

Harsh Mander

Harsh Mander (*1955) grew up in India, in a family uprooted when the country was partitioned into two, India and Pakistan. He joined the Indian Administrative Service in 1980, served at high levels of the Service in Madhya Pradesh and Chattisgarh, and took early retirement in 2002 in protest against the state's role in the communal massacre in Gujarat. Mander has been engaged in many civil society campaigns and initiatives, working with the most marginalized and deprived people. He also served as Special Commissioner to the Supreme Court of India in the Right to Food case (2005-2017) and as member of the National Advisory Council to the Prime Minister, working mainly on social policy and legislation (2010-2012). In 2017, he initiated a "Caravan of Love" to counter hate violence. This interview was conducted in Berlin, at a time when Mander was a nominee for the Nobel Peace Prize while also facing politically motivated charges of money laundering and terror. Harsh Mander's biography provides insights into various struggles to realize the rights enshrined in India's Constitution since the country's independence, and it highlights his critical engagement with international human rights language.

Interview

This four-hour interview took place in Katrin Kinzelbach's apartment on 17 December 2021 at 3 p.m. She first met Harsh Mander in 2015, in the context of a joint teaching project. Daniel Stahl participated in the conversation via video call.

Kinzelbach

Thank you for talking to us today. Would you start by telling us something about your family background?

Mander

Thank you. Yes. As I was also thinking back, I realize that a little bit of prehistory about my family is relevant, I think – not too much, but in order to locate where I entered their lives. We're a Partition^[1] family in India. This has a very particular meaning. My parents were raised in what is now Pakistan. My father had an even more complicated history. He was actually born in Africa, where my grandfather was in the colonial police, but he and my mother grew up in what was to become Pakistan, near Rawalpindi.

My immediate family was less severely affected by the partition because my father had already joined public service by then, initially the army. And he had just gotten married. I think a few months before Partition, their parents anticipated the upheaval that lay ahead, and they therefore quickly got them together. But my large extended family was badly affected by the bloodshed and displacement of Partition.

When you ask where a lot of my concerns that dominated my adult life come from, I never really thought about it that deeply before. But I now realize that the shadow of Partition is probably one major backdrop of my entire life. And so, I just need to say a few words about that.

I'm sure you know that India was torn apart in 1947. The Freedom Struggle led by Mahatma Gandhi^[2] had imagined a country which would welcome people of every faith as equal citizens. But there were two streams which powerfully opposed this. One of them was the Hindu nationalist stream – formations called the Hindu Mahasabha and the RSS^[3] – which believed that the country belonged to India's Hindus because they constitute the majority, whereas Muslims and Christians in particular are outsiders. And that if they wish to live in this country, then they have to live here as second-class citizens.

And there was a second sort of parallel stream, the Muslim League, which believed that India was not one, but two countries: a Hindu India and a Muslim Pakistan. And they fought for this, and in the end, before leaving India, the British agreed to partition this country. In the course of just a month or two, they drew a line on the map dividing the country into two parts. Riots broke out between Hindus and Muslims. At least a million people killed each other during this time. There's a very partial remembering of this. Hindus and Sikhs would recall what the Muslims did to "us." Muslims would recall what Hindus and Sikhs did to "us" or "them." But the truth is that there was equal horror on all sides, on both sides of the new border and in all the warring communities.

The stories we hear are extremely horrific. My parents' village was called Kahuta. Its horror is sort of embedded in the folklore of Partition. Dominique Lapierre, when he wrote *Freedom at Midnight*,^[4] he actually set some of this in my parents' village. There was a Sikh temple that was built rather like a fortress, and the Sikhs and Hindus took refuge there, but when the mobs of Muslim men came close, the Sikh and Hindu men decided they would save "their women's honor" by asking them to jump into the well before the mobs arrived – and many women did jump into the well. And those who refused were slashed to death with swords by their own fathers, brothers, spouses and sons.

Kinzelbach

Is this something your parents experienced directly?

Mander

Not my parents. Fortunately, because my father was in the army, he was able to rescue my mother, and it was just in time. But he did see a lot in the course of his duties. And the extended family was very much part of this history, of mass killing, mass rape and abductions, and displacement.

An estimated 15 million people were displaced by Partition. It is the largest displacement of populations in human history, except probably the movement of African people as slaves to the Americas. So, it was huge – the dislocation caused unbelievable suffering. There were trainloads of people moving in both directions, but when they would reach their destinations, people would find that everybody was slaughtered on the trains. And these stories are certainly burned into our collective memory.

Kinzelbach

Do you remember how early you were exposed to these memories as a child?

Mander

I think the stories, the trauma of Partition, were always around us. Both of my parents took responsibility for many people in the extended family, because everybody was displaced and had to build a new future. My childhood memories are of always having uncles and cousins at home, staying with my parents. My parents took care of them, helping each of them to settle down in life. I think, in that way, their stories were always among us.

I realize today how grateful I should be to my parents because, through all of this, I never recall a single moment when I heard bigotry from them about Muslims, and so on. When I was about 10 or 12, I remember I had this idea: We always had a prayer room at our home. My mother was very devout. Both she and my father would read from the Holy Book every day. We're a Sikh family, and so they have a room where they have the Holy Book laid out. And all our lives, right up to my father's death a year ago, we've always had that. At some stage when I was 10 or 11 or something, I came home, and I said, "This prayer room looks incomplete. We must have symbols of every faith here." So, I brought the name Allah written in calligraphy. I brought a cross. I brought Hindu gods and goddesses, representations of the Buddha, etc., and I placed them in our prayer room. And my parents accepted this without any hesitation. From that time until they died, that is what our prayer room looked like.

Stahl

What role did India's independence play in your environment as a child?

Mander

In this too I think I'm very fortunate. I look back and see that I was lucky to be born and raised at a time when the idealism of the Freedom Struggle was still very much surrounding us. I was born in 1955. That was eight years after India got our freedom. The idealism had already begun to crumble. But there were certain core elements of it that endured. And one of these was this idea of equal respect for every faith. That was deeply inculcated in the way we were raised.

Stahl

Where exactly did you grow up?

Mander

My father was first recruited as a very young man in the army. Very soon after independence, our first prime minister, Jawaharlal Nehru^[5] – one of the finest statespersons globally at that time – was very concerned about Indigenous tribes that lived in parts of India that were in the Himalayan mountains, bordering Tibet. And those areas hadn't really been opened up, even by the British. Nehru was very keen that this should be done in a humane and egalitarian way for the Indigenous communities there. They handpicked – and he personally handpicked – a group of people from different services. This group constituted what they called the Indian Frontier Administrative Service. My father volunteered, and he was selected. There was a very famous British anthropologist called Verrier Elwin.^[6] So Verrier Elwin and Nehru used to guide these young officers on how to deal with Indigenous people.

My earliest childhood, what I recall of it, was actually in these mountainous areas. You used

to have to trek up steep tracks, with children mounted on mules, maybe for three or four days up into the mountains to reach even the district headquarters of Bomdila, where my father was stationed. There were no roads to reach the locations where my earliest memories are set.

The other significant early childhood experience that I think has played an important role in our lives was of the Dalai Lama.^[7] The Dalai Lama was compelled to escape from Tibet in 1959, and it was necessary that he be brought across the mountains safely. My father was posted in the area: he headed a district that was on the border with Tibet. And so, my father was asked to receive the Dalai Lama at the border and to bring him across safely. Only the prime minister, my father, and just three or four other people apparently knew about this. The first place in India where the Dalai Lama stayed – and then the whole world got to know him, because his escape became global news – was in my parents' home in Bomdila. I was a child of four. Apparently, I used to play on his lap a lot. And everyone else was concerned that I should not disturb him. He had just lost his country and his people. But he said, "No, I really like being with him." Even today, when the Dalai Lama meets me, he still remembers me as a child of four. He continues to be very fond of me and also of my parents as long as they were alive. I am told my mother was the first woman who was allowed to cook for a Dalai Lama for many centuries, because they couldn't risk somebody infiltrating and poisoning him. Even today, when he declares, "I have only one religion, and that religion is kindness," it touches me deeply in my soul.

My father belonged to that first generation of civil servants who were very influenced by the British. And so, we had a very Anglisised kind of upbringing. We had to dress up for our meals, for example, ate only with knives and forks. I barely spoke Hindi. I realized those aspects of prestige when I grew to young adulthood and made many decisions to sort of try to correct that.

As a civil servant, my father had a decent income compared to the poverty of others, of course, but civil servants in India were not highly paid. There was also an ethos of being mindful of the morality of public service; the values that prevailed were that you had to live modestly, etc. Sadly, as India has changed, and even more rapidly with neo-liberalism, a lot of this has fallen by the wayside today.

Kinzelbach

What did your formal education look like?

Mander

My siblings and I spent long periods of our lives in boarding schools, which were very expensive. I realize now that my parents must have kept very little for themselves if they paid the kind of fees we had to pay. I did benefit from schooling, in terms of privilege and opportunity. My favorite school was actually a Christian school, Mount Hermon, in Darjeeling, which I still remember most fondly. Darjeeling is a very beautiful place in the mountains in Northeast India. I wasn't there for more than about a year, but I think it had a very strong influence on me. I wrote my first play, I remember, at Mount Hermon, when I was 10 years old. It was about Father Damien,^[8] whom I continue to admire a lot. He lived at a time when there was no cure for leprosy. People's bodies would waste away; they were

brutally stigmatized and hated and abandoned by everyone. And in America, there was an island called Molokai where people with leprosy used to be banished and forgotten. Father Damien decided that his calling in life was to go and live among them, which he did very bravely. He helped change their lives as he lived among them. Then he finally developed leprosy and died at Molokai, among these people who were his chosen people. His story moved me greatly, so the first play I wrote as a young child was about him. But there was a far more elite boarding school where my parents later admitted me, a boarding school called Mayo College. It was set up by the British to educate the princes, because India had many kingdoms. We were given a very British education, and that school continued to have a very feudal ethos. It was very, very elite. Admission was very difficult. But I was good at my studies, and I qualified to enter this school. And so, I was sent there from the age of 11. I recall that place more for its immense sense of feudal privilege than anything else. But looking back, I still feel that those were far better times because, even in a place of privilege like this, I never heard any kind of bigotry about Muslims and so on, which we hear in India today.

Kinzelbach

May I ask, was that an all-boys' school?

Mander

This was a boys' boarding school, very much – almost exactly modeled on the British so-called “public schools” like Eton. It was a boys' “public school” as I said for former princes. And we had a lot of former princes among the students even when I studied there. The other boarding school, Mount Hermon, was coeducational and quite lovely. My sister, who has actually been the greatest influence on my life – I could talk just a bit about her later – was with me there.

Although my college was very elite, it was also a different time, when all of us were socialists of various kinds.

Stahl

When did you decide to study, and why did you choose your profession?

Mander

We went to college very early, at about 16, 17 years of age. We were too young to recognize what we really wanted to do with our lives. My father had a dream that my elder brother would join the foreign service and become a diplomat. My sister would become a doctor. I would become a member of the same civil service that my father had joined. Looking back, I realize that I should've probably been a doctor because I think, more than anything else, I like helping people in distress. I guess that at a basic level, that's what I have tried to do every day of my life in whatever work I have done, but with mixed success!

The most prized college at that time was St. Stephen's College, and the most sought after course in it was economics. It was difficult to get admission. But I had scored well in my school leaving examinations (and in fact topped all of India in English). This college admitted me, and I studied economics. And the expectation of my parents was that I would

join the civil services.

I loved my years in college. Although it was very elite, it was also a different time, when all of us were socialists of various kinds. Everybody was on the left, with some variations, but we all had a conviction that the world could become a better place and that we would be part of that. It was the early 70s, and it was still a much more idealistic time.

But then my sister died in an accident. I was 18, and she was three years older than me. But she's probably been the biggest influence on me, on my life. She was an extraordinary person. She was very kind. She was very strong. She was very caring, and she also thought about things deeply. She wrote poetry. She would really have been somebody of great significance to the world had she lived. She was in her final year of medical school. With her friends, she went for a holiday to a pilgrimage spot, Rishikesh, on the banks of the River Ganga, and in this river she drowned. It was devastating for our family, something that we have not been able to get over even decades later. But it also forced me to think about life and what I wanted to do.

After I graduated, I went to the Delhi School of Economics for my master's, but I realized halfway through that I wasn't learning in my classrooms what I wanted to learn. I wanted to know about the conditions of India's working poor people. And so, I decided that I had to take charge of my own education. I had been at the top of my master's class the first year of my master's, but then I announced, somewhat dramatically, that I'm not going to study in a formal institution anymore. I'll educate myself. I took four years off and just went into the countryside with almost no money. I used to hitchhike on trucks and buses. Jawaharlal Nehru had written a book called *Discovery of India*,^[9] which is his most iconic book. So, in a sense, this was my discovery of India. I also learned the Hindi language well. I learned the culture of our rural people. I learned who the people were with whom I stood in my ideas. I was able to really live among them, to understand them, to respect them, and so on. So those were four very crucial years of my life. And again, it's to my parents' credit that they allowed me to do this. They were extremely anxious. Remember, this was shortly after they had lost their daughter in that accident. But they let me do this.

And then at the end of four years, it was my decision to join the civil service. I saw how much a civil servant could do for justice and building a better life for the poor. The way the civil service is set up in India, you have enormous authority over the lives of the working poor – far too much. They've actually more or less retained the colonial sort of model of governance. I said to myself, "If I can use power as a kind of trust on behalf of the most disadvantaged among us, then that is something I want to do." And so I sat for the exam. It's a very difficult exam. It's crazy, actually. Only 0.03 percent of the people who sit for the exam actually qualify. I am lucky that I qualified. And that's how I joined the civil service in 1980. I was 25.

Kinzelbach

So your journey to discover India was after the Emergency of 1975?^[10]

Mander

The Emergency was a major moment in our lives. It was a time of hope because, after the

Freedom Struggle and its idealism, after Gandhi and Nehru, we'd slipped a lot. And I think the movement that led to the Emergency was a movement to bring back into public life some of those ideals. It was a very exhilarating time to be young. I attended a lot of protests and rallies and so on. But retrospectively, I also realize that very crucial mistakes were made. The Congress Party was led by Mrs. Indira Gandhi,^[11] and it had become corrupt and oppressive in many ways. And in the movement against that, the person leading it – the iconic idealist Jaiprakash Narayan – felt he wanted to bring in every available force to fight the corrupt Congress. And for this he brought the RSS into the movement – the Hindu supremacist part of our polity. That was truly a historic mistake. After Mahatma Gandhi's assassination, the RSS had gone into the shadows of public and social life. Bigotry was just not permissible in our social interactions. Even if you carried sentiments of bigotry, you wouldn't have voiced them. So that's how the RSS had its legitimacy restored. And that was the moment they had been waiting for. From then on, they never looked back and today hold unassailable power in the country.

Stahl

I would like to ask if you could describe your political convictions during the time when you were traveling. You've already mentioned that you were a socialist, like everyone else. But then these protests happened, and as you've just described, the nationalists came into the movement. I would like to know whether that also changed your political views.

Mander

That's a great question. I was influenced by Gandhi, but I was also influenced by Marx.^[12] I was also influenced by B. R. Ambedkar^[13] – I think people outside India are not so familiar with that name – who was a Dalit and who actually led the assembly that wrote our Constitution. And he's a great symbol of equality. In a sense, to me Gandhi is a symbol of radical love, and Ambedkar is a symbol of radical equality. And I think they were both strong influences on me. Of course, from Karl Marx I drew a conviction about how you have to remodel a society on the principles of equality. As I grew older, I think I was very influenced by feminist beliefs. So, it's an amalgamation of all of these.

But if you really asked me to define it and to define my political beliefs in one word, it would probably have to be humanist, I think. That sounds the closest to me, but it actually draws from all of these different streams.

Kinzelbach

Were there any women who influenced your thinking at that time? How did you become a feminist?

Mander

My mother had a very, very traditional upbringing with largely religious teaching. She was passionate and extraordinarily giving in her way, I found; not conventionally feminist, but she was assertive – you couldn't walk over her. Nobody could. She never allowed my father to look down on her because she didn't have the sort of polish of a Westernized civil servant's wife. But I think my sister was really someone who influenced me most through my growing years. Even today, on my table here in Berlin, I keep one photograph of her. I think I learned a huge amount from her. But I was also thinking about this, because I have

some pictures in my office in Delhi – of Gandhi, Ambedkar, Martin Luther King^[14] – and there aren't too many women. If I were to put up some pictures of contemporary women today, of course I think there are people I could really look up to. The prime minister of New Zealand is quite an icon for me, for many reasons.^[15]

Let's lay out a mat, so I can sit with you.

Kinzelbach

What were the key experiences for you in the service?

Mander

I think those were extraordinarily beautiful times. I still miss them a lot. Let me start by saying that a lot of people would call me the Comrade Collector – in a teasing way, but also as a compliment. I think poor people somehow believed that I was their person. And they would walk into my office at any time. They would confidently sit down and share what injustice they suffered, what their expectations were from government, as they would with a brother, a son, a friend. Normally this is a very hierarchical system, but they felt certain that I would be with them. It was the rich and the powerful who were nervous about entering my office, and this was a strange inversion, and one that I was most proud of. I realized there were small things that you needed to do to break down the hierarchies that were colonial and feudal legacies, which I did instinctively. Normally, if you have a meeting in a village, you'd be sitting on this high pedestal. People would be sitting below, and you'd be interacting from a position of visible power. But I would say, "No, let's lay out a mat, so I can sit with you." And immediately the whole relationship would change.

Kinzelbach

Can you tell us what positions you held in the civil service?

Mander

It's a very strange system, actually, where in your first posting after you've completed your training, you're in charge of all aspects of the lives of maybe a million people or a fraction of these – even in your first posting. Then you can go up to 5 million people, and so on. And you carry the final authority on most of the things that affect their lives. It's not a system I think we should have retained. It's very much what the British had created. But there was an expectation that India had been born amid so much bloodshed that politicians would continue to stoke the flames of religious identity, caste, and so on. The expectation was that the civil service would be an elite group that would uphold the Constitution in the midst of all this. I think this belief is what led India's founding mothers and fathers to create or retain the all-powerful civil service. We lived in the districts – and I don't think they should have done this – we lived in the same huge colonial bungalows. The lifestyle, everything, is extremely colonial. And a lot of my struggle used to be how to break that down – how to break down that sense of hierarchies. One of the first things I noticed in every posting is how anyone who walked into your office would look very frightened. They were used to civil servants treating them disrespectfully. This was intolerable to me. I wouldn't relax until my office boy could chat with me about my family and his. Or a woman from a slum could walk in and sit down, and say, "Son, these are my problems," etc. And it happened

quite quickly. But for this you had to subvert the whole hierarchical system. The important thing was never to feel that you deserved that huge power that you were given. Life has given you this opportunity undeservedly, and you must use this power with humility always only as a trust, to work for the most disadvantaged of our people. I think that it was this mindfulness that I carried all those years in government high office.

Stahl

I am still trying to understand what post it was. Can you specify a bit more what your duties were?

Mander

To put this simply, we are a huge country of a billion and a quarter people. You have a union government, a national central government, and then you have states. And you have elected central and state governments. These are all elected positions. And then each state is divided up into districts. Now logically, we should have had elected governments at the district level as well. But the leaders of free India chose not to do so at the time when the Constitution was written, for reasons I have speculated about: In a country that was so divided by caste, religion, class, and gender, what would electoral politics at a very low direct level yield? There was a kind of distrust and fear of elected leaders at this level. Instead, India opted for a small merit-based civil service, selected after an incredibly difficult competitive exam. And in the early years of the civil service, you are posted to head districts. In a sense, in these years that I spoke of, I was the head of the district government. This was called the office of the District Collector. Today this idea of an all-powerful civil servant heading the district government has eroded quite a bit, and rightly so. But at the time I was there, you had authority over every aspect: over law and order, over land, over all the welfare schemes, everything.

Kinzelbach

And you chose to make your office a place where people could bring their concerns to you, so you could use your administrative power to resolve them. That was not the way district collectors usually behaved, was it?

Mander

Not in the majority of cases, even less now. I realize this when, if I go back to where I served then – even now, 20 years later, 30 years later – people hear that I'm coming, and there's such an extraordinary upsurge of goodwill, as crowds come to greet me. I would not speak of this usually, because it is like bragging. But I mention this now, because it is a reminder to me of what public service can mean to people. They display this love and gratitude even decades later because, sadly, people are so unused to an egalitarian, humane government. I think that really is the case. And when I look back, I realize that things like sitting among them – which was something you could do so naturally – made a difference. You walk into an office, you see an elderly impoverished person, you put your arm around his shoulder and start asking about things.

And I took sides, too. I'll illustrate. There are so many stories. But first, let me mention certain principles that I very consciously thought about and tried to adhere to. The first of them was that I would always do what I felt was right under all circumstances. And the

qualification is not “despite the consequences,” because I think that means you start considering the consequences, and then when you make a decision, we have a way of rationalizing compromises with what is clearly right. Instead, I’d say, “do the right thing without thinking about the consequences.” What is right and what is wrong would be the only questions I should ask myself. And so that was one thing I think guided me through this.

The second was that whatever power I had was not something I had earned, not something I got based on merit, but something that was given to me in my life because of the opportunities I’ve had. And I must use it with great humility and a sense of responsibility for those who are most disadvantaged. That was a second rule I think I made for myself.

The third principle was that every person who works with you is an end in and of herself, and not merely a means to an end, however lofty. I think I’ve realized the importance of this even in my second life, after the civil service. Especially when you’re pursuing a very lofty cause, you may think that the people working with you are a means to an end. I feel this is very important: that you must never instrumentalize the people who work with you. Respect them. Believe in them. And think of them in terms of their own inherent worth, not for what they can contribute. I think these were some of the principles I tried to implement, however imperfectly, in my years in the civil service.

Human rights are not a techno-managerial discovery.

Kinzelbach

Before we move on to a specific example, do you remember whether the term “human rights” played a role for you at that time? Did you think about people, about citizens, as rights-holders during that time, and about yourself as a duty-bearer? Was human rights language important for you?

Mander

I think the language came later, but the essence of it was exactly what you’re saying.

Stahl

And what do you mean by “later”? When do you think this language appeared in your context in India?

Mander

After about 13 or 14 years of service. From 1993 to 1996, I agreed to join the faculty at the national training school for this very elite civil service, for the 100 plus people who were recruited each year into the administrative service, the diplomatic service and the highest levels of the police. When I was on that faculty, I think that was the time I began to have the opportunity to reflect on things more theoretically.

Kinzelbach

That’s interesting, because India ratified the two big human rights covenants in 1979^[16] – just a year before you joined the service.

Mander

A year before, yes.

Kinzelbach

So, India had just recognized international obligations on human rights when you joined the service, and later – in 1993 – there was the Vienna World Conference, the whole debate about Asian values, and so on. I'm curious whether you were following those debates?

Mander

I think the values of human rights always surrounded me. Our Constitution has four main pillars. One of them is justice. The second is freedom, liberty. The third is equality. The fourth is fraternity. The Constitution was very much something I believed in very strongly.

Kinzelbach

And it spells out fundamental rights.

Mander

And it spells out fundamental rights, etc. But in a strange way, I find that in India – even now – there's a resistance to referring to or relying upon international frameworks because we somehow believe that India's Constitution itself is quite an adequate model framework for justice, equality, etc. I don't believe that myself. I see value in the international covenants, and I thought 1948^[17] was an important moment in human guidance and development.

Stahl

That is an interesting observation, as you say, that in India these international human rights covenants don't play such a big role. You look more to your own constitution and laws. But on the other hand, India played an important role in the development of international human rights. And even Indira Gandhi's government referred to international human rights and made use of this international discourse. I wonder: When do you think did this shift toward a more national understanding of human rights occurred?

Mander

I think there's a peculiar popular sense in India that this language came to us from the West, as a kind of colonial hand-me-down. I'm not saying I agree with that at all. I'm just trying to understand. And so even today, if you look at my Twitter feed – even in the last few days – whenever you say anything critical of government or in defence of the minorities who are under attack, one of the things they'll attack you for is that this is some kind of foreign influence. Who are they to tell us what is right and what is wrong? Those kinds of arguments. It is true that the countries of the Global North have not applied the same standards to their own conduct, with the same integrity or the same fairness. That is absolutely true. If the United States is going to fight brutal unjust wars and lecture the world about human rights, then what about its own record? I think there is a problem in that. If human rights are seen as an agenda that comes from the West – which has actually committed terrible colonial crimes, as well as crimes that still go on, against Indigenous People, against People of Color, against people of Muslim identity, and so on – then there's a

resistance. It's complicated, but I've often felt – and I keep saying – that we need to talk about human rights in more universal language. It's not a techno-managerial discovery that we suddenly made in 1948. The foundation of human rights is the recognition of the equal dignity of every human being. Now what does equal dignity actually mean? And trying to understand that: In what ways are we equal? And most importantly, of course, what does fraternity mean? Etc. So, I think we need to rediscover human rights in ways that relate to much older philosophical and ethical traditions.

Culpable inaction is recurring, over and over again.

Kinzelbach

And this theme is now part of your own writing. Was there a particularly important experience that you would like to highlight from the time you were in the civil service?

Mander

I have to tell you about three or four. I'll try to tell them as quickly as possible, but I don't think you can understand me until you understand some of these stories. One of them is my work with people who have leprosy. Even before my first official posting, I'd made certain rules for myself: for instance, that if people come in processions to protest and so on, I must step out of my office and go among them and talk to them respectfully and try to understand their grievances and demands. So once a procession came, and when I went out, I found this was really an unusual procession because it was made up of people whose bodies had been badly damaged by leprosy. And they had very modest demands: they wanted a handpump for water, some electricity, etc.

So, I said to them, "Why am I talking to you here? I'll come to where you live, and let's talk there." And I went to their isolated, segregated settlement. I spoke to them about their lives. Even today, I have still never met any set of people who have been so profoundly oppressed as leprosy patients, so divorced from hope of any kind. Because even your immediate family casts you off: you're separated from your parents, your children, your spouse, because the fear of leprosy was still so great at that time. And everybody despises you, and nobody gives you any kind of work. You beg, and they despise you because you beg. You live in this subhuman ghetto on the corner of the town, and so on. So, I told them, very briefly: "Suppose we could rebuild your lives in such a way that you don't have to beg, and you live a life of dignity? Would you want that?"

And I will always remember that skyline, the image of all these stumps of hands that they raised, to say in unison, "Of course we would." And so, with great struggle, I got this land, which they chose – a beautiful place next to some hills – and we built a whole colony for them. And I called together the whole community of the city on the day they moved in, and in front of the people of the town, they took a pledge never to beg again. And I asked the city folks to treat them with respect. And that continues even today. I think about how lives and attitudes toward people can change whenever I go back there. The place is called Ashagram. It literally means "village of hope." And it's a place people of the town feel proud of today. There is zero stigma. So, this journey from extreme hate and segregation to dignity and inclusion - that's one story I thought I'd try to tell you.

The second story is about massive riots targeting the Sikh community in 1984. We had these because Mrs. Gandhi was assassinated by her two Sikh bodyguards. In Delhi itself, I think 3,006 people were slaughtered, and more were slaughtered in many other parts of the country. This was under the Congress government. I had been in the service just four years. I'd never seen or dreamt of what a riot could look like, except from those stories of Partition, etc. I was now the number two, what you would call the additional district head or collector. The district head was a person who was very charismatic and ambitious. He also later joined politics – joined the Congress Party, in fact, and became a chief minister.

So, Mrs. Gandhi was killed,^[18] and early the next morning, we were all summoned, the police and those of us from the civil service. And the district head gave orders that were fatal, really, to the possibility of establishing safety and peace. He directed that no one would order the use of force whatever happened, unless he personally ordered it. And then he just disappeared. This was a period long before you had any kind of mobile phones, or any way of contacting him. He just disappeared. Around 12 noon, the violence started in the city. Houses, shops, vehicles, Sikh temples, Sikh men and boys, all being set on fire. I saw them put a tire around a person and set it on fire. You can't take off the tire, and you burn to death. The Sikhs have long hair, and their hair is in flames – a horrifying sight. And I kept telling the police to use force. Move in to disperse the crowd, etc. But they refused. They said, "We have orders not to act." And this is something I've learned now, something that recurs over and over again in all of these incidents of anti-minority violence across India, where the state deliberately does not act. Culpable inaction is what I call it. It's really culpable inaction. And this allows this mass hatred and violence to continue, enabled and protected by deliberate state inaction.

So, then I quickly thought about what I had learned during my training. Fortunately, I remembered that the law actually says the most senior district head on the spot – they're called district magistrates in their law and order functions – can call in the army. I said, "My district head had disappeared, and I'm number two. So, I'm the most senior person, and I therefore can call in the army." And therefore, I rang up the general in the nearby army cantonment. He said, "Are you prepared to put it in writing?" I said, "Yes, by all means." He replied, "My columns of armed soldiers are ready." In an hour, several columns of soldiers drove into the city, awaiting my next command. Then I said to them, "Impose a total curfew. Warn people that they must all clear the streets and move indoors. If they refuse, then as a last resort even shoot on sight." They had clear orders. It happened as instructed, the rioting mobs were dispersed by the soldiers, and the city was saved. It took just six hours from start – from the first act of violence – to finish, when full curfew was enforced and the rioting was fully brought under control. Otherwise, the slaughter would have been something like what happened in Delhi, where over 3000 people were murdered as the rioting continued for three days. I was one greenhorn officer with no experience at all, and that was enough to control the slaughter and rioting. All you need to do is resolve to do the right thing. When years later, in 2002, the massacre targeting mainly the Muslim minority happened in Gujarat, the violence continued for weeks, in a place where the chief minister, the entire police force, was present, and the army standing by. This can happen only with the active complicity of state authorities at the highest political and administrative levels. For them to enable and allow this kind of slaughter is a crime that defies description.

Maybe one other quick story, just to illustrate my experience in the civil service. One of India's greatest social movements was the Narmada movement against the mega dams on the River Narmada. People like Medha Patkar^[19] and Baba Amte^[20] were leading it. I happened to be the head of the district where that dam would be located and thousands of Indigenous People and farmers would be submerged. And I was under enormous pressure from the government to crush the movement under any circumstances, and with the greatest use of force. In this case, I refused because that they were exercising their democratic right to protest. There was great injustice in what the state was doing. It is for this reason that I refused to use force against them. One day, the leaders of the movement let me down, in a sense, to advance their protests. They said, "We want to go out in a protest movement. And we'll spend the night somewhere." And I said okay. But what they did was to block a major bridge. Between Delhi and Bombay there was one highway, and there was one bridge over the Narmada River that linked one side to the other. And so they went, walked on to the bridge, and sat down there at the centre of the bridge. They wouldn't move. Within minutes, there'd be a kilometer or two of trucks backed up. This highway was a lifeline for the economy of the country. So obviously this became top national news, and the furious government said, "You have to use force." I said, "There is no way I will use force. If I do, people will fall into the river. People will be killed, and they are exercising their democratic rights." For 36 hours, I refused to move them. I negotiated. And finally, they were able to get their demands heard.

Sometime after that the head of the police told me, "I've been asked to investigate your secret sympathies with the Narmada movement." I was really furious. I sat down and wrote a letter to the chief secretary, saying, "I'm told you're inquiring into my secret sympathies with the Narmada movement. There are no secret sympathies. Please don't bother to have an inquiry. There are only open sympathies. My sympathies are for these, these, and these reasons. Now do what you like." And there was nothing they could do.

I realized again and again that you just do what you feel is right. When I was training civil servants, I felt that my greatest duty was to teach them about caste equality, the equal rights of people of every religion, about the labouring poor, about a number of issues connected with human rights. And I found the only way I could reach them was via the heart, which is why I began writing. I started writing stories in order to teach the students.

The entire concept of the state's role was transformed.

Stahl

I was wondering: This time – especially the 1990s – was a time of market liberalization, market reform, economic reforms. India went through a process of fundamentally reforming its economy and moving away from its more socialist model. And I imagine that in your position, you also had to implement these new policies in your district. Earlier in this interview, you called yourself a socialist. How did these new realities of the 1990s relate to your political background?

Mander

That's a great question. The entire concept of the state's role was transformed with neo-

liberal reforms. When my father joined the civil service – and even when I joined – the theory was that you are to take the side of the poor and the marginalized, and you have to defend their rights. That is your primary duty as a civil servant. What happened after the reforms from 1991 onwards was that the theory became that you have to take the side of big business, of international big business – not because you're benefiting from it, but because that is what is going to build the nation. And so, if they are displacing people, if they're destroying the environment, if they're not adhering to laws, if they're not paying taxes: what is your duty? What shifted dramatically in the ethics of public service was that it was no longer clear that you stand on the side of the poor, defending them against the power of big business. There was a very clear movement instead to make you unlearn the whole constitutional frame. And it was disastrous. It is disastrous.

For instance, what relationship would you have with a big industrialist? Maybe we overdid it, but you'd never even be seen in their company. You wouldn't want to, because you have to hold them accountable. So, they can't be your friends. What has changed is that now civil servants will actually openly spend a lot of their time with the richest people and say, "We're doing this in order to help them establish their businesses, because then the country will benefit." Luckily, I left the service at the time when I was observing this change taking place. But I saw the consequences of it later.

I'll give you one quick example. One of the districts where I was posted is a place which has the fortune (or the misfortune) of having the best coal deposits in the country. It's full of tribal people and beautiful forests. And so, we had this very big industrialist who wanted to establish super-thermal power projects on a massive scale there. He first came while I was there. He was younger than me. I called him and tried to give him some kind of advice, saying, "Go ahead, establish your coal mines and thermal plant. But adhere to the law. Do your duty. Pay your workers what they should be paid. There are environmental concerns. Comply with these," etc. And he was completely dismissive of that. I wouldn't allow him to break the law at all. People from the districts keep calling me to visit the district even years later after I left the service. I used to resist it, but this was a place I really loved, so I went back 20 years later. And I was devastated because I saw that this industrialist had destroyed the forests. He had displaced Indigenous and rural people on an unimaginable scale. I sat with the district head, who said, "Sir, but this is what I had to do, because this is how the nation will be built." That's why your question is very appropriate. I realized this was a decent guy, but he felt: "If I don't back big industry, then we won't fulfill our targets of so many megawatts of power being produced," etc. So, I said to him, "The law still exists. These are the rights of the tribal people. You're here to defend those rights. You're supposed to ensure there's a consultation before displacement. You're supposed to ensure there is a fair compensation and rehabilitation if people ultimately have to be displaced. There are environmental impacts that have to be minimized, and these impacts are to be measured. You're responsible for all of this. You're responsible – if the displacement happens, you're responsible to ensure that rehabilitation also happens. You've not ensured that any of these duties will be fulfilled."

Nation-building cannot be at the expense of the poorest. I tell you this story because I recall that the district head was very moved by what I said. I was later told that he had changed. He now ensured all of this: You're supposed to hold a public hearing before a displacement.

You're supposed to hear different parties. You need to do what the law requires you to do, even in neo-liberal times, because neo-liberalism didn't mean lawless power in the hands of big business. Facilitating them, yes, but not at the expense of the poor and the environment. But it has been interpreted in that way. And fortunately, I had left the civil service before it caught up.

One time, I was advising the prime minister. He was really the father of neo-liberalism, Dr. Manmohan Singh.^[21] He was the one who first introduced the reform. Then he was the prime minister. He was a very decent person, but I realized that he believed the danger to this country came from people like us, who spoke of a welfare state. We were backed by the Congress Party president, Sonia Gandhi;^[22] she chaired our committee, which I joined to advise him. He couldn't dismiss our advice out of hand, but he did everything he could to limit the idea of the state as responsible for welfare. I think the inequalities we see around the world today are because of this interpretation of market fundamentalism and the abandonment of the idea of the good state being one which takes active and consistent sides with the poor. The good state today is instead the one that takes the side of national big business.

Kinzelbach

If I understand you correctly, you are saying that civil servants could nevertheless protect fundamental rights thanks to India's Constitution.

Mander

They should have, but after neo-liberal reforms, they did so less and less. And there was a whole attempt to make us unlearn. In fact, Dr. Manmohan Singh actually asked that civil servants be trained in universities such as Harvard, etc., where they were being sent primarily to unlearn whatever vestiges they still held of this sense of welfarism, of responsibility to the poor.

I believe there are many battles I could fight while being part of government, if I were willing to pay a price. In a sense, I had a certain duty to uphold the Constitution. I even took part in public agitation while I was in the service. Like the Right to Information movement – I was an integral part of that. I joined processions, sit-ins, etc. And people would say, "You shouldn't be seen openly in these protests because you are a civil servant." I replied, "Why not? I am a servant first of the Constitution, then a servant of India's poorest people, and only then a servant of the elected government." The Right to Information movement had a simple idea, which is that if people are the rulers in a democracy, then ultimately the power to ensure accountability must rest with the people. Initially the movement happened in only a few villages, actually. But the idea was so powerful. They demanded access to the documents that would allow us to check whether decisions in this village have happened according to the law. It was an idea that caught the popular imagination. I then spoke to the founders of this movement at the grassroots about how important it was. This was an idea of national importance. We hosted the first public consultation on drafting the Right to Information law in the National Academy of Administration, where I was posted at that time. And then, when I went to protests, I would sit among them and say, "Yeah, I'm upholding the Constitution. I'm upholding the interests of the poor." And I could do that.

And yet I made this decision to leave the service in 2002. So, what exactly happened? Very briefly: I had by then passed the period where I could be in a district, and I would've had to be in the state or national secretariat. At the time, you were allowed to take three years off on a sabbatical and work with an NGO. I'd been invited by ActionAid India to be their country head. This was an opportunity to continue to work with people directly. So, I took the opportunity. In the midst of that, in 2002, I heard about this terrible riot that had taken place in Gujarat. So, I said, "I'll go," and I started working in the relief camps.

You can fight for constitutional rights within government. But what do you do when the government itself is destroying the Constitution?

Kinzelbach

As director of ActionAid.

Mander

Yes, I was director of ActionAid, but I was still just on leave from the civil service. When I began to speak with people in the relief camp in Gujarat days after the riots had started, about what had happened, I was totally devastated. I'd seen riots before, and also handled the 1984 riots, as I said, and others. But here, the cruelty affected women and children very badly. And I heard horrific stories. They burned alive around 110 Muslims in one area, for instance. I'll just tell you one story. It's a very horrific story. What is it called when you're supposed to give a warning – a trigger warning – just to explain what kinds of things happened. So, there was this little boy whose parents had been set on fire, and he was crying desperately, and then he asked the rioters to give him some water. They gave him a bottle of petrol, which they were using to set people on fire, and they made him drink it at knifepoint, and then they put a burning match inside his mouth, and he exploded. I couldn't believe the kind of horrific stories we heard. And I realized very quickly that none of this could've happened or could continue to happen unless the state was actively complicit. I felt I needed to say this to the world. And as I said, I always do what I feel is right, without thinking about the consequences. I wrote this piece in tribute to Alan Paton's Cry, the Beloved Country.^[23] I called it, "Cry, My Beloved Country."^[24]

And I put this article out. I thought it would be a voice in the wilderness. I described what had happened, and I said, "That's not a riot. It's a state-sponsored massacre." I just wrote it. I shared it with my family, my wife and daughter, my parents. They said, "We know you will do it if you feel you have to do it. You have to do it. But life will never be the same for us again." And I said, "Yes, I know, but I have to do it." So, I put it out. And somehow it just caught people's imagination. I was told it was translated into many languages, that it went to 70 countries. It was sort of like calling out the guilt for the massacre of Mr. Modi,^[25] who was then chief minister.

And then the article was published in the Times of India. I realized that I had reached a point from which there was no return, because there are many battles you can fight within government – if they're battles within the four walls of the Constitution. But what do you do when the government itself is destroying the Constitution? How can I fight this battle as a member of that same government? That is what I felt. And I realize with hindsight, sadly,

that I was very farsighted. Because what we're seeing in India today is exactly the direction I feared India was going in. I needed to defend our Constitution, the idea of equal citizenship for all. And so, I handed in my notice.

Kinzelbach

You resigned from the civil service in protest over the government's inaction in Gujarat. So, what did that mean for your personal life? Temporarily, you were still with ActionAid. But in some ways, you also needed to create a whole new future.

Mander

Create a whole new future, yes, because as I said, this was not planned. It was not something I'd strategized. It was just something I felt I needed at that moment in our history to do, and it happened. But immediately, firstly, the government was furious. There was a BJP government in Delhi and in the state of Gujarat as well. So, they did everything they could. People on the inside told me they were investigating every official decision I had ever made when in service. And I used to get transferred out after a few months, because I used to take stands. There were 22 postings they had to investigate – they went to every place. They tried to find out something, because the only ground on which your resignation – formally it was actually voluntary early retirement – the only ground on which it could be refused is that they found you guilty of something and they've started an investigation. They were trying to find something, but they didn't find anything. And so, in the end, they had to let me go. But they started such a vicious public campaign about me, for years, which continues to this day. And I was completely unequal to it, in the sense that I've never taken on that battle. I've never fought back. So, they used to, and they continue to, allege that I was responsible for all sorts of crimes.

Initially, I was very sensitive to reading all this. A young man who used to help me at ActionAid, my secretary – I learned about this much later – he used to arrive early to office, open my account on my desktop, and try to delete all the hate messages he could find so they wouldn't trouble me. I used to come to the office very early, and he would come one hour earlier, so at least those messages used to escape my notice. But it's something I've learned to live with. And it shouldn't intimidate you. It shouldn't.

Kinzelbach

How long were you with ActionAid?

Mander

I was with ActionAid for another two years. They let me go as well because they were under a lot of pressure.

Kinzelbach

Because of you.

Mander

Because of me, and because the government was still there. And so suddenly, overnight, they told me it's over. Suddenly, one person just rings you up and says, "It's over." So really, we had nothing. We had no money. My wife, by her own choice, doesn't go out and earn a

separate salary. We had no resources. I had nothing. I hadn't taken a formal degree beyond my bachelor's because I'd done whatever my heart told me.

Kinzelbach

You had interrupted your MA studies...

Mander

Yeah, to do my own education. I follow my heart, but I'm never strategic. And at times, that does sort of catch up with you. So, there was all of that. Plus, I had to fight my chosen battles. I relocated to Gujarat, in fact, for almost a year, with almost no money. People started sending small donations. And the Muslim community in particular was disproportionately grateful. That was one of the most difficult years of my life. I also decided that I would not seek any kind of official security, so they could have attacked me physically at any point in time. I was just living alone in this two-room flat in Ahmedabad, the capital city of Gujarat, with one room turned into an office.

Kinzelbach

You've previously described how, as a district collector, you had access to big buildings left over from colonial times. And so, this was a dramatic change for the family, right?

Mander

It was dramatic change. My wife likes aesthetic living. You have big lawns and beautiful sprawling official homes. And we suddenly had to live in a small apartment. Luckily my father had encouraged me to buy a small apartment in installments over the years in Delhi. So, we had a home at least, and we started building our new life from there. When I look back, I can't even begin to think how it happened because, as I said, my wife didn't bring in any income. My father was living on a very modest pension. But my wife and daughter supported me wholly through all of this.

Kinzelbach

Your daughter was still in school?

Mander

My daughter was still in school. And it was not just a matter of keeping me going or our family going – it was pretty much keeping all of our battles alive. We fought the legal cases in Gujarat and set up a whole response. And that's why I relocated for a year. I gave it a name: Nyayagraha. Gandhi's nonviolent resistance was called Satyagraha, which is basically a demand for truth. So we called our campaign Nyayagraha, which is a demand for justice.

I got this one full set of volunteers from the violence-affected communities, and I insisted that there should be Hindus as well as Muslims among them. And they were working-class people, people who'd lost their homes. Auto rickshaw drivers, bus conductors. It was largely the comrades who came together, and we helped a few hundred families to fight their cases. And that's a long story in itself.

But I also realized that healing and bringing together the communities was a big challenge.

So, just to illustrate: The whole riot and massacre in 2002 started with something that happened in a small town called Godhra, with a train carrying people returning from Ayodhya, where this mosque had been demolished. There was a movement to build a temple there, and they were coming back from the disputed temple site. There are many versions of what happened, but the compartment caught fire, and 58 people – including women and children – burned alive inside it. Mr. Modi, as chief minister, said that this was the result of a terrorist conspiracy, in which Pakistan had a hand. Instead of controlling the sentiments, the state administration fanned the sentiments. They paraded the bodies, and they did many things which encouraged this mass anger to be vented across the state.

And so how do you heal? I was still in ActionAid then. So, we were looking for resources. I said we would rebuild the houses that were burned in Godhra, in the district of Godhra, which was the epicenter. But I had only one condition: that the Hindus of that village must also contribute free labor to rebuilding those homes. People said, “That is absolutely crazy. It’s not going to happen.” In English it sounds a little melodramatic, but what we said in Hindi was that a home in which the sweat of both Hindus and Muslims has fallen during construction will not be so easy to tear down again. People said, “It won’t happen.” In 80 villages, people from every religious community agreed to the initiative – from the Hindu community as well.

Another task for healing the fractured relations between Hindus and Muslims was when we started collecting the stories of people who had saved lives; there are many more of these stories than there are of those who took lives, but people rarely speak of human goodness and courage when hate violence raged.

And so, in this way, we tried to promote justice, but also healing and reconciliation. And it worked. So, it was worth it. I was also very conscious that, in human rights work, you’re opposing hate. We often see this sort of binary between so-called human rights work and humanitarian work. I see that as a false binary. The work for justice must be built on a foundation of compassion. And the work of compassion must be continuously informed by justice.

Stahl

I would be interested to know whether you picked up some ideas that were being discussed at the international level at that time, because you mentioned transitional justice. You mentioned reconciliation. An international community was using these concepts to deal with post-conflict societies. So, were you looking at these ideas? And if so, what role did these ideas play in your work?

Mander

I don’t know if this answer will disappoint you. A lot of people give up. Imagine the situation: The Muslim family has to go back to the village. They have to go back, and they negotiate the terms. The first term is: you will not pursue justice. And people agree to it. I kept telling my colleagues, “Don’t judge people who choose not to fight, because what would we do in their place? How do we know?” And they have to negotiate very difficult life choices. Our assistance to them and our respect for them should not be conditional on their engagement with the justice process.

So, I wrote this one piece on why people don't pursue justice. And then I did another detailed study, which is very close to my heart, where I asked people: "Why do you fight for justice?" Those who did fight for justice took on enormous risks. To be a Muslim in Gujarat during Mr. Modi's time, they experienced a sense of fear and isolation, and their livelihoods had been destroyed. Wage-earning family members had been killed in large numbers. The other side was willing to pay them significant amounts of money if they withdrew from the justice fight. Some still said, "I won't accept any money, and I will pursue justice at all costs." What motivated that idea? I studied their answers and then later compared what I found with international discussions on transitional justice. I found that what the survivors who were fighting for justice said closely echoed what transitional justice scholars were speaking about, but based on the survivors' own understanding of the world. I actually did it the other way around. I wanted to inform the transitional justice folks about what actual victim-survivors, who were taking on so much in the battle for justice, were saying. I found that the biggest reason was a sense of duty to future generations: "What we have suffered should not recur. And if we don't fight, then our children and their children will have to experience injustice again."

Kinzelbach

In 2005, you became a special commissioner to the Supreme Court in the Right to Food case. So, you transitioned fairly quickly to a new position after handing in your notice to the civil service?

Mander

Yes, but that was not a paid position. I was commissioner to the Supreme Court for about 12 years. Again, that was related to the Right to Information movement, the Right to Food movement. We had a situation in which there were reports of starvation coming from many parts of the country. And on the other hand, at that time government warehouses held 60 million metric tons of grain. I have a friend who's a development economist, who said, "It means we have so much grain that if we put the bags of grain in a line, you could go from the earth to the moon and come back and circle the earth." And yet we had 200 million people sleeping hungry, one-third of our children malnourished. That's why the Right to Food movement started. And we said that it's the state's primary duty to ensure people have food – and government has the food grain. Why shouldn't the state distribute it to the people living with hunger? And fortunately, we got a Supreme Court bench who said, "We agree with you. The right to food is not mentioned in the Constitution, but there is a right to life. The right to life is not just a negative right, in that your life and liberty cannot be taken away without due process. It's also an obligation of the state; it's a right to that which makes life and dignity possible, and we have to begin with food."

That judgment was important not just for India, but globally – it opened up this earlier binary between civil political rights and socio-economic rights, and they were sort of brought together. So, when the Supreme Court passed this order, it also needed an enforcement mechanism. It created the Office of the Commissioners of the Supreme Court. They acted on the authority of the Supreme Court to monitor whether governments were doing enough to prevent hunger and starvation. Now, the Court should have backed this up by giving us payments and resources. We had very little money, even for travel – no payment. All we had was some research staff – but we took it as an opportunity. And for 12 years I worked as a commissioner, and I went to every corner of the country, investigated

starvation deaths, gave directions, etc. That was an amazing kind of responsibility. All of this was happening, but it was a public position, not a remunerated position.

Stahl

You called this the Right to Food movement. Who was part of this movement? What kind of organizations or individuals were integrated? On whose initiative was this whole movement initiated?

Mander

There's an agency called the People's Union for Civil Liberties, the PUCL.^[26] It actually arose out of the battle against the Emergency, and it has a lot of credibility, a lot of moral authority. It was the PUCL that filed the petition for the right to food. And many of us were part of a partnership in making that happen.

But once the Supreme Court passed these orders, we said we needed people across the country to help monitor, to report, and to support people. This spontaneously grew into a massive collection of very diverse groups working with different marginalized communities, basically from across the country.

There were labor groups and trade unions, but there were also farmers' groups, disability groups, and so on. I was part of this collection of groups, but then when I became commissioner, I said, "I need to separate myself so that I'm not formally part of the movement." But I worked very closely with them for a time.

India is unique in that it's the one place where the Right to Information movement actually came up from among the poorest people.

Stahl

I would like to talk about the Information Act of 2005.

Mander

I'll try to be as brief as I can, but I need to tell you why it meant so much to me when I was in the service, because you saw levels of corruption that destroyed the poor's chances of survival. And there was nothing they seemed to be able to do about it. There is one particular story, I think, which I need to tell. One of the legacies we had from the British were what they called famine relief works. Under near-famine conditions, the state organizes public works – building water tanks, roads, etc. – to help people survive the period of near-famine. Again, this is something I was passionate about. During hot summers of scarcity, when famine loomed, I used to get up at five in the morning and return home around midnight. We were trying our best to ensure that people had work and food, and 100,000 people in my district were being supported by these works on any day.

It was around March of a particular year that I suddenly got transferred to another district, a neighboring district. Now March is the end of the cycle. Monsoons happen around June, and then everything starts afresh. Most of these public works are earth works. You build tanks. You build roads. When I joined the new district, I started by getting familiar with the place. I would go to check on the public works: There's supposed to be a tank here. I don't

see a tank. There's supposed to be a road here. There's no road. I found they had spent huge amounts of money, but the works just weren't there. It revealed massive corruption in famine relief works. So, I announced that before the rains come, I'm going to institute a massive inquiry into every one of these thousand public works projects that were supposed to happen. Because after the rains, they'll say it all got washed away. So, before the rains come. And all hell broke loose. I said come what may, I'm going to go ahead with it.

The head of a village, which is an elected position, is called the sarpanch. They're sort of the foundations of our democracy. They're very powerful. So, one day all the sarpanches of the district marched to the district office and handed in mass resignations, saying, "If this investigation happens, then we'll all resign en masse." I said, "Whatever you do, an investigation will happen." Then the chief minister got very anxious. The next day, they sent a special plane. I was flown to the state capitol. That day – literally that day – I decided, if you call off this inquiry, I'm going to resign.

The chief minister was very savvy. He said, "I respect your values, etc., but I also have to find a way to deal with the sarpanches. So let me suggest a way forward. I'll appoint a senior officer for you and say he will conduct the inquiry." I said, "That sounds like scuttling it." "No, no, I give you my word of honor. It'll be a serious investigation." And he was true to his word of honor. With far more resources than I could muster, he did this. I remember that 100 million rupees' worth of work was just not there. It just didn't exist. That was the scale of the corruption. Anyway, once the inquiry report came, I said, "I promised I wouldn't do the inquiry, but I will take action on it." So, I started arresting the officers concerned. And within a couple of days, I opened the newspaper and found that I'd been transferred out.

Kinzelbach

You learned that from the newspaper?

Mander

Yeah, they didn't even bother to tell me. So, I just opened my newspaper. And I remember I came in and told my wife, Dimple, that this has happened. We had been there just three months. And she said, "Okay." And by evening, she just packed everything, and she said, "Let's just leave." It was very heartbreaking; we had many plans for the district, etc. Anyway, that story was important. This was money that was meant to help people survive a famine. That 100 million rupees had been taken away, which should have been food for the hungry in a near-famine. And there was no punishment. And I realized that people have just accepted this corruption, which can destroy our livelihoods; we are powerless to act against it.

And that's when I met Aruna Roy.^[27] They were doing their work in a few villages. I realized, yes, they had found the answer. Why should we depend on anybody else, some crazy officer like you who might come once in 50 years to investigate the corruption, or somebody else? Why? We will do our own investigation. We should have the power. After all, in a democracy, we the people rule. That's where the idea started. And then I told them that this was an idea of such importance. India is unique in that it's the one place where the Right to Information movement actually came up from among the poorest. In other places, it comes from media people and so on.

Then in 2004, when the Congress government came to power, Mrs. Gandhi – Sonia Gandhi – was the Congress president. The prime minister was Dr. Manmohan Singh. Sonia Gandhi created a board called the National Advisory Council to the Prime Minister, which would advise on social policy for the poor. And that's where this act was drafted. That's how it came into being.

Stahl

When you worked on this Right to Food and Right to Information Act, were these campaigns also framed in the language of human rights? Or did you never talk about human rights when you talked about these rights?

Mander

It was very much in that language, and the idea of human rights was there. In fact, it was during this period that we had a kind of opening for the beginning of the creation of a welfare state. While the prime minister was completely wedded to neo-liberalism, there was this advisory body, which was also heavily criticized by the opposition, and even neutral observers. Why should there be an advisory board of unelected people? Once again, we were not paid. We helped to draft policies and laws which were completely based on the idea of human rights. In fact, there was also the right to work, which came through the National Rural Employment Guarantee law. I think people have described it as the biggest law-based work program in the world. If I'm in a village, say, and I don't have work, then within 15 days and within 5 kilometers of where I live, the government has to create at least 100 days of work for me. It's been badly implemented. The present government is completely opposed to it, but the law is still there.

So India got the right to information, the right to work, the right to education, the right to food, and some others. We drafted a number of laws which were very much human rights-based. But the truth is that it was not integrated into the government's primary thrust, and the idea of the state as the defender of people's social rights has receded more and more. And here, because of the National Advisory Council in a sense, these laws started coming up, but they didn't have political backing. This was a group of civil society people who had been called in to advise. The political mainstream didn't believe in it. And so we got much less perhaps than we should have gotten or hoped to get, but some of these laws, at least – the Food Security Act, for instance – say that 800 million people will get at least half of their calorie requirements almost for free, 120 million school children will get a hot meal for free, 160 million children below the age of 6 will be assured a meal, and that these are state responsibilities laid down and enforced by the law.

When the COVID pandemic happened, it was really the Employment Guarantee scheme and the Food Security Act that helped people survive – although the present government is very dismissive of all of these. Without them, the suffering would have been much, much greater: it would have been catastrophic.

Kinzelbach

Do you remember consulting any laws in other countries, or was this more a process where you interpreted India's Constitution and deliberated domestically about how it should be regulated and implemented?

Stahl

Or did you consult international law, like the human rights covenants? Was this also something you referred to – international law or national law in other states?

Mander

While drafting, I think we did look very closely at other laws. In fact, especially with the Food Security Act, we looked at Brazil, and we looked at the covenants. In fact, FAO^[28] invited me over, and I have done a series of manuals and video interviews for the FAO – it was a learning we gathered from the covenants. At a very simple level, the question is: How does a household get enough food? There's three ways. One is by producing the food. The second is by purchasing the food, buying it. And the third is by receiving the food as social security. So, looking at international and national laws and covenants, we actually said that a Right to Food law should really incorporate the rights of food producers: farmers' rights, fish workers' rights, forest gatherers' rights, etc. The second point, about purchasing, has to consider labor rights, because only when my labor rights are protected will I have enough money to be able to buy enough food. And the third point is about social security, which is the responsibility of the state – to provision those who are food-vulnerable. That's how I tried to set it out, also to the FAO.

Ultimately, the Indian Right to Food Act was about just the third aspect. It was about food provisioning as a social security policy by the state, backed by law, but even this was substantial. It is by far the largest social security program backed by law anywhere in the world. That's also because our population is so large. Certainly, we kept international covenants in mind as well, but we had to negotiate. The fact that this international covenant says this, or this country has that, carries no resonance in political discourse in India. In fact, as I described earlier, we have a strange kind of "nationalist resistance" to references to anything except the Constitution.

Any government school can be converted into a safe residential space for homeless children.

Kinzelbach

So, you really had to argue it out domestically. We haven't yet spoken about your work with the homeless, and also with street children.

Mander

Yes, again, it's work that is very close to my heart. I'll speak about it very briefly. I had no background in this work at all. I just felt that, if I come to live in a big city to be with my parents in Delhi after quitting the civil service, then I must work with the most marginalized communities where I now live. The indifference of people and the state to suffering around us is most dramatic when it comes to homeless people, because you can't live in a city in India without seeing homeless people and street children every day of your life – except perhaps during the COVID lockdown. And yet there are no policies for them. Nobody seems to care about them. And that's why I felt I must work with them, but not in an NGO kind of way, because that's not what I was seeking. I was asking: "How could public policy respond to this?" The government's approach is largely to treat these children as

potentially dangerous, as somewhat deviant kids who have to be pulled off the streets and kept in jail-like institutions. The children's homes are literally built like jails, and children are custodialized in these jails. They call them children's homes or whatever, but they're basically jails. The word the children use is chillar jail – chillar means small coins. They hate that place. At the other extreme, in the NGO sector, we have groups saying that institutions are terrible places for children, and we should reach the children on the streets and partner them on the streets by creating drop-in shelters, doing some informal education for kids. This is good, much better than jail-like institution, but again it troubles me, because you start romanticizing street life. You say, "No, the streets are such a lovely place. A child learns so much." I'm willing to listen to you, but I must ask – if the street is such a lovely place, then why not have your child live on the streets? And if the street is not a good place for your child, then it's not a good place for any child. We have to find some other way. So basically, I wanted to look for a way to combine the comprehensive approach assured by the state with the perspective of rights and freedom and dignity provided by NGOs. How do you combine the two, and how do you do it at scale?

So I looked around a lot. And I learned the most from an Irish nun in Calcutta, Sister Cyril.^[29] She's quite an extraordinary woman. She was running a mainstream convent school. Sadly, in India, most Catholic nuns run these very elite schools for rich and middle-class children. She was running one such school. And one night, a homeless child was raped outside the gate of her school. And it was a kind of epiphany for her, because she realized, "When the child most needed protection, my school was empty." And so, she made this resolve, "I will take in homeless girls at this school."

Obviously, the church was unhappy. The parents were very unhappy. But she was a stubborn woman. And she added an extra floor and asked the homeless children to come in. Every class period, one class would go up to that floor, and they would teach the homeless children. Both sets of children learned, and so on. She found that it took no more than about 12 to 18 months for a child to reach a stage where she settled down and felt comfortable in the place and could join a regular school, in the class appropriate for her age. Sister Cyril demonstrated this. It was a very beautiful kind of demonstration. I said, "Can I do this in a government school? Because then no child would need to be homeless." And so my effort was really to do this in a government school, which seemed impossible according to conventional wisdom. I started persuading some state governments, and they opened up. We've now created about 50 of these homes in government schools, where you share a portion of the school. And they've been very successful. There's a lot to the story, but briefly that's the model. It's now part of government policy that any government school can be converted into a safe residential space for homeless children. It's probably the only such example in the world of public schools being used as places of care and education for homeless children.

And if every government school opens up, then potentially no child needs to be homeless. That's what I'm trying to argue for. It would accomplish so many things. It would take care of the child, the homeless child. I think it would also teach the child who is not homeless quite a lot.

Kinzelbach

But of course, there's resistance.

Mander

There's huge resistance. It was a huge battle, and it remains a huge battle. I'm still facing a lot of consequences for this today. But if people ask me what I'm most proud of in my work, maybe I'll talk a little about the riots when I was in government, but I'll also talk about the fact that 300 former street kids in Delhi call me papa, and they really have a lot of faith in their futures. It makes sense to me in an overall context.

But once we started looking at their parents – I will be very brief – we found homeless people living very difficult lives on the streets. And many would die. Nobody would bother with them, even during the winter. So, one year this happened, stories of even young homeless people dying in the cold, and something just broke within me. I was still commissioner to the Supreme Court on the right to food. Shelters for the homeless weren't my jurisdiction. I took some quasi-pseudoscientific study – it was not totally pseudoscience – which said if you're homeless in the cold, you need more calories to stay alive. I used my jurisdiction there, and I said to the court, "Homeless people are dying on the streets also because they don't have enough nutrition." And again, the court listened to me, and they passed orders saying the state has a duty, in an extension of the right to life, to provide shelters for homeless people. As a result of that order, about 2,000 homeless shelters have opened up across India. My unhappiness with the situation is that these homeless shelters have opened, but these are almost like Victorian poorhouses. You are given a roof, but they're not welcoming places. They're not places of healing, places for rebuilding lives, etc. So, I decided we would demonstrate that it is possible to do better. That's how we started running homeless shelters in about four cities.

And lastly, again very briefly, I still found very large numbers of homeless people dying. One of the major reasons for this was TB, because if you get TB, which you have a very high likelihood of getting when you're homeless, then chances are high that you will die. Even if you get into a public hospital, the most they will say is, "Okay, now your five days are up. You have to go home, take your medicine regularly, and let your family take care of you, take care of your nutrition." But the homeless person says, "I don't have a home. I don't have a family. Where do I go except to die on the streets?" About 90 percent of the cases of unclaimed bodies that we found out about were people with lung ailments like TB. So again, how do we solve it? And I realized a simple solution was to create a safe place where a homeless person with TB could come. We'd say, "We welcome you in, and you stay with us for a year, and don't worry about anything. We'll take care of you, give you food – and you rebuild your body." They come when they're near death, and they take their medicines, nutrition, counselling, friendship and care. They heal. We built for them recovery shelters.

Kinzelbach

And who pays for those?

Mander

It's complicated. A very small part of the funding comes from the government. The trouble with my approach is that I don't want to set up NGO models. So, I have to work with the state.

Kinzelbach

I don't think that's trouble. As I see it, it seems like the retired district collector is still trying to use the instruments of the state.

Mander

Always, always – and showing what a humane and just state can be. But in this case, it was with little support from the state. In one way it is a lot easier, because when I set up the leprosy colony decades back, the challenge was sustainability. You get transferred out in six months, and then what happens? Here there's much more sustainability, but we don't have the authority. Every one of these shelters becomes a huge battle with the state. And when the state wants to hit me because I'm taking a very strong position on their politics, they're hitting the children's homes or the homeless shelters. They have closed down many of the homes. So, the political stance I have taken makes my children vulnerable.

I learned a lot from the experience of Germany, this country where we're sitting today, and I understood that silence is complicity and culpability.

Kinzelbach

How has Mr. Modi's election as prime minister in 2014 impacted all the activities you've just described?

Mander

Mr. Modi and I go back a long way – to 2002 – and he isn't a person who forgets. I was deeply, deeply worried about his politics, and to date, he has never expressed any remorse around what happened in Gujarat in 2002. In fact, after the riots that brutally took at least 2000 lives, he took out what he called a Guarav Yatra, which literally means Procession of Pride. So, he is very far from remorse. And the politics he represented were very aggressive, Hindu-supremacist politics, as he had demonstrated after the Godhra train burning in 2002. Still, a lot of people did give him the benefit of the doubt in 2014 – not just the core supporters of Hindu supremacist ideas, but also people who were fed up with the many failures of the Congress government. And they welcomed him in, hoping he would revive the economy, create jobs, fight corruption and so on. But we kept warning: "No, we've seen him up close." We've seen a rapid decline in democracy and the idea of equal citizenship rights in India under his tenure of eight years.

One lesson from Germany is that democracy is not just about the will of the majority. We've seen what happened in Germany in the 1930s, if we need a reminder that majoritarianism and fascism is just one natural path, unless you also have systems to defend every minority.

In India, because of our complex history, we have a very large Muslim population who chose to stay in India and not migrate to Pakistan – around 200 million people. And there's no way they could leave, but with the hate politics of the ruling establishment, they will continuously be made to feel that they don't belong, that this country doesn't belong to them, that they can't be equal citizens. One part of the problem is this hatred against them – public hatred, hate speech, brazen hate speech – comes right from the highest levels of government. A spate of lynchings, public lynchings, also started: crowds would gather around Muslim men, beat them to death very cruelly, and videotape it. It was very

performative violence in that way.

So, when that happened, I decided that the silence of the large majority of the population had to be overcome. I learned a lot from the experience of Germany, this country where we're sitting today, and I understood that silence is complicity and culpability, which we have to challenge. In one of my op-eds in 2017, I called for a Caravan of Love, "Karwan e Mohabbat," where we decided we'd go to visit every single family who had lost somebody to hate violence, to say, "You are not alone; there are people who care. We seek forgiveness for what you have undergone. We will stand with you in your battles for justice, in rebuilding your life. And we will tell your story."

So, I made a call, and a lot of very interesting filmmakers, writers, lawyers, priests, and students – all sorts of people – gathered together. We made our first journey, which meant so much to the families and helped nationally to break the silence. So, we continued. We made about 30 journeys before the COVID pandemic happened. It helped to break the silence. Part of my belief is that we have to fight hate with a different idiom of resistance, one which does not reflect hate, which actually reflects radical love, solidarity, and fraternity. This campaign of love has infuriated the government more than anything else. And so, they have retaliated against all of our other work.

There are many problems with the government, but one is very important: its complete intolerance of dissenting voices. In 2002, I was isolated. I was fighting the battle, but at least nobody said I was a terrorist. Now, that is what they say. So those of us who are resisting are being treated as criminals. In an official affidavit to the Supreme Court and the High Court, I've actually been described as instigating an insurrection. Then somebody else charges us with financial crimes. So, all of this has been going on – and I'm just one among many others. There are people who have actually been in jail for the past three years, or even longer. So, this is a huge, huge crisis we're facing in India today.

Kinzelbach

You're describing a process of autocratization.

Mander

Yes. And the third thing I wanted to underline is the many wars this government is waging against its people. I spoke of the war on India's Muslims and on dissenters who are trying to uphold the constitution. The state is waging a war on them. But there's also a war on informal labor, in the way the government has handled the pandemic. With just one day's notice, we had the largest lockdown in human history and across the world. We had then only 500 cases of COVID-19. We locked down 100 percent of our people overnight and provided one of the world's smallest relief packages.

This kind of explosion of hunger and joblessness, the contraction of the economy, is also something we've tried to struggle against. I resolved I would be on the streets from the second day. And a lot of my young colleagues from all over the country, also the Caravan of Love workers, they all broke lockdown restrictions and started feeding people. We provided about 10 million meals during this period of the lockdown. We also organized buses, etc. for migrants to return to their villages and beds for homeless people to isolate

with dignity and safety if they are infected. Now, all of that is also being investigated, and we are being charged.

Kinzelbach

Was the idea that civil society must step in due to the absence of the state?

Mander

Yes, entirely. And for that reason, it was not a solution. When I say 10 million meals, it sounds like a lot. But in a country of more than 1 billion people, it's not. It's still a drop in the ocean. So, I don't call it food charity. I call it food solidarity. My colleagues were lawyers, writers, and researchers. All of us got involved in this thing. That's not what we set out to do, but my question was: If you really believe in fraternity and solidarity, if there was hunger in your family, among your friends, what would you do? And so, we're just acting in solidarity, for our brothers and sisters who were abandoned by the state and thrown into hunger. We're doing what we can.

Kinzelbach

What were your experiences? The virus was ravaging India at that time.

Mander

We would reach a place with enough food for 100 or 200 people. But 5,000 people would gather, or 8,000 people would gather. There would be kilometers of people waiting in line. You can't reduce our people to this degree of desperation. There was nothing available for them to feed their children. People started walking hundreds of kilometers in the hot summer sun, with their children on their backs. The trains had been stopped. The buses were stopped. The police were beating them back.

And then, the second summer during the pandemic, in 2021, the government was still not prepared. People were literally choking to death because there wasn't enough oxygen, there were no hospital beds with oxygen. There were funeral pyres on the streets, on the sidewalks. It was dystopic. You can't imagine. I never thought a day would come when we would see bodies floating in the River Ganga. I was reading reports about this flu pandemic 100 years ago, in 1918. They talked about bodies floating in the river, in the same river. What have we come to? We have one of the most privatized health systems in the world: 80% of trained doctors in India work for the for-profit, corporate sector – 80 percent. They did nothing for the pandemic. We're left with 20 percent of doctors trying to deal with something on this scale.

So, I think it revealed what inequality does. Arundhati Roy,^[30] one of our fine writers, said something quite lovely. She said that COVID-19 is a virus, but it's also an x-ray. And it's an x-ray which has revealed who we are as a society and as a people. And I think what it has revealed is so terrifying. Nine out of ten workers are in the informal sector. How can you just close down an economy and do nothing for them? You're asked to stay at home and maintain social distance. How are you going to maintain social distance when 60 percent of our people – whole households – live in one room or less? The government never imagined or planned for the large mass of the working poor. And there seem to be no correctives. I've written about the second wave – the burning pyres, the floating bodies, and the absent state

and what it does. At the end of it all, I really concluded that we must remember. We mustn't forget. Already, no one's talking about it. But we must first give ourselves space to grieve, which we didn't. We must give ourselves space to rage and to recognize that this crisis was largely the result of a state that didn't care a bit – there was an almost pathological absence of compassion.

But we must also remember with hope. And hope was really evident in how ordinary civil society stepped up. There was no oxygen, but then ordinary people just started providing oxygen, collecting it from somewhere. There was no one to cremate the bodies because the families still had COVID. The bodies were piling up. So, you had whole groups of volunteers, young people, Muslims who were cremating Hindu bodies according to Hindu rites, and so on.

These are examples of kindness – human rights is also about kindness. And I think I saw, in all of this, that we hadn't lost our kindness.

Kinzelbach

I've noticed that your public voice and your actions – such as the Caravan of Love – are organized on the same platforms where hate is organized. You started your Twitter account in 2017, the same year as the Caravan of Love.

Mander

Absolutely.

Kinzelbach

Is there a connection?

Mander

There definitely was. I was really trying to counter the silence, because I think a silent society becomes more and more culpable.

Kinzelbach

You have 94,000 followers on Twitter. So, you're trying to infuse the idea of kindness by using your public voice. Is that correct?

Mander

Yes. I think there's a certain space that I have, and people listen – both thoughtfully and in opposition. And I must utilize that space to talk about rebuilding our society, broken by both hate and indifference, because I think we are at a moment of civilizational crisis, and it's nothing less than that. When the history of our times is written, I feel this will be considered one of the cruelest periods in human history, because we have the resources many, many times over to ensure that no child sleeps hungry, that no one lacks healthcare. We have the resources many times over, and yet it's not happening. A 1.5% tax on the wealth of all the dollar billionaires in the world is actually all we need to address all of these human needs. The fact that we're not doing it is the crisis of civilizational character.

Therefore, I'm less preoccupied with who Mr. Modi is and what he's doing, etc. My

preoccupation is about us, about society. And to the extent that young people are willing to listen to me, I try to speak in a language that doesn't judge them. Ninety-four thousand followers is not a hell of a lot, but it's happened on its own. It's just built up since the Caravan started. My friends persuaded me: "You've stayed off social media for too long. You must have these conversations." In my writing, I also try to do this. I also speak.

Let me say a couple of things. Amartya Sen, who's an economist and philosopher whom I really admire, he wrote a book called *The Idea of Justice* (2010). And he said, "What is remarkable is that there has been no human society anywhere in the world in any phase of history which was not characterized by injustice. But there is also no human society anywhere in the world in any phase of history which is not also characterized by resistance to injustice."

And what is the source of this resistance? He said there are three sources in human nature: The first is the quality of empathy, kindness, feeling the other's pain. The second, he said, is the capacity for reason, when you ask – why? And the third is the universal love of freedom.

That's where I see my work: to nurture or to believe in, and to respond.

Kinzelbach

Is there anything you would like to say about the fact that the current government in India is putting pressure on the projects you have created, but also now on you personally, investigating you for money laundering charges and so on?

Mander

Money laundering and terror.

Kinzelbach

And terror. So, I think it may be important for people who read this interview to know that you are under enormous pressure at the moment.

Mander

Yes, but I don't want to overstate it, because I must still underline that I have the privilege of social recognition, social capital. There are people who fight these battles without the social protections I have. We really mustn't place ourselves on too high a pedestal – but it is true that I am under a lot of pressure.

I keep recognizing that, in times like this, my greatest public duty is to continue to speak out, whatever happens. My lawyers keep telling me: "At least for now, keep quiet for a while." And I said, "That's precisely what they want." And so, I tell my lawyers – in fact, a lot of lawyers volunteered to defend me when these charges were brought. And I said, "I have some conditions. One condition is that your duty is not to keep me out of jail. Your duty is to defend my right to use the rights the Constitution has given me to dissent peacefully and publicly against government policies. If that right is taken away, then there's no point in my being out of jail. I only want a lawyer who doesn't tell me to keep quiet." So, I weeded out quite a few of them, but I do have some more.

I agonize about it a lot, because my children's homes and homeless shelters are now under considerable threat. A lot of our work is under threat. Many of my young colleagues are in trouble. And I realize that. What is my duty at this point in time? Should I negotiate some kind of a peace treaty with the authorities by submitting to silence? I believe I must do all I can do protect all of these people whose lives are linked to mine, but not at the expense of my paramount public duty in such times, which is to speak up. Because if we allow that, then democracy is over. That's how I see it.

Kinzelbach

You also spoke up about the Citizenship Amendment Act of 2019.

Mander

The debate about the Citizenship Amendment Act was basically about who belongs and who does not. It's a 1,000-word law, which says that undocumented people of every other religion will be treated as persecuted minorities from the region, but undocumented people of Muslim identity will not be granted this protection. Members of all ethnic groups who live in India are not automatically recognized as Indian citizens; they have to produce documents to prove their citizenship. Yet, the reality is that many people in India cannot produce the required documents. But only Muslims will be in danger of being declared non-citizens if they cannot produce documents. So, people understood that making this distinction meant taking away citizenship and destroying the foundations of our Constitution itself. You pass this law, and the Constitution is over. In geographic proximity to India, we have the Rohingya,^[31] for instance. Their fate can become the fate of 200 million Indian citizens of Muslim identity.

India was constituted on the basis that this country belongs to all of its people equally. There is no conditionality. I think we resolved this very strongly during our Freedom Struggle. And I've spoken about the time when my father worked in the mountain frontiers. There are many tribes there, and some of just 200 people; only 200 people in the world speak their language. And in my imagination, I said those 200 people, speaking their language, living their lives, are equally Indian. We have no conditions, except the acceptance of the values of the Constitution. That is the only conditionality. And that's important not just for India, but for the world. As populations become more diverse everywhere, the question is being asked from people who are "different" in colour, religion, language and so on: On what conditions do you belong? And my belief is that there should be no conditionality of language, of culture, of worship, of sexuality, of ethnicity – nothing. All of this is accommodated in the community we will build, in living together. All we have to agree to is a certain morality of the Constitution: that men and women (and trans people) are equal, that we don't discriminate on any grounds.

I learned from Gandhi's civil disobedience. He said, "You have the right but also the duty to disobey; you must publicly disobey public policies that you disagree with." But there's another requirement. He also said, "Not only should you publicly disobey. You should demand punishment." You have to publicly disobey and say, "I demand punishment." My problem when the Citizenship Amendment Act was passed was that, if I say in civil disobedience that I will not produce documents, I will still not be punished, because I'm not a Muslim, then it has no adverse effect on my rights. The law is designed in such a way that

I can disobey, but I am still not punished, because the law is designed to protect me. So, what do I do as my public duty? I asked myself. I then declared, "If the Citizenship Amendment Act is used as a basis to judge my citizenship, I will register officially as Muslim then refuse to submit any document to prove that I am an Indian citizen. I will demand that if citizenship is taken away from any of my Muslim brothers and sisters, then I must also have my citizenship taken away from me."

Kinzelbach

And where do you put out such statements? Is that what you do via Twitter?

Mander

Yes, I did this on Twitter.

Kinzelbach

And what was the response?

Mander

My God, I really realized what women go through when they face sexually charged hate mail. I get a lot of hate mail, but this was the one period where they were preoccupied with my circumcision, actually. They misunderstood. I never said I would convert to Islam. I said I would officially register as Muslim if that law becomes the basis on which citizenship is decided.

Kinzelbach

So, you got sexually abusive messages for the first time?

Mander

Yeah, so I realized what women have to go through, albeit on a much larger scale than what happened to me. I'm saying this politely, but there's a lot of very sexually explicit hate mail. Even now, they still wake up to it. When they don't like what I'm saying, they keep asking me about my circumcision. [Laughs]

Kinzelbach

You can still laugh.

Mander

Yeah. You have to laugh.

Kinzelbach

Are there some final ideas you would like to share?

Mander

There's a major national archive of ideas in India.^[32] So just before I came to Germany, they approached me. They chose the subject, and they gave me a very challenging topic. And the topic was: Can a state love its people? They decided perhaps to put me on the mat, to sharpen my arguments. It actually worked very well because I really thought about it: What is a caring state? What does it constitute? And a lot of it is about human rights. But it

is this language that resonates. Noam Chomsky, for instance, said, “What is social protection?” He said, “It is ultimately the idea that we need to take care of each other.” It’s an idea you can understand. When you talk about social rights, I don’t understand. It doesn’t resonate with me. But the idea that we should take care of each other is something my grandmother would have understood. That’s what I mean by the language. It’s not the content of the language we have to find.

Kinzelbach

In your bio, you describe yourself as a “human rights and peace worker, writer, columnist, researcher, and teacher, who works with survivors of mass violence, hunger, homeless persons, and street children.” But now you’re saying that human rights language is maybe not the right language to counter hate violence.

Mander

It’s not enough. I think we have to rediscover a much more expansive language, which plugs into much older philosophical and ethical traditions. And I think then we’ll find more resonance. People will understand and will stand with us. In this context, I wanted to quote something the young people say: “But what can we do?” And I thought a lot about that question, and I decided to quote something the Prophet Muhammad said, perhaps partly because Muslims are so stigmatized today.

But really because he said something very profound. He said, “What is your duty when you witness injustice and suffering? At the very least, respond from your heart.” At least feel badly, which is where kindness comes in. And he said, “The better among us will respond with the tongue,” which means you’ll speak out against it. And he also said, “The best among us” – a minority – “will respond with their hands,” which means you’ll act against the injustice.

My point is this: Some of you might act with your hands. Some of you might act with your tongues. But all of us can and must respond from our hearts. If more of us are kind and caring, we will be closer to finding the path to justice.

Fußnoten

1. The partition of India was the division of British India into independent India and Pakistan in 1947. Between 10 and 20 million people were displaced along religious lines.
2. Mahatma Gandhi (1869–1948), lawyer and leader of the Indian anti-colonial movement.
3. The Rashtriya Swayamsevak Sangh (RSS) is a Hindu nationalist organization.
4. Larry Collins and Dominique Lapierre, *Freedom at Midnight* (London/New York: Simon & Schuster, 1993). The book is about the Indian independence movement and partition.
5. Jawaharlal Nehru (1889–1964), anti-colonial activist, first prime minister of India, 1947–1964.
6. Verrier Elwin (1902–1964), British-born Indian anthropologist.
7. Tenzin Gyatso (*1935), 14th Dalai Lama.
8. Josef De Veuster (1840-1889), known as Father Damien; Roman Catholic priest who led a ministry in Hawaii for people with leprosy.
9. Jawaharlal Nehru, *The Discovery of India* (New York/London 1946).
10. In June 1975, as a reaction to social protests, the Indian Prime Minister Indira Gandhi declared a state of emergency that lasted until March 1977, cancelling elections and suspending civil liberties.
11. Indira Gandhi (1917–1984), prime minister of India, 1966–1977 and 1980–1984.
12. Karl Marx (1818–1883), philosopher and economist who theorized about capitalism. His work had a great influence on the emerging labor movement.
13. Bhimrao Ramji Ambedkar (1891–1956), Indian lawyer, politician, and social reformer who fought against the caste system.
14. Martin Luther King Jr. (1929-1968), 1957-1968 President of the Southern Christian Leadership Conference and important spokesman of the US-American civil rights movement.
15. Jacinda Ardern (*1980), since 2017 Prime Minister of New Zealand.
16. The International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights were signed in 1966 and came into force in 1976. Both are key documents in the history of human rights.
17. The Universal Declaration of Human Rights was adopted in 1948.
18. Indira Gandhi was assassinated by two of her bodyguards on 31 October 1984. The assassination led to massive violence in India, in which 8,000 Sikhs were killed.
19. Medha Patkar (*1954), Indian environmentalist and civil rights activist.
20. Murlidhar Devidas Amte (1914–2008), Indian civil rights activist.

21. Manmohan Singh (*1932), Indian prime minister, 2004-2014.
22. Sonia Gandhi (*1946), president of the Congress Party, 1998-2017.
23. Alan Stewart Paton (1903–1988) was an anti-apartheid activist and writer from South Africa.
24. Harsh Mander, Cry, My Beloved Country: Reflections on the Gujarat Carnage, 2002 and its Aftermath (Kochi: Rainbow Publications, 2004).
25. Narendra Modi (*1950), Hindu nationalist politician; chief minister of Gujarat state, 2001–2014; prime minister of India since 2014.
26. The People's Union for Civil Liberties is an Indian human rights organization that was founded in 1976.
27. Aruna Roy (*1946), social activist. She was the leader of the Right to Information movement in India.
28. Food and Agriculture Organization of the United Nations.
29. Sister Cyril Mooney (*1936), educator from Ireland who has worked in India since 1956.
30. Arundhati Roy (*1961), Indian author, human rights and environmental activist.
31. A persecuted ethnic minority in Myanmar, mostly of the Muslim faith.
32. Archives at the National Centre for Biological Sciences, Tata Institute of Fundamental Research, Bangalore.

Zitation

Lebensgeschichtliches Interview mit Harsh Mader, 17.12.2021, in: Quellen zur Geschichte der Menschenrechte, herausgegeben vom Arbeitskreis Quellen zur Geschichte der Menschenrechte, URL: www.geschichte-menschenrechte.de/harsh-mader/