

THE RADICAL HUMANIST

Formerly
Independent India

Founder Editor :
M. N. Roy

Vol. 68 No. 2

Single Copy Rs. 15.00

May 2004



Vithal Mahadeo Tarkunde
[3-7-1909 – 22-3-2004]

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THE RADICAL HUMANIST

Vol. 68 No. 2

May 2004

Monthly Journal of the Indian Renaissance Institute.

Devoted to the development of the Renaissance Movement; and for promotion of human rights, scientific temper, rational thinking and a humanist view of life

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Subscription

In SAARC countries :

Subscription for two years	Rs. 250.00
Subscription for three years	Rs. 350.00
Single Copy	Rs. 15.00
Single Copy (special issue)	Rs. 20.00
Life Subscription	Rs. 1,500.00

In Foreign countries :

Annual Subscription (Air Mail)	\$75.00 Or £50.00
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Homage to a Noble Humanist

- Sibnarayan Ray

I see V.M. Tarkunde as one of the last major figures of that remarkable phase in Indian history which is commonly called the Indian renaissance. Taking place as it did in the constrictive context of colonial rule, it had its obvious limitations. Nonetheless, its achievements in the nineteenth century and the first half of the twentieth were undeniably considerable. New ideas and ideals, institutions and techniques, methods and morals, flowing in from the West, itself emerging from the stranglehold of its own dark and moribund religio-feudal heritage, found in some of the boldest and finest spirits in India a creative response which expressed itself in multiple directions. Languages and literatures were revolutionised in one Indian vernacular after another. There were energetic efforts to reform society, to expose its fetid institutions and beliefs to the fresh air and light of free inquiry and to break its rusted fetters. The new values of freedom, justice and all-round human development opened inspiring perspectives and visions among the educated. Much of what is cherishable and inspiring in modern India-human rights and a democratic constitution, scientific advancement and social mobility, remarkable efflorescence of literatures and the arts - is the heritage of the Indian renaissance. Despite the vicious efforts of revivalists, nationalists and communists to denigrate it from various angles, the achievements of the Indian renaissance stand out prominently, in particular in sharp contrast to the decadence of culture and morality that seems to be fast overtaking contemporary India.

What particularly characterised the Indian renaissance was the appearance of several generations of individuals who were persons of integrity and intellect, richly sensitive and articulate, deeply committed to truth and public welfare. I have in mind persons like Rammohun Roy, Iswarchandra Vidyasagar, Akshay Datta, Bankimchandra, the leaders of the Brahma Samaj in Bengal, Jambekar, Vishnu Shastri, Lokahitwadi, Jotiba Phule, Agarkar, Ranade in Maharashtra, Viresalingam Pantulu in Madras, Karsondas Mulji of Gujarat, the Parsi Behramji Malabari, and others who were their

kinsmen in spirit. I see V. M. Tarkunde as belonging to that memorable line of singular individuals whose great tragedy was that despite their lifelong efforts they did not succeed in carrying the common people with them in their pursuit of freedom, truth and justice. That too was the tragedy of Tarkunde's mentor and mine, M. N. Roy, and the shadow of that tragedy deepened in the last quarter of twentieth century. What has made the Indian situation so very desperate at the opening the new century is not simply poverty and over population, but the pervasive absence of honesty and integrity in public life-the fearful ubiquitousness of corruption and cynicism and total lack of concern for the rights and interests of common citizens. In the circumstances I feel the loss of Tarkunde all the more acutely; for looking around I hardly find any one in contemporary India who may fill that gap.

I came to know Tarkunde personally for the first time in May 1946 when about a hundred fifty radicals from all over India had gathered at Dehradun for a national study camp. The camp, its topics and principal speakers were all planned by M. N. Roy who opened and directed the discussions. I had not yet formally joined the Radical Democratic Party whereas Tarkunde had been its General Secretary since 1944. A barrister and economist with a degree from London who had abandoned the path to a lucrative career to devote himself to full-time party work, his intellectual brilliance, organisational ability and total dedication had already established him as Roy's most trusted right hand man in the party. A complete newcomer, I was twelve years younger than Tarkunde, and my interest in politics was marginal. But by that time I had devoted several years of intensive study to Marx and Marxism, had my first book published at 24, and already gained some recognition as a writer and professor of English. I had come to the camp mainly out of curiosity, but I was delighted to find that ideas which I had been trying to formulate tentatively on the strength of my studies and researches were quite close to those which Roy had been exploring since his disillusionment with communism and the Soviet

Union. In the course of the camp deliberations he presented his first formulations of a new political philosophy which went beyond both liberal democracy and communism. Among the old Royists in the Study Camp Tarkunde and Professor G. D. Parikh responded most positively to the new development. I believe they were able to do so because three years ago, under Roy's guidance, they had jointly prepared, together with Prof. B. N. Banerji, the *People's Plan for Economic Development of India* which anticipated some of the novel features of the new philosophy.

Although I was a new comer I was encouraged by Roy to give shape to my ideas which he not only serialised without delay in *Independent India*, but also got published as a book with a generous introduction under the title *Radicalism*, simultaneously with his own collection of camp lectures, *New Orientation*. In the following months there were intensive discussions conducted by Roy at Dehradun, Bombay and Calcutta on the basis of his formulation of the fundamental principles of Radical Humanism. It is my recollection that in the first draft formulation there were sixteen theses, which in the course of discussion developed into twenty two theses. Marx's "Theses on Feuerbach" probably provided the formal model, but the contents were very different. Tarkunde took a prominent part in these discussions; among others who participated at one stage or another I remember Philip Spratt, Tarkateerth Laxman Shastri Joshi, G D. Parikh, G. R. Dalvi, Sudhin Datta and Sushil Dey. Naturally I was very much involved in these deliberations, and after the 22 Theses were adopted by the Radical Democratic Party at its conference at Bombay in December 1946, and *New Humanism : A Manifesto*, drafted by Roy had been adopted and published in August 1947, Ellen Roy and I were asked to write "a systematic exposition" of the theses in the form of a full length text book. *In Man's Own Image* was published in August 1948, but before that both Tarkunde and I had made our separate contributions to the quarterly *The Marxian Way*, on the new philosophy, Tarkunde under the title "Beyond Marx" (Vol. II, No. 1, pp. 38-56), and I under the title "Philosophy of Radicalism" (Vol. II, No. 2, pp. 127-48).

From 1946 to 1948 I worked quite closely with Tarkunde, for during, those years I was in charge of the Bengal branch of the RDP while Tarkunde was its All-India Secretary. Partly the difference in age, but

even more the difference in personality and predilection prevented our developing a relation of bonhomie which from the beginning I had struck with G. D. Parikh. However, I deeply appreciated Tarkunde's integrity and commitment, his sharp intellect and capacity for hard work, and since he was an experienced organizer, he too, I presume, did make his own assessment of my strong and weak points. In any case I don't remember any serious hitch in our collaboration during those two years.

In May 1948 took place the Summer School of Higher Studies of the Indian Renaissance Institute where, besides clearing up several theoretical issues, agreement was reached that political parties were incompatible with radical democracy and that for a movement committed to a cultural revolution, a political party was an altogether unsuitable instrument. In December 1948 the Calcutta Conference of the Radical Democratic Party decided to dissolve the Party organisation and transform itself into the Radical Humanist Movement. Not many among Roy's old followers were happy with the decision; the dissolution of the Party made them feel homeless; many feared that without the Party, the movement would disintegrate. They had a point, but I argued strongly in favour of the dissolution, and if my memory serves me rightly, Tarkunde preferred to keep his mind open on this issue, at least at this stage. The decision, apart from the logic which led to it, released Roy from pressing organizational obligations, and to concentrate on the elaboration of his new philosophy which resulted in his magnum opus, *Reason, Romanticism and Revolution*. It also allowed him to write his fascinating *Memoirs* which unfortunately he had to leave incomplete, due first to the accident in June 1952 and then death in January 1954. Tarkunde who had left his legal practice to be a whole time organizer of the Radical Democratic Party was also now free to return to his legal practice in the Bombay High Court, where his honesty and acumen soon won him many clients and admirers. In 1957 he was made a Judge of the Bombay High Court and occupied that position till he retired in 1969. As Nani Palkhivala wrote in a personal tribute, Tarkunde "made an ideal Judge—courteous and impartial, wise and quick on the uptake, combining great legal acumen with judicial detachment."

Meanwhile *Independent India* which had changed its name to *The Radical Humanist* in April

1949 was caught in a crisis. Debts had accumulated, and the comrades at Bombay no longer found themselves in a position to carry the mounting burden. I who had hoped also to be set free after the dissolution of the Party to devote myself to my literary and academic pursuits, had already been saddled with the management of *The Marxian Way* (changed to *The Humanist Way* in August 1949) and the Renaissance Publishers. Roy also fully involved me in planning and conducting the IRI summer camp at Mussoorie (May-June 1949) where the philosophical implications of Radical Humanism were considered in great detail. And now Roy appealed to me to attend to the survival of *The Radical Humanist*, and it was an appeal that could not be denied. In May 1951, I brought over that weekly from Bombay to Calcutta, and for the next twelve years it never failed to come out punctually every Saturday afternoon. I had Tarkunde's fullest cooperation and advice at the time of this transfer; but what I remember with particular gratitude is Mrs. Tarkunde's coming over to Calcutta, and helping us during the first month of our venture with her managerial expertise.

During the fifties while I looked after the journal and other publications, it was Tarkunde, more than anyone else, who took full care of the material requirements of the Roys at Dehradun. I knew personally from Ellen how much they depended on Tarkunde's loyalty and support. Tarkunde, of course, never wanted this to be known, but a significant segment of his lawyer's income went into the maintenance of 13 Mohini Road. He surely passed the test of fealty and authenticity with the highest credit.

When after Ellen's tragic death I became the Secretary of the Indian Renaissance Institute, I saw as one of my first tasks the preservation of the nine volumes of the Jail Manuscripts left behind by Roy. I wanted those nearly three thousand foolscap size pages of closely handwritten notes to be mirror-copied and this was a formidable undertaking, requiring high intelligence and acumen, familiarity with Roy's thinking and handwriting, absolute scrupulousness and hard work. Parikh and I went through the manuscripts preparing page by page synopsis (which I still have in my possession), but for the physical "mirror-copy" of that vast tome; we had neither time nor competence. At this point Tarkunde came to my rescue; he lent me the full-time free service of his

very efficient personal secretary-typist, Mr. Pai, himself a radical humanist, and Pai made an excellent job of it under my supervision in 1961-62. Five 'mirror copies' of the jail volumes were made (those were days before photocopy and microfilm), and they were left with Prof. A. B. Shah while the original manuscripts were placed in Parikh's safekeeping when I went abroad in March 1963.

From 1962 to 1968 I was a member of the Executive and the Board of Directors of the International Humanist and Ethical Union. It was then situated in Utrecht, Holland. At one of its meetings the Dutch group proposed to provide an equivalent of one hundred thousand rupees in Dutch guilders as seed money for a developmental experiment in rural India on humanist lines. I immediately consulted Tarkunde, and we readily agreed that our best choice would be Sheopujan Singh of Sahabad who was the most active and respected radical humanist in Bihar. The amount was duly sent to Sheopujan Singh, but I gathered later that the experiment did not prove to be a striking success.

From 1963 to 1981 I was much of the time abroad heading a newly started department of Indian studies at the University of Melbourne. However, the terms of my appointment allowed me to visit India once every two years for a couple of months. I was thus able to keep in touch with many of the active radicals in Calcutta, Bombay and Delhi. I met Tarkunde after he moved to Delhi and started practice as a senior advocate in the Supreme Court. At his instance the *Radical Humanist* weekly which had fallen into bad shape at Calcutta was brought over to Delhi to be published henceforth as a monthly. He took the initiative and formed the Radical Humanist Association of which he was chairman from 1969 to 1980. He also revived the Indian Renaissance Institute, of which he became chairman of the Board of Trustees.

But Tarkunde's finest hour came during the dark years of the Emergency. As a true radical humanist he knew that Fundamental Rights, though enshrined in the Constitution, could be saved from authoritarian attacks only by conscious citizens who truly understood and prized these Rights, and were organised to defend them against such attacks. Sensing the drift towards authoritarianism in the country he founded with Jayaprakash Narayan an organisation in April 1974 named "Citizens for

Democracy". Its objectives were to eradicate corruption from public life and to educate the common people in democratic values and processes. I was in India during the Emergency and I was present at some of Tarkunde's public lectures. With J. P. in jail, Tarkunde virtually at that critical moment became the voice of an outraged nation fighting to defend its democratic Constitution against authoritarian onslaughts. Through his public speeches and his writings in *The Radical Humanist* and other journals he, probably more than any other single individual, contributed to the stirring of public conscience which eventually led to Indira Gandhi's defeat in the elections. In my campaign abroad against the Emergency I drew much inspiration from Tarkunde's courageous stand inside India. Besides his writings and speeches, Tarkunde also appeared in a very large number of cases to defend the civil liberties of the people-particularly in cases related to punitive detention under the MISA, jail conditions of the detainees and freedom of the periodicals and the daily press. The People's Union for Civil Liberties founded by J. P. and Tarkunde in 1976 served for some time as a beacon light of freedom in an India temporarily submerged in darkness.

After my return to India in 1981 I was almost immediately summoned to be the Director of Rabindra Bhavan where I spent the next two years and a half building up the archives and museum devoted to Rabindranath Tagore which formed part of the Visva-Bharati University at Santiniketan. Thereafter I decided to give top priority to repaying at least partially my very deep intellectual debt to M. N. Roy. During my years abroad I had been collecting various source material relating to Roy from archives and libraries in different parts of the World. I now drew up a detailed project of editing, translating (where required) and publishing the major works of M. N. Roy in six volumes, with all the necessary scholarly paraphernalia. I approached Tarkunde who immediately fell in for the idea; Brahma Dutt arranged a grant from the government of Uttar

Pradesh to meet the cost of publication; R. M. Pal negotiated publication arrangements with Oxford University Press on behalf of the IRI. It took me over twelve years to edit the first four volumes (1985-1997) and get them published by OUP. Tarkunde, as chairman of the IRI, very considerably proposed that I should accept some honorarium for my wholtime arduous work. I thankfully rejected the proposal; infact, at my instance it was decided that all royalties from the volumes should go to the IRI. However, I was provided with a typist-assistant from the grant that had been made for this purpose. Since then, for the last seven years I have been working on a biography of M. N. Roy, the first two volumes of which have been already published. I am now working on the third and final volume, and I feel sad that I would not have the privilege of presenting to Tarkunde the full set (assuming that I would live long enough to complete the project).

A few months ago when I met Tarkunde for the last time at Dr. Gauri Bazaz-Malik's house in Delhi we talked about the future of 13 Mohini Road. I was and still am strongly opposed to the idea of selling that place once its ownership is physically restored to IRI. I pleaded that 13 Mohini Road was a place of historic significance, and that both the union and the Uttaranchal Governments should be approached to declare it as "a place of national importance". I thought it could be made into a Museum devoted to M. N. Roy, Ellen Roy and their Age. Tarkunde was also opposed to the idea of selling the place, but he preferred to establish there a humanist school. I saw no contradiction between his proposal and mine; they could very well be combined. I was hoping to take the matter up with him on my next visit to Delhi this year. But, may be there would be no next visit. I am 83, and in a while my turn will come to return to the elements. Meantime I grieve with others the loss of one of the last fall poppies of the Indian renaissance.

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A Titan among Human Rights Intellectuals and a Great Humanist

– R. M. Pal

Mr. V. M. Tarkunde died on 22 March 2004. His loss is irreparable. Many liberals were Mr. Tarkunde's admirers. This issue contains a letter from G. S. Bhargava, a renowned journalist, and one such admirer.

I used to address VMT as Comrade Tarkunde until a few years ago. When almost all of his old associates and colleagues started addressing him as Tarkunde Sahib, I also switched over to this mode of address. Comrade Tarkunde was a close associate of Comrade Roy. He contributed considerably towards the framing of the 22 Theses of Radical/ New Humanism. I first met him in 1948 during the study camp held at a forest house in Dehradun, not far from the Indian Military Academy. It is there I observed that Comrade Roy and Ellen heavily relied on Com Tarkunde for many things. He helped them financially. When he started his practice on his return to Mumbai after the dissolution of the Radical Democratic Party, of which he was General Secretary from 1943 to 1948, he used to send money every month for the Roys' maintenance. I came in close contact with him in 1952-53 winter when he and Chitratai - that's how Mrs. Tarkunde would be addressed affectionately- came to Dehradun with their 5 month old daughter Manik and an ayah. Tarkunde came to look after Roy who was ailing at that time. Just about that time, Roy had started recovering from his attack of cerebral thrombosis.

Then I came in his contact in 1969 when he again returned to Delhi to start his legal practice at the Supreme Court of India. I was pleasurably surprised to see him one evening at the All India Institute of Medical Sciences where I was admitted for a general check-up. He told me that he had heard from a friend, Ram Singh, that I was not well and that I was admitted to the hospital. I hope it is nothing very serious, he told my wife and I when he stepped into the room where I was staying. He said, I have a number of projects in which I want your assistance so you can't afford to stay in a hospital. On my discharge, I visited him a number of times at his Defence Colony residence. He had already planned to

hold an All India Conference of Radicals to start the Radical Humanist Association. Vimal Prasad Jain and Advocate Suhash Malik and his wife Dr. Gauri Bazaz helped him in this project. He then brought the Radical Humanist weekly from Kolkata and started publishing it as a monthly magazine as its editor, from Delhi. Pandit Prem Nath Bazaz was its Managing Editor. Ram Singh, Vimal Prasad Jain, Suhash Malik, and later I were asked to join him. We would assemble at his Maharani Bagh home once every month. By this time R. L. Nigam also shifted to Delhi and he too joined the monthly.

Tarkunde had many un-Indian qualities. I will refer to one such. He would always appreciate any good work done by his colleagues. When I was Managing Editor of the RH, VMT once went to London to spend some time with his sister, a consultant in Radiology. In his absence I wrote a brief editorial note. He wrote to me from London, highly appreciating the note and asking me to write more often.

I returned from UK during the latter part of the Emergency. I was told by my colleagues that I was also on the list of those to be arrested. My friend, Dr. G. R. Dalvi, told me that we would all face the situation together and that I should not go back to the UK. VMT said that now not many people were being arrested so that I might think of staying back. Two radical friends whose advice I accepted and who gave me moral courage were Dr. G. R. Dalvi and Maman Chand. And of course VMT.

Some of his old RDP colleagues, specially from Gujarat and Mumbai, were very unhappy with him and Prof. Rajni Kothari. I went to the US in 1994 where I was invited to a number of places to speak on the state of human rights in India, thanks to our friend, Prof. Dhirubhai Sheth of the Centre for the Study of Developing Societies set up by Rajni Kothari in Delhi. I was invited by the Indian Association at Chicago. My host, an old RDP member who had attended the Mussoorie Study Camp in 1949, did not mince words. He said Rajni and VMT had been very unkind to Mrs. Gandhi. I could understand that my

host was not an admirer of Indira Gandhi but was very critical of a number of leaders in the Janata Party. My host and a few others thought that the Janata Party leaders were not capable of keeping India united. India will fall apart in their hands, they were convinced. They were all critical of Morarji Desai - a self-righteous man like him cannot be democratic and cannot run the affairs of the country. Once I made a cryptic reference to this to VMT. He got angry. He said - I and many colleagues in the RDP lost our political base and became unpopular primarily because we fought against fascism. I cannot compromise with the fascist practice of Mrs. Gandhi. Look at her arresting an old man and freedom fighter like Bhim Sain Sachar and Jay Prakash Narayan. Come what may, we must stand up against her. VMT did not compromise with people who were with Mrs. Gandhi. During the M N Roy Centenary Celebrations, of which I was Member-Secretary, Mr. Brahm Dutt, an old RDP member, told me one day that we should write to the UP Chief Minister requesting him for a grant for the celebrations projects. I asked VMT to write a letter to Brahm Dutt who was Finance Minister in the UP Government. He declined to write because the latter had joined Mrs. Gandhi. I then wrote to Brahm Dutt Ji and the UP government sanctioned a grant of Rs. 5 lakhs. But for that money the work of the *Selected Works of M. N. Roy* could not have started.

I don't know anyone in present day India who saw the danger of fascism in communalism represented by saffron/Hinduised/religious nationalism which is preached by the Hindutvavadi BJP leaders, except VMT. Even when he fell ill he wrote a number of short pieces on the subject. I have myself written fairly extensively on the human rights violations caused by communalism and the caste system. Once I requested him to write on the subject for the PUCL Bulletin, He wrote under the title "To speak for Reservation is not Casteism". This piece

was reproduced in the Radical Humanist. In his J. P. Memorial lecture he said, "I am of the view that the communalist nationalism represents a far greater danger to Indian democracy than personal authoritarian rule." That communalism and religious or Hinduised or saffronised - one may call it anything one likes - represents Fascism was a strongly held view by VMT. When the BJP came to power with the active help of a few other parties VMT began to write about it. It is in this context that he said that people who have no choice in the next election might vote for the Congress Party. Which comment has been resented by many liberals supporting the BJP. How could he recommend Mrs. Gandhi's party? I may mention here VMT's strong dislike for Hindu communalism. Once, one evening, he invited a few of us for dinner on the occasion of A. B. Shah's visit to Delhi. A. B. Shah spoke scathingly about Muslim communalism. VMT almost lost his temper and spoke about the fascist character of Hindu communalism. R. L. Nigam and I saved the situation. We took away A. B. Shah to one side and he stopped speaking on this subject.

One last observation. The condolence meeting for Tarkunde in Delhi was very well organized except for one thing. Not many people liked Arun Shourie sitting on the dais. His speech was also not related to the subject matter, i.e. condolence. He spoke about the Communists and M. N. Roy not joining the freedom struggle. Many people would have engaged in an argument with him had the subject been Fascism, the philosophy, practice and profession of fascism. I don't know in India anyone else who wrote so much on the subject as has been done by VMT.

Tarkunde's death means the end of an institution, one that represented a strong stance against fascism, communal Hinduism, and which stood up for human rights and humanism. His loss is a loss to all that is decent and moral in our society.

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A Tribute From Afar

—M.B. Naqvi*

As an ardent admirer of V.M. Tarkunde I have fond memories of him. But I will keep them to myself. The best way to remember him is to take note of his ideas, examine them from all angles and promote them - or if need be to amend or adapt them.

His distinctive ideas were two: first, were the 22 Theses that were developed by M.N. Roy and first presented in 1946 Study Camp in Dehradun. They were the sheet anchor of his life's work. Needless to say, I think I have been nurtured in them; I find nothing to disagree with them. In 1946 I was a 22 years old boy, rather shy and tongue-tied in front of those whom he regarded as his heroes.

A personal note here may not be out of place altogether. I must confess that I became a Royist way back in 1941 - out of sheer romantic fascination for the chequered career of the larger-than-life man. There was no nonsense of having chosen him after a fuller deliberation of all available alternatives. It was hero-worship pure and simple. But one great thing about Roy was that he was an inestimable teacher. Everything I ever learnt can somehow be traced to his writings and teachings. But I consciously tried to outgrow the limitation of hero-worship soon enough.

Still continuing with the personal note, and here the second aspect of VMT comes into context. These were thoughts over the corrupting influence of party politics. The issue came to a head in 1947-48. The leadership of the then Radical Democratic Party was convinced that, not being superhumans, they too would be corrupted especially if and when they were to come to power. The leadership took the straight logical step and disbanded the party. By the time Pakistan had come about and a physical distance separated one from VMT, though there were a few intermittent contacts, once in early 1950s and more in 1980s or even 1990s. The issue of the dissolution of the party however has kept me agitated for a long time.

The idea was sound in moral theory, perhaps also politically. And yet, what its consequences would be was what engaged me. Aren't we leaving the field entirely to the crooks, or at best to-become crooks

later? I can now speak with the benefit of the hindsight. The urge for working for a more socially just and truly democratic order in whichever country one happens to be is not directly a part of the 22 theses, or so it can be argued. But I recognise that concern as a moral imperative - clearly recognised by Roy as such in his 1950s writings. We in Pakistan have plenty of experience of party-less politics. The true political vacuum in Pakistan was, in any case, much greater than in India. It was truly filled by Soldiers of Fortune and other lower-political life-forms that have paraded the corridors of power in Karachi and later Islamabad; they could be swept away with the greatest ease. Consequently, one wishes to ask two questions.

VMT, starting from the firm anchor of the 22 Theses and building huge theoretical structures on the immorality of party politics, chose for himself a specific area where his moral urges and aspirations could be partially satisfied. It was the field of human rights and protection of fundamental rights of Indian citizens. I feel uncomfortable with the thought that his endeavour was so limited and that leaving the political field altogether was a mistake. It is a harsh statement to make at this juncture. But it is for a reason: to jolt people and arouse new thinking on the specific subject. And, needless to say, there is no malice in it.

The second question is relatively minor. Unless people, determined to uphold moral and democratic values, assert themselves in the political field, aren't they leaving the field open to less refined and cruder personalities to dominate the political scene. One thinks that this kind of Monasticism actually promotes immorality in politics and works to the detriment of democratic values.

One way or another, I cannot distance myself from all that goes on happening in the political lives of the two or rather three countries. One notices with dismay that in both, or rather in all the three countries, into which India was divided in 1947 (and 1971), veritable storms of Fascism raging. All those who stood in the 1930s, 1940s and 1950s on the left of centre have an urgent job on their hands. One finds that the present day's South Asia to be a dangerous

* Mr. Naqvi is a renowned Pakistani journalist.

place and quite Europe of 1930s insofar as intellectual climate of opinion is concerned. The Italian and German Fascisms were then a still rising force in the 1930s when Leon Bloom wrote his pamphlet For All Mankind. Nothing is more important today than organizing a big anti-Fascist Popular Front.

The old scholastics of the left and their Schoolmen are out of date and context. History has pushed them into some kind of a ditch. The old boundaries of various schools do not mean a thing today - not after 1991 when Soviet Union and Communism collapsed. True Socialism is a permanent quest for something better, higher and more just; it is also an eternal one: But for that old

divisions do not signify. Even otherwise grinding poverty and rampant illiteracy in South Asia create a flood of ignorance that is frightening. The political field cannot be left to simple corruptible politicians, much less to the Man on the Horseback. More politics of a strong Popular Front is needed by men and women who possess the necessary (universal) moral and democratic values. Let us take the risk of their becoming corrupt when in power; there will then be, hopefully, enough democrats and ethically motivated people who will resist them.

The best way of paying homage to VMT is to think creatively about where our region is and what can we possibly do to avert the various disasters that await us, including a possibly nuclear Armageddon.

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Living without Tarkunde

- Vishwas Naiknavare

For well over half a century now, we have lived under the benign leadership of Barr. V. M. Tarkunde and alas he is no more. Ever since M.N. Roy breathed his last on 25th January, 1954, Tarkunde has been the tallest figure among Radical Humanists of India and he ably discharged his responsibility of guiding Radical Humanist movement, till death made it impossible for him to do so. He wrote lucid articles in the R.H. (to the end) and hardly a month before he died, he wrote a small letter in his own hand to me, sending a press clipping of an article by Praful Bidwai, that had appeared in *Hindustan Times* on 20th February, 2004. He requested me that a Marathi translation of that article should be flashed in a widely read Marathi journal at least three days before Loksabha elections. Of course, I have handed over my translation to 'Sadhana' weekly and it is expected to publish the same in good time.

I have heard him and read his articles and books for at least half a dozen decades and have always admired his incisive logic and rock - bottom honesty in presenting his arguments. After the Radical Democratic party was ceremoniously dissolved at Calcutta in 1948, there was no organised activity for over two decades. Only, there was endless discussion as to whether we should or should not have any organisation. In the meanwhile, activists and devoted workers of the R. D. P were a frustrated lot and were by and by rendered a spent force. Tarkunde consulted many friends like Com. Daru of Gujarat and in 1969 regrouped the scattered Radicals, and formed Indian Radical Humanist Association. Though we gave up power politics, we were free to conduct organised activity with a view to spreading New Humanist ideas far and wide. Weekly Radical Humanist was converted into a monthly magazine under Tarkunde's editorship.

Before 'Radical Humanist' became a monthly, Tarkunde did his homework well by intensively studying philosophy for a couple of years. That accounts for the high standard of the magazine under Tarkunde's editorial spell. He wrote in his simple, direct style and clarified intricacies of the philosophy of New Humanism. Collections of his articles brought out on the occasions of his completing 75 or 85 years etc amply prove this quality of his style.

Apart from philosophy, Tarkunde had an insight of economics and political science. His contributions to the various political and economic policies adopted by the Royist group, while Roy was still around and after Roy's departure from the stage, were illustrative enough.

In the face of colossal economic, social, cultural and educational problems of India, our efforts to bring about some improvement were not easy. Apparently our efforts made hardly any impression on the grim reality. There is, however, no shortcut to success in this field. Renaissance movement is our solution to India's present situation. For carrying on work towards our ideals, first of all we must turn to regional languages and explain our ideas in them. English does not reach the majority of our populace. Secondly we must befriend like - minded groups and work in co-operation with them. In fact, there are people who are looking for our ideas and if we try, old prejudices no longer stand in the way. Only, we must get out of our shells and mix with new friends. Modern sciences have created new generations of youngsters, who are responsive to New Humanism. We must make use of this situation and go ahead. That will be the true homage to the memory of V.M. Tarkunde.

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Letters

I am very sorry at the passing away of Justice Tarkunde. He was a titan among human rights champions and a pillar of strength for rationalist movement. He is irreplaceable. May his soul rest in peace..

- G. S. Bhargava, New Delhi

Tarkunde and Women's Freedom

— Malladi Subbamma*

My husband late Shri M.V. Ramamurty and myself have been associated with Shri Tarkunde for over five decades. In the early years, Tarkunde came to Guntur (in Andhra Pradesh) and stayed with us for four days. He came to propagate humanist philosophy in Andhra. At that time, I did not know English and he did not know Telugu, but somehow we managed to communicate with each other. One day, while he was with us, I noticed that he was washing his own clothes. I tried to stop him and help, but he would not agree. It had made an impact of his personality on my mind.

Progressively, I had learnt through my husband the philosophy of Humanism, Rationalism, Secularism, Democracy and Feminism. I had concentrated on Feminism aspect of Humanism. Accompanying my husband, I attended several Humanist Camps, Seminars and workshops. Tarkunde encouraged me to talk on such occasions. His view that women's freedom meant their "freedom from male domination" impressed me a lot. Tarkunde treated me like his sister and asked me to tour the state and propagate Humanism.

In 1977 my husband and I visited London to attend the International Humanist and Ethical Union which sponsored International Humanist Award presentation to Tarkunde. My husband was a speaker representing the Indian Humanist Center and I was a delegate. It was a historic and highly rewarding occasion for me.

Tarkunde supported and encouraged me in my literary pursuits. In 1983 he wrote foreword to my book 'Adhunica Stree' (contemporary woman) and also released the book. Later in 1991 he wrote an excellent preface for my Autobiography, highlighting my efforts towards 'Advancement of Women' in particular.

Tarkunde toured extensively in Andhra and inspired a lot of young men and women to accept the Humanist Ideology. Prominent among the persons that provided leadership to the movement from Andhra are M/s. Avula Sambasiva Rao, M.V. Ramamurty who were also presidents of Radical Humanist Association. Tarkunde's fight for Human Rights and Democracy was a source of inspiration for many like minded persons.

In 1973 when the country was in a turmoil, Tarkunde established Citizens for Democracy with

J.P. as Chairman. M.V. Ramamurty was the organizer for southern states. As a result when Ramamurty was one of the first few to be arrested on proclamation of Emergency, Tarkunde phoned me up and extended moral support. Tarkunde condemned use of MISA cases on political detainees. Later with the formation of PUCL, Tarkunde provided the lead for bringing to justice various persons in power. In Andhra Pradesh A.P. Civil Liberties Union took birth with Kannabiran, Pratap Reddy and M.V. Ramamurty. The A.P. Union was successful in getting on a commission constituted to examine numerous atrocities and murders of Naxalites. Justice Bhargava was appointed to head the enquiry. Tarkunde provided the necessary support and guidance. Tarkunde stood and fought for Human values, partyless Democracy, eradication of corruption in public life, secular society and electoral reforms. Tarkunde believed in M.N. Roy's view that parties cannot solve the problems of people and the solution lies in peoples' committees.

Tarkunde used to emphasize the participation of women in the Movement. He would say that if 50% of population is dormant, no movement could succeed. Moreover it is women who can provide consistent and committed outlook and bring about the desired transformation of the society. Tarkunde provided the inspiration for me to tour the state and enlist more and more women to participate.

Another noteworthy point is role played by Tarkunde's wife Chitra. She by herself was a Humanist and Rationalist, even before their marriage. It will not be out of place to mention that Chitra was a great support for his becoming such a scholarly, idealistic and dedicated individual. Perhaps the maxim, 'behind every successful man there is a woman' is relevant. In thought and practice their daughter Manik carries the mantle.

Government of India honoured him with Padma Vibushan. In my opinion, he should be awarded Bharat Ratna. Commemorative postage stamp should be released in his name. Besides, the Humanist Movement should establish a Foundation in his memory, to propagate his values and philosophy.

Even though Tarkunde's mortal remains wither away, his thoughts, programmes and services stay back with us. There is no death for such men. They remain in history forever.

* Mrs. Subbamma is President of Institute for Advancement of Women.



Bhausahab Tarkunde: As I have Seen Him

- C.R. Dalvi

I came to know Bhausahab when I was schooling at Poona. There was a large group of Royists at Poona, Laxmanshastri Joshi, H.R. Mahajani, G.D. Parikh, Indu Randive (Parikh), V.M. Tarkunde, Dr. R.B. Karnik, Ghaskadbi, Pandit Shimpi, A.B. Shah, G.R. Dalvi, Chitra Tarkunde and others.

I was attracted to Bhausahab because he stood first in the matriculation examination. This Royist Group was frequenting the Goodluck Restaurant at Deccan Gymkhana. Royists were supporters of war. But being Marxist, they were also supporters of Soviet Union. So at the study circles and public meetings they were asked as to why Soviet Russia had made pact with Germany. The usual answer was that Germany was bound to attack the Soviet Union. And on the day of the attack, Bhausahab almost came running to Goodluck and shouted, "Roy is vindicated. Germany has attacked Soviet Union".

Bhausahab used to attend Court work for 15 days and he used to go to villages to address meetings on the remaining 15 days.

After the Radial Democratic Party was formed Bhausahab went to Delhi for party work.

Thereafter I came in contact with him only when I joined the profession. He had started on the appellate side of the High Court. I could see that he commanded tremendous respect from the judges. He was the first barrister who started filing Vakalatnama in the High Court. Therefore, initially he was looked down upon by the advocates from the Original Side. However, they had to change their approach when they witnessed his brilliant advocacy. After Bhausahab concluded his arguments in a very

important company appeal, K.M. Munshi who was also appearing for some of the parties in the appeal got up in the Court room and congratulated him for his incisive argument. He was the first advocate on the appellate side who used to make payment to his Juniors. That is how I survived in the initial days in the profession.

He was not a popular judge. He expected from every Advocate appearing before him thorough preparation of the matter. If the Advocate was not ready, he received a tongue lashing. He had tremendous capacity of innovation because his desire in every matter was to do justice.

Till he became a judge I met him everyday and used to be with him in every matter he appeared. That gave me an opportunity to know how to study a matter and then how to argue it.

After he became judge I deliberately distanced myself from him.

He exercised the option and retired at the age of 60. He went to Delhi to start practice in the apex Court. Thereafter my contact with him was in connection with the activities of the Indian Renaissance Institute.

Chitratai was possibly his best and dearest friend. Everyday, after dinner, they used to play a game of cards. Whatever he achieved in life was only because of the support of Chitratai.

His friendship with Justice S.P. Shikhare, who was his classmate, was unique. They used to write letters to each other everyday. They discussed law in their correspondence.

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Letters

It pained my heart to read the sad news about the sudden demise of respected Shri V.M. Tarkunde. May it be out of natural ripe old age, but it is a great loss to the humanist and renaissance movement and to the radicals as a whole. He was one of the greatest stalwart guides to the Humanist Movement. He was throughout his life a fighter of human freedom and human rights. His knowledgeable articles were a good recipe to the reader of the Radicals Humanist. I express my condolence on the death of Shri Tarkunde. His memory will be cherished in the hearts of the radicals for years together.

- R.T. Bakshi, Amaravati

Humility and Greatness

Sangeeta Mall

It wasn't a surprise to hear that V. M. Tarkunde had passed away on 22 March 2004. He had been ailing for some time and had been in hospital once before for the same ailment. But surely it was a shock. His death left behind regrets, of work unfinished, of crusades half-done, of many words still left unsaid.

If there is one word to describe Tarkunde, that word is 'crusader'. Every cause dear to his heart found expression in passionate appeals, forthright analysis, clear and concise talk. The latest crusade that he took up was the one to defeat the Sangh Parivar in the elections. This was a foolhardy agenda, for why would anyone in their right senses wish to tangle with popular politics? How many intellectuals in this country have stepped out and expressed disapproval of electoral politics? Yet Tarkunde adopted this cause so wholeheartedly that he presided over a seminar on this subject in October last year. He circulated an open letter and his concept note for the seminar for publication in as many places as possible. If a biography of this man is ever written, this seminar must find mention in it for the simple reason that such an attitude can defy the greatest cynic.

Tarkunde was not a humble man. He had no qualms about displaying his impatience, and could never bring himself to be polite. Yet he had equally no hesitation in admitting his mistake, if he made one. How would one describe this trait? He was quick to show his appreciation, and to be praised, as this writer was on more than one occasion, by such a great personality was an honour indeed.

Was Tarkunde a great man? That depends on how one describes greatness. If it means understanding how a person with the most elementary intelligence thinks, then surely Tarkunde was great. Each article he wrote, each idea that he summarized, each cause that he espoused and then disseminated, was broken

down to its least common denominator, so that a person of the meanest intelligence could be enticed into believing that everything that this man said was achievable.

Tarkunde's name had become synonymous with belief. He believed in every small and large task that he took up. For instance, his editorship of this journal. This writer was a schoolgirl with a couple of published poems under her belt when she first met Tarkunde at his residence. When she was introduced to him, he promptly said, "Ah yes! I've heard of your writing skills. I look forward to your writing poems in the *Radical Humanist* someday!" What a memory! Why should a man be interested in a schoolgirl's fledgling writing skills when the weight of the world's human rights problems lay upon his shoulders? For surely they did lie upon his shoulders when the Emergency had come to a close and an opportunity for nation-building had once again arisen.

I saw Tarkunde smiling through abuse and understood that the man was his mission. Young soldiers of democracy and humanism flung abuse at this man with great abandon for some perceived slight that he had committed towards the cause of humanism. Tarkunde smiled and took no effort to defend himself. He actively discouraged rhetoric and encouraged constructive discussion.

The *Radical Humanist* has many 'owners', people who believe that this journal belongs to them. They are passionate about it, and never hesitate to point out, sometimes in fairly strident terms, any errors in its approach. V. M. Tarkunde, Editor Emeritus, only ever wrote to praise the task being done. That is the legacy of Tarkunde. The man only ever looked at the cause, never the individual. Isn't that true humanism?

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A Fearless Fighter

- Soli J. Sorabjee*

(Obituary reference delivered at the Full Court Reference at the Supreme Court of India - New Delhi - 07th April 04)

My Lord the Chief Justice, Hon'ble Judges of the Supreme Court, President of the Supreme Court Bar Association, Mr. M.N. Krishnamani and members of the Bar.

We are assembled today to pay solemn homage to the memory of one of the legendary lawyers of this country, V.M. Tarkunde, who passed away on the 22nd of last month.

For the inhabitants of Saswad district in Pune, 03rd July 1909, which witnessed the birth of Vithal Mahadeo Tarkunde, was a routine event in the eternal procession of life and death. Little did they know or dream that this infant child in the years to come would make them proud as he has made our country proud.

Tarkunde qualified as a Barrister in England in 1931. On his return he commenced his legal practice in Pune in 1933. He combined the practice of the law with his excursions into politics. He joined the socialist group in the Congress and was closely associated with the veteran socialist S.M. Joshi.

His political mentor was M.N. Roy. His association with Roy began in 1936. Tarkunde was much influenced by Roy's thinking and philosophy which came to be known as Radical Humanism. He was a lifelong ardent admirer of M.N. Roy whose photograph was always on his table.

Tarkunde gave up his practice in 1942 to become a full time member of the Radical Democratic Party and went on to become its General Secretary in 1944. After independence he started practising in the Bombay High Court and acquired a large practice on the appellate side.

Chief Justice Chagla persuaded Tarkunde to accept judgeship of the Bombay High Court and he was elevated to the Bench in 1957. He was undoubtedly the most distinguished judge of the post-Chagla 1957 period. His thinking and judgements were marked by originality and boldness. He did not relish obstinate adherence to obsolete rulings and outdated judgements.

However Tarkunde was not an universally popular judge. The reason is that he did not suffer fools gladly and had little patience with the rambling and repetitious arguments of the preferred pompous seniors. For a well prepared junior it was a delight to appear before him.

Initially Tarkunde sat as a judge on the Appellate Side of the High Court. When the news came of Tarkunde being posted on the Original Side there was gloom in the ranks of Original Side lawyers because of Tarkunde's lack of experience of the Original Side and trial actions and also because of his bias against the Original Side and the Dual System which he thought were outdated and unnecessarily expensive. But the initial gloom was short lived. Tarkunde became a stalwart on the Original Side. He tried many famous and difficult cases including the libel suit filed by Thackersey against the tabloid, Blitz in which he awarded damages of Rs.3 lakhs against Blitz which in the mid sixties was a substantial sum. It is in that case that he passed the controversial order directing that the evidence of one Mr. Goda should not be published by the Press. The correctness of that order was challenged and ultimately became the subject matter of a decision of this Hon'ble Court in the celebrated case of Naresh Mirajkar vs. State of Maharashtra.

Another important case tried by Tarkunde was in the Writ Petition filed by Bennett Coleman against the State of Maharashtra in which the issue was whether the prize competitions of the newspaper were of a gambling nature or success in them depended on the exercise of skill. The then redoubtable Advocate General of Maharashtra, H.M. Seervai, was fully convinced that the competitions were of a gambling nature and argued with missionary zeal. It was apparent from the observations of the Bench that Tarkunde thought otherwise and was unswayed by Seervai's forensic barrage. Quite a few sparks flew in the case. Tarkunde decided against the government. He was overruled by the Court of Appeal but in the Supreme Court his order and judgments were restored.

In disputes between labour and management, Tarkunde's Court was not particularly sought after by the management. In cases of preventive detention, detenus could not have had a better court. To

* Mr. Sorabjee is a Attorney General for India.

Tarkunde detention without trial was an anathema to the Rule of Law and if there was the slightest non-compliance with procedural requirements or any trace of vagueness in the grounds of detention the Detention Order was unhesitatingly struck down.

Tarkunde's invaluable contribution to constitutional jurisprudence was his judgment in the Passport case. He was the first judge in India to hold that the right to travel abroad was implicit in the concept of personal liberty guaranteed in Article 21 of the Constitution and since without a passport that right could not be meaningfully exercised, a person had a fundamental right to obtain a passport. I had the privilege of arguing the case before him. His reasoning was subsequently endorsed by the Supreme Court in Satwant Singh's case in 1967 which was reaffirmed in Maneka Gandhi in 1978.

Tarkunde retired prematurely at the age of 60. At the dinner hosted in his honour he publicly acknowledged that he had received the best of assistance from the Original Side in the cases he had tried and that his earlier impressions were mistaken. This is only one instance of his intellectual honesty.

Tarkunde commenced practice in the Supreme Court from scratch in 1969. His services were in heavy demand. However he did not confine himself to his briefs. He took an active part in all matters concerning the independence of the judiciary or the autonomy of the Bar. When the supersession of three judges of this Hon'ble Court took place in April 1973 Tarkunde was in the forefront of the opposition to this executive onslaught on judicial independence. He was active in organizing a one day token strike by the Bar against the government's action.

Tarkunde appeared in a number of important cases including Kesavanand Bharti, ADM Jabalpur, and S.P. Gupta. Having experienced the pleasure of appearing before him I now had the pleasure of appearing with him in these landmark cases. But the most memorable, unforgettable experience was working with him in combating the spurious emergency of June 1975. At that time I was living in Bombay. A virulent censorship was in operation. Telephones were tapped. Hence, messages and communications from friends and colleagues in Bombay would be slipped by me late in the evening under the front door of his Defence Colony house to the utter bewilderment of his then teenage daughter Manik. Then there were late night conferences in the Habeas Corpus petitions filed in the Delhi High Court challenging the Detention Orders passed under MISA in respect of Kuldip Nayar and the venerable Bhimsen Sachar. Time and energy were

expended in organising meetings to mobilise public opinion against the Emergency and its excesses and calling for its revocation. Tarkunde fearlessly opposed the Emergency in his speeches and writings. These were trying and challenging times.

Tarkunde was in constant touch with Jayaprakash Narayan when he was in detention in Chandigarh and was undergoing medical treatment. He filed several applications to ensure that JP got proper medical facilities. It is not generally known that Tarkunde was in a way responsible for saving the life of JP who was dying in the PG Institute in Chandigarh where he was confined because of the mysterious failure of both his kidneys. Due to the climate of fear the relatives of Jayaprakash invariably took Tarkunde's help in approaching the District Magistrate and obtaining his permission to meet Jayaprakashji. Thereafter Jayaprakash's real ailment was discovered. When the news became public government was anxious to avoid JP dying in its custody and the subsequent national reaction. Consequently Jayaprakash was released in November 1975 and was saved by the doctors of the Jaslok Hospital in Bombay.

Tarkunde was an obvious target for a detention order under MISA. But he did not care. His fearlessness was an inspiration and boosted the morale of those who were crestfallen after this Hon'ble Court's disastrous majority judgment in ADM Jabalpur. Tarkunde was no doubt an outstanding lawyer. But his claim to greatness as a lawyer and as a human being lay in his unwavering commitment to the cause of freedom and human rights without counting the cost. This was at a time when fear gripped many and erstwhile courageous souls had turned timorous. He possessed that rare and lovely virtue. Courage, which is not merely one of the virtues but the essence of every virtue at the testing time. Emergency was the testing time for Tarkunde. Indeed that was his finest hour.

In recognition of the valiant role played by Tarkunde in defence of human freedoms in India during the Emergency he was awarded the International Humanist Award 1978 by the International Humanist and Ethical Union. He was also awarded the title of Humanist Laureate by the Academy of Humanism of the USA in 1984.

In November 1980, Tarkunde took a leading part in forming the People's Union for Civil Liberties (PUCL) and was elected as its President. Branches of PUCL were formed in all States in major towns. The members worked among the weaker sections of the people educating them about their rights.

During the anti-Sikhs riots in Delhi in 1984 Tarkunde visited the affected areas regardless of personal safety along with some of us lawyers and activists of PUCL and rendered to the victims whatever help was needed.

On 26th January 1998 he was belatedly conferred the honour of Padma Bhushan for his social services in the cause of human rights.

Tarkunde received full support for his work and activities from his dear wife Chitratai, who was a humanist in her own right. Chitratai expired in September 1990. Tarkunde experienced a deep sense of loss but he carried on his mission of spreading the message of rationalism and humanism without hankering after fame or fortune.

In July 1997 Tarkunde decided to retire from legal practice although he was absolutely fit and alert. He spent his time travelling to different parts of India, delivering talks, participating in seminars attending conferences and writing profusely. His aim was to educate the people about the values which sustain democracy, to abjure communalism and to combat corruption. He wrote regularly in the *Radical Humanist* which he edited for a long time. His mind was keen and incisive as ever to the very last except a couple of weeks before his end.

About six months ago he was given by his former Junior Umesh Lalit a collection of Dalit poetry published in Marathi which was quite volatile. That evoked Tarkunde's interest and he wanted to know more about the poetry and the poets. The range of his interests and concerns is reflected in his letter dated 25.1.2004 to our Prime Minister and to General Parvez Musharraf requesting both of them to discuss the possibility of complete elimination of nuclear weapons of both the nations by mutual consent in stages and within a period of a couple of years.

Tarkunde spent his leisure hours listening to Indian classical music which he thoroughly enjoyed. He regularly attended the concerts by Kumar Gandharva. He was also a keen cricket fan. When he was at the Bar he did not miss a single test match at the Brabourne Stadium in Bombay. In the cricket matches in Bombay between doctors and lawyers, in which judges also participated, Tarkunde won the cricket shield. But golf was his real passion. He was a regular and familiar figure at the Golf Course both in Bombay and later in Delhi.

After a brief illness Tarkunde breathed his last on 22nd March 2004 and joined the ranks of the Immortals. Admiration and affection for him were overwhelmingly in evidence at the recent condolence

meeting at the Gandhi Peace Foundation where numerous NGOs and human rights organisations participated and several persons paid him warm and affectionate tributes. Condolence messages were received in plenty, one of which was from Mubashir Hasan, former Finance Minister of Pakistan. His message read: "In the demise of VM Tarkunde, South Asia is bereft of a compassionate and noble soul. Not only was he an untiring fighter for civil liberties but he saw the need of Pakistan-India friendship long before any of us had started working for it ... Pakistan mourns for VMT as India does." Tarkunde truly belonged to enlightened humanity.

So long as freedom has any meaning and human rights continue to matter, Tarkunde's memory will always be alive. It is impossible to forget him. His many splendoured life will be an unfailing source of inspiration to all freedom loving people and courageous human rights defenders.

The last time I met him was at his home in September last year along with his close friend former Chief Justice Chandrachud. We went down memory lane and exchanged pleasant reminiscences.

To me Tarkunde, bhau, was a friend, philosopher and guide. I consulted him and took his advice on crucial personal and professional matters. I trust there will be no breach of the Official Secrets Act if I disclose the fact that his advice was a decisive factor in my acceptance of the present office in April 1998. His passing away has left a deep void in me which will be difficult to fill.

My Lords, we all have to make our exit from this terrestrial planet. At the end of the journey, what is it that ultimately counts? It is the deeds of the brave and the just which smell sweet and blossom in the dust. Our lovable brave warrior has departed. May his soul rest in eternal peace and may flights of angels sing him to his rest.

Tarkunde leaves behind his only daughter Manik who was very much attached to her father and who also was very fond of her who has inherited her father's humanism and values. Manik is a lawyer. She runs a law firm along with her husband Raian Karanjawala, a caring and generous hearted person, in the name of Karanjawala & Co. He also leaves behind two young grand daughters and his younger sister who lives in London.

May I on behalf of the Bar and myself convey heartfelt condolences to them in their sad bereavement and pray that Providence give them the strength to bear this loss with equanimity.

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My Friend Tarkunde

— Y.V. Chandrachud*

We have met to-day, in a small but select group, not to evaluate or appraise the manifold achievements of Tarkunde but, to pay our humble homage to the memory of a departed friend, who was a relentless fighter in the cause of human liberty. Tarkunde had a many-splendoured personality and his achievements are too vast and varied to be compressed within a small span.

Liberty, fraternity and equality constituted a creed which was writ large on the canvas of Tarkunde's life. As an advocate, he tried hard, sometimes to the point of being unpleasant, to persuade the traditional judges to subordinate the letter of law to the substance of law. As a judge, he bent the law to meet the requirements of justice. It is said that the streams of justice and equity run parallel but, their waters do not mix. In Tarkunde's case, there was but one stream only, a stream of law which was dominated by the high tide of justice. For Tarkunde, law was synonymous with equity. He had an inveterate faith that the only object and purpose of law was to ensure justice between man and man, and between man and the mighty Government. He practised what he preached. At a time when he could have made quite some money at the Bar, he chose to work for the Royist Movement on an honorarium of Rupees one hundred and fifty per month.

Tarkunde was intolerant of empty platitudes and irrational tradition. He would not suffer the misinformed and the ill-informed. In the process, he made non-friends at the Bar and on the Bench. But, it was remarkable that Tarkunde did not nurse a grievance. He would try to project the basic meaning of justice. If he failed, he would go into a sudden rage but, equally swiftly, he would overcome his anger. Tarkunde was a unique combination of intellect and sentiment.

I began by saying that Tarkunde had a many-splendoured personality. It is not widely known that he was an avid golfer and a keen bridge player. Like everything that he did, he took his golf and bridge a little too seriously. At the Willingdon Sports Club where we used to play golf, there was a rule that any player having a practice session would stop his play, if the players on the course were approaching. Once, our foursome was approaching the 17th green but the gentleman who was practising did not stop hitting the balls, one after the other. Tarkunde got furious and picked up the balls. The caddy tried to warn Tarkunde that the gentleman in error was no less than Mr. J.R.D. Tata. Tarkunde said: "Rules are the same for all". Surprisingly, J.R.D. came to meet us at the 18th green and said that it was nice to learn a different kind of lesson on the golf course.

Tarkunde took great pleasure in playing cards with his small daughter Manik (Babi). His wife Chitratai introduced a rare sense of personal warmth and devotion in Tarkunde's life. She stood by him through thick and thin.

In the passing away of Tarkunde, I have lost a friend of sixty years' standing. We opposed each other at the Bombay Bar, I appeared before him when he became a Judge of the Bombay High Court, we sat together as Judges of the High Court, and Tarkunde appeared before me in a large number of cases when I became a Judge of the Supreme Court. We played golf and bridge together in Delhi also. It is as if, with the passing away of Tarkunde, life has lost an important facet of its meaning. He will be remembered for long for these and other attributes. We pray that, though Tarkunde is no more, the great values for which he lived will last for ever.

*(Speech delivered at the
condolence meeting in Mumbai)*

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* Mr. Chandrachud is a Former Chief Justice of India.

A People's Judge

– T.R. Andhyarujina*

Justice V.M. Tarkunde who died on March 22, 2004 was one of the increasingly rare breed of judges of the past who had interests in public affairs outside the field of law. From his early days in 1936 he was a follower of M.N. Roy and joined his Radical Democratic Party. After its dissolution he was active in the Radical Humanist Movement, which replaced the Radical Democratic Party and was the editor of the *Radical Humanist* for many years. After his resignation as a judge of the Bombay High Court in 1969 he was active in movements to secure civil liberties. In 1974 with Jayaprakash Narayan he founded Citizens for Democracy. He was also one of the founders of the Peoples Union for Civil Liberties in 1976. Until his death at the age of 94 he was active in the Radical Humanist movement and in the cause of civil liberties and wrote frequently on these subjects.

Tarkunde was a liberal intellectual who appeared to have strayed into the legal profession. His conspicuous character as a judge was his overwhelming desire to arrive at what he conceived to be a just decision in the case before him even if it meant bending the facts and the law for that result. He apparently believed in Bassanio's plea to Portia in *Merchant of Venice*: "Wrest once the law to your authority; to do a great right do a little wrong."

Tarkunde was a judge from 1957 to 1968. In those days judges did not have the expansive and liberal scope of their judicial power, which they have today. Tarkunde's decisions therefore appeared to be made to suit his notions of equity. I remember typically two cases decided by him. In Sophie Kelly's case, he set aside the Government's decision to force heads of schools in Maharashtra to put up students to the Board examinations irrespective of their merits and not to detain them in the ninth standard. Tarkunde held that Government's action was a gratuitous interference with the common law, right of parents and heads of schools to educate children.

In another case, Tarkunde set aside the Government's decision to ban a petty literary crossword competition conducted by the *Illustrated*

Weekly of India on the ground that it was a game of chance. Tarkunde held that the competition was an exercise in skill. He believed the Government was focussing its attention on small games when it was openly allowing gambling in horse-racing. In both cases, the legal basis of his decisions was dubious and he overruled policies of Government, but ultimately the Government accepted both his decisions.

As a young junior lawyer I used to frequently appear in his court for the Government. When I confronted the law against his views, Tarkunde had a favourite expression: "We shall find a way out." At that time, I deeply resented his judicial approach. In retrospect, I cannot say that Tarkunde was wrong.

The most abiding contribution of Tarkunde was his leadership and effort to safeguard secularism in India from religious intolerance. Strangely it came from a confirmed rationalist and agnostic. Tarkunde defended strongly the citizen's right to freedom of religion, conscience and religious practices. Two instances come to my mind.

In 1960, the Pope made his first ever visit abroad to inaugurate the Eucharistic Congress of Catholics in Bombay. The Government made the Oval Maidan available to the Congress. The Government's action was challenged in Court as aiding religion. The case came before Tarkunde. I was briefed to appear for the Cardinal with Nani Palkhivala. We feared that the case had come before an unsympathetic judge knowing Tarkunde's rationalist background. Our fears were misplaced. Tarkunde upheld the right of Catholics to hold the Congress and the Government's help to them. He said that though India was a secular state it was not indifferent to religion.

Many years later in 1983 after his retirement, Tarkunde as a lawyer appeared for the Ananda Margis in the Supreme Court to defend their religious beliefs to conduct processions in the streets of Calcutta with human skulls and daggers. His rationalist beliefs did not inhibit him to defend the rights of religious denominations even if such practices appeared to be bizarre to others. Despite his valiant efforts without any personal reward Tarkunde did not succeed.

Tarkunde rallied the forces of secularism amidst

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communal hatred. His was the voice of sanity which guided activists to confront the communal forces in the anti-Sikh riots in 1984, the Ayodhya outrage in 1992-1993 and the Gujarat carnage in 2002. One of his last writings in the Radical Humanist was on the importance of the next national election to the secular fabric of our Constitution.

A great American judge, Oliver Wendell Holmes, once said that the intensity with which one does one's

work was vital. He said an hour's intensity was worth many days of dragging work. Tarkunde had that intensity of approach in all that he did, whether he wrote a judgment, argued a case or espoused a national cause.

The public life of India will be the poorer by the loss of this man of commitment.

- Courtesy, *The Hindu*



Letters

It may not be inappropriate for me to say here, by way of tribute, that he nurtured with extraordinary courage a renaissance of human rights in India.

He made civil and political rights ever more secure by institutionalising legal activism in the shape of the Peoples' Union of Civil Liberties. He expanded the concept of the rule of law as entailing a human right to immunity from corruption in high places. And he emphasised the importance of the independence of judiciary as a custodian of people's rights, in ways that also fostered accountability of the judicial power.

Above all, Justice Tarkunde radicalised the imagination of rights and law in the Indian political, and constitutional, culture by scripting many aspects of the jurisprudence of the Total Revolution under the remarkable leadership of Jay Prakash Narayan.

A precious Indian public life has now reached its end.

I will always recall till the end of mine, my cherished association with him- the gentle but firm clasping of hands, the gleam of determination in his eyes, his affectionate but never irate reproaches, and his zest and zeal for the pursuit of an endless procession of public causes.

In embodying the rare public virtues of rectitude and civility in Indian life, he provided a role model to us all for the care and nurture that we must all invest in fostering human rights cultures for, and in, India.

Recalling Cm. Tarkunde is in itself an act of integrity that summons us all to continue to combat harrowing injustices and reproduction of human rightlessness in a now rapidly globalizing India.

In sorrow,

Upendra Baxi

(Former Vice Chancellor, Delhi University)

Passing away of a Legend; A tribute to the Late V.M.Tarkunde

- S.M. Daud

Death evokes regret, grief, memories and praise. In the case of V.M.Tarkunde, we will experience all this and more in tall measure. I remember the encomiums showered on him when Mumbai celebrated his Ninetieth birthday with him amongst us. Though advanced in age and full of physical ailments, the spirit and mind of the great Man were unbowed. As sharp as ever he gave a short speech setting out the creed which he had lived by. What I cannot forget is his effort to explain his position on the Jammu & Kashmir imbroglio to a questioner who felt that his stand was near subversive and of comfort to the separatists. Here I must confess, that I was and still am opposed to secessionists, by whatever name called. Tarkunde's patience and a readiness to explain his viewpoint were a lesson in the art of communication and patience. His explanation was totally free of a show of authority or sophistry. The questioner was an average person. But Tarkunde gave him the time and attention required to understand his view and in turn explain his stand.

Tarkunde was a renaissance Man, a polymath to whom no field of learning or experience was foreign. His academic attainments were impressive. A graduate in agriculture, he went into law, politics, philosophy, ethics, religion sociology and economics to acquire a firmer grasp of what life was and could be. A Barrister-at-law, he yet could give up practise at the Bar to take to full-time politics as a Radical Humanist. But he could also revert to practice with an ease and dexterity that baffled the ordinary person. This shows that his readings in the different disciplines were never given up, whatever the pressing demands of the primary task that he was then immersed in. And this multi-faceted occupation was a trait he shared with the likes of Dr. Ambedkar, Agarkar and Phule.

As a graduate in Agriculture, Tarkunde knew full well the travails and tribulations that a peasant had

to undergo for keeping himself and his family in uncertain circumstances. Some insights that he showed in this field could have been the envy of Agricultural Economists. A barrage of words dressed in flowery prose so dear to the long-winded speakers of yore made little impact upon him. Substance; and not dressed-up dross, had an effect on him.

Mrs. Gandhi's declaration of emergency re-energized him as an open foe of absolutism. But he was no less concerned about the menace of fascism that majoritarianism posed. In recent times he had become an open votary of a secular front to fight the saffronites and their allies. Always for the under-dog, he refused to see every expression for autonomy as camouflaged secessionism. Unwilling to concede arbitrary power to the executive, he was equally critical of a domineering judiciary. Unlike recent converts to the secular cause, he was never a believer in even soft Hindutva.

Chauvinism, he recognised as a great a menace as religious intolerance. Except during the J. P. movement he maintained a safe distance from politicians. This trait is worthy of emulation for politics in India today has stooped to unknown depths of degradation. He realized that however bleak the future, there had to be an effort to cleanse the Augean stables. That brought him to the realisation that electoral politics was not all that radical a device as it was touted to be. Yet, he propagated a Humanist Constitution and invited a public debate over the subject. Idealistic he was; but never forgetful of the corrosive influence of power.

Tarkunde's death removes from our midst a colossus, thinning the ranks of the truly remarkable. They come into a nation's life rarely and it is the misfortune of us, the common lot, that they gain true recognition if at all fairly late.

May his legacy guide this country for all times to come and may his soul rest in peace.

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He administered justice, not just law, the Bar's noblest soul

— Fali S. Nariman

EMERSON used to say that nothing great is ever achieved without enthusiasm. V M Tarkunde, like his mentor M N Roy, was an enthusiast with a vision—a vision inspired by idealism. Alas, the disciple has now followed his master and is no more.

“Great men” are the guide posts and landmarks in the State. The population of this country is accelerating, but the numbers who fit that description are rapidly diminishing: to me, this is the single most alarming aspect of our Indian polity - the marked decrease of men (and women) who can be reckoned as “guide posts and landmarks in the State”. There is now one less to be counted in the reckoning.

Radical humanists like Tarkunde refused to become members of any political party, always supporting candidates of integrity - telling people that they were not obliged to vote for any party, that they could select and nominate their own men and women, whom they would be able to influence better. This humanist political approach was intended to create small islands of democracy and freedom, the nucleus of a democratic humanist society - in which education would not only create a discriminating electorate, but teach people to live a cooperative life.

All this now sounds like Utopia - but that is because we have stopped honouring and respecting great men.

I had the privilege of knowing Tarkunde since I was ten or twelve years in practice on the Original Side of the Bombay High Court. Tarkunde had been a distinguished advocate on the Appellate Side, and then, on his elevation as a judge, he sat exclusively on the Appellate Side of the High Court. In those days the Appellate Side Bar and the Original Side Bar were distinct and different - appeals on the Appellate Side came from the district courts in which invariably the members practising on the Appellate Side were briefed, whereas suits and original petitions and actions in Bombay were filed on the Original Side, in which members of the Original Side Bar were briefed.

After Tarkunde established himself as an able and competent judge he was asked to sit on the Original Side. I remember that seniors were alarmed that a person with little experience of conducting original trials should be brought to try cases in one of the premier High Courts in the country. But they were all prophets of doom. Tarkunde soon established himself as a master of facts and a good purveyor of the

law-able to pick up the justice of the case, and to discern and apply the justice in the law governing the case. He had a penchant for justice.

He would try to administer justice according to law, and when, on a few occasions, the law did not favour the facts of an individual case he would try to administer justice - period: on these occasions he invariably cocked a Nelson's eye at the law: somewhat like Lord Denning used to do when sitting in the Chancery Court in England in his young days.

After he retired prematurely at the age of 60, Tarkunde came to practice in the Supreme Court in New Delhi - always a principled advocate, always the righteous lawyer, for instance, he never appeared for management but always for labour. There was much money in commercial cases if you appeared for corporate houses, but he always -not invariably, but always-declined the offer of a brief from a corporate house if it was against the employee or would be inimical to the cause of labour.

Always a human rights enthusiast and internationally recognised as such, he championed what at the time appeared to be unpopular causes. He never deflected in his views, never compromised to please someone.

He was reliable, and solid as an oak. Younger lawyers and NGOs flocked to him-it mattered not whether he received any payment: he took up the case, and argued as vehemently as he could. For many of us who had seen him practice here after 1970, his retirement from the profession in the late 1990s was a great disappointment: not only because one liked to hear him in court, but particularly because he was almost like no other lawyer, a moral human being. After all, consistency of the moral dimension is the true measure of greatness in every human soul. Tarkunde was a great soul.

He has passed on after having lived a full and honorable life: when a great tree falls, the forest somehow looks barren.

As a member of an older generation of lawyers, I pay my tribute to him and salute him. Writing about a good life is easy, living one is the more difficult. Tarkunde lived the good life - he was our Bar's noblest soul.

Courtesy : The Indian Express

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Memories of an Exacting Judge

—Atul M. Setalvad*

Tarkunde, who died recently at the age of 94, had not only a long life, but a life rich in activities in very many fields: agriculture, social work, the trade union movement, a flourishing law practice, a distinguished career as a Judge, a leading Supreme Court practice, work in the field of human rights, civil rights, opposing fundamentalism and obscurantism. In all these fields, he excelled.

Not only is his range of achievements so vast, I am not competent to write about most of them. My only real knowledge of him was the knowledge that a junior advocate has of a distinguished Judge of the High Court, and I will confine myself to writing about Tarkunde as a Judge. I will go into a few details which a non-lawyer may find tedious. I do so even though this was many years ago because I feel that it should be known today.

Tarkunde was already a Judge when I started practising in 1958. As I went to Court after Court trying to understand what was happening, one of the Courts which I saw from time to time was that of Tarkunde. He was well-known though a relatively junior Judge then.

Time passed. Tarkunde began presiding over Benches, and I started arguing matters on my own. Even before I argued my first matter, I used to accompany my most formidable senior, the then Advocate-General, Mr. H. M. Seervai when he argued matters for the State. Seervai was held in great respect by most Judges because of his high reputation both for legal acumen, and for his innate fairness. Many Judges tended to accept whatever he argued. Not Tarkunde. He tested the validity of Seervai's arguments as he did that of other advocates. Intellectually, he was more than equal to Seervai. I can remember quite a few somewhat heated interchanges! Tarkunde often decided in favour of Seervai, but on quite a few occasions, he did not!

The Bar is full of gossip. Tarkunde, it was said, was harsh and rude to advocates, particularly junior advocates, and often unceremoniously shut them up. It was, therefore, with considerable trepidation that I argued my first matter before him. I have forgotten

what the matter was, but I clearly remember that he was kind and considerate, and once he realised that I had prepared the case well, he was more than courteous. He often had a smile on his face, at times kindly at times tolerant and at times, ironic. I soon got to know and, indeed, love, that smile.

He had a short temper, and a biting tongue. He could never tolerate fools easily, and he could not stand slipshod preparation, or 'airy-fairy' arguments. When this happened, he told the advocate so in no uncertain terms! If, however, the advocate was sincere and well-prepared, he had nothing to worry about in Tarkunde's Court.

His contributions to the law were many. He developed 'service law' by which I mean the branch of law relating to public servants and the endless disputes between them on complex issues of *inter se* seniority, the relative position of promotees and direct recruits, and so on. This involved much pioneering work in interpreting the right of equality guaranteed by Article 16 of the Constitution, and interpreting the obscurely and clumsily drafted service rules.

He presided over a relatively rare libel trial when Thackersey, an industrialist, had filed a defamation suit against the weekly magazine Blitz, then well-known for investigative journalism, and its redoubtable editor, R. K. Karanjia. He awarded damages to Thackersey.

Tarkunde did a lot to develop administrative law. In this field, I would like to refer to a judgement delivered by Tarkunde in 1965 in some detail.¹ Dhanji, a petty trader in food grains, was ordered to be detained under the Defence of India Rules for black-marketeering. The Defence of India Act, under which the rules were made, contained a salutary provision, regrettably not to be found in more recent legislation, viz., that persons exercising powers under the Act should interfere with the ordinary avocations of life and the enjoyment of property, as little as may be consonant with the purpose of ensuring the public safety and interest and the defence of India and civil defence.² Justice Tarkunde held that though the authorities exercising powers under the Act had only to satisfy themselves before doing so, they had to be *reasonably* so satisfied; on the facts of the case, he

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held that detaining a trader who was involved in dealing with only 1 ½ kgs. of rice could not possibly be justified as no reasonable satisfaction could result in *detention* being ordered for so petty an offence, and he set aside the order of detention.

This is a land-mark judgement; by holding that the statutory provision was mandatory and had to be complied with, he gave efficacy to the principle of what Tarkunde called the 'rule of least interference', a rule now widely described as the rule of proportionality. He also laid down, 2 years before the Supreme Court did, that even when an executive authority is entitled to act on its 'subjective satisfaction', the satisfaction has to be reasonable.

As a judge, Tarkunde passionately believed in doing justice. The legal system is meant to provide justice 'according to law', and in some cases, a decision in accordance with law results in injustice or at least, fails to do justice to the party. This arises, in part, because some Judges interpret the law mechanically without giving due weight to its underlying purpose. Tarkunde never did this. Sometimes the injustice arises because of a judgement of a superior Court which a Judge is required to follow, or because of a thoughtlessly drafted legal provision. Confronted with such situations Tarkunde tried, if at all he could, to 'get around' the binding precedent or the letter of the law.

Tarkunde was a kindly Judge who tried whenever he could to prevent hardship. A striking instance of an order passed by him to avoid hardship occurred during the Thackersey trial. This order is hardly known today. In the course of the trial, one of the witnesses, a petty businessman called Goda, who had already given evidence and had been cross-examined, was recalled for further cross-examination. Goda told the Judge that the wide publicity given to his evidence earlier had done a lot of damage to him in his business, and sought protection from publicity. After hearing arguments on both sides, Tarkunde passed an oral order directing the press not to publish reports of Goda's evidence. This order, later upheld by the Supreme Court as a valid exercise of the inherent powers of a Judge,³ is a

striking example of Tarkunde's kindness. Goda had to give the further evidence he was called upon to give; he had no choice in law. Most Judges would have said: 'sorry, that is the law; you have to give evidence'. Tarkunde was moved to pass the order that he passed because he did not want a small man to be hurt in the titanic battle between Thackersey and Karanjia.

I could give other examples. Other advocates who had a more extensive practice than I had could doubtless give many more. All of them exemplify his greatness as a Judge-'great' in upholding the law; 'great' in protecting the weak against the strong; 'great' in protecting the citizen against the State.

After he retired from the Bombay High Court, Tarkunde shifted to Delhi and started practising in the Supreme Court. He appeared in the routine run-of-the-mill matters like all advocates; he also appeared for very many public causes, an example being his appearance for the pavement-dwellers. What was most important was, however, was that once he was freed from the shackles of judicial office, he once again became active in numerous public causes; the long life he, fortunately, enjoyed after he retired at the age of 60 enabled him to do sterling work for all these causes. This went on for over 30 years. He did not have an idle moment and his valuable contributions are apparent in all worthy causes: a few examples are his battle against sectarianism and fundamentalism; standing up for persecuted minorities; exposing the brutalities of the security services.

Tarkunde was a great Indian, indeed, a great man.

1. Dhanji Virji Bhanusali vs. State of Maharashtra (1965) 68 Bom. L.R. 564. I am adding the citation in case a lawyer, who reads the article, desires to read the judgement which is not well-known.
2. It requires to be noted that the provision was probably only there because the Act was largely based on the corresponding Act passed by then British Government of India in 1939.
3. Naresh S. Mirajkar vs. State of Maharashtra, A.I.R. 1967, S.C.1.

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Commitment to Public Cause Above All

- Anil Divan*

Tarkunde's glorious innings came to an end in his 95th year - and what an innings! His activities and the breadth of their reach were truly amazing. His stamina and energy were unbounded. In his young days, a social activist and a grass root worker, later, a Congress socialist, general secretary of the Radical Socialist Party, a pillar of the Radical Humanist movement, an outstanding lawyer in Bombay, a successful judge in the Bombay High Court, a preeminent Constitutional Lawyer in the Supreme Court, one of the co-founders of and moving spirit in the Citizens for Democracy (CFD) and the People's Union for Civil Liberties (PUCL), a prolific and analytical writer, author and contributor of numerous independent reports on human rights, honoured as "Humanist of the Year" in 1978, nominated as Humanist Laureate by the American Academy of Humanism of USA in 1984, and awarded Padma Bhushan in 1998.

What a remarkable curriculum vitae?

How did he find time and energy for all these activities?

It is said that "to live is to function that is all there is to living". Tarkunde functioned in so many fields and devoted his energy to so many causes that he compressed and distilled a hundred lives into one.

He had a vision of a modern, vibrant India, of a partyless democracy, of the right of every Indian and every human being to live and die in dignity. Something of this vision rubbed off on anyone who interacted with him. His enthusiasm and dedication to causes espoused by him were infectious.

Indira Gandhi in June 1975, declared an Internal Emergency and many prominent Opposition Leaders were detained without trial. Tarkunde was one of the first to contact Jayaprakash Narayan and Morarji Desai during their detention. He was in constant touch with them. He appeared in many habeas corpus petitions challenging illegal detentions. He organized, participated and spoke in meetings all over India protesting against the Emergency. Jayaprakash Narayan in 1974 had foreseen the coming storm and the possible eclipse of fundamental

freedoms. Motivated and inspired by Jayaprakash Narayan, Tarkunde was principally instrumental in establishing Citizens for Democracy (CFD) in 1974. This organization excluded active politicians from membership and never took any financial help from foreign organizations. Under Tarkunde's leadership and guidance CFD became a credible vehicle and a potent force protecting attacks on fundamental freedoms. Tarkunde's role during the Emergency was his finest hour.

My first exposure to Tarkunde was as Justice Tarkunde of the Bombay High Court. He sat initially on the Appellate side but was later assigned Original Side work. He was opposed to the retention of the dual system of counsel and solicitor on the Original side. Many Seniors on the Original Side feared that he would use the opportunity to work for the abolition of the dual system and the Original Side. But they had sadly misjudged him. Tarkunde had a rational mind and a modern approach, and was always open to fresh ideas and new impulses. He was neither a prisoner of prejudices nor a prey to narrow biases. He had intellectual integrity and was bold enough to change his views. After working as a Judge on the Original Side he was frank and open enough to appreciate the strength and contributions of the dual system and the Original Side. It is to his undying credit that he came to scoff at the dual system but became an admirer of its functioning. While trying commercial and long causes, he would quickly grasp the strong and weak points of both sides and would make suggestions for a settlement. In a vast majority of cases, senior counsel of both sides would put their heads together to fashion a reasonable compromise. They had the detachment, independence and stature to convince the clients. Many a heavy litigations were settled before him saving considerable judicial time and Tarkunde was greatly impressed by the Original Side Bar.

On occasions Tarkunde's penchant for arriving at a just decision would make him bend and stretch the law to a breaking point. In one case, I recall, when snap answers were taken in cross-examination to buttress a technical defense, Justice Tarkunde said to counsel something to this effect "I am not going to

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record these answers”, and softly laughing as was his wont added “You can complain to the Appeal Court about it”.

Tarkunde was an avid golfer. He was steady and not flashy, meticulous in his technique and thorough in his approach. In the mid seventies, on my frequent short visits to Delhi, my friend Murlidhar Bhandare arranged many fourballs at the Delhi Golf Course. Tarkunde, Justice Y.V Chandrachud, Bhandare and I spent many happy hours on the golf course. But I must share a secret with you. The majority judgement in the now notorious Habeas Corpus Case (ADM Jabalpur v. Shivkant Shukla) knocked out the locus of citizens to approach the courts challenging detentions, ill-treatment and attack on their personal liberties during the Emergency. Chandrachud sided with the majority in favour of the Government. Tarkunde was so disillusioned by the majority judgments that he wrote a very strong article in the ‘Radical Humanist’ characterizing the judgement as “Judicial Suicide”. On reading the article I congratulated him. He laughed and said he was prepared to face contempt of court. For a considerable time thereafter he showed his displeasure by refusing to play golf with Chandrachud. His commitment to a public cause far outweighed his personal relationship.

Reflecting on Tarkunde’s many achievements , I asked myself the question - What distinguished Tarkunde and made him special ? Was it originality of thought? Was it his great concern for the havenots? Was it his indomitable courage to espouse unpopular causes involving attacks on human rights ? Was it his brilliant analytical and rational approach and

incisive grasp of contemporary social economic and political problems ? Was it his enormous contribution by way of articles and writings ? Was it his hard work and dedication? And yet after enumerating all this in my mind I thought I was missing something. Many have been blessed with all the above qualities and skills but do not measure up to Tarkunde. And then suddenly it struck me that Tarkunde had all these and something more which contributed to his extraordinary achievements. He had the invaluable gift of easily developing a close relationship and an effortless bonding with the young and idealistic grass root worker. He took to them warmly, and they fondly responded drawing inspiration and guidance from him and translating his vision into reality.

Vithal Mahadeo Tarkunde is no longer with us. He was named after the Hindu Gods but he did not believe in God, though endowed with many qualities of which even gods would be envious. He was a rationalist with a razorsharp intellect and yet he was full of compassion and sympathy for the underdog. A lawyer par excellence, but his lawyering was only a means to an end. Law was never his main pursuit. His success as a lawyer acted as a springboard for enabling and empowering him to espouse causes dear to his heart.

Tarkunde was a universal spirit illumining all climes and all times. He belongs not to our generation alone but to all future generations. He was truly a nation-builder, a crusader in the battle for freedom, justice and human rights.

This is my small tribute to a great son of India.

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A Spokesperson for Political Detenus

— V.N. Ganpule*

I saw justice V.M. Tarkunde as sitting judge in 1960 when I was preparing for Bar Council's examination. He was presiding over Division Bench in Bombay High Court, and the impression about him was formed that his approach as judge was humane and he had desire to see that justice was done. This impression on my mind continued till 1999 when he stopped attending the Court.

I had an advantage of appearing before him after my enrolment as Advocate in 1960. I have mixed experience of having dialogue as well as some differences in respect of some legal submissions. He always insisted on facts being stated chronologically and if there was a small mistake, he would pounce upon the junior. In his court I learnt not to say no to any suggestion coming from Court about possible settlement. In one matter before he could complete his suggestion for settlement, I refused and then I had difficult time to defend my clients case. I must however mention that, he cooled down, heard me at length and was convinced that I had a point in my favour. He therefore referred the matter to Division Bench.

I can write of a number of such cases but I do not want to burden this article. These memories of my appearances in his Court are always in my mind and whenever his name is taken, these memories appear before me.

I came to Supreme Court in Oct. 1972 and by that time Shri Tarkunde was one of the leading senior advocates. My first choice always was Mr. Tarkunde. The conferences with him were always challenging as one could learn how to master the facts and to formulate the propositions. He was always very careful in not accepting more briefs. He had a quota of 4 to 5 matters for admissions. In not accepting more matters, his principle was, that clients should not suffer in case he was unable to reach the Court in

time. Our equation went on till I was designated as senior Advocate in Jan, 1991.

During emergency, I was the Advocate on record for the political detenus and Mr. Tarkunde was my Senior. Though I was warned by one of the Seniors that by consistently appearing for detenus, I would be blacklisted, I continued to assist Mr. Tarkunde in all Political detenus matters from Maharashtra.

Apart from being in the same profession, I had an advantage of having a close association with him. He agreed to become President of Supreme Coop. Group Hsq. Society only if I was to be the secretary. He had full confidence in me and in one of our meetings he disclosed to others that I was his guide in relation to property matters and he would abide by my advice. During his tenure as a President I could complete the initial work of appointment of Architect, finalizing the plan as well as tenders for appointment of contractor.

Mr. Tarkunde was fond of Jowar Roti but in Delhi, he could not get jowar. When I came to know this, I took my wife to his house who prepared the Rotis and fed him. He was so happy but at the same time he indicated that I should not have troubled my wife. My wife had told Mr. Tarkunde that whenever he wanted to have jowar Roti he should inform her directly so that she could go and give him the Rotis at his place.

I only feel that I could not join him in his social activities in spite of his insistence. He always used to say that part of one's life and earning must be devoted for social cause. I have now realized that he was right in insisting on thus. This insistence has not gone in vain because I have now started social work on a small scale. For this gift from Mr. Tarkunde I shall always remember him throughout the remaining part of my life.

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* Mr. Ganpule is a Senior Advocate, Supreme Court.

V.M. Tarkunde - Father of Civil Liberties in India

- Prashant Bhushan

With the passing away of Mr Tarkunde, India has lost the father of the Civil Liberties movement in the country. He died on March 21 after a brief illness at the ripe age of 94. Till the very end, despite his failing health, which had confined him virtually to his house for the last year or so, he worked and wrote tirelessly for the causes that he held dear, particularly the cause of Civil Liberties.

I first met Mr Tarkunde in 1976 during the Emergency, when Civil Liberties had been extinguished and the Habeas Corpus case was being heard by the Supreme Court, which would decide whether one could even approach the courts against illegal detention by the State, during the Emergency. At a time when even four out of five judges of the Supreme Court succumbed and got intimidated into holding that fundamental rights and Civil Liberties got eclipsed during an Emergency, Mr Tarkunde with the blessings of JP founded the People's Union for Civil Liberties (PUCL). From then on, till he died, he worked with exemplary courage, dedication and personal integrity, for the cause of Civil Liberties and human rights in the country, even when it was hazardous and not fashionable. The assault on Civil Liberties and human rights did not end with the end of the Emergency. The assaults were relentless and resurfaced in different forms, in different parts of the country-in Kashmir, Punjab, the Northeast and indeed most other parts of the country-with various draconian laws like TADA, POTA, the Armed Forces Special Powers Act etc. And, he fought relentlessly against every form of human rights abuse, not hesitating to say what he believed in, even if that offended some of his friends. He was one of the first outsiders to speak on behalf of the Kashmiri people, saying that they had the right of plebiscite.

When the anti-Sikh riots shook the country after Mrs Gandhi's assassination, he led a team of lawyers to the very heart of places where the carnage was taking place, in an attempt to stop the carnage. He refused to be cowed down even when he was threatened with arrest and his book exposing the human rights abuses in Punjab had been banned.

What distressed him most however was the rise of communal fascism in India with the growth of the RSS/BJP and allied organisations of the Sangh

Parivar. He could clearly see what was coming with the demolition of the Babri Masjid. He told me at that very time that the BJP and the Sangh Parivar represented forces of fascism which would not tolerate Civil Liberties in this country. He asked me to read "Escape from Freedom" by Erich Fromm which dealt with the psychological roots of fascism, in order to understand the psychology of members of the Sangh. He was particularly disappointed with some of his erstwhile friends and colleagues from the Civil Liberties movement who had become the prominent intellectuals, rationalisers, and influential members of the government led by the Sangh Parivar. It was difficult for him to get over the fact that he had once made Arun Shourie, a general secretary of the PUCL! Given his prescience and understanding of the methods and psychology of the Parivar, I'm sure that he foresaw the Gujarat carnage well before it took place. With the increasing stranglehold on power of the BJP and its allied organisations, the manner in which communalism was being spread with State support, and the manner in which POTA had been used, he was deeply worried about the future of Civil Liberties and democracy in this country, at the time of his death.

As a founder member of the Committee on Judicial Accountability, he actively worked for the cause of judicial accountability till the end. He had also founded the Centre for Public Interest Litigation, to take up public interest litigation in a systematic manner with proper research. Since I was looking after the Centre for several years, I recently wrote to him informing him of the recent activities of the Centre and seeking a small donation for the Centre. He promptly sent a cheque of Rs. 20,000, and said that though he had not been able to attend the meetings of the Centre because of his health recently, he was very happy with its activities. I had decided to go and meet him immediately after I received this letter. Unfortunately however, I kept putting off the meeting, not knowing that he was particularly unwell and in fact in the hospital, which I learnt about only when he passed away. I will never be able to forgive myself for this procrastination. I hope that someday all the people in this country will realise the enormous debt that they owe to this one man.

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A Tribute to Justice V.M. Tarkunde

Navroze Seervai

In Julius Caesar describing Caesar to Brutus, exclaims:

*"Why, man, he doth bestride the narrow world
Like a Colossus, and we petty men
Walk under his huge legs and peep about
To find ourselves dishonourable graves."*

If ever a man bestrode our world as a Colossus, that man was Tarkunde. Be it the world of law - first as a young lawyer, then as a great Judge and then again as an eminent Senior Counsel practising in the Supreme Court for 30 years; be it the social and political world - with his early connections to the socialist wing of the Congress party during the freedom struggle, and his association with men such as J.P., Meherally, Masani; and of course his close and lifelong association with M.N. Roy and the Radical Humanist Movement. Last, but by no means least was his lifelong championing of the cause of human rights and civil liberties.

Of only a select few can it be said that they personified a movement or a cause. But so dominant and enduring has Tarkunde's contribution been to the struggle for civil liberties, democratic and human rights, and those guaranteed fundamental freedoms which alone qualify a nation to be called civilised, that it would be no exaggeration to say that he more than anyone else personified this cause. When you spoke of these you spoke of Tarkunde - or at least thought of Tarkunde, whilst speaking of others.

Not only was Tarkunde one of the founders of the People's Union for Civil Liberties and the Citizens For Democracy, but he tirelessly worked for these children of his. And he did so willingly, happily, tirelessly and uncomplainingly. More importantly he did so regardless of the cost and of the dangers to which this exposed him. Amazing as it seems, Tarkunde was absolutely fearless. Nothing daunted him. The establishment could neither browbeat bully him, nor bribe him with inducements. He never cared or bothered if he was in a minority of 1, so long as he believed in the righteousness of what he was doing or saying. Of him one could truly say, with Milton:

*"Unmoved;
Unshaken, unseduced, unterrified,
His loyalty he kept, his love, his zeal,
Nor member, nor example with him wrought,
To swerve from truth or change his constant mind."*

But there was much much more to Tarkunde than the public persona - great and illuminating as that persona was, and on this I would like to briefly dwell.

I was privileged to work with Tarkunde for an appreciable length of time in what was called the Pavement Dwellers' Case - a case taken up by the PUCL in Bombay which later moved to the Supreme Court. I was 25 and a junior of 3 years' standing at the Bar. He was a stalwart of 75. I found during those 2 years and more that he was a warm, friendly and lovable man. Yes, he had a temper! Yes, he occasionally got irritable with us juniors! But through it all he remained unfailingly kind and courteous. As for his dedication to the matter and the infinite pains that he took over it, words are wholly inadequate to fully describe these or to do justice to the man.

He had an almost infectious laugh; and whatever the pressure or strain, he always seemed to be smiling. This was one of his most endearing characteristics, and to all of us who loved him, one of the most enduring memories of him.

He loved his golf; and was passionate about cricket. Manik tells me that the day before he died, from his hospital bed he watched the India-Pakistan one-day match which was taking place in Lahore. He thoroughly enjoyed his drink and his vacations in U.K. He was a family man and was deeply devoted to his family.

If India remains a democracy, however imperfect, wherein fundamental human rights are not trampled upon, and if trampled, there is recourse to the law; if civil liberties are respected and upheld and human rights are cherished and valued, it is in very large measure because of men like Tarkunde - men who have selflessly dedicated their entire lives to the cause of freedom.

Inscribed by his son on the tomb of Sir Christopher Wren in St. Paul's Cathedral is his epitaph:

"Si monumentum requiris circumspice"
(*"If you would see his monument, look around"*).

The freedoms that we cherish in this country are Tarkunde's towering monument and as we look around, they are visible for all to see.

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V.M. Tarkunde

- Kuldip Nayar

To my stark, ignorance I heard the name of V.M. Tarkunde for the first time when I was in Tihar jail at Delhi during the Emergency. Mrs Indira Gandhi had detained me for my writings and my wife had filed a habeus corpus petition in Delhi High Court. Tarkunde was my lawyer. Mine was the only case which ended in an unconditional release. It was another thing that both the judges comprising the Bench were punished. One was transferred to Guwahati and the other demoted because he was not permanent by then.

Tarkunde's arguments, I learnt, were so convincing that the judges had no option except to release me. This was no surprise for anyone. But what surprised me was that the detention had done something to me. It changed my life in the sense that I became a human right activist. I did not leave journalism but combined the two.

I became Tarkunde's devotee and pieced my services at his disposal. He used me in different capacities in his relentless war against communalism and violation of human and civil rights. Only after working with him did I realise how passionately devoted he was to the principles of individual, dignity and liberty. Secularism radiated from every fibre of his.

The court cases he fought and the writings he did were all directed towards the same purpose. He never charged fee for the cases relating to human right violations or civil liberty. And he maintained low key throughout his life. His modesty was his most endearing quality. I always admired the way in which he gave credit to others for the jobs he did.

I was Part of the delegations which he led to Kashmir. He would sit with lawyers and human rights activists for hours, till late at night, to help

them draft their brief against the excesses committed by the security forces. He motivated them to join issue with the administration in law courts and human rights commission in the state and at the Centre. He would see to it that we visited the families of the bereaved whenever we went to Kashmir. He disowned violence and told the Hurriyat leaders whenever he met them.

I never met Tarkunde when he was on the bench of Bombay High Court. But there are several judgments which show his independence, courage and human feelings, quoted and required even. The quality of his judgments is timelessness. He was one of the first of the modern criminologists, anticipating much of the prison reform and liberalizing of the criminal code.

Tarkunde is the man who gave life to the dreams of Jaya Prakash Narayan, a Gandhian leader. After founding the People's Union for Civil liberties (PUCL), he passed the baton to Tarkunde. The other body JP founded for the protection of human rights. Citizens for Democracy (CFD), was chaired by Tarkunde for many years.

In fact, Tarkunde can be described as father of human rights movement in India. His limitless energy spread the awakening throughout the country. In fact, the whole movement buffered when he lessened the pace of work because of his age. It is a Pity that the movement for liberty and human dignity has not gathered as many adherents as it should have but whatever is because of him. He has trailed the path which more and more people will follow as the time passes. That he is missed goes without saying but he is an inspiration which if we imbibe can make our lives sublime.

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Note

The Tribute of Mr. Mahipal Singh will be published in the June issue.

V. M. Tarkunde : A Lifelong Quest for Humanism

— Surendra Mohan

It is a sad reminder of the immanence of the times that the media, electronic as well as print, generally ignored the passing away of the distinguished humanist and the doyen of the struggle for the defence of civil liberties. Even the fact that as president of the People's Union of Civil Liberties (PUCL), he strove hard in 1982-3 to mobilise public opinion against the Anti-Defamation Bill which curbed the freedom of the media, was forgotten. Or, his legal battles against the censorship imposed on several publications during the National Emergency in 1975-7. Civil rights groups, associations of the media and other organs of civil society came together on that occasion to join hands to defeat the mischievous intent of the then Government of the Congress Party to intimidate the media. During the same years, the attempt to impose censorship on mail was fought against and Tarkunde was again in the forefront. The PUCL and other civil rights groups struggled against custodial deaths, fake encounters, the anti-Sikh pogrom, the draconian laws which impinged on the democratic rights and the civil liberties of the people. Having been in the news during the J.P. movement for total revolution and having earned the respect of all those who fought against the Emergency due to the legal acumen that he displayed in getting several detainees from detention, it was curious that the media took little notice of his passing away.

Tarkunde, based in Pune in his youth, joined the freedom struggle, along with S.M. Joshi, N.G. Goray and others in the late 1920s. He was among those who founded the Congress Socialist Party. Then, he came under the influence of the eminent revolutionary M.N. Roy and joined with him in the League of Radical Congressmen which later matured in the Radical Democratic Party of which he was elected as General Secretary. The philosophy of radical humanism attracted him, and probably most of its tenets, or the 'Twenty Two Theses', were worked out by M.N. Roy together with him, Professor G.D. Parikh and Professor Shib Narayan Ray. However, while the RDP was dissolved in 1948, and instead, non-party politics became the doctrine, the radical humanist movement survives and flourishes.

In 1973, J.P. launched the Citizens For Democracy (CFD), when he felt apprehensive about the future of India's democratic polity. Tarkunde was its General Secretary, while J.P. and S.M. Joshi were its president and vice president, respectively. The CFD appointed a committee to look into the ways in which the electoral process could be reformed. The main work was conducted by Tarkunde. He was also among those who led the agitation against the supersessions of three senior-most judges of the Supreme Court by the Union Government which, in direct interference in the highest level of the judiciary, appointed its favourite as the Chief Justice. In 1975, the Prime Minister got the President to sign a declaration of the imposition of Internal Emergency under Article 352 of the Constitution. Civil liberties were suppressed. The Fundamental Rights enshrined in the Constitution were suspended. A large number of leaders and workers of the opposition parties were detained under MISA. Tarkunde, fearlessly, opposed these draconian measures and challenged the detention of several leaders as also the suppression of the freedom of the Press.

When the 42nd constitutional amendment was introduced in Parliament, Tarkunde, along with Acharya Kripalani and constitutional experts like C.K. Daftari, H.M. Seervai, Soli Sorabjee, Shanti Bhushan and others mobilised public opinion against it. In this process, the People's Union for Civil Liberties and Democratic Rights was launched. However, in 1977, when the Janata Party an amalgam of opposition parties, assumed power, it restored all the Fundamental Rights and civil liberties. Yet this was a short-lived triumph, for the Congress Party, under the leadership of Indira Gandhi, returned to power and it was apprehended that she would again close the democratic system, by stages. Hence, the People's Union for Civil Liberties was launched with Tarkunde as president. Precaution was taken to ensure that it continues its work despite the changes in the regimes ruling the country. The PUCL challenged all the black laws which impinged on civil liberties, and took up the suppression of human rights in the northeast and J&K and Punjab with utmost seriousness.

It was felt, however, that real threat to civil liberties was faced by those grassroots groups which were challenging the oppressive economic and social status quo. Tarkunde was keen to link the PUCL with their struggles, and, in the process, found it necessary to radicalize the activities of the PUCL. A conference of such groups was convened jointly by the PUCL and the CFD in Hyderabad in 1981 and 39 groups attended it. On their suggestion, State level conferences were held in eight States. That brought a new realism to the PUCL. After that, Tarkunde used to take time off to visit wherever these groups were active, and needed support. Prof. Rajni Kothari who succeeded him as president was equally keen on this line. The then State Government in Tamilnadu or its police hierarchy got so incensed with these activities that Tarkunde was assaulted and arrested by it in Madurai, in 1987.

In 1986, the CFD, with Tarkunde and Kuldip Nayyar as its leaders, decided to launch a campaign for inclusion of the Right to Work in the list of Fundamental Rights in the Constitution along with the HMS and the AIRF. Later, other groups came in. A campaign committee with Tarkunde as Chairperson and me as convener was appointed. On 25th March, 1988, an impressive demonstration was held before Parliament in which over one lakh persons took part. Fifteen thousand among them were tribals. That demonstration made the National Front put the issue on its agenda, and after it came to power, the

Planning Commission and the Minister of Finance also deliberated upon it. Tarkunde also joined with the Sarva Sewa Sangh, in 1986, in launching a campaign for bringing morality into politics. With Justice Dawood Patel of the Lahore High Court he created an organisation Hind-Pak Dosti in mid-eighties. The Insani Biradari was set up with the help of Ranjan Dwivedi and others. When the Jamaat-i-Islam desired the creation of a group to promote communal amity and understanding, he and his other colleagues in the PUCL-CFD, including the tireless N.D. Pancholi, agreed readily and this group held several fruitful discussions.

There were several other activities in which Tarkunde was involved. However, his main concerns were the humanist movement and freedom and justice in all fields of human activity. The M.N. Roy memorial lectures were organized every year with his initiative, as also the J.P. memorial lectures. The PUCL got his full support, throughout. Tarkunde was honoured by the International Ethical and Humanist Union with a prestigious award. He continued to write as late as last year when he circulated a paper on partyless democracy which he then put forward for discussion in a seminar.

Tarkunde's demise has left a big void in the humanist movement and in the defence structure of our democratic polity.

Courtesy : Janata

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Letters

Salute to Comrade Tarkunde

After my matriculation, from Koppal, Karnataka. I came to Mumbai in 1963, and started my career in Sarvodaya Hospital as a ward boy. Fortunately, I came in contact with a contemporary of M.N. Roy, late Shri A.V. Mohan (Ayachittalu Vishwa Mohan), who was working as a male nurse in the same hospital.

At that time I was ignorant about my life and career. He took interest in me and made me a grassroots level Royist. Because of his contact, I came to know whole life of Roy and his philosophy. The foundation of Royism will be with me life long. Before his death he gave me valuable Roy literature.

I had participated in Roy's Centenary programme which was held at Bombay University, Kalina Campus in 1987. Sir Hermann Bondi, Mr. Jim Herrick, Dr. Frederik Edwards and Dr. Robert North had participated from U.K. and U.S.A. In this programme V.M. Tarkunde was the chief organizer. In this programme along with my wife I came in contact with V.M. Tarkunde and Bondi. They felt happy when they came to know about my grass root level Royism. We chatted for about half an hour at the nearby tree. In our discussion I came to know how simple he is and has deep vast knowledge. Even foreign delegates from U.S. and U.K. appreciated his contribution to the International Humanism. Tarkunde was one of the topmost authority who new Roy Philosophy.

- K. S. Baligar

A Dissenter's Tribute to a Dissenter

- Balraj Puri

With the death of VM Tarkunde on March 22, I lost my last link with that generation of giants of India's public life.

I had first met him around 1950 at the camp of Radical Humanists which used to be held every year in Mussorie or Dehradun (where MN Roy lived). After the death of Roy and his wife Ellen, Tarkunde became the most authentic voice of Radical Humanist movement. I attended a number of such camps and every time got to know Tarkunde better and came closer to him.

In a way, I was a dissenter in this group of dissenters in Indian politics. I was inspired by three sources, which were at that time quite divergent. I accepted basic Radical philosophy of supremacy of reason and freedom. Gandhi's experiments with moral and non-violent methods had tremendous impact on me. And I shared socialist belief in egalitarian society.

Radicals, on the other hand, considered Gandhi a prophet of backwardness and socialism a prescription of totalitarianism. On these issues as also on some other issues, Tarkunde and I often took divergent positions. But that increased his interest and affection for me. Though most of the participants in the camps, broadly tended to agree with Tarkunde, they always complimented me for my contribution to making the discussions lively. I can recall many interesting and cordial interactions between us.

At a meeting of the Radical Humanist Association of India, of which Tarkunde was unanimously elected as president, we were discussing the role of reason and emotions. As the discussion dragged on, I mischievously raised a point of order and asked the president to give his verdict on what was the best way, according to the philosophy of Radical Humanism, to celebrate the New Year eve (as it happened to coincide with one meeting.) Amidst a peel of laughter, Tarkunde dispersed the meeting and ordered two bottles of whisky, from his own pocket, to celebrate the occasion.

Gradually, the three camps to which I belonged, started coming closer to one another. Under Jayaprakash Narayan's leadership, the socialist movement had been Gandhised. After he retired from party politics in 1954, he came close to Radicals also. He attended their camp at Mussorie where I was also present.

Unfortunately they came close together precisely on the point on which I had disagreed with them viz on the role of political parties in democracy and of power in human life. As Gandhians, Radicals and

some ex-socialists campaigned against party politics, Indian democracy was denuded of much valuable talent and the vacuum was filled by much less scrupulous persons.

I continued to warn through series of articles in many papers, including the Radical Humanist, (which again confirmed Tarkunde's liberal attitude towards opposite view point) that the assault of the Sarvodya-Humanist school on democratic institutions like party system would lead to anarchy which was a step towards authoritarianism.

The warning came true in the form of emergency but it brought me closer to the Sarvodya-Humanist group. Thus when JP and Tarkunde led the formation of People's Union for Civil Liberties, I not only attended its founding conference but also became its life member.

It was pleasant experience to work under Tarkunde's leadership. Another period of very satisfying and fruitful work of my career started when I worked under his leadership in Kashmir Committee that was formed with the beginning of a militant movement in Kashmir of which Tarkunde was the president and when he led a number of visit to monitor human rights violations in the valley. I was assigned the job of drafting the reports which Tarkunde invariably approved and issued.

The support of such an eminent authority made my work in the state, which has been my main field of activities far more effective.

In this long association with Tarkunde, my admiration and respect for him continued to grow. Likewise his affection for me increased over years. He was a rare combination of intellect, integrity, courage and compassion. Many legal luminaries have acknowledged his towering personality as a jurist and his scrupulous practice of taking only cases which he was convinced were genuine. Many of his erstwhile colleagues have recalled his qualities of leadership. Others have paid tribute to his courage of conviction to - champion unpopular causes. I am not here writing a formal obituary in which I could count all his qualities. There are more qualified persons who were closer to him who have done this job. I merely recall some reminiscences of my association with him which started as a dissenter and ended with as ardent admirer and close colleague.

Long March to True Democracy

- K. G. Kannabiran*

Mr. Tarkunde lived up to a very ripe old age with all the faculties intact and three months before his passing away he presented "A Picture for Public Discussion: Party less Politics and Peoples Humanist State" Such was his zest for life. He devoted all his life for spreading Humanism as a way of life. He found time to work for the cause of Humanism even amidst his busy schedule as a senior lawyer. Writing for the special issue of *The Radical Humanist* April 1995 he asserted "there is reason to believe that humanism, in one form or another, would be the philosophy of the future, at least for a long time to come." He was never despondent or dispirited but tried to understand the crisis always with the confidence that these trends can be fought against and overcome. His liberalism and his understanding of democracy is so very different from bourgeois liberals. For he says in his *Radicalism: The philosophy of freedom and Democracy* "Humanism realizes that democracy cannot be confined to the political organization of society and that democratic values of liberty, equality and fraternity must pervade all aspects of social life. These values must be fully reflected in the production and distribution of economic goods and services, in the imparting of education in the norms, which govern the relations between various communities, the sexes and the different age groups.

The creation of such an all-pervasive multidimensional democracy presupposes a radical transformation of society, a comprehensive and institutional revolution. Surrounded by poverty and ignorance and economic inequalities, humanists cannot be true to their philosophy if their moral sense does not impel them to participate in such a revolutionary effort. Humanism under the circumstances has to be Radical Humanism." All his life he remained crusader with a sterile following. That has been the misfortune of the few in our country who were leaders of men who had no following or effete following. Tarkunde also realized this and was feeling sorry that no group of persons were able to radicalize the masses in the sense he used the word. It is a radicalization perhaps after the cultural and institutional revolutions, he was talking about.

He was not interested in the Indian intellectual assessment of democracy by examining the trappings and be satisfied when he suggested that the democratic rights in PUCL&DR be dropped as this job will be better done by Citizens for Democracy, an organization founded in 1974 under the leadership of JP His dream for initiating a revolutionary effort to radicalize humanism could have been done through the Citizens for Democracy but that organization lacked committed membership of the youth. The Naxalbari movement attracted youth during the late seventies of the last century and the CFD drew blank and the Emergency that followed unleashed repression on the naxalites and other democratic minded persons who were up in arms against authoritarian trends in the governance of the country. Unfortunately a few of the RSS were arrested and that gave them the credentials to be part of the democratic movement against Mrs. Gandhi but that is another story. Tarkunde was really keen on taking measures to recruit workmen and rural labour in CFD. I remember somewhere in 1978 or '79 his asking me whether it is possible for me to arrange a meeting of rural activists and as the leaders were around I quickly arranged a meet with 60 to 80 persons. He was with them the whole day and I found him very happy after the session in the evening. Afterwards he used to talk about organizing people and radicalizing them and he used to assure me that the revolution that takes place there after will be less violent and may not suffer from distortions. It is these affinities to people who are carrying on struggles, which made him readily agree to be the Chairman of the Committee to enquire into the fake encounters in which young naxalites were killed. With his consent Arun Shourie, as he then was, and I approached JP in Jaslok Hospital and the rest is History. Whenever I wanted him he was there. In the Conduct of Bhargava Commission he was a great support to me. The threats to my life during that period and thereafter I was able to face because of the support he always extended to me. For Tarkunde and me, to fight against oppression is a basic human right and it is not just a retranslation or a mere updating of liberal values in human rights language. In 1979, I think, he

* Mr. Kannabiran is a President of PUCL.

led twenty thousand strong procession in Hyderabad against encounters. The long march did not tire him.

With his mission to radicalize humanism he headed several non-official committees to investigate into various undemocratic practices in communities in the country. He believed, by talking to political parties, by appealing to reason one can bring about a change in their attitudes. In 1997 in the Gandhi Peace Foundation hall he was heading a seminar on anti corruption and by consensus evolved guidelines to eliminate corruption. He was firmly secular and gave no quarter to obscurantism. Towards the end of his life, witnessing the tremendous degeneration in politics he wrote about conceptualizing a humanist state. He said he was starting a debate, which he expects would be carried on by his colleagues. I was bracing myself to respond after 23rd. March.

Today we are in need of an alternative philosophy, an alternative vision to work on and perhaps what M N Roy and Tarkunde thought out as alternative will find acceptance, not only in this country but the world over. Perhaps Marx was the first philosopher to train us consciously to fight for change. He made the fascinating statement-it still fascinates me- Philosophers hitherto interpreted the world; the point is to change it. The statement stresses on the possibility of conscious human effort to bring about changes in the lives of the people so as to enhance the quality of their lives. But it needs

organization of people. The enveloping decadence we are witnessing today benumbs our enthusiasm to do anything at all to retrieve the situation. A terribly narrowed down constituency of committed persons who are eager even to clasp a utopian intention, to use it as 'the motor force of history'

This enveloping decadence did not defeat Tarkunde. He was quick to perceive that a different kind of a State is needed and to bring about that State "an increasingly large number of men(people) conscious of their creative power, motivated by the indomitable will to remake the world, moved by the adventure of ideas, and fired with the ideal of a free society of free men (people), can create conditions under which democracy is possible." (Thesis Fifteen) The concept of a "humanist State" implies a social revolution enlarging its constituency and alongside setting up democratic structures like the peoples committees. The programme of Social Revolution will be based on the principles of freedom, reason and social harmony. It will mean elimination of every form of monopoly and vested interests in the regulation of social life. (Thesis Sixteen) The Humanist state will not wither but shall never be defined in terms of POWER. Tarkunde's zest for life was tethered to this dream of realizing the Humanist State. After carrying the torch for full 95 years, it has been handed over to us. What shall we do with it?

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Letters

Homage To V.M.Tarkunde

It was through Sri Rajmohan Gandhi that I came to know Sri V.M.Tarkunde. It was during the dark days of The Emergency that I got to know him closer and became an admirer, friend and fellow fighter in many of the causes he took up in defence of freedom, civil liberty, human rights and social justice. Ever since I have been a Life Subscriber and reader of The Radical Humanist.

Sri Tarkunde's long, sustained selfless service to the country, his indomitable courage in the face of opposition and adversity, his unblemished integrity, his nobility of character, his compassion for the under privileged on whose behalf he fought relentlessly, his vision and passionate fight for India makes him a real Bharat Ratna.

- V. C. Viswanathan

Reminiscences of a Great Man

— P.A. Pouran*

A couple of years back, I had the fortune and privilege of accompanying Mr. Tarkunde while he was on tour in the erstwhile Malabar region in Kerala. He was on a trip to Kerala for conducting a series of lectures at various stations in the aftermath of the communal riots that rocked the country. The lectures were held under the aegis of the PUCL Kerala State Committee of which I was the organizing secretary then.

Though aged, the incessant travel from one station to another could not deter him from the pursuit he had undertaken. His punctuality and regularity had been proverbial to all the members in the team. His meticulousness and methodology were inspiring. In the lectures, he exhorted the audience to shun communalism which according to him was the great curse the country was facing. He gave a description of the various communal riots big and small right from the Rourkela Riot in 1964, Bhivandi in 1970, Tellichery in 1971, Varanasi in 1977, Aligarh in 1978, Jamshedpur in 1979, Mooradabad in 1980, Anti Sikh riots of Delhi in 1984, Meerut riots in 1987, Bhagalpur riot in 1989, Bombay riots in 1992-93 etc. All the riots, according to him, were engineered by a few self centered anti social elements who were

encouraged by the Hindu fanatics to further their mundane interests. Virtually, in all the riots the police and the bureaucracy were either abetting or took a partisan stand which were Committee. instrumental for the great casualties that too from the minority communities. In Uttar Pradesh, the role of the PAC (Provincial Armed Constabulary) was suspicious. He implored the youth to eschew communal sentiments among the people especially at the grass root level.

The next point he was addressing was corruption. According to him, corruption is a canker that eats away the vitality of the nation, a conspiracy against the poor, cancer that has pervaded all the spheres of life. Criminalisation in Politics was another realm which he addressed at length in all the meetings that were held. The three C's namely Communalism, Corruption and Criminalisation in Politics have done much havoc to the social fabric of our nation, hopes cherished by the great leaders of the nation were shattered. Human rights, according to him, cannot be protected without abdicating the three evils of the society.

He has left us leaving the human rights scenario literally poor, resulting in the denudation of the canopy of rights for people like me who took shelter under the foliage of a giant banyan tree like him.

* Mr. Pouran is a President of PUCL, Kerala State.

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V.M.Tarkunde: Visionary, Humanist and a Die Hard optimist

- V.B.Rawat

It is hard to believe that a person of utmost optimism like V.M. Tarkunde, is no more with us. Frankly, it should be blasphemous for me to mention like that because for young humanists like us, the optimism and encouragement of Tarkunde Saheb gives hope to fight till end and that people like him don't die, they live with their vision and contribution towards society.

I was traveling to Kerala for our seminar 'Freethought, rationalist and humanist traditions in Indian culture' and while in train got the message that Tarkunde Saheb expired. I was shell-shocked as just a few days back, I had met him when he was so enthusiastically discussing with us that we should intervene in these elections by having a 'Radical Humanist Party'. I had asked him that he should explain at first point as to why was the Party disbanded by MN Roy. And Tarkunde Saheb was always willing to respond to our queries. That night he spoke and explained his position and remarkably for long hours he spoke and talked about the political parties and power politics. That the communal forces are ruining the country and we must intervene because it is ultimately humanism which will save India. He was a worried man as power corrupt politics and he said that if a radical humanist party has to be there it should be without power. When I countered as to how come a person who fights elections would be without power, he suggested that we should become member of parliament but should not be party to the cabinet. He wanted that there should be MPs or pressure groups that could work selflessly for the nation. Maybe he had seen his own friends jumping to the other side of the wall and that might have prompted him to say that radical humanist party must exist without participating in the power. It should act like a people's pressure group in parliament and assemblies.

My association with Tarkunde Saheb dates back to my working with PUCL where I was introduced by Dr R.M.Pal in 1991. I owe my association to PUCL to Dr R.M.Pal and my basic human rights education came from him only. He introduced me to Tarkunde Saheb and other people. I strongly feel that due to these two persons radical humanist movement and civil liberties movement in India is still alive. Tarkunde Saheb was always willing to support us for any cause. He would call us and ask why the new

youngsters are not coming to humanism. It was his anguish that we are unable to bring the new people in the humanist movement in India. When we met along with Babu Gogineni, Executive Director, International Humanist and Ethical Union, London, Tarkunde Saheb spoke about communalism and his vision about South Asia.

In 1995, when I was looking after the work of FIAN International, an International Human rights Organisation based in Germany, we brought out a human rights journal in Hindi and I wanted him to release the first copy of it at the Constitution Club. He gladly accepted my invitation to come and speak. And so happy was he that for the first time, an initiative was taken to educate people about human rights in Hindi that he spoke in Hindi despite his difficulty with the language and against the fact that a majority of speakers were non Hindi speaking. Tarkunde Saheb appreciated my efforts and said that we must work in the villages and not in towns only.

He could not say no to anything. And the best quality I found in him was his sharp memory. I know at this age people start forgetting things easily but Tarkunde Saheb was always alert. He would note down his appointments and was very punctual about the same and that was the quality.

In January we organized a seminar 'Freethought, rationalists and humanists traditions in Indian culture' at the India international Centre and I for all purposes wanted Tarkunde Saheb to inaugurate the seminar as I felt he was the right person on the occasion. As I called him and sought his appointment, he invited me to his house and discussed with me. He said, 'these days I have stopped going out of my house due to my health'. I wanted that he should make for atleast an hour as his presence only could electrify humanist people in India. He apologized but I requested him to send me an inaugural note which I read in the beginning of our seminar. As an eternal optimist Tarkunde Saheb mentioned that the 21st century belongs to humanism as it is the only perspective and ideology that fits this age of science and technology.

I salute to the ever inspiring spirit of Tarkunde Saheb and hope that his ideas and vision will always inspire youths like us to work more vigorously for the down trodden with an aim of eradicating superstition and instilling a scientific and humanistic vision among us.

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Tarkunde: Gentle giant

- Shastri Ramachandaran

Vithal Mahadev Tarkunde, when he died recently at 94, had no reason to have any regrets. It was a full and rich life of extraordinary accomplishments in that greatest of causes - the cause of human freedoms. The grand old man of Indian humanism was a restless crusader, ever ready to jettison anything that came in the way of the ideals and values he dedicated himself to. I was witness to one such occasion in the early 1980s.

I then learnt that this came naturally to him. Tarkunde was a close associate of M N Roy from 1936. But the promising barrister left law in 1942 to work for Roy's Radical Humanist Party. He was the RHP General Secretary from 1944 to 1948, when he dissolved the party because of his conviction that party politics was not organised to enable stabilisation and functioning of genuine democracy - this remains true even today. He quit the Bombay High Court bench in 1969 and returned to law, motivated by the urge to defend victims of preventive detention. Most of his cases pertained to corruption in public life and violation of democratic rights. This led him to joining hands with Jayaprakash Narayan for setting up Citizens for Democracy and later the People's Union for Civil Liberties (PUCL).

As a PUCL functionary I was required to work closely with him as President. In 1982, he had gone to Madurai for a PUCL convention where the police rained lathi blows on the activists during a demonstration. Tarkunde too was hit on the head. There was shock and outrage that the AIADMK government of MGR, already under fire for turning Tamil Nadu into a police state, did not spare even the 73-year old jurist. The Supreme Court judges too deplored the incident and conveyed their concern.

The next day, Tarkunde returned to Madras where I had put him up with a friend, M. S. Appa Rao,

who was accused and arrested in the Baroda dynamite case. Tarkunde declined to issue any statement saying he did not want to make much of a small bruise and such police actions were routine in "our democracy". It was left to Arun Shourie, then a PUCL General Secretary, and Executive Editor of Indian Express to draft a statement that he asked me to release to the Press in Madras.

When Tarkunde was talking to the local journalists, the state Home Secretary arrived and went into a huddle with Tarkunde after revealing that he had come to express regret for the incident, on behalf of MGR. "Don't let that divert us from the issue", Tarkunde said later. "I am counsel for MGR's government before the Commission inquiring into the spirit scandal. They want to be sure that the blows on my head have not injured my feelings (enough) to make me give up the brief. This kind of regret has no meaning." In private, Tarkunde confided that he had offered to surrender the brief if the Tamil Nadu government was embarrassed over the incident.

When I moved to Hyderabad in 1984, in the eventful days after NTR was toppled by Indira Gandhi, Tarkunde too was prominent on the protest scene. He was surprised when I wanted to interview him for Newstime and Eenadu. "Then let us talk about Operation Bluestar and the Indian government's inhuman barbarities against the people of Punjab", he said as we settled down. I came to know how grateful Punjab was even before arriving in Chandigarh - when Sikh cabbies I hired for going to Tarkunde's house in Delhi, in 1984 and 1985, invariably refused to take the fare on seeing the address where I alighted.

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The Passing of a Humanist Colossus

- Babu Gogineni*

With the death of Justice V. M. Tarkunde at the age of 95, a life full of rich achievement and active commitment to Humanism has passed into history.

Known as the father of the modern human rights movement in India, Tarkunde was a close associate of the revolutionary and Humanist philosopher M.N. Roy and played a crucial role in India's independence struggle. He was synonymous with the Humanist movement in the Indian subcontinent.

After taking a degree in the agricultural sciences, Tarkunde trained as a lawyer, and became a judge of Bombay High Court, earning a reputation for brilliance. But in 1969, he resigned in order to devote himself fully to human rights activism, and the Humanist movement.

Widely admired for his clear exposition of issues through speeches and editorials in the *Radical Humanist*, and for his fearless defence of the oppressed in the subcontinent which is home to one-fifth of humanity and where deprivation and state-sponsored human rights violations are rampant.

Tarkunde rendered unmatched services to the cause of human freedom and welfare. He was President of the Indian Radical Humanist Association, Chairman of the Indian Renaissance Institute, and Working President of the People's Union for Civil Liberties and of Citizens for Democracy. Throughout his life, he campaigned for harmony between India's Hindus and Muslims, and promoted contacts at the individual level between people in India and Pakistan.

IHEU recognized Tarkunde's courageous opposition to Indira Gandhi's oppressive dictatorship in India by awarding him its highest honour The International Humanist Award, which found pride of

place in his study along with the Indian nation's high civic honour of Padma Bhushan. Tarkunde was President of IHEU's India Congress and a keynote speaker at many IHEU World Humanist Congresses. His book, *Radical Humanism: Philosophy of Freedom and Democracy*, has become essential reading in Humanist circles.

Tarkunde was the member secretary of the Committee of Radical Humanists who proposed the widely circulated and quoted People's Plan II as a new model of development for India. The reports of the various Tarkunde Committees on the problem of Kashmir, on the terrorist problems in Punjab, and on electoral reform, have been a source of inspiration for NGOs and human rights activists. The National Human Rights Commission and State Human Rights Commissions, which are constitutional bodies, owe their establishment to the public pressure created by Tarkunde and his colleagues.

When a team of IHEU members visited him in Delhi in January 2004, a lucid Justice Tarkunde reiterated his resolve to help create a viable people's movement to oppose the communal BJP (currently heading the coalition in the Central government) which he declared a decade-and-a-half ago to be his 'public enemy number one'. Tarkunde's last battle was against the fastgrowing Hindu right.

A man of immense personal generosity, honesty and integrity, Tarkunde's loss is a personal loss to the many Humanist leaders from various countries who visited him and sought guidance on international affairs. IHEU salutes the life of a giant - a legal luminary, an advocate of democracy, and a defender of human freedoms.

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* Mr. Gogineni is a Executive Director, International Humanist and Ethical Union.

On behalf of The Norwegian Humanist Association we want to express our condolences at the demise of the great Humanist leader V. M. Tarkunde. His death is a loss not only to India, but also to the international society.

As a personal friend and co-worker of M. N. Roy, V. M. Tarkunde took part in establishing large movements for democracy, civil rights, rationalism and humanism in India, for which he was honoured with the International Humanist Award in 1978. His life long service for law and justice at the highest level of judicial system in your country made him a legend during his lifetime.

Those of us, who have met V. M. Tarkunde at numerous conferences and meetings in India and in other countries, feel a profound sorrow at his demise.

Yours sincerely,

sd.

Lars Gule

Secretary General

International Humanist and Ethical Union, London

sd.

Levi Fragell

Former President IHEU

Dear Editor,

I just read about V.M. Tarkunde dying at the age of 94. His spirit will continue to light up human rights in India into the future. He gave freely and brilliantly to social causes that enhanced humanity. I remember one afternoon sitting with him and a small group of people in a Delhi apartment in about 1980. We talked about the latest social injustice. Tarkunde modestly expressed himself and inspired all of us. India and the world will miss him.

- Prof. Emeritus Paul Wallace

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Dear Pancholi Sahib,

In the demise of V.M. Tarkunde, South Asia is bereft of a compassionate and noble soul. Not only he was an untiring fighter for civil liberties but he saw the need of Pakistan-India friendship long before any of us had started working for it. He was great friend of our Justice Dorab Patel the founder of Pakistan Human Rights Commission. Whenever, I planned to come to India from Pakistan, Dorab Patel advised to see me VM.

Pakistan mourns for VMT as India does.

Sincerely

- Mubashir Hasan

I'm saddened at the news of V. M. Tarkunde's death. He was a great man who I also consider to have been a personal friend, though we had had little contact over recent years.

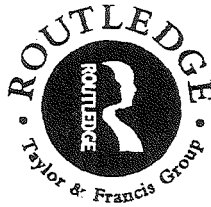
I'm glad to know, though, that he was active right to the end. That's the way it should be with us humanists, living our lives to the fullest as we pursue the betterment of the human condition. Please pass along my regards to any of his family with whom you are in contact. You may also share this e-mail with others in India who were mutual acquaintances and friends. V. M. Tarkunde will be greatly missed.

- Fred Edwords

Editorial Director

American Humanist Association

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Tributes to VMT

K.R. NARAYANAN, New Delhi : I am deeply grieved to learn of the sad demise of Justice V.M. Tarkunde. A close associate of M.N. Roy and Jayaprakash Narayan, Justice Tarkunde emerged as an outstanding legal luminary and humanist, and immensely enriched the jurisprudence of civil liberties to defend freedom of the people and ensure justice to the poor and deprived sections of our society. He fought for human rights till the very end of his life and dedicated himself to uphold the cause of secularism which, of late, has come under severe pressure. As the founding General Secretary of the Citizens for Democracy he associated himself with the movements in the civil societies for the advancement of democratic values and expansion and protection of civil liberties. In his death the country has lost a remarkable personality whose contributions for consolidation and spread of democracy will be long remembered.

MADHU DANDAVATE, Mumbai: V.M. Tarkunde's death removes from the scene a person who had intense zest for human freedom, which was at the root of his continuing quest for democracy.

Humanism ever remained the major plank of his ideological premises. Out of it flowed his thoughts and actions. As a legal luminary, he was not confined to the ivory tower. The poor and the oppressed always found in him their unfailing supporter and saviour.

Tarkunde's close association with M.N. Roy strengthened his faith in humanism and rationalism. With Jayaprakash Narayan he shared commitment to democracy and civil liberties. It was therefore no accident that when the organisation, 'Citizens for Democracy' was formed Jayaprakash Narayan became its founding president and V.M. Tarkunde its founding general secretary.

His close associations with 'People's Union for Civil Liberties' emanated from his deep concern for freedom and democracy. He never got embroiled in the controversy as to whether priority is to be given to struggle for bread or for freedom. He firmly believed that both were inevitably interlinked. If freedom and civil liberties were lost, he believed, even those who were deprived of bread will not have freedom to raise their voice against starvation. That is why 'freedom

first' ever remained the motto of Tarkunde's life, for which he lived and died.

ERA SEZHIYAN, Chennai : In the sad demise of V.M. Tarkunde India has lost a great champion of human rights and a fearless fighter against all that are illegal and oppressive. Freedom First was his commitment and the story of his life. I came in contact with him in the beginning of the dangerous Seventies at the time of formation of the historic Janata movement under the illustrious leadership of Lok Nayak Jayaprakash Narayan. I was at the inauguration of the Citizens For Democracy and from then on, I have been closely associated with JP and VMT.

During the dark days of National Emergency, Tarkunde stood like a rock of Gibraltar against the onslaught of the dictatorial regime. Unmindful of the threatening consequences of the MISA and other Draconian laws, he bravely stood in the courts and in many cases succeeded in exposing the despotic character of the emergency regime.

During those troubled and troublesome days, I ventured to arrange a hall meeting in Madras to inaugurate the CFD branch and VMT participated to give an inspiring call to the concerned public. When JP appointed Krishna Kant and me as conveners for formation of the PUCL, we had the inaugural meeting at the VP House in Rafi Marg, which was addressed by Acharya Kripalani, Tarkunde and Soli Sorabjee. Naturally, VMT was the founder President of that organization.

During the Janata rule, Tarkunde never aspired for any office though he was offered a gubernatorial post anywhere in India. Throughout his life, Tarkunde was a brilliant advocate, a great jurist, a fearless fighter, an epitome of radical philosophy of M.N. Roy and total Revolution of JP. Above all he was a Man, gentle and humane, as Shakespeare said: "His life was gentle, and the elements so mixed in him that Nature might stand up and say to all the world, 'This was a man'".

RABI RAY, Cuttack : Acknowledged as an outstanding jurist and a distinguished Judge, Justice V.M. Tarkunde, enriched the fields of law and jurisprudence and brought his learning and

scholarship to bear on the movement for human rights to give it depth, content and new directions. He was a beckoning light for all those who suffered and sacrificed for the cause of civil liberties, secularism and democracy. A moving force behind the establishment of the Citizens for Democracy (CFD) he remained as its guiding spirit and exerted himself, till his last breath, to uphold freedom and democracy, defend them and further enlarge their scopes encompassing social, economic and environmental right. In his sad demise the country has lost a remarkable figure the nobility of whose life combined with his professional contributions will for ever inspire future generations.

RAJNI KOTHARI, New Delhi : Following JP and the movement for freedom and civil liberty led by him, Justice Tarkunde emerged as the most powerful voice in that regard with whom I had the privilege of being associated over several decades.

Justice Tarkunde brought to bear way of both thinking and conducting institutional interventions relating to freedom and democracy at a time when the country was drifting and in many ways at a loss. JP thought of him as a natural leader for carrying forward these struggles through organisations like CFD, PUCL and other diverse groups involving students, youth and other oppressed sections of society.

He recognised, quite early in the history of independent India the dangers posed by communal and neo-fascist elements that were emerging in the body politic. On all of this he took a committed and uncompromising stand. This above all is the legacy left behind by Tarkunde which we need at this stage of drift and ambivalence, to carry forward and build upon.

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Resolution

This public meeting held in Mumbai on April 6, 2004 in memory of Shri V.M. Tarkunde who passed away at the age of 94 on March 22, 2004 at Delhi, convened by various organizations including Indian Radical Humanist Association, Indian Renaissance Institute, Peoples Union for Civil Liberties, Citizens for Democracy, Gandhi Smarak Nidhi, Mumbai, Mani Bhavan Gandhi Sangrahalaya, Centre for the Study of Social Change, Streehitakarini, Freedom First, Indian Secular Society, Mumbai Sarvodaya Mandal, Freedom for Democracy and Communal Amity and others, RESOLVES that:

In the sad demise of Shri V.M. Tarkunde the Humanists, lovers of Human Freedoms, Human Rights and Democracy and the deprived sections of Indian society, have lost a dear friend, philosopher and guide.

Tarkunde lived a long, happy and fruitful life. His work and activities for promotion of renaissance of the Indian people, more particularly the deprived sections of the society, were spread over more than seven decades.

Throughout his life he was an iconoclast and non-conformist. Otherwise who would imagine that a young boy who after standing first in Matriculation Examination in 1925 and sharing the prestigious Jagannath Shankarshet Sanskrit Scholarship would join the Agricultural College Pune and pass B.A. with distinction? His concern was the well being of the agriculturists, who formed seventy percent of the population of India. Endowed with a razor sharp intelligence, a clear analytical and almost mathematical mind, he brought to bear the same for promotion and protection of Human Freedoms, Human and Democratic Rights. As an iconoclast he courageously swam against the current of popular prejudices throughout his life and stuck to his ideals and activities. He was very much disturbed by the rise of communalism intolerance and violence in society leading to Fascism.

Till the end of his life Tarkunde came out with new ideas and new activities, in which he was keen to participate.

It is rare that such a dedicated person is born in any land in any age.

End of an Era

- N. D. Pancholi

Passing away of Tarkunde on the evening of 22nd March, 2004 has saddened all those who are concerned with democracy, human rights, rationalism and above all, humanism in India and elsewhere. He suffered from leukemia for last few days and was admitted to Apollo Hospital, New Delhi on 9th March, 2004 for treatment and met his demise there. Before being admitted to hospital, he, as usual, kept himself concerned with various problems facing the nation and used to discuss the same with activists and other concerned who went to meet him at his residence.

Large number of people turned up at the electric crematorium, Lodhi Road, New Delhi at 1 PM on 23rd March for his last rites, which included I.K.Gujral, Soli Sorabji, F.S.Nariman, Justice B.N.Kirpal, Justice A.S.Anand, M.C.Bhandare, many judges of the Delhi High Court, social and civil liberty activists, amongst others. There has been spontaneous reaction from both his admirers and critics paying glowing tributes to his extraordinary accomplishments.

A Condolence meeting was organized at Gandhi Peace Foundation, New Delhi on 27th March on behalf of PUCL, Indian Renaissance Institute, Indian Radical Humanist Association, Champa-the Amiya & B.G.Rao Foundation, Forum for Democracy and Communal Amity, Minorities Council, Gandhi Peace Foundation, Human Rights Trust, Co-ordination Committee on Kashmir, Committee against Communalism and Citizens For Democracy to pay tributes to him. Auditorium was overcrowded. Prof. Rajni Kothari presided over the meeting. At the beginning of the meeting two minutes silence was observed in his memory. Prof. Kothari, in his opening remarks, said that in the demise of Tarkunde India has lost a great champion of human rights and fearless fighter against all that is illegal and oppressive. Other speakers included Justice A.S.Anand-former Chief Justice of India and presently Chairman of the National Human Rights

Commission, Justice Leila Sheth -former, Chief Justice of Himachal Pradesh High Court, Ashok Desai and Shanti Bhushan -both Senior Advocates, Kuldip Nayar and B.G.Verghese-both eminent journalists, Dr.Gauri Bazaz Malik- Chairperson Indian Renaissance Institute, Arun Shourie-Central Minister, Y.P.Chhibber-General Secretary PUCL, Maulana Ejaz Ahmad Aslam-Forum For Democracy & Communal Amity, E.Yasir from Students Islamic Organisation, Ranjan Dwivedi-Manav Ekta Abhiyan, S.R.Bomma-former Cabinet Minister at the Center, Vinod Jain-Indian Radical Humanist association, and SuhasBorker-General Secretary of Citizens For Democracy. All in their tributes recalled the variety of causes which Tarkunde espoused and struggled for the rights of underprivileged, minorities and oppressed.

N.D.Pancholi referred to some of the messages received by that time. Justice O.P.Chinnappa Reddy (retd) in his message said that Tarkunde was a great humanist, and "...His passion was democracy, his passion was civil liberties, and his most ardent passion was humanism." Soli Sorabji, Attorney General of India, who regretted his inability to attend the Condolence Meeting as he was out of Delhi to inaugurate a seminar under the auspices of the Bar Council of India, sent a message saying that, "...Tarkunde has joined the ranks of immortals..... His passing is a deep loss to legal fraternity and the world of human rights. His passing away has left a void which would be difficult to fill." Others who sent messages of condolence include K.R.Narayanan-former President of India, Rabi Ray, Era Sezhiyan, Amrit Wilson, Lalita & Ramdas, Sumanta Banerjee and Fred Edwards-Editorial Director of American Humanist Association. It would be appropriate to end this report with what Justice Chinnappa Reddy said in his message: "May his humanism be an example to us and guide the rest of us in our behaviour towards each other."

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Tarkunde On Tarkunde

- M.A. Rane

(On his 90th birthday, in reply to the felicitation held in Mumbai on July 3, Mr. V. M. Tarkunde spoke on the values he has cherished all his life.)

I have been involved in social work from childhood. Law is not my main pursuit. I came from a poor family. My father's mother was a cook in a Pune household.

At the time my father passed the matriculation, there was a "Pleader's" Examination which could be taken immediately after matriculation. My father stood first in that examination and was appointed a Sub-Judge. Within a year of his being appointed a Sub-Judge, he resigned and became a lawyer, went to a village and started working among the Scheduled Castes. For that reason our family was boycotted by the savarnas of Saswad.

After coming first in my Matriculation examination, I took agriculture as my subject. I knew that India lived in villages. If you want to remove poverty, start with agriculture, the main occupation of the people.

I have always felt it is easier for a person to be a nationalist than democratic. We do not realise that 75% of our population lives in poverty, in conditions of ill-health, and is illiterate. Every year a child of poor parents either gets an attack of diarrhoea or flu, due to lack of hygiene or clean water. I am often asked who would make a good PM, Vajpayee or Sonia. What does it matter who becomes the PM? Will it make any difference to that 75% of our population?

Democracy means power of the people. If you want democracy, you cannot forget that

the nation consists of the people, it is not something above the people. When you talk of India's progress, you are not referring to its trees or rivers, but the progress of the Indian people. Whenever you say, people must sacrifice for the nation, I ask, for whom? The sacrifice must be for the improvement of the people. Not for some entity called the nation. I am a nationalist only in that sense, and a very strong one too.

People always tell me, you sacrificed so much for the cause. I have not sacrificed anything. I have done

it because I like it, it gives me pleasure and satisfaction. My idea of morality is when you act morally in order to satisfy your selfishness. When you feel glad at helping others, it is not sacrifice. The reason why you feel happy when you help others has been explained by Darwin. The social instinct is natural because man is a social animal. You have to like others, like to work for others. Whenever a natural instinct is satisfied, it is morality, it is one of self satisfaction. M. N. Roy called it Enlightened Self-Interest. A life of morality is a happy life. You do not require to be unhappy to be moral. I have lived 90 years, but I have lived happily for 90 years.

I started my practice with almost nothing in my pocket. I became a whole time worker in political party in 1941 and when I resumed my practice after seven and half years, my friend Shikhare gave me my gown which he had preserved. I got a second-hand black coat for Rs.6, and went to court. After that, I was never in trouble.

I became a lawyer because my father told me, "If you want to be independent and work for the people, become a lawyer." That is what I did. I earned lakhs and spent lakhs, spent them for my self-satisfaction.

The greatest force in the world is the moral force. I used to believe that it was not possible to remove the British without violence.

But I tell young people who want to change society today, fighting the Indian State is not like fighting the British. Today the State is very powerful, and will crush you. The power of the people is in their moral strength which is greater than the strength of the State.

Today people are asking, why are human rights people not condemning the mutilation of Indian soldiers' bodies by Pakistan. What are these people talking about? Are Human Rights activists not human beings? We have been condemning violence by extremists, but we also condemn other things. These are five officers who have been tortured, but how many people in Kashmir have been picked up and not known of at all? Thousands. I believe that even the police, who are posted in Kashmir, are a courageous lot. But they have been given the power of the law. Which law gives them the right to torture and kill? If

you do not find evidence against militants, put them in jail under preventive detention.

Do not just eliminate them. In Punjab, a few youths disappeared, in Kashmir, many. Why don't you think about that?

My first meetings in Kashmir were in 1990, when curfew was imposed. People would come to know and turn up in large numbers. In those meetings I told the Kashmiris, if you want azadi, your objective is alright. But you will not get it through violence. A people's movement must be a peaceful movement, because the strength of a movement lies in its moral character. Even the jawans posted there are innocent. Why kill them? People have no sympathy for Kashmiris. They do not know that the Kashmiri people do not want to join Pakistan. They want independence. The question often asked - to whom does Kashmir belong? To India or Pakistan? I would say Kashmir belongs to the Kashmiris. That's the meaning of humanism and democracy. I became popular when I began talking about human rights, but when I started talking about the human rights of Kashmiris, I became unpopular.

I have always chosen the unpopular path. My first hero was not Tilak, but Agarkar, who believed in independence with social justice. Pursuit of popularity is not the proper principle.

People say the future of the country is bleak. That is because you think improvement is to be done by the Government. As a matter of fact, no government has improved the country. We will have to have a revolution from below. Today there is great awakening among the people, yet the government is worse than before. There is darkness at the top, but light at the bottom. I look to that light. I am an optimist. We have a bright future if we see that power is decentralised. In a democracy, the people get the government they deserve. If you want a better government, improve the lot of the people.

I want to end by saying that I have had a most enjoyable life. When I find I cannot do anything more for the people, I will choose to die with dignity.

- Courtesy, *Restless Crusader for Human Freedoms*

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Letters

The country lost a leading champion of humanist and human rights movement in the passing away of V.M. Tarkunde. His life was an active and vibrant life devoted to the cause of social justice.

Mr. Tarkunde has been a constant source of inspiration to the youth. During our University days, he has been like a father figure. Under his guidance we had formed the Humanist Youth Forum comprising of youths from all over the country.

He was available to us whenever we requested him to address public meetings in Delhi University and J.N.U. It was his greatness to find time for us living behind his precious other engagements.

Mr. Tarkunde has been a constant fighter against social evils and political corruption of India.

It is unfortunate that the Indian press has not published the death of his news, as he deserved. This very episode reveals the hollowness of Indian newspapers and the ignorance of our ill informed reporters and editors.

In the demise of Mr. Tarkunde, the Radical Humanist movement lost its torchbearer.

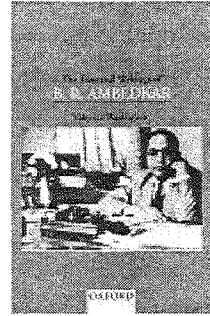
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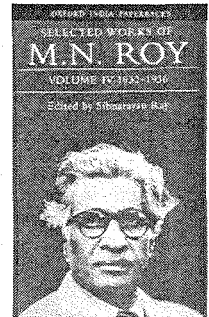
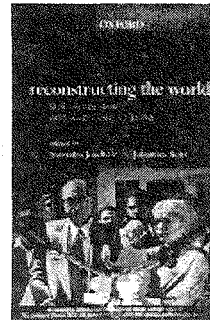
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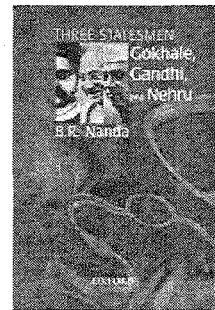
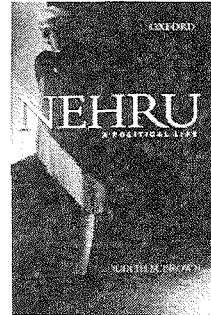


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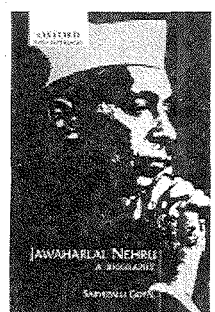
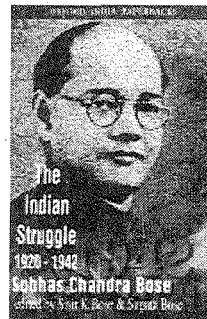
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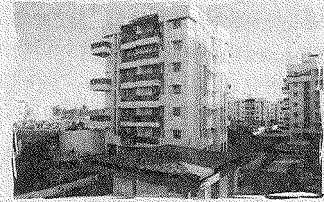
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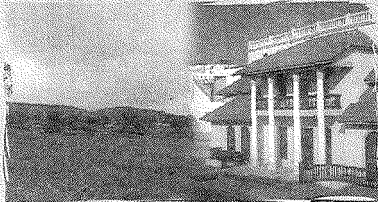
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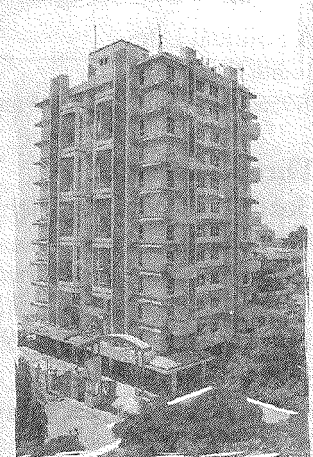
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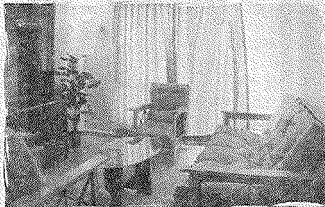
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