

CHAPTER VII

TRUTH IS GOD

INTRODUCTION

In this Chapter, it is proposed to bring out the relation between Truth, God and Swaraj, the Kingdom of God, according to Gandhi; and also the fact-that when Truth is harboured intact the automatic concomitant is justice and justice is necessary for sustenance and integrity of swaraj.

SECTION I

a) NATURE OF TRUTH

The Nature of Truth has been dealt with in detail in Chapter one of this Thesis. So a glimpse of what is truth is enough to make out the present purpose. Truth is the property of a proposition. Truth means agreement with reality. Untruth means disagreement with reality. The primary meaning of truth or satya, a word derived from 'Sat' is, 'to be' or 'to exist'. Truth in the sense of 'being' indicates changelessness according to Gandhian interpretations. That is why, Gandhi assessed Truth in the following words.

"Truth is the sovereign principle which includes numerous other principles. This truth is not only Truthfulness in word, but

truthfulness in thought also, and not only the relative truth of our conception, but the Absolute truth, the Eternal Principle that is God. His manifestations are innumerable. But worship God as truth only"¹.

God is not restricted to particular spatio, temporal boundaries

For the mundane purpose relative truth is to be observed. Relative truth is harmony and symmetry in thought, utterance and action. Same thing may appear to be different to different people. But the real truth will always be the same. Truth may be on our side. A great lesson in life is; the knowledge that truth can be on the side of one's opponent. - That is why Gandhi gave importance to truth and its concrete expression in non-violence. When a person resorts to violence, he thinks that his opponent is in the wrong. If the opponent also thinks alike, he also resorts to violence and allied cruelty. So Gandhi took into consideration the contingency of one's being in the wrong side and decided to suffer without yielding, and at the same time adhering to one's own light or conscience, or inner voice. In Gandhian thought the concept of conscience occupies a very important place. Here Gandhi seems to be influenced by the Indian Epics Mahabaratha and Ramayana in which he came across the greatness of conscience time and again. If conscience is kept in purity, in course of a chequered career of self-suffering for the search and

¹ Gandhi M. K.. An Autobiography. Op. Cit 1925. Pg. – 11

sake of truth, the real truth will emerge. This emergence of real truth will melt the heart of the opponent or person in the wrong. This principle is the foundation for the greatness and importance of satyagraha. Satyagraha is a weapon. It is an amalgam of Satya, Ahimsa and Tapasya. The weapon and science of Satyagraha propounded by Gandhi is more potent than any other weapon that man could have invented.

b) NATURE OF GOD

It is very difficult to define God. But this world is pervaded with Godliness. The first sloka of *Ishopanishad* brings home this idea. It says "*everything is pervaded with God*". God is above and beyond definition. God is considered to be the "be all" and "end all" of goodness, greatness, power, and all that go with what is worthwhile and precious in life. That is why there are as many names for God as there are persons. The idea of God found expression from time immemorial in great values like Love, Mercy etc. God is also described as *Satya*, *Janana* and *Amanta* in *Taittiriya Upanishad*. There is also another way of describing God as satchitananda. In the latter explanation, Ananda or bliss is signified as nature of God. In short, Brahman or God has four main characteristics. They are (a) Eternal existence, (b) Eternal knowledge (c) all pervasiveness, (d) Blissfulness. God is viewed as omnipotent, omnipresent, omniscient, infinite and eternal. God is also assumed to be father, mother and the embodiment of wisdom, beauty, courage and the creator, preserver and destroyer. He is transcendent and immanent. God is personal and impersonal. In personal aspect God is Eswara. In impersonal aspect he is Brahman.

The human body is a complicated mechanism requiring much engineering. This universe is more wonderful than human body. In order to create the human body and things akin to it and the universe, God should exist. God can be said to be responsible even for evolution. We cannot suppose that this universe is the result of an unconscious unintelligent mind. But the existence of a benevolent God and the existence of evil in the world, from a practical viewpoint, cannot go hand in hand. To Gandhi, evil is also the creation of God and evil has been created for a constructive purpose. It is a technique adopted by God for fulfilling a purpose, a creative purpose. According to Gandhi God's law is law born out of love and evil is not the sole thing present in the world. It is only misconceived good. A man does a thing, thinking that what he is doing is right. Every man thinks that he is doing the right. Nobody has the conception of evil. There is no independent and positive place for evil.

c) **DIFFERENT PROOFS OR ARGUMENTS FOR GOD'S EXISTENCE**

i) ONTOLOGICAL ARGUMENT

In the first instance, St. Thomas Aquinas put forward ontological argument in favour of existence of God. Descartes and Bradley are the latter exponents of this arguments. The swm and substance of Ontological argument is that the reality of God is involved in the idea of God. Therefore it cannot be a nominal idea. Descartes stated when a person had any idea in his consciousness, that

idea was to have existence similar to his own existence. Descartes gives an analogy from geometry. He said when he thought about a triangle he must have also thought that the three angles of the triangle together make two right angles. Similarly when one thinks about God as a perfect being that God must exist. He also stated that the idea of God is caused in man by God himself, and not by any lesser entity. In other words, the cause for man's knowledge of God is God himself. It is said that Ontological argument is a priori argument. That is an argument independent of proof. Emmanuel Kant subjected ontological argument to severe criticism. He stated that the existence is different from idea. Hegel criticised Kant's argument. He said notion of God involves Being. There must be an existence corresponding to our idea of God. This is what is called ontological argument. The idea of God is an endless growing idea. It grows with man's growth.

ii) COSMOLOGICAL ARGUMENT

This is also known as argument based on first cause. This argument was propounded by Plato. According to him nothing exists without a cause and the original cause of this universe could be called God. St. Thomas Aquinas developed this argument. Descartes made the argument systematic. John Locke averred that man was a real being. Man finds perception and knowledge in time. Only an eternal being can give perception and perfection to man, It follows, that causes, in turn, are the effects of other causes. The chain of casualty runs step by step. It must have an end. That end is the first cause or an uncaused cause, called God. The first cause is beyond this world of

experience and space and time. Kant criticised this argument. He said that cause-effect relationship was something lying in our world of experience. It need not be valid outside the world of experience. The Casual argument overlooks the plurality of causes. In order to identify the first cause we have to depend on ontological argument. If ontological argument is wrong cosmological argument also will be wrong.

iii) TELEOLOGICAL ARGUMENT

Teleo means, purpose design, order, reason. etc. Bishop Bubbley and John Lockare the outstanding exponents of teleological argument. Teleological argument is also known as argument from design. This argument comes from adaptation of living bodies of organisms. For example, there are millions of cells in our brain knit together in a system which works. There is also protective mechanism in our body. The intricate arrangements like that of the brain require an intelligent positive mind. In a like manner the character and nature of the world order, require the existence of God to explain it. It cannot be presumed that the universe with all its concomitant arrangement came into existence from nothingness. The orderly arrangement of the universe cannot afford to permit anyone to deny the argument from design. According to Bubbley the mighty frame of the World cannot have any subsistence without a mind. The order of the universe beckons an omnipotent mind. So the argument from design is also called the argument from natural design. The setting of the universe points to a creator. The order of the world suggests a designer. But .the world presents disorder also which the design argument

cannot confront satisfactorily. The modern theory of evolution considers the order in the world as the result of long process of struggle for existence and survival of the fittest. This argument of evolution runs counter to teleological argument. But it can be argued that evolution also is in conformity with the will of God.

The three arguments described above are intimately connected to one another. They supplement and complement. They can be summarized in the following way.

- a) It is a fact that our lives are guided by purposes and ideals.
- b) These purposes and ideals if consistent must be true.
- c) Since everything is to have a cause, these purpose and ideals must originate from a perfect infinite being.

iv) MORAL ARGUMENT

It is relevant to ask what must be the character of the universe which gives birth to man, a moral being. A human being has the sense of right and wrong. We find the best solution for our problems of moral life in the existence of the God. The existence of an ethical order calls for the existence of a superior moral being. That is why Kant asserted that the existence of a God is a *sine quanon* for leading a moral life. He also says without belief in God moral law is a wild goose chase. God cannot be proved by logical exploration. It does

not mean God is not existing. For moral life God indispensable. The basis of moral life is treat others as one wishes to be treated by others.

SECTION II

GANDHI'S CONCEPT OF GOD

Gandhi minus God is zero. Gandhi wrote:

"God is that indefinable something which we all feel, but which we do not know. To me God is Truth and Love, God is ethics and morality. God is fearlessness, God is the source of light and life and yet, He is beyond and above all these. God is consciousness. He is even the atheism of the atheist. He transcends speech and reason. He is a personal God to those who need his touch. He is the purest essence. He simply 'is' to those who have faith".¹

For practical purposes Gandhi regards God as personal. For philosophical purposes Gandhi views God as impersonal. For Gandhi truth was identical with reality. Those who observe truth are few. But they are the salt of the earth. It is they who keep society together and not those who sin against light and truth. God is Absolute Truth. Man is only relative truth. God is perfect.

¹ Young India. March 3rd, 1925.

Man is imperfect. God is a spiritual law which exhibits in everything. God is beyond human comprehension. That is why Gandhi said

"God is and shall ever be".¹

The law which governs life is God. God reveals through moral life. Truth and God are convertible terms. Gandhi begins his autobiography and ends his autobiography extolling the uniqueness of Truth.

Though Gandhi was not an academic philosopher, we can say that his life itself was philosophy. He was a great example of the statement that philosophy is both a view and a way of life. Gandhi started his philosophical journey with experiment with Truth. In India, that experiment was done through Indian National Congress. In South Africa that experiment was carried out through Natal Indian Congress. In his experiments Gandhi was greatly influenced by Vaishnavism, Buddhism and Jainism. The Hindu religious texts which influenced Gandhi were Tulasi Ramayana and Bhagavad Gita. The Western works which exercised, pronounced influence on Gandhi were 'Unto This Last', by Ruskin and 'The Kingdom of God within you', by Tolstoy. Gandhi did not probe God's existence in a traditional way. For he did not want dry logic. For him God was an entity to be experienced and not to be argued. He knew God could not satisfy our intellect. If anything to be

¹ G. Tendulkar, *Mahatma Life of Mohandas Karamchand Gandhi*, Volume VII, Publication Division Government of India. New Delhi. 1969. Pg. - 180.

designated as God it should rule our heart not our brain. God was for Gandhi not susceptible to be known through the senses and mind. The only means which determines God's existence is faith and experience.

According to Gandhi there is a mysterious power. It is pervading everywhere in the universe. Even though it is not given to our perception we are feeling it. It transcends all proofs. Yet there are certain proofs in Gandhi's writings, advanced in favour of God's existence. They are the following:

1. There is a design or plan in the universe and nobody can change this plan. This design can be understood only in the context of a principle which is sentient. This sentient principle is nothing but God. God is the ultimate principle which controls the conduct of all human beings.
2. This universe is subject to constant change. This change is meaningful only in the context of the existence of a changeless power and that power is God.
3. The world is known for death falsehood and ignorance. Therefore there must be an entity which is deathless, true and conscious and this is nothing, but God.

God is in-dweller of all beings. He exists in all things. But he transcends their limitations. He is benevolent. There is no conflict between his benevolence and the evil present in this world. When Gandhi says God is Truth, it does not mean that Truth is God's attribute. Truth is not God's attribute. It is God's essence. God and Truth are identical. Since God is metaphysical Truth, man has to be truthful in his moral life. For man's life becomes meaningful when

he is nearer to God. He is nearer to God when he is ethically true. Gandhi began his life thinking saying and doing that God was truth. Gradually he shifted to the stand that truth was God. In the first definition there was no place for an atheist. It may be possible to argue about the non-existence of God. But there is no ambiguity regarding the power of moral truth. By exalting truth to divine level Gandhi displayed his catholicity and accommodated thinkers of various hues in his thought. Even atheists were raised to the level of divinity. God partakes the nature of love. The argument is God is good. Goodness entails love. So God is love. So, love is the only way to attain God. One has to unite himself with God through His creation using the medium of love. Gandhi does not want to teach about God in a lonely place like Himalayas. For it has no nexus with man's life. For Gandhi, it was not at all possible to realise God separate from human beings. The relevance of Gandhi is that he redeemed *satya* and *ahimsa* from religious setting and was given a secular meaning to make them a social and political value.

SECTION III

a) RELIGION AND GOD

Everybody knows what religion is on the basis of the concept it conveys. One's acquaintance with organised religion and religious textbooks are important for the formation of the above concept. Religion is a way of life

based on the ideas, ideals and ideologies prescribed by the founder of the particular religion. The so called claim of the followers of a religion to the effect that they live a life in conformity with tenets of their religion also may be a basis. The result of that claim is the same, whether a particular religion has a particular founder or not. Organised religions have two poles. One pole is mundane, that is to say, the religious text of that particular religion. The other pole is God, the supreme power and highest reality supposed to be reigning in the other world. The particular religion is based on the tenets enshrined in the religious texts like the Bible of Christianity, the Quaran of Islam, the Bhagavad Gita of Hinduism. It is presumed that religion through the religious book links the aspirant or the follower to God by an inseparable bond.

b) GANDHI FROM "GOD IS TRUTH" TO "TRUTH IS GOD"

As in the case of other ordinary mortals Gandhi also was accustomed to worship God. He was very timid in his younger days. The servant-maid of Gandhi's family, Rambha, advised him to recite "Ramanama" as an antidote to dispel his fear of evil spirits. The faith in God inculcated by Rambha in Gandhi grew as time went on. This faith was nourished on account of his acquaintance with theosophists in England and Christian preachers and moulavis in south Africa. The encounter with Bhagvad Gita was a turning point in his life, The perusal of Gita had become a second habit for Gandhi.

"For thirty years I was pining for self-realization to see God face to face and to attain salvation"¹.

Gandhi wrote the above sentence in his Autobiography published at the age of fifty six. In the introduction he wrote that he was to worship "*God as Truth*".² Also in the body of his Autobiography Gandhi was using the expression "God is Truth". But after six years in 1931 he changed the expression "*God is Truth*" into "*Truth is God*". For the expression "God is Truth" did not satisfy him. Gandhi was returning from London via Switzerland to meet Romain Rolland, the great philosopher who had authored a book about Gandhi. In a speech at Lausanne in Switzerland on 8th December 1931 Gandhi told the audience how in early youth he learned the thousand name of God from Hindu scriptures and how those names were not exhaustive. He also told his finding that God was addressed by a number of names in Islam also. In short, he stated God has had as many names as there are his creatures and every creature was a name of God. Gandhi also stated how he had concluded that it was a step in the right direction. He defined Truth as God and he chose Truth as the name for God in preference to Love. Gandhi further said thus: *But deep down in me I used to say that though God may be love, God is Truth above all. If it were possible for the human tongue to give the fullest description of God, I have come to the conclusion that for myself, "God is Truth".* But two years ago I went a step

¹ Gandhi M. K.. Autobiography, Op. Cit, Pg. - 10

² Ibid. Pg. - 11.

further and said that "Truth is God". You will see the fine distinction between the two statements, viz. that "God is Truth" and "Truth is God". And I came to that conclusion after a continuous and relentless search after Truth which began nearly fifty years ago. I then found that the nearest approach to Truth was through Love. But I also found that love has many meanings in the English language atleast, and that human love in the sense of passion could become a degraded thing also. I found too that love in the sense of Ahimsa had only a limited number *of* votaries in the world. But, I never found a double meaning in connection with Truth and even atheists had not demurred to the necessity or power *of* Truth. But in their passion for discovering Truth, the atheists have not hesitated to deny the very existence *of* God - from their own point of view rightly. And it was because *of* this reasoning that I saw that rather than say that

"God is Truth", I should say that "Truth is God".¹

SECTION IV

a) TRUTH AND SWARAJ

Swaraj according to Gandhi was inner freedom and conformity to divine statute² Gandhi defined swaraj negatively in the following words:

¹ Gandhi M. K., "Truth is God". Op. Cit, Pg.- 13.

² Ignatius Jesudasn S. J., Gandhian Theology *of* Liberation. Gujarat Sahitya Prakash, Anand, 1987, Pg. - 174.

"Swaraj will not come by the acquisition of authority by a few but by the acquisition of the capacity by all to resist authority when it is abused".¹

Gandhi called Swaraj as the kingdom of God, and God as the Master of the play and the Supreme Potter. Gandhi also² said that one can have millions of friends and co-workers but there is only one friend in need, that is God. He also added that Truth was the way to know God and attain liberation while still encased in the body. The foregoing paragraphs reveal the paramount importance of Truth in the life of individuals and nations.

b) GANDHI. NEHRU AND GORA

Gandhi was a charismatic mass leader. He drew followers, men and women from all walks of life and from different nations. Gandhi's famous follower Kallanbach of South Africa was a German. His intimate co-workers like Mr. West, Mr. Polak and a host of others were English men. Gandhi's dearest disciple Ms. Slade namely Mira Ben was the daughter of a British Major. Gandhi's right hand man in Basic Education Scheme was Aryanayakam. Mr. Aryanayakam and his wife were from Sri Lanka. In Gandhi's Ashrams like "Phoenix settlement" "Tolstoy Farm" "Sabarmati" and "Sevagram", Gandhi harboured men and women of different country's with different

¹ 1. Young India, dated 29-1-1925

² Ignatius Jesudas S. 1.. Op. Cit. Pg. - 173.

backgrounds and philosophies of life. Gandhi's great invention is Satyagraha. The hallmark of *Satyagraha* was belief in God. The question of belief in God was difficult to relish for sceptics like Jawaharlal Nehru and atheists like Gora Ramachandra Rao. When Gandhi was saying that, 'God is Truth', Gora and Nehru, the famous freedom fighters found it repulsive. But, when Gandhi changed the expression and said "Truth is God" Gora and Nehru and persons like them found a common denominator in "Truth is God". It satisfied Gora also. Gora founded an atheist centre in Vijayawada. He wrote two books making Gandhi the Central figure extolling Truth and atheism. They are "**An Atheist with Gandhi**"¹ and "**We Become Atheists**"². Nehru, Gora and a number of others like them had no objection in according primacy to Truth in the struggle for freedom. All accepted the tenet of Love and Non-violence as a matter of policy. But it is a pity that the ideals or values like Truth and Non-violence did not find a place in the preamble of the Constitution of India as Truth and Love and Non-violence ought to have been. The mention of the premise justice, is a hyperbole in the Preamble of the Constitution sans Truth and Non-violence. The fulcrum and format of Freedom Movement under Gandhi was Truth and Non-violence

¹ Gora Rama Chandra Rao, *An Atheist with Gandhi*, Navajivan Publishing House, Ahmedabad, 1951.

² Gora Rama Chandra Rao, *We Become Atheists*, Atheist Centre, Vijayawada, 1990.

CONCLUSION

TRUTH, JUSTICE AND JUDICIAL ACTIVISM

(a) THE ENTAIL OF TRUTH AND JUSTICE

The goal of Truth and Justice is good life. Good life, to be meaningful is to be made available to all citizens. This can be achieved only on the basis of prescribed norms and acknowledged ways of life. When Truth is harboured intact and implemented in time, Justice is the automatic concomitant. According to Gandhi, God is our Master and Swaraj is the kingdom of God. Truth and God are identical in Gandhian terminology. So Swaraj is the kingdom of Truth. That means without truth Swaraj cannot exist. For preserving Swaraj, Truth must be implemented without let or hindrance. This can be done by paying homage to Truth by the society and the state. Truth does not pay homage to anybody. If homage is not paid to Truth, disaster will be the result. That is why Gandhi surrendered before truth. The upholding of Truth depends on the approach and character of two elite groups in a society and the states. They are the teachers and the Judges. (Judges indirectly include advocates). Teachers by loving pedagogy and judges by exemplary life and sanction can afford to cherish Truth. These two groups are duty bound to do this avocation. Then justice will accrue in a state. Justice means the right ordering of society. When teachers and

judges resort to dereliction of the above duty, negation of justice, loss of peace and freedom, will be the aftermath.

(b) JUDGES AND JUDICIAL ACTIVISM

Of late, the term judicial activism has become a household word. The blunt meaning of the phrase is that judges are not remaining within the limits of their jurisdiction. Moreover, it means their positive and prescriptive actions enhance the responsibility of other two organs of the State. The plea of the politicians in general and ministers in particular is that an activist judge is in the habit of violating that judicial self restraint imposed on every judicial officer. It is pertinent to refer to some of the remarks made by eminent jurists and judges on this score. Mr. Wallace Mendelson criticises the so called activist judges in the following words.

"How easy is the job of activist judges, new or old, who do not find but only make the law, no great effort, intelligence or integrity, is required to read one's merely personal preferences into the constitution, a great deal is required to keep them out".¹

He has made this comment in his book "**Supreme court and state craft**". It was made on the basis of circumstances prevailing in USA. The Indian

¹ Andhyarujina T. R.. Judicial activism and constitutional democracy in India. N. M. Tripathi Pvt. Ltd., Bombay, 1992, Pg. - 1.

background is quite different from what is obtaining in America. *As far as India is concerned the word Judicial activism is a misnomer.* For the Indian Judiciary is by and large law oriented. In India, law is written and it carries a definite connotation. It has a four tier system. The Munsif cum Magistrate courts, the District and sessions court; the High courts and the Supreme court constitute a pyramidal structure in India. Though the system is hierarchical in nature it has no homogeneous content. This happened on account of historical reasons. The District Munsif cum Magistrate Courts are free from the Executive Government. They come under the respective High courts. The Judges and advocates of Magistrate cum Munsif courts and District and sessions courts need not answer to the politicians. But the position of High court and the Supreme court judges is different. High courts are not administratively coming under the supreme court and they are not completely independent of the Executive. The High court judges are appointed on the recommendation of Chief Justice of the High Court and Chief Minister of the State and law minister of the Union subject to Prime Minister's control in consultation with the Chief Justice of India. The Supreme court judges are appointed at the instance of the Central Government, in consultation with the Chief Justice of India. Consultation does not mean consent. "In judge transfer case No. I" in 1982 Supreme court held that Prime Minister of India should have the last say in the appointment and transfer of Judges of Superior Courts. The decision was reversed in 1994 and Supreme court held that the Chief Justice of India will have final authority in the appointment and transfer of Judges. The decision is known as "Judge transfer case No. II". As a result of all these peculiar colonial

background, the Truth culture of the officers of the Court namely, advocates in different regions is also different from one another. In short advocates practicing in the lower courts and district courts are noted for their knowledge of trial work, procedural and substantive law. The advocates practicing in the High courts and the supreme court distinguish themselves for their knowledge of constitutional law and dexterity in english language. The proximity of judges and advocates of Superior courts to politician work as a burden on them. When a case is tried in a lower court and an important politician gets entangled himself in a criminal case, the lower court as a matter of course hauls up the accused, irrespective of his position in the state. For, law is not a respecter of persons. Those advocates and judges who go from lower courts and district courts to high courts and Apex court will exhibit sharp sense of rule of law and equality before law and equal protection of law. But those advocates and judges who begin their work in the High courts or in the Supreme court in India and linger in the same court will make hue and cry when a judge of lower court takes action against a leading politician according to law. It is pertinent here to note that even the highest police officer of a state with a high profile has been held guilty under section 354 of I.P.Code for outraging the modesty of a woman, in pursuance of directions of the Supreme court in India.¹

¹ Rupen Deol Bajaj Vs. K. P. S. Gill 1995 (6) Supreme Court (Crl.) Cases 194.

In a like manner the person who was holding the highest post in the field of advocacy, namely Chairman of Bar Council of India was convicted by the Supreme Court of India for gross contempt of Allahabad High Court.¹ In the above cases the Supreme Court upheld the majesty of law. But, in several other cases where ministers and politicians were involved, the Indian Judiciary made allowances for the accused and granted bail to them, inspite of strong proof for the existence of prima facie cases.² This is violative of Article fourteen (Equality Clause) of the Constitution and Gandhi's truth and justice. The real reason for this dual approach lies at the mode of first appointment of High Court Judges. First appointment was being made at the instance of a single individual till recently.

Accountability is the hallmark of democracy. He who wields power has to do so as a *trustee* in a democracy. The judges are duty bound to be accountable to the public in their personal as well as public conduct. Then only they can make the erring mortals of the Government accountable to public through Law and Justice. For law was enacted as a Trust Deed to the public. To strengthen the credentials of the judiciary, the accountability of judges also may be made normative. It is necessary in the light of the latest developments in

¹ Inre V. C. Mishra, All India Reporter 1995 Supreme Court, 2348.

² 2. Fighting Class War (Editorial), The Indian Express, Coimbatore, Dated 28/11/96, Pg. - 8.

India including the arrest and detention of Mr. Justice Ajit Sengupta, former judge of Calcutta High Court for the gross violation of the law of the land. He is the first judge in the High Court's hundred and fifty year old history to be sent to the custody.¹ When Gandhi held sway there was value for truth and validity and consequent morality in India. Of late the cancer of corruption has pervaded to all branches of the state though the judiciary has played exemplary role in unearthing untruth.

In this juncture, it is pertinent to refer to the recent editorial of the *Indian Express*. *The Indian Express* was founded to spearhead freedom struggle. Naturally, "*The Indian Express*" is concerned about the present happenings in India. The latest development will definitely lower India's reputation in the estimation of right thinking citizens and foreigners. So, the Indian Express wrote thus : "*The former Prime Minister is implicated in a charge of criminal conspiracy. A special court room is set up to ensure his security*". Has the Indian legal system abandoned the principle of Consistency? *Is the law operating OR the principle, 'Show me the accused and I will show you the law'?*² St. Kitts case was committed to Sessions Court by the Chief Metropolitan Magistrate on 6th December, 1996. It is an unnatural coincidence that Mr. Justice Mahajan of Delhi High Court permitted a public interest litigant Mr. Ravindra Kumar on 6-12-96 itself to oppose former Prime Minister's bail plea in the three and a half crore JMM M. P.' s bribery case.³

¹ Questions of Judicial Ethics, India Today, New Delhi, 15th December, 1990, Pg. - 33.

² Fighting Classwars (Editorial), The Indian Express, Op. cit. Pg. - 8.

³ . St. Kitts Case in Sessions Court, The Indian Express, Coimbatore, Dated 7-12-96, Pg. - 1.

The permission for third party intervention in a bail matter is unprecedented in Indian legal history. But permission was accorded to uphold the majesty of law and truth. In the present Indian circumstances the arbiter of Truth and justice is the judiciary. It is of primary importance that judiciary must be packed with men and women of sterling character and "*dharma*" oriented background. The preemptive role of Teachers and Judges of India for realising this objective is second to no other duty.

(c) CORRUPTION AND JUSTICE

Corruption is negation of justice. The Cancer of corruption has become an everyday sort of happening in India. The scams which were brought out so far and enumerated hereunder from 1992 to 1996 will give an approximate idea about the gravity of the rot.¹

¹ Radiance Views Weekly, IO - 16 November 1996. New Delhi, Pg. - 6 - 7.

S. No.	Year of the Scam	Name of the Scam	Amount involved in Crores
1	1992	Securities Scam	5,000.00
2	1994	Sugar Scam	850.00
3	1995	Fodder Scam	6,000.00
4	1995	Housing Scam	17.40
5	1995	Hawala Scandal	65.00
6	1995	JMM Bribery Case	3.50
7	1996	Urea Scam	133.30
8	1996	Medical Equipment Scam	1,000.00
9	1996	Telecom Scandal	1,200.00
Total Amount in Crores			14,268.90

The above table will underscore the volume of personal aggrandizement and the depravity of marketisation of politics. The criminal nexus between power politicians and business politicians ends in negation of justice. The reason for this degeneration is not far to seek. The reason is the failure of political morality. *The cause for failure of the political morality is the lapse and lacuna in the administration of criminal justicing system.*

(d) CAPITAL CRIMES AND JUSTICE

The measure or rod to reckon the right ordering of any society is to gauge the modus operandi of criminal justicing system in that society. In the list

of crimes, murder comes first. Murder is the most heinous crime. In Mughal period murder was dealt with very severely. During the British period also they tackled murder with capital punishment without fear or favour. That is the reason why the British could remain in India nearly for two centuries. After Independence also murder and capital crimes were considered to be in the province of strict rule of law. It was the province and duty of judicial department to say what the criminal law was. But nearly a quarter century back the province and duty of judicial department was intruded into by the kith and kin of ministers and bureaucrats in power. Then onwards the criminal justicing system in India was rendered lame on account of the preponderance of power politics and absence of introspection and internal democracy within the political parties.

There are numerous examples for this. For example one Kishorilal was a butcher in Trilokpuri in Delhi. In 1984 in the wake of Mrs. Indira Gandhi's assassination he killed more than hundred and fifty Sikh citizens using his cleaver, and professional skill. The criminal justice for eleven years was not effective on him. He was acquitted of murder charges. It took eleven years to award him capital punishment, now in the changed political atmosphere of India, the punishment became possible.¹

What is sought to be arrived at is that unless criminal justicing is law oriented and truth oriented, the country will perish. To save the country, the

¹ Butcher of Trilokpuri bloodbath with Cleaver, The Indian Express, Coimbatore, Dated 15-9-96

professors and judges of India should awake and call a spade a spade. According to Mr. William James, the most celebrated psychologist and philosopher of U.S.A, Professors of a nation have in their hands the future of a nation. He stresses this point in his "Talks to Teachers". Professors are the torch bearers of Truth. The barrier against Truth is to be demolished. The same point has been highlighted by Gandhi in a letter dated 21-09-1937 addressed to E. M. S. Namboodripad.¹ Gandhi exhorted E. M. S. Namboodripad that it was the right and duty of each Congress man to criticise the waywardness of Leaders whatever be their state and status in life. This advice was given a go by in the present Indian Administrative System. As a result of this killers like Kishorilal would escape punishment for a long time. It is unto the judiciary to strictly execute law and resist counter measures. Every Indian must introspect and regret and be ashamed of Kishorilal episode. Gandhi squandered his precious life not to make us passive and helpless spectators in the face of most gruesome crimes like that of killer Kishorilal.

(e) NATIONAL JUDICIAL COMMISSION

Truth is God only when criminal justice is administrated regardless of persons. Murder, rape, forgery, bribery..etc. are against Truth and God. These crimes cut at the root of national life. If homage is paid to truth,

¹ Gandhi M. K., LeUer addressed to E. M. S. Namboodripad Shornur. Post Cherukara, Madras Presidency. dated 21-9-1937. M. P. Govida Menon Centenary Souvenir. Otlapalam. Kerala. 1994

there will not be any compromise with such felonies and nobody will attempt to compound grave crimes. The Constitution of India is only a reflection of the Constitution of the universe. The word "Supreme" is associated with God. It is also associated with truth at the instance of Gandhi. So the Supreme court of India is bound to abide by Truth at all cost. For that the new generation must be trained and trimmed in the culture of truth. This is the duty of university teachers according to William James. Likewise, the judges are supposed to be the representative of God on earth. They are duty bound to implement truth without fear or favour. This is possible only when judges of the superior courts are appointed at the instance of a peer committee. Now they are appointed at the initiative of one single individual at the top. The above feat can be averted if a National judicial Commission is brought into existence. If judges are appointed at the instance of a Judicial Commission, they will be more accountable to the public and will not be inclined to dilute strict criminal liability. National Judicial Commission will give, certainly primacy to Gandhi's Truth and Justice and the dictum "Truth is God" will blossom into reality in the administration of Justice under the Indian legal system.