

POSTSCRIPT V

THE DESTINY OF OUR NATION : THE ADVENT OF NARENDRA MODI

PART I

Prelude

The 2014 General Election seemed unique in many ways. Our nation saw a new star at the horizon. We were fed up with monochromatic agenda of the BJP and the Congress for long years. Our country was turning fast into a republic of scams and scandals. Our democracy was running the risk of degenerating into such morbid corruptions as only Milo's Rome knew. But two features of our people are noteworthy. The first is Hope that is never lost in the worldview shaped by the *Bhagavad-Gita* and the *Quran*, and the second is the philosophy of *karma* and *kartavya* the grammar of which is, again, revealed best in these sacred texts. Many things shaped the context of this Election. But here I do not want to touch on them. Let some more time pass so that a right perspective to judge the drama and its *dramatis personae* becomes available to people. In this Postscript, I would simply concentrate on certain imageries reflecting on them to enjoy their suggestions, and to understand how our destiny is going to play 'Upon this chequer-board of Nights and Days'.

The imageries on which the mind dwells in this Chapter can be the matters of diverse interpretations as they are rich in suggestions, and profound in possibilities. I saw most of these on the TV screen in my private ward of the Jaslok Hospital, Mumbai where I had been admitted on April 30, 2014 for the treatment of a cerebral stroke that had turned my lower right side almost dead. It was all chaotic darkness in which I felt I got sucked in devoting those troubled moments just gazing at the shredded past-present-future, and counting their micro-fragments floating and melting in the silent dense darkness. The television screen on the wall had all colours and sound, but they were all above me. I was discharged from the hospital on 17 May 2014. Those days were my 'lost days'. Reaching back to Kishori's house at the Pedder Road, was really a return to the world. It was May 20. I was yet not wholly out of delirium. But something strange happened in me.

(i) *Vishwaroop* Darshan in Parliament

One day the TV screen drew my mind with an electrifying sharp jerk. I saw Narendra Modi reverentially bowing to Parliament, touching its stairs with his forehead.¹ He seemed to me Arjuna witnessing Lord Krishna's *vishwaroop*. When

1. Link: <http://indianexpress.com/article/india/politics/narendra-modi-bows-as-he-enters-parliament-for-first-time/>

the lord revealed Himself in His infinite majesty, Arjuna's salutation to Him is thus described in the *Bhagvad Geeta* (XI.14):

tatahsavismayavrsto
hrstaromadhanamjayah
pranamyasirasadevam
krtanjagirabhasata

[Arjuna bowed down his head to the Lord, with hands folded (in salutation)].

I kept gazing, with a measure of suspended disbelief, at the scene I saw on my TV screen. It was amazing to feel that my blocked memory was now free. I could easily recognise that the building on the steps of which the leader bowed was our Parliament, and the man who bowed in reverential salutation was Narendra Modi, the Prime Minister designate. What I saw built for me the chiaroscuro of light and shade. The place wherein 'We the People' are present through our representatives, deserved to be treated as a sacred place. I could recall the Vedic mantra that I had quoted on Chapter 22 (at p. 333). My mind went back to the description of Sabha in the 'Udyoga Parva' of the *Mahabharata* (see page 512 of the Memoir). On reading the inscriptions at various places in Parliament (see: 'The Rocks speak: Inscriptions in the Parliament House' in Chapt. 30), I had the feeling of sublime joy. The expectations revealed by those inscriptions are high. As there is no ceiling in scaling up excellence, there is no bottom to degradation. We all know how scandals and scams, one after another, shook our faith in Parliament. I have bewailed about them at many a place in this Memoir, But all this does not detract from the institution's sacred character. The duty of the citizenry is to drive the evil out. Jesus opposed when the money changers and usurpers turned the prime temple of Jerusalem into a casino. Those who oppose rapacious or corrupt authority consider even now Jesus an ideal role-model (see Chapt. 20 pp. 272-273)

Seeing the Prime Minister-designate touching the stairs of Parliament before stepping into this shrine of democracy, took me, on flashback, to my school days. Whenever I went to have a dip in the Ganges, I had been trained to seek a pardon for the sacrilege of touching the holy waters with my feet! I remember the song of the great poet Vidyapati that I intoned with deep reverence. The words meant this:

"Forgive me, Holy Mother, for my indiscretion of touching thee with my feet."

Seeing our Prime Minister-designate so reverential, under public gaze, to our Parliament was a great experience. I felt better days were ahead. Days are coming when our corrupt MPs would themselves be not so shameless as to defile the sanctity of Parliament with their presence to represent us in the House. They would consider it a sin to turn a temple into a pigsty. They would not allow Parliament to become a casino, not even a stock-exchange. They would not support the Executive where doing so is just a strategy to survive in power without promoting national interest. Such acts would be both sin and crime.²

2. see page 521 of the Memoir; also, Bertrand Russell, *Autobiography* p. 719

(ii) Our Constitution

The above attitudes towards Parliament are the natural outcome of our highest regards for our Constitution. The BJP manifesto of the 2014 General Election considers that the ‘only epic of a Government should be India’s Constitution’. ‘A constitution is written by citizens to establish the government they live under. The prime purpose of a constitution is to delineate how government will operate and function.’ Our Constitution is unique in comprehensiveness and precision. The Postscript VI is a short note on the ‘Constitutional Restraints’ that binds all the organs of our polity; both domestically and internationally. To some extent the restraints can be modified only by following the constitutional procedure prescribed for bringing about constitutional amendments. I wish the power to make treaties are not allowed to subvert the Constitution. ‘Democratic-deficit’ and ‘Moral-deficit’, evident in the treaty-making process of our country, must end. Our Constitution is unique as it creates the organs of the government, confers powers, and subjects them to strict constitutional discipline. As over years I had the occasions to reflect on these issues, I have drawn up a short Postscript VI highlighting the doctrine of Constitutional Restraints for our Parliament to consider, and enforce so that our Constitution works without a risk of subversion. This Postscript draws threads from Chapter 21 (‘Our Constitution at work’), and would help the exploration and determination of the parameters that govern the exercise of this great power in our democratic republic. You will find the constitutional provisions explained in my article on ‘A Summary of the Constitutional Provisions relevant to Determine the Reach and Ambit of India’s treaty-making power’ at my website: http://www.shivakantjha.org/pdfdocs/parlour/A_Constitutional_Provision_apropos_Treaty_Making_Power.pdf.

(iii) Pravirtimarga

Whatever I have been able to know about Narendra Modi, he is a follower of the *Pravirtimarga* of the Vedanta philosophy so dear to Swami Vivekananda. Balgangadhar Tilak has explained this marga in the Preface to the *Geeta Rahashya* that I have already quoted in the Postscript III. We have read how close Shri Modi is to the ideas of the Vedanta as expounded by the great patriotic saint. A Vedantic Hindu rises over the barriers of religions and castes. This takes me down my memory-lane. In his resonant voice, Dr. Ramdhari Singh ‘Dinkar’ had said which cannot be faulted. His exposition is extremely valuable for us to know the basic oneness of all religions. I summarize what he had said:

“A true Vedanti is neither a Hindu, nor a Mussalman, is neither a Buddhist nor a Christian, He is just a good soul. Every *dharma* has two dimensions: popularly called *shruti* and *smriti*. *Shruti* is that sphere of Dharma wherefrom all religions originate. *Smriti* is that sphere of Dharma where all religions differ *inter se*. The invisible ultimate reality of Dharma is its *shruti* form.....*Shruti* brings all religions together. *Smriti* takes them apart. The *shruti* form of Dharma is Vedanta

that makes people tolerant, love all, and see the underlying mystery of all.”³

I wish Modi adheres to the vision that unites us, and sees the same God in all. If this happens the very crisis in our civilization, about which I have written at pp. 385-387 of the Memoir, would surely be solved heralding better days for all in the world.

We know that the great Narendra Nath Datta (1863 - 1902) became a patriotic saint Vivekananda. Vishwanath Himself becomes 'VEDANTA' about whom Tulsidas says in his immortal *stotra*:

नमामीशमीशान निर्वाणरूपं विभुं व्यापकं ब्रह्मवेदस्वरूपम्

Please reflect over the world. You can see all gods and all religions in this poetic presentation of Vishwanath who manifests in all religions, whose voice is heard in all that has been said in the sacred and profound books of all times, of all lands. Vishwanath, or Somnath, Baidyanath, or Pashupatinath is the manifestation of Mahadeva whose own religion none knows, whose own caste none knows. He is everywhere because nothing beyond Him is conceivable. Where does all the perception of analogy between Datta and Modi would take us is for TIME to reveal. When all is said the grammar of actions remain the same, as we get in the *Bhagavad-Gita* and the *Quran* to which I would come towards the end of this Postscript.

(iv) Our Politics at a crossover point : HOPE FOR BETTER FUTURE

Our nation's politics had reached a cusp where it must reveal herself which way it must go. Vartrihari has well described the two faces of 'politics' in his *Neetisataka*:

सत्यानृता च परुषा प्रियवादिनी च हिंसा दयालुरपि चार्थपरा वदान्या ।

नित्यव्यया प्रचुरनित्यधनागमा च वराङ्गनेव नृपनीतिरनेकरूपा ॥

(She is truthful, but is less than that even. She speaks with barbs, but at times her words are all delight. She is ferocious, yet kind. She is greedy for wealth but enjoys donating. She is spendthrift but earns a lot. Thus 'politics' has, like a courtesan, various faces.)

Narendra Modi has hoisted 'hope' for the nation. This in itself is great. In Chapter 25 of this Memoir, I have told you a dozen short stories which are the metaphors for great thoughts. I had concluded that Chapter thus:

“Concluding his *Modern Democracies* (Vol. II p. 670), Lord Bryce perceptively observed: “Hope, often disappointed but always renewed, is the anchor by which the ship that carries democracy and its fortunes will have to ride out this latest storm as it has ridden out many storms before.”

3. Dr. Ramdhari Singh 'Dinkar', *Sanskritike Chaar Adhyaya*(1956) p.282 [translation from Hindi by the author of this Memoir].

(v) Modi articulates his vision

On May 20, 2014, after bowing down on the step of our Parliament, Shri Narendra Modi delivered his speech⁴ in the Central Hall of Parliament addressing the BJP parliamentary party meeting. He spoke in chaste Hindi with a high quotient of heart-felt feelings. He recognised/acknowledged/appreciated: (i) the greatness of Parliament as the ‘temple of democracy’; (ii) his *parishramyagya* for winning the General Election 2014; (iii) the great contribution of the freedom fighters and the makers of our Constitution; (iv) the power and greatness of our Constitution that enabled a common man to ‘reach this height’; (v) his government would be pro-people as it is the people who needs government most. He greeted Mother India (*VandeMataram*), and asserted that the Election made people optimistic: he said ‘that this election is of hope, for hope.’ He recognised that with this begins an era of responsibility, and in 2019 he would present his report card to the people of this country. His strategy of work would be *sabkasaath, sabkavikash*. He articulated the message of the Election in these suggestive words:

‘... the first message that goes out to the world is that it is not important that millions of people have made some party victorious or made someone a prime minister. But it is important that millions have given a good mandate and have held India’s position high in the world. [That] is the message of these elections. Who won and who lost is not important. These are the results which will attract the world to India and to its democratic traditions, and capabilities. Hope has been kindled in a common citizen of India and the same hope has arisen in humanitarian forces in the world. This is a very good sign.’

He concluded with words that bring to mind the invocation by Swami Vivekananda in the Parliament of Religions at Chicago held in 1893. He said in the similar tone and tenor: ‘Brothers and sisters, once again I express my gratitude to millions of workers who have toiled hard for this victory.’ And he saluted the sacrifices made by past five generations. for nationalist causes.

(vi) *nadainyam, napalayanam*(no cringing and no abdication of duty).

I had referred at the beginning of the Postscript to Arjuna’s perception of Lord Krishna’s *vishwaroop*. I would end the Part I of this Postscript, again with Arjuna. I would bless Shri Modi so that he works successfully with the motto with which Arjuna had worked. I had written in Chapter 7.

‘We felt that we had reached a point where everyone could live following the motto which Arjuna had set for himself: *na dainyam, na palayanam* (no cringing and no abdication of duty).’

PART II

Some cardinal assumptions and the goalposts

It is great to read in the BJP’s Election Manifesto for 2014, the Modi-led BJP’s resonating commitments beautifully articulated thus :

4. <http://www.thehindu.com/news/national/text-of-narendra-modis-speech-at-central-hall-of-parliament/article6030457.ece>

- ◆ the only philosophy and religion of the Government should be India First.
- ◆ the only epic of a Government should be India's Constitution.
- ◆ the only power of a Government should be the power of the people.
- ◆ the only prayer of a Government should be the welfare of its people.
- ◆ the only way of a Government should be 'Sabkasaath, SabkaVikash'.

(a) The only philosophy and religion of the Government should be India First. It means that the dignity and greatness of our country must not be compromised on any count, for any reason. When 'We the People' work with this commitment Bharat can become *Shrestha* (great). To achieve this, India must preserve her sovereignty in managing her natural and human resources, and must formulate her domestic policies in all the spheres which are matters of concern for us. At the international plane we must inter-act and collaborate with other members of the comity of nations for peace and prosperity of all. But the Constitution of India, till it lasts, does not permit any organ of the State to act transgressing our Constitution that has created the organs of the State, and conferred powers for all they are capable of. The neoliberal intrusion into domestic space must be resisted and declared invalid. The present sinister trends can be understood from my 'Aside' at page 546-547 of the Memoir. Over the recent years the gladiators of Globalisation have largely glossed over the original intent of article 15 (8) of the League of Nations Covenant, and Article 2(7) of the U.N. Charter. Ian Brownlie, himself a great international lawyer, concludes his Chapter on 'Sovereignty and Equality of States' with a brief but suggestive comment: "As with other issues associated with sovereignty, domestic jurisdiction has content as a presumption rather than rule."⁵ I would revisit the point later on under the caption 'When our Constitution was defaced and defiled'.

(b) The only *epic of a Government* should be India's Constitution. An epic presents its moral vision in elevated style of rich idioms and metaphors to guide the course of human actions. Every epic becomes a *Shashtra*. The *Bhagavad-Gita* is a *Shashtra*, so is our Constitution. We obey our Constitution because we have learnt to obey the *Shastras* (The *Gita* XVI.23). The obedience to our Constitution is thus a cultural imperative. I am charmed by the expression that considers our Constitution an epic of government. The epic richness of our Constitution has been briefly explored in Chapter 21 ('Our Constitution at Work') highlighting the very mission of our Constitution, and the norms for organising our polity. It not only grants powers to amend the Constitution by the procedure of varying rigidity, it allows itself to become a rich trajectory under which, to quote what *F W Maitland* had written to Dicey, "the only direct utility of legal history... lies in the lesson that each generation has an enormous power of shaping its own law."⁶

5. Ian Brownlie, *Principles of Public International Law* p. 455

6. Cosgrove *The Rule of Law: Albeit Venn Dicey: Victorian Jurist* (1980).

- (c) The only power of a Government should be the *power of the people*. The idea could have been put better by simply stating: The only power of a Government is the *power of the people*. It would have been wholly right for our Supreme Court to hold in *Kesvananda's Case* that 'We the people' in the preamble to the Constitution simply meant that it was the work of the power of our people. True, the Supreme Court had real difficulty in deciding the validity of an instrument under which it was created. The Indian Independence Act came into effect on 15 August 1947. It merely recognized what was *fait accompli*. In terms of Public International Law, the Act, it was a mere *recognition* of an accomplished fact. The people of a political society have two ways to exercise their power: first is the constitutional way in accordance with law of the land; and the second is the way of revolution. The second way may not be liked by the persons in power, but its existence cannot be denied in certain moments when the law falters, the Constitution is defiled, and the voice of sanity becomes still. So long as the writ of the Constitution runs, its discipline is always accepted. But it is a different matter if the transgressions of Constitution are such as to make it a mere instrument for pursuing undemocratic, immoral, or unworthy ends subversive of democracy, promotive of Corporatocracy.
- (d) The only prayer of a Government should be *the welfare of its people*. The notion that the state exists for the welfare of people is innate in our thinking right from the times of Krishna and Chanakya. This commitment is an integral part of our socio-political mores. Krishna's ideas have been mentioned in Chapter 20. What the Court says in *McDowell* [1985] 154 ITR 148, constitutes the very soft structure in the judgment. 'Soft structure' is the judicially approved values, assumptions & ideas in the light of which the judicial quest for finding solutions to the problems is made. The 'soft' structure of *McDowell* has been developed by Justice Chinnappa Reddy in his concurring Judgment. His Judgment shows that our Supreme Court had become conscious of our Constitution's Welfare mission, and was conscious of the State's obligations under the Preamble to our Constitution, and its other provisions⁷. But it is important to know the judicial philosophy of this approach. The main judgment touches this point, but it has been developed in the supplemental judgment wherein Justice Reddy, after enumerating the evil consequences of tax avoidance, articulated a new judicial approach. And Justice Reddy states the judicial duty of the court thus:

7. Justice Reddy said in *McDowell and Co. Ltd. v. CTO* (1985) 3 SCC 230 :

"We must recognize that there is behind taxation laws as much moral sanction as behind any other welfare legislation and it is pretence to say that avoidance of taxation is not unethical and that it stands on no less moral plane than honest payment of taxation. In our view, the proper way to construe a taxing statute, while considering a device to avoid tax, is not to ask whether the provisions should be construed literally or liberally, nor whether the transaction is not unreal and not prohibited by the statute, but whether the transaction is a device to avoid tax, and whether the transaction is such that the judicial process may accord its approval to it."

“It may, indeed, be difficult for lesser mortals to attain the state of mind of Mr. Justice Holmes, who said, “Taxes are what we pay for civilized society. I like to pay taxes. With them I buy civilization.” But, surely, it is high time for the judiciary in India too to part its ways from the principle of Westminster and the alluring logic of tax avoidance, we now live in a welfare State whose financial needs, if backed by the law, have to be respected and met. We must recognize that there is behind taxation laws as much moral sanction as behind any other welfare legislation and it is pretence to say that avoidance of taxation is not unethical and that it stands on no less moral plane than honest payment of taxation. In our view, the proper way to construe a taxing statute, while considering a device to avoid tax, is not to ask whether the provisions should be construed literally or liberally, nor whether the transaction is not unreal and not prohibited by the statute, but whether the transaction is a device to avoid tax, and whether the transaction is such that the judicial process may accord its approval to it. A hint of this approach is to be found in the judgment of Desai, J. in *Wood Polymer Ltd. and Bengal Hotels Limited*, (1977) 47 Com Cas 597 (Guj.) where the learned Judge refused to accord sanction to the amalgamation of companies as it would lead to avoidance of tax.”

Justice Reddy’s views accord with our Constitution that attempts to build a welfare state.

This commitment by the BJP in its manifesto suggests that we are at the threshold of better times when we shall again work for the ideals at the heart of our Constitution (see Chapter 21 pp. 286-293).

- (e) The only way of a Government should be ‘*Sabkasaath, Sabka Vikash*’. This sutra is most salutary in many ways. SABKA SAATH is an imperative need of a stable, people-oriented democratic republic that puts down all barriers of castes and religions. It contemplates united and collaborative pursuits by all the people of India to build our nation. SABKA VIKASH articulates the very objective of the State that provides a right loadstone for development of all, and the right guiding philosophy of governance. The 2014 General Election has shown that whenever our nation is charged with the sublime passion to do good for public cause, all barriers yield to the duty to our nation. *Sabka Vikash* is again our essential democratic and constitutional commitment. But ‘We the People’ would keep our Government under our critical gaze to find: (a) *Vikash*, but what sort of? and whose?; (b) *Vikash*, but at what cost? We must measure all negative externalities in deciding whether to be happy or morose. This holistic vision of our nation on the march is our greatest delight. The mantra ‘*Sabkasaath,*

POSTSCRIPT V : DESTINY OF OUR NATION : THE ADVENT OF NARENDRA MODI

Sabka Vikash reminds everyone to do his *kartavya-karma* (duty) the core instruction both in the *Geeta* and the *Quran*:

पार्थ नैवेह नामुत्र विनाशस्तस्य विद्यते ।
न हि कल्याणकृत्कश्चिद्दुर्गतिं तात गच्छति ॥

The Bhagavad-Gita VI.40

[The doers of good never perish.
A good work done never turn futile.]