

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.09.2019

C O R A M

THE HONOURABLE MR.JUSTICE S.MANIKUMAR
and
THE HONOURABLE MR.JUSTICE SUBRAMONIUM PRASAD

W.P.No.28021 of 2017

Dr.M.Deivanayagam

... Petitioner

Vs

1.The Chief Secretary
Government of Tamil Nadu
Secretariat
Chennai - 600 009

2.Draavidhar Kazhagam
Represented by its President
New No.84/1, Old No.50
Periyar Thidal
E.V.K. Sampath Salai
Veperi, Chennai - 600 007

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of mandamus, directing the the 1st respondent to remove all the inscriptions below the statue of Thanthai Periyar erected all over the State of Tamil Nadu, having offensive language, and against the Universal God.

கடவுள் இல்லை இல்லை இல்லவே இல்லை
கடவுளை கற்பித்தவன் முட்டாளர்
கடவுளை பரப்பினவன் அயோக்கியன்

கடவுளை வணங்குபவன் காட்டுமிராண்டி

There is no God, no God, no god,
Those who preached God is fool
Those who spread God Rogue
Those who pray God are Barbarians

For Petitioner : Mr.R.Gandhi, Sr. Counsel
for Mr.R.G.Narendhiran

For Respondents : Mr.A.Thiyagarajan, Sr. Counsel
for Mr.D.Veerasekaran
Mr.Akhil Akbar Ali for R1

ORDER

(Order of the Court was made by S.MANIKUMAR, J)

Instant Public Interest writ petition is filed for a mandamus, directing the Chief Secretary, Government of Tamil Nadu, Chennai, to remove all the inscriptions below the statue of Thanthai Periyar erected all over the State of Tamil Nadu, having offensive language and against the Universal God.

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2. Short facts leading to the filing of the writ petition are that, Dravida Kazhagam, the 2nd respondent party was founded by Thanthai Periyar, who has created a great awareness to not only people of Tamil Nadu, but to the entire Indian community, about the need and importance of self-respect to humans. Thanthai Periyar had strongly advocated that, "it is a cheap act, to call the self respect movement as an atheist movement." This was reported in the magazine Kudiyarasu (Republic) 1929 (2) Pages 81 and 82. The above mentioned words of Thanthai Periyar are the motto of the 2nd respondent party when it was founded by Thanthai Periyar and according to the petitioner, he has not advocated atheism.

3. Petitioner has further submitted that Thanthai Periyar had always advocated self-respect and not atheism. According to the petitioner, this is ascertainable through his words and deeds. Further, on 17.9.1967, when Thanthai Periyar was alive, his statue was unveiled at Tiruchirappali Bus Stand by the then Hon'ble Chief Minister of Tamil Nadu, Perarignar Anna, in the presence of Thavathiru Kundrakudi Adigalar and Perumthalaivar Kamarajar. The same does not contain any principle of atheism.

4. It is the further contention of the petitioner that, after the demise of Thanthai Periyar on 18.12.1973, the 2nd respondent started propagating atheism, as the principle of Thanthai Periyar and it has started to create statues, having inscriptions, "There is no God, God doesn't exist".

5. It is the further contention of the petitioner that, after the demise of Thanthai Periyar, in the statue installed at Trichy, below the statue, the second respondent has inscribed as follows, "There is no God, God doesn't exist, one who created God is a fool, one who has propagated God is a scoundrel and one who worships God is barbaric".

6. The petitioner has further contended that the 2nd respondent may raise a question that, as to why the religious believers didn't file a case against Dravidar Kazhagam to remove the inscriptions from the Periyar sculptures till today?, for which the petitioner has submitted that, each religion worships its own God. Hindu religion calls their God as "Siva" and including his family members, Christianity calls their God as "Jesus" and Muslims call their God as "Allah". They believe that they are the Gods of their own religion.

7. It is the further contention of the petitioner that the inscriptions below the statues, do not degrade Lord Siva including his family members, Jesus or Allah, whereas, it represents the word "Universal God". Since the word 'God' is stigmatizing in general, the religious believers have not filed a case against it. Petitioner has stated that inscriptions do not degrade Lord Siva, Allah or Jesus. Petitioner has stated about Universal God and He, governs the Universe. He has referred to a parliament of world religious and the existence of Universal God. He has referred to letters written to the President of the 2nd respondent party, to prove the existence of God.

8. Universal God who governs the Universe is common to all the religions and to all the humans, "Trust for the Unification of World Religions through Soulology of the Tamils" has established the Universal God in a rational way through Soulology of Tamils and the same is as follows:

1. The Parliament of World Religions was held between 15th and 19th of October 2015 at Salt lake city, USA. On behalf of our trust, we rented two booths to establish the existence of the Universal God on the basis of the Soulology of the Tamils and all the questions raised by the religious scholars had been answered rationally. The recordings are available.

2. On the basis of the invitation of the Vice Chancellor of Madras University. We have established the existence of Universal God in a rational way on 2nd January 2016. The questions raised by the University Scholars have been answered rationally and the recordings are available.

3. The President of Dravidar Kazhagam have advertised that, those who prove the existence of God will get a reward of 1 crore rupees and those who prove Pilliyar eats Kozhukattai will get a reward of 2 crore rupees and specifically they have to prove in the premises of Periyar Thidal. Accepting his challenge, we wrote letters to K.Veeramani. We wrote articles explaining a reply to his challenge and published in our magazines. After reading this, due to the fear of losing his challenge, he has hidden himself in his own premises at the specified time. The complete details are published in our Tamizhar Samayam magazine. We are always ready to prove the above challenge at any time."

9. It is the further contention of the petitioner that he is a staunch follower of Universal God, who governs the Universe and enjoys and experience, His existence everywhere and in everyone.

10. According to the petitioner, the 2nd respondent party is attacking the Universal God in general. The petitioner, is a strong rationalist, who has expressed the enjoyment of the existence of Universal God, who governs the Universe, and is offended by the action

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of the 2nd respondent. Further, the inscriptions are not only offensive in nature to the people of this country, but also the foreigners who visit India, feel offended very much when reading the above inscriptions.

11. According to the petitioner, Thanthai Periyar had not uttered such words offending the people. Petitioner has contended that during his lifetime, Thanthai Periyar, had never uttered the words, inscribed below the statue, but it is the 2nd respondent party, represented by its President has inscribed.

12. According to the petitioner, the inscriptions below the statue of Thanthai Periyar, are "Those who spread the God are rogues and those who pray God are barbarians, to the Knowledge of the petitioner." Thanthai Periyar had not uttered such words offending people. During his life time Thanthai Periyar had addressed thousands of meetings, where he had never uttered words stated supra, which are now inscribed under the statues by the 2nd respondent and its members.

13. The petitioner has made several representations against the action of the 2nd respondent to the Chief Secretary, Government of

Tamil Nadu, who is duty bound to safeguard the feelings of the followers of Universal God, as it would preserve communal harmony. The 1st respondent received the representations sent by the petitioner, but has not taken any steps on the petition. Therefore, the petitioner has approached this Hon'ble Court for the aforesaid relief.

14. Upon notice, respondents have entered appearance. Denying the averments of the petitioner, Dravidar Kazhagam, represented by its President Thiru.K.Veeramani, has filed counter affidavit contending inter alia that the writ petition is vexatious, malicious and full of false statements and figures, without disclosing the name of Universal God.

15. According to him, the above words are not offensive language/words and this respondent has every constitutional/legal right to disagree with the petitioner. The parliament of world religion and proof which he has established the existence of Universal God in rational God on 02.01.2016 is not known to this respondent. The petitioner has not placed, filed, shown any material to substantiate the above said averments made in the affidavit.

16. The second respondent has further contended that a person who files an affidavit in support of the writ petition, must state the facts, how he had perceived the facts, and if the facts are not within his knowledge, how he establishes the facts pleaded in the affidavit. It is the further contention of the 2nd respondent that the affidavit is very vague, general and there is no material to support the averments made in the affidavit. Therefore the writ petition is liable to be dismissed with exemplary cost.

17. It is the further contention of the second respondent that the petitioner is stated to have filed the above writ petition in public interest. However it is only a publicity interest litigation, made on personal interest to wreak vengeance against the President of 2nd respondent party. It is the further contention of the 2nd respondent that the petitioner used to spend time, in the premises of 2nd respondent's party under the guise of an atheist and non believer of God. It is their further contention that after some time, the petitioner has started preaching that in the world, that there are two religions, one is Saivait and the other is Vaishnavait and Gods are Shiva and Vishnu respectively.

18. It is the further contention that this respondent has pointed out to the petitioner that “in this place where there is no faith in God and only humanism exist”. The second respondent has further stated that the petitioner is having an organization called "அனைத்து தன்மான தமிழர்களின் கூட்டமைப்பு". Using this organization, on one side, he preached about Periyar and on other side, tried to achieve his individual views, by using 2nd respondent's party.

19. It is the further submission of the 2nd respondent that whenever the petitioner convened any meeting, President of the 2nd respondent party had attended the meeting and delivered speech and also written a foreword to one of his books. Since the object and preaching by the petitioner was not acceptable, President of the 2nd respondent party declined to attend his meeting. Estranged, the petitioner has filed the present writ petition. The petitioner was not allowed to preach Saivist or Vaishnavist in the 2nd respondent premises. In the abovesaid circumstances, the petitioner has thought fit to file the instant writ petition with false statements. Therefore petitioner has not come to this Hon'ble court with clean hands, but to wreak vengeance against the president of 2nd respondent party, and thus filed the writ

petition. The present writ petition is not in public interest litigation, and the same is in personal interest. Hence the present writ petition is liable to be dismissed with heavy cost, as the petitioner has filed a false affidavit.

20. It is the further contention of the 2nd respondent party that the petitioner in para 2 of the affidavit has stated that he is “filing the Public Interest Litigation in the interest of society which believe in Universal God irrespective of their faith and belief of different religion and Universal God is common to all religion.” According to the petitioner, he is competent to express the view or faith and belief of different religion of the society. It is the further contention of the second respondent that society is a group of people living together in more or less in an orderly manner. The society consisting of organizations, clubs, groups, etc., Therefore the petitioner is not competent to represent the society, and it is not known as to which society he is referring to and on behalf of which society, he has filed the present writ petition is also not known. It is their further contention that petitioner has not given the name of Universal God, accepted by all the religions. Therefore, the averments made in para 2 of the affidavit is, baseless and liable to be rejected.

21. The 2nd respondent has further contended that the averments made in para 3 of the affidavit relate to petitioner's personal matters. The petitioner has stated that he is willing to pay any cost if imposed in this case. The petitioner, knowing well, that the present writ petition is not a Public Interest Litigation, has averred in para 3, that he is not having personal interest, directly or indirectly, then in the next sentence, he has stated that he would be willing to pay cost. That shows that the petitioner has knowledge that this writ petition is not filed in public interest.

22. Insofar as averments made in para No.4 of the affidavit is concerned, it is submitted that the petitioner has extracted a portion of speech of Thanthai Periyar, and also about the motto of 2nd respondent party. The petitioner is neither a member nor has the competency to say about the motto of the 2nd respondent's party. The motto of the 2nd respondent party was declared by Thanthai Periyar in all his speeches, publications etc., from 1928. "There is no God, God doesn't exist, One who created God is fool" Therefore the averments made in para 4 of the affidavit in support of the writ petition, are misleading.

23. The 2nd respondent has further contended that the averments made in para 5 of the affidavit relating to unveiling of the Periyar statue in Tiruchirapalli bus stand does not contain any principle of atheism, is again a misleading statement. It is the further submission of the 2nd respondent that the very object and principle of forming the social justice movement was that, there was no God and only humanism and equality. The petitioner is confused himself with the word atheism without understanding the real meaning of word atheism. The dictionary meaning of the word 'atheism' is non believer of existence of God. In Oxford Dictionary, the meaning of word atheism as, "the belief that God does not exist". In Black's Law Dictionary, the meaning of word atheist is, "One who does not believe in existence of God". The speech made by Thanthai Periyar on 17.09.1967 in the presence of Anna - the then Hon'ble Chief Minister of Tamil Nadu, Thavathiru Kundrakudi Adigalar and Kamarajar, and published in Viduthalai News Paper on 22.09.1967 enclosed in typed set of papers is self explanatory. It is the contention of the 2nd respondent that Thanthai Periyar had referred to all the dignitaries who spoke about Thanthai Periyar.

24. Thanthai Periyar had stated in separate caption "கடவுள் மறுப்பே எனது முச்சு மனித சமுதாய பற்று தான் வேண்டும் கடவுள்

பற்று நீங்கிய இடத்தில் தன் மனித பற்று வளரும்."

25. It is the further contention of the 2nd respondent that the speech delivered by Thanthai Periyar is crystal clear that there is no God, but only humanism. Therefore the averment in para 5 of the affidavit is per se false, frivolous, vexatious and contrary to truth. Therefore, the petitioner is liable to be prosecuted for perjury for swearing a false affidavit. It is the further contention of the 2nd respondent that the crux of the writ petition is that "Thanthai Periyar is concerned only with self respect, humanism and not an atheist." The speech delivered by Thanthai Periyar on 17.09.1967 has been enclosed in typed set and pointed out captain wise. Therefore the present writ petition is filed with mala fide intention by twisting facts only to harass the 2nd respondent.

26. The averments in para 6 of the petitioner's affidavit is again false, frivolous, vexatious. Thanthai Periyar died on 24.12.1973 and all along, from day one Thanthai Periyar started the movement, Thanthai Periyar was a strong criticizer of God. He and his followers have no faith in God which is known to everyone.

27. The 2nd respondent has further submitted that it is accepted by all concerned that Thanthai Periyar means non believer of God. Non believers are atheists. The ideology of Thanthai Periyar from the date, the organization was started has been published in news papers like Kudiarasu, weekly magazine and Viduthalai daily newspaper, books, pamphlets, etc., To formulate the ideas and spread the ideology there was a training in Vidayapuram between 24.05.1967 to 30.05.1967. During the course of the training, Thanthai Periyar collected all the old speeches, pamphlets, which had been published and declared the following words on 24.05.1967.

கடவுள் இல்லை இல்லை இல்லவே இல்லை
கடவுளை கற்பித்தவன் முட்டாள்
கடவுளை பரப்பினவன் அயோக்கியன்
கடவுளை வணங்குபவன் காட்டுமிராண்டி

Thanthai Periyar also advised his followers, that all the meetings should be commenced only after declaring the above statement. It is the further contention of the 2nd respondent that in the statues of Thanthai Periyar unveiled in Dharmapuri on 04.05.1969, Thanjavur on 17.09.1969 and Cuddalore on 13.08.1972, the above inscriptions were made in bottom of the statue. The inscriptions were made only at the instance of Thanthai Periyar. Thanthai Periyar had foreseen the situation, that if

there is no such inscription in the statues, then these statues will also be made as a God and people will start worship, after some years. Therefore Thanthai Periyar had made the above statements. It is the further contention of the 2nd respondent that the petitioner who was using Periyar Thidal and having knowledge about the object of the 2nd respondent, willfully has twisted the facts and filed a false affidavit and got the writ petition admitted and diverted the judicial process.

28. It is the further contention of the 2nd respondent that the averments made in para 8 of the affidavit that the petitioner himself had visualized and posed self questions “that why religious believers did not file case against the 2nd respondent for which the petitioner himself has given answers, by saying that each religion has its own God and without answering the questions asked by him, concluded at para 8, repeating the inscriptions.

29. It is the further submission of the 2nd respondent that the prayer is against the 1st respondent. In fact the instant case is filed against the interest and right of the second respondent who is fighting for social justice, eradicating inequality and upliftment of women and

downtrodden people. Therefore, it is prayed that this Hon'ble Court may be pleased to dismiss the writ petition with exemplary cost as the petitioner has willfully suppressed the facts and sworn to a false affidavit and thus render justice.

30. Mr.R.Gandhi, learned Senior Counsel appearing for the petitioner submitted that, after the demise of Thanthai Periyar, below the statue installed at Trichy, the second respondent has inscribed as follows, "There is no God, God doesn't exists, one who created God is a fool, one who has propagated God is a scoundrel and one who worships God is barbaric". The 2nd respondent has started propagating atheism, as the principle of Thanthai Periyar, and it has started to install sculptures having the above inscriptions. To the Knowledge of the petitioner, Thanthai Periyar has not uttered such words offending people.

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31. During his life time Thanthai Periyar had addressed thousands of meetings, where he never uttered words stated supra, which are now placed below the statue by the 2nd respondent and its members. The petitioner has made several representations against the action of the

2nd respondent to the 1st respondent, who is duty bound to safeguard the feelings of followers of Universal God as it will preserve the communal harmony. The 1st respondent has received the representations sent by the petitioner but has not taken any steps on the petition. Therefore, the petitioner has sought for the relief stated supra.

32. Mr.R.Gandhi, learned senior counsel sought for a direction to the Chief Secretary, Government of Tamil Nadu, to pass orders on the petitioner's representation.

33. Per contra, Dr.A.Thiagarajan, learned senior counsel appearing for the 2nd respondent contended that the motto of the second respondent party was declared by Thanthai Periyar, in all his speeches, publications etc. From 1926 onwards, he advocated atheism and said that "there is no God, God does n't exists, one who created God is fool". He further submitted that the speech delivered by Thanthai Periyar is in crystal clear terms that there is no god but only humanism. He further submitted that the petitioner has made false, frivolous, vexatious averments contrary to truth. He further submitted that

Thanthai Periyar was a strong criticizer of god, which is known to all. He and his followers have no faith in god, which is known to everyone. He further submitted that the 2nd respondent is protected by Articles 14, 19 and 21 of the Constitution of India. The name Thanthai Periyar recognise him as non-believer of god and one who fought for social justice and self-respect. He further submitted that though the prayer is sought against the first respondent, but the case is filed against the interest and right of the second respondent, who is fighting for social justice, eradicating, inequality and upliftment of women and downtrodden people.

34. Learned senior counsel for the 2nd respondent relied on a decision of the Hon'ble Supreme Court in *Ramji Lal Modi vs. State of U.P.* reported in *AIR 1957 SC 620* and a Hon'ble Division Bench judgment of this court in *M/s.T.Kannan v. M/s.Liberty Creations Ltd. & 4 others* reported in *2007-2-L.W.246*.

35. Heard the parties and perused the materials available on record.

36. At paragraph No.4 of the supporting affidavit, the petitioner states that when a statue in Tiruchirapalli was erected in the presence of Thanthai Periyar on 17.09.1967, inscriptions were not found and in paragraph No.5 of the supporting affidavit, he has stated that after the demise of Thanthai Periyar, the 2nd respondent has inscribed the words. Petitioner has not given the date as to when the words were allegedly inscribed by the 2nd respondent.

37. According to the petitioner, inscriptions below the statues do not downgrade Lord Siva, or Jesus or Allah, but stigmatizing Universal God. Petitioner believes in existence of God, which he claims Universal God.

38. It is the contention of the petitioner that, the 2nd respondent party is attacking Universal God. Petitioner claims to be a rationalist.

39. Who is a rationalist? Whether, one who believes in existence of God or deny the same, on the prayer sought for, we deem it fit not to delve into the same.

40. Though the 2nd respondent has contended that the name of the Universal God, claimed by the petitioner, is not specifically mentioned in the supporting affidavit to the writ petition and therefore, the writ petition has to be dismissed, we are of the view that the objections, cannot be sustained on the ground, for the reason that the petitioner, in exercise of his right to freedom and religion, can say that there is Universal God, but the 2nd respondent in exercise of his right under Article 19 of the Constitution of India, can refute.

41. Though the 2nd respondent has filed a counter affidavit, stating that the instant writ petition, is only a private interest writ petition, considering the prayer sought for, we are not inclined to delve into the said issue, for the reason that facts pleaded in the counter affidavit of the 2nd respondent requires proof.

42. Contention of the 2nd respondent that statues unveiled on 04.05.1969 at Dharmapuri, on 17.09.1969 at Thanjavur, and on 13.08.1972 at Cuddalore, during the lifetime of Thanthai Periyar, is not disputed by the petitioner. According to the 2nd respondent, inscriptions were made, at the instance of Thanthai Periyar.

43. Even taking it for granted that the above fact is disputed, Writ Court cannot go into factual dispute, and on the prayer sought for, we deem it fit to consider as to whether the petitioner has made out a case for issuance of a writ of mandamus.

44. Whether Thanthai Periyar had said anything about God, belief in God, religion, need to profess rationalism, whether Thanthai Periyar, had never uttered the words, we need to consider what Thanthai Periyar said during his life time. Crux of the matter is whether Thanthai Periyar was concerned only self respect, humanism and not atheism.

45. Translated version of Thanthai Periyar writings, speeches, essays, as summarised by Mr.A.Thiagarajan, learned Senior Counsel for the 2nd respondent, is extracted, hereunder:

I really want to believe about the existence of God. But there is absolutely no evidence to prove the existence of God. Therefore I hereby humbly request you to give me an acceptable justification to my frustrations through your "Young India" publication.

That is I am not able to believe or see the existence of an unexplainable invisible super power.

He has written, "I call God long suffering and patient precisely because he permits evil in the world. I know that he has no evil in him, and yet if there is evil. He is the author of it and yet untouched by it".

28-10-1928, the Editorial written by Thanthai Periyar in the publication titled "Kudi Arasu"

It is not fully wrong that, "If a person is saying that God does not exist, then he should be aware of the whole universe and those things that are within and beyond the universe, and only after researching everything, and if he still is not able to identify the existence of God, then only he can say that"

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Even now people are getting the belief about God and people are thinking about God only when it is taught or instigated by others, but they are not thinking about God on their own.

God is-God, almighty, Allah as per Tamil, Sanskrit, Arabic and English language. There are different words in different languages that identify God, but in all the languages the meaning it refers to is a super power that is responsible for the creation, existence and destruction of the universe. If some people say it is Nature, then the power required for the existence of that Nature, if some person says it as the five elements, then the power which combines the five elements. There is some power that is required for making the nature work or combine the five elements of nature, such a power is God. He is referred as an almighty power and GOD. But it is necessary to be investigated as to how such a power was inculcated into the minds of the people as GOD."

46. On 'God', Thanthai Periyar, had written thus,

Therefore, the same action was once considered to be mantra and another time appeared to be Godly powers. Whatever appeared to be Mantra or Godly powers started appearing to be trick. This was because of improvement in intellect of the general public and the results of research findings. Similarly, those things that appear to be godly powers or the power of the almighty to us does not appear to be

Godly powers to the westerners. For example, when the science behind the concepts of solar eclipse and lunar eclipse was not found, we had assigned a godly powers to that events and we had given an explanation of solar eclipse as that the sun God was captured by a snake God by name Rahu and this is a curse to the sun God, and to overcome the curse against the sun God, we had used Mantras to remove the curse and also to purify we take bath. This was a thought that was built before the astronomical science had evolved.

For the human beings, till the time the science behind the creation of the Universe and the existence of the universe and other events was known, they were under the assumption of existence of God and acts of God. But once the science behind the universe was known, it is common that the public slowly will change their thoughts. In the same way, few years back have thought about several miracles as the act of God, but slowly due to scientific research, when the reasons behind such occurrences were known, they have changed their thought about such events and have slowly started gaining confidence to say that those are manmade events.

Even now it is found that, only amongst those people who are not very ration-ally inclined, they keep saying about Act of God for anything. That happens in their life. Only on those people, we see God coming on them. Only amongst barbaric people, most of the God related stories and mythical stories have value and only they show respect towards those stories.

-Extracted from two editorials written by Thanthai Periyar under the title- "God & Religion" on 28-7-1929 and 11-8-1929 for the magazine Kudiarasu

Whatever it is, in the world, the blind beliefs and trust towards God has been slowly declining and there is no doubt that the emotion

towards God and godliness will only be slowly declining in the future and slowly it will get faded away from the minds of the people. There is no sense in being sad or blaming someone else for the change in people's mentality is of no use. But, only when such blind faiths and stubborn beliefs fade away from the people's minds, then discipline and equality will get established in the society for sure.

47. **Thanthai Periyar on God, religion and sashtas,**

Moreover, it is very clearly visible that, because of this God or Festivals there is going to be no benefits for the country as such. Even in agriculture, we have seen several people suffering severe losses because of many backward beliefs in God, fate and some new behaviours that have been associated with that. Our agriculture is still at the level as it is said to have existed before 2000 years. There has not even been slight improvements to that. In our country, the agriculture is to the extent that Rupees hundred is earned as profit per acre, whereas in the western countries, they are working to the extent of earning Rupees thousand as profit per acre of land. Whereas we are still leaving the fate of our agriculture in the hands of God and we treat the cattle as God, and we assign one God to the cow's horns and another God to the cow's tail and another God to the cow's legs and another God to its thighs. We assign godly qualities to the cow's dung and urine to the extent that it will take a person to the heaven. Our research in the field of agriculture ends with offering prayers to the Cow, doing pooja and it ends with mixing and drinking cow's dung and urine.

48. **On the aspect as to whether Tamilians have God, Thanthai**

Periyar's speech, as reported on 29.06.1930, reads thus:-

**Closing presidential remarks of Thanthai Periyar at Kannur
Dharma Samaj Annua! Day Celebrations-Kudiarasu-29-6-1930**

But, we as Tamilians, if we conduct a research about KADAVUL, as God is referred to in Tamil, which is a merging of two words namely KADA+VUL and it is not an equivalent to the words used in other languages

such as Sanskrit or English or Arabic such as God or Almighty or Allah. It is not a separate word. And we should understand that in Tamil there is no such word or sentence as it is there in other languages. If God and Godliness had existed at the time when the Tamil language came into existence, then there would have been a separate word for it in Tamil as well:

That apart, as in case of English and other languages, there are words or terminologies equivalent to "Absence of God" such as Atheism and Atheist and Nasthigam and Nasthigan. Similarly even in Tamil there would have been word or terminologies to show the meaning of "Absence of God" or "non believer in God". Since there was never such words or terminologies in Tamil itself proves that for the Tamilians (that is people belonging to Tamil Nadu) even from the ancient times there has been no relationship with respect to the concept of GOD.

49. On atheism, Thanthai Periyar had expressed thus,

Every individual identifies himself as a separate individual or entity and he realises that there are several tasks that he has to complete it for himself and to complete those tasks on an everyday basis he completes those tasks as per his wishes and he is enjoying the pros and cons of his actions. Similarly, the individual also encourages others to perform the tasks as per their wishes and also he identifies faults from the acts of others. The individuals also show their

favouritism and hatred towards others based on the actions of others. He enjoys happiness at times and sadness at others because of his acts and the acts of others. We can also say that, other than that there are no individuals who keep talking about the super power of the God or universal existence of God and universal equality of people and there is no one who purely believes in God's actions and keep waiting for miracles to happen.

That apart, as mentioned above, atleast amongst those people who claim that there is no god or there cannot be any God who will ever exist having all the qualities that have been assigned to God, or atleast amongst those people who are considered to be atheist by others, there should be significant prevalence of qualities such as uttering lies, committing thefts, hatred, torturing others or atleast they should not be doing many good deeds for the welfare of the others or the society as compared to that of the Theists. If such comparable traits could be found atleast, then their arguments could be considered, but however there is no such possibility of any such visible comparisons possible.

The editorial written by Thanthai Periyar Kudiarasu 28-9-1930

"To ask whether you believe in the existence of God or Not?"

"If there is no God, then why is their any difference existing between people in the society?"

"Why should one person be rich and another person be poor in the society?"

"Why should some persons be blind, curved, lame, leprosy inflicted whereas others be bodily hale and healthy?"

"Why is one individual having 1 children, another individual has four children and one person is left without any child?"

Then when two persons start business simultaneously at different place, then why is one person becoming successful in his

business and why is another person suffering losses in his business? These are the questions that have been put forth by the theists to justify their cause of proving the existence of God. What we can say is that, the persons who put forth such kind of questions are the ones who do not have rational mind and do not have the capability to research and find out for themselves. Nothing else can be said about them.

50. On God, Thanthai Periyar in the Pseudo name of Chitiraputhiran in a Kudiarasu magazine on 12.05.1935, had written as follows:-

Written by Thanthai Periyar in the Pseudo name of Chitiraputhiran in the Kudiarasu magazine 12-5-1935

THEREFORE, IF God had created human beings, for the purpose of praying to him, then there can be no other cheap person similar to God. No more evidence is required to prove that.

If one person wants another person to bow before him and pray to him, then don't we insult such a person by telling that such person who expects others to bow before him is arrogant, egoistic and a scamper and a person of very cheap mentality.

In such circumstances, someone who is identified as God is said to have created several crores of people and put them through several difficulties and problems and silently allow them to face such challenges. Then how come such a God be praised as a nice person, generous, person full of kindness, who does not differentiate between people and someone who does not have any pride? How can an intelligent human being praise God with such words?

51. On the benefit of Gods, Thanthai Periyar had written thus:-

Why so many Gods for the Hindus? How did it all come? Apart from the several thousand Gods, look what are the other things that have become Gods? From the cow dung to Cow, horse, buffalo, monkey, bandicoot, eagle, crow, snake, tree, plant, stone, sand, metal, paper also have become God. Even nude figures are been worshipped as God. At a temple in Kasi, there were two live dogs that were lying inside the temple. I have personally seen pooja and rituals being performed for the dogs. For doing such things, the pundits have some philosophical explanations to be given. Apart from this, for these Gods, wife, children, illicit wives, food, sleep, procreation have all been spoken and explained about. Moreover, marriage of God and even death have been spoken and explained about.

Do you know, for the sake of Vaikunda Ekadasi, Arudra Darshan, Thai Poosam, Karthigai Deepam, Thirupathi Kudai, holy bath at Tiruchendur and Rameswaram, several crores of rupees have been spent and wasted? also taking into additional consideration, the travel expenses of the persons, expenses towards rituals, impact on persons' health, indiscipline and taking into consideration all of the above, the kind of expenses that happen to the people, if all considered, then I am asking whether the public get any benefits or suffer losses because of these Gods? If these expenses are saved and those monies are used for the betterment of the society, then the government can save the money and can run the government without taxing the public.

Excerpts from the speeches made by Thanthai Periyar in the self-respect conference at Salem-Namakkal on 12-12-1937 and in the Public meeting held in the same day evening (Kudiarasu 19-12-1937)

Moreover, just think about how idiotically are we behaving by

using the name of God of using devotion as a reason to justify the idiotic behaviours, just think. Are we thinking why are we doing such acts like, taking Kavadi and dancing around, rolling on the streets, tonsuring the head, applying sand and ashes on the body and forehead, poking the body with strings and piercing the body with knives and taking bath in dirty water? What is the purpose of doing these acts?

52. Thanthai Periyar's Philosophical Explanation to religion and god, as summarised by the learned Senior Counsel, is reproduced:-

PHILOSOPHICAL EXPLANATION

Friends, our leader, when he mentions about God, he said "God is Almighty, is present everywhere, and he is the one who does everything". Also additionally, when our leader spoke about religion, he said "religion brings about a relationship between the human beings and God". This is not a gathering for religious devotion neither a gathering for mythical discourse. But this is a gathering which has assembled here for a discussion on the topic of philosophical explanation. Therefore, the philosophy of religion and God will have to be discussed simply and straight forwardly and the blunt truth will have to be discussed in this forum. Therefore I am talking in such straight forwardness.

God is all powerful and almighty. He is present everywhere. Everything in this world happens because of him. Without his presence nothing happens. No one is above God. A person who says this about God and then he tells that I say there is no God and I deny the presence of God. This is equivalent to that Brahmin saying so.

53. Thanthai Periyar's views on existence of God, reads thus,

When the God is in existence, what is the benefit for someone to tell that God does not exist? If nothing happens without the presence of God, then it is he who is making a person think and say

that the God does not exist and what is the benefit that God achieves for making a person say that? Therefore, will a human do such an idiotic action? Or will God make such idiotic things to ever happen? If someone can think about this even to the minutest level, and the person has the capacity to think, then he will not point out finger on someone else and say he is an Atheist or someone is denying the presence of God.

Why God? What is God? For what purpose is God? These explanations are required for every philosophical investigator to understand. A man has rational thinking capability. That is existing for researching purpose and not for blind barbaric existence. If the man is misusing the rational thinking capability, then he will get himself into untold difficulties.

To overcome the difficulties that he has put himself through, man has created GOD. Why King? Why citizens? Why rich and poor? Why upper caste and lower caste? Why lazy master and hardworking labourer? Why a beggar and Lord?

If God is not able to protect and manage these qualities or differences, then what is the use of God? What is the good that God has done?

Is a God required for such an act?

Why God? Did it appear to mankind automatically? Or was it created by other people? If it had occurred automatically to mankind, then why did it not occur to everyone? Why did it appear differently to different persons? Why is the nature and power of God appearing differently to different persons?

If it was created by someone, then why was it created? Whatever the purpose for which it was created, has the purpose been achieved? Has the people who created god succeeded? If God is seen or has been taught to human beings, then why is human being working

against the nature of God and against the wishes of God's nature?

54. On religion, Thanthai Periyar's views,

RELIGION

Therefore when we think about religion, then if we put forward questions such as why religion? for what purpose? Then for these questions, religion creates the link between the human beings and God, and the religion has been created by learned people with godliness as the way to reach God. These are the answers given by them. The persons who are occupying leadership positions as of now also had spoken similarly in the beginning days. Is it appropriate for philosophical research? Because it appears far less powerful than the nature and power of God. To build a relationship between god and human being, where is the necessity of some other person or why if someone with godly quality is required?

What does it mean by creating a relationship? Where is the necessity for someone to create a relationship for someone who is resent everywhere and who is the almighty? Why? How? Who is building the relationship for trees, plants, insects, worms and bird species? When there is no necessity for another person (religion) to bring about a relationship between non-rational living beings and God, then what is the necessity for religion to bring about relationship between the rational human being and God? If there is a necessity for building a relationship, would this explanation withstand the test of investigative research?

Everything is God's wish. No one has right to speak about it. If this statement has been accepted and if philosophical explanation is to be sought for it, then that's a different thing. But whatever that is being discussed here is without exception begins from the foundation of the entire philosophy. Philosophy means philosophical explanation.

In that God and religion will have to be intertwined and they cannot be ignored.

First of all, if religion is required to understand and reach God, then isn't there a restriction on the number of religions? Isn't there a restriction on the number of godly people for that? Within these religions, then why are contradictions existing between the religions that have been created by god men. If it is said that, all these pertains to the ignorance of the people and does not pertain to the nature of religion, then: humans who describe themselves in the name of religion, they themselves do not understand another human being and fight amongst themselves and have prejudices, hatred, against each other, and they stand apart and are split from each other. Under such circumstance, how can they know and understand God who is not visible and who is not easily understandable? How can they reach God? Think about this. The god men who have created religion that has given space for such fights, hatred, destruction and damage, how can such people have godliness in them? Just think about it.

Human beings are more intelligent than other living creatures, therefore with the sole intention of fulfilling the selfishness created out of the emotion, and when the selfishness spreads, it creates a rift between other human beings and other living creatures. It can reach the extent of harming other living beings. When it can reach such extent, then it can create destruction to the society; since such situation will not create well being. It can be said that as a remedy to the above situation people have created God and religion.

For a human being who roams around freely in the forest, there was no necessity for God and religion. For a human being who is the native of the forest, natural in habitat and the experience of nature was the God and religion. Because he was living in harmony with the nature. But when the same man becomes, the resident of the

countryside and when he gets into the societal life, then in every department the man has to live against the nature. The society makes him go against the nature. Only if a man lives against the nature, only then he will be able to survive in today's society. Otherwise he will have to live the life of an animal species only.

If we have to look into the philosophical explanation God and religion defines how a man should think, how a man should act and how he should behave. It has also created a fear amidst the human beings as in if he fails to do as defined, then the man will suffer some punishment or will face some kind of hardships. God and religion are used only for this and not for anything else. If anything else has to be said, if a human thinks and acts in a particular manner and if he performs such good deeds, then he will be entitled for such blessings and will be blessed with a place in the heaven. That is, it kindles the greed of the humans by giving hope about gaining more than what he is eligible and against the nature. It is only for this God and religion are being used for. So thus, these two actions, that is fear of punishment and kindling greed of goodness are the rulers of the societal life. God and religion are able to achieve even those things that are not able to be achieved by law and punishments. For achieving this God and religion are required.

For example/ if there is no God in this world, then there will be neither a wealthy person nor a pauper in this world. In the same way there will be no upper caste person or upper caste and no lower caste person and no lower caste in the society in the absence of God. There will be no ordinary human being and no Mahathma. Therefore to protect the rich, wealthy, upper caste, religion and god has become absolute necessity. Apart from that only if religion exists king will be able to rule the country and punishments can be inflicted against persons. If belief on God and religion has been established among the people, then those things that could not be controlled by the ruler of

the nation also could be controlled by God. Those things that cannot be changed by Law can be changed by religion.

Excerpts from speech of Thanthai Periyar on 15-11-1946 at Salem College Arts club on the topic Philosophical Explanation

HUMAN STRUCTURE

What is meant by being Human? What is meant by Soul? According to logical reasoning, what is the philosophy? if we think about that, human being is one another element in this universe amongst the several other elements that exist in this universe. The elements in this universe are categorised in to living beings and non-living beings; functioning and nonfunctioning beings. All those things are joint things and all those are identified by specific names. For each of the appearance, they are identified by a particular nomenclature.

55. Thanthai Periyar has said that there is need to defy God and the same reads thus,

NEED COURAGE TO DEFY GOD

To those people who identify me and call me as an atheist, I am an atheist according to the meaning that they give to the term atheism. I would like to reinforce this. If I am afraid of atheism, then I will not be able to do any things in this society. Moreover, if I will have to spread the philosophy of equitable socialism, only an atheist will be able to achieve that. Atheism is nothing but equitable socialism. Therefore they call the Russian government an atheist government. Buddha is also identified to be an atheist only because he tried to spread equitable socialism."

56. On castes, Thanthai Periyar has written an essay on 21.05.1949, issue of Kudiarasu, on the topic "Atheism and Social Equitability",

An essay written by Thanthai Periyar in the 21-5-1949 issue of Kudiarasu On the topic "Atheism and Social Equitability"

The caste discrimination as upper caste and lower caste, wealth versus poverty, master and slave classification, if it is said that God and past deeds are the reason for such discrimination, then where is the independence, for the humans and where is development? Unless and until God and Karma (effects of the past deeds) are abolished from the society, how much can a man struggle to abolish that?

If a mound and a pit are because of the acts of God, then efforts taken to pull down a mound and fill the pit will be against the wishes of God. If growing hair in the face of the human beings is an act of god, then shaving that hair is against the act of God. That is also to a certain extent an atheist action. Moreover, even after shaving since hair grows again and again, and when that hair is shaven again and again, that is an extreme case of atheism. If a beggar is being given food, that is also atheism only. Because, for the past deeds of a man, god has made him a beggar and if we defy and feed that beggar, that is in a way acting against the wishes of God, so that is also against God only. That is, an act without believing god and an act of insulting god only. If we keep looking into the details like this, then there can be no theist in this world. Therefore, according to us, since we want several changes to be brought into the society, all those can lastly be considered as atheism. Without atheism, and acting against the sastras and the concept of dharma, no one can bring about even any small reform into the society.

57. On Atheism, Thanthai Periyar has written in Viduthalai, dated 30.07.1950,

WHAT IS ATHEISM

That apart, the above mentioned, that is, the qualities that have been defined to be existing in God, and those of them who think that there is no God who exists with the mentioned qualities or people who think such God can't exist, amongst those people, if it can be shown that the vices mentioned earlier such as theft, lies, torturing others and betrayal would be existing more in them, more than among the theists or if those people have not done anything good to others like the theists. Is there any of such possibilities that could be said about people who do not believe in the existence of God, nothing of such kind could ever be said against them.

58. On poor God among Gods, Thanthai Periyar has said thus,

First you should think, we were the first people to fight for the right of the Adi Dravida Community people to enter the temples. We were the first ones in this country to raise the voice for them and for that reason, we made those people and our friends enter the temples for the first time. We were the first to create that revolution in India. Even Gandhi said that separate temples could be built for Adi Dravidas and he never said that in what way the son of an Adi Dravida? And he also never told that they also have the right to enter into the temples. If more details have to be studied, for the purpose of building separate temples and amenities for the Adi Dravida people, several lakhs of rupees as funds was allocated by Marwari people. At that time we raised our voice and only after that Gandhi also had to give his voice towards removing untouchability. In the Malayali country, the

kind of atrocities the people of the Adi Dravida community were put through untold sufferings. That should be respectfully remembered. They were put through discrimination such as, they do not have the right to walk in the streets where the people from the upper caste were residing. Only when we went there and created a revolution by raising our voice against the discrimination and we were jailed for raising our voice, and only after that the discrimination got reduced.

59. Excerpts from the speech of Thanthai Periyar at his 76th birth day celebrations at Ponmalai on 19.09.1954 (Viduthalai 27.09.1954), is reproduced:-

We have been discriminated as untouchables based on religion, sashtras and nature of God and we have been categorised as prostitutes and son of prostitute. Has any party has considered the abjection that you have been put through and have they worked for your upliftment against that? Or they working for that now atleast? Several parties such as Congress, communist, socialist have been saying many things and have been working with the sole intention of making money and achieving positions and titles out of that. They have been cheating our Tamil people.

60. Excerpts from the speech of Thanthai Periyar at Sandhai Pudhupalaiyam on 25.09.1958 (Viduthalai 04.10.1958), is reproduced:-

GOD-RELIGION-SOCIO POLITICS-DO WE CONTINUE TO BE BARBARIC

Even in religion, our people are barbaric only. If you ask anyone what is your religion, he would say Hinduism. If you ask him who is the head of your religion, he wouldn't know what to say. If the same question is asked to a Christian, he would say Jesus Christ; if the same

question is asked to a Muslim, he would say Prophet Mohammed.

If we ask our people what is the foundation of your religion, he would say Manu Needhi, or Vedas, or Ramayanam, or Baratham or Bagavath Geetha. Each of these would be contradicting each other. But for Christians it is Bible and for Muslims it is Quran.

61. Excerpts from the speech of Thanthai Periyar at the grand reception held for him at Coimbatore on 14.02.1958 ("Viduthalai" - 25.12.1958), is reproduced:-

Why should Godly qualities were featured as not so appropriate qualities amongst the general public in the society? Who thought about this? 1500 years before Buddha said, give work to your intellect, allow it to be independent, asked people question everything as to why, when and how? He also said just because something has been said by a learned person or a Rishi or by God, do not just blindly believe it or trust it. Did anybody listen to his words? Buddha was chased out of his own country, the women of his country were raped, houses were burnt and his disciples were threatened with death threats. Why in the land where Buddha was born, his policies are not there? Then how did it spread to other foreign countries? What is the reason for it being spread in foreign countries?

62. Excerpts from the speeches of Thanthai Periyar at meetings held at Aralvaimozhi and Eethamozhi on 26.12.1958 (Viduthalai 16.01.1959), is reproduced:-

Today we are raising our voice against and fighting for removal of the caste system and we are worried about how people are exploited in the name of God and Sasthras. In the same way Buddha

appeared and struggled for making people understand that there is nothing called as Caste and there is nothing called as soul. That was an era when much of comforts and facilities were not available. It was before 2500 years.

Buddha was worried about the ignorance and exploitation of the people born in the foothills of the Himalayas and he tried to enlighten those people with his ideologies.

63. Speech of Thanthai Periyar at the wedding of Venkadachalam and Vetrikodi at Pudhiragoundanpalayam on 04.04.1959 (Viduthalai 19.04.1959), is reproduced:-

When there was a chaste woman, and three Gods has appeared and tried to damage the chastity of the women. Such Gods who lack the basic discipline and that sasthanas which insults women and Rishis and God men who were not born to a father. Brahmins say that, if people don't listen to such immoral God men, then that marriage will not be considered as valid.

64. Essay written by Thanthai Periyar for the daily Viduthalai dated 07.10.1962, is reproduced:-

Therefore for Tamilian, there is no God, no temples, no sacred water and No Tirupathi for him.

65. On creation of God, Thanthai Periyar wrote thus,

PRINCIPLE OF GOD

God is not a separate thing. It is everything that has been created by the humans or those that are created or that are being created by the principle nature. Apart from this there are nothing that have been made or created by God.

66. The editorial written in the daily Viduthalai by Thanthai Periyar on 20.10.1967, is reproduced:-

The humans are the one who gave a figure to God. He created a figure of God similar to humans. He has defined birth, death, nature similar to humans, wife, children, food, clothes, house to reside for God. The person who defines such things to God thinks of himself as a God believer or a theist. But he does not understand that these acts are against the belief of God.

67. The editorial written in the daily Viduthalai by Thanthai Periyar on 11-10-1969, is reproduced:-

People who are intelligent and straight forward are just bothered about their selfish interest and they do not think about these idiots and they keep going ahead with their lives. Only those people who preach about God, scampers, rogues and scoundrels are those people who involve themselves in forcible activities and commit crimes such as murder and other activities against the welfare of the society and they kill people in mass numbers.

68. Thanthai Periyar views on those preach God, is extracted

hereunder:-

A person who is spreading God is a scoundrel-Explanation

None of those people who preach about God, have learnt and understood about God and the philosophy of God and are acting accordingly. All those people who spread God or Teach about God or write stories about God or write about the mythology of God or people who wrote the literature of God or those people who constructed the temples and who consecrated the statues of God in these temples and those people who does the Pooja and rituals for God and people who conduct the festivals for God, all these people are not doing these above acts based on the principles of straightforwardness or being trustworthy or based on the principle of discipline. They are not spreading god or doing things based on principles.

They initially started saying that God does not have a shape or any specific quality. Later they went on to say that god is almighty and all powerful and he has the power and capability to understand everything, he knows everything and then they said God is an incarnation of kindness and love. Then they also said without God not even an atom can be moved. They gave all these explanations about God and his power and they taught all this to the common man and made the common man believe all that. Then later, gave a completely opposite nature and character to God and to show that they built temples, created statues and created several rituals and based those started conducting several poojas and started celebrating many rituals and festivals and through all these they started spreading God. Those people who are involved in these activities, are they scoundrels or and not? Just think about it.

69. Excerpts from the editorials dated 14.03.1970, 14.04.1970 and

14.05.1970 in the "Unmai" publication, are extracted hereunder:-

ANYONE WHO PRAYS TO GOD IS BARBARIC-EXPLANATION

Generally saying, in this world whoever is praying to God, does he know what is considered to be God? What is its kind? What is its nature?, Character? Is that person knowing all this and realises that and then prays to God? Is that the case, No. As against this, God is considered to be on par with the humans and he is given the characteristics similar to human, and that individual, without taking into consideration how is he behaving or how he had been behaving or how he should be behaving and ignoring all that he has been doing and being least bothered about it and not even with the intention of seeking pardon for the unacceptable actions that has been done by him, he just prays god for attaining great heights in all his walks of life. Only with this greed the person prays to God.

70. Excerpts from the speeches of Thanthai Periyar on 09.04.1971 at Dharmapuri and on 04.05.1971 at Mayuram Madhirimangalam. (Viduthalai 04.06.1971, 09.06.1971), is reproduced:-

In the name of God many immoral stories were being said. The Gods were being used to degrade humans. Why do we need such gods? Why should we be degraded in the society? If our degradation cannot be removed by these people, then we shall invite Muslims or Chinese or the Russians and with their help we shall come out our degradation. We can achieve only when we have the courage.

If someone thinks that we are blaming God, then there can be no one else who can be more idiotic than him. When they claim that without God not even an atom can move, then they should also accept and believe that only because of the instructions of God we are hitting

God with slippers and they should not believe that I am doing it out of my own will. If they think so, that itself is an act of not believing in God, isn't it?

71. In *Ramji Lal Modi vs. State of U.P.*, reported in *AIR 1957 SC 620* a petition under Article 32 of the Constitution of India, was filed to declare Section 295A of the Indian Penal Code as ultra vires of the Constitution of India. On the contention that Section 295A, offends Articles 25 and 26 of the Constitution of India, at paragraph Nos.8 and 9, a Constitutional Bench of the Hon'ble Supreme Court, held thus:-

"8. It is pointed out that Section 295-A has been included in Chapter XV of the Indian Penal Code which deals with offences relating to religion and not in Chapter VIII which deals with offences against the public tranquillity and from this circumstance it is faintly sought to be urged, therefore, that offences relating to religion have no bearing on the maintenance of public order or tranquillity and consequently a law creating an offence relating to religion and imposing restrictions on the right to freedom of speech and expression cannot claim the protection of clause (2) of Article 19. A reference to Articles 25 and 26 of the Constitution, which guarantee the right to freedom of religion, will show that the argument is utterly untenable. The right to freedom of religion assured by those Articles is expressly made subject to public order, morality and health. Therefore, it cannot be predicated that freedom of religion can have no bearing whatever on the maintenance of public order or that a law creating an offence relating to religion cannot under any circumstances be said to have been enacted in the interests of public order. Those two Articles in terms contemplate that restrictions may be imposed on the rights guaranteed by them in the

interests of public order.

9. Learned counsel then shifted his ground and formulated his objection in a slightly different way. Insults to the religion or the religious beliefs of a class of citizens of India, may, says learned counsel, lead to public disorders in some cases, but in many cases they may not do so and, therefore, a law which imposes restrictions on the citizens' freedom of speech and expression by simply making insult to religion an offence will cover both varieties of insults i.e. those which may lead to public disorders as well as those which may not. The law insofar as it covers the first variety may be said to have been enacted in the interests of public order within the meaning of clause (2) of Article 19, but insofar as it covers the remaining variety will not fall within that clause. The argument then concludes that so long as the possibility of the law being applied for purposes not sanctioned by the Constitution cannot be ruled out, the entire law should be held to be unconstitutional and void. We are unable, in view of the language used in the impugned section, to accede to this argument. In the first place clause (2) of Article 19 protects a law imposing reasonable restrictions on the exercise of the right to freedom of speech and expression "in the interests of public order", which is much wider than "for maintenance of" public order. If, therefore, certain activities have a tendency to cause public disorder, a law penalising such activities as an offence cannot but be held to be a law imposing reasonable restriction "in the interests of public order" although in some cases those activities may not actually lead to a breach of public order. In the next place Section 295-A does not penalise any and every act of insult to or attempt to insult the religion or the religious beliefs of a class of citizens but it penalises only those acts of insults to or those varieties of attempts to insult the religion or the religious beliefs of a class of citizens, which are perpetrated with the deliberate and malicious intention of outraging the religious feelings of that class.

Insults to religion offered unwittingly or carelessly or without any deliberate or malicious intention to outrage the religious feelings of that class do not come within the section. It only punishes the aggravated form of insult to religion when it is perpetrated with the deliberate and malicious intention of outraging the religious feelings of that class. The calculated tendency of this aggravated form of insult is clearly to disrupt the public order and the section, which penalises such activities, is well within the protection of clause (2) of Article 19 as being a law imposing reasonable restrictions on the exercise of the right to freedom of speech and expression guaranteed by Article 19(1)(a). Having regard to the ingredients of the offence created by the impugned section, there cannot, in our opinion, be any possibility of this law being applied for purposes not sanctioned by the Constitution. In other words, the language employed in the section is not wide enough to cover restrictions both within and without the limits of constitutionally permissible legislative action affecting the fundamental right guaranteed by Article 19(1)(a) and consequently the question of severability does not arise and the decisions relied upon by learned counsel for the petitioner have no application to this case."

72. In the *State of Uttar Pradesh vs Lalai Singh Yadav*, reported in (1976) 4 SCC 213, the Hon'ble Supreme Court, dealt with an issue as to whether the book, Ramayana, A True Reading in English and Hindi Translation offended the feelings of Hindus by insulting their religion and religious belief and therefore publication of the book is punishable under Section 295-A of I.P.C. Government of Uttar Pradesh, passed an order under Section 99-A of the Code of Criminal Procedure. Publisher made an application under Section 99-C of the Code of Criminal

Procedure to the High Court, which quashed the notification. State was appellant before the Hon'ble Supreme Court.

73. In *Lalai Singh Yadav's* case, the Hon'ble Supreme Court, considered the submissions of the State of Uttar Pradesh, and the constitutional rights, and freedom of expression we deem it fit to extract, paragraph Nos.5 and 6 of the said Judgement,

5. Even so, counsel for the appellant contends that the references in the forfeited book, as indicated in the appendix to the order, are so loudly repulsive and malevolently calumnious of Sree Rama, Sita and Janaka that the court must vicariously visualise the outraged feelings of the Hindus of Uttar Pradesh and hold that the grounds are written in the order in invisible ink. When we assess the worth of this submission we have to notice (a) the constitutional perspective i.e. whether the basic freedoms are sought to be legally handcuffed; and (b) the existence of alternative possibilities of popular understanding of the proscribed publication which necessitate some statement of the circumstances and the reasons which induced the government in the given conditions of ethos and otherwise to reach the opinion it has recorded.

6. The State, in India, is secular and does not take sides with one religion or other prevalent in our pluralistic society. It has no direct concern with the faiths of the people but is deeply obligated not merely to preserve and protect society against breaches of the peace and violations of public order but also to create conditions where the sentiments and feelings of people of diverse or opposing beliefs and bigotries are not so molested by ribald writings or

offensive publications as to provoke or outrage groups into possible violent action. Essentially, good Government necessitates peace and security and whoever violates by bombs or books societal tranquillity will become target of legal interdict by the State.

74. On the invocation of the powers under Section 99A of the Code of Criminal Procedure and Article 19 of the Constitution of India, Hon'ble Supreme Court in *Lalai Singh Yadav's* case, observed thus:-

11. *The fighting faith of our founding fathers respected Mills' famous statement and Voltaire's inspired assertion. We quote:*

"If all mankind minus one were of one opinion, and only one person were of the contrary opinion, mankind would be no more justified in silencing that one person than he, if he had the power, would be justified in silencing mankind. (Mill in his essay 'On Liberty', pp. 19-20: Thinkers' Library Ed., Watts)

I disapprove of what you say, but I will defend to the death your right to say it." (Attributed to Voltaire in S.G. Tallentyre: The Friends of Voltaire, 1907)

12. *Rights and responsibilities are a complex system and the framers of our Constitution, aware of the grammar of anarchy, wrote down reasonable restrictions on libertarian exercise of freedoms. Dr Ambedkar, in the Constituent Assembly, argued that it is incorrect to say that fundamental rights are absolute and quoted from Gitlow v. New York [(1925) 268 US 652 : 69 L Ed 1138] two self-speaking passages:*

“It is a fundamental principle, long established, that the freedom of speech and of the press, which is secured by the Constitution, does not confer an absolute right to speak or publish, without responsibility, whatever one may choose, or an unrestricted and unbridled licence that gives immunity for every possible use of language and prevents the punishment of those who abuse this freedom.

* * *

That a State in the exercise of its police power may punish those who abuse this freedom by utterances inimical to the public welfare, tending to corrupt public morals, invite to crime or disturb the public peace, is not open to question”

13. Section 99-A of the Code, construed in this condescent constitutional conspectus, bears out our interpretation. In the interests of public order and public peace, public power comes into play not because the heterodox few must be suppressed to placate the orthodox many but because everyone's cranium must be saved from mayhem before his cerebrum can have chance to simmer. Hatred, outrage and like feelings of large groups may have crypto-violent proneness and the State, in its well-grounded judgment, may prefer to stop the circulation of the book to preserve safety and peace in society. No enlightened State would use this power to suppress advanced economic views, radical rational criticisms or fearless exposure of primitive obscurantism but ordered security is a constitutional value wisely to be safeguarded if progressives and regressives are to peacefully coexist. This is the spirit of Section 99-A of the Code. The actual exercise will depend not on doctrinaire logic but practical wisdom. While the American theory of clear and present danger as the basis of restriction on fundamental rights does not necessarily apply in India, the illuminating observations of

Holmes, J. serve to educate the administrator and Judge. In Schenk v. U.S. [(1919) 249 US 47, 52 : 63 L Ed 470, 473-474] Holmes, J. drove home the true test:

“We admit that in many places and in ordinary times the defendants, in saying all that was said in the circular, would have been within their constitutional rights. But the character of every act depends upon the circumstances in which it is done... The law's stringent protection of free speech, would not protect a man in falsely shouting ‘fire’ in a theatre, and causing panic. It does not even protect a man from an injunction against uttering words that may have all the effect of force.... The question in every case is whether the words used are used in such circumstances and are of such a nature as to create a clear and present danger that they will bring about the substantive evils that Congress has a right to prevent. It is a question of proximity and degree.”

Developing this theory in a famous passage in Abrams v. U.S. [(1919) 250 US 616, 629 : 63 L Ed 1173, 1180] he said:

“Persecution, for the expression of opinions, seems to me perfectly logical. If you have no doubt of your premises or your power and want a certain result with all your heart you naturally express your wishes in law and sweep away all opposition. To allow opposition by speech seems to indicate that you think the speech impotent, as when a man says that he has squared the circle, or that you do not care wholeheartedly for the result, or that you doubt either your power or your premises. But when men have realised that time has upset many fighting faiths, they may come to believe even more than they believe the very foundations of their own conduct that the ultimate good desired is better reached by free trade in ideas – that the best test of truth is the power of the thought to get itself accepted in the competition of the market; and that truth is the only ground upon

which their wishes safely can be carried out. That, at any rate, is the theory of our Constitution. It is an experiment, as all life is an experiment.”

Again, in Bowman v. Secular Society Ltd. [1917 AC 406, 466-467 : 86 LJ Ch 568 : 33 TLR 376] Lord Sumner underscored the dynamism of liberty and safety at once luminous and elegant, in a purple passage:

“The words, as well as the acts, which tend to endanger society differ from time to time in proportion as society is stable or insecure in fact, or is believed by its reasonable members to be open to assault. In the present day meetings or processions are held lawful which a hundred and fifty years ago would have been deemed seditious and this is not because the law is weaker or has changed, but because, the times having changed, society is stronger than before. In the present day reasonable men do not apprehend the dissolution or downfall of society because religion is publicly assailed by methods not scandalous. Whether it is possible that in the future irreligious attacks, designed to undermine fundamental institutions of our society, may come to be criminal in themselves, as constituting a public danger, is a matter that does not arise. The fact that opinion grounded on experience has moved one way does not in law preclude the possibility of its moving on fresh experiences in the other; nor does it bind succeeding generations, when conditions have again changed. After all, the question whether a given opinion is a danger to society is a question of the times and is a question of fact. I desire to say nothing that would limit the right of society to protect itself by process of law from the dangers of the moment, whatever that right may be, but only to say that, experience having proved dangers once thought real to be now negligible, and dangers once very possibly imminent to have now passed away, there is nothing in the general rules as to blasphemy and irreligion ... which prevents us from varying their application to the particular circumstances of our time in

accordance with that experience.”

14. Such is our constitutional scheme, such the jurisprudential dynamics and philosophical underpinnings of freedom and restraint, a delicate area of fine confluence of law and politics which judges by duty have to deal with.

15. The journey's end has now arrived. Government has the power and responsibility to preserve societal peace and to forfeit publications which endanger it. But what is thereby prevented is freedom of expression, that promoter of the permanent interests of human progress. Therefore, the law (Section 99-A) fixes the mind of the Administration to the obligation to reflect on the need to restrict and to state the grounds which ignite its action. To fail here is to fault the order. That is about all.

16. Before concluding, we clarify that we express no view on the merits of the book or its provocative vitriol. It depends on a complex of factors. What offends a primitive people may be laughable for progressive communities. What is outrageous heresy for one religion or sect or country or time may be untouchably holy for another. Some primitive people may still be outraged by the admonition of Swami Vivekananda:

“Our religion is in the kitchen, our God is the cooking pot, and our religion is ‘don't touch me, I am holy’ ” (quoted at p. 339 by Jawaharlal Nehru in *Discovery of India*).

The rule of human advance is free thought and expression but the survival of society enjoins reasonable curbs where public interest calls for it. The balance is struck by governmental wisdom overseen by judicial review. We speak not of emergency situations nor of constitutionally sanctified special prescriptions but of ordinary times and of ordinary laws.

17. A parting thought which we put to appellant's counsel may

be stated here. If the State Government, judging by current circumstances, feels impelled to invoke Section 99-A against the book in question, it is free to do so, subject of course to fulfilment of the requirement to state the grounds of its opinion and the operation of Section 99C of the Code.

18. Our detailed discussion disposes of the question of law and resolves the conflict imminent or apparent in the rulings of the various High Courts ranged against each other. They are: Arun Ranjan Ghose v. State of West Bengal [ILR (1957) 2 Cal 396] and Jwalamukhi v. State of A.P. [ILR 1973 AP 114] which support the view propounded by the appellant, and Mohammad Khalid v. Chief Commissioner [AIR 1968 Del 13 : 1968 Cri LJ 50] . Chinna Annamalai v. State [AIR 1971 Mad 448(FB) : 1971 Cri LJ 1569] and Bennett Coleman & Co. Ltd. v. State of J & K [1974 J&K LR 591] which held with the Allahabad judgment under appeal. Perhaps there is no need to discuss the ratio in each of the above cases as the rival points of view have been already covered in the earlier part of this judgment.

19. The possible invocation of the powers under Section 99-A of the Code of Criminal Procedure by various State Governments on several occasions induces us to enter a caveat. Basic unity amidst diversity notwithstanding, India is a land of cultural contrarities, coexistence of many religions and anti-religions, rationalism and bigotry, primitive cults and materialist doctrines. The compulsions of history and geography and the assault of modern science on the retreating forces of medieval ways – a mosaiclike tapestry of lovely and unlovely strands – have made large and liberal tolerance of mutual criticism, even though expressed in intemperate diction, a necessity of life. Governments, we are confident, will not act in hubris, but will weigh these hard facts of our society while putting into operation the harsh directives for forfeiture. From Galileo and Darwin, Thoreau and Ruskin to Karl Marx, H.G. Wells, Bernard Shaw

and Bertrand Russell, many great thinkers have been objected to for their thoughts and statements – avoiding for a moment great Indians from Manu to Nehru. Even today, here and there, diehards may be found in our country who are offended by their writings but no Government will be antediluvian enough to invoke the power to seize their great writings because a few fanatics hold obdurate views on them.

20. A well known Mao thought aptly expresses the liberalist approach to divergent schools of philosophy:

“Letting a hundred flowers blossom and a hundred schools of thought contend is the policy for promoting the progress of the arts and sciences.”

Harold Laski, who influenced many Indian progressives, in his *A Grammar of Politics* states a lasting truth:

“There is never sufficient certitude in social matters to make it desirable for any Government to denounce it in the name of the State. American experience of the last few years has made it painfully clear that there will never be present in constituted authority a sufficient nicety of discrimination to make it certain that the opinion attacked is one reasonably certain to give rise to present disorder.

* * *

It is no answer to this view to urge that it is the coronation of disorder. If views which imply violence have a sufficient hold upon the State to disturb its foundations, there is something radically wrong with the habits of that State.

* * *

Almost always – there are rare cases in which persecution has proved successful – the result of free expression is such a mitigation of the condition attacked as to justify its use; almost always, also, to prohibit free speech is to drive the agitation underground. What made

Voltaire dangerous to France was not his election to the Academy, but his voyage to England. Lenin was infinitely more dangerous to Czarist Russia in Switzerland than he would have been in the Duma. Freedom of speech, in fact, with the freedom of assembly therein implied, is at once the katharsis of discontent and the condition of necessary reform. A government can always learn more from the criticism of its opponents than from the eulogy of its supporters. To stifle that criticism is – at least ultimately – to prepare its own destruction.”

Ultimately, considering the rights granted under Article 19 of the Constitution of India, the Hon'ble Supreme Court, dismissed the State appeal.

75. From the above detailed discussion, it could be deduced that the Hon'ble Supreme Court, has accepted the divergent views on philosophy, and that there cannot be a prevention of freedom of expression, with permanent interest of human progress.

76. Views of Thanthai Periyar, as reflected in the book, Ramayana, A True Reading in English and its Hindi translation though claimed by the State of Uttar Pradesh as sacrilegious, outrageously objectionable, being deliberately and intentionally made, intending to outrage the religious feelings of the Hindus and thus, objectionable, warranting publication, punishable under Section 295-A of IPC, by

issuing a notification under Section 99A of the Code of Criminal Procedure, Hon'ble Supreme Court held that it is illegal. Giving due consideration to the facts considered in Lalai Singh Yadav's case, the decision of the Hon'ble Supreme Court on freedom of expression enshrined under Article 19 of the Constitution of India, on the facts and circumstance of this case, and applying the same to the facts on hand, we have no hesitation to conclude that writing and speeches of Thanthai Periyar, cannot be curtailed.

77. In *T. Kannan vs. Liberty Creations Ltd.*, represented by its Producer-cum-Director, Mr.Gnanarajasekaran, Chennai, and others reported in **2007-2-LW-246**, a writ petition was filed for a Mandamus in Public Interest, directing the 1st respondent therein to delete a song from a film, Periyar. Song according to the petitioner, contained criticism of Goddess Sita. Though the learned counsel for the petitioner therein contended that late Thanthai Periyar E.V. Ramasamy might be a rationalist, but he was not a nationalist and that according to the petitioner therein, the song in question, supposedly based on the philosophy of Thanthai Periyar E.V. Ramasamy, as part of his campaign against demystification of mythology contains vulgar reference to Lord

Rama and Goddess Sita and the words hurt the religious sentiments of Hindu community and prayed to delete the song, after considering the reply of the Central Board of Film Certification, New Delhi, taking note of a book, "Towards a Non Brahmin Millennium and several other books available in the market, a Hon'ble Division Bench rejected the prayer. Hon'ble Bench, ordered thus,

"7. The film "PERRIYAR" is based on the life of Periyar E.V. Ramasamy, who was leader of the Justice Party, which was later renamed as Dravida Kazhagam. Throughout his life, Periyar E.V. Ramasamy worked for the removal of untouchability, eradication of caste system, upholding of the rights of women as a crusader of social justice and spreading of rationalism, self-respect and social revolution. Being a rationalist he exhorted people to imbibe scientific temper and to give up blind beliefs and superstition practices that were wasteful and harmful. In 1926, he founded the Self Respect Movement. He believed that religion continues to be vicious system for perpetuating a priestly class or in rationalistic parlance, a Brahminical hegemony and to keep the ignorant masses in fear of God. Hence, he became a crusader against God and religiosity. In a book published on the philosophy of Periyar titled "Towards a Non Brahmin Millennium" by V. Geetha and S.V. Rajadurai, in the chapter, 'Self-Respecters' Critique of Religion', the philosophy of Periyar is explained as follows: (p.307)

"If one were to place this period of his life in the context of his latter-day ctiriques of Hinduism, which were, often, satiric and provocative, it is possible to see in such matters as his relationship to

his two brahmin mendicant companions, the play of a carnivalesque energy; one that eternally delights in invoking subversion and irreverence alongside and within structures and modes of authority and power. It was this ludic element in Periyar's criticisms of religion which sustained and rendered attractive his debunking of religion and Gods and his scornful, but informed, rejections of scripture. Guided by Periyar and inspired by his transparent iconoclasm, many a Self-Respecter came to advance a theory and practice of atheism and irreverence, which reflected not only great anger and indignation, but also a saturnalian urge to debunk, parody and stand the world on its head.

'The Self-Respecters' and Periyar's views on religion comprised at least five major aspects. There was the critique of the Brahmin Priest and his ideology of privilege, rule and command, in short, a critique of brahmins and Brahminism. Then, there was the critique of scripture; of Vedas, Itihasas and Puranas, at once rationalist and subversive. Thirdly, there was the criticism of religion as world-view, an ethos that determined the believer's views on sacred, profane and secular matters. Fourthly, we have an exposition and critique of religious doctrine, of the principles that sustain belief and direct action and, lastly, there was the critique of religious practices, of festivals and rituals and happenings.'

13. Applying the basic principles laid down in the cases referred to above, we are of the view that the Censor Board, which is a multi-member body and is comprised of persons who gauge public reactions to films and, except in cases of stark breach of guidelines, should be permitted to go about its task. The Censor Board has viewed the film in question in its true perspective and had, in compliance with the requirements of the guidelines, granted the Certificate to the film. It is pertinent to note that the two of the members of the Panel which

granted Certificate to the film are women members and they did not find anything objectionable either in the film or in the song about which the petitioner has complained in the present petition. The film is about the life and teachings of Periyar E.V. Ramasamy, and reference to his views about the Vedic and Puranic Gods is inevitable. We hasten to add that several books written about the principles and philosophies of Periyar E.V. Ramasamy and they are freely available in the market and they are also available in the audio form. We are not persuaded to read the song, "Bhagwan Oru Naal Aagayam Padaichar..." featuring in the film, the way in which the petitioner wants us to read it. We therefore do not find any reason to interfere with the decision of the Censor Board to grant 'U' Certificate to the film."

78. In **W.P.No.8127 of 2012**, between **T.Thirupathi, President, Thanthai Periyar Statue Installation Committee, Krishnagiri District vs. Principal Secretary to Government**, decided on 05.07.2012, erection of Thanthai Periyar's statue was opposed. Organising Committee, challenged the said order and sought for police protection. After considering the rival pleadings, Hon'ble Justice K.Chandru, observed thus,

"The portrayal by the petitioner in his affidavit regarding Periyar's teaching only betrays his ignorance about the role played by the Periyar in the transformation of the Tamil society in many respects. He cannot be merely labelled as the propagandist for atheism. His views on caste oppression, social equality, women liberation surpasses the teachings of many contemporary leaders of

India. Men like Iyothee Thass and Periyar, like Phule and Ambedkar, were men of remarkable insight, keen sympathy and endowed with a great and original imagination. They were profoundly sensitive to the nature of ignorance, suffering and injustice in their societies and brought to their understanding a robust critical vision which helped them evolve universal categories of understanding, analysis and action. Through a creative deployment of these categories they were able to identify the extent of hurt, oppression and injustice in caste society as well as challenge its existence. Thus they shook the Hindu social order to its very roots and, to use Periyar's favourite figure of speech, stood it on its head."

79. In ***T.Thirupathi's case***, learned Single Judge at Paragraph No.11, further observed thus:-

"11.The fear expressed by the petitioner is totally unfounded. The installation of the Periyar statue in the school premises will not automatically covert the children into an atheist outlook. On the other hand, it is necessary that the school children must know the life and mission of Periyar. Ultimately the understanding of the philosophy of such a personality will only help them from having scientific temper, humanism and the spirit of inquiry and reform as enshrined under Article 51-A(h) of the Constitution."

80. Learned Single Judge has also taken note of a decision of a Hon'ble Division Bench in ***T.Amirthalingam vs. State, rep. By its Secretary, Department of Home, Chennai***, reported in ***2010 2 MLJ 1022***, wherein at paragraph No.36, it is held as follows:-

36. The second direction given in the above referred to Government Order is that such statues, memorials, memorial arches and memorial pillars that are already erected should be protected and the persons who erected them should take the responsibility for its security and maintenance..... This G.O. dated 20.11.1998 refers to an earlier G.O. Ms.No.193 dated 23.08.1990 which laid down the necessity to have the statues made in bronze. In our view, the government should insist on that condition while granting the permission. As seen in the present matter the statue got damaged with the pole falling thereon. A bronze statue will avoid any such development."

81. Petitioner in his supporting affidavit, has candidly admitted that inscriptions in the statues, do not degrade Lord Siva including his family members, Jesus or Allah.

82. If the petitioner has a constitutional right under Article 19 of the Constitution of India, to express his views on religion and existence of God, in the light of the decision of the Hon'ble Supreme Court in **Lalai Singh Yadav's** case, we are of the view that the 2nd respondent and the members of the party, or followers of Thanthai Periyar, in exercise of the rights under Article 19 of the Constitution of India, has a right to disagree with the same.

83. Going through the material and record and in the light of the

Lalai Singh Yadav's case reported in (1976) 4 SCC 213, we accept the contention of the 2nd respondent, that the petitioner cannot, by a writ of mandamus, restrict the fundamental rights, freedom of expression, as considered by the Hon'ble Supreme Court in *Lalai Singh Yadav's case*, reported in (1976) 4 SCC 213, which is not only binding, but to be applied in matters, where disputes on violation of the constitutional rights under Article 19 is alleged. 2nd respondent party has been founded on the propagation of self respect, humanism, and opposed to atheism.

84. We are of the view that it is a undisputed fact, that Thanthai Periyar, in all his speeches, publications, from 1928, had declared that there is no god, God doesn't exist, One who has created is a fool.

85. On comparison of the material on record enclosed in the typed set of papers, filed by the 2nd respondent with the one filed by the petitioner, we are of the view that there is contra material to conclude that, Thanthai Periyar, has not advocated atheism.

86. Though the learned Senior Counsel for the respondent could not produce the copy of the judgment of this Court, dismissing a similar writ petition filed to remove the inscriptions below the statute of Periyar in Trichy and Dharmapuri, we cannot ignore the same. News report reads thus,

"தஞ்சையிலே நிறுவப்பட்ட தந்தை பெரியார் அவர்களது சிலையின்பீடத்திலே பொறிக்கப்பட்ட கடவுள் மறுப்பு வாசகத்தை எடுக்கச்சொல்லி பத்தர்கள் என்று சொல்லிக் கொண்ட சிலர் தமிழ்நாடு அரசாங்கத்திற்கு கடந்த 1970ம் ஆண்டிலேயே விண்ணப்பம் கொடுத்தார்களே தமிழக அரசின் சார்பில், தலைமைச் செயலாளராக இருந்த திரு.ஈ.வி. இராயப்ப அம்.ஏ.எஸ் அவர்கள் அதற்கான பதிலில் (6/1/70) ஒருவரது பேச்சுக்களையும், எழுத்துக்களையும் அவருக்குச் சிலை எழுப்புகையில், அவரது சிலையின் பீடத்திலே பொறிப்பது வழக்கம், ஆகவே இது முற்றிலும் நியாயமான ஒன்றே யாகும் என்று பதிலளித்து இருக்கிறாரே.

அதுமட்டுமா, தஞ்சை தர்மபுரி நகரங்களில் எழுப்பியுள்ள தந்தை பெரியார் அவர்களது சிலையின் அடிப் பீடத்தில் உள்ள கடவுள் மறுப்பு வாசகங்களை எதிர்த்து சென்னை முன்னாள் துணை மேயர் உயர் திரு.டி.ஜி.கிருஷ்ணசாமி என்பவர் கொடுத்த ரிட் மனுவின் பேரில் 11.10.78 அன்று சென்னை உயர் நீதிமன்ற நீதிபதி உயர் திரு.எம்.எம்.இஸ்மாயில் அவர்கள், மனுதாரர் பிரமாணப் பத்திரத்தில் குறிப்பிட்டபடி இவ்வாசகங்களில் பொது ஒழுக்கத்தைப் பாதிப்பதாகத் கருத இடமில்லை என்றும், இ.பி.கோ. 295 25(1) பிரிவின் கீழ் இது வராது என்றும்

கட்டிக் காட்டி ரிட் மனுவைத் தள்ளுபடி செய்தார்."

87. Propagation of philosophy of self respect, social reform, ending caste system, equal rights, and Thanthai Periyar's vision to establish a society of brotherhood could be deciphered, and according to Thanthai Periyar, belief of God, was the sole reason for the inequalities in the society. Speeches and expression, extracted supra, from 1928 and enclosed in the typed set of papers makes it clear, without any iota of hesitation, one can clearly come to the conclusion that it is Thanthai Periyar's philosophy and ideology, which became a self respect movement and later on, a party. Contention of the petitioner that, everything was done by the 2nd respondent, only after the demise of Thanthai Periyar, is contrary to facts and cannot be accepted.

88. Reading of the materials enclosed in the typed set of papers, reflect Thanthai Periyar's thought and expression on God, Religion, Caste and such other issues. Thanthai Periyar was known for Atheism. Contention of the petitioner that Thanthai periyar did not advocate that there is no God and only the second respondent is doing

the same, is contrary to the views expressed by Thanthai Periyar, is wholly unacceptable, as the Speeches and Writings of Thanthai Periyar are explicit in the enclosures. Therefore, the contention of the petitioner that only after the demise of Thanthai Periyar on 18.12.1973, the 2nd respondent started propagating atheism as the principle of Thanthai Periyar and started to erect statues having the inscriptions, is not correct. Inscriptions have been made, after the demise, have been specifically denied. Thanthai Periyar believed in what he said, and there is nothing wrong in having his views inscribed in the statues.

89. Thanthai Periyar died on 24.12.1973, contention of the 2nd respondent that the inscriptions were made as per his desire, has not been disputed, because he was very much alive, at the time when the statue was unveiled. In the light of the decision of the Hon'ble Supreme Court in *Lalai Singh Yadav's* case, and as rightly contended by the 2nd respondent that the petitioner has no right to restrict the 2nd respondent, as they are protected by Article 19 of the Constitution of India. Whenever Thanthai Periyar name is used, in general, people recognize him as a non believer of God and the one who fought for

social justice and self respect. These are facts generally accepted by people. Contention of the 2nd respondent that the party has only continued the work of Thanthai Periyar and not added or deleted single word used by Thanthai Periyar, has to be accepted.

90. When the petitioner has not made any allegations against Thanthai Periyar, submission of the learned Senior Counsel on the contra, without pleadings is untenable.

91. Contention of the petitioner that Thanthai Periyar, had not advocated atheism, but only respect, and humanism, is not correct. Thanthai Periyar, had advocated both atheism and self respect. Speeches, writings, essays, which we have extracted from the summary, fortify our views.

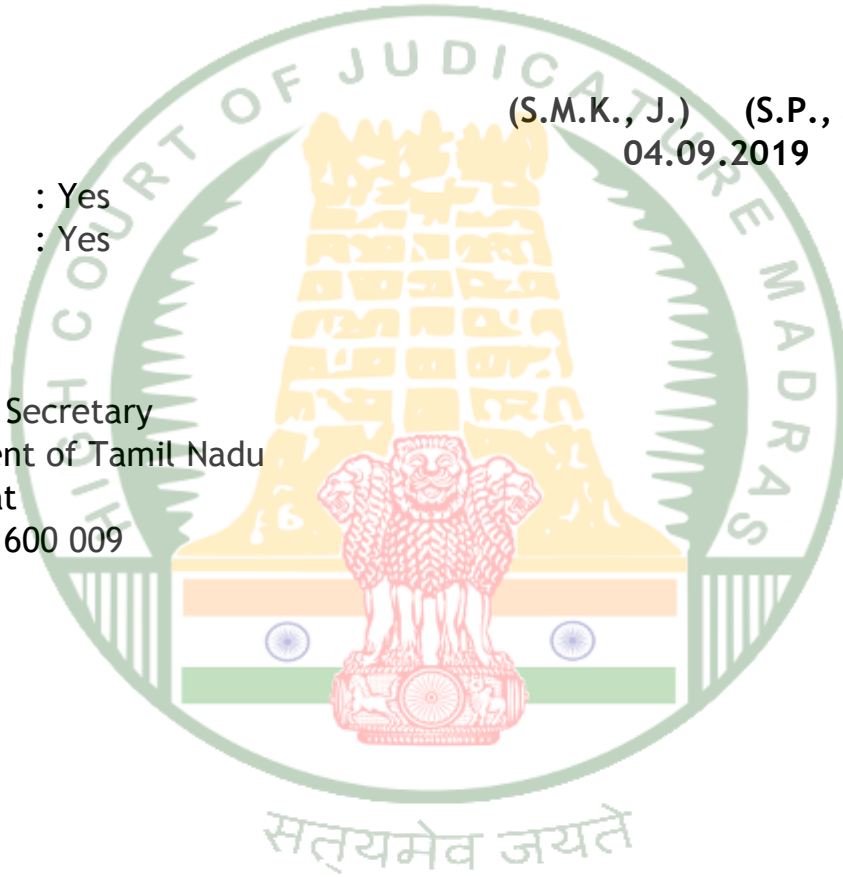
92. Going through the entire material on record, we are of the view that the 2nd respondent, Dravidar Kazhagam, has every right under the Constitution of India, to fight for social justice in eradicating inequality, right for upliftment of women and downriden people, express views on religion and existence of God.

93. In the light of the above discussion and decisions, prayer sought for, in the writ petition, cannot be granted. Writ Petition is dismissed. No costs.

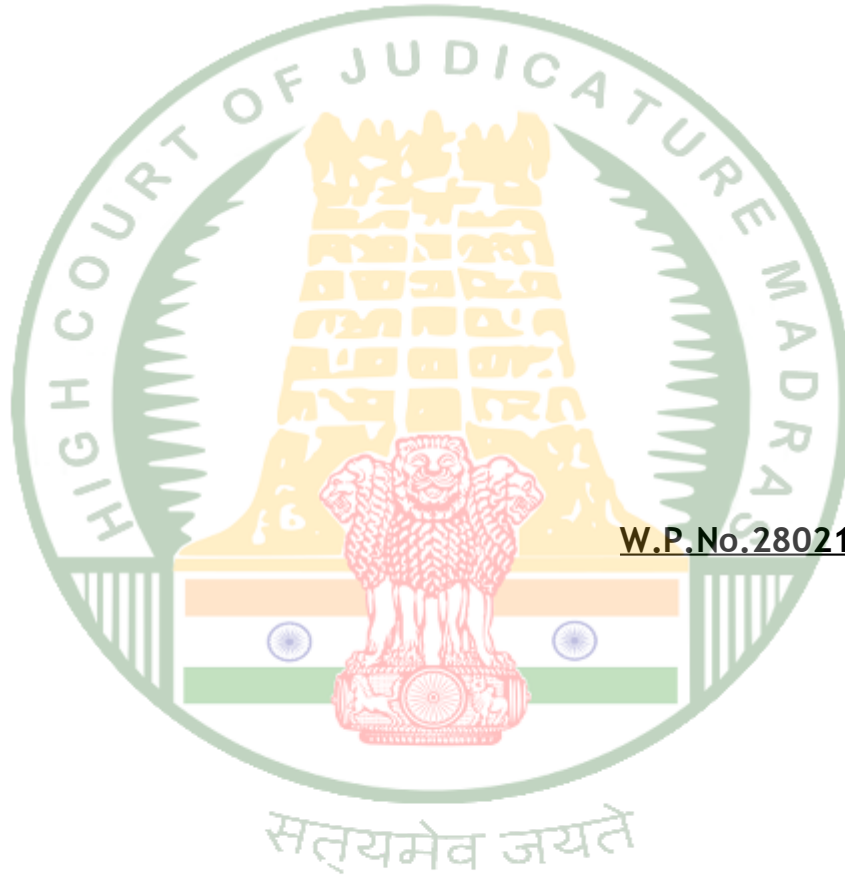
(S.M.K., J.) (S.P., J.)
04.09.2019

Index : Yes
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To

The Chief Secretary
Government of Tamil Nadu
Secretariat
Chennai - 600 009



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W.P.No.28021 of 2017

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Date : 04.09.2019