

A Historic Choice

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The citizens of Maharashtra and the law-makers of the Maharashtra Legislature face a historic choice in the coming months. It is in the form of a simple question whether or not an ordinance will become a law. The choice we make on this question will have far-reaching consequences for decades to come not only for Maharashtra but for all of India. It will directly affect the lives of tens of thousands of people, for better or for worse.

The emergency ordinance in question was cleared by the cabinet of the state of Maharashtra on August 22 in the wake of an assassination. Just two days earlier, Dr Narendra Dabholkar was shot dead in broad daylight in the heart of the city of Pune. On August 26, the ordinance was put into effect as the Maharashtra Ordinance XIV of 2013¹ (Maharashtra prevention and eradication of human sacrifice and other inhuman, evil, and *aghor* practices and black magic ordinance, 2013). Dabholkar had campaigned tirelessly for such a law for over a decade, and had led the Maharashtra Andhashraddha Nirmoolan Samiti (Committee for Eradication of Superstition, or ANiS for short in Marathi²) for over two decades. The essential purpose of this proposed law is *“to bring social awakening and awareness in the society and to create a healthy and safe social environment with a view to protect the common people in the society against the evil and sinister practices thriving on ignorance.”*

It was my good fortune to have had Narendra as an important presence in my life as a very dear uncle. I had the privilege to observe at close quarters how he led this difficult campaign, how he gradually built the broader movement of ANiS, how this movement grew to all corners of Maharashtra from village to village, and what tremendous impact it continued to have on people's lives. I also had the privilege to argue with him freely, sometimes with youthful brashness, about the aspirations and philosophy of this movement. I felt intellectually close to him. As I grew older and pursued a career in science, I was able to assess more objectively the achievements of ANiS and to fully grasp the challenges Narendra had to face.

If I now feel compelled to write this article, it is not out of my admiration for Narendra nor out of a familial loyalty. I write this primarily as a scientist, as an Indian citizen, and as a Maharashtrian who feels deeply concerned about the ambience in which this terrible incident took place. I find

¹ [Complete text of 'Prevention of Black Magic Ordinance'](#)

² *In English, the acronyms ANS or MANS are also sometimes used.*

that some of the arguments advanced against this law are in fact arguments against reason³ itself. Therefore, it is important to understand the context and broader issues that are linked to it.

This law is not against religion but against ignorance. In an interview with the Agence France-Presse two years ago, Narendra had clearly stated, "*In the whole of the bill, there is not a single word about God or religion. Nothing like that. The Indian constitution allows freedom of worship and nobody can take that away. This is about fraudulent and exploitative practices*⁴."

My aim is to outline the crucial elements of the history and the content of this bill so that a wider public can appreciate what is at stake. Some may then wish to contribute in action to get the law enacted. In this process, I hope to be able to reach out to even those who believe that this bill, and even the method of science itself, is somehow anti-Hindu or anti-Swadeshi.

The philosophical position underlying this movement (and this law) is not one of 'evangelical scientism' but is more nuanced. This is described in some detail in a separate companion article titled '*A Call for Reason*' to make clear the essential nature of the conflict at hand.

It is not a conflict between religion and science.

It is a conflict between reason and ignorance exploited by vested interests.

Why worry?

Most political parties have duly come forward to condemn this assassination. A feeling of outrage was expressed widely both in the national⁵ and the international⁶ media. The Maharashtra cabinet was swift in its response and passed the ordinance with an urgency. Chief Minister Prithviraj Chavan had publicly stated even earlier in July that the government will back this bill⁷. The BJP leader Gopinath Munde said⁸, "*the BJP opposes "andhashraddha" (superstition) but is not against "shraddha" (belief). If the bill does not contain any portion which goes against shraddha or religious belief, why should we oppose it ?*" Chavan paid a personal visit to the Dabholkar residence in Satara to pay his respects to Narendra. During this visit he gave his word that this ordinance will be passed into a law in the winter session that starts on December 9. These are all

³ The word 'reason' is used in this article as a translation of the Marathi word 'vivek' of Sanskrit origin which has a richer meaning that connotes reason, wisdom and practical sense.

⁴ [BBC News 21/08/2013](#)

⁵ [Economic Times 20 August 2013](#), [Indian Express 21 August 2013](#), [Tehelka 21 August 2013](#)

⁶ [The Economist, 14 September 2013](#), [New York Times 25 August 2013](#)

⁷ [Maharashtra Times 12 July 2013](#)

⁸ [Economic Times 26 August 2013](#)

heart-felt and welcome gestures.
Why then do we need to worry?

There are very good reasons to remain skeptical of the political process and to remain vigilant. These well-meaning gestures will amount to nothing if the ordinance does not actually become a law. And some observers have already expressed pessimism that the law will never come into existence⁹. There are many hurdles. Even if the bill does pass in the legislative assembly in the winter session, it must then pass in the legislative council. The elections are around the corner in October 2014, so the political focus will soon shift to these more important matters. If the ordinance is not passed into a law before this time, it will automatically lapse. In fact, this is precisely what happened in 2009.

It is worth recalling some of this history, for history can repeat itself. In March 2005, the cabinet headed by Chief Minister Vilasrao Deshmukh approved an earlier version of the bill. The personal secretary to the CM called Narendra personally to congratulate him on this good news. Given the majority of the ruling party, it seemed certain that passing the bill was a mere formality.

Something quite different transpired in April 2005 when the bill was eventually tabled in the legislative assembly by the minister for social justice Handore. Narendra has often described, privately and publicly, how he watched in disbelief the unprecedented spectacle that unfolded on the floor¹⁰. The bill proposed by the cabinet of the ruling party was opposed most vehemently by the members of the *ruling* Congress Party, while the chief minister maintained an indifferent silence. After the disruptive session, members of the left opposition parties requested the Speaker that the bill be kept in abeyance for if the bill approved by the cabinet is defeated by their own party members it would amount to 'no confidence'.

The bill was then kept in abeyance, and a much weaker version was reintroduced in December 2005 and was eventually passed in the assembly. After being debated in the council three times, in 2007 the matter was referred to a joint committee of the legislature. One might have expected that the joint committee could have arrived at a clear decision in a few meetings for such a short legislation. But for various reasons, no decision was taken for two years. Thus, even though the bill was passed in the assembly, it eventually lapsed after a new government came to power in 2009. The process had to restart all over again and continues till today.

Narendra was no stranger to such setbacks and usually took them in his stride. But whenever he spoke of this lost opportunity for Maharashtra, I always noticed in his voice a touch of regret and

⁹ [Mumbai Mirror 3 October 2013, Maharashtra Times 21 August 2013](#)

¹⁰ [Narendra Dabholkar, talk on the history of the bill](#)

a sense of betrayal.

It is worth noting that ANiS has been making the demand for a law for the prevention and eradication of superstitions since 1991. It was in July 1995 that the legislative council first passed the resolution by a large majority to bring about such a legislation. The ruling party then was the coalition of Shivsena and BJP. Now we are in the year 2013, and the ruling party is the coalition of Congress and Nationalist Congress. Different and 'improved' versions of the bill have been approved by the cabinet *five* times before. There have been 29 re-draftings that have severely trimmed the bill. There were promises all around about enacting the law and even well-intentioned partial steps towards this goal.

And yet, this very basic legislation with clear provisions to prevent specific acts of 'black magic' continues to elude modern Maharashtra in the 21st century.

I do not recall this history to cast doubt either on the sincerity of the honorable chief minister or on the motives of various political parties. The situation today has evolved considerably. However, it would be extremely naïve to ignore the fact that, unfortunately in our democracy, matters are decided less by principles and more by electoral calculations. How the assembly votes on this issue (and what happens in the council thereafter) will not be decided by reasoned arguments or by impassioned speeches. The law will be enacted only if we as citizens actively participate in the process because otherwise we will see a repeat of 2009.

This is why we cannot be complacent. It was heartening to see the enormous outpouring of public support after Narendra's death. Hundreds of thousands of people and most importantly the younger generation took to streets to express their solidarity. It is important that this emotional outburst translates into action. We need to seize this moment and communicate to the legislators our support for this important legislation which has been delayed and delayed for fourteen years.

This ordinance is in many ways a concrete distillation of the goals of this movement. If it passes into a law, it would be a truly meaningful and lasting tribute to the lifelong struggle of Narendra. It will help directly and concretely the efforts to bring about a more humane and rational society. For those who identify themselves in this struggle, it is thus the time to throw everything behind this specific cause to ensure that the law is enacted. As a first step, it is important to understand more completely what the bill signifies and the struggles of ANiS that have led us to this point.

ANiS and Narendra Dabholkar

In several books and through nearly three thousand public meetings and lectures across Maharashtra, Narendra has articulated the philosophy and vision of ANiS. As an example, in his

talk on Justice Ranade¹¹ (a noted social reformer in the nineteenth century) he carefully delineates where and how ANiS agrees and differs from the position of Prarthana Samaj founded by Ranade. The second talk¹², in the context of 'Nirmal Baba' (a godman with a large following earning close to 200 crore rupees or roughly 40 million dollars per year from claims to divine powers to cure diseases) well illustrates the practical questions faced in each concrete case.

It is a very delicate balancing act to urge people to critique their own beliefs without alienating them. Narendra had a superb command over Marathi and was a natural orator. His communication was forceful and precise. These were not academic discussions but had the urgency of a battle on hands.

It is one thing to offer a vigorous intellectual critique of superstitious beliefs. It is quite another to translate these ideas into action and to build a viable organization around it. It is hard to confront beliefs that are firmly embedded in the social fabric and in vested interests. It is hard to sustain a tangible program of thought and action that is sharp enough to catalyze a real change. It is even harder to mobilize public action to directly confront exploitative practices founded on deeply held superstitions. That Narendra was able to combine abstract critique with such concrete action was his unique contribution. This was one of the reasons for the success of ANiS.

Today ANiS has around 200 branches and a presence even in the remote corners of Maharashtra, in every taluka of every district. It has around 3000 members who came to it through issues of immediate urgency and who then became foot-soldiers out of personal convictions about the importance of this movement. A few are professionals -- doctors and lawyers -- but most are not. From the beginning, ANiS has maintained its profile as an apolitical organization squarely focused on social issues.

Their work is supported partially out of their own pockets, partially by individual donations, and partially through advertisements for their yearly magazine. This is important to emphasize because of a persistent and malicious propaganda by some that ANiS is funded by anti-Hindu foreign agencies. This is simply not true. The information about the finances of ANiS is available with me or ANiS for anyone who wishes to verify. A discussion can be found in the well-researched book of Johannes Quack, which takes a critical look at the movements of organized rationalism in India and close to half of which is devoted to ANiS¹³. Quack writes, *"I was surprised to see how open ANiS members were in talking to me about internal matters including*

¹¹ [*Narendra Dabholkar, talk on "Justice Ranade and Social Reforms"*](#)

¹² [*Narendra Dabholkar, talk on "Nirmal Baba"*](#)

¹³ *'Disenchanted India: organized rationalism and criticism of religion in India,' by Joannes Quack, Oxford University Press (2012).*

financial issues...This might be connected with the unlimited confidence in what they are doing. Why should something be kept hidden if one is doing the right thing ?”

One aspect of the activities of ANiS was challenging superstitions, pseudoscience, and fraudsters directly and publicly. Complementary efforts were in the direction of science education. ANiS has organized hundreds of programs at schools with their Science Van to introduce school children to methods of science and to explain how science differs from pseudoscience and how to evaluate superstitions. Some 14000 school teachers have participated in these science programs organized by ANiS. A sister organization `Vivek Vahini' organizes similar activities among college students.

I greatly admired the way Narendra went about it without much fuss. I admired the way he managed to keep his discourse always rooted in facts and reason even while confronting shrill adversaries unwilling to listen to reason. I admired also his constancy of purpose, how after so many years in public life he managed to remain true to himself and to this difficult mission day after day -- avoiding both the bitterness that might come at the often frustrating struggle against social inertia or the trappings that come with public recognition.

In these two decades, ANiS has tackled hundreds of cases of evil practices and of charlatans posing in the name of *different* religions including Hinduism, Islam, and Christianity. These were very serious cases of financially swindling the public, or of miracle treatments for fatal deceases that resulted in deaths, or of sexual exploitation of women --- very little to do with the true content of any religion. ANiS has been consistent and very clear about its mission. It has always been a fight not against any religion but against fraud and exploitation in the name of a religion.

Every case was a battle. Sometimes, the police refused to take action fearing the religious sanctity claimed by these individuals or their large following. Sometimes, Narendra and his colleagues were beaten up by members of outfits who misguidedly interpreted their mission as being anti-Hindu. Sometimes, influential politicians were complicit. Through these battles ANiS gained in experience, scored important victories, and grew stronger.

However, the need for a special legislation became painfully apparent to those at the forefronts. The current draft of this ordinance is a culmination of this long campaign of ANiS led by Narendra and his colleagues.

What Difference Will It Make?

The first question that is often asked is why do we need a separate legislation to deal with such cases? A committee headed by the eminent jurist Justice Dharamadhikari was constituted to look into this matter and to assist in the formulation of the law. Dharamadhikari opined that the bill

addresses areas where the Indian Penal Code does not provide adequate protection¹⁴.

The name of the law was changed on the suggestion of the Chief Minister Sushil Kumar Shinde in 2003 to call it 'Anti black magic' instead of 'Anti-superstition' to avoid distracting philosophical debates about what is belief and what is superstition. Indeed, the long name of the current ordinance and the awkwardly specific schedule give some idea about the diluted version of the draft as it has evolved.

To prevent the possibility of any misinterpretation of the law that might even remotely restrict religious freedoms, the current ordinance now contains a very specific schedule of what would be considered 'black magic'. This schedule, prepared with advice from the former justice of the Indian supreme court P. B. Sawant, has shrunk from over fifty items to now only twelve items of very specific practices which will be punishable under this law. It includes, for example,

- claiming to perform surgery with just fingers,
- claiming to change the sex of a foetus in womb,
- preventing a person from taking medical treatment for dog or snake bites and instead offering miracle cures.

A brief summary of the salient points of the ordinance is below :

- Practice, propagation and promotion of such acts will be deemed cognizable¹⁵ and nonbailable offences.
- The ordinance provides for the appointment of vigilance officers at several police stations who will endeavor to detect and prevent contravention of these provisions.
- It prescribes imprisonment for the guilty for up to seven years.
- It is important to stress again that the explicit schedule of 12 items ensures that religious rites that cause no mental, physical and financial harm to individuals do not come under the purview of this law.

The legal importance of this bill is well explained in the article¹⁶ by Sangameshwar, Datta & Rajalaxmi. It explains the inadequacies of the prevailing central legislation such as the Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954 (DMRA). Experts have pointed out the several weaknesses of this central legislation. The Maharashtra law would be a substantial

¹⁴ [ANiS News Letter special issue September-October 2013, page 74](#)

¹⁵ *So that the police can take action against suspects without a court-issued warrant as in the case of a robbery in progress.*

¹⁶ [Frontline 4 October 2013](#)

improvement both in terms of deterrence (since it provides for more stringent punishments) and in terms prevention (since it provides for the appointment of vigilance officers with substantial powers to be proactive).

Some of the items of the schedule may appear too outlandish to be relevant for 21st century India. However, outside the pockets of modernity in India, the reality is very different. It will suffice to consider just a few examples.

Even today, hundreds of children die from snakebite or rabies. Often parents first seek a miracle cure with local tantriks. By the time they come to a doctor for medical treatment, it is often too late. Item 9 in the schedule of this ordinance will prevent this.

Even today, in ten districts, several women are declared a witch ('dakin' in Marathi) leading to social ostracization, financial devastation, and sometimes death. Item 6 in the schedule of this ordinance will prevent this.

Madhu Mehra, executive director of Partners for Law in Development has argued¹⁷: *“...A lot of murders of the so-called witches happen because of land disputes. It is a form of gender-based discrimination against women who upset social hierarchies of gender, caste, amongst other things. In many of the cases documented by us, we have found that marking women as witches is used as a method of social control, to put the woman, or indeed her entire family ‘in their place’ so as to restore this status quo...”*

Item 11a details the kind of offence that the preacher Asaram Bapu is alleged to have committed: *“To create an impression that special supernatural powers are present in himself, incarnation of another person or holy spirit or that the devotee was his wife, husband or paramour in the past birth, thereby indulging into sexual activity with such person.”*

Just within two weeks after the ordinance came into effect, a number of cases were registered under its provisions. On September 12, in Mumbai, a fraudster was arrested for posing as an avatar of Lord Krishna to gain the confidence of a woman to defraud her of 8 lakh rupees and then to molest her eighteen year old daughter¹⁸. On September 5, two persons hawking a miracle remedy for diseases such as cancer and AIDS were arrested in Nanded district¹⁹.

These few examples illustrate most convincingly how the specific provisions of this ordinance are

¹⁷ [Frontline 4 October 2013](#)

¹⁸ [DNA-India 11 September 2013](#)

¹⁹ [Mumbai Mirror 5 September 2013](#)

effective for taking action against crimes rooted in superstitious practices that have nothing to do with any religion.

Why is it historic?

It is not a sentimental hyperbole to call this choice historic. It is probably the best opportunity to bring this law into existence, and for the same reasons it is also probably the last.

Public opinion is now strongly in favor of this law. There is growing consensus in the minds of many legislators of different political parties. Indeed, in keeping with the apolitical nature of this bill, one would hope that the opposition parties including the BJP and Shivsena will also support this amended version of the bill so that the law passes unanimously. Even if one fails to generate unanimity, the ruling coalition surely has the required majority. Chief minister Prithviraj Chavan is well-versed in the method of science as a former aeronautical engineer, and he fully appreciates what is at stake.

If we fail to get this law enacted in spite of these favorable circumstances now, there is little hope that it will ever happen in future. Even worse, it will be a serious setback to this broader movement in Maharashtra and perhaps for similar rationalist movements around India.

If, on the other hand, this law does come into existence, it will be a major victory for this long struggle. It should be evident from the data above that this will have an immediate impact each year on the lives of thousands of people in Maharashtra alone. It will be a path-breaking legislation for all of India. A law in Maharashtra will surely give a great impetus to like-minded movements around India. Already, Chief Minister Siddaramaiah of Karnataka has stated²⁰ "*We will study the proposed Anti-Superstition and Black Magic Bill prepared by Maharashtra government and bring it in Karnataka too.*"

In addition to these very concrete gains, such a law would have important broader implications on at least on three counts.

- First, this would be a victory for reason in our society. The law has become a symbol of a struggle for reason against ignorance. Enacting the law will demonstrate that methods of violence to censor reason will not succeed in our democracy.
- Second, this law will directly aid the process of emancipation of women in our society because very often the victims of these superstitions are women.
- Finally, it would be a victory for the democratic process in Indian politics. This long campaign of ANiS has been exemplary in the way it mobilized social action using Satyagrahi methods even within the limited options offered by an unresponsive system.

²⁰ [NDTV 27 August 2013](#)

Enacting the law would show that effective participatory action by citizens *is* possible and *can* bring about real change.

Violence Against Reason

The killers of Narendra are still at large and the investigation is under way. Without evidence, I would not wish to point fingers at specific organizations or persons, or to unfairly accuse them of murder. However, it is important to keep in mind that this was not an isolated incident. Citizens of all religions need to join hands to combat effectively this culture of intimidation by violence.

Narendra was attacked violently even before in the past and was even issued death threats from violent supporters of fraudulent gurus and extreme outfits. He had refused to take police protection on two principles. First, he believed that it would be contrary to the Satyagrahi spirit of this movement which scrupulously followed constitutional and non-violent means. Second, he knew that if he alone was offered police protection, the violence would have been redirected at other colleagues.

Murder is only the most extreme of the several modes of violence against reason. Very aggressive propaganda of misinformation is one tactic. Just repeating selected facts loudly one can often create doubt in the minds of those who are not familiar with the details. For example, ANiS was often attacked vehemently as 'agents of west' with a claim that their work is funded primarily from abroad. This is simply not true as discussed earlier.

Another persistent propaganda aired on some channels was that ANiS is anti-Hindu because it has taken action only against Hindu fraudsters and superstitions. This claim is factually incorrect. ANiS has handled several cases involving fraudsters or superstitions of other religions-- Muslim & Christian among them²¹. For example, Narendra publicly supported Sanal Edamaruku, another Indian rationalist who debunked a "Catholic miracle" at a Church in Mumbai in 2012 by explaining that the tears dripping from the statue of Jesus could be traced to a blocked drain²².

Moreover, this is a strange argument to oppose the good work of ANiS. For it is surely in the service of the Hindu religion to bring to books a few charlatans who misuse the good name of religion for fraud and exploitation. Indeed, those who really care about the purity of the Hindu religion have always supported this movement.

The fight is thus not against any religion but against pseudo religion. Indeed, the prophets of pseudo religion are the ones who are most popular in India today. The provisions of this

²¹ Data on these cases is available with me or ANiS and a discussion can also be found in the book '*Ladhe Andhashraddheche*' (*Battles against Superstitions*) by Narendra Dabholkar.

²² [The Guardian 23 November 2012](#)

ordinance will apply to all such cases. A recent glaring example is Aslam baba, who performs hundreds of fraudulent heart surgeries without anesthesia and stitches²³ with just office scissors. Now, offering such fraudulent remedies for serious medical conditions may give a temporary reassurance to these patients, but it really amounts to playing with their lives. Nevertheless, this little show of sleight of hands is performed publicly in a dargah in front of hundreds of devotees.

Item 10 of the schedule of this ordinance would be effective to take action against all such fraudulent prophets of pseudo religion like Aslam Baba, whether they are born Hindu or Muslim. Of course Aslam baba operates in Karanataka just across the border, so the provisions of the Maharashtra ordinance cannot be invoked to prosecute him. This example thus makes clear the need for a comprehensive national legislation.

Another form of false propaganda is false reporting. In several instances, newspapers with a political agenda deliberately misquoted Narendra to provoke various communities against the ANiS movement and to incite violence. One example was in Aurangabad, when misleading news reports in two newspapers were used by extremist hooligans as an excuse to attack a public meeting of Narendra and his colleague Shriram Lagoo. They attacked the speakers and the audience brandishing knives and belts. Police came late, after Narendra was attacked with fists and four activists of ANiS were injured.

ANiS filed a complaint against these newspapers with the Press Council of India. After a hearing, the Press Council directed both newspapers to tender an apology and to prominently publish statements by Narendra and Shriram Lagoo which explained that nothing in their speeches was insulting to any religious sentiments.

Another method of intimidation that AniS faced often enough was through court cases for defamation or for hurting religious sentiments. One such case filed against Narendra was in the Delhi High Court which lasted for eight years requiring several time-consuming trips from Satara to Delhi. Narendra eventually won the case but it took time and money.

Sanātan Sansthā (an organization based in Maharashtra and Goa) alone had filed 15 civil and criminal cases against Narendra. One such case around 2008 was in the context of bomb blasts in a theater in Thane. A marathi magazine 'Lokprabha' had a cover story on these blasts in which a statement of Narendra was quoted. Both Lokprabha and Narendra were sued by Sanatan Sanstha for defamation.

Later, six members of Sanatan Sansthā were arrested for these blasts by the Maharashtra Anti-Terrorism Squad; two were held guilty in August 2011 by a sessions court and sentenced to

²³ [Aslam Baba video on the website of ANiS](#)

maximum sentence of ten years²⁴. It is ironic that an organization whose members are guilty of terror against the citizens of their own country wants to use the legal machinery of our republic in this manner to harrass honest citizens.

Narendra was not the only one to have received death threats in this battle for reason. Sanal Edamaruku was forced to seek exile in Finland on account of death threats from Catholic fanatics in Mumbai. He was harrassed then with a legal case under Section 295A of the Indian penal code, which charges a person with "*deliberately hurting religious feelings and attempting malicious acts intended to outrage the religious sentiments of any class or community.*"²⁵

Incidentally, much like the 'miracle' of 'crying Jesus' had a simple natural explanation in terms of a leaking pipe, the miracle of 'milk-drinking Ganesha'²⁶ had a simple explanation in terms of capillary action. Issuing death threats in the name of Jesus, whose message was one of universal love, is no different from spreading ignorance and superstition in the name of Lord Ganesha who is the deity of knowledge and wisdom.

On the news of this murder, the daily mouth piece 'Santatan Prabhat' of the Sanatan Sanstha had this uncivil editorial: "*...births and deaths are pre-destined and everybody gets the fruit of their karma...Instead of dying bedridden through illness, or after some surgery, such a death for Dabholkar is a blessing of the almighty*"²⁷."

This murder was no attempt to defend a dharma. It was an attempt to muffle and censor a voice of reason. We have to ensure that the voice of reason cannot be so easily silenced in our society.

The silent majority who value their own religion need to come forward to ensure that a few violent individuals cannot speak as if they represent the entire religion. Otherwise, we will soon see this strange version of Indian Taliban taking over our social life simply because the good were too timid and too indifferent.

From Differences to Unanimity

All major parties in Maharashtra take inspiration from some of the leading reformers and rationalists of India, and this applies not only to the left parties or the Congress. Swami Vivekānanda revered by the BJP was one of the most severe critics of the evil practices in the name of Hinduism and worked tirelessly to rid the Hindu religion of these superstitions. Veer

²⁴ [Indian Express 30 August 2011](#)

²⁵ [Sanal Edamaruku, Huffington Post 29 September 2013](#)

²⁶ [Wikipedia article on milk miracle](#)

²⁷ [Times of India 21 August 2013](#)

Sāvarkar, the father of the Hindutva movement, declared himself an atheist and campaigned against superstitions. Prabhodhankār Thāckeray edited the magazine 'Prabodhan' (enlightenment or awakening) and stood against the caste system and superstitions. He is the grandfather of both Uddhav Thāckeray, the leader of Shiv Sena and Raj Thāckeray, the leader of Maharashtra Navnirman Sena.

Dr. Babasaheb Ambedkar and Pandit Nehru are the spiritual guides behind the key phrases in the our constitution which exhorts the citizens to their fundamental duties '*to develop the scientific temper, humanism and the spirit of inquiry and reform*'; '*to abjure violence...to promote harmony and the spirit of common brotherhood amongst all people*'; and '*to renounce practices derogatory to the dignity of women.*' *Our constitution* guarantees '*liberty of thought, expression, belief, faith and worship.*' Anyone who has looked at this ordinance will agree that enacting the law will advance these goals of our constitution in very significant ways.

Narendra was never dogmatic about his position and ANiS firmly followed the democratic process of dialogue and discussion. Indeed, he always accepted some of the delay in passing this bill as an inevitable aspect of this process. After all, when people come on a democratic forum from very different starting points, major divergences of opinions could be expected.

The bill is strongly opposed by some sections of the Warkari Sampradaya²⁸, which has a large presence in Western Maharashtra and Marathwada. This opposition is based in part on a genuine misunderstanding and in part on deliberate misinformation. This misunderstanding is indeed unfortunate because Narendra always expressed great admiration for the progressive nature of Wārkarī Sampradāya as explained at length in this article by Sadanand More, a scholar of saint traditions and Warkari Sampradaya in Maharashtra²⁹.

For example, it is not true that Narendra was opposed to the Wari (the pilgrimage to Pandharpur). In his article titled 'A pilgrimage for a radical transformation towards social equality' he speaks highly about this tradition and says that, ''Within the Warkari Sampradaya there are no divisions based on religion, caste, or untouchability. In this respect, the conduct of Warkari Sampradaya aims at a revolutionary change through spiritual traditions.''

The Congress-NCP government had been dithering over the bill fearing a backlash from members of Warkari community and consequently removed many sections in the earlier version of the bill. State BJP president Fadanavis has said³⁰ that his party will ensure that the bill is amended in the

²⁸ In English 'Sampradaya' can be translated variously as sect or community.

²⁹ [Sadhana 7 August 2013, page 33.](#)

³⁰ [The Times of India 23 August 2013](#)

winter session so that no injustice is done to any community.

For this reason, ANiS will make every effort to open a dialogue with those who have genuine reservations about specific provisions of the bill in the hope of clarifying their position to dispel the misunderstanding. Anyone of any party with suggestions or questions or criticisms on the specifics of the bill is most welcome to contact us. One hopes that these efforts in the coming months will succeed in winning unanimity over this important legislation.

What Can I Do?

It is not a time to be intimidated but to move forward. Close to 500 activists of ANiS gathered for a meeting in Satara a week after this murder to plan the future course of action. There was a widely shared resolve that taking this movement forward would be the most meaningful tribute to Narendra. Members of the state executive committee of ANiS have planned to visit every branch of ANiS in the coming months to meet with the activists there.

It is heartening that young people have come forward in support of this movement now with even greater conviction and commitment. Many more now want to join this movement. It goes to show that this attempt to silence reason by intimidation has had the opposite effect of strengthening the cause of reason. Enacting the law would be the most concrete social response of our democracy to demonstrate that violent methods cannot succeed in suppressing reason.

Citizens concerned with these questions can contribute at various levels. The activists of ANiS take inspiration from the dictum of Agarkar: "To tell what is right. To do what I can." In the meeting of the state executive committee in October, ANiS has resolved to launch a statewide campaign starting November 14 until the winter session of the assembly. The goal of this campaign will be a broad effort to urge the lawmakers to get this law passed. There will be public rallies organized and a campaign to 'sign and donate' to further the cause of this movement. There are three concrete ways citizens can make a contribution to these efforts at different levels.

- *Sign:* There will be a concerted signature campaign titled 'Act Now!' in support of this bill. Signatures will be connected by internet at actnow.bharatvivek.org, by post, and personally by ANiS activists across Maharashtra. Please sign! Every signature will count to convince our lawmakers in December. So please urge your friends and family members to participate. Explain the urgency to them. Spread the word on social media. Party workers of various parties can urge their leaders and convince them that passing this bill is in the interests of Maharashtra.
- *Donate:* Some can contribute financially. Even ₹100 or \$50 go a long way. This fund will be for promotion of science at schools and colleges along the lines of the Science Van and related activities of ANiS and Vivek Vāhini. The funds will be managed through a

structure involving ANiS which is a registered trust. The details of the utilization of these funds will be open and publicly available.

- *Act*: If you are can, please join the public rallies that will be organized in the coming month to demand that the law be enacted and implemented effectively. If you would wish to contribute to the longer term mission of ANiS, you can become a member of ANiS by visiting the '*Act Now!*'.

Details about the *Act Now!* campaign and more broadly about the activities of ANiS are available on internet at actnow.bharatvivek.org and antisuperstition.org. Please share this information with others who may be interested to sign, donate, act.

Getting the law passed is only the first step. An important and continuing goal for ANiS and for citizens would be to ensure that the law is implemented effectively. Active participation of ANiS activists to bring such cases to the attention of authorities and to providing legal and financial aid to those affected can help towards this goal. Ensuring effective implementation and campaigning for a national legislation are of course the harder and longer term objectives.

Strengthening this movement outside of Maharashtra is another longer term goal. Many states have a lively tradition of rationalist thought where organizations similar to ANiS have been active. These include the Dakshina Kannada Rationalist Association in Karnataka; Panjab Tarkshil Samaj, Goa Science Forum, Pondichery Science Forum, Odisha Rationalist Society, Bihar Rationalist Forum, Indian Rationalist Association in Tamil Nadu and earlier the Dravida Kazhagam movement of Periyar; and the Federation of Indian Rationalist Association convened in Kerala by Premananda in 1997 which has held seven national conferences to bring together rationalists from around India.

It would also be a natural objective later to aim for a national legislation of similar nature. At present, laws do exist but only in parts of India and which only partially address some of the superstitious practices. For example, only three States (Bihar, Jharkhand, Chhattisgarh) have specific laws against witch-hunt such as the Prevention of Witch (Dayan) Practices Act, 1999, in Bihar. But activists say that they are not being implemented effectively. Moreover, statewise legislations have limitations. For example, as mentioned earlier, a law in Maharashtra would have no effect on the fraudulent heart surgeries of Aslam baba just across the border in Karnataka.

The only Central legislation on the subject is the Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954 (DMRA). Experts have pointed to serious deficiencies in this Act. Compared with the Maharashtra ordinance, the punishment prescribed under the DMRA is very mild (six months for first offense as opposed to seven years), there is no enforcement mechanism to monitor the implementation, and is considered ineffective in dealing with internet³¹ and TV

³¹ [Frontline 4 October 2013](#)

advertisements. Taking inspiration from the Maharashtra ordinance, it would be most natural and effective for national leadership to aim for a consolidated and comprehensive central legislation in this direction.

But before even contemplating this bigger step, the immediate task for all of us is to make sure that Maharashtra law is enacted in 2013.

Will Maharashtra Step Forward?

As we have seen, the battle of ANiS has been only against fraud and exploitation in the name of religion. And yet it has faced such violent opposition in the name of dharma. Since we are talking about dharma, it is worth turning for guidance to a shloka of Maharishi Vyāsa in the great epic of Mahābhārata revered by Hindus and admired around the world.

When Draupadi is stripped in the court of Dhritarashtra, the elders in the court watch this shameful spectacle in silence. Despite the indignity of the act, these great warriors of Kuruvansha have neither the courage nor the inclination to confront the intimidating Duryodhana and to rise in her defense. On the backdrop of this disrobing of the very prestige of Kuruvansha, Vyāsa pronounces, in the burning words of Draupadi, what dharma is, or rather what it is not:

न सा सभा यत्र न सन्ति वृद्धाः ।
 न ते वृद्धाः ये न वदन्ति धर्मं ॥
 ना सौ धर्मो च नास्ति सत्यं ।
 न तत् सत्यं यत् छलेनानुविद्धं ॥

The cadence and economy of this Sanskrit aphorism is hard to capture in a translation:

*That is not an assembly which has no wise elders,
 Those are not wise who do not speak of dharma
 That is not dharma which is not truth.
 That is not truth which is complicit in persecution.*

Those who take pride in the wisdom and poetry of these scriptures cannot allow some organization or some charlatans to speak on behalf of an entire religion. Among my friends and colleagues, those who are devoutly Hindu are even more appalled by this crime than those who are atheists. They are appalled because of the implication that this murder, which is the very embodiment of adharma, was somehow approved by the tenets of Hindu dharma. It is time that this silent majority speaks out for the true meaning of the religion in which they find moral guidance and spiritual solace.

The cowardly attack on an unarmed man from behind his back cannot even remotely be called

dharma if we remember Vyāsa. Narendra was not only unarmed on the occasion but was scrupulously nonviolent in his methods. Throughout his life, and even while confronting violent adversaries, he insisted on constitutional methods in the spirit of a true Satyagrahi.

Maharashtra takes pride in its remarkable lineage of socially progressive thinkers and reformers extending all the way to Mahatma Jyotiba Phule and Savithribai Phule who are recognized as 'the father and mother of the Indian social revolution.' Narendra and ANiS belong in this illustrious tradition.

What has transpired is a disrobing of the very prestige of Maharashtra.

Do the citizens of Maharashtra have the tenacity to defend the proud traditions of Maharashtra?

Do we have the unity to compel our legislators to choose wisely?

Or will we simply let it pass in silence and in apathy?

Does the assembly of Maharashtra have the 'elders' with the will and wisdom to pass this law?

Or will it prove to be the assembly of Dhritarashtra?

One hopes that Maharashtra will step forward and India will then follow in these footsteps.

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