructure company established since 1924

REGD. OFFICE :

*New Excelsior Building, (3rd Floor),
A. K. Nayak Marg, Fort, Mumbai 400 001.
Tel.: 022 2205 1231 Fax : 022-2205 1232*

Office : Ahmedabad, Hyderabad, Kolkata, Mumbai & New Delhi