

A QUARTERLY OF LIBERAL IDEAS

# Freedom First

April-  
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45TH YEAR OF PUBLICATION

## Dams and the Environment



The Making of the  
Indian Constitution

**Hong Kong**  
From British Colony  
to Chinese Province

# TIBET

## *The Facts - III*

### Destruction of Tibetan Identity

The Chinese occupying authorities systematically tried to destroy the very identity of the Tibetan people by religious persecution, consistent violation of human rights, the wholesale destruction of religious and historic buildings, destruction of the environment, militarization of the country and the transfer of millions of Chinese population into Tibet.

### Population Transfer

The most critical threat confronting the Tibetan people is the massive influx of Chinese civilians into Tibet. The influx, which has its roots in early Communist directives, is assimilating Tibet and Tibetans into China. It has now reached a point where the distinct identity of the Tibetan people and their ancient civilisation is being overwhelmed, and its continued separate existence in jeopardy. Today, the six million Tibetan people has been outnumbered by the 7.5 million Chinese population in Tibet. In Lhasa before 1950 there were hardly any Chinese. Today, the ratio between Chinese and Tibetans is roughly 3:1. Out of 12,827 shops and restaurants, less than 300 are owned by Tibetans. In the Tibetan province of Amdo, which is now turned into a Chinese province called Qinghai, to quote China's own statistic, out of the total population of 4.45 million in 1990 only 20% are Tibetans and the rest are Chinese.

As a result of the population transfer, Tibetans are generally marginalised in the economic, political and social spheres. However, the most serious impact is on the long term identity of the Tibetan people as a distinct people and culture. Besides, China's policy of coercive

birth control in Tibet also threatens the Tibetan identity. Till date, thousands of Tibetan women in Tibet have undergone forced abortion and sterilisation. The massive change in demographic balance thus created also has serious consequence for peace and security in the region. Once Tibet is filled with the Chinese, its historical position as a buffer zone of peace will disappear.

### Systematic Destruction of Tibetan Culture and Religion

From the very beginning of the

Research indicates that the Chinese authorities denuded some 54 billion dollars worth of timber at the end of 1985 from the rich forest reserves of Tibet. In Amdo province alone, nearly 50 million trees have been felled since 1955 and millions of acres of forest area amounting to atleast 70% cleared. A similar condition prevails in other parts of Tibet, particularly in eastern and southern Tibet.

Tibet is the source of all major rivers in Asia. The deforestation of Tibet has led to the silting of rivers, causing floods in the neighbouring countries, including China itself. In 1987-88, the Brahmaputra river caused 35% or more of total flooding in India. The deforestation in Tibet also increases the risk of imbalancing the monsoon which then may herald disaster to Indian agriculture.

### Militarization and Nuclearisation of Tibet

China has turned the once peaceful and buffer state between India and China into a vast military zone. The militarization of the Tibetan plateau profoundly affects the geopolitical balance of the region causing serious international tension, particularly in the Indian sub-continent.

Today, Chinese military presence in Tibet includes an estimated 300,000 to 500,000 troops, of which 200,000 are permanently stationed in Central Tibet near the Indian border, 17 secret radar stations, 14 military airfields, 5 missile bases in Kongpo Nyitri, Powo Tramo, Rudok, Golmu and Nagchu; atleast 8 ICBMs, 70 medium range missiles and 20 intermediate range missiles. Burma, Cambodia, Vietnam and major Indian population centres are within the range of these nuclear-tipped missiles. Besides, China also utilises Tibet for chemical warfare exercises and dumping nuclear and toxic wastes from other countries for payment of huge sums of money.

(To be continued)



invasion of Tibet, the Chinese started undermining Tibetan culture and religion. Soon this escalated into the dreaded 'struggle session' in which religious figures and local leaders were tortured and murdered. Over 6,000 Buddhist monasteries have been destroyed. All religious statues and artifacts were either destroyed or stolen. Chinese policy is aimed at bringing about a gradual and natural death of Tibetan culture and religion.

### Destruction of the Environment

Under Chinese rule, the systematic destruction of the environment of Tibet is unprecedented. The rich wild life, forests, plants, minerals and water resources have all suffered irreplaceable degradation and Tibet's fragile ecological balance is being seriously disturbed.

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## BETWEEN OURSELVES ...

We were faced with a minor dilemma choosing the cover story for this issue - we had two : Fifty years of the drafting of the Indian Constitution and one on dams, and earthquakes. We chose the latter because it is of universal concern recognizing neither man-made boundaries nor considerations of national sovereignty. Environmental issues ought to transcend political and other partisan considerations. Be they natural or man-made, calamities neither respect national boundaries which divide nations nor considerations of national sovereignty. *Freedom First*, consistent with the belief of its founder Minoo Masani in 'One World', when reminded that June 5 was World Environment Day decided to give dams and the environment, pride of place in this issue.

On the making of the Indian Constitution, we decided to take our readers back to what some of the framers of the Constitution had in mind when they decided to support or oppose seminal issues affecting the country's social and political fabric. It was not only nostalgia that persuaded us to publish extracts from the writings of Dr. Ambedkar, Dr. K. M. Munshi, Mr. M. R. Masani, Mr. N. A. Palkhivala. We are sure what these luminaries had to say and the reality now is what would interest readers.

Around the time this issue reaches you, Hong Kong will pass on from a British Colony to a province of the "People's" Republic of China. We happened to chance on a talk by a leading member of the Democratic Party of Hong Kong by Mr. Martin Lee. He raises several issues concerning the future of Hong Kong, particularly its future as an open society.

Editor

April-June, 1997  
No.433

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# WITH MANY VOICES

*"The deep moans round with many voices. Come, my friends  
'Tis not too late to seek a newer world" - Tennyson*

Years ago, Morarji Desai described modern art as a 'fad' which must disappear. At that time, I'd painted Desai as a monkey.

Painter M. F. Husain, *Time*, October 28, 1996

Terrorism is like beauty: it is in the eye of the beholder.

Louis Farrakhan, Nation of Islam leader, praising Libyan ruler Muammar Gaddafi, *Time*, October 28, 1996.

A man who fights elections is aware of who can help him to win. Not these fellows in Delhi. They probably would not be there, if they could win elections in their own states.

Laloo Prasad Yadav, *Outlook*, May 14.

The difficulty is not with Islam. The difficulty is with reactionary and motivated interpretations of the *Quran* and the *Hadith*... Yes, in my book it is important to keep my faith but it is equally important to respect the faith of the next man.

Mahathir Mohammed, Malaysian Prime Minister, *Communalism Combat*, March

India needs sceptics, not cynics.

Vinod Mehta, *Outlook*, March 12

With the Internet you can destroy individual reputations and you can destroy corporate images.

Anil Dharker, *The Times of India*, May 15

Somehow, Indian society has come to accept that an economist can make a successful finance minister. I do not subscribe to this view. I believe a sociologist will any day make a better finance minister.

S. Chakravorty of the CPI(M), transport minister in the West Bengal government, *India Today*, April 15

Politicians are never so generous as when handing out things they do not themselves own. Petrol pump franchises and cooking gas connections are two common tokens of their generosity.

Editorial in *BUSINESSWORLD*, 1-15 April

Whenever you start feeling humble, Mr. Gujral, please remind yourself that most of the problems that continue to plague our ancient land are the direct legacy of two former occupants of that seat. We have Nehru to thank for centralising our economy, and our polity, till it was nearly strangled to death and we have his daughter to thank for most of the political problems that threaten to tear us apart.

Tavleen Singh, *The Indian Express*, May 25

What is India? It is a country which is the exact opposite, 50 years after freedom, of what its founding fathers wanted it to be.

Dom Moraes, *The Afternoon Despatch & Courier*, May 26

If we list all the people happy about Sonia's latest move, we'll have a list of people with something dreadful to hide.

K. K. Pillai, *The Metropolis on Saturday*, May 17-18

The Congress is *saapnathi*, the United Front is *naagnath* and the BJP a cobra.

Kanshi Ram, *The Times of India*, May 19

Real issues do matter in a democracy. Policy debate does have its place. But it is best conducted, not during elections with all their simplifications and exaggerations, but between them when issues can be taken one by one and given proper scrutiny and attention.

Bagehot, *The Economist*, April 5

I want this to be seen as a professional achievement, without unnecessary focus on the gender.

Deena Mehta on her appointment as the first woman member of the Governing Board of the Bombay Stock Exchange, *Outlook*, April 23

The (US) Constitution is an antitrust act for government...Federalism, like Adam Smith's market, creates an "invisible hand" that promotes maximum liberty

Joseph Sobran of the Universal Press Syndicate, *National Review*, February 10.

# OF CABBAGES AND KINGS

## Of VIPs, VOPs and Socialism

We have, in this column, been repeatedly drawing the attention of our readers to the 'VIP Nuisance' plaguing our "Socialist, Secular, Democratic Republic". In a recent article in the *The Times of India*, Mr. Rajiv Desai correctly described free India's hallmark of governance as VIP Raj. Indeed, as he observes 'from a mere inconvenience it has grown to be disruptive, like riots and demonstrations'. With increasing frequency and like swarms of locusts, the VIPs, with their gun-toting 'black cats' in white Ambassadors, descend on us hapless VOPs (Very Ordinary Persons), disrupting whatever it is that we are doing. It has become such a routine occurrence that we must, in our daily schedules, take care to provide for delays caused by the movement of VIPs. Perhaps the traffic police could put up signs (as various public utilities do) saying: "Diversion Ahead - VIP movement!"

This VIP Raj is a legacy from our feudal past which was taken over by the British and, on their departure by Mr. Jawaharlal Nehru and his Indian National Congress. Decidedly, a VIP culture thrives best in a statist atmosphere and has been most prevalent where socialists and dictators rule the roost.

In his article, Mr. Desai worries about the possibility of the policy of economic liberalisation being challenged and being declared unconstitutional because the preamble to the Indian Constitution says that we are a 'socialist' republic. He need not.

A writ petition has been pending in the Bombay High Court for over 40 months (the petition was admitted on December 15, 1994) challenging Sub-Section 5 of Section 29(A) of the Representation of the People Act, 1951 as being *ultra vires* the Constitution of India to the extent it requires the memorandum and rules and regulations of a political party to specifically state its 'true faith and allegiance to the principles of socialism'.

"the time has come," the walrus said,  
"to talk of many things:  
of shoes-and ships-  
and sealing wax-  
of cabbages -  
and kings-"



Therefore, even if the liberalisation process were to be challenged as being *ultra vires* of the Constitution businessmen and others can take heart - the courts will ensure that the process has ample time to get completed before the matter is heard!

### Mr. Martin Massey

Meanwhile, a clear and present danger is the fact that the 'VIP Nuisance' is turning itself into a 'VIP Menace'. The reference is of course to poor Mr. Martin Massey who dared to stray into the route to be taken by His Majesty the Prime Minister. Accord-



Mr. Martin Massey

ing to a newspaper report, on May 12, Mr. Martin Massey, an executive in a private firm in New Delhi, returning home on his scooter, had reached the Oberoi flyover in New Delhi, when he saw a police patrol van, siren blaring, speeding behind him. "Initially I thought they were chasing someone else, but when I saw them following me, I panicked and accelerated." At the Nizamuddin roundabout, he saw the road had been barricaded (a common sight in New Delhi with so many VIPs strewn all over the place) and a posse of policemen waiting to intercept him. He was about to stop when a police jeep rammed into his scooter from behind. He fell. When he got up, over 10 policemen pounced on

him, caught him by the neck, dragged him to a deserted spot near Humayun's Tomb and beat him up with rifle butts and lathis. Martin Massey sustained grievous injuries including the loss of four of his front teeth. His scooter was detained before he was let off. The next day, his son Mark went to the Nizamuddin police station to collect his father's scooter. As if to add insult to injury, the policemen allegedly demanded a bribe of Rs.3,000. Quite possible, as anyone who has had to deal with policemen and police stations will testify. Since Mark had only Rs.1,000, he reportedly gave it to one of the officers and got back his scooter.

It is encouraging that a Division Bench of the Delhi High Court took notice of the report in *The Times of India* and issued notices to that daily which reported the outrage and the Delhi Police, to state if the report was true and what action was being taken. This was on May 13. On May 14, the station officer of Nizamuddin police station was transferred and two police constables suspended. (To be continued).

Meanwhile, let us not forget that the issue here is not only police brutality (itself not an infrequent occurrence, not only in New Delhi but throughout the country) but the fact that Martin Massey was brutalised because of the VIP culture for which the current crop of politicians in power is, as much to blame as those belonging to the party of Mr. Sitaram Kesri.

SVR

# World Environment Day

I do not know why 5th June has been chosen as "World Environment Day". In India, June is the hottest month. The annual monsoons make their entry into the sub-continent through Kerala in early June even while other parts of the country experience acute water scarcity. Even if a 'neta' (as a political leader is called in our part of the world) were to plant a tree in June, it is very likely that the tree will wither away. Looked at from another point of view June being a month of water scarcity there is motivation to conserve water.

## Environment and Indian Culture

It would not be an exaggeration to say that environmental consciousness is ingrained in Indian culture. From our childhood we are taught to love and respect trees which are endowed with religious significance - *Vata Vriksha*, *Shammi*, *Druva grass*, banana leaves, *Mango leaves*, *Neem*, *Tulsi*; so are animals associated with divinity. The first four *avatars* of God for instance are animals - *Matsya*, *Kurma*, *Varaha* and *Narasimha*. Almost every god in the Hindu pantheon is depicted with an animal either as a vehicle or as a companion - Vishnu with *Garuda* (eagle) and *Sheshmag* (king cobra), Shiva with *Nandi* (bull), Ganesha with a *Mushak* (mouse), Dattatreya with a dog, Saraswati with a *Hans* (swan),

Kartikkeya with a *Mor* (peacock) and so on. In other words, one could infer that associating plants and animals with religious personalities was one way of showing respect for the environment.

Yet, no less a person than Swami Vivekananda once exclaimed in anguish that our's was a nation of individual cleanliness and public filth. The Ganga is the sacred river of the Hindus. It is considered to be so clean that it was believed that even microbes could not survive in its waters. When someone asked scientist JBS Haldane whether the last mentioned claim was a fact replied: 'Even microbes have some self respect!'

When did environment first become a matter of public debate? While it hit the headlines during the 1972 Stockholm Conference, the first banner of protest against governments' apathy to environmental degradation was raised by Ms. Rachel Carson, a US ecologist in her book *Silent Spring*. The book - a runaway best seller - was a strong plea for the preservation of the environment and the study of ecology - the science which deals with the interaction between organisms (plants, animals and human beings) and their environment.

## Enter the Politician

Willy Brandt, the former Chancellor of the Federal Republic of Germany, was perhaps the first politician to include an environmental issue on his political agenda as far back as 1961 with his slogan of 'A Blue Sky above the Ruhr'. He lost the 1961 election for the post of Chancellor but his demand inspired German engineers and scientists to take up environmental research and plead for state action to control pollution. But nothing much was done for the next eight years. It is alleged that, backed by the ruling conservative administration, industry managed to control demands for environment protection from becoming an explosive controversy.

In 1969, catastrophe struck. Fish perished in German rivers; the Rhine became a dead river downstream of Cologne endangering the supply of drinking water. The citizen's anger erupted in protest marches. When the Socialist-Liberal coalition came to power in 1969, they accorded the highest priority to environmental protection and a number of environmental laws were passed.

A. K. R. Hemmady

## A Scientist's Concern for the Ecology

Ms. Rachel Carson's devotion to the cause is told by Caskie Stinet in the *Atlantic Monthly*:

"At one point, she made a shy confession. At her Marine laboratory, she said, she dally recovered small quantities of sea water from the tidal pools and made microscopic examination of the behaviour of the tiny creatures she had captured. But then, she added, almost apologetically, she would return the sample to the sea. I couldn't help but remark that failing to return a table spoon of water to the sea was not likely to upset the balance of nature.

\* Ms. Carson looked embarrassed. "If that surprises you", she said "I hesitate to tell you what else I do. If those little creatures are going to survive, I must return them to the sea at the same tidal level from which I took them. That means that often I must set my alarm clock, put on my dressing gown and slippers, and carry the sample back to sea by torchlight. It's not always a pleasant walk, especially on rainy nights."

38 percent of global grain harvest today becomes feed for livestock. Especially where food grain is irrigated, animal agriculture is highly water-intensive. A kilogram of hamburger or steak produced by a typical California beef cattle operation, for instance, uses some 20,500 litres of water. As the world struggles to grow enough food for a larger population, the amount of water needed for feed lot style meat production may preclude meat-rich diet. By shifting diet away from meat and more grains and legumes, consumers in the more affluent countries can get their protein requirements in a way less demanding of the earth's endowment of fertile land and fresh water.

Sandra Postel, Worldwatch Institute  
(1992).

# Dams and the Environment

## A 'Catch 22' Situation

A. K. R. Hemmady

Recently, we came upon two reprints, courtesy the American Center Library. They were: "The Coming Himalayan Catastrophe" and "The Trouble with Dams", both published in July and August 1995.

The "Coming Himalayan Catastrophe" deals with seismicity in the Himalayas with specific reference to the Tehri Dam and "The Trouble with Dams" is about public response to dams in general. The concerns expressed in these articles are of equal relevance to us, because we too have our fears, real or exaggerated, about environmental degradation and the rehabilitation of populations. We also have court judgements such as the most recent one where the Supreme Court restrained the Gujarat government from implementing its decision to resume work on the Narmada Dam. Not unexpectedly, the Gujarat chief minister publicly declared his determination to take the issue to the people.

Do we need large dams (economies of scale) or would a series of small dams serve the same purpose, while being less hazardous and with viable cost-benefit ratios. If not, how do we meet the increasing need for power, irrigation and drinking water.

For our needs of electric power, should we continue with coal-fired thermal plants that contribute to acid and fly ash pollution besides the problem of the safe disposal of huge piles of coal ash. Perhaps, nuclear power plants are the answer, but they too can be hazardous - remember Chernobyl? Maybe, gas-based plants are environmentally safe but don't they make us heavily dependent on the middle east countries which are in a state of constant turmoil - and thus politically hazardous?

The editor of *Freedom First* sent me two reprints received from the American Centre Library in Bombay - "The Coming Himalayan Catastrophe" (*Discover*, July 1995) and "The Trouble with Dams" by Rupert S. Devine (*The Atlantic Monthly*, August 1995).<sup>1</sup> with a request that I consider commenting on them. Both topics being of considerable relevance to us I felt that we should circulate the two articles to environmentalists, engineers, geologists, seismologists, lawyers, politicians, newspaper editors and columnists and invite their comments. This is what we did and though not eve-

ryone replied those that did have given us the benefit of their views.

### The Coming Himalayan Catastrophe

What catastrophe is the writer talking about? The article deals with the seismicity of the Himalayas with particular reference to the Tehri Dam in Uttar Pradesh. The geological evolution of the Himalayas resulted from the northward drift of the Indian sub-continent and the collision of the Indian plate with the Eurasian plate - according to the Plate-tectonic theory.<sup>2</sup> The Himalayan belt is still mobile and researchers found that India and Asia

We forwarded the two articles to our good friend and *Freedom First* subscriber Mr. A. K. R. Hemmady. Mr. Hemmady, who retired as Deputy Director General of the Geological Survey of India, reminded us that each year, June 5 is observed as World Environment Day, and suggested that as a mark of our concern for the environment we should, in the context of the two articles, discuss dams and their impact on the environment.

The subject is also topical. You may recall that on 2nd March four devastating earthquakes struck Iran (magnitude 6 on the Richter scale), Baluchistan in Pakistan (magnitude 6.3), the Armenian capital Yerevan and northwest China's Ji'ashi country (magnitude 6). Of these the first three belong to the same Himalayan earthquake belt. Two days earlier, on February 28, an earthquake had struck Quetta in Pakistan. In the light of these most recent happenings do you think dams are safe. Do we need them and if so should they be large or small?

And even as Mr. Hemmady began working on this cover feature, two earthquakes struck Iran and India. The Iran quake of magnitude 7.3 on the Richter scale occurred at Qaen on 10th May killing 2,400 people. On May 22 an earthquake of magnitude 6.0 hit Jabalpur killing 40 people.

Readers of *Freedom First* will recall Mr. Hemmady's discussions in our journal on earthquakes - *All About Earthquakes* (January-March 1994); *On Predicting Earthquakes* (January-March 1996) and a review of his book *Earthquakes* published by the National Book Trust (January-March 1997). Editor's Note.

are converging at the rate of around eighth-tenth of an inch each year. This convergence is between Nepal and Tibet. The convergence at the Nepal-Indian border is arrested because here the detachment fault is stuck. The strain is building up along this stuck fault and it is here that the Tehri Dam is located. Available records indicate that no earthquake has been reported here since 1255. If the last quake on the India-Nepal border was indeed in 1255, some 50 feet of motion - eight-tenths of an inch per year times 740 years - has built up and needs to be released. Based on these findings, the research-



## Dams and the Environment

ers expect that an earthquake of magnitude ranging from 8.2 to 8.9 is likely. The extent of the damage would be enormous. A single quake... would be felt as far away as Calcutta and Bombay. We are talking of 100 or 200 million people affected.

### Scrap Tehri Dam

Roger Billham, a US seismologist at the University of Colorado, is of the view that the government of India should scrap the Tehri Dam in favour of a series of much smaller hydroelectric projects, any one of which could be knocked out by a quake without doing serious harm to the populace. If you are the government, he says and you are concerned about a great earthquake being overdue, you have a terrible responsibility to your people. What are you going to do? Are you going to retrofit buildings? Have earthquake preparedness exercises like in Japan? These are very serious restrictions economically. But if you do nothing, and the earthquake happens, I think you are criminally irresponsible.

This is the Himalayan catastrophe that is waiting to happen.

### The Trouble with Dams

"Some 100,000 dams regulate America's rivers and creeks, often at the expense of ecosystems - and of taxpayers, who are subsidising hand-outs to a large number of farmers, floodplain occupants, hydro-electric users and river-transportation interests sums up the article on the 'Trouble with Dams' by Robert Devine. Basically dealing with hydropolitics supported by a wealth of data Mr.

Devine's study has much relevance to the current situation particularly in the light of the present Finance Minister's move to do away with subsidies and the controversy whether agricultural incomes should be taxed.

More than 100,000 dams regulate American rivers; 5,500 are more than 50 feet high. It is hard to find in the USA, a river without a dam or one that has not been channelised. Being the world leader in dams was a point of pride during the go-go years of dam building. Dams epitomized progress, Yankee ingenuity, humankind's impending triumph over nature. According to a children's book from the 1960s, we need dams to make rivers "behave". A 1965 Bureau of Reclamation booklet summed up the prevailing philosophy: Man serves God. But Nature serves Man.

The very success of the dam-building crusade accounts in part for its decline; by 1980 nearly all the nation's good sites had been dammed. But two other factors accounted for the decline: public resistance to the enormous cost and the pork-barrel smell of many dams, and a developing public understanding of the profound environmental degradation that building dams can cause.

We in India are all too familiar with the all pervasive stink of corruption. Construction of public utilities is a major source of illegal gratification, dams included. In addition to lining their pockets politicians and sadly, the public appear to have lost sight of the fact that present quick returns merely means borrowing ecological assets from the future to be repaid in terms of adverse ecological effects which could well become irreversible.

### Silting & Erosion

Silting of reservoirs has been a well known phenomenon. The following examples are cited to stress its

magnitude. The new Lake Austin, created across the Colorado river in the United States lost 95% of its capacity within 13 years. The Grand Reservoir in California lost 83% in 36 years and the Harba Reservoir in Algeria lost 58% in 22 years. In the Anchikaya Hydro Project in Colombia 23% of the reservoir's capacity was silted up within 21 months of the closure of the Dam. Silt traps and large scale dredging have proved not only to be costly but, in the long run, largely ineffective. In our own country the problem of silting at the Bhakra Dam is well known.

Why is this an ecological problem? The water allowed to flow downstream of the dam is free from silt and other suspended matter and as such, these waters become an active agent of erosion. For example, about 100 million cubic meters of sediments are held back by the Aswan Dam, sediments which were earlier being deposited off the coast and thus providing protection against the erosive action of the sea. Such changes can have an adverse effect on the coastal fish industry. The Nile delta, before the Aswan Dam was built, gave Egypt almost 50% of its catch of fish (12 to 18 thousand tonnes annually). Today it is less than a thousand tonnes. Such ecological changes have curbed the growth of phytoplankton, staple for sardines. Absence of high tides has driven the fish population elsewhere.

### Health Hazards

Health hazards for living beings, resulting from man made lakes are particularly felt in the tropics. The more common source of malaise are bilharzia-transmitting snails, flies causing filaria and mosquitoes causing malaria. All these thrive in aquatic surroundings. Snails are particularly attracted to bodies of water swarming with water weeds. Large scale pesticides was resorted to but this was found to adversely affect useful fauna

1. Space constraints prevent us from reprinting the two articles. Readers interested in reading these articles may write to us for copies. When doing so please send us with your request Rs.4 postage stamps.

2. For a better understanding of this theory see my article on 'All About Earthquakes', *Freedom First*, January-March 1994).

3. From *Effect of Large Dams on Environment* (AKR Hemmady and Pushkar Singh, published by the Geological Survey of India, 1985).



## Dams and the Environment

and flora. The Nagarjunasagar Dam in Andhra Pradesh caused a rise in the water table, a process further accelerated due to extensive irrigation.

One could go on about several other side-effects so to speak, of dams such as evaporation losses, water weeds blocking hydroelectric installations or irrigation outlets, the quality of the impounded water in terms of chemical contents, salinity and so on but space prevents from elaborating on the above narration based on the Indian experience.<sup>3</sup>

### Expanding Human Needs

Man, with various advanced technologies at his command, is going to control all the rivers in a few decades. There is now no such thing as a good or bad site (foundation-wise) for a dam. Geologists indicate the probable foundation problems and Engineers solve them. Goldman, a well known US environmentalist has this to say about ever expanding human needs, particularly the need for dams:

"This is similar to the "build another highway" syndrome that we are so familiar in the United States, where, as we build more highways, we have all the more need for more and more highways. The same is true of dams

and more water. Why? Because we make water available to agricultural industries at a cheap price when very often it is being subsidised, as it is also used to generate electricity. Then what happens is that more farming comes in, more industries come in, and they need more dams, just as we need more highways, so do they. In fact, you will have to seek farther out for water, and then it becomes even more expensive. Fears of what may happen also include the prospect that underground water flows will be cut off by dams.

And then there is the question of plants generating electric power. Apart from hydro-electric plants which use water power to generate electricity there are coal-fired thermal plants and nuclear plants. The table below from B. Mason's *Principles of Geochemistry* highlights the concentration of certain trace elements in coal ash (a by-product of coal-fired plants).

Excess of these elements in soil and water are definitely known to cause health problems and such studies have developed into a comparatively new branch of science called "Environmental Geochemistry" or "Medical Geology".

According to Moore and Moore's

*Environmental Chemistry* the annual environmental effects of a single 1000 MW coal fired thermal plant are: 80 tons of sulphuric acid generated in the drainage due to mining alone; 250,000 tons of ash collected; sulphur retained works out to 46,000 tons; Fly ash emitted 2000 tons; Mercury generated 5 tons; other trace elements gen-

erated in tons - Arsenic 5, Lead 0.2, Nickel 0.5 and Radium 0.02.

During the monsoons, the rain water percolating through the huge ash dumps, gets enriched in these deleterious elements and is dispersed into the local drainage and soil. The plants absorb them to reach the living beings who eat them and human beings eat the plants and animals. This is known as geochemical cycle. The deleterious effects do not manifest immediately, but it has been established that over the years the excess of trace elements do affect the health of plants, animals and humans.

During a symposium organised by the US Geological Survey in 1972 on "Geology and Urban Development", Prof. Rolf Eliasson mentioned that coal-fired thermal plants are reported to generate more radioactivity than conventional atomic power plants!

As for nuclear power plants so much has been written about them and the Chernobyl disaster is so well known that it is not necessary to elaborate the hazards arising from such plants. While the pro-nuclear energy enthusiasts affirm that care will be taken to prevent a Chernobyl in India, environmentalists draw attention to the question of the seismic safety of atomic power plants. The recent Kaiga controversy in Karnataka is an example.

### The Options

Dams, thermal and nuclear power plants harm the environment. Yet we need more power and water. What are our options? How do we reconcile human needs with the need to preserve the ecology - itself an essential pre-requisite of the survival of the human race. A Catch-22 situation?

We invite readers to share with us their views.

| Element    | Average Content in coal ash (gms/ton) | Average Content in the earth's crust (gms/ton) | Enrichment factor |
|------------|---------------------------------------|------------------------------------------------|-------------------|
| Arsenic    | 500                                   | 2                                              | 250               |
| Cadmium    | 5                                     | 0.15                                           | 33                |
| Cobalt     | 300                                   | 23                                             | 13                |
| Molybdenum | 50                                    | 1                                              | 50                |
| Nickel     | 700                                   | 80                                             | 9                 |
| Lead       | 100                                   | 16                                             | 6                 |
| Uranium    | 400                                   | 2                                              | 200               |

# The Jabalpur Earthquake

On May 22, 1997, an earthquake of magnitude 6.0 on the Richter scale struck Jabalpur, leaving 50 dead, hundreds injured, several thousands rendered homeless.

## Seismic Setting

Almost all big Indian rivers flow towards the east or south east to meet the Bay of Bengal. This broadly indicates the fact that the Indo-Gangetic plain and peninsular India slope eastward or southeastward. The Narmada and the Tapi are the only two rivers which flow westwards to discharge their waters into the Arabian Sea. These two rivers defy the easterly gradient of the Indian peninsula which led early geologists to conclude that a fault or a rift valley was the primary origin of these waterways.

## Fault

A fault is a fracture in the rocks along which one side has moved relative to the other. The relative movement can be upward, downward or along a horizontal direction relative to their original position.

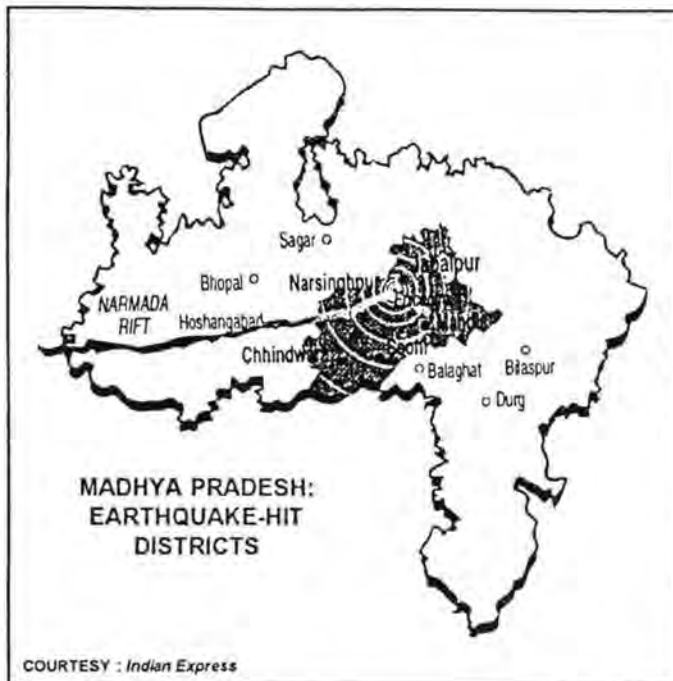
## Rift Valley

A rift valley is an elongated trough, running for hundreds of kilometres in the earth's surface and bounded by faults on either side. Geologists call it a tectonic (large scale earth movement) depression.

The geological evidence to support the view that the Narmada flows along a fault or rift valley is as follows: This river originates in Amarkantak and down to Jabalpur, it meanders considerably till it reaches the famous Bheda ghat (Marble rocks of Jabalpur) where there is a scenic waterfall, 9 meters high. From this point onwards, the river takes an almost straight course. Further west at Dhardi and again near Barkeshwar, there are waterfalls, each about 12 meters high. Such waterfalls, far away from the origin of the river indicate earth movements. The river bed has gone down by 33 meters. The difference in the river bed level upstream of Jabalpur and downstream of Barkeshwar is not due to river erosion but due to successive subsidence. The straightness of the Narmada, from Jabalpur down-

wards and these waterfalls indicate earth movements along a fault or faults and as such this valley is a potential seismic zone.

## Reservoir Induced Seismicity



On May 22, 1997, an earthquake of 6.0 magnitude on the Richter scale struck the Jabalpur area. Its epicentre was about 20 km. away from the Bargi dam across the Narmada and expectedly, apart from the reactivation of the Narmada rift or fault, Reservoir Induced Seismicity (RIS) is being invoked to explain this earthquake. At first, the theory was that the load of the huge volume of impounded water can trigger a quake by destabilising a fault. Later, this theory was modified to include a speculation that the water from the reservoir may seep down underneath to act like a lubricant along a fault plane and reduce the sheer strength of the rocks under stress and facilitate movement along the fault which otherwise is in a state of equilibrium.

About the load of reservoir water destabilising a fault, the late Dr. K. L. Rao, one of the foremost irrigation engineers of India and former minister for irrigation and

power, had quipped that this load is equal to the load of a fly on an elephant's back.

Regarding water seeping down beneath the reservoir to lubricate the fault plane, Dr. J. B. Auden of the Geological Survey of India ruled out this possibility at the Koyna Dam. The Koyna Dam is located atop a thick pile of lava flows rent by fault and fissures but according to Auden, these dislocations are filled by clayey material called 'gauge' through which water cannot reach down to great depths to act as lubricant. Even the surface manifestation of the fault supposed to be present at great depth below the Dam was simply not there. Dr. J. B. Auden was associated with the Koyna Dam right from its investigation to construction stage and was also a member of the UNESCO team invited by the Government of India to study the relevance of RIS to the Koyna dam after the Koyna earthquake of 1967.

The RIS theory came to the fore in 1967 when quakes occurred at Lake Kremasta (Greece) followed by Koyna and this led to a suspicion whether earlier large earthquakes at Xinfengjian (China) in 1962 and Kariba (Africa) in 1963 were also reservoir-induced. The United States Geological Survey has compiled a list of more than 100 instances of reservoirs which have presumably induced local seismicity but the analysis suggests that a minimum volume and depth are needed to induce seismicity, of which depth is more important - reservoirs more than 100 m deep are likely to produce seismic effect.

However, the last word on RIS has not yet been said. Many dams are free of the RIS effect. The dams at Tarbela and Mangla in Pakistan and Bhakra, Pong, Pandoh and Ramganga in India have not induced seismicity.

A.K.R. Hemmady



## Dams and the Environment

### The Laws of Nature Cannot be Ignored

Raphael G. Kazmann

**Natural laws have no pity. They just keep on operating.**

I have read the two articles that you enclosed, with care;<sup>1</sup> at the moment I'm trying to stop a Federal diversion of flood water from its original channel to another channel eight miles away so I have an immediate interest in the matter.

I have my doubts about building dams in seismic areas. And the side-effects of construction of dams, both irrigation and flood control, in the United States are serious and deleterious. Similar effects have been found elsewhere in the world. It is evident that something is seriously wrong, not in the engineering and construction (the structures have worked as advertised), but in the planning and funding, despite the good intentions. My belief is that a law of nature, pertaining to people and social organizations, has been ignored.

#### Natural Laws

I have been studying this problem for a number of years and have concluded that there are at least three natural laws (in the sense that Newton's laws, or the laws of thermodynamics are natural laws) in the realm of personal and societal organizations, be they voluntary or governmental. These can be summed up: "Don't Lie", "Don't Steal", and "Don't Murder".<sup>2</sup> Any society that ignores, or does not enforce these constraints will, sooner rather than later, disintegrate and vanish. A voluntary organisation will disintegrate, the members will leave. A governmental organisation, where membership is forced to remain and

must submit to taxation, is another matter. If it transfers money from productive citizens to fund projects that would not be done by private individuals or organisations, it may be stealing. It is theft when the project benefits a small minority of the population and the entire population must pay for it.

As far as I can determine, all of the projects mentioned in the articles have been conceived and funded by governments of one sort or another. All of these projects improve the economic conditions of certain people: Users of irrigation water, beneficiaries of low cost electric power, people living in flood plains that were formerly subject to flood, etc. None of these projects (with rare exceptions) would have been built by either private people or private organisations or even public organisations composed of people who would benefit from the project.

#### Mutually Beneficial Projects

In the United States, we have many organisations of local people that undertake mutually beneficial projects. Such organisations would be similar to local drainage districts or local flood protection districts, or local municipal water providers. They include geographic areas and can levy charges for the services that they perform. They can also sell bonds, and the bonds have to pass economic scrutiny: if the benefits are too low or the costs too high, the interest rate goes up and the organisation may not be able to afford the project. Projects that are of economic benefit (in the opinion of the would-be bond holders) are financed at affordable interest rates. There is an

outside, objective, judgement when people risk their own money.

It is a matter of historical record that there were no substantial flood control projects funded by the Federal Government until the Federal participation became 90 percent of the estimated cost. Even at 75% cost sharing there were few takers. In irrigation projects, the Federal participation was 100%, in hydro electric projects the Federal participation has been 100%. The government is not subject to suit by injured parties and most assuredly takes no responsibility for the loss of low-lying land in Louisiana due to the construction of levees to prevent overflow and flood control dams that intercept the normal flow of sediment.

The projects are built and operated without any substantial, effective, feedback from the people who finance the projects. None of these projects

#### Dam Failures in India

India's rate of dam failure is among the highest in the world. Twenty seven dams have failed and currently another 33 have structural and hydrological defects, the Central Water Commission has admitted. Is that not proof enough for a relook at Tehri. The Kaddam dam, Andhra, constructed in 1957 failed 1958; the Machhu II, Gujarat, constructed 1972, failed 1979; Sampna, MP, constructed 1956, failed 1964; Nawgaon, MP, constructed 1958, failed 1959; Kedarnala, MP, constructed 1964, failed 1964; Panshet, Maharashtra, constructed 1961, failed 1961; Kodeganar, Tamil Nadu, constructed 1977, failed 1977.

Usha Rai, *Indian Express*, June 14, 1995.

1. See footnote No.1 on page 6.

2. We had serialised Prof. Kazmann's article, *Democracy - What is it?* The second part published in *Freedom First* No.402, carries a more detailed discussion of his concept of natural laws.



## Dams and the Environment

would have been built by private persons or corporations - too much risk and no real return on investment.

At present, in the U.S., the Federal government will not fund a project where the benefit/cost is less than 1. The benefits are always overstated, the cost is always underestimated. No private organisation would even consider funding a project that only just breaks even. It has to show a profit over a period of years - the timescale is normally 20 or 30 years. But government is supposed to exist as an operating organisation as long as the society exists: it should have an infinite time horizon. And, indeed, flood control reservoirs are supposed to operate for at least 100 years without encroachment into the flood storage

volume even on rivers that carry vast amounts of sediment.

What happens when the flood storage is diminished? The downstream levees will be breached by floods whose frequency is far greater than the original design assumed. And who picks up the tab for the destruction of values in the water soaked flood plain? The taxpayers from the rest of the country - robbed again. So the failures and side-effects reported in your enclosed articles are the result of the operation of a society that has operated without regard to the natural law, "Don't Steal", and the constraints that it imposes. But natural laws have no pity, they just keep on operating. And ignoring this law by passing legislation legalising theft has

no effect - they might as well pass legislation that stipulates that the value of  $\pi$  is three rather than its true value of 3.14159... The result is that the society that operates under this government collapses into chaos, including physical damage of all sorts.

The former Soviet Union is a prime example of the demoralisation and environmental destruction caused by ignoring the three natural laws that were described previously. I would guess that China will also undergo similar social and environmental disasters as some of its grandiose projects, like the Three Gorges Dam are completed.

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## Dams - Low and all that

M. N. Bery

High dams are not as inexpensive a source of power as they were once believed to be.

The mania for high dams - those fifteen meters and above in height - overtook the country soon after Independence. Hirakud being the first such structure we went in for. They were described then - and particularly in the Nehru era - as the 'Temples of Modernity!'. Next followed the Damodar Valley Project, modelled on the Tennessee Valley Authority of the US. High dams were not just a fashion then, nor a part of our grandiose thinking, something every capable engineer dreams of equipped as they are for meeting challenges, the bigger the better. High dams had and still have a high utility value because of the very comprehensiveness of the concept: Flood control, Irrigation and above all a huge potential for electricity generation - factors that still hold good. As a perpetually renewable source of energy - having well nigh

exhausted our fossil fuels and not made an unqualified success of nuclear power - gas and oil are the only alternate fossil sources left to us, unless

and until nuclear fusion technology achieves a breakthrough.

The drawbacks of high dams are indeed serious as experience of the

### Positive Impact of Large Dams

Mr. Mostafa Kamal Tolba, Executive Director of UNEP says: "The role of water in the development of developing countries is no less important today than in the ages past. Water development projects ... have both positive and negative impacts. Recent discussions of these impacts have concentrated primarily on the negative impacts. What needs to be better understood are the positive impacts of sustainable water management."

"Let us consider ... the Aswan High Dam in Egypt ... Among the many adverse environmental impacts attributed to this dam are salinity growth, increase in schistosomiasis, erosion of the Nile Delta and loss of some of the Mediterranean fishing grounds ... There is no argument: The dams contribution to substantially increasing food production and hydro power generation have made an enormous difference to

the quality of life of the Egyptian people. Thus the real question is not whether the Aswan High Dam should have been constructed, but rather what steps should have been taken to anticipate and redress the adverse environmental impacts, and to ensure they were reduced to an acceptable minimum. And in this particular case, the adverse impacts were all anticipated and plans set for addressing them, but international political situations delayed the implementation. So the overall cost of the negative impacts and of their redressing skyrocketed like any other cost in the world today. What is thus necessary is a balanced environment development philosophy, within which environmentally sound water development could occur".

*Environmentally-Sound Water Management*, edited by N. C. Thanh and Asit K. Biswas, OUP, 1990.



## Dams and the Environment

last 25 years has amply demonstrated. These include the resettlement of the displacees engulfed in the water-spread area, a problem particularly significant in the Third World, the long term silting of backwater basins and the denial of this kind of silting in the downstream river regime so essential for soil regeneration for agricultural activity, and many other adverse ecological effects on fauna and flora, which can all, of course, be countered to a huge extent by measures at a cost right from the start of construction. 'The thinking' has come full circle to show that high dams are not as inexpensive a source of power as they were once believed to be, and the projects have now to be studied far more intensively than before if they are to be embarked upon at all.

An alternative 'small is beautiful' methodology is feasible: successfully applied for irrigation, subsoil water regeneration, the technology of power generation on a smaller disposed scale still awaits the development of the 'low-head' micro-water turbine installed and maintained over its life at reasonable cost without very high skill artisan level involvement. Basically these are 'check' dams of moderate height - more like the 'anicut' of the early 19th century carried over from ancient times. A string of such structures built along a river course can support not just a system of irrigation canals or without them regenerate the ground water character of the entire catchment area, but provide dispersed agricultural establishments with electric power, a cheaper option for rural

electrification.

Generally speaking, with the problems that have now surfaced, high dam building may not yet become a technology of the past but its presence in power generation in future will be certainly on a low key. Micro-turbine evolution will not exactly fill the gap but will move from a 'minuscule' status to a significant role of its own. On the 'economy of scale' side conventional systems will hold the field with nuclear power finding a growing *niche* till a breakthrough is achieved in 'fusion' technology, or, in short, a relatively hazard-free operation, particularly in avoidance of accidents.

MR. M. N. BERY, Civil Engineer, Ex-Chairman, Railway Board, 109, Sunder Nagar, Mathura Road, New Delhi 110 003.

## The Need to Strike a Balance

Dr. M. Ramakrishna

Unfortunately, environmental concerns are sometimes exaggerated or viewed in isolation.

You have raised certain relevant points about the sustainable development of water resources to meet the demands of power as well as drinking water and irrigation. It is well known that any change brought about in the river regimes is bound to bring in changes in the eco-system, and for sustainable development, we have to strike a balance between the resulting benefits and environmental impacts. Even the ecological changes brought about by construction of dams are not always adverse. Unfortunately, environmental concerns are sometimes exaggerated or viewed in isolation.

Regarding the need for large dams *vis-a-vis* series of small dams and their techno-economic feasibility, both types of dams would have the same or similar seismic hazards, as these have to be located in the same geo-environmental conditions. However, the level

of risk in the smaller dams would be much less and the magnitude of the environmental problems would also be less. But it should be borne in mind that while large dams could replace

many small structures, many or series of smaller structures would not be able to replace large dams in terms of storage capacity, regulated discharges and flood-mitigating capabilities. Hence,

### On understanding Geology

"The Geology I plead for is that which states facts in plain words - in a language understood by many, rather than a few ... If a scientific investigator desires to announce his discovery to his fellow workers, he does well to use those exact terms that carry the same meaning the world over ... If on the other hand, his results have immediate value for the mine operator or prospector, the geologist does not and cannot accomplish his purpose unless he writes in plain language, using words possibly less exact but surely more understandable ... There is surely an obligation upon us, both as scientists and partners in the world's

business, to show the world that geology is not a mystery or magic but common sense. I have told practical men of business that they should give little credence to the geologist who cannot tell his story in common language. The world has a right to discount our usefulness, and even to distrust our honesty, if we persist in concealing our thoughts or lack of thought, behind a mask of professional jargon."

Dr. G. O. Smith, former  
Director of the United States  
Geological Survey.

*This advice holds good for all Earth Scientists when they write for the general public. Ed.*

# The Narmada Valley Project

Shahnaz Anklesaria Aiyar

Today, it is unfashionable not to have "strong views" on the Narmada Valley Project, the most controversial, long awaited and ambitious undertaking of its kind in India. Calculated to cost Rs.15,000 crores (figures have lost all meaning in the cacophony that has now replaced debate) it envisages the creation of some 3,000 minor, 30 major and 135 medium irrigation projects in Gujarat, Maharashtra and M.P. which will irrigate some 20 lakh hectares of land and have a power generation capability of some 2450 mw.

Gujarat, the major beneficiary of this project, has promoted it as the "mother-saviour" of the drought ravaged regions of Saurashtra and Kutch whose water availability, we are told, will be doubled by transfer of large quantities of water from South Gujarat through the proposed network. The Government of Gujarat also claims the drinking water problems of some 129 cities and over 4,500 villages will be "permanently solved" through the NVP.

But the project will also submerge some 3,50,000 hectares of forests and agricultural land, about 237 villages housing some of the poorest and least organised people in these states will also be submerged.

Consequently, from its very inception some nine years ago, the NVP has raised two kinds of apprehensions. One, over the manner in which the states will rehabilitate the oustees, and secondly, whether the environmental imbalances caused in these states could be contained without causing irreparable damage to the ecosystem.

Today, the Gujarat government has been able to allay the fears of the Gujarat oustees about rehabilitation, but it has not been able to satisfy those concerned about ecological disruption.

The oustees, tired of uncertainty and struggle are anxious for the Government to move forward with their rehabilitation and resettlement (R&R). The environmental activists, however, want all work on the dam to halt while the Centre reviews their suggested alternative options. Included in this second "camp" are two large tribal oustee organisations in Maharashtra and M.P. But the Gujarat

government brandishes the clearances it has received from the Ministry of Environment, the Planning Commission, the \$900 million dollars, funding agency of the World Bank and will not be stopped.

The latter are people who have spent nine years campaigning for a just resettlement and rehabilitation policy. In Gujarat, the young men and women of the Chhatra Yuva Sangarsh Vahini, a non-government activist organisation committed to J.P.'s concept of Total Revolution, were among the first to respond, in 1979, to tribal fears of ruthless eviction by government and to alert opinion within and without India of their plight.

Since then, they and the tribal oustees of the 19 affected villages of Gujarat have conducted *dharnas* and *morchas* against the Government, taken the latter to the Supreme Court and finally pushed it into shaping a rehabilitation policy which, they assert, can form a blueprint for a much needed rehabilitation policy for the displaced all over the country.

If honestly implemented, they claim, this policy could actually lead to a transfer of resources to the poor, particularly the landless in all three states.

Those who sweated out this struggle are not, at this stage, prepared to take kindly to demands that the project be halted. The Vahini has point blank refused to indulge in such "irresponsible activism".

It claims the tribals have already identified 16,000 hectares of private land of their choice, and preliminary surveys indicated availability of similar kind of land in Madhya Pradesh so, if fully informed, the oustees from both M.P. and Maharashtra would opt for rehabilitation. It has no illusions about Government's ability to trick and cheat at every stage of the resettlement process but asserts that with careful monitoring, implementation can be given "a thoroughly fair trial", particularly since the tribals themselves want to resettle their severely disrupted lives.

Given the Gujarat government's political and financial commitment to this project, the Vahini has concluded that the tribals have neither the desire nor the "staying power" to now join a "no dam at any cost" struggle. They also ask why those who talk of development without destruc-

tion do not invest the same efforts in computing the benefits of development as they do in fixing the costs of destruction.

In answer to which a memorandum on the NVP presented to the Prime Minister by Baba Amte, Dr. M. S. Swaminathan and several other developmental experts suggested that the present crisis is the "culmination of a prolonged process of environmental neglect and degradation". Therefore, a "long term strategy aimed at the restoration of the ecological balance" is necessary.

The emphasis of such a strategy, they stated, must be the development of dryland watersheds through a variety of soil and water conservation measures. These include afforestation, improved dry farming technology, erosion control and water harvesting measures on which work has already begun in several parts of the country.

These are unexceptionable solutions. The problem is that, they will not provide the large reservoirs needed to supply the cities and villages of Gujarat with water. Nor will they provide the substantial volumes of water needed for the semi-arid regions of Gujarat which the NVP will irrigate or provide these regions with water for a second crop.

Ecologists and development planners who oppose the dam, must also realise that issues of drinking water and irrigation are the heartbeat of a state. To assert, for instance, that the NVP, while supplying drinking water to the villages, will hasten the spread of water-borne diseases is to sound naive to people who depend on filthy water erratically supplied in filthy tankers over long distances from their home.

To further claim that irrigation canals and road systems will only help the wealthy farmers is to distort reality.

Ecofundamentalism - which make ecology a one-point programme at the expense of all other equally important priorities - can be as self destructive as ecological illiteracy. India has neither the time nor the resources for either.

Extracted from *The Economic Times*.

COURTESY: Ms. Shahnaz Anklesaria Aiyar and *The Economic Times*.



## Dams and the Environment

concerted efforts will have to be made for sustainable development of the river basins with well conceived master plans, having a mix of construction of storage dams and smaller runs of the river schemes. Such a mix would ensure optimal utilisation of the water resources. It is needless to emphasise that water resources have to be harnessed not only as a source of drinking and irrigation water but also for generation of clean and renewable power. The need, however, is for an integrated approach to assess the environmental impacts which could be caused by these schemes and ensuring their proper mitigation. It is needless to emphasise that whether small or large, seismic design of the dams is possible and the state-of-the-art for this purpose is indigenously available, if the motion characteristics are prop-

erly and reasonably constrained.

We share your concerns about alternative options available for generation of power like thermal (coal or gas-based) and nuclear. But though the gestation period for these alternative projects is much less, there are no two opinions on hydro-power being the cleanest and most cost effective in the long run.

We have large resources of water which could be harnessed for power generation but presently we are utilising only 22% of the estimated potential. With this scenario in view, it is imperative that the balance potential may be harnessed in a systematic manner to get environmental friendly power. It is needless to emphasise that the environmental problems associated with this development will have to be

mitigated.

The concerns about the seismicity of regions in which the hydro-power potential is primarily concentrated, are justified but these should not dissuade us from harnessing the potential. The need is to upgrade our knowledge and data base on the seismicity and how to arrive at appropriate motion characteristics for designing safe dams, large or small. The scientific quest for this purpose is available indigenously and engineering capabilities also abound to take care of the apprehensions of the safety of the situations. The only need of the hour is mutual confidence, understanding and education of the public at large to view the problems in true perspective.

MR. M. RAMAKRISHNAN, Deputy Director General, Geological Survey of India, 27, Jawaharlal Nehru Road, Calcutta 700 016.

## Be Prepared for More Jabalpurs

### Rifts of Danger: Defenceless Underbelly



north at 5 cm a year. But that hasn't happened, so the pressure building up is being released through deformities further south in the rift valleys. The major rift zones: Godavari, Chambal, Krishna, Mahanadi and Koyna, and the Narmada. Unless these valleys are monitored, more Jabalpurs will continue to take India by surprise.

The Jabalpur Earthquake shouldn't have taken India by surprise. Scientists had said in 1994 that Jabalpur was one of the three seismic hotspots in the 600 million-year-old Narmada-Tapti-Sone rift valley, a 1,300-km-long, 200-km-wide weakness in the earth's crust slashing across India. "We warned the Government but nothing was done, even though World Bank funding was available", says J. G. Negi, a theoretical geophysicist at the National Geophysical Research Institute, Hyderabad. There isn't a single seismic observatory in Madhya Pradesh, Bihar or Rajasthan - states with similar rift valleys, formed when a part of the earth's crust tore apart and sank, creating potential earthquake zones. Conventional thinking on earthquakes said the big ones would come in the Himalayas, where the Indian subcontinent continues to slam into the Asian land mass, moving

north at 5 cm a year. But that hasn't happened, so the pressure building up is being released through deformities further south in the rift valleys. The major rift zones: Godavari, Chambal, Krishna, Mahanadi and Koyna, and the Narmada. Unless these valleys are monitored, more Jabalpurs will continue to take India by surprise.

COURTESY: Mr. Samar Halarnkar and *India Today*.

*Freedom First April-June 1997*

### Earthquakes - in and around Narmada Valley

| Area                 | Intensity (on the Richter Scale) | Year |
|----------------------|----------------------------------|------|
| Surat                | -                                | 1684 |
| Baroda               | -                                | 1842 |
| Khandesh             | -                                | 1858 |
| Nimar & Burwani      | -                                | 1863 |
| Dhulia               | -                                | 1869 |
| Jabalpur             | 5                                | 1903 |
| Nimar                | 6.3                              | 1938 |
| Indore               | 4                                | 1939 |
| Balaghat             | 5.5                              | 1957 |
| Pachmarhi            | 4.2                              | 1966 |
| Bharuch              | 5.4                              | 1970 |
| Jabalpur             | 4                                | 1973 |
| Betul (Tapti Valley) | 4.1                              | 1975 |
| Dewas                | 4.3                              | 1984 |
| Near Mandla          | 4                                | 1985 |
| Sendhwa              | 4                                | 1985 |
| East of Sagar        | 4.9                              | 1987 |
| Jabalpur             | 3.8                              | 1993 |
| Jabalpur             | 6                                | 1997 |

(May 22)



## Dams and the Environment

### Need to Avoid Doctrinaire Approach

K. S. Puttaswamy

**In my view, courts cannot and should not interfere with the construction of dams.**

Water sustains humans, animals, plants and crops, and is therefore rightly called as "life sustaining water". With the population explosion all over the world and in India in particular, water has become scarce and has to be utilised to the last drop for the sustenance and growth of human life, animals, plants and crops. We, cannot, therefore, allow rain water to run freely and flow into the sea.

Ancient civilizations have flourished only along river valleys. Even in the modern age, dams across rivers, regulating the flow of water through canals for raising food crops and generation of hydro-electric power, have changed the face of many an area in many parts of the world. One of the very first masonry dams, across the river Kaveri, called Krishna Rajasagar Dam (K. R. Dam), conceived, planned and constructed by Sir Visveswaraiah, one of the greatest irrigation engineers of the world, has changed the face of Mandya district in old Mysore State, earlier an arid area forcing many an inhabitant to leave the district in search of gainful employment elsewhere, has now become a prosperous district. The world famous Brindavan Gardens with the recent addition of a musical fountain, is a major tourist attraction. I have seen this transformation with my own eyes. This is true of the Nagarjunasagar and Srisailem dams across the river Krishna in Andhra Pradesh.

The construction of dams across rivers, for storage of water, regulation of supply of water for drinking, raising food crops, generation of hydro electric power, cannot at all be avoided.

In my view, the one and the only question, on which we should focus our attention is, that in the construction of dams in future, the principle of the "greatest good to the greatest number" which necessarily results in some hardship and inconvenience to a few cannot be avoided, must alone be the guide. I am also for rehabilitating those affected.

The construction of the Tehri Dam, across the river Bhagirathi, in the upper reaches of the Himalayas, whether well conceived or ill conceived, indisputably has made considerable progress. On the project, thousands of crores have already been sunk. Now the one and the only sensible course, is to stop further construction and undertake all such measures, necessary to preserve what has so far been constructed and to be utilised to the best advantage of the area and the people. This, in my view, is the only thing that can be done now.

Even according to Kathy A. S. Vitil, when and where an earthquake will occur and its devastating effects, cannot be predicted. As a layman, all that I can say is that governments and people must be prepared for that eventuality and take all preventive measures from now on, to minimise the devastating effects of an earthquake when that occurs.

I am not in favour of altogether stopping construction of dams in the present or in the future. Perhaps construction of smaller dams, rather than mighty ones, with lesser ecological effects, is called for. Even this, is

a matter for experts to decide and not for the courts, necessarily bearing the principle of the "greatest good to the greatest number". The only safeguard I suggest, is that before undertaking construction of any dam, there should be a complete, full and impartial investigation of all aspects. In the course of investigation, all the affected parties, the environmentalists and the general public must be involved and their views and objections duly considered by the experts and decided on merit and not on any collateral considerations. Once that is done, dams should be constructed, with speed and despatch, avoiding all escalations in costs, which has become endemic in this country. *In my view, courts cannot and should not interfere with the construction of dams.* With all due respects, the interference by our Supreme Court in the Narmada Dam matter is not legally sound and justified.

The principle of "equitable apportionment", "protection of existing users" or "first in time, first in right" evolved in settlement of international rivers or inter-state river disputes, firmly established and applied, can neither be doubted nor given a go by based on a doctrinaire approach.

JUSTICE K. S. PUTTASWAMY (Retd.) is Chairman of the Backward Classes Commission.

Why is it that the only people who know how to run our country are either driving taxis or cutting hair.

Graffiti reproduced in the *Bombay Times*, June 25, 1996.

# The Making of the Indian Constitution

*In commemorating the fiftieth year of the drafting of the Constitution of India, Freedom First congratulates the people of our Republic for successfully weathering several political and economic upheavals, wars, deep social dislocations, and continuing our commitment to the values enshrined in the Constitution. Experience over a similar period of time in other countries, testifies to the wisdom and far-sightedness of the Fathers of our Constitution. Amended many times, the supreme political instrument still is the same that it was; new scope has been found in its provisions for adapting it to novel circumstances and challenges.*

*While drafting the Constitution, the Fathers were concerned at the possibilities of the Union being put to strain under centrifugal forces and they deliberately emphasised in the Constitution a centrist bias. In this they reflected the predominant mood of the times. Over the decades, we have discovered that this could be an engine of tyranny and voices have been raised to restore the balance and to emphasise the need for a truly federal partnership. This perhaps can be achieved politically rather than in constitutional terms.*

*It is a matter for gratification to us that Minoo Masani, the founder of Freedom First, one of the architects of the Constitution is still happily with us. Had he been in better health he would have been present in Delhi along with his colleagues of many decades. There have been rumblings of discontent expressed even by some of them, that the hopes vested in the State by them as Founding Fathers have not been fulfilled. This is a legitimate grievance - no Constitution ever fulfils to the fullest the ideals and aspirations enshrined by the makers. Nevertheless, we have reasons to say with E. M. Forster 'Two Cheers for our Constitution - one, because it admits variety and two, because it permits criticism. Two cheers are quite enough; there is no occasion to give three. Only Love, the Beloved Republic, deserves that ...'*

Dr. Sachchidananda Sinha, was the provisional Chairman of the Constituent Assembly. His words on the very first day are worth repeating. He was quoting from Justice J. Story, (1779-1845) eminent professor and leading jurist who commented on the American Constitution:

"It has been reared for immortality if the work of man may justly aspire to such a title. It may perish in an hour by the folly or corruption or negligence of its only keeper, the people. Republics, are created — these are the words that I commend to you for consideration - by the virtue, public spirit and intelligence of the people. They fall when the wise are banished from the public councils because they dare to be honest and the profligates are rewarded because they flatter the people in order to betray them."

On the final day, Dr. Ambedkar spoke some words that bear remembrance and reflection.

## Preserving the Constitution

B. R. Ambedkar

On the 26th of January, 1950, India would be a democratic country in the sense that India from that day would have a government of the people, by the people and for the people. What would happen to her democratic Constitution? Will she be able to maintain it or will she lose it again?

It is not that India did not know what is democracy. There was a time when India was studded with republics, and even where there were monarchies, they were either elected or limited. They were never absolute. It is not that India did not know parliaments or parliamentary procedure. A study of the Buddhist *bhikshu sanghas* discloses that not only there were parliaments - for the *sanghas* were

nothing but parliaments - but the *sanghas* knew and observed all the rules of parliamentary procedure known to modern times. They had rules regarding seating arrangements, rules regarding motions, resolutions, quorum, whip, counting of votes, voting by ballot, censure motion, regularisation, *res judicata*, etc. Although these rules of parliamentary procedure were applied by Buddha to the meetings of the *sanghas*, he must have borrowed them from the rules of the political assemblies functioning in the country in his time.

### Lose a Second Time?

This democratic system India lost. Will she lose it a second time? I do not know. But it is quite possible in a country like India - where democ-

racy from its long disuse must be regarded as something quite new - there is danger of democracy giving place to dictatorship. It is quite possible for this new born democracy to retain its form but give place to dictatorship in fact. If there is a landslide, the danger of the second possibility becoming actuality is much greater.

### Retaining Real Democracy

If we wish to maintain democracy not merely in form, but also in fact, what must we do? The first thing in my judgment we must do is to hold fast to constitutional methods of achieving our social and economic objectives. It means we must abandon the bloody methods of revolution. It means that we must abandon the method of civil disobedience, nonco-

operation and *satyagraha*. When there was no way left for constitutional methods for achieving economic and social objectives, there was a great deal of justification for unconstitutional methods. But where constitutional methods are open, there can be no justification for these unconstitutional methods. These methods are nothing but the 'Grammar of Anarchy' and the sooner they are abandoned, the better for us.

### Don't Hero-Worship

The second thing we must do is to observe the caution which John Stuart Mill has given to all who are interested in the maintenance of democracy, namely, not "to lay their liberties at the feet of even a great man, or to trust him with powers which enable him to subvert their institutions". There is nothing wrong in being grateful to great men who have rendered life-long services to the country. But there are limits to gratefulness. As has been well said by the Irish patriot, Daniel O'Connell, no man can be grateful at the cost of his honour, no woman can be grateful at the cost of her chastity and no nation can be grateful at the cost of its liberty. This caution is far more necessary in the case of India than in the case of any other country. For in India, *Bhakti* or what may be called the path of devotion or hero-worship, plays a part in its politics unequalled in magnitude by the part it plays in the politics of any other country in the world. *Bhakti* in religion may be a road to the salvation of the soul. But in politics, *Bhakti* or hero-worship is a sure road to degradation and to eventual dictatorship.

### Importance of Social Democracy

The third thing we must do is not to be content with mere political democracy. We must make our political democracy a social democracy as well. Political democracy cannot last unless there lies at the base of it social democracy. What does social democracy mean? It means a way of life which recognises liberty, equality and fraternity as the principles of life. These prin-

ciples of liberty, equality and fraternity are not to be treated as separate items in a trinity. They form a union of trinity in the sense that to divorce one from the other is to defeat the very purpose of democracy. Liberty cannot be divorced from equality, equality cannot be divorced from liberty. Nor can liberty and equality be divorced from fraternity. Without equality, liberty would produce the supremacy of the few over the many. Equality without liberty would kill in-

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**If we wish to preserve the Constitution in which we sought to enshrine the principles of government of the people, for the people and by the people, let us resolve not to be tardy in the recognition of the evils that lie across our path and which induce people to prefer government for the people to government by the people, nor to be weak in our initiative to remove them. That is the only way to serve the country. I know of no better.**

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dividual initiative. Without fraternity, liberty and equality could not become a natural course of things. It would require a constable to enforce them.

### Equality

We must begin by acknowledging the fact that there is complete absence of two things in Indian society. One of these is equality. On the social plane, we have in India a society based on the principle of graded inequality which means elevation for some and degradation for others. On the economic plane, we have a society in which there are some who have immense wealth as against many who live in abject poverty. On 26th January, 1950, we are going to enter into a life of contradictions. In politics, we will have equality and in social and economic life, we will have inequality.

In politics, we will be recognising the principle of one man, one vote and one vote, one value. In our social and economic life, we shall, by reason of our social and economic structure, continue to deny the principle of one man, one value. How long shall we continue to live this life of contradictions? How long shall we continue to deny equality in our social and economic life? If we continue to deny it for long, we will do so only by putting our political democracy in peril. We must remove this contradiction at the earliest possible moment or else those who suffer from inequality will blow up the structure of political democracy which this Assembly has so laboriously built up.

### Fraternity

The second thing we are wanting in is recognition of the principle of fraternity. What does fraternity mean? Fraternity means a sense of common brotherhood of all Indians - of Indians being one people. It is the principle which gives unity and solidarity to social life. It is a difficult thing to achieve. How difficult it is can be realised from the story related by James Bryce in his volume on American Commonwealth about the United States of America.

The story is - I propose to recount it in the words of Bryce himself -

"Some years ago, the American Protestant Episcopal Church was occupied at its triennial Convention in revising its liturgy. It was thought desirable to introduce among the short sentence prayers, a prayer for the whole people, and an eminent New England divine proposed the words "O Lord, bless our nation". Accepted one afternoon, on the spur of the moment, the sentence was brought up the next day for reconsideration, when so many objections were raised by the laity to the word 'nation' as importing too definite a recognition of national unity, that it was dropped and instead there were

adopted the words "O Lord, bless these United States".

There was so little solidarity in the U.S.A. at the time when this incident occurred that the people of America did not think that they were a nation. If the people of the United States could not feel that they were a nation, how difficult it is for Indians to think that they are a nation. I remember the days when politically minded Indians resented the expression "the people of India". They preferred the expression "the Indian nation". I am of the opinion that in believing that we are a nation, are we cherishing a great delusion. How can people divided into several thousands of castes be a nation? The sooner we realise that we are not as yet a nation in the social and psychological sense of the word, the better for us. For then only we shall realise the necessity of becoming a nation and seriously think of ways and means of realising the goal. The realisation of this goal is going to be very difficult - far more difficult than it has been in the United States. The United States has no caste problems. In India, there are castes. These castes are anti-national in the first place because they bring about separation in social life. They are anti-national also because they generate jealousy and antipathy between caste and caste. But we must overcome all these difficulties if we wish to become a nation in reality. For fraternity can be a fact only when there is a nation. Without fraternity, equality and liberty will be no deeper than coats of paint.

#### The Impatience of the Downtrodden

These are my reflections about the tasks that lie ahead of us. They may not be very pleasant to come. But there can be no gainsaying that political power in this country has too long been the monopoly of a few and the many are not only beasts of burden, but also beasts of prey. This monopoly has not merely deprived them of their chance of betterment, it has sapped them of what may be called the sig-

nificance of life. These down-trodden classes are tired of being governed. They are impatient to govern themselves. This urge for self-realisation in the down-trodden classes must not be allowed to devolve into a class struggle or class war. It would lead to a division of the house. That would indeed be a day of disaster. For, as has been well said by Abraham Lincoln, a house divided against itself cannot stand very long. Therefore, the sooner room is made for the realisation of their aspiration, the better for the few, the better for the country, the better for the maintenance of its independence and the better for the continuation of its democratic structure. This can only be done by the establishment of equality and fraternity in all spheres of life. That is why I have laid so much stress on them.

I do not wish to weary the House any further. Independence is no doubt a matter of joy. But let us not forget that this independence has thrown on us great responsibilities. By independence, we have lost the excuse of blam-

ing the British for anything going wrong. If hereafter things go wrong, we will have nobody to blame except ourselves. There is great danger of things going wrong. Times are fast changing. People including our own are being moved by new ideologies. They are getting tired of government by the people. They are prepared to have government for the people and are indifferent whether it is government of the people and by the people. If we wish to preserve the Constitution in which we sought to enshrine the principles of government of the people, for the people and by the people, let us resolve not to be tardy in the recognition of the evils that lie across our path and which induce people to prefer government for the people to government by the people, nor to be weak in our initiative to remove them. That is the only way to serve the country. I know of no better.

Extracted from *The Making of the Indian Constitution* edited by B. Shiva Rao, Indian Institute of Public Affairs, Delhi.



Bhimrao Ramji Ambedkar, the last of 14 children of Subedar Major Ramji Ambavadekar, was born on April 14, 1891. He belonged to the Mahar community, considered to be untouchables in the Hindu caste system. As a mark of love and respect to his teacher named Ambedkar, young Bhimrao began to call himself Ambedkar.

Many are the stories of the indignities he suffered at the hands of caste Hindus while schooling. So deep was the discrimination that he was prohibited from learning Sanskrit and had to take Persian as second language! He joined Bombay's Elphinstone College, thanks to a scholarship given by Maharaja Sayajirao of Baroda; Professor Muller helped with books and clothes.

He was sent by the Gaekwar of Baroda for higher studies at the Columbia University. Thereafter, it was the London School of Economics and Grays Inn. On his return to Bombay, he taught at the Sydenham College. He started a weekly *Mooknayak* (Leader of the Dumb) and assumed the leadership of the movement of the Depressed Classes.

The burning of the *Manusmriti*, the Mahad Tank Satyagraha and the Kala Ram Mandir Satyagraha were movements which brought him national prominence as the leader of the Scheduled and Backward Classes. His campaign for separate electorates brought him into confrontation with Mahatma Gandhi and the Indian National Congress. He refused to participate in the Quit India Movement as he felt that the defeat of Hitler and the Japanese was very important.

In 1947, he joined the Government of India as Law Minister and was responsible for the drafting of the Indian Constitution. In 1951, he resigned when the Hindu Code Bill that he was piloting was abandoned by the Congress party. In 1956, Dr. Ambedkar embraced Buddhism along with thousands of his followers. He passed away on 6th December, 1956.

The Nagpur Municipal Corporation presented Dr. Ambedkar with an address of welcome. He was described as 'a social reformer, philosopher and erudite constitutionalist'. There cannot be a more apt description of an outstanding human being.

**I**ndividual life should be  
guided by self-respecting and  
self-restraining efforts to live a  
life of responsibility: to look  
upon marital life as a  
permanent fusion of two lives  
and upon the family as a  
school of love and duty.

- Sri K. M. Munshi.



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# The Preamble

K. M. Munshi

Most of the leading members of the Constituent Assembly, irrespective of the school of thought to which they belonged, were in favour of founding a Sovereign Re-

public for India. There was, however, a sharp difference of opinion on two questions: (1) whether ample plenary powers were to be vested in the Centre vis-a-vis the constituent States, and (2) whether Fundamental Rights were to be included in the Constitution.

## Why a Preamble?

Some members favoured a large measure of autonomy for the States, while some of us wanted to make the Constitution as unitary as possible, a stand, which, as stated earlier, had the full support of Ambedkar when in opposition as well as in office.

Ultimately, the bulk of the Assembly veered round to the Centre being invested with wide powers, essential not only to co-ordinate the activities of the State, but also to maintain the unity of the country and safeguard the very existence of the Union against internal disruption or external aggression.

This general thinking of the effective members of the Constituent As-

sembly resulted in the Preamble to the Constitution. The Preamble reflected the changes that had come over the country as a result of the Partition and

ence Act was passed by the British Parliament and the Constituent Assembly passed the Rules investing itself with sovereignty.

## The Preamble

### Constituent Assembly 1949

"WE, THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a SOVEREIGN DEMOCRATIC REPUBLIC and to secure to all its citizens:

JUSTICE, social, economic and political;

LIBERTY of thought, expression, belief, faith and worship;

EQUALITY of status and of opportunity;

and to promote among them all

FRATERNITY assuring the dignity of the individual and the unity of the Nation;

IN OUR CONSTITUENT ASSEMBLY this twenty-sixth day of November, 1949, do HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THE CONSTITUTION".

### Mrs. Indira Gandhi's Parliament - 1976

"WE, THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a SOVEREIGN *SOCIALIST SECULAR* DEMOCRATIC REPUBLIC and to secure to all its citizens:

JUSTICE, social, economic and political;

LIBERTY of thought, expression, belief, faith and worship;

EQUALITY of status and of opportunity;

and to promote among them all

FRATERNITY assuring the dignity of the individual and the unity *and integrity* of the Nation;

IN OUR CONSTITUENT ASSEMBLY this twenty-sixth day of November, 1949, do HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THE CONSTITUTION".

The Republic was envisaged in the Preamble as a form of government of the people, for the people and by the people, through their freely-elected representatives. It was, therefore, found necessary to qualify the sovereignty of the Republic by the word "democratic".

The content of the word "democratic" in the Preamble was made explicit by emphasising 'liberty of thought, expression, belief, faith and worship and equality of

the integration of the Indian States.

The question which agitated our minds was whether remaining as a member of the British Commonwealth would be compatible with our independence.

"The test of an independent State", according to Stevenson, "is that the law which governs it originates within it, is declared by a law-giver who constitutes a part of it and is enforced by its own power - the power of the aggregate population". India had fulfilled this test when the Indian Independ-

status and opportunity'. Without these words, an independent sovereign State may well become dictatorial or develop what is euphemistically called 'People's Government'.

There was a school of thought in the Constituent Assembly which favoured parliamentary supremacy as in England. It held the view that once adult franchise and popular representation were introduced, a democratic republic would necessarily follow, while some of us held the view that parliamentary government by itself

without a Fundamental Law guaranteeing human rights would not necessarily respect the right of the individual or the Rule of Law.

We could not ignore the lessons of history. In France, in 1857, and in Germany, in 1935, legislatures elected on a wide franchise had installed dictatorships in power.

No single factor, whether constitutional guarantee of Fundamental Rights, procedural impartiality, independent judiciary, autonomous legal profession, or a freely-elected Parliament, by itself can guarantee the Rule of Law. An independent judiciary and a free legal profession can certainly exist even if their functions are restricted by statute or convention to doing nothing more than construing and interpreting laws made by a sovereign legislature or a dictator.

In the ultimate analysis, the Rule of Law is founded on the conviction cherished by the organised public opinion of a country that it has to be maintained as a fundamental condition of a free society. This conviction, which Prof. Julius Stone calls 'minimal ethical conviction with the community' exists in the U.K. but it is not so firmly held by the politically-conscious in India.

In England, there is no written constitution and Parliament can do whatever it likes, but the Rule of Law is maintained by conventions which are held sacrosanct by the members of the British Parliament, to which ever party they belong and are vigorously upheld by the Bench and the Bar. This made Lord Wright declare in *Liversidge v/s. Sir John Anderson*:

"But in the Constitution of this country, there are no guarantees or absolute rights. The safeguard of British liberty is in the good sense of the people and in the system of representative and responsible government which has been evolved".

Unfortunately in India, we had not developed that sense referred to by Lord Wright. Muslims in Pakistan, who were Indians till 1947, were not concerned with the Rule of Law, they were not interested in individual freedom or democratic institutions, and have been content to live under military dictatorship. Even in India, any setback in the manner of defence or economic progress sends one politician or the other shouting for a change in the Constitution. No sooner had the Congress ministries begun to function then some of our ministers, in a hurry to achieve spectacular results, placed on the statute book, laws which respected neither personal liberty nor Rule of Law.

Jawaharlal Nehru favoured Fundamental Rights being incorporated in the Constitution; but, as a middle-of-the-way socialist, impatient to transform India's life, he favoured parliamentary supremacy. Sardar was cynical about Fundamental Rights and parliamentary supremacy; he was only concerned with a strong and stable government. Rajagopalachari did not favour sweeping Fundamental Rights and, left to himself, would have fa-

voured what may be termed a state of national democratic government on Gandhian lines.

The keynote of the Preamble was to emphasise the positive aspect, 'the unity of the Nation', as much as the 'dignity of the individual'. "Dignity" was a word of moral and spiritual import; it implied an obligation on the part of the Union to respect the personality of the citizen and to create conditions in which every citizen would be left free to find individual self-fulfilment.

The incorporation of the phrase, "dignity of the individual", therefore, was an express rejection of the Hegelian theory on which modern totalitarianism is based, namely, that the State is a metaphysical entity, independent of and overshadowing the individual, whose only aim was to secure its own existence. It is also an explicit repudiation of the hereditary, social or feudal distinctions which we had inherited from the past.

Extracted from *Pilgrimage to Freedom* (Chapter III), first published by the Bharatiya Vidya Bhavan in 1967.



including the U.K. and the U.S.A.

He was an acknowledged writer in modern Gujarati literature which included novels, dramas, memoirs and history in Gujarati, as also several historical and other works in English, notably *Gujarat and its Literature*, *Imperial Gurjaras*, *Bhagavad Gita and Modern Life*, *The End of an Era*, *Bhagawan Parshurama* and the *President under the Indian Constitution*.

# Fundamental Rights

M. R. Masani

One of the most important committees on which I served was the Advisory Committee of the Constituent Assembly and its Sub-Committee on Fundamental Rights.

At the very first meeting of the Fundamental Rights Sub-Committee, I went on record as being against the inclusion of non-justiciable rights which could not be enforced by law. I also suggested the designation of a supreme judicial authority for pronouncing on the validity of laws which might infringe the fundamental rights of the citizen. This was the first shot fired in the long debate on a subject which has not yet ended.

My lead was not accepted. A wishy-washy consensus evolved that the Constitution should contain some rights which were enforceable and others which were not. The latter were designated Directive Principles of Policy and, in the seventies, were used for subverting the Fundamental Rights and the Constitution itself. Thus does a small act of sloppiness or woolliness often lead in the end to a major disaster.

In the light of later efforts to amend the Constitution by the 24th and the 25th Amendments, it is interesting to recall that Sir B. N. Rau, who had a big hand in the framing of the draft Constitution of India, had in his report to the Constituent Assembly in 1948 suggested the insertion of a clause which would have done exactly what the 25th Amendment later sought to do. Draft clause 10(2) ran as follows:

(2) No law which may be made by the State in the discharge of its duty under the first paragraph of this section and no law which may have been made by the State in the pursuance of these Principles of Policy now set forth in Chapter III of this Part shall be void merely on the ground that it contravenes the provision of Section 9 or is inconsistent with the provisions of Chap-

ter II of this Part. (Section 9 partly corresponds to the present Article 13 and Chapter II, III and IV of the present Constitution).

Happily, Rau's suggestion was not accepted and we thought we had placed the Fundamental Rights of the citizen beyond the scope of any mischief. But, alas, the effort was to be revived 24 years after with the approval of those then in office.

## Language

A wide variety of topics came up for discussion in the Sub-Committee. One was the question of language. Already, a strong Hindi lobby of Northerners had emerged. On the other side were those who supported Gandhiji's advocacy of Hindustani, a mixed language which drew on both Hindi and Urdu and was used by the common man throughout the greater part of India. Here, as on most issues, I was one of Gandhiji's supporters. At a meeting on 25th March 1947, I asked for my view to be recorded that "it shall be open to the citizen, at his option, to use the Roman script as an alternative to the Devnagari or Persian script".

## Minority Rights

Another subject was the right of the minorities to protect their religious and educational institutions, now embodied in Article 30 of the Constitution. Being something of an agnostic, I joined Professor K. T. Shah, the great "secularist", in dissenting, on 26 March 1947, from the inclusion among the fundamental rights of any provision for protecting institutions belonging to any religious community. My work in the UN Sub-Commission on the Protection of Minorities later was to teach me that I had been hasty and thoughtless and I am glad that Professor Shah and I lost that particular battle.

There was a running battle throughout the Constituent Assembly

and its committee between those who put the State first. One such fight which the champions of individual liberty lost was with regard to forced labour and conscription. At a meeting in March 1947, the question of forced labour or *begar* came up, as also that of compulsory military service. The Committee decided by a majority vote for an article to be included prohibiting forced labour, subject to certain exceptions, but Rajkumari Amrit Kaur, Hansa Mehta and I lost the struggle to ban conscription.

## Uniform Civil Code

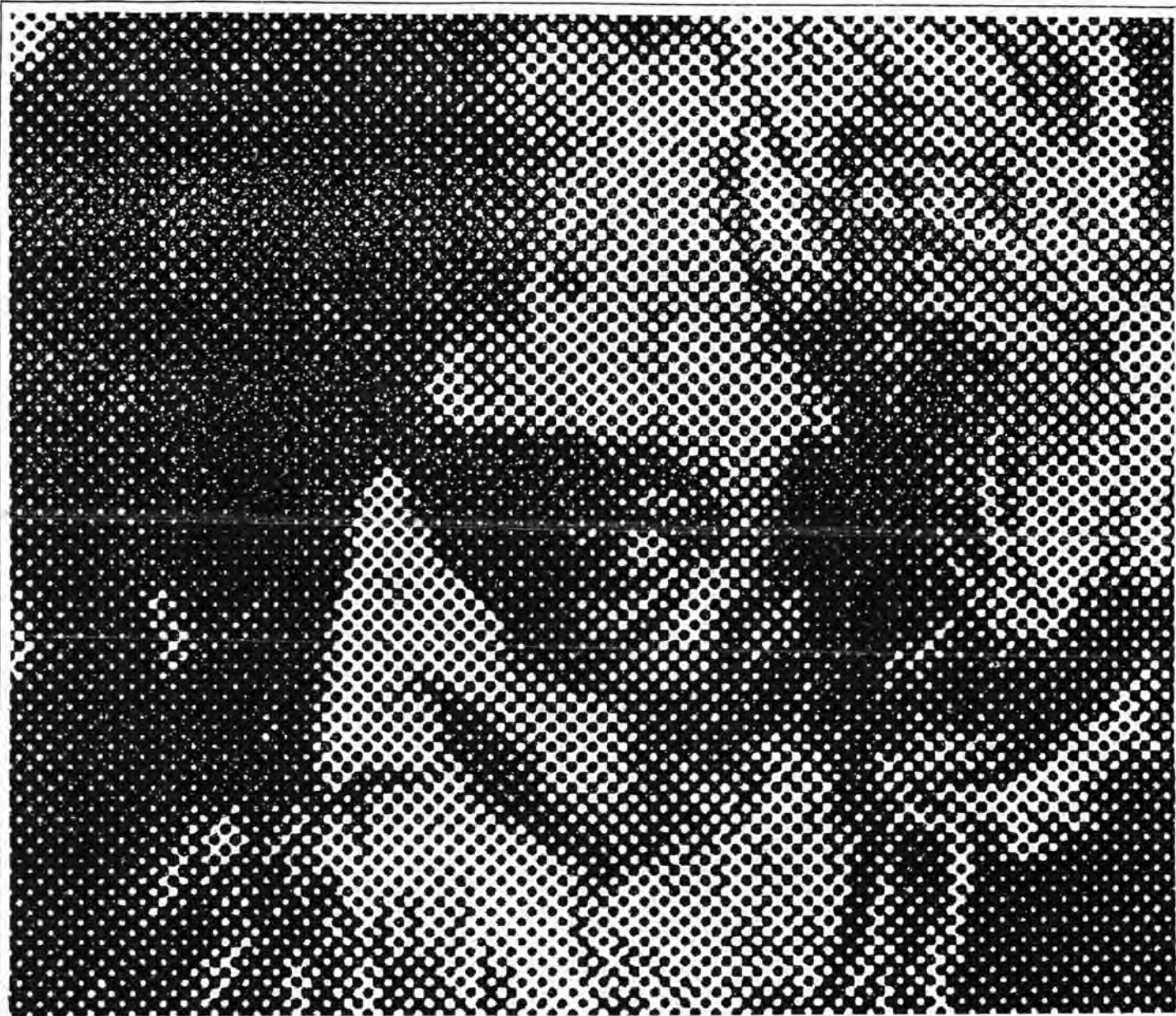
Another matter on which the Fundamental Rights Sub-Committee was divided sharply was whether we should legislate in favour of a common civil code applicable to all citizens. I initiated a proposal for the insertion of a clause saying that it was the State's responsibility to establish a uniform civil code.

Rajkumari Amrit Kaur, Mrs. Hansa Mehta and Dr. Ambedkar supported me. But it was decided by a majority that this would be outside the scope of fundamental rights. We then submitted a minute of dissent to this decision:

"One of the factors that has kept India back from advancing to nationhood has been the existence of personal laws based on religion which keep the nation divided into watertight compartments in many aspects of life. We are of the view that a uniform civil code should be guaranteed to the Indian people within a period of five to ten years.

Later, in July 1947, we wrote to Sardar Patel, asking the Advisory Committee to reconsider the matter when it met again, but our efforts proved unsuccessful and the clause remained one of the non-enforceable directive principles.

Despite this setback, I tried to get



*If* there is anything that could overshadow  
the close association we had with the great thinkers  
of our time, it could only be the close association  
they had with us.



*Why settle for anything less?*

a clause based on Article 54 of the Swiss Constitution to be included: "No impediments to marriages between citizens shall be based merely upon difference of religion". This too was lost by five votes to four. The minority again consisted of the two ladies, Dr. Ambedkar and myself.

It is interesting to recall that the majority that succeeded in defeating all these liberal propositions was an all-Hindu majority consisting of Acharya Kripalani, Sir Alladi Krishnaswami Ayyar, Dr. K. M. Munshi, Professor K. T. Shah and Mr. Jairamdas Daulatram.

#### **Proportional Representation**

On the suggestion of the method of election and the safeguarding of the right to representation of minorities, whether political, ethnic or religious, I put up a long rearguard fight.

I remember the meeting, probably in July 1947, where this matter came up in the committee with Sardar Patel in the Chair. K. M. Munshi moved

that "as a general principle, there should be reservations of seats for different recognised minorities in the various Legislatures". I moved an amendment, arguing that if a system of proportional representation was adopted, there should be no need whatsoever for reserving seats for the Harijans or any other minority. I got heart-warming support from Dr. Ambedkar, as also from the spokesman of the Anglo-Indian and Christian communities and members of the Muslim League. They were all prepared to surrender their reservations if this could be done.

Unfortunately, after a whispered conversation between the Chairman, Sardar Patel, and Dr. Munshi, sitting next to him, the former expressed his regret at not being able to accept my proposal. He remarked dryly that perhaps, I was thinking of protecting my former socialist friends, though this was the last thing in my mind at that time. My argument was based on my general support for the method of pro-

portional representation which I had come to accept during my stay in England and my aversion to the British system of "first past the post", which had already led to distortions in the British political system. I was also motivated by my strong opposition to breaking up the Indian nation into compartments with seats reserved for each of them.

Sardar Patel argued that the acceptance of my proposal would lead to shifting coalitions and instability as in France. What he wanted was a strong government backed by a decisive majority in Parliament and a two-party system as in England. This he thought the British electoral system would give.

I ventured to argue that the number of parties was not so much a result of the electoral system as of national temperament. We were not like the Anglo-Saxons, with their predilection for compromise. We were more like the Latins - the French, the Italians, and Latin-Americans - with



What the people of India require is good government and not merely a 'stable' government. The stress ought to be on good government which does not seek to make serfs of citizens. The stress should not be on stability. A regime bent on doing away with the fundamental rights of citizens is not good government. Authoritarian dictatorship can perpetuate itself without other assistance. What should be done is not to make it stable, but to bring it to public condemnation. A free way of life is not possible under majority oppression and intimidation. The illusion that 'stability by itself is good must be dispelled. This reiteration of mine is not a redundant reiteration.

C. Rajagopalachari  
*Swarajya*, August 19, 1972.

Issued by the Rajaji Foundation, Sassoon Building, 1st floor, 143, Mahatma Gandhi Road, Mumbai 400 001.

their proclivity for splitting and splintering. Unfortunately, when the vote was taken, my amendment was lost, while Munshi's proposal was carried by the Congress steamroller majority.

#### Reservation

In the result, the Committee's report recommended certain 'safeguards' for minorities. These were accepted by the Constituent Assembly and were embodied in the draft Constitution. These included the reservation of seats for minorities in the Central and Provincial Assemblies, a specific provision for Anglo-Indian representation, and reservations in the services. Another provision stipulated the appointment of special officials to look after the Minorities in the Union and the States.

Once again when, at the meeting of the full assembly, Munshi moved that cumulative voting should not be permissible in elections to legislatures, thereby making single member constituencies compulsory, I moved an amendment "... that no decision be recorded on this resolution and that the matter of cumulative or distributive voting be determined when the demarcation of constituencies and the electoral law are decided". This, too, was defeated by a large majority.

Throughout this episode, I am glad to say that the little minority to which I myself belong behaved in an admirable manner. Sir Homi Mody joined me in turning down any reservation of seats for the Parsis.

Looking back at this discussion, one can only regret that wiser counsels did not prevail. As a result of reservation being accepted for the Harijans, India is still plagued with

the phenomena which have resulted in the exploitation of the Harijans by unscrupulous and corrupt leaders who have used them to get into the Union and the State Governments. It is also the cause of a great deal of corruption in our national life which has come from the buying and selling of the votes of many scheduled class members in our legislatures.

The acceptance of Proportional Representation would have prevented this country being ruled by a minority party enjoying a large majority of seats in the Lok Sabha. Never since Independence did the Congress Party, led by Nehru and his successors, get a majority of the popular votes polled. The highest percentage Nehru recorded was forty-eight per cent. By the time he died, it had dropped to forty-three per cent, yet for two decades and a half, he enjoyed a fictitious majority of over two-thirds in the Lok Sabha and was able to change the Constitution repeatedly without having ever had a popular mandate. Nor would Mrs. Indira Gandhi have been able to destroy the fundamental rights of the citizen by having a Parliament adopt various Amendments to the Constitution due to the fact that she had a fictitious two-thirds majority in the Lok Sabha, while polling only forty-three per cent of the votes cast. Sardar Patel would if alive have regretted the subversion of the values for which he stood by his refusal to see reason on this point.

Another Committee in whose proceedings I took part was the 12 member committee set up to examine the scope and content of the subjects that should be allotted to the Centre, which came to be known as the Union Powers Committee.

#### States Autonomy

It was in this committee that perhaps for the very first time an issue which was later to develop into one of the major dividing lines in Indian politics came up in a small way. I recall a significant passage at arms that took place between Pandit Nehru, our

Chairman, and myself when he asked the members to state in which list Planning should be included. I promptly answered that it should be in the State's list. Nehru glared at me and said he entirely disagreed and that it should be placed in the Union list. This was to be the first of many debates he and I were to have about the nature of Planning since he believed in the Soviet-style comprehensive planning and I in the Gandhian concept of a decentralised economy. Naturally, Jawaharlal won. Finally, as a compromise, the subject of "Economic and Social Planning" was placed in the concurrent list covering matters in regard to which both the Union and the States could legislate. The report of our committee observed: 'We have included planning in the above list for the reason that, although authority may rest in respect of different subjects with the units, it is obviously in their interests to have a co-ordinating machinery to assist them'.

#### Titles and Awards

Another issue on which I took a stand, first in the Congress Party meetings and then in the Assembly itself, was the abolition of titles. These had been a great source of corruption in our public life during the days of British rule and many of us felt strongly that in Free India there should be no titles to award at the disposition of the new government. The matter came up first in a meeting of the Congress Party. The issue that arose was whether the award of Orders of Merit should be excluded from the ban on titles. I was one of the whole-hoggers who wanted no such technical distinction to be made. Nehru, on the other hand, characteristically quoted the Soviet Union in support of the argument that awards and orders should not be ruled out. There was a discussion in which I pointed out how Stalin had debased the Order of Lenin to reward his sycophants and made such awards an instrument of corruption. Nehru, who was a blind admirer of Stalin, remained unconvinced.

In any event, when the matter

**"Nothing will ruin the country if the people themselves will undertake its safety; and nothing can save it if they leave that safety in any hands but their own".**

Daniel Webster

came up before the Constituent Assembly between 28 April and 2 May. I moved an amendment to an amendment which Mr. Santhanam had moved to the official motion which read as follows:

No title other than one denoting an office or profession shall be conferred by the Union.

No citizen of the Union shall accept any title from any foreign State.

No person holding any office of profit or trust under the State shall, without the consent of the Union Government, accept any present, emoluments or office of any kind from any foreign State.

My amendment had two objectives. First of all, I wanted the words "other than the ones denoting the office or profession" to be deleted so that the clause would read unconditionally as follows:

No title shall be conferred by the Union.

Secondly, I wanted the word "title" to be added to the last sentence which would prevent a citizen of this Union from accepting a title conferred by a foreign government.

In my speech commending my amendment to the House, I urged that all titles, whether heritable or for the life of the incumbent, should be ruled out. "The idea of a man putting something before or after his name", I argued, "as a reward for services rendered will not be possible in Free India". I claimed that it had been found "not only in subject countries but even in so-called free countries that titles become dangerous and a source of corruption both to those who bestow them and to those who accept them."

Extracted from "Against the Tide", the second volume of Mr. Masani's two-volume autobiography.



Minoo Masani, eminent parliamentarian, and among the last surviving members of the Constituent Assembly, is the author of *Our India*. An alumnus of Bombay's Elphinstone College, the London School of Economics and Lincoln's Inn, he joined the Bombay Bar but soon gave up practice to participate in the freedom struggle and courted imprisonment in 1932 and 1933. The following year he joined Jayaprakash Narayan, Achyut Patwardhan, Yusuf Meherally and others to form the Congress Socialist Party (CSP).

During the Quit India Movement, Masani courted imprisonment. Released from jail, Masani entered legislative politics via the Bombay Municipal Corporation (he was elected Mayor in 1943) to membership of the Indian Legislative Assembly which was later converted into the Constituent Assembly. He played his role in the drafting of the Indian Constitution as a member of the Fundamental Rights Sub-Committee and Union-Powers Committee.

Nominated by the Government of India as her representative on the UN Sub-Commission on minorities Masani invoked prime minister Jawaharlal Nehru's wrath when he refused to turn a blind eye to the persecution of minorities in the Soviet Union and its satellites in Eastern Europe and was sent off in 1948 as India's Ambassador to Brazil.

In 1950 he founded, with the blessings and encouragement of the then deputy prime minister and home minister Sardar Vallabhbhai Patel, the Democratic Research Service to educate public opinion on the dangers to India's national independence posed by communists.

In 1959, he joined forces with C. Rajagopalachari to found the Swatantra Party - a liberal-conservative party. Masani was that rare combination - an intellectual with tremendous organising competence. Under his leadership as general secretary, the Swatantra Party, grew rapidly and in less than ten years emerged in the 1967 general elections as the single largest party in the opposition in the Lok Sabha with a strength of 44 members.

In 1971 he took over the editorship of *Freedom First* which he had founded in 1952.

In 1978 when the Janata Party was elected to power he was appointed Chairman of the Minorities Commission but soon resigned over differences in principles and approach.

His publications include: *Our India*, *Socialism Reconsidered*, *Your Food*, *Picture of a Plan*, *Plea for a Mixed Economy*, *Our Growing Human Family*, *Cooperative Farming*, *the Great Debate*, *The Communist Party of India - A Short History*, *Too Much Politics*, *Too Little Citizenship*, *Liberalism*, *Is JP the Answer*, *JP's Mission*, *Party Accomplished*, *Bliss was it in that Dawn*, and *Against the Tide* (His two-volume autobiography) and *We Indians*.

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# The Democracies of India and the USA

## Some Common Features

N. A. Palkhivala

**The U.S. Constitution has survived for 200 years, without a dent in its basic structure. The human freedoms and the basic framework of the Constitution have never been touched and have never been even attempted to be touched. No political party would survive in the United States if it tried to tinker with the fundamental rights of the people.**

India and the U.S.A. - one, the most populous and the other the most powerful democracy in the world - have several features in common. To start with, in both the countries, the revolt against colonial rule was the genesis of freedom.

In both the countries, there is dual authority - the authority of the Union and the authority of the States - as part of the basic structure and framework of the Constitution. If this basic structure were ever dismantled, the Constitution would clearly suffer a loss of identity. There is a difference between the extent of jurisdiction reserved for the States in the U.S.A. and that reserved for the States in India, but the difference is one of degree and not of kind.

In both the countries, the Constitution was framed by a few handpicked individuals who were not elected on the basis of adult franchise. As regards the criticism that such a Constituent Assembly had no right to impose a permanent Constitution on the people, Dr. B. R. Ambedkar said:

"Sir, it may be true that this Assembly is not a representative assembly in the sense that Members of this Assembly have not been elected on the basis of adult suffrage. I am prepared to accept that argument. But the further inference which is being drawn that if the Assembly had been elected on the basis of adult suffrage, it was then bound to possess greater wisdom and greater political knowledge is an inference which I utterly repudiate... It might easily have been worse. Power and

knowledge do not go together. Often times, they are dissociated and I am quite frank enough to say that this House, such as it is, has probably a greater modicum and quantum of knowledge and information than the future Parliament is likely to have".

Themistocles remarked: "Tuning the lyre and handling the harp are no accomplishments of mine; but I know how to raise a small and obscure city to glory and greatness". Many of the framers of the United States and Indian Constitutions did not have the cheap talent to catch votes by making glib promises, but they had the great vision to formulate the fundamental law. It was the good fortune of the two countries that men of knowledge, intellect and high integrity framed their Constitutions. The U.S. Constitution has survived for 200 years, without a dent in its basic structure. It has been amended in matters like grant of the vote to women and to Negroes, introduction and abolition of prohibition; but the human freedoms and the basic framework of the Constitution have never been touched and have never been even attempted to be touched. No political party would survive in the United States if it tried to tinker with the fundamental rights of the people.

In both the countries, the Constitution represents charters of power granted by liberty, and not charters of liberty granted by power. Liberty is not the gift of the State to the people; it is the people enjoying liberty as the citizens of a free republic who have granted powers to the legislature and

the executive. By contrast, in England, freedom is the result of charters of liberty granted by power. Over the centuries, liberty has been wrested from the kings by charters like the Magna Carta (1215) and the Bill of Rights (1689), apart from judicial pronouncements by judges of courage and sturdy independence.

The most significant feature of both the Constitutions is the accent on basic human freedoms. India has its Fundamental Rights; the United States has its Bill of Rights. In the words of Frankfurter, "When we are dealing with the Constitution of the United States, and more particularly, with the great safeguards of the Bill of Rights, we are dealing with principles of liberty and justice 'so rooted in the traditions and conscience of our people as to be ranked as fundamental' - something without which 'a fair and enlightened system of justice would be impossible'."

### High Moral Tone

One more point of similarity, and perhaps, the greatest, between the two Constitutions is their high moral tone. The preamble to the Declaration of Independence on 4 July 1776 states:

"We hold these Truths to be self-evident, that all men are created equal, that they are endowed by the Creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness".

This lofty ideal is the enduring foundation of the American Constitution. The same noble note is struck by the preamble to our Constitution:

"WE, THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a SOVEREIGN DEMOCRATIC REPUBLIC and to secure to all its citizens:

JUSTICE, social, economic and political;

LIBERTY of thought, expression, belief, faith and worship;

EQUALITY of status and of opportunity;

and to promote among them all

FRATERNITY assuring the dignity of the individual and the unity of the Nation;

IN OUR CONSTITUENT ASSEMBLY this twenty-sixth day of November, 1949, do HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THE CONSTITUTION".

Our Constitution makers were so keen to uphold the nation's honour and public integrity that they provided for a built-in mechanism by which every debt, however, big or small, owing by the Government would be duly discharged. Any creditor of the Government can file a suit for recovery of a debt, and once a decree is obtained, the amount becomes automatically charged on the Consolidated Fund of India under Article 112 of the Constitution, and Article 113 provides that even Parliament has no right to vote upon it.

A few extracts from the Constituent Assembly Debates would serve to illustrate the great sense of honour which actuated the labours of the outstanding men who framed our Constitution.

Brajeshwar Prasad said in the Constituent Assembly on 10 October 1949:

"A nation that sacrifices vital principles, that does not stand by its pledged word, has no future in politics...

"I do not know what kind of people will be there in the future Parliament of India. In the heat of

extremism or at the altar of some radical ideology, they may like to do away with the provisions which we have made in the Articles of the Constitution ... Our leaders have made certain commitments. We stand by them ... We are sovereign and not the future Parliament. We can fetter the discretion of the Executive, Judiciary or Parliament. It is for this purpose that we are drawing up the Constitution".

Sardar Vallabhbhai Patel said on the same day, referring to the guarantees which had been given to the covenanted services:

"Have you read history? Or, is it that you do not care for recent history after you began to make history? If you do that, then I tell you we have a dark future. Learn to stand upon your pledged word. ... Can you go behind these things? Have morals no place in the new Parliament? Is that how we are going to begin our new freedom?

"Do not take a *lathi* and say, 'Who is to give you a guarantee? We are a Supreme Parliament'. Have you supremacy for this kind of thing? - To go behind your word? - If you do that, that supremacy will go down in a few days".

Acharya J. B. Kripalani spoke eloquently in the Constituent Assem-

bly on 17 October 1949:

"I want this House to remember that what we have enunciated are not merely legal, constitutional and formal principles, but moral principles; and moral principles have got to be lived in life. They have to be lived, whether it is in private life or it is in public life, whether it is in commercial life, political life or the life of an administrator. They have to be lived throughout. These things we have to remember if our Constitution is to succeed".

It is difficult to imagine that these noble sentiments were uttered only twenty-five years ago in the same country in which there is such total negation of public morality today. Some politicians refer to the provisions of the Constitution as having become anachronistic with changed times. In fact, it is good faith and the sense of decency and honour

#### Survival of Free Democracy

A free democracy is not hewn out of granite. In fact, it is delicate to the point of easy destructibility. Certain conditions are essential to its survival.

First and foremost, the people must have a sense of discipline. A democracy without discipline is a democracy without a future. Undisciplined trade unionism is as dangerous



Mr. N. A. Palkhivala, who was a Member of the First and Second Law Commission, has fought many historic legal battles. He has represented India before various world tribunals and has often argued in home courts to compel the executive and the legislature to walk within the lines drawn by the Constitution. The *Fundamental Rights* case, which he presented in the Supreme Court, was the first of its kind in the world and opened a new chapter in jurisprudence.

Mr. Palkhivala has been in the vanguard of the fight to preserve individual liberty and to arouse the people to their duty as keepers of the Constitution. Few in India have taken as much pains to educate the nation and to point out the dangers lurking behind the facade of

constitutional amendments which have been passed in the name of the people.

Mr. Palkhivala was India's Ambassador to the USA from 1977 to 1979. Among the books he authored are: *The Highest Taxed Nation*; *Our Constitution - Defaced and Defiled*; *We, the People*, and *We, the Nation*.

as undisciplined capitalism; and undisciplined demagoguery is as dangerous as undisciplined student power.

Secondly, freedom has a precarious hold on existence in countries where the spirit of moderation does not prevail. Learned Hand, one of the greatest judges of this century, defined the spirit of moderation as "the temper which does not press a partisan advantage to its bitter end; it can understand and will respect the other side, and feels a unity between all the citizens". It is in contradiction to the spirit of fanaticism which, said George Santayana, consists in "redoubling your effort when you have forgotten your aim". The chances of survival of liberty are in inverse proportion to the number of extremists who are allowed to get into the saddle. Lenin virtually defined the spirit of fanaticism when he asserted that he would co-operate with Social Democrats "as a hangman co-operates with the rope". Democracy depends upon habits of consent and compromise which are attributes only of cultivated and sophisticated political societies. Where the spirit of moderation does not prevail, society degenerates into divisions and hatred replaces goodwill.

One of the numerous historical episodes which redound to the great credit of Kennedy was that when he became the President of the United States, his first act was to consult, not his own supporters, but the defeated leader of the Republican Party and to have a meaningful dialogue with him as to the best policy for strengthening the country socially and economically. Here was a man of true humility and moderation who knew that no man and no party has a monopoly of wisdom or patriotism.

The third, and not the least important, of the conditions for the survival of freedom is the willingness and capacity of the people to take disinterested part in public life. A democracy does not begin and end with voting at the elections. The United

States is an excellent example of how democracy involves the continuous association of the citizens and the press with public life. "The tyranny of a Prince in an oligarchy", said Montesquieu, "is not so dangerous to the public welfare as the apathy of a citizen in a democracy". In the unforgettable words of Felix Frankfurter, "Democracy involves hardship - the hardship of the unceasing responsibility of every citizen. Where the entire people do not take a continuous and considered part in public life, there can be no democracy in any meaningful sense of the term. Democracy is always a beckoning goal, not a safe harbour. For freedom is an unremitting endeavour, never a final achievement. That is why no office in the land is more important than that of being a citizen". All of us are born to the high office of citizenship; so few of us discharge the duties attached to that office.

Buddha's last words to his disciples were: "Look not for refuge to anyone besides yourselves". These words come home to us with a strange poignancy in a state where we have the right to select our masters and rulers. When you live in a democracy, you live in hazard. There is no amenable God in it, no particular concern or particular mercy. A bad government is the inevitable consequence of an indifferent electorate. As Daniel Webster said, "Nothing will ruin the country if the people themselves will undertake its safety; and nothing can save it if they leave that safety in any hands but their own".

Just as parts of a body suffer atrophy when they fall into desuetude, human freedoms suffer that fate. A grave lesson lies behind the jest of Mark Twain: "In our country, we have those three unspeakably precious things: freedom of speech, freedom of conscience, and the prudence never to practise either".

(From "Our Constitution - Defaced and Defiled" first published 1974).

## **Debate**

### **Liberalism in India**

When one says that liberalism existed in India, (Liberalism in India by Sharad Joshi, *Freedom First*, October-December 1996), it amounts to nothing but false glorification of ancient Indian culture. The truth is quite different.

Had there been liberalism in ancient India in the real sense, the principles enunciated in the '*Charvak*' and subsequent '*Lokayat*' *Darshanas* (treatises) would have been accepted and followed. Not only were those principles not accepted and followed, but also the *Darshanas* in their original form are extinct. This proves beyond doubt that Indian culture was anything but liberal.

Fearlessness and candour and not timidity and hypocrisy are the necessary criteria of liberalism. But the ancient, medieval and modern average Indian lacks in these qualities.

Medieval saint Eknath of Paithan is hypocritically projected as an example of tolerance. The legend goes like this: Eknath, while returning after taking a bath in the river was spat on by a Muslim. Instead of getting angry, he tolerated it and went back to the river and took a bath again. Twenty times the Muslim spat and the saint bathed twenty times. When that episode occurred, the Muslims were the rulers and the person who spat was a member of the ruling community. Had he been a Hindu, it is doubtful whether Eknath would have tolerated it. The episode throws light on timidity and hypocrisy the inherent qualities of an average Indian.

Had Indian society been liberal, untouchability would not have prevailed in India for centuries. Even on the threshold of the twenty first century untouchability still prevails in rural India, in its ugly form.

Thus without difficulty one can come to the conclusion that Indian society was not and is not a liberal society. Strenuous efforts are essential for transforming it into a really liberal one, especially because fundamentalists of different shades are trying to transform it into a fanatic one.

G. Y. Dharap



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# Politics of Corruption

Mangesh Kulkarni

**Corruption does not respect national, ideological or economic boundaries. It is a near universal phenomenon afflicting developed as well as developing countries, capitalist as well as socialist systems.**

Any attempt to investigate the politics of corruption must begin by grappling with the problem of defining it. This is because the causes, consequences and ways of dealing with corruption are differently conceptualised depending on how one defines it. I would offer a tentative characterisation of the phenomenon as involving the use of a privileged socio-economic and/or political-bureaucratic location to illicitly appropriate a part of the social surplus. Typically its modality lies midway between appropriation based on unalloyed economic coercion with its aura of legality, and that resting on crass forms of extra-economic coercion rooted in the threat or use of force. It thus occupies the twilight zone of duplicity, subterfuge and fabrication.

Such a characterisation has several advantages. It avoids the amorphousness of a merely moralistic account of corruption by anchoring our understanding of the phenomenon firmly in determinate regimes of stratification, accumulation and governance. In this sense it is a properly materialist account. But its unmistakable normative content gives it a critical edge utterly lacking in the bland 'functional' conception which projects corruption as simply a lubricant that keeps the economic and governmental machinery going.<sup>1</sup> It also underscores the prevalence of this malady in governmental as well as non-governmental sectors. Finally, it directs our attention to the imperative of viewing the struggle against corruption as part of a much larger struggle for emancipation.

Corruption does not respect national, ideological or economic boundaries. It is a near universal phenomenon afflicting developed as well as devel-

oping countries, capitalist as well as socialist systems. This does not mean that we should throw up our hands and take refuge in some secular or theological dogma of human sinfulness. It only means that we should pay close attention to the context in which specific forms of corruption arise and thrive. In what follows, I wish to focus on corruption in India in the light of the perspective outlined above.

Contemporary India has developed a civil society, but it remains weak and deeply fractured. The officially proclaimed modern vocabulary of rights, democratic institutions, rule of law and secularism has not been woven into the fabric of this society.<sup>2</sup> Pre-capitalist structures like the caste system, and practices such as bonded labour retain their hold, while large sections of people face marginalisation, displacement and destruction of their sustenance bases, often in the name of 'development'.<sup>3</sup> In such a situation it is not surprising if nepotism and bribery acquire a measure of social acceptance. But even when people resent the corruption of the power elite - as they increasingly seem to be doing - they do not have the cognitive and material resources needed to resist it.

In the economic domain, while the process of capitalist transformation has been going on - initially clouded by the rhetoric of a 'socialistic pattern of society', of late more openly - it has been vitiated by the dominance of a bourgeoisie which is more parasitical than entrepreneurial.<sup>4</sup> This class has shown a tendency to indulge in corruption both directly and through connivance with the political elite. Together with a section of organised labour - a tiny proportion of the Indian working classes - it has secured

oligopolistic advantages creating severe distortions both in the labour and product markets. The economic logic of the system thus puts a premium on corrupt rent-seeking than on prosperity through productivity gains.<sup>5</sup> This tendency is further reinforced by the rural rich who thrive on various subsidies granted by the State.

The political domain is characterised by an 'overdeveloped' State apparatus. It was created during the colonial era to discipline and extract revenue from the subject population. After independence, it acquired the trappings of development and welfare, becoming in that process even more bloated.<sup>6</sup> Its productive functions, and its overbearing, opaque ambience render it a fertile ground for corruption. Naturally, the bureaucratic and political elites make the most of the opportunities it offers to feather their own nests, often in league with the other sections of the power elite, but to the detriment of the people at large.<sup>7</sup>

As the foregoing account indicates, the fight against corruption will have to be fought on many fronts.<sup>8</sup> We need to create a vibrant civil society that will raise both normative as well as institutional barriers against corruption. This can come about only through the vigorous, nationwide efforts of social movements - to conscientise and empower the masses. The economy similarly needs to be reformed by dismantling the structures of regulation, patronage and parasitism that have blocked the enormous productive potential of the country. The State needs both downsizing and transparency as the means of ensuring efficiency and accountability. Deep are the roots of corruption. Is it surprising if it calls for radical remedies?

# Footnotes

1. This conception was quite common among social scientists studying Third World societies, especially in the 1960s. Gunnar Myrdal, however, criticised this view in his seminal work, *Asian Drama* (New York: Vintage Books, 1972; abridged edition), pp.200-210. But it still has some adherents.
2. See Sudipta Kaviraj, "On State, Society and Discourse in India", *I.D.S. Bulletin*, 21(4), October 1990.
3. Large-scale development projects have often produced these social consequences. The Narmada Valley Project is a recent example. See Usha Thakkar and Mangesh Kulkarni, "Environment and Development: The Case of the Sardar Sarovar Project", *South Asia Bulletin* (New York), 12(2) Fall 1992.
4. See A.K. Bagchi, "Reflections on the Nature of the Indian Bourgeoisie", *Social Scientist*, March-April 1991.
5. See Pranab Bardhan, *The Political Economy of Development in India* (Oxford: Blackwell, 1984).
6. For a critique of the 'developmental' State see Partha Chatterjee's article, "Development Planning and the Indian State", in a volume edited by him, entitled *State and Politics in India* (Delhi:

Oxford University Press, 1997).

7. For an account of how people perceive the Indian State through the lens of corruption, see Akhil Gupta, "Blurred Boundaries: The Discourse of Corruption, the Culture of Politics, and the Imagined State", *American Ethnologist*, 22(2), May 1995. For elite perceptions of corruption, see Vinod Pavarala, *Interpreting Corruption* (New Delhi: Sage, 1996).
8. See Vivek Pandit, "Preventing Corrup-

tion: Role of NGOs and Citizens", and P. R. Parthasarathy, "Fighting Corruption: Transparency in Governance", in *Corruption: Causes and Remedies* (proceedings of a seminar held at the SNTD Women's University, Mumbai, on March 6-7, 1997) compiled by Mangesh Kulkarni.

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# Hong Kong

## From British Colony to Chinese Province

Martin Lee

On July 1, 1997, Hong Kong, the British colony, will become a province of the People's Republic of China

**H**ong Kong is one of the success stories of modern times. For two years running now it has been chosen by the Heritage Foundation as the most free economy in the world. Hong Kong is the world's tenth-largest economy, despite its tiny size. We have only six and a half million people. Why are we so successful? There are many reasons, and yet when people talk about Hong Kong these days, many of them talk only about Hong Kong's prosperity, its ability to make money - as if Hong Kong is only an island of tycoons. There are of course many tycoons in Hong Kong, and there are more Rolls Royce cars per capita than anywhere else in the world, but there are also many hard-working citizens living in public housing. When you see a Hong Kong bus driver sweating away, driving a double-decker bus on a summer day, and a Rolls Royce car overtakes him with a tycoon sitting in the back, you don't find any grudge on the part of the bus driver; he says, "I will

cisely what drives the Hong Kong people to work so hard.

With the transfer of sovereignty to China at midnight, 30th June, 1997, what is going to happen? Can our freedoms continue to be enjoyed by our people, rich and poor? Will there be the rule of law? When I talk about

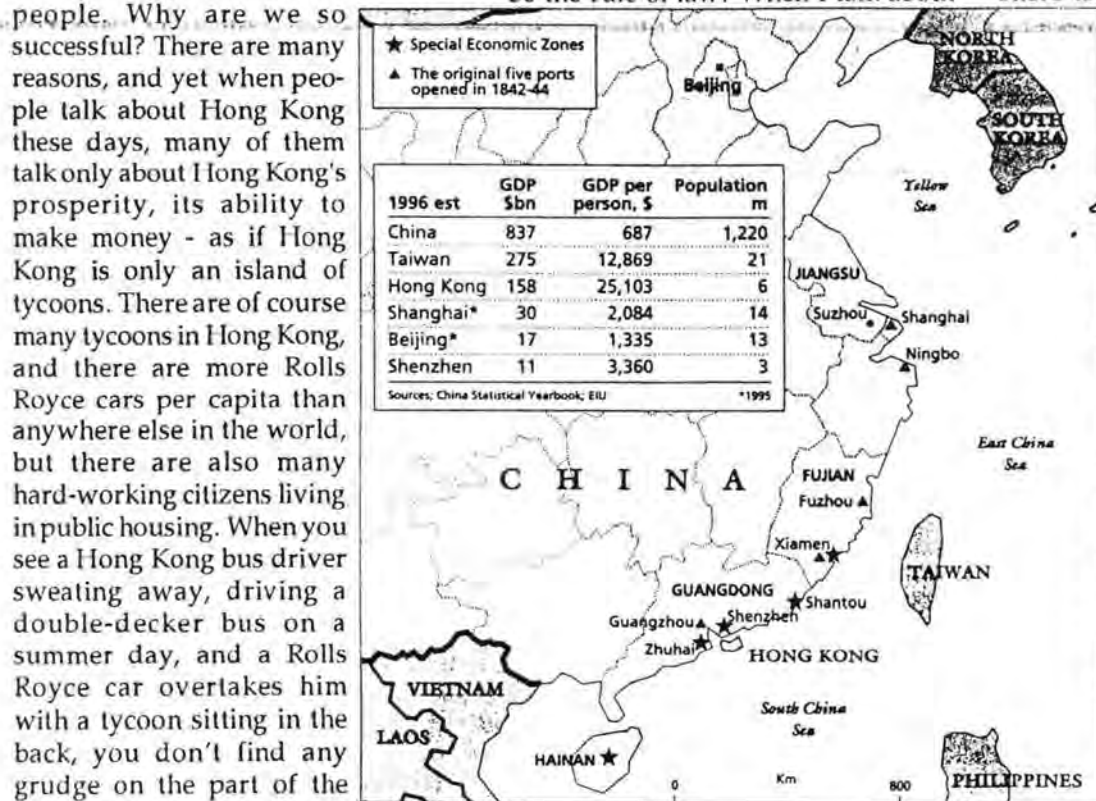
try you can take it more or less for granted that the laws will be there to protect your rights.

But supposing your legislature is not democratically elected by the people. Suppose the legislators were appointed by a tyrant. Then what? There is one relevant answer in history: in Weimar Germany

before Hitler took over, the German judges were doing justice for the German people. But when Hitler took over he controlled the Reichstag, and changed the laws. Soon the same judges became instruments of injustice, because as judges they had to apply the law as they found it.

What will happen to Hong Kong's elected legislature? Today, we have a legislature of sixty, all elected by the people of Hong Kong, through one way or another. On 1st July, 1997 that legislature will be scrapped, and it will be replaced by a Beijing-appointed legislature.

What laws can we expect from this appointed legislature? We have already been told by Chinese leaders what laws they would pass. The first casualty is the Bill of Rights. The Bill of Rights was enacted in June 1991 after great pressure was brought to bear on the British government to introduce it, in the aftermath of the Tiananmen Square massacre. At first the British government denied it to us, but ultimately, the British government introduced the Bill of Rights - to reassure Hong Kong people that their freedom would continue.



COURTESY : The Economist

never in my lifetime be sitting in the back of that car. So long as I keep working hard one day my boy or my daughter will be sitting there." That is the Hong Kong spirit. Many of our people work very hard but still they haven't got enough money. So what do they do? They take on another part-time job in the evenings. Hong Kong is what it is today, because we know in Hong Kong, that as long as we keep working hard, we will make it - one day. That is called "the great American dream" in America, but it is pre-

the rule of law in a democratic country, people naturally think of an independent judiciary: if judges and magistrates apply the law fearlessly, we are sure of justice. But is that all that is required for the rule of law? We are actually assuming in a democratic country that the laws will give us that protection, because our legislature or our parliament would not contemplate passing repressive laws for fear that, when the next election comes, the people would vote them out of office. So in a democratic coun-

The Bill of Rights enshrines all the basic human rights contained in the International Covenant of Civil and Political Rights: freedom of the press, freedom of religion, freedom of assembly, freedom of movement, freedom of demonstration, and the like - but more importantly it contains a very important section, which gives to all our courts, no matter how high or how low, the power to strike down any law which in the view of the court is inconsistent with the Bill of Rights. So even if the legislature were to pass a repressive law, the courts would strike it down, and thus protect our people. The Beijing leaders have already said *that* provision will be repealed by the Beijing-appointed legislature.

Other laws, we are told, will also be amended: laws which were originally draconian, passed in the early colonial Hong Kong - but which were hardly ever used in recent times by the British government. But after the passage of the Bill of Rights, those laws obviously had to be amended in order to accord with the Bill of Rights. So the government introduced amendments, which the legislature passed, to make those laws comply with the International Covenant of Civil and Political Rights. They related to freedom of expression, freedom of the press, freedom to demonstrate in public places, for example. Beijing wants all these old draconian laws resurrected.

There is another law which the appointed, so-called "provisional" legislature will pass, a new law on subversion. Subversion is not a crime known to the common law, because in every democratic country the party in opposition always wants to subvert the government, to overthrow it - by peaceful means, at the next election. But in China there are no elections, and so therefore it is unlawful for anybody even to think of doing anything to remove the leaders, even by peaceful means. Very recently, a young academic in China, Wang Dan, was sentenced to eleven years of imprisonment for subversion, for writing an article which stated there is no press freedom in China. You might have read in the papers recently

that the Hong Kong government will be introducing a new law against subversion, in the British context. And the government chose words like *by force or by violent means* to overturn the British government, hoping that in 1997 the words British government could be changed to *Chinese central government*. The British government consulted the Chinese government at length, but the Chinese government would not support these amendments. What the

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British government was trying to do, in fact at our suggestion in Hong Kong, was to create a law consistent with the common law. When the Chinese government said no, it could only have meant they did not want the subversion law to accord with the common law - which means they want China's version of the subversion law to be introduced into Hong Kong by their appointed legislature.

When laws are repressive, as we know they will be in Hong Kong, what can the most upright and most independent judge do to protect human rights? He must enforce the law as he finds it. But when legislators are not accountable to the people of Hong Kong because they are appointed by Beijing, what incentive do they have to pass laws to protect the people of Hong Kong? If they want their term extended, of course they will do everything to please the Beijing leaders.

When are we going to have elections again. Chinese leaders have said at the end of 1998. Bear in mind that this provisional, appointed legislature will be set up as early as 21st December this year. This is quite a Christmas present to the people of Hong Kong. In effect this illegal body will have a

life of two years, and you can count on it that the people who will be appointed by Beijing to sit on this legislature will do their utmost to prolong their own term in office and to change the electoral laws in such a way that their chances of being elected when there are elections will be greatly enhanced.

My party of course has the most legislators in the elected legislature; nineteen members out of sixty. The next largest party has only ten, and the one after that only six. Together with pro-democracy allies not belonging to my party, we actually had a majority of thirty-one. I say, had thirty-one, because now some of them have moved over to China's side. Even when there are elections again, I'm afraid those elections will be such as would guarantee the Chinese government a legislature they can well control. So Hong Kong is not going to have a legislature which is by and large accountable to the people. (It has been said that the Chinese leaders actually have no objections to elections beforehand.) The editor of the *Australian* said this week that the Chinese leaders' goal is to devise electoral laws which would guarantee that my party, which had won more than sixty-five percent of the vote, would end up having less than one quarter of the seats.

Without democracy there *cannot* be the rule of law, and human rights cannot be protected. So what is Martin Lee so concerned about? These people overlook one very important factor, perhaps deliberately. That is, although the Hong Kong government is not democratically elected, nor the legislature for that matter (because only twenty out of sixty of us have been democratically elected), the Hong Kong government is but an extension of the British administration in the colony of Hong Kong. So if things were to go violently wrong, if the governor for example were to detain people without trial, as in Singapore, questions are bound to be asked in the British parliament and could bring down the government if the parliamentarians were unhappy with the explanations.

Thus Hong Kong has the rule of

law today, thanks to a democratically constituted parliament and government, eight thousand miles to the west of us. If the Chinese government and the National People's Congress were also democratically constituted by the Chinese people, then I agree, there is no reason to change our political system. But we know the Chinese government is not democratically elected. We know throughout these many years of rule by the Chinese Communist Party, there have always been people locked up for their religious views, for their political views, very often without trial, at other times on trumped-up charges, and yet not a single question has been asked in the National People's Congress. So that is the problem, and that is why for Hong Kong after 1997, if there is no democracy, in Hong Kong the rule of law cannot continue.

**Mr. Martin Lee followed his Latham Lecture by answering questions, some of which are published below:**

*You have made it clear that you are gloomy about prospects for human rights and the rule of law. What effect do you think these undemocratic developments will have on the economy of Hong Kong?*

Many tycoons of Hong Kong, and sometimes even public servants, try to paint a rosy picture, and say, "Don't worry, Hong Kong will continue to lay golden eggs." But why is Hong Kong so successful? Let's assume that you are investing in Hong Kong now. Why do you choose Hong Kong - why not Malaysia, Singapore, Thailand, Taiwan, South Korea? Hong Kong has the rule of law, and you cannot find the equivalent anywhere else in South-East Asia. When you invest in Hong Kong yes, the rents are high, labour is no longer cheap, but you feel secure with your investment. That must be one important factor. I am not saying it is the only one. Investors may like to use Hong Kong as a stepping stone into China. But if the rule of law becomes no better than that in China, then what happens? Many who have experience with investments in China will know that if you should ever have any dispute with your partner in China, people will advise you to forget it: it

is very difficult to win, and even should you get a judgment in your favour that judgment is never enforced.

So, if Hong Kong loses our rule of law, our effective legal safeguards, that will increase the risk in your investment. Other people will say, "But if I am already investing in China today, why should I be deterred from investing in Hong Kong?" Good question. But if you are investing in Shanghai, for example, how do you make your commercial decisions? Where do you get the vital economic information from? Not in Shanghai. They won't tell you anything bad about their country, and this is the sort of thing that you must know, and know fast. All reliable economic information about China comes from Hong Kong. Hong Kong has a free press, certainly in

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**All reliable economic information about China comes from Hong Kong. If Hong Kong becomes like China, if the press is no longer free, where will you find that information?**

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relation to economic information. On sensitive political matters there is a lot of self-censorship, but on economic matters, there is no problem. Hong Kong has the physical infrastructure, and Hong Kong has the right people to give you that information quickly. If Hong Kong becomes like China, if the press is no longer free, where else will investors find that important economic information?

There is no place in South-East Asia that can replace Hong Kong as a financial centre, as a centre for economic information, which is why so many international news agencies and newspapers have set up offices in Hong Kong. And therefore, I suggest, that if this light of economic information were to be put out in Hong Kong, darkness would not just fall on Hong Kong and China, but on the whole region.

I wish I could paint a rosy picture, but I do not believe I serve my people by telling lies. By going along with the tycoons I would be persuad-

ing the rest of the world not to be concerned about these unhappy developments in Hong Kong. And when people are not aware of what's happening, when people are doing nothing about it, it will certainly materialise, if anything, even sooner than otherwise. And that cannot be good for Hong Kong. And that is why I believe the truth has to be told, although back in Hong Kong people will condemn me for this sort of thing: "Why do you paint such a bleak picture? How are you serving the community of Hong Kong?" My answer is I am serving my people in the only correct way, by telling the truth, so that the world knows what is happening, so that the world can try to help Hong Kong before it is too late. And even if the world cannot stop these developments, at least China will get a strong warning from the rest of the world. That is what we have set out to do and that is what we will continue to do.

*Are you saying that the loss of the rule of law after China takes over will prevent people in Hong Kong from earning as much as they do now?*

If you are an ordinary person working in Hong Kong, you may think that it has got nothing to do with you. A lot of business people in Hong Kong used to think nothing could ever happen to them. They said, "Martin, if you criticise the Chinese leaders, of course you will end up in jail. But not me. Because I am just doing honest business." How wrong they were.

**Where is James Peng?**

There is a gentleman called James Peng who came originally from China to Hong Kong. He then came here to Australia and acquired Australian citizenship and armed with an Australian passport, he went back to China to do business. In China you need a partner with clout. He found a niece of Deng Xiaoping. I don't know how many nieces there are, but he found one, and so he was doing roaring business. Champagne was flowing - that's why he called the company Champagne. Until one day, the niece wanted to buy his share - at a price nominated by her. He refused, and there was court action. He lost, as you might think. But he won in the Court

of Appeal in China, and in China there is only one appeal so he was feeling very happy. He then took proceedings in Hong Kong against his erstwhile partner and he also got judgment in the Hong Kong court so his position was extremely safe - so he thought. This guy was clever. He wouldn't go back to China because he knew that she had clout. He went to Macau instead, which is a Portuguese colony. One night he was staying in the Mandarin Hotel. At midnight the police came in and arrested him, not for any offence committed by him in Macau no reason was given. He was simply taken to China and handed over to the authorities. He was kept there for two years without trial. His wife, an Australian citizen, appealed for help. They couldn't actually find any charge for which he could be convicted. Then they changed the law one year after his arrest to create an offence to cover his conduct. And one more year later, that is, at the end of the second year after his arrest, he was charged and convicted of this brand new offence. You can call it a James Peng section. He was given eighteen years. The Australian government has taken up the matter with the Chinese government on more than a hundred occasions, at all levels. Where is James Peng? Still in prison.

There are many Hong Kong business people going to China to do business. Say a Hong Kong exporter gets a contract to sell toys to an American client for Christmas. He then goes to China and places an order. Shipment is delayed, and the American buyer refuses to take delivery, and sues him. So he refuses to pay the Chinese manufacturer and sues him. Now if he should ever walk into China, or if his wife, mother, father, son or daughter should go to China, they would be detained, and a ransom would be demanded of the price of the goods, even though they were late and caused loss to the Hong Kong buyer and, if the ransom is not paid, the person is not released. There are many cases of that kind.

*What sort of changes would you expect to see in education?*

Textbooks, no doubt, will be

changed. Youngsters will be taught how to be patriotic. I don't see any great problem about that. But I don't know how fair the textbooks will be. I don't know what the textbooks will say about 4th June, 1989.

About 4th June, 1989: there is a Hong Kong civil servant, an adviser to the government. About six months after Tiananmen Square he was having breakfast with some people from the New China News Agency in Hong

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**Let the Hong Kong system be a beacon to China. Let them see that there is nothing to fear from democracy. Let them see that democracy works for the Chinese people.**

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Kong - which is the *de facto* Chinese embassy in Hong Kong, it is not a news agency at all. While he was having breakfast with these people, they asked him, "What are your views on 4th June. "It was a Sunday. I don't remember having done anything." What happened on 4th June? Very clever. Then they had to explain to him what happened, namely, nobody died. Then he said, "If nobody died, why ask me?"

*Do you have any optimism at all about the possibility of democracy in China itself?*

Yes. I think for one reason at least: I suppose I can outlive Deng Xiaoping. I cannot believe that the old leaders of China can block the development of democracy forever. The whole world trend is going towards democracy, human rights and the rule of law. It may not come to China in my lifetime. But I know I am on a winner; so long as we don't give up we have not lost.

There is no doubt at all in my mind that these Chinese leaders will have to change with the times. The Chinese leaders have decided to continue the open economic policy for China. It is of course a correct policy; I hope they will realise soon that this is the time for consolidation, this is the time to bring in the rule of law, otherwise corruption will eat up whatever prosperity there may be as a result

of this open economic policy. This is a time for them to introduce the rule of law, and to use Hong Kong as an example. That is another reason why the powers of the world should defend the Hong Kong system. Let it be a beacon to China. Let Hong Kong be a "special political zone", let them see that there is nothing to fear from democracy. Let the Chinese leaders see that democracy works for the Chinese.

There is nothing Confucian about it. I think Confucius would be rolling in his grave when people say, well, it is not Confucian for the Chinese to have democracy. When Confucius taught, people in Europe then believed in the divine right of kings. Who can say Confucius was wrong then? If Confucius was alive and sitting here, he would probably be telling you that China must have democracy. Because he was a wise man, and he would see the necessity for the Chinese leaders to bring about changes.

Let me quote what somebody said some years ago about China: "When there is a good system, even evil men cannot do evil, but where there is no good system even good men cannot do good, but may be forced to do evil." Who said that? Deng Xiaoping. So I am actually a believer of Deng Xiaoping! I strongly uphold his "one country, two systems" policy. I also believe in the great value of having a good system in Hong Kong. But we are not going to have a strong system because the present Chinese leaders are not following the great man's policy. They want to control Hong Kong, and that is wrong.

*Are you afraid of what will happen to you?*

I don't think China poses any real threat of physical injury, because, let's face it, China has improved quite a lot with human rights. There was a cartoon I enjoyed some time ago. A man was hanging up in a Chinese prison, and he said, "Human rights have improved a lot - they used to hang *both* of my hand up." To be fair, these are no longer the days when the Chinese government would kill dissenters. I don't know whether they

have done it quietly or not, but I don't think I can accuse them of anything without evidence. At least, you see that the famous dissidents have been given long period of imprisonment, not executed.

The Chinese government certainly executes murderers, rapists, and sometimes even peeping toms. I was told by a friend in the police force, who was in China on a holiday, that he was in a taxi, and a huge car was sounding its horn very loudly, and all the other traffic stopped for it. He said to his taxi driver, "What car is that?" "Oh, that car is going to the place where prisoners are executed. Would you like to watch?" They went there. The first few prisoners were guilty of rape, then several were guilty of indecent assault. Then there was a guy who was being executed for being a peeping tom. Because in China the central government decides, when they believe there are too many offences of some kind - they may be crimes of immorality, they may be corruption - then they will set a quota, always fifty thousand for the whole country. And they share the quota among the provinces and the cities. But in this city they ran out of rapists, so they got a peeping tom.

Many years ago during the communist disturbances of the 1960s there was one very brave journalist on commercial radio who kept attacking what we called the leftist elements in Hong Kong, who were planting bombs in the streets of Hong Kong, sometimes genuine bombs, sometimes fake bombs. Every day he attacked and criticised these people. One day somebody threw a firebomb into his car, and burnt him to death. This sort of thing is not going to happen again. So I am not worried about any physical harm coming to me.

Some years ago when I was a drafting committee member, I was allowed to carry on with my work and continued to criticise them. One day we had some free time and I decided to go alone to a mountain to appreciate the scenery. I didn't come back till late in the afternoon. I gave the Chinese officials a fright, because if Martin Lee had fallen down from the

mountain every body would have believed that they had done it! So I am sure after 1997 all the motorists in Hong Kong will take special account of me!

*Should the British government have introduced democracy much earlier?*

Yes, and they should be criticised for not having done so. We have been criticising Chris Patten for not having gone further, because he only allowed twenty democratically elected legislators, out of sixty. The reason was, according to him, because he did not want to be in breach of the Basic Law, because the Basic Law only provided for twenty. So he stuck to China's blueprint.

Why did the British government broaden the franchise in Hong Kong? Because that was the overwhelming desire of the people of Hong Kong. As Governor of Hong Kong, having studied Hong Kong very closely for a few months, and having consulted with all sorts of people, Chris Patten came to the conclusion, I believe rightly, that Hong Kong people want democracy and Hong Kong people are ready for democracy. But since a modest degree of democracy has been introduced to Hong Kong, the people have been able to see that democracy is nothing to be afraid of, that it actually works for Hong Kong. Once they have seen democracy at work, even if China were to suspend democracy by demolishing the elected legislature and by replacing it with an appointed one, the people of Hong Kong would always want it back. There are some examples in Latin America, where there were democratic elections, and once the leader was constituted he then took all the power and refused to have elections again. But the people having seen democracy at work would not accept that for long.

I believe the fire of democracy has been ignited in Hong Kong and will not be extinguished, because the flame is burning in the hearts of men and women.

COURTESY: *Quadrant*, January-February, 1997. MR. MARTIN LEE QC is Chairman of Hong Kong's Democratic Party and one of twenty democratically elected members of the Legislative Council.

## Deng Xiaoping

To many people in the West, everything about China seems topsy-turvy. Deng Xiaoping retired in 1990. Since then he has exercised virtually no influence and was seen to have relapsed into comatose senility. Yet his very continued existence meant that the period of transition went on. Only now that he is dead can the real jockeying for power take place. And we have no idea who will come out on top.

However much he bent to the wind throughout his life, Deng was a communist always. Though he saw the collapse of the Soviet Union, he did not see the collapse of communism in China. His period in power and in high office was one of stability, one of the only such periods in the whole history of China. Those who wept at his passing may have shed their tears because they thought this so-greatly-valued commodity was dependent on him.

The price of stability was the horrible episode of Tiananmen Square and the wave of corruption which has swept China in the wake of the introduction of the market economy without the regulatory factor of democracy. Deng provided China with his "four modernisations", but what many of the people yearn for is the fifth - democracy. Unlike Gorbachov in the Soviet Union, Deng thought that the reform process did not have to include democracy. In western Europe it seems unlikely, if not downright impossible, that economic freedom - the market economy - should not be accompanied by political freedom.

Deng suffered much from communism in his life. We may find it astonishing that he remained true to this strange - and in most parts of the world discredited - ideal to the end. It is perhaps lucky for the people of China. The period of uncertainty which is now starting, a period which coincides with the return to the motherland of Hong Kong in July of this year, is bound to end with the victory of democracy and freedom. The question is how much suffering the people will have to endure before the next period of stability - this time stability in freedom - sets in.

COURTESY: *Swiss Press Review*.

*The measure which the whole world treasures*

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# A Global Revolution

Vince Miller

The news of 1996 is filled with confusing and seemingly contradictory events. We libertarians should recognize them as the early battles in a titanic struggle between the old centralized order built on bureaucracies and the nation-state, and the new information-age world whose outcome may outstrip our wildest and most optimistic predictions.

As that Chinese curse says, we live in interesting times - times of crises that are bringing about great danger and great opportunity. As we look around us, the state of the world of the 1990s is unquestionably one of increasing chaos. The old centralized institutions of the industrial age are bankrupt and crumbling all around us. A major crisis is brewing in all of the socialist welfare states. The costs of government social security and health-care programs continue to skyrocket, while the ability of the various economies to support them continue to decline - thanks to ever-higher taxes, growing mountains of debt, and stifling regulations.

## Tumultuous Events

In Europe, the old order is fighting to centralize power in the European Union - an organisation strictly controlled from Brussels - and to have the EU undermine the ability of local areas to control their own economic destinies. Meanwhile, decentralist trends are leading to calls for more regional autonomy and perhaps outright secession in areas such as Brittany, the Basque region of Spain, northern Italy (where discontent with Rome is so bad that the Northern League announced the secession of a region called Padania), and Scotland. Many provincial leaders in Russia and China routinely ignore edicts from Moscow and Beijing.

The economic and political troubles associated with the death throes of the older order means that in some respects the short-term future looks very bleak - and it may turn even bleaker - but these tumultuous events tell us that real revolutionary change is quickly heading our way. The bank-

ruptcy of centralized, socialist welfare states means that the long-term trends of privatisation, decentralization, increased mobility of people, goods and capital - and the development of powerful information-age technologies could bring us closer to the new era of individual liberty, peace, and prosperity we libertarians have been working for.

But we still have to fight - and fight hard - to make sure that these trends do indeed lead us to liberty.

## Statists' Efforts

The statists know about these trends too, and they are working overtime to hijack them and bend them in their favour. Greens believe in decentralizing government and organising it according to 'bio-regions'. Sounds warm and fuzzy doesn't it? But there would be zero private property rights, and you would in effect be a serf working the land in whatever manner the local environmental council determined was "best for bio-diversity". Feudalism anyone?

Welfare-statists are grabbing at the promise of "communitarianism" as a means of having the political leaders and social workers of community-level governments assume dictatorial powers over child-rearing, personal health habits, land-use regulations, and much more. They are already encouraging people to turn in their neighbours via toll-free telephone numbers for drug use, "child-abuse", having a smoking tailpipe on your car - plus a growing list of other offence. This chilling vision of a centralized but otherwise Swedish-style welfare state - combined with a Cuban-style network of informers, enforced by police and bureaucrats obsessed by a

form of neo-Puritanism - is the real message behind Hillary Clinton's book *It Takes a Village*. The book, by the way was on the *New York Times* best-seller list for months - so we're not talking about a tiny fringe group here.

## The Libertarian Challenge

The battles of the next few years could lead us to liberty, peace and prosperity, or to slavery, violence and poverty. In past times of turbulence and uncertainty, frightened and confused people have often turned to political demagogues for refuge. Today, there's a whole panoply of demagogues to choose from - ranging from populist fear-mongers like Pat Buchanan to "greenhouse effect" environmentalists. They are exploiting the passions of fearful Americans to grab more power for themselves. Your liberty is not on their agenda.

If the populists, or the fascists, or the Greens, or the communitarians, or the old-fashioned socialists win the educational and political battle for the future, people will learn the hard way the truth that Ben Franklin said two centuries ago:

"Those who would give up essential liberty to purchase a little temporary safety deserve neither liberty nor safety."

You and I know that promoting respect for individual rights and a love of liberty is the only way we can bring about the peace, prosperity and the security that decent people desire. We need to get that message out on a mass scale.

MR. VINCE MILLER is the President of the San Francisco based International Society for Individual Liberty.

COURTESY: International Society for Individual Liberty, 1800 Market Street, San Francisco, CA 94102. Tel: (415) 864-0952.

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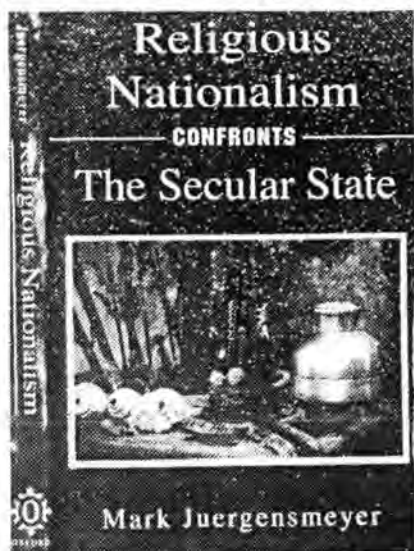


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## BOOK REVIEWS

RELIGIOUS NATIONALISM CONFRONTS THE SECULAR STATE by Mark Juergensmeyer; Oxford University Press; Delhi; 1994; pp.292; Rs. 300



Reviewed by  
Professor V. K. Sinha

Clio in her own insidious and surprising ways has a nasty habit of jolting intrepid prophets who dare to foresee the future. The end of the cold war prompted Francis Fukuyama to announce the "End of History" and uninterrupted spread of liberal democracies the world over. No more ideological conflicts, hence no more "drama", no tales to interest anyone, no compelling narrations of history!

Unfortunately, as the present century comes to a close, new forms of ideological conflicts seem to be emerging which threaten to make the 21st century as sanguinary as the one it succeeds. Samuel Huntington anticipates "the clash of civilisations" - the Christian West against the world of Islam. The Gulf War was viewed on both sides of the divide by most of its protagonists as a battle between the Cross and the Crescent. The antagonists on both sides regarded the other as satans and the struggle as a war between the forces of good and evil! Ideological conflict seems to have shifted from rivalry between communists and liberal democracies to a new

tussle between "religious nationalism" and "secular nationalism" as represented largely by the West. It is within this framework that Mark Juergensmeyer analyses the rise of religious nationalism in various parts of the world and the possible threats they may pose to world peace and stability.

The book is divided into three parts of which the second provides a wide-reaching description of religious nationalisms in the Middle East, South Asia and the former marxist states. The range is wide and hence necessarily in a book of 200 pages (not counting the notes and bibliography) something is lost by way of depth in analysis. Nevertheless, the book provides a wealth of detail which could provide researchers further lead into an issue which could well be central to any study of emerging world politics.

Nationalism remains one of the most elusive of political concepts and also perhaps a little neglected by political scientists. Yet as a political movement it has shown remarkable resilience and of all modern movements the most decisive in shaping the map of the modern world. Nationalism, whether based on ethnicity or on religion - and in several cases combining the two - continues to have a central role in world politics. The major impulse behind the break-up of the old Soviet Union was nationalism. This is also true of the old Yugoslavia. The Kurds in the Middle East as also the Tamils in Sri Lanka continue with their fratricidal wars to gain 'nationhood', it has become one of the axioms of modern politics that every "people" defined variously as persons united by either language, religion, ethnicity, culture, territorial homogeneity, common 'history', etc. has a sovereign right and an obligation to declare itself as a nation-state if it has to be recognised and respected by the rest of the world. "Nation" is the most potent icon today demanding and receiving unqualified loyalty; it is an idol to which no sacrifice - human or material - is taboo.

Juergensmeyer points out that

nationalism as a modern political movement emerged in the west and was secular though not always liberal or democratic. As new nations emerged in Asia and Africa in the post-war period as a consequence of major imperialist powers withdrawing from their colonies, the new leaders - Nehru, Sukarno and others - embraced the western concept of nationalism. Most of these leaders and the political parties they led were firmly committed to secularism, modern science and technology and the need to rapidly modernize their societies. The euphoria of independence aroused high expectations. After all, our backwardness was caused by the white imperialists! As years passed, it was soon realized that development needs more than a mere withdrawal of alien masters. On the other hand, most of these states were embroiled in internecine conflicts not only leading to the eclipse of democratic forms of government in several of these new states but to real threats to their very survival as unified nations. It is in this context that one has to analyse the emergence of "religious nationalism" as providing an alternative to secular nationalism with its claim to provide a firmer base for unity and a moral and uplifting programme of action.

A paradigm case of political triumph for Islamic religious nationalism is Iran. The Khomeini-led revolution in 1979 got rid of not only the inept Shah but also, in an ironical way, wrought a highly unified Iran - a dream which the Pahlavi dynasty had pursued without much success. The black-robed mullahs with their rural base galvanized the country with a sense of unity and purpose which was unprecedented in its history. However, no people can sustain for long a sentiment on a high pitch. Hard realities of daily life have a way of harshly reminding that men do not live by Faith alone. Iran is not any more as strident and implacable as before. And the years since the death of Khomeini in 1989 have led to certain loosening of the tight rule of the mullahs. But

it is too early to suggest that the rule of the clergy (though indirect) would wholly disappear in the foreseeable future. The other muslim countries where religious nationalists have achieved success are Sudan, Afghanistan and Tajikistan - not even ten per cent of Muslim nations. The religious nationalists informed by Hinduism or Buddhism have yet to achieve decisive political success.

One of the most interesting chapters in Juergensmeyer's book is entitled "Why Religious Confrontations Are Violent". Imageries of violence are found in all major religions of the world - the awesome battles in the *Mahabharata* and the *Ramayana*, the martyrdom of Husain, the crucifixion of Christ and of course, the savage wars in history like the Crusades and the Thirty Years War. If one were to look into even the rhetoric of most of these religions we would find ample use of militant metaphors to enjoin men to "fight" the evil and "march" on the righteous path. A religion as pacific as Buddhism has not deterred Sinhalese Buddhists from adopting violent methods to pursue their goals. They justify violence as legitimate in this era of "dukkha"! Anwar Sadat in Egypt, Indira Gandhi in India and S.W.R.D. Bhandaranaike in Sri Lanka were victims of religious fanatics. Violence in the cause of one's Faith is not only condoned but recommended as the highest expression of one's commitment to one's religion.

It is significant that structurally religion and nationalism have considerable similarity. Both are basically demonstrations of faith. Both have their rituals, heroes, martyrs and prayers. But, above all, both lend moral legitimacy to violence - to kill or to be killed for God and country is a virtue. A movement which combines both religion and nationalism can be lethal and its violence more brazen and ruthless when it is further complemented by a sense of self-righteousness.

In India, the manner in which the iconography of Rama has been transformed by the militant Hindus is of telling significance. An image

of a benign king with a beatific smile and a hand raised to bless his devotees has been transformed into an image of a young muscular warrior with taut arms ready to discharge an arrow from a drawn bow. A warring god needs soldiers - *senas* - not supine worshippers.

Juergensmeyer points out that in sheer size and numbers the saffron brigade in India is the largest group representing "religious nationalism" in the world. The BJP is today the single largest party in the Lok Sabha. The RSS has been on the rise and the Hindu Vishwa Parishad has become increasingly abrasive and militant. There are not a few in India who, disgusted with corruption and nepotism so brazenly manifested by the Congress, are willing to back the BJP. While referring to the role of the government's attempt to treat all religions equally, Juergensmeyer is mistaken in suggesting that government "allowed colleges sponsored by Sikhs and Muslims, as well as by Hindus, to be incorporated into state universities." The University system in India requires all colleges to be affiliated not incorporated, if they have to qualify to impart education at the degree level.

A principal limitation of Juergensmeyer's book is that he views the movements of religious nationalism in various parts of the world primarily in the context of the West's relation with these countries. He is little concerned with the impact these movements may have on incipient democracies in the Third World. On second thought, why should he be?

MR. V. K. SINHA is retired professor of political science, and currently editor of *The Secularist*.

#### About the Author

MARK JUERGENSMAYER is Professor of Sociology at the University of California, Santa Barbara. He is the editor of *Violence and the Sacred in the Modern World* (1992) and the author of *Radhasoami Reality: The Logic of a Modern Faith* (1991).

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**CORRUPTION 'N' CURE** by M. G. Chitkara, APH Publishing Corporation, 5, Ansari Road, Daryaganj, Delhi 110 002; 1996; pp.286; Rs.500



**Reviewed by  
Maj.Gen. E. D'Souza**

Although M. G. Chitkara has written a number of books on a wide spectrum of subjects, he is not generally known. Hailing from Himachal Pradesh, he was Advocate General of the State and therefore well versed in legal matters. Perhaps erstwhile Minister of Communications, a fellow Himachali, Sukh Ram's involvement in scams, impelled him to write about "Corruption 'N' Cure".

There is no gainsaying the sad fact that the contemporary Indian scene stinks of corruption and corrupt practices in every facet of national life. The number of cases being investigated by the CBI bears proof of this insidious *chancre*. What is noteworthy, is the large number of individuals, responsible for good governance, from ministers to politicians and bureaucrats, who are shamelessly involved. Sadder still is that the wheels of justice grind agonisingly slowly creating a sense of frustration among the people. Perhaps the 10 year jail sentence meted out to erstwhile minister Kalpanath Rai will be a benchmark in tackling corruption. The country knows only too well that 'brashtachari' exists but nothing seems to be able to bring the offenders to book. The will

to enforce laws is lacking. This may now change with the judiciary's positive intervention.

From the very impressive list of notes and references at the end of each of the 17 chapters, and sixteen appendices, it is obvious that the author has researched the subject exhaustively. He has drawn inspiration from a number of well known heavyweights like Madhu Dandvate, T. N. Seshan, A. D. Gorwala, Justice Dharmadhikari, *et al.* Unfortunately, much of this effort is negated by very poor editing, and surprisingly, equally poor grammar and English. This is an undeniable irritant to the serious reader; thus much of the value of this book tends to be lost. There is not a single page where poor editing is not evident! To list the large number of 'howlers' would be non-productive.

Chitkara makes a number of valid observations. He is right when he says that the malady "requires a process of cultural renaissance aimed at throwing up new political elites who would treat politics, if not as a service to society, at least as a meaningful social activity with well defined rules of game (*sic*) which cannot be violated with impunity". He also quotes Shakespeare to substantiate his views on this insidious evil:

"Then everything include itself  
in power,

Power into will, will into appetite,

And appetite, an universal wolf,  
So doubly seconded with will  
and power,

Must make perforce an universal prey

And last eat up himself".

In the chapter on "Coexistence with Corruption", he cites confirmed cases of legislators and Lok Sabha members who, before they held these positions of trust, used to loot ballot boxes, capture booths, and stamp ballot papers for their *netas*. How then is it possible to stamp out corruption? Chitkara believes we have now reached the stage of '*chalta hai*' or the "You've got to live with it" syndrome, suggesting that we Indians could be

role models in the field of coexistence in the '*brashtachari*' environment.

In the chapter on "Contagious Disease" he comments on the two empire builders, Clive and Warren Hastings, who indulged in the crudest form of bribery and corruption to enrich themselves. Chitkara implies that we have been good learners, perfecting the art as we went along. He also refers to a story of a holy sadhu who was offered hawala money but refused to accept it and suggested to the donor that it be thrown into the holy Ganga! Chitkara feels, and rightly so, that we, the patients, must want to be cured of corrupt practices.

He dissects the theory of the 'Gift' or 'Bribe'. In this context he analyses the corrupt practices arising from election expenses, and the consequent disillusionment of the electorate. He advocates an 'open' political system where the right of free speech and freedom of information is assured.

In the chapter 'Democracy at the Cross Roads' he argues that the centrality of Indian politics today is cash-based bolstered by criminality, corruption and flexibility. We, the peoples of India do not have the courage or the will to stand up and dissent. It is in such conditions that corruption has flourished because our personal interests come first. He quotes from Swami Chinmayananda's "My Children". *Inter alia*, the Swami says that when society is immoral, we need to teach our children moral values so that when they grow up they will help save, serve and change society. To achieve such a state we need not only incorruptible leaders but leaders who will ruthlessly stamp out corruption. None appears to be in sight! Perhaps our judiciary in the role of conscience keepers will.

In the 'Multiplier Effect' he spells out how illegal gratification of even a negligible amount by a political high-up sets in motion a series of reaction right down the line. And it is this multiplier effect that has been the major cause of insurgency in the country. He analyses this syndrome in detail, giving concrete examples which

are irrefutable, proving beyond doubt that corruption flows from the top to the bottom. Like the mighty Ganga which starts as a tiny stream at Gaumukh and becomes a vast expanse of water before it drains into the sea.

The subsequent chapters cover such areas as Investigating Agencies, the Central Bureau of Investigation, State Funding, Civil Services and Social Change, Work Ethics, Crisis of Character, Man gone Vile, Back to the Basics, Commitment to Nation, Ramrajya an Ideal Governance, and Some mootable Suggestions. All these chapters describe the whole gamut of corruption in the country and are all linked to each other. Most of us are *au fait* with these contributory factors but to a reader who wishes to review corruption in its totality, Chitkara has done a service in putting these contributory pieces together.

The relevant Police Act, for example, was enacted in 1861. Since then it has not been changed to make it a more effective enforcement tool. This aspect is examined in detail quoting Justices N. K. Sen and Tek

Chand. The apparent lack of publicity of the CBI was acknowledged by the Home Ministry in 1969 so that "common people could utilize the machinery provided by it for exposing and eradicating corruption and corrupt practices from public life". As a consequence the writer feels that this premier investigating tool is deprived of the chance of a vital source of information and of public support.

The premise that the law is a friend of the people rests on the myth that the government exists for the people. Is this so? In State Funding, for instance, we seem to forget that politics requires money. To prevent the present corrupt practices which T.N. Seshan has attempted to control, we need to create a system of electoral financing that ought to be transparent and accountable. To this end Chitkara has produced a list of countries, alphabetically, of State assistance to political parties.

Emphasizing what Mahatma Gandhi said "that service is the noblest which is rendered for its own sake". Chitkara blasts the Civil Serv-

ices as being "more communal, caste ridden, caste aware, socially conservative and less idealistic on issues like corruption... he (the Civil Servant) is mainly for his career advancement". This is becoming increasingly manifest today; examples abound, making it difficult for the honest broker to survive. The eminent and public spirited Nani Palkhivala says that we are bound by far too many people who are willing to compromise, far too many 'boneless wonders'!

Journalist Rajinder Puri sums up what Chitkara has sought to expose when he says: "We must confront the truth. The truth is seeing what is wrong in our system. We are all corrupt. We are all guilty, because we are legitimizing a corrupt system".

Whereas Chitkara feels that corruption cannot be fully eradicated and he is right, he does well in drawing the reader's attention to what President Shankar Dayal Sharma says on the containment of the four Cs: corruption, communalism, criminalisation and casteism, which has entered the body politic like white ants. White ants

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can be contained through pesticides. Hopefully, Chitkara will have conscientized readers that corruption too can be prevented.

Chitkara has taken the trouble of listing offences under Section 3 of the Delhi Police Establishment Act 1946 spelling out the wide spectrum of offences *vis a vis* corruption that are cognizable and a list of test houses and laboratories available to the CBI to pursue investigation of corrupt practices. These plus the remedial measures to combat corruption only go to show the legal powers available to the people. Yet, corruption continues to prosper. Where then lies the solution? Chitkara's exposé suggests an answer in his book.

Steep for the price but worth it to those seeking to fight this cancer in our contemporary society for even the Dalai Lama's views on tackling dishonesty and corruption are included in the final appendix to this slim book.

MAJ.GEN. (Retd.) E. D'SOUZA, PVSM is a regular contributor to *Freedom First*.

#### About the Author

M. G. CHITKARA was born in 1932 at Bannu NWFP, now in Pakistan. He obtained his LL.B. degree from Punjab University, Chandigarh and enrolled himself at Himachal Bar in 1959. He was appointed as Advocate General, Himachal Pradesh during 1977 and remained in that position for about two years. He was appointed Member (Judicial), Himachal Pradesh Administrative Tribunal. In March 1992 he was appointed Acting Chairman.

His books include: *The Law and the Poor - A Socio Legal Study*; *Lok Adalat and the Poor*; *Bureaucracy and Social Change*.

Elections are won because most people vote against somebody rather than for somebody.

Franklin Adams

REPRESENTATIONS OF THE INTELLECTUAL- THE 1993 REITH LECTURES By Edward W. Said; Vintage; London; 1994, pp.90;£3.00



Reviewed by  
Dr. Maneesha Tikekar

Ortega Y. Gasset in his celebrated and provocative work *The Revolt of the Masses* published in 1932 (original Spanish in 1930) has bemoaned the rise of the mass society - hyperdemocracy - in Europe. He feared that democracy would crumble into mediocrity and chaos under the burgeoning influence of the masses and would be singularly disastrous to intellectual activity. Because the mass mind was a commonplace mind which proclaimed the rights of the commonplace and imposed them where it willed. "The mass crushes beneath it everything that is different, everything that is excellent, individual qualified and select", wrote Gasset. Some sixty years later, in 1993, when Edward Said, Professor of English and Comparative Literature at Columbia University explored the world of the contemporary intellectual he was worried not so much about the commonplace mind of the mass to which an intellectual is made to succumb but about politicisation and professionalisation of the intellectual under the new set of pressures which has converted intellectuals into mere 'experts' and 'consultants'. Said who delivered the prestigious Reith Lectures under the auspices of the BBC in 1993 is a Pal-

estinian expatriate and a prolific writer. He has written on a wide range of topics including literature, music, cultural criticism and Palestinian issues. He is the author of two widely acclaimed works *Orientalism* (1991) and *Culture and Imperialism* (1993).

Drawing on a wide range of scholarly works on men of intellectual eminence such as Antonio Gramsci, Julien Benda (Said has extensively drawn upon Benda's *The Treason of Intellectual*), Isaiah Berlin, V. S. Naipaul, Raymond Williams and Theodore Adorno, to name a few, Said's argument has an instant appeal due to its originality, genuineness and forceful presentation. The text of the lectures is so compelling that no serious, sensitive mind can afford to ignore Said's arguments despite occasional disagreements with him. He is forthright and hardhitting when he writes about the role of the intellectual in contemporary society and the pressures under which the intellectual lives today. He is impassioned and inspiring when he urges the intellectual to be an 'amateur' rather than a 'professional' and to speak the truth to the powers that are.

Said appears to be in agreement with Gramsci on the role of the intellectual. The intellectual is an individual with a specific public role in society. He is to be distinguished from a faceless professional or a competent member of a class doing his business. The intellectual represents a viewpoint, an attitude, a philosophy or an opinion. He is expected to "raise embarrassing questions to confront orthodoxy and dogma". For Said being an intellectual is a vocation and not a profession. The intellectual can perform his public role effectively only if he is universal in his orientation rather than 'specific', and if he functions as a dispassionate 'outsider'. Only by a virtue of being universal and as an outsider can the intellectual develop a critical sense about everything around him.

This universality of orientation is acquired if the intellectual is bound neither by national boundaries nor by ethnic identity. Should the intellectual

be committed by reasons of solidarity or primordial loyalty or national patriotism? No, in Said's opinion if the nation or tradition appeared like a corporate ensemble it was the duty of the intellectual to express his dissent. Does Said suggest that the intellectual is some kind of a contextual automaton capable of alienating himself from his own ethos? It is only in the later pages of the book that Said clarifies his position. What he abhors in the intellectual is the self indulgent subjectivity which makes him (the intellectual) take refuge in nationality to the extent of "narcotizing his critical sense."

Said is refreshingly original and has really hit the nail on the head, in his comments on the professional intellectual as one who does not "rock the boat, stray outside of the accepted paradigms or limits, and makes himself marketable and presentable and hence remains uncontroversial and unpolitical and objective." Said's imagery of a professional intellectual is so vivid that the academic community will not miss seeing its own reflection in it. A professional intellectual succumbs to the pressure of specialisation. It means increasing technical formalism (scholarship lost in detail) and killing creativity altogether. It confines the intellectual to a narrow area leading to a cult of certified experts. Certification of the intellectual as an expert has to come from the proper authorities and only a 'politically correct' intellectual gets certified as an expert. This in turn helps interest lobbies, corporations and large foundations (especially in America) to give a direction and guidance to the intellectual activity by employing academic experts to carry out research and study programme that further predetermined commercial and political agendas.

In Said's opinion professional intellectuals inevitably drift towards power and authority, towards the requirements and prerogative of power and towards being directly employed by it. They are employed by government agencies to carry out commissioned research. He substan-

tiates his argument by holding to the reader the case of anti-guerilla research in social science and humanities funded by the American government and used in support of their policy in the third world. The fact that the findings of such research were applied directly to covert activities, sabotage and even outright war in these countries is too well known to require further elaboration.

Said believes that only an 'amateur' intellectual could provide a ray of hope in this murky scenario of intellectual activity which relies so much on 'coteries', 'experts', 'insiders' and 'professionals'. An amateur intellectual is one who will undertake intellectual activity for its own sake, for its own intrinsic value and not for any profit or for a narrow specialisation. Perhaps the relevance is to a scholar of yesteryears who, as a concerned member of society, raised issues of ethics, propriety, and prudence related to every kind of human activity.

The high point of Said's lectures is "speaking Truth to Power", the fifth lecture in the series. He fears that a professional intellectual could get involved with a political party on an ideology, personalities and actual political processes. The question is how far should one's loyalty to one's cause or ideology or leader take one in being consistently faithful to it? One of the prime intellectual activities is to question authority - authority of all sorts. Would a professional intellectual question any authority? Or would he be tempted to turn his moral sense and succumb to the temptation of power and authority? One may maintain, in Said's opinion, relative independence only by being an amateur who can go beyond the commitment of narrow professional career.

In short, Said's intellectual is committed to principles, takes risks, is not moved by reward, or by a desire to fulfil an immediate career plan. He has a committed engagement with ideas and values in the public sphere. It is indeed a tall order difficult to satisfy. Perhaps what Said has created through his lectures is a prototype of an ideal intellectual. It does not nec-

essarily have to exist in reality but it could be used as a norm, an indicator to measure the extent of deviation of the real from the ideal. It may be difficult for a real life academician-intellectual to emulate Said's intellectual. The intellectual today will be engaged in image building and will have to worry about furthering his career plan for his survival. But the moot question is whether he will stop at mere survival or fulfil a public role also.

One could have an occasional disagreement with Said's argument but one cannot deny the illuminating quality of his ideas. He is convincing and appealing without being dogmatic. Said's ideas on the role of the intellectual are perhaps more valid today than ever before as the clouds of neo-conservatism, religious nationalism, aggressive patriotism, ever increasing co-optive ability of the establishment and commercialisation of the intellectual activity are fast acquiring awesome proportions every where in the world.

DR. MANEESHA TIKEKAR is head of the Department of Politics and Civics, SIES College, Mumbai.

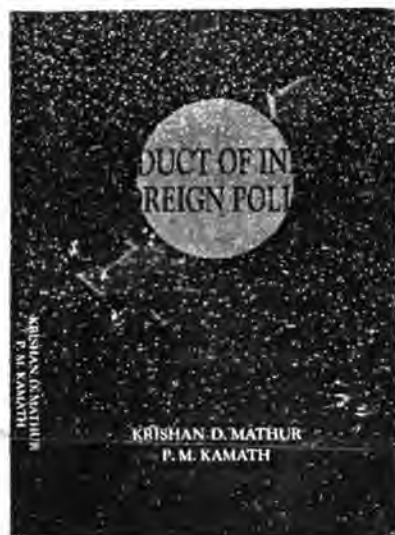
#### About the Author

EDWARD SAID is University Professor of English and Comparative Literature at Columbia University. He is a prolific writer on a wide range of topics including literature, music, cultural criticism and Palestinian issues. He is the author of *Orientation*, *The Question of Palestine*, *The World, the Text and the Critic*, *Palestinian Lives*, *Culture and Imperialism*, among other books.

Heard in the army headquarters: "Forget about the BJP's Ram Rajya, we have our own Krishna Rajya". Seems since the Yadavs are descendents of Krishna, Defence Minister Mulayam Singh Yadav is referred to, even by the top brass, as Yaduvanshi.

India Today, January 31, 1997.

CONDUCT OF INDIA'S FOREIGN POLICY; Krishna D. Mathur and P.M. Kamath, South Asian Publishers, New Delhi, 1996; pp:183; Rs.200



Reviewed by  
Dr. J. K. Ray

The Constitution of India has endowed a number of institutions and individuals with the authority to formulate and implement the country's foreign policy, e.g. *Parliament, the Cabinet, the Prime Minister, the External Affairs Minister, Non-Governmental agencies* and individuals too — e.g. a *Chamber of Commerce*, a newspaper house, a top ranking industrial or journalist — variously contribute to the conduct of India's foreign policy. Students, teachers and junior practitioners of India's foreign policy need a book which offers a comprehensive analysis of how a large number of governmental and non-governmental institutions and individuals perform diverse roles in shaping India's foreign policy. The book by Mathur and Kamath goes a long way towards satisfying this need.

The book naturally lays stress on the conduct of foreign policy. Invariably, however, the authors have to deal with the substance of foreign policy, so that they can effectively illustrate the conduct of foreign policy. In fact, a reader of this book may enjoy more the discussion on the substantive parts of foreign policy rather than the procedural components.

In some ways, students of India's foreign policy are somewhat unlucky. Barring a few negligible ones, studies by professional scholars have turned out to be insipid apologies of official policy. What is even more alarming, some academic critiques of India's foreign policy may be representatives in disguise, of domestic and international lobbies patently unfriendly to India. As to memoirs by retired diplomats — barring a few exceptions — the less said the better. They offer nothing that is not already known to even a casual observer of India's foreign policy, whereas the quality of prose varies remarkably. One comes across graceful English in K. P. S. Menon's *Many Worlds*, turgid official-ese in Subimal Dutt's *With Nehru in the Foreign Office*, and incredibly bad language in T. N. Kaul's *Diplomacy in Peace and War*.

In this context, the book by Mathur and Kamath deserves praise, because, on some vital matters, it does not hesitate to tell the truth. For example, on non-alignment, Mathur and Kamath have been refreshingly candid and realistic. The deceptive glamour of non-alignment began to fade as early as the middle of the 1950s. That is why, in the days of the Bandung Conference, Chou En Lai (p.130) "surprised Nehru by promising total military assistance to Pakistan, a member of the Western alliance." In a few years, non-alignment suffered from a worse fate. "With the end of colonialism (p.130) the unity of the so-called non-aligned world became a myth, and the contention that non-aligned countries reap benefits from both the Super Powers an illusion." Mathur and Kamath perceptively (p.131) add: "It was not the policy of non-alignment but compassion for the poor and hungry that brought aid from the United States. It was not non-alignment but Pakistan's entry into the Western military camp that brought the Soviet support in times of India's dire needs."

What is even more important, in 1962, in order to counteract the Chinese military threat — as evident from Galbraith's *Ambassador's Journal* —

Jawaharlal Nehru was prepared to give a quick burial to non-alignment. So was Indira Gandhi — as attested by Dobrynin's *In Confidence* — in the course of the 1971 struggle for liberation in former East Pakistan (now Bangladesh).

Of India's relations with Pakistan, too, Mathur and Kamath have taken a pragmatic view — in sharp contrast to some Indian intellectuals who are prepared to sacrifice India's vital interests in order to appease Pakistan. "Perhaps (p.141) the most difficult problem India faces is to live in peace and harmony with Pakistan. Contrary to the intention of some Indians, that the Hindu-Muslim tensions were a creation of the British, these differences have existed since the Muslim invasions .. the success in converting a formidable number to the Islamic faith led to fanatic Muslim converts like Sheikh Hamadani and Ziauddin Barni to ordain the decree of 'either death or Islam' upon non-Muslims ... After the partition, the Government of India hoped that a liberal policy towards Muslims would help create friendly relations with Pakistan. While Pakistan uprooted the non-Muslim majority from their homes, India retained the Muslims, permitted them to have multiple wives, and excused them (and other minorities) from implementing birth control measures, thus intensifying the already existent population problem." Mathur and Kamath are right in concluding that "India's liberal policy did not create peace with Pakistan," because Pakistani leaders "regard India as their number one enemy".

Moreover, all Pakistani leaders — whether M. A. Jinnah or Z. A. Bhutto — foster the Pan-Islamic movement, and appear to believe in the following lines (p.13) by Allama Sir Muhammad Iqbal: "China and Arabia are ours, India is ours, We are Muslims, the whole world is ours". Currently, one should add, the Pan-Islamic movement has given rise to militancy and plain terrorism, eg. in India's Kashmir, Punjab and north-eastern region (not to speak of Algeria, Egypt, and the Philippines).

This reviewer, however, does not share the assessment of Mathur and Kamath that Nehru's policies were idealistic. After all, lack of competence and foresight, and the resultant surrender of vital national interests, must not be allowed to masquerade as idealism. Take, for instance, the India-Pakistan war of 1947-48. Even today India has to pay dearly for the unpardonable mistakes committed by Nehru and his advisers in the course of that war. (In fact, the effects of these mistakes vitiated India's foreign policy in diverse ways, although in this brief review one cannot elaborate that theme.) During 1947-48, the challenge from Pakistan created a situation in which India could use deadly power against a much weaker adversary, drive Pakistan invaders out of the whole of Jammu and Kashmir, and create an image of power that could provide some insurance against future incursions.

We have the testimony of no less a person than Ayub Khan that India was then incomparably superior to Pakistan in military strength. But, as L. P. Sen wrote convincingly, there were heinous manoeuvrings in New Delhi, masterminded by the British Commander-in-Chief, who was ably assisted by some Indian deputies who placed career interests above national interest, and placated the British boss. Consequently, India's valiant fighting units were shamelessly prevented from expelling Pakistani raiders totally from the soil of Kashmir by a denial of supplies, reinforcements and even an arbitrary change in the axis of military operations. When all these dirty tricks failed to restrain brave Indian soldiers from scoring successes, and Pakistanis were on the run, India saved Pakistan by opting for a ceasefire. Meanwhile, India submitted an appeal to the United Nations without first freeing Kashmir of Pakistani invaders. A sure military victory was converted into an expensive and humiliating stalemate. To refer the Kashmir case to the United Nations - without previously occupying the whole of Kashmir - was a diplomatic act of astounding ineptitude on the part of Nehru and his advisers headed

by the Indian Civil Service (ICS) fraternity. But this was perfectly in accord with some dominant tendencies of the ICS-led Indian bureaucracy: apathy to public interest and evasion of responsibility.

On this point, again, this reviewer differs from Mathur and Kamath, who think that in the post-1947 era the ICS "served the country and foreign affairs well". In 1947, Nehru and his colleagues had a chance to carry out a sort of mini-purge, and shake the apathy and evasiveness out of officialdom. Unfortunately, this was not done. Even more unfortunate was the fact that the Ministry of External Affairs provided sanctuary to some officers who distinguished themselves by grossly unpatriotic acts in the 1940s. One top ranking officer had the effrontery to declare while posted in the United States, that there was no famine in Bengal in 1943! To take another example, one officer, who committed unnecessarily barbarous acts on the people of Midnapore in the course of the Quit India Movement, secured a safe haven in the Ministry of External Affairs.

It is possible - but not necessary here - to demonstrate how Nehru and his advisers messed up India's China policy, which had a widespread and adverse impact upon India's domestic and foreign policy. Certainly, in the post-Nehru era, too, India's foreign policy has been messy in many areas. To take only one example, India has taken more than four decades to extend full diplomatic recognition to Israel. An important reason behind such inexcusable failures is the lack of coordination among various governmental agencies providing impetus towards foreign policy making. Mathur and Kamath suggest a way out: the creation of a National Security Council (p.174). This reviewer begs to differ. After all, what is lacking is not a machinery for coordination, for, even an existing machinery, viz. the Prime Minister's Office if appropriately directed, can provide the needed coordination. What is really lacking is a proper mindset in top ranking politicians and bureau-

crats. In the absence of this mindset, the proposed Council may turn out to be another pasture for shameless self-aggrandisement by some politicians and bureaucrats, in service or retired. In this context, the poor performance of the Policy Planning and Review Division and Policy Planning Advisory Committee of the External Affairs Ministry may be recalled. As Mathur and Kamath aptly (p.58) observe, "in practice, the Policy Planning Division has been used by the Ministry to accommodate the people on transfer till some regular posting in a division is made. Similarly, Policy Advisory Committee is also used to accommodate men who cannot be fitted."

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KRISHAN D. MATHUR went to US early in the 1960s where he obtained his M.A. and Ph.D. For the last two decades and more, he has been Professor of Political Science in the University of the District of Columbia, Washington, DC. He was a visiting Professor in the Indian Institute of Technology, New Delhi, during the academic year 1993-94.

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