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Freedom First

The Liberal Magazine

Talking to Pakistan - The Futile Exercise

Bhopal Tragedy - The Dithering Continues

Bharat Bandh - Democracy Extracts its Price

Freedom of Expression - The Fundamentalist Challenge

And More



(11 February 1931 - 8 July 2010)

Dr. Dhiren Narain, RIP

A 'Guru' in the True Sense of the Word

With the sudden passing away of Professor Dharendra Narain of the Department of Sociology, Mumbai University circles have lost one who was irreplaceable as an academic. His friends and associates will miss him for a long, long time. Though retired, he was a familiar figure in university circles dressed with great elegance. His affable deportment was striking. His office was ship-shape without a pin out of place and the papers neatly arranged as were the books. From the Vice Chancellor to the lowest functionary in the University of Mumbai, everyone was treated by him with courtesy, and they in turn had deep regard for him.

Coming to Mumbai from Bhagalpur at a very young age, he joined the Elphinstone College and later the School of Economics and Sociology. While engaged in his Ph.D. dissertation, he lectured in the J. J. School of Arts on Civilization and Culture. These lectures made such a deep impression upon his students that fifty years later, they in a function extended him a special invitation and rewilled the memorable lectures in which decades ago he had introduced them to the nuances of culture and civilization and the inner springs of there. As a lecturer and later as reader in the Department of Sociology, he taught on arcane areas on the sociology of knowledge and students recall his knowledge and great mastery in effortlessly explaining them.

When the Department of Sociology completed fifty years, an international symposium on Modernization was arranged and Dr. Narain took over the onerous task of organizing this, corresponding with the participants and arranging for the papers to be presented. Though others were formally involved in this, yet he shouldered the difficult aspects of the seminar with effortless ease. It was an international gathering of great distinction and for many decades nothing similar has been attempted in the social sciences. The resulting two massive volumes on Modernization remained a standard work of reference for scholars and students.

Not many know that Dr. Narain was offered faculty positions in Indian and American Universities, many of them prestigious. But he never wavered in his decision to continue teaching in the University of Bombay. He had made the city his *karmabhoomi* and was content to be with fellow social scientists and the University. The University where he had studied, researched and taught had changed very much from his time when he was the last of the group of the School of Economics. The ethos of the school had changed for ever and Narain always wishfully remembered those days of camaraderie, of endless hours of discussion and shared enthusiasm.

His first book, *Hindu Character*, has remained an important analytical study, cited often and frequently used. A colleague in the late nineties regretted that Professor Narain did not revise and enlarge this. His memorial volume of essays on Professor Kapadia as well as the masterly assessment of Professor Ghurye could be regarded as his scholarly homage to his teacher, the Culture and Sociology of the University as an institution greatly interested Narain and he edited a volume of the late Dr. G. D. Parikh, Rector of the Bombay University. This has remained unique in the sense that nothing similar has been attempted earlier or since then.

He had a very wide circle of friends and a smaller group of fellow academic intellectuals. He was a trusted friend of exceptional rectitude and one could turn to him for many things. Discussion with him was always fruitful and he drew out the very best from his friends. One always emerged from these exhilarated and looked forward to more exchanges.

In writing about Professor Narain, one cannot forget his wife and fellow Sociologist, Dr. Vatsala Narain. If Narain was what he was, Mrs. Narain had much to do with it. Together they made their home a warm hospitalable place where fellow intellectuals spent memorable hours, discussing academic and non-academic matters, very often ending with dinner conjured by the magical culinary wand of Dr. (Mrs.) Narain.

We at *Freedom First* convey to Mrs. Vatsala Narain our deep sympathies on her sad bereavement.

R. Srinivasan

Freedom First

The Liberal Magazine – 58th Year of Publication
No.518 August 2010

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Between Ourselves...

We are glad we gave pride of place to our readers to have their say! There are more readers writing in than before. In fact, no reader has so far commented on the absence of “Many Voices” which was replaced by “From Our Readers”.

Sharing the journal's financial woes with you has had an unintended effect. Not only has the response been very encouraging from the financial point of view, a number of readers have been taking greater interest in the journal. The description “Freedom First Fraternity” is gathering meaning! We couldn't have asked for more. Readers, particularly subscribers will be glad to know that just as this edition goes to press the collection has crossed Rs. One lakh. We have also had to increase the annual subscription rate from Rs.150 to Rs.200, for 2 years from Rs.250 to Rs.350 and for 3 years from Rs.375 to Rs.500. An interesting fact is that over 50% of the renewals that have come in so far have been for 3 years – A sign of confidence that the journal is here to stay for quite some time to come, would you say? We are not out of the woods yet, not by a long shot, but for those of us who manage *Freedom First* there is cause for optimism.

We are a Liberal magazine and this implies we are the voice of reason even while not discounting the role of faith which many liberals believe in. It is time for us in the new mileu to review the Liberalism handed down to us by men like Gokhale, Ranade, Pherozeshah Mehta and of course Rajaji and Masani to name a few. When I was many years younger Liberalism was equated with Capitalism: as I grew older we saw the gradual distancing of Liberalism from Capitalism because the latter frowned on the concept of social justice among other things. There was a time that most Liberals in India accepted secularism to mean ‘*Sarva Dharma Samabhava*’. Many of us in the current context reject this meaning and prefer secularism to mean that the State has to keep away from religion. Even on the economy the Liberal has over the years seen a more constructive role for the State in addition to its role as the “night watchman”. These and many other issues need further discussion if we are to enthuse Gen-next to play a leadership role in community and public affairs. We look forward to beginning a debate with your active participation.

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From Our Readers

On *Freedom First*

"I read your 'Between Ourselves' of January 2010 with a touch of sadness and nostalgia. I remember meeting you several years ago with Nissim Ezekiel and I remember he also talked about *Freedom First*'s "hand to mouth" existence!

"I know it is your personal zeal and tenacity with the contribution always of a small band of people that is keeping things going. Please do continue. Freedom, after all, is First – and all else is mud and ashes without it.

"Am sending you my contribution (Rs.7,000). Wish it could be more"

Sarita Houston, Mumbai.

*

Freedom First gratefully acknowledges receiving contributions from Ms. Arundhati Nanavati (Rs.5,000), Dr. Usha Thakkar (Rs.2,000), Mr. Kashinath Divecha (Rs.5,555), Mr. Ramesh Sawhney (Rs.1,600), Mr. Somdeb Lahiri (Rs.1,500), Professor J. V. Naik (Rs.2,500), Ms. Hina Manerikar (Rs.1,000), Dr. R. Srinivasan (Rs.10,000) Mrs. Suman Oak (Rs.5,000)

Thank you very much indeed. Editor

*

"I read *Freedom First* for cover to cover"

The May issue of *Freedom First* carries a letter of Shri A. P. Rastogi forwarding a donation to your magazine. He had introduced me to *Freedom First* long ago. He is like my elder brother. It is he who persuaded me to write articles for the community magazine to open up their mind. He is 94 and very active.

I read your magazine cover to cover and like many articles. I very much like the "Book Reviews". I do want to read lots of good books but there are limitations of time and eyesight.

Sharad Bailur's two articles one on the impact if there was an Indo-Pak Nuclear War and the second on India's Nuclear emancipation were very good. Is it possible to communicate Bailur's article on Indo-Pak nuclear war to *Scientific American*?

I read the booklet issued by the Rajaji Foundation on the BJP. I doubt if BJP will ever be a national party. BJP is the political wing of the RSS and its main agenda is to make India a pure Hindu nation. RSS has a world view which is difficult to understand. It wants India to go back to an imaginary India, 1000 or 2000 years ago.

I am giving you three addresses where you can send a copy each of *Freedom First*. I will contact them and if they like it, I will pay their subscription.

B. P. Rastogi, Mumbai

*

Delhi's Common-Poverty Games

This refers to Michael Arthur's article on the the Commonwealth Games (CWG) scheduled next year in Delhi (*Freedom First*, July 2010).

The idea that all expenditure on Games is a waste needs to be re-examined. Before every Olympic we hear of the host going bankrupt. What happened to China after the Beijing Olympics? It continues to flourish. What happens is that a much needed broom is put into action. Delhi will emerge a better city which would have been impossible without the CWG. We make progress in jumps and starts and not by steady planning. Mumbai will get a kick in the pants when the World Cricket Cup comes to town! It will move only then.

For the Football World Cup, expenditure may or may not be recovered but it puts South Africa on the world sporting map; unity of Africa cannot be measured in dollars, but it is an achievement. I don't know about the unsold tickets but no World Cup tickets were available in India for love or money! Greek financial collapse cannot be attributed to the Athens Olympics. It is like blaming the construction of the Taj Mahal for the fall of the Moghuls. We require evidence of excellence from time to time to keep going as a nation. Expenditure, yes but is it all fruitless? If Delhi's transportation system improves due to the CWG, so be it. Pride in one's achievement cannot be counted in dollars.

Ashok Karnik, Mumbai.

Ashokkarnik2001@yahoo.co.in

*

"Of Jaswant Singh, the BJP and the RSS"

Recently I received a booklet by name "Of Jaswant Singh, the BJP and the RSS", written by the well-known educationist from Rajasthan Sri K. K. Pathak and published by the Rajaji Foundation, Mumbai.

In recent years I have not come across any critical analysis, either by the media or by the press, which has analyzed so thoroughly the reasons for the expulsion of Sri Jaswant Singh from the RSS about 10 months ago. Sri Pathak has analyzed the problem logically, rationally

and convincingly that it is difficult to differ from him on the conclusions arrived by him as also at the remedies suggested by him for curing the disease now plaguing both the RSS and the BJP. I was myself an active Swayamsevak of the RSS at Bangalore for about four years between 1945-1949 and I fully endorse his views on the RSS. It is high time that, as suggested by the author, the RSS comes out of its narrow ideal of 'Hindutva', look beyond and embrace the concept of 'Vasudhaiva Kutumbakam' [The whole world is one Family]. If this is done I find no reason why the BJP should not become a really effective alternative democratic political party in the country. It has all the talent, the technique and the trait for the same.

B. M. N. Murthy, Bangalore

(Editor's Note: Mr .Murty is referring to a booklet published by our sister organisation the Rajaji Foundation. Readers interested in securing a copy may write to the Rajaji Foundation, 1st floor, Sassoon Building, 143 Mahatma Gandhi Road, Mumbai 400001, email jurasv@gmail.com for a copy. Price Rs.40 (inclusive of postage) This amount can be sent in Rs.5 postage stamps.

*

Taking on the Maoists

The article "Taking on the Maoists" in the latest issue was interesting. However, nobody ever addresses three points:

1. Who leads this movement? Is there a single person at the top? Do the Maoists have a policy-making body? Who is on this committee? Why hasn't the Government been able to decapitate the movement by killing off its top leadership?
2. Does the Government have a coherent strategy, involving the affected states but with the Central Government directing the effort? Has the unclassified version of such a strategy ever been released to the public?
3. Has there been a serious attempt at developing a national consensus by bringing the opposition parties into a policy workshop?

Sardul S. Minhas, Ph.D., Anaheim Hills, CA, USA.
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Socialism and the Swatantra Party

The other day, I was going through an article of yours about Socialism and the Swatantra Party, in an old edition of *Freedom First* No.488 of January, 2008., to be precise.

I was there when the Swatantra Party was formed.

I was there at a public function where Mr. Rajagopalchari, Sir Homi Mody, Mr. Minoo Masani and many more illustrious liberal men were present. I was elated and had high hopes for its success with such illustrious leaders at its helm. They were not only right thinking liberal men with a record of noble deeds in the past, but were men of great integrity. Great integrity because they refused to compromise on their stand by acquiescing to agree to the demands of the authorities who demanded that in order for the Swatantra Party to be recognized and registered by them as a political party it must agree to state that it was a Socialist party when actually it was not. After all, they claimed, Socialism is for the social good of the people, and is that not enshrined in our Constitution?

Enshrined in the Constitution? Yes, that is *unfortunately* true, but "for the social good of the people"? No! Emphatically No! Can the people be blamed for the mistakes of the leaders of the past caused by the hidden determinants that shape their self righteous indignant involuntary automatic thinking and therefore their behaviour over which they have absolutely no voluntary responsible control? No, certainly not. This lack of control is due to the fact that no matter how good, clever and expert they may be in their own specialized fields they are novices in the science, art and practice of Ontology. Ontology is the study of the Being or Essence of Human Beings, the study of, the hidden determinants in their minds that shape and guide their physical, emotional and mental thinking resulting in their involuntary and automatic behaviour without volitional reflection and choice.

Thank goodness Indira Gandhi declared the Emergency, because it showed us what Socialism and its tyranny could be really like, and the magnificent Indian, big and small, rich and poor, would have none of it.

I say that the Swatantra Party has tremendous integrity, because in spite of all the specious advice given to it, it does not budge from it's stand of stating that it is *not* socialist or not even socialistic, while right wing parties like the BJP and the like have compromised and have taken an allegiance to socialism even though they are not socialist, they have stated a falsehood.

Fali Kumana, a resident of Pune can be contacted at
info@fali.co.in

What Mr. Kumana wrote is so very true. There are is however two corrections I have to make. When the Swatantra Party was formed in 1959 there was no 'registration' required. Also no requirement that a party should expressly state in its constitution that the party owes allegiance to democracy, secularism and socialism. Both these were added to the Representation of the People Act by an amendment in 1989 when the son was the Prime Minister. The Preamble to the Constitution was amended by the mother when she was Prime Minister in 1976. – Ed.



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India-Pakistan Talks

– An Exercise in Futility

Nitin G. Raut

The latest in the series of India-Pakistan at the foreign Ministerial talks, in July, 2010 has been an unmitigated disaster insofar as India is concerned. If the Indian media and commentators went overboard lauding Foreign Minister S. M. Krishna for ‘cornering Pakistan’ with Headley’s revelations, Pakistan Foreign Minister Quereshi’s barrage of uncouth and undiplomatic verbal outbursts raises a fundamental question: Does Pakistan want friendship with India. If the answer going by the recently concluded ‘talks’ is any indication then clearly the answer is ‘No’. For how can there be a “Composite dialogue” which for Pakistan is Kashmir and Kashmir alone and a continual denial of the fact that Pakistan is the homeland of terrorism. Even while S. M. Krishna was in Pakistan, the terror warlords in Peshawar and Muzaffargarh were holding public rallies and proclaiming ‘Jihad’ against India and, as was to be expected, Pakistan did not disassociate itself from the slogans raised at these rallies let alone express regret. In fact the JuD which had organized the rallies is a terrorist outfit banned by the United Nations. In such a situation why should India even countenance Pakistan’s fallacious claim that both Indian and Pak are victims of terrorism.

Our obeisance to this “composite dialogue” so called has been successfully exploited by Pak to make terrorism a non-issue by deviously claiming that if talks stop terrorism will triumph. Therefore, continue ‘talking’ to Pakistan even if Pakistan does not give an assurance that it will act against terrorism.

The manner in which Quereshi acted as a bully is the direct result of India’s pusillanimous approach and has harmed India’s image abroad. Should an aspiring global power with claims to a permanent seat in the U.N. Security Council allow itself to be humiliated by a near-failed State which keeps on changing the goal posts, and on its part makes the talks look like a street brawl? And it is this same uncouth Foreign Minister who says that Pakistan is in no hurry to resume talks after the July fiasco. Should India then be?

Pakistan’s pretence to talk was only a smokescreen to consolidate itself in Afghanistan following the

impending U.S. withdrawal in mid-2011 on the one hand and negotiate with China for nuclear deals on the other. The talks were thus a diversionary tactic for Pakistan to carve out its own sphere of influence in Afghanistan. Diplomacy does not succeed on pious hopes and sanctimonious sermons. True, war ought not to be an option but hard diplomatic options and sound policies are.

After the 26/11 Pakistan’s Mumbai terror attack, the UPA Government made it a policy decision not to talk to Pakistan till it acted decisively against terrorists operating from Pakistan. Despite giving voluminous evidence on terror camps in Pakistan, the stock answer was always that there is no actionable evidence. So what is it that compelled the Congress-UPA to go back on its decision and initiate the talks with Pakistan.

Pakistan has officially gone on record that it cannot rule out 26/11 type of terror attacks against India. Its Army chief Ashfaq Kayani has said India is Pakistan’s enemy No.1 and the Taliban is its “strategic asset”.

India on its part has officially admitted that terror infiltration has increased. After India announced that it was prepared for talks, their foreign minister gloated pointing out that it is India that has backtracked proving Pakistan to be in the right. On 13th February 2010 the Punjab blast occurred leaving 17 dead.

Pakistan can be engaged effectively only if India strengthens its internal Security with tough anti-terror laws and a well trained and armed police force. The modernisation of the Armed forces with State of the Art weaponry has to be time bound without being shackled by red tape. It will not adversely affect India’s relations, if talks are kept on the hold. Israel and the Arabs did not talk to one another for over three decades and it was only Sadat’s visit in 1978 which set the peace process in motion. The US-USSR Cold War lasted for over fifty years and the US still refuses to talk with rogue States like Castro’s Cuba.

Engagement has to further India’s interests but the

UPA has needlessly allowed itself to be led into a trap to pull Pakistan's chestnuts out of the fire. Pakistan is a victim of its own sponsorship of terrorism. In any event it can't be India's concern. In fact there is everything to indicate that Pakistan is unrepentant and is committed to support terror against India. Therefore the UPA's policy to go ahead with talks is, lacks credibility and foolish.

The decision to resume talks was inconsiderate. The announcement was followed by Pune blast. Having found itself in a bind, the UPA's decision to proceed with the talks nevertheless appears to be a trade-off to balance an ill-conceived diplomatic move with a desperate attempt to ward off opposition and public criticism at home. In UPA'S clash of interests, the nation has to face the ignominy of dialogue which has put Pakistan in a win-win position. Instead of nailing Pakistan's lie, India has apparently accepted Pakistan's glib talk that it cannot prevent 26/11 type attacks on emanating from Pakistani soil. This has led to an impression that India has come to terms that terrorism from across the border is by non-State actors. India in fact helped Pak to pull off a diplomatic coup when in the February 2010 Foreign Secretary level talks, Pak's Foreign Secretary lectured India not to give lessons to Pakistan and asserted that the only way to break the impasse (i.e. post 26/11) is to have a "composite dialogue" incorporating the Kashmir and Indus Water "Issues". The problem of terrorism which India insisted was the only issue for the pretext was not even referred to. India has thus helped Pakistan to absolve itself of any responsibility to prevent terrorism from its soil. In the light of this how can there be any efficacy in talks with Pakistan on terrorism.

The bald truth is that instead of Pakistan needing India to prove its fight against terrorism, it has cunningly induced India to neutralise the terror issue. On the other hand Pakistan's ostensible anti-terror campaign is U.S., specific like arresting some terrorists wanted by the U.S. and allowing US-NATO troops campaign and drone attacks in lawless Waziristan and Federal Administered Tribal Areas. This ensures U.S. support for Pakistan which has done nothing to dismantle the terror infrastructure in its territory.

At a recent U.S. Congressional hearing top experts were unanimous that even if a "solution" to the Kashmir issue was found it will not satisfy terror groups like the ones responsible for 26/11 attack and they would continue to pose a serious threat to both India and the U.S. Ashley J. Tellis, Senior Associate at the prestigious Carnegie Endowment for International Peace speaking to U.S. law makers on the terror threat said: "This is a group that has operations in 21 countries, that has an ideology that

is completely anti-western, that is opposed to modernity and secularism and all kinds of values that we take for granted. This group is not going to be satisfied by dealing only with the issue of Kashmir.

In the complexities of U.S. strategy in Afghanistan and Pakistan's duplicity, the catastrophic malfunctioning of Indian diplomacy is exposed. India's political and economic investment in Afghanistan is not matched by diplomatic fruition. By ensuring chaos in the Afpak region Pakistan has made itself indispensable to US strategy in Afghanistan while simultaneously providing succour and sanctuary to terrorists who attack Indian interests in Afghanistan.

In the UPA's quest for talks with Pak, it has sorely missed the fact that the US' impending exit has opened opportunities, political, military and diplomatic for Pakistan, and India after 2011, will find itself outmaneuvered by Pakistan.

The UPA's "initiative" provided a perfect cover for Pakistan to complete its strategic dialogue with the US in March 2010 when the delegation led by Pakistan's Army chief Ashfaq Kayani and Foreign Minister Quereshi renewed the Cold War style relations between Pakistan's military and the Pentagon. The military shopping list should hardly inspire confidence in India even if it deludes the U.S., given President Obama's anxiety to wind up Afghan operation with the help of its "partner" Pakistan.

The military shopping list includes P-3C Orion Maritime Patrol aircrafts, anti armour and tank missile systems and F-16 fighter planes among others.

Instead of talking to Pakistan, India ought to have initiated a strategic dialogue with the US to ensure that both Pakistan and Afghanistan give international guarantees that their territories will not be used for terror activities or provide sanctuaries to terrorists. Instead the UPA is talking to Pakistan - a country bent on annexing the Indian State of Jammu and Kashmir and keeping India out of Afghanistan.

Therefore if there is a zero return diplomacy at the Foreign Ministerial level talks is it any surprising?

MR. NITIN G. RAUT is lawyer by profession and a member of the Advisory Board of *Freedom First*.

The composite dialogue between India and Pakistan should be given a decent burial.

Indrani Bagchi, *The Times of India*, July 7, 2010

From Ram Narayanan

Mr. Ram Narayanan is an American of Indian heritage who promotes US-India friendship and co-operation as a 100 percent not-for-profit labour of love, via his website <http://www.usindiafriendship.net/>. His mailing list of 18,000 plus focuses on India, Us-India relations and the security aspects of this relationship.

On the eve of a meeting of Indian and Pakistani foreign ministers, Ambassador T. P. Sreenivasan has written a brilliant column titled, **“India-Pakistan talks: Futile quest for trust.”**

He makes the apt, in a sense obvious, point (which many have missed including the Indian government) that **given the circumstances in which the two nations were born they can, at best, only manage their relationship, not transform it to something based on trust and confidence.**

Once this point is accepted in all its implications, perhaps the present and subsequent talks between officials of the two nations may get somewhere.

India-Pakistan talks : Futile Quest for Trust

K. P. Sreenivasan

Nothing is more difficult to accomplish than building trust between two neighbours born out of distrust. The strongest argument for the creation of Pakistan was that Hindustan, the undivided India, could not be trusted to take care of the Muslims of the subcontinent. If trust breaks out between them, the whole rationale for the existence of Pakistan will be called into question.

Distrust of India is the one thing that fuels Pakistan nationalism, and the people of India are in no mood to trust Pakistan either.

It will be difficult for Foreign Ministers S. M. Krishna and Shah Mahmood Qureshi to find a way to begin building trust. After the first declarations of their desire to build trust and confidence, it is inevitable for them to move on to discuss what have been the causes of mistrust and proceed to remove them one by one.

With the tight brief that Minister Krishna has, he must immediately bring up the Mumbai terror attacks and say that the best way to restore confidence is for Pakistan to take decisive action against the perpetrators of the crime, who have gone scot free in Pakistan.

Minister Qureshi, with his reputation to call a spade a spade, must immediately bring up the core issue, Kashmir, without the resolution of which no trust is possible.

Minister Krishna is not known for emotional outbursts, but he will have sufficient material in his papers to counter that argument. How can he

not tell his Pakistan counterpart a word or two about the most recent instances of Pakistan aiding and abetting terrorists in Jammu and Kashmir, requiring emergency deployment of the armed forces?

In other words, it will be difficult for either of them to keep the discussion at the conceptual level. The best they can do is to agree to disagree on these issues and move on to look for trust elsewhere.

The lesson India and Pakistan will learn from their quest for trust is that trust cannot be created out of nothingness. It may be better to deal with differences rather than pursue the illusion of trust.

What comes first, the chicken or the egg?

P. SREENIVASAN a former ambassador of India to the United Nations, is currently the Director General, Kerala International Centre, Thiruvananthapuram, and a Member of the National Security Advisory Board.

<http://news.rediff.com/column/2010/jul/14/tpsreenivasan-on-the-india-pakistan-talks.htm>

Pakistan Deserves to be Placed on the Terror List, Not a Civil Nuclear Deal

P. M. Kamath

*Pakistani Standard is simple: Whatever you give to India, give it to Pakistan
– parity with India is Pakistan's guiding principle!*

No country in the world can be a safe home, a financier, a training centre and protector of home grown and international terrorists, and yet be a strategic ally of the US, as Pakistan is today. The Democrats' ascendancy to power has been a boon for Pakistan. Using its geopolitically significant location it could get American bounties on different pretexts: As a fragile democracy, as a partner in the war against Terrorism, as a victim of self-promoted terrorism, as a strategic ally and now as a check against its own military leadership waiting in the wings to take over power!

After the flow of billions of dollars and lethal weapons to fight terrorists, though mostly for use against India, Pakistan subsequently asked its good friends in the Democratic establishment headed by President Barrack Obama to reward it with a Nuclear Deal similar to the one given to India by the US. This is in the Pakistani mindset of parity with India in every field. The immediate grounds to justify their often rejected claim is that Pakistan has done enough to deserve such a reward as it has either captured or killed several of Pakistani (bad) Taliban members – while protecting (good) Afghan Taliban leaders on their soil, so that the US could have a compromise deal with the good Taliban.

Of Good Taliban and Bad Taliban

From the American perspective, this is an imperative, though short-term need for the US has made a public commitment to bring home American troops by mid-2011 as the US cannot shoulder an "open-ended commitment" in strife torn Afghanistan. For Pakistan it is a good investment since, if the US raises the prize amount, they could kill more of the bad Pakistani Taliban members. However, if the US fails to talk with the good Taliban and wind up their Afghan venture, releasing bad Afghan Taliban could provide Pakistan strategic depth with the new Taliban government in Afghanistan.

American Presidents, once elected, cannot see beyond four years as next presidential elections need to

be fought on promises fulfilled, while the opponents of the President would run by pointing failures of the President. One of the slogans on which Obama won the election in November 2008 was by promising to end the War in Afghanistan and bring back the troops. For him nothing is more sacrosanct than what helps him win the next election due in November 2012.

Earning Prize Money from US\$

In the past too, in addition to killing bad Taliban or bad terrorists – Musharraf used to throw at the Americans, whenever they said you ought to do more on terrorist front, statistics on 'most wanted' terrorists killed and dollars earned by Pakistan thereby. As he writes in his memoir, *In the Line of Fire*, "We have captured 689 and handed over 369 to the United States...earned bounties totaling millions of dollars. Those who habitually accuse us of 'not doing enough'...should simply ask the CIA how much prize money it has paid to the government of Pakistan."

The present elected government is following in the footsteps of Musharraf. However, Pakistani demand for a Civil Nuclear Deal (CND) as offered to India is as old as the day when George W. Bush announced it for India – July 18, 2005. If the US is Pakistan's outsourced gold mine, India is its measuring rod as to how much to extract at a given time. Pakistani Standard is simple: Whatever you give to India, give it to Pakistan – parity with India is Pakistan's guiding principle!

The Bush administration then had said more than once, that the CND is the mark of a unique relationship with India. As the joint declaration of July 18 said: As a 'responsible state with advanced nuclear technology, India should acquire the same benefits as other such states' including the US. Indian opposition to NPT is well known but Americans reluctantly agreed that India had an impeccable record in the field of non proliferation even without ever signing it.

(Cont'd. on page 36)

Point Counter Point

Ashok Karnik

Every issue has at least two sides. A wise man examines all sides before coming to a conclusion. This is an attempt to present various sides of an issue so that a considered opinion can be formed.

Bhopal Gas Disaster : Whither Justice?

1. The disaster in Bhopal that claimed over 15000 lives in 1984 and maimed generations down the years is the worst industrial calamity known to mankind. The Chernobyl nuclear accident in 1986 was smaller in scope, although it caused greater international stir. Union Carbide, which ran the factory in Bhopal, was guilty of operating a hazardous chemical process in an ill-maintained factory, got away lightly. Company officials in the US were never hauled up although they too could be held responsible for criminal negligence. The tragedy of this dimension does not occur just because of a slip on somebody's part. The problem was much deeper; the functioning of the factory showed utter disregard for safety. It was an accident waiting to happen. The parent US Company could claim that the safety standards prescribed by it were not followed in India and, therefore, the Indian management was responsible for the accident. Senior Indian officials were indeed tried for criminal negligence but the only American, Warren Anderson, who was arrested, managed to get away with the connivance of the Government. Seven Indians were convicted (the eighth died earlier) and sentenced to 2 years imprisonment. They are not likely to see the inside of a jail as they will go in appeal and the case will take 10 or so more years after the 26 long years already lost in the initial trial. It is a travesty of justice that such a horrendous event cannot reach a conclusion in the victims' or the convicts' life time. The futility of the Indian judicial system is exposed once again. Hope the Supreme Court is watching the erosion of faith in the judicial system.

1. It is true that no amount of punishment, be it for 2 years or 10, can undo the damage caused to hundreds of thousands of people. The Union Carbide Corporation (US) paid an insurance liability of US \$470 million in full settlement of all civil and criminal charges. They also built a hospital for the victims. India had claimed damages worth US \$ 3 bn. What made it water it down? In law, this accident is the same as a hit and run incident, imposing a maximum punishment of 2 years. The magnitude of disaster has no relation to the quantum of punishment; a theft of 10 rupees is the same as a heist of 10 crore rupees. People dealing with hazardous material need to be governed under stiffer regimen and not get away like an errant shop keeper! Justice Ahmadi, retired Chief Justice of the Supreme Court, which reduced the offence of culpable homicide to one of criminal negligence, claimed that the Court had acted according to the existing law and advised that the law should be changed. After 26 years, we are debating the inadequacy of our legal provisions. Nobody thought of it earlier! The Law Minister blandly declared that mass destruction cases would be fast-tracked henceforth. Thanks for small mercies. Books can be written about Warren Anderson's 'escape' but there is no explanation why Anderson came to India from his safe haven in the US just to get arrested. A US diplomat claimed that Anderson was assured safe passage by the Government of India before he decided to visit Bhopal. If so, there is no wonder he was allowed to go back (by Rajiv Gandhi?). Would somebody in authority tell the truth?

Headley Again

2. India got access to David Headley at long last. It was an acid test to judge US sincerity about the war on terror. As some security experts had predicted, India was not likely to learn anything new from Headley. The Americans had already given whatever was vital to India's security. In fact, if Headley had provided something dramatic, it would have embarrassed the US, either for failing to get it themselves or for not giving it to India all these months. The initial reports that Headley was not cooperating and the US laws were helping him get away were obviously floated by interested parties who do not favour close Indo-

2. India was keen to get access to Headley as a matter of principle; here was a man responsible for launching a dastardly attack on the country. He should have been tried in an Indian court but he was required for offences against the US and the US laws allow a quick resolution of a trial through plea bargaining. Even then, he had to answer to Indian authorities although the answers were already known. Denial of access to Headley meant a double jeopardy: first, he could not be brought to justice here because of the immunity under the plea bargaining arrangement and secondly, by not allowing Indians to

US relationship. Anything to put a spoke in the wheel!

It is the millions of toiling farmers who wrought the green revolution. But all that seems to be old history today. We still lag behind China in agricultural productivity. What is worse, even though we produce more food grains and perhaps the largest quantity of fruits and vegetables, due to lack of proper infrastructure 10% of our fruits and vegetables are lost. This loss is due to the lack of proper infrastructure and supply chain facilities like cold storages as well as restrictions dictated by our government policies.

**Former CVC N.Vittal, *Mumbai Mirror*,
March 15, 2010**

Afzal Guru & Kasab

3. Afzal Guru was sentenced to death for the attack on Parliament in 2001 while Kasab is sentenced to death for the attack on Mumbai in 2008. Afzal Guru has appealed to the President for mercy and Kasab is likely to do so if his sentence is upheld by the higher courts. Afzal Guru's mercy petition is pending for the last 4 years as he is 27th in the queue awaiting the President's pleasure. The Home Minister has gratuitously declared that he finds no reason to hasten any particular case and that the Afzal Guru case will have to follow the queue. When caught napping, the Government has the knack of being sanctimonious. There is not a word of explanation why mercy petitions take years to decide

Politically Correct Joke

The Prime Minister of China called President Bush to console him after the attack on the Pentagon: "I'm sorry to hear about the attack. It is a very big tragedy. But in case you are missing any documents from the Pentagon, we have copies of everything."

From the Net. Contributed by Hina Manerikar

Readers are invited to send their points of view on serious issues of the day to ashokkarnik2001@yahoo.co.in

Looking for a Third Impression

Many times we get slighted by a happening as perceived by us, though the other person has no clue of his misdeed or perhaps he has no intention as alleged.

As such we ask our clients to look for a third impression. The reason will be clear from the following instance taken from an actual trial in the UK.

A young woman several months pregnant boarded a bus. When she noticed a young man smiling at her she felt embarrassed on account of her condition. She changed her seat, but he seemed more amused. She moved again and then on her third move he burst out laughing.....She had him arrested.

When the case came before the court, the young man was asked why he acted in such a manner. His reply was: When the lady boarded the bus I couldn't help noticing she was pregnant. She first sat under an advertisement, which read: 'Coming Soon: The Gold Dust Twins'. I was even more amused when she changed her seat and went to sit under a shaving advertisement, which read: 'William's Stick Did the Trick'. Then I could not control myself any longer when on the third move she sat under an advertisement, which read: 'Dunlop Rubber would have prevented this accident.'

The case was dismissed!

**Contributed by Bhal Patankar, Institute of Strategic Management, Corporate Advisers for Support Functions.
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question him to dot their 'i's and cross their 't's. Access to Headley saved much embarrassment all around. His interrogation allowed Indian security agencies to ascertain if he was helped by anybody in India, get the names of L-e-T operatives he met and underline his linkages with Pakistan's state actors. It appears that the Indian team learnt the identity of Pak army officers involved in the 26/11 attack. What was a certainty all along can now be cited as proof coming from a third party. Not that it would make any difference to Pakistan's denial mode or force it to accept the bitter truth that it was caught with a smoking gun.

3. If the Government expects to be patted on the back for not distinguishing between one offender and another, it is wrong. In its eyes, there is no reason to differentiate between one mercy petition and another. The Government needs to be reminded that all those waiting for death or mercy are not culpable of crimes of similar gravity. Most are guilty of heinous murders while Afzal Guru and Kasab are guilty of attacking the very soul of the nation. Their actions were aimed against India as a whole. The country is waiting for their comeuppance. Some sense of proportion must be displayed by the Government in viewing these cases. It would be acceptable if all mercy petitions were to be decided in a time-bound manner but if these are to take decades, the Government cannot be indifferent to public sentiment. A crime of this nature must be seen to be meeting prompt punishment. (This is not a commentary on death sentence *per se* but on the administrative process).

We the People

Meera Sanyal

As Indians we are extremely proud of our democracy and rightly so. We are also often critical of the United States and yet there some good lessons that we can learn from this seasoned Democracy.

On the 1st of May, a day after we had spent a very pleasant evening, at that very spot, a car bomb was found in Times Square, New York. Two days later Pakistani-born Faisal Shahzad, was arrested on a flight to Dubai just minutes before it was to take off. On June 17, he was indicted by a jury on 10 charges including terrorism and mass destruction, and if convicted faces life in prison.

As we traveled through the United States last month, I followed this case closely. The swiftness with which Shahzad was identified, captured and brought to trial was impressive. It was clear that the investments made in the office of Homeland Security were paying dividends. Yet interestingly, though enhanced security measures were very visible particularly in public spaces, they had a much lighter touch when dealing with ordinary people than security in India.

As we visited the United States Congress and Capitol this was particularly evident. Large groups of citizens and students thronged the Visitor's centre. Once through the preliminary screening and security, they, like us, were free to explore the beautiful Capitol building, walk through the Brumidi corridors and past Committee rooms where Senate deliberations were in session, and shake hands with Senators passing by.

Somewhat surprised, I asked one of the guards outside the House of Representatives, why there were not more barriers. His answer was clear and direct: "Ma'am – the Government serves at the will of the people. This is their Government and so they must have access."

As Indians we are extremely proud of our democracy and rightly so. We are also often critical of the United States and yet there some good lessons that we can learn from this seasoned Democracy.

- **Clarity of Purpose:** What purpose does a government serve ?

The Declaration of Independence lucidly explains this: "We hold these truths to be self evident, that all men are created equal. That they are endowed by their creator with inalienable rights; that among these are

life, liberty and the pursuit of happiness; that to secure these rights governments are instituted among men..."

Unfortunately most present day governments, including ours, have chosen to undertake so many roles that they have lost focus on their primary purpose namely, to secure our rights to life, liberty and the pursuit of happiness.

This is such a simple recipe for good governance that it would serve us well to remember these words. And as citizens, to demand that our elected representatives, do the same.

- **Clarity of Accountability:** Who is the Government – and who amongst them is accountable to us for delivering the above mandate?

The division of responsibilities within the American government is similar to ours. The Congress has the duty to legislate, the Judiciary to adjudicate and the President to execute.

What is different is how seriously these accountabilities are taken.

Many commentators have drawn comparisons between the Union Carbide Bhopal gas tragedy and the BP oil spill in the Gulf of Mexico. Without wishing to join the debate, it was startling to hear President Obama say in an address to the American people a few weeks ago that he took accountability for the spill and for fixing it.

26 years after Bhopal no one in our government has done the same. In response to the disaster the US Congress drafted the SARA regulation in 1986 to deal with and fund the clean up of such disasters by a general tax on chemical and petroleum firms. In contrast our Parliament, despite witnessing in horrific detail the world's worst industrial tragedy, has not to date bothered to draft legislation that could protect the lives of our people against similar industrial or chemical disasters in future.

Our judiciary has taken 26 years to arrive at a

judgement. And our Executive, represented by successive Chief Ministers and Prime Ministers, have spent years blaming each other instead of delivering relief to the victims and cleaning up the toxic site.

- **Participation of the People:** Do we as citizens embrace the Government, participate in the democratic process and demand accountability?

The most striking thing about the US Government is its interaction with the American people.

Politics is not seen as a lifelong career but instead as a period of public service, with a vibrant interaction and cross fertilization of thoughts and ideas between professional and political life.

Professionals from all walks of life are invited to join the President's executive team. It is not uncommon for bankers, business people and even astronauts to take a break from their careers to run for office. Mayor Bloomberg, Governor Schwarzenegger and more recently Carly Fiorina and Meg Whitman are just a few examples.

Similarly, students are welcomed to serve as interns and staffers to Senators and Congresswomen, providing them with practical hands on experience for potential future roles within government or public life

The contrast with India where politics has become not just a full time but also hereditary profession is very stark.

This is in no way to eulogise the American system or to hold it up as a paragon of democratic virtues.

The USA struggles with its own governance demons, which were as actively debated there as our political debates are here. A joke doing the rounds on the internet wryly suggested that the USA should offer to share its Constitution with every other nation because this venerable document was "200 years old, had stood the test of time, and is not being used anyway!"

Nevertheless there is no doubt that there is at least one message that we can bring back from the United States.

"We the people" ... these are the words with which both the American and our Constitution commence.

If our democracy is to function in the manner that our founding fathers intended, let us take a leaf out of the American book, and as citizens of India take more ownership for our government.

MS. MEERA H. SANYAL is a banker by profession and national convenor of the INDIAN LIBERAL GROUP.

Wake-up Call to Respect Children's Rights

The huge commotion and sensationalisation of the tragic suicide of Rouvanjit Rawla, a 13-year-old class VIII student of La Martiniere Boys... has exposed the ugly face of India's new media, particularly television.... (According) to the major English language television news channels...Sunirmal Chakravarthy, principal of La Martiniere Boys, prompted the young student's suicide on February 12 by visiting cruel and unusual punishment upon him. Prima facie, the facts of the case and sequence of events indicate culpability of the institutional management. Yet the issues involved in this case are more complex than appears at first sight. First, there's the matter of the three-day gap between the caning and the suicide. This necessitates investigation whether other factors, including the angle of possible domestic abuse of the child – a live possibility in a society which has scant respect for children's rights and in-house democracy – and third party harassment were causative factors. Moreover formal caning has been a long established tradition of India's most respected public (i.e, private, exclusive) schools. Nevertheless Chakravarthy's refusal to step down pending the outcome of police enquiry into the incident is as inexplicable as his pathetic public apologia for caning Rouvanjit. Instead of citing the conflict of institutional tradition with recently enacted legislation banning corporal punishment, he allowed himself to be mercilessly badgered by self-righteous television anchors who seem oblivious that corporal punishment is more prevalent in government than private schools. However for the teachers' community as much as for parents, Rouvanjit's tragic suicide is a wake-up call to respect children's rights, and to practice inner-family democracy at home.

Excerpted from the Editorial, Courtesy *Education World* July 2010.

My Country India :

Reviving the Patriotism of 1885

Jyoti Marwah

My Country India : Reviving Patriotism of 1885 in Contemporary Times” was the theme for a National Seminar, organized by the Department of History of ICLES’ Motilal Jhunjunwala College of Arts Science and Commerce at Vashi, Navi Mumbai, in academic collaboration with Freedom First and ‘Mani Bhavan’.

This is a timely seminar that too where the audience is the gen-next who need to be reminded of our glorious past, a past rich in culture, an economy that once led the world a bewildering diversity that nevertheless was able to come together as one country. India was led to freedom by honest and dedicated leadership.

The aim of the seminar was to infuse the spirit of patriotism by re-examining issues related to growth and development, the need for good governance and empowerment to overcome political turmoil and to trace the missing sense of dedication and devotion most needed for the making of a united nation. The inherent feeling of oneness which is a driving force in keeping the nation together, is crumbling in the face of the challenges we are confronted with due to a number of reasons, particularly under the impact of a weak political system.

Sub-themes of the seminar were designed to motivate the participants at the seminar, to re-look into the past and seek inspiration for a concerted action towards rehabilitation and rectification of a distraught India. The seminar invited fifty research presentations from the faculty, researchers and students ranging from the freedom struggle to independence, partition and the divisive forces destroying the fabric of India.

The seminar was inaugurated by Mr. Satish Sahney, IPS (retired) and currently CEO of the Nehru Centre in Mumbai. His address got the seminar off to a good start as he had, with the tremendous experience he has had as a police officer, drawn attention to very practical issues impinging on individual and national integrity. Dr. Anil Rajvanshi, Director NARI Phaltan rightly stressed the need for building patriotic and nationalistic feeling among the youth by urging them to know their country by understanding the realities of rural India. It was rightly pointed that Jawaharlal Nehru had scripted his masterpiece *Discovery of India* only after a

detailed study of every nook and corner of the country.

The Keynote Note address was delivered by Dr. R. Srinivasan, retired professor of Political Science, Mumbai University. With a precision in his choice of words and events he skillfully transported the audience to revisit the Spirit of December 1885. He touched on the ‘supplicatory tone of the older generation’ and the extremist ideology of the youth who were ‘itching for action and particularly dramatic action’. He rightly touched on Tagore’s futuristic views of nationalism being skeptical about the onset of Western nationalism on Asian soil. Dr. Srinivasan observed that Tagore was sad to see the collapse of the old spirit of Japan, which modernized rapidly and conquered territories in Asia to carve a place for itself in the international world but at a big cost - her loss of the eastern mind and was choked by ‘the western concept of nationalism which was nothing but ‘new thorough barbarism’. Dr. Srinivasan advised the young audience to read *Hind Swaraj* which celebrated its centenary last year and in which Gandhiji had warned of the perils of a mechanized civilization. .

The Plenary session was equally enriching as Dr. R. N. Sharma a dynamic personality from the Centre for



(L to R): Satish Sahney, Anil Rajvanshi, R. Srinivasan, S. V. Raju

Development studies of the ISS critically evaluated the divisive trends and viewed with compassion and concern the problems faced by citizens today. His concerns extended to the future generation appealing to them to assert their rights for a better India. Dr. S. K. Jolly, Principal S. P. Mukherjee College Delhi University in his address highlighted the adverse impact of divisiveness which led to the partition and in recent times to contemporary issues creating dangerous divides. Dr. Mohsina Mukadam, Head of the Department of History, Ramnarain Ruia College reviewed the contribution of Maharashtra in the national struggle. Prof. Kokila Joshi skillfully traced the historical transformation of the struggle for independence from a cultural movement to the national movement. Mrs. Asha Malaviya Sheth was a very special guest, spoke of her experience in the Quit India Movement and underlined the importance of oral history.

Very useful contributions were made by the faculty and students from various Universities and colleges. Geeta Mishra from the Department of Public Administration Lucknow University reflected on the concept of nationhood. Madhu Mishra, Educationist and consultant from Hyderabad investigated the reasons why the British colonial rulers emphasized western education. Monica Verma of MD College gave a frank study of the "Politics of Nativism : India vs Sons of Soil". Principal D. N. Muley analysed the re-organisation of states on linguistic basis while speaking on the Samyukta Maharashtra Movement. In my presentation, I reflected on the impact of independence on the economic conditions of the hill stations, which had been created by the British as 'mini homelands' to overcome homesickness and nostalgia, as people in these regions were completely dependent on the British presence for their livelihood. Dr. Preeta Nilesh of Vaze College and Prof. Anita Kumar made presentations on Women and their suffering in Colonial India and during the Partition. The jury awarded Anita Kumar the Bimala Marwah Trophy for the best paper on Women.

This platform was shared by twenty seven students from various colleges who made presentations on various sub themes of the seminar. Six 'young researchers' were awarded the following trophies:

1. "The Smt Raghubir Kaur Young Historian" was awarded to Sandeep Dahisarkar of Sathaye College for his presentation on Jagannath Shankershet : Architect of Modern Mumbai.
2. "The Smt. Veena Duggal Young Social Scientist" was awarded to Rupali Tyagi of ICLES' M. J. College for her presentation on Reforms – Women
3. "The Young Researcher in History" was awarded

to Swapana Joshi of Ruia College for her presentation on Durgabai Bhagwat.

4. "The Young Researcher in Social Science" was awarded to Priyanka Agarwal of V.E.S. College for her presentation on the Partition
5. "A Pat-on-the-back" was awarded to Reema and Deeba of ICLES' M.J. College for their presentations on the Role of Media in Nation-Building.
6. "A Pat-on-the-back" was awarded to Samreen of ICLES' M. J. College for her presentation on the Bhopal Gas Tragedy.

The Organising Committee of the Seminar highlighted the work of Ms. Moon Moon Jetley on 'Delhi in 1857', a young researcher from the Dept. of History, University of Mumbai.

The discussions at the seminar were of high quality. The academicians through their inputs, contributed to the deliberations their thoughts on building the strength of a united nation enthused with the spirit of Rabindranth Tagore.

DR. JYOTI MARWAH, Head of the Department of History and Member, Board of Studies (History), University of Mumbai, Member Faculty of Arts, University of Mumbai.

Freedom First was delighted to have been invited to be an academic collaborator in the seminar, "My Country India – Reviving the Patriotism of 1885". We were in distinguished company – with Mani Bhavan a legendary name housing Mahatma Gandhi when he was alive and now housing a library the Gandhi Sangrahalaya. We thank Dr. Jyoti Marwah, the Department Head and coordinator cum convenor of the seminar who conceptualized the theme of the seminar, to commemorate 125 years of the making of the Indian National Congress. She was ably assisted by Dr. Kamala Rajiv, the co-convenor of the seminar, Prof. Gurmeet K. Monga and Prof. Rajini Bakshi. Above all we would like to express our thanks to Dr. Jayshree V. Daoo, Principal and Chairperson of the organizing committee for enabling us participate in this seminar - *Editor*.



(L to R): Vasanti Damle, Jyoti Marwah, S. K. Jolly

More on the Bhopal Tragedy

Saving the Government from Further Flak

- Group of Ministers' (GoM's) Recommendations

Keshav Rau

By submitting recommendations which are in sync with the popular prevailing mood in the country, the GoM has at least achieved one purpose: prevented any further criticism being hurled at the UPA government.

Newspapers have by and large welcomed the recommendations submitted by the Group of Ministers [GoM] under the chairmanship of Union Home Minister Chidambaram on the Bhopal Gas tragedy and the remedial steps that need to be taken now – after 26 years of not only total inaction, but also complete callousness on the part of successive governments at the Centre and Madhya Pradesh as also eminent lawyers. A sample of the comments: “A flicker of justice”, “Better late than never”, “Something better than nothing”, “Prescriptions on the whole positive” etc. The political editor of *The New Indian Express* went to the extent of saying that “The Chidambaram-led GoM moved with efficiency and demonstrated that where there is a political will, there can be a way out and that a way can be found sooner rather than later.”

Yes, the recommendations may be welcome when viewed in the limited context of what was not done during the past 26 years. But was the country – more particularly the unfortunate victims – just looking within this narrow ambit or expecting something more substantial? When Prime Minister Manmohan Singh decided to bring in his trusted Minister Chidambaram as Chairman of a reconstituted GoM and gave directions for it to come out with an ‘Action Plan’ within 10 days, the expectation was that at last something bearing a semblance of tangible relief to the victims would be announced. However, notwithstanding the media comments, the full text of the Minutes of the deliberations which the GoM held between June 18 and 21, 2010 accessed by this writer belie this expectation.

No doubt, on the additional monetary relief recommended by the GoM to be provided to the victims, there will be several views on the adequacy/inadequacy of the quantum. However, in the view of this writer, there is a basic contradiction in the recommendations of the GoM on this point. It has recommended for providing Rs. 750 crores as additional amount of compensation. The basis for arriving at this amount is the casualty figures

as collated in 1989. The GoM in justification recorded: “...the classification of claims/cases made by the Welfare Commissioner would have to be accepted. At this distance of time, it would not be possible to reopen the classification...” At the same time, the GoM recommended that “the Attorney General may be requested to examine whether a curative petition could be filed in the Supreme Court for reconsideration of the compensation amount earlier settled at US\$470 million.”

This compensation amount was brokered by the Government of India with Union Carbide and sanctified by the Supreme Court on the basis of claims/cases classified at that time. Surely, a higher amount of compensation is sought to be extracted now through the intervention of the Supreme Court because the earlier classification was erroneously/prematurely arrived at. Yet, the GoM is of the firm view that the classification will not be reopened.

The number of death cases arising out of the gas leak as recorded by the GoM in the Minutes of its deliberations was 5295, whereas from all accounts the number of death cases was thrice this number. Can there be better evidence of this than the Madhya Pradesh Government’s proposal submitted quite some time back to the Planning Commission for release of additional Rs. 982 crores for the rehabilitation of the victims wherein it had acknowledged that 16,000 people had died on account of the gas leak and 5,000 women were widowed? The Commission was unmoved and it sat tight on the proposal because it did not find the state government’s proposal convincing. However, within just hours before the GoM meet on June 18, the proposal was cleared.

No magnanimity can also be discerned in the GoM’s recommendations for doubling the amount of compensation under each category. This is because the recommendations come with a rider: The amount of compensation paid earlier would be reduced from the additional amount now recommended. It would be worthwhile recalling in this

context that the amount of compensation claimed by the GoI in its original suit before the US Court was US\$ 3 billion. Even though the suit could not be carried to its logical conclusion, the compensation figure would not have been mentioned by the GoI in the suit flippantly. The GoI would have done its homework and after being reasonably convinced that it had an arguable case. (It's a different matter that the GoI ultimately settled for just US\$ 470 million – may be for various compelling/ extraneous/ political and – even – diplomatic considerations.) The GoM's recommendations, therefore, that the earlier compensation amount paid would be reduced from the additional amount which will be paid now, are in extremely poor taste and niggardly. *The New Indian Express* rightly said in its editorial that such a recommendation adds insult to injury.

In July 2004, the US government had informed GoI that it would not consider extradition of the then Chief of Union Carbide in US, Warren Anderson, because the GoI's request did not fit in with the provisions of the Extradition Treaty. Even after six years have elapsed since this communication was received from the US government the GoM recommends: "... the CBI with the assistance of the Ministry of Law, Ministry of External Affairs [MEA] and the Attorney General may be directed to put together additional material in support of the request for extradition and MEA be directed to press the request for extradition with the US government." The basis for coming to this conclusion could be found in the following concluding sentence of paragraph 22(ii) of the Minutes of the GoM's deliberations:

It will be seen that much of the evidence came on record after the extradition request dated 5.5.2003. This evidence, to the extent that it relates to Anderson, can be submitted in support of the request for extradition.

This is hardly a convincing ground for moving the US government at this late stage. Such a step will only go to compound the series of acts of omission/ commission/callousness by successive governments during the past 26 years. This apart, it is not clear what purpose would be served by seeking the extradition of Warren Anderson.

No grounds have been trotted out by the GoM for recommending that a curative petition be filed before the Supreme Court against the judgment of September 1996 under which the trial was confined to offence under Section 304 A of the IPC instead of Section 304 – except for stating that such a conclusion had been reached by it after examining the various judgments of the Apex Court and hearing out the views of Law Ministry. In case such

a belated plea is allowed by the Supreme Court – although this is highly unlikely – the trial court which meted out the sentence of 2 years' imprisonment to Keshub Mahindra and seven others would be required to try the case *de novo*. And that, perhaps, would take another 26 years, if not more! What a mockery of the judicial process!

"The GoM would like the Attorney General to examine whether a curative petition could be filed before the Supreme Court for revising the compensation amount of US\$ 470. This recommendation of the GoM is based on a single paragraph of the May 1989 order of the Supreme Court wherein it noted that there may be scope for review if there was a serious miscarriage of justice or violation of the constitutional and legal rights of the persons affected. But how many years does it take for a petitioner to wake up to the fact that an injustice has been done to him/her? If the curative petition is moved and the Supreme Court turns it down – as it should – the Government and the GoM would just shrug their shoulders and say: "What can we do; we tried our best".

On fixing liability on Dow Chemicals Ltd., which acquired the parent Company in US in 2001, and making it contribute, along with UCIL and Eveready Industries India Ltd. [EIIL], for the cleanup of the site, too, the GoM has nothing specific to recommend, except request the Ministry of Chemicals and Fertilizers to file appropriate applications/motions in the court (MP High Court) concerned for deciding expeditiously the issue. In May 2005, the MP High Court stayed directions given on the three Companies by the Chief Judicial Magistrate, Bhopal, on an application moved by the GoI to deposit Rs. 100 Crs. for remediation of the site. Since then nothing has been done to get the stay vacated. It should be remembered that in 2006 and 2007, Chidambaram and Kamal Nath have been advocating absolving Dow Chemicals of its liability. "Given the rigid stand taken by some of the NGOs and activists that the Company should be made to bear the remediation cost and the GoI's own ambivalent stand on the Co's liability, it is unlikely that any headway would be made in the task of remediation of the site. Efforts made earlier in this direction by EIIL got stalled because in 1998 the MP Government. revoked the lease and took control of the site.

The political editor of *The New Indian Express* summed it up well: "The Government is making all the right noises now." That's it – just noise! And the plight of the victims and the cleanup operations of the site: They stand where they were 26 years ago.

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Responsibilities Beyond Borders

Salil Tripathi

Many Indians rightly hold their own government accountable for this sorry state of affairs. But it is facile to conclude that companies should get let off, or that home governments have no responsibility.

Efforts to stop the biggest environmental disaster in US history continue in the Gulf of Mexico with few signs of progress. The explosion on an oil rig in April which was operating one of the Gulf's deepest oil wells killed eleven workers. The flow of crude from the site continues to pollute and cause serious damage to livelihoods and the future of the region. *

The United States Government is angry. President Barak Obama got BP, the company responsible for the rig, to agree to set aside \$20 billion to pay for compensation. This is the down payment; the US Government reserves the right to initiate legal proceedings against the company, and the amount of total compensation may change.

Many have praised President Obama's response to the BP disaster. Yet few have noted how markedly different it was from the way the US State Department reacted in June when an Indian court found that seven officials connected with the Indian subsidiary of the US based Union Carbide Corp. were guilty of negligence following a December 1984 industrial accident in which a poisonous cloud of methyl isocyanate escaped from the Union Carbide plant in Bhopal, central India. Over 3,000 people died instantly; over the past quarter century, activists say some 12,000 people have died prematurely.

The officials found guilty in the case received two years in prison for their role in the incident but appealed and were granted bail. Reacting to the verdict, the State Department said this should bring closure to the matter.

But it is not that simple. When the accident occurred, the parent corporation, Union Carbide, owned 50.9% of the Indian operations. It was an American company. Its then chairman and chief executive, Warren Anderson, came to India immediately after the disaster. He was promptly arrested, but granted bail. He left the country quickly, never to return. Subsequently, Indian courts have declared him an absconder, and Anderson remains in the United States, living in good comfort at

his home. Indian activists have long sought his extradition; the Indian Government has made no such formal request. While the United States cannot respond to speculative demands for extradition, opinion in India suggests that if India now asks for Anderson's extradition, the United States will not oblige.

Union Carbide successfully argued in an American court, that litigation arising from the disaster was best dealt with in India. The US court agreed. It also says the accident was the result of sabotage. In India, the Government prevented the victims from seeking individual compensation, passing legislation which made the state the sole negotiator, and in 1987, arrived at a settlement for \$470 million which was not only approved by the Parliament, but also by the Indian Supreme Court. The adequacy of that settlement apart, it points out the importance of the "polluter pays" principle, as Martin Khor noted recently.

Indian academic Upendra Baxi has taken his government to task over this, but his criticism hasn't swayed the government. Union Carbide said it had no further responsibility. Two years later, Union Carbide sold the plant where the accident occurred to McLeod Russell, an Indian company with interests in tea. A few years later, Dow Chemicals acquired Union Carbide.

For the victims in India, this combines the worst possible scenarios: their government did not regulate the industry properly; their factory inspectors possibly ignored warning signs; after the disaster the government prevented the victims from suing the corporation; it arrived at a settlement on their behalf, and there are credible allegations that all the money did not reach the victims; it made no attempt to clean up the facility - because of which chemicals stored at the plant are reported to have seeped into the city's groundwater, prolonging the agony of the people; successive Indian governments did little to reopen the case and seek Anderson's extradition; and the Supreme Court reduced the charge from culpable homicide to negligence, which meant the maximum punishment was significantly disproportionate to the gravity of the accident.

* As we go to press BBC/CNN inform us that the leak has been finally capped - for now and it will closely monitored. (Ed.)

Many Indians rightly hold their own government accountable for this sorry state of affairs. But it is facile to conclude that companies should get let off, or that home governments have no responsibility. Just as President Obama aggressively took on BP, getting it to set aside a fund to pay for the environmental damage, the Indian Government in 1984 could have – and should have – played hardball with Union Carbide. It did not. But that does not mean the US Government in 2010 should have concluded that it was time for closure over the Bhopal tragedy.

For if that view prevails, it essentially means that all people are not equal; that the value of human life varies, depending on the place of an individual's birth. Making such an argument is against the interest of companies seeking the social licence to operate. Even if this argument is valid legally and technically, it is weak morally, and it undermines the company.

What should companies do in a similar context in future? Should they depend on the law alone? Or should they look beyond the law? True, companies hesitate about moving beyond what the law requires them to do, because it sets standards and precedents. But if companies do nothing, they lose their social licence to operate. If multinational companies are resented in many parts of the world by local communities, it is because the historical memory of those communities is long.

When the late Rajiv Gandhi was India's Prime Minister and visited the United States in the mid-1980s, soon after the Bhopal disaster, reporters asked him if India was suspicious of foreign companies. "Yes," he said, "we used to know a multinational called the East India Company," referring to the British company which came to India to trade, and ended up establishing British colonial rule in India. Many companies are aware of the troubled history, and take pains to remind their staff and stakeholders that they aren't sovereign, states are, and they only obey, or comply with, laws the state has decreed.

But there is a third actor in this drama – the home state. What is the responsibility of the US Government in the context of Bhopal? Granted, Union Carbide doesn't exist in its earlier form anymore; and Dow Chemicals did not own Union Carbide when the disaster occurred. Even if Union Carbide failed in its responsibility to respect human rights, and the Indian Government failed in its obligation to protect human rights, does the US Government bear no responsibility? Does it not have the responsibility to enforce its own law and prosecute the conduct of an American company abroad? The Foreign Corrupt Practices Act prohibits American companies from

bribing officials abroad; should they do so, US prosecutors would go after them. If existing laws do not permit it, is there not a need for legislation so that a home government can restrain, regulate, and prosecute acts committed by companies registered under its jurisdiction, while operating abroad?

Applying laws extraterritorially is never easy and as things stand, it requires creativity and ingenuity to make such an argument before a radical judiciary. Some even argue that extending domestic law abroad shows cultural relativism, interventionism, and imposition of domestic standards abroad.

But as the Red Flags initiative has demonstrated, companies may face criminal liability when their activities contribute to international crimes. John Ruggie, the UN Special Representative for business and human rights has initiated a project to explore the extraterritorial scope of state duties. As part of the project, Jennifer Zerk has recently published an important report, *Extraterritorial Jurisdiction: Lessons for the Business and Human Rights Sphere from Six Regulatory Areas* [222 pages, 1.18mb] which outlines extraterritorial scope with regard to anti-corruption, securities law, anti-trust laws, criminal and civil jurisdictions, and environmental regulation.

Avoiding action because the current law is not adequate is a weak reason – and less relevant - when measured against the universality of human rights, whose simple, clear message is that all people, wherever they are born, are equal. And something is fundamentally flawed when the fine for the company has to pay after a tragedy like Bhopal, works out to 55 cents per death. Holding companies accountable for their misconduct, wherever the misconduct occurs, must become a priority, if we are not to have more Bhopals.

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http://www.institutehrb.org/blogs/staff/responsibilities_beyond_borders.html

Pakistani on the Moon

Q: What do you call 1 Pakistani on the moon?

A: Problem...

Q: What do you call 10 Pakistanis on the moon?

A: Problem...

Q: What do you call ALL the Pakistanis on the moon?

A: Problem Solved!!!

From the Net. Contributed by Hina Manerikar

Guns Across America

Firoze Hirjikaka

The United States Supreme Court recently decreed that the right of Americans to bear arms, enshrined in the Second Amendment, was fundamental and absolute. In effect, state and local governments were enjoined from modifying that right in any manner. Not surprisingly – conveniently ignoring the caveat that existing gun control rows would remain on the statute books – the judgement drew smug smiles from members of the National Rifle Association and scores of flag-waving “patriots” who believe that owning firearms is one of the factors that makes America “the greatest country in the world”.

To many people living outside the USA, this American fascination with guns is quite bewildering. It's almost as if Americans are stuck in a time warp and yet to emerge from the Wild West decades. This perception is reinforced by television police shows, where the cops' first instinct in any situation is to pull out their pistols and open fire at the slightest provocation. Yes, the routine chestnuts like “guns don't kill people, people kill people” are trotted out as justification, but the statistics speak for themselves. Taking the United States, Canada and entire Europe as a whole, nine of the ten deadliest random shootings in recent years took place in the United States. The people of Europe do not have a Constitutional right to bear arms; and it does not seem to bother them. The countries of Norway, Sweden, Denmark and Finland combined – with a land area equal to one third of the continental United States – have a grand total of less than 10 murders *a year*. You can do the math.

A common American argument is that people need guns to protect themselves against criminals or crazies who themselves use guns. But Americans never take the next step – if guns were illegal the criminals and crazies wouldn't have them either. Some would argue that criminals would continue to procure guns, even if it was made illegal. Fair enough; except that hardly any of these senseless massacres are carried out by career criminals. Most of the perpetrators are seemingly normal young men, as American as apple pie, but with a very low tolerance level. When a gun is available so handily – and so easy to obtain – it is very tempting to use it to settle scores, real or imagined.

Disturbed individuals are not restricted to America, of course. They exist all over the world. The difference is that, outside the US, they can go only so far to express their rage and frustration. I'm sure some of them would love to shoot down a few of their perceived tormentors, but they cannot for the simple reason that they cannot lay their hands on a handgun or rifle. Surprising as it may

seem to many Americans, guns in private homes are a rarity in most countries outside their borders. In America, however, guns are almost part of the furniture in many households. It has always seemed slightly weird to me that parents are very strict about their teenage kids drinking alcohol, but have no compunction about them having access to a firearm. I believe some even take pride in teaching young Bobby to shoot, and brag about his prowess with a rifle.

I would willingly concede that the act of owning a gun is not, in itself, inherently wrong – if, that is, the owners are all normal people who have a strong sense of responsibility. Now I do not doubt that the majority of Americans are responsible and mature, but irresponsible and emotionally disturbed people exist in every society. Of course, guns did not make them irresponsible or disturbed. However, guns did give them a way to express their anger; in a way that causes irreparable harm to their victims and their families. As the number of people who own guns increases, so the likeliness of fatal shootings rises with it. Anyone who owns a gun is contributing, albeit indirectly, to that statistic.

Owning a gun is a big deal. Do you suppose individual liberties and constitutional rights mean did.dly-squat, for example, to the parents of the young students, whose lives were so needlessly and indiscriminately snuffed out at Virginia Tech? A handgun or rifle in the hands of a mentally unstable individual is a weapon of mass destruction.

I think Bob Dylan said it best, when he asked:

“How many deaths will it take till they know
That too many people have died”

The answer, my friend, is indeed blowing in the wind; but no one is listening. *That* is the real tragedy.

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Cornucopia

Firoze Hirjikaka

Is True Love Dead?

The heart, after all, is nothing but a glorified pump. Yes it pains like hell when your feelings are not reciprocated or, even worse, mocked.

A young friend recently poured out to me his tragic story of unrequited love. According to him, he did everything to prove to the object of his affections that he loved her deeply. Even after she broke off with him twice, mainly because she said his bank balance wasn't large enough, he persevered and got her to take him back. When I gently suggested he was more or less asking for it, he agreed but said he could not help himself because every time he was with her, "his pulse would beat and his heart would pound." Last week, the girl got engaged to another man. At the end of his lament, he asked if true love exists any more these days.

Scientists will tell you that love is just a matter of pheromones and neurons firing in the brain in response to subtle signals you may not even be aware you're receiving. But, of course, it is much more than that. As experienced by the young man, a pounding heart, loss of sleep and appetite etc. is part of it - although it all does originate in the brain. The heart, after all, is nothing but a glorified pump. Yes it pains like hell when your feelings are not reciprocated or, even worse, mocked. However, unrequited love is by no means unique to this century. It is as old as civilization itself.

Yes, it is true that we are living in an increasingly materialistic world where wealth and physical attributes are more important than feelings. But to be fair, both sexes are equally culpable in this regard. Like I told my friend, he is deluding himself if he believes that men are not just as capricious when choosing a partner. And don't forget the double standards that many guys employ - and Indian men are especially culpable - when judging the opposite sex. If the object of their attentions gives them a cold shoulder, she is a stuck-up b***. On the other hand, if she is too friendly, she is a wh***.

If there is one failing peculiar to the past few decades, it is the lack of perseverance and determination. In this age of instant coffee and social networking, many of us expect instant love - at first sight, so to speak. Love requires patience and needs to be nurtured - it needs to blossom at its own pace. Above all, it needs a spirit of give and take. No one is always right or always wrong in a partnership. A relationship where the man or woman expects his/her partner to be subservient to him - as many men in South Asia and Arab countries do - as a matter of right, is doomed to failure. The trick is to keep your expectations low at the start and gradually build them up. That is why so many arranged marriages work out pretty well.

My friend thought his love rejected him because he was not rich enough. While it is a fact that an increasing number of young ladies place a premium on good looks and material possessions, this is not entirely true. Women like men with a sense of humour and are willing to overlook attributes like good looks and brawn if that quality is predominant. I am living proof of that. Normally, pretty young things would completely ignore a 65-year old crock like me, but surprisingly, because of my wit and conversational skills, I do manage to get a few young ladies to indulge me. Unfortunately, it seems that many of our young romeos have pathetic conversation. They are naïve enough to believe that corny pick up lines - like telling a girl she is hot or has kissable lips - are actually going to work. I suppose I should regard them with pity, but frankly, I usually roll my eyes and groan.

At the end of it all, I advised my young friend not to give up on finding love. In spite of the frustrations and occasional heartaches, when it works, it can be bloody glorious.

One Paragraph that Explains Life!

Arthur Ashe, the legendary Wimbledon player was dying of AIDS which he got due to infected blood he received during a heart surgery in 1983. From world over, he received letters from his fans, one of which conveyed: "Why does GOD have to select you for such a bad disease"? To this Arthur Ashe replied: "The world over - 50 million children start playing tennis, 5 million learn to play tennis, 500,000 learn professional tennis, 50,000 come to the circuit, 5000 reach the grand slam, 50 reach Wimbledon, 4 to the semi final, 2 to the finals, When I was holding a cup I never asked GOD 'Why me?' And today in pain I should not be asking GOD 'Why me?' "

From the Net. Contributed by Ashok Karnik

Road to Hell is Paved with Potholes

Most countries in the world, even the semi-developed ones, seem to have no difficulty in maintaining their roads and highways. What is so special about Mumbai?

Another monsoon, another pothole. Just like Caesar, the proliferation of potholes and craters on Mumbai's roads, whenever it rains, is as constant as the North Star. It is as predictable as the promises made by the Bombay Municipal Corporation (BMC) that it will be better next year. Of course, it never is.

The way the BMC annually ties itself up in knots over the issue of providing Mumbai with pothole-free roads, one would think it was advanced rocket science. They have been grappling with the identical problem year after year for decades and yet the solution seems to elude them. It is surprising that a nation that has the technology to send satellites into space cannot come up with a sound remedy for a relatively simple problem. Most countries in the world, even the semi-developed ones, seem to have no difficulty in maintaining their roads and highways. What is so special about Mumbai?

One remembers Mumbai's former mayor going on frequent foreign junkets at tax payers' expense and then

trying to justify them by proposing grandiose and wildly impractical schemes for the metropolis that, to no one's surprise, were never implemented. It's a pity that she didn't think investigating a solution to the state of her city's pathetic roads worth investigating. This year, too, the civic body squandered Rs.40 crores of the tax payers' money on a "double tarring" process that has proved to be a miserable failure.

Adding insult to injury, the present mayor, Shraddha Jadhav, had the effrontery to justify the exorbitant expense spent on the current "double tarring" process, on the grounds that it was an experiment. Rs.40 crore on an experiment? If you want to try out a new technology, you do it on a limited stretch of road and it should not cost more than a few lakhs. Of course, the BMC is always gung-ho about handing out large contracts without any due diligence. This is hardly surprising since a significant percentage of the largesse doled out ends up in the pockets of corrupt corporators.

Yunus' Son Got Pardon after Anderson

On the day before Prime Minister Rajiv Gandhi arrived in Washington on 12 June 1985 US President Ronald Reagan granted clemency to Adil Shahryar, son of Mohammed Yunus, a close friend and aide of the (Nehru) Gandhi, although he was in the words of an American official, considered dangerous and deserved to serve out every day of his 35-year sentence. Shahryar was pardoned "for reasons of state" and "as a goodwill gesture" to India.

At the time of the presidential pardon, Shahryar was serving a 35-year federal sentence for "attempting to firebomb a ship; false statements on various certificates in connection with the shipment; mail fraud; making of a firearm(bombs), according to US Department of Justice.

Six months before, on 7 December 1984, India had enabled Union Carbide Chairman Warren Anderson to escape after arrest, Anderson was later declared an absconder. Anderson had come to India on an assurance of "safe passage", but this was overtaken by the judicial process...Those who negotiated between Delhi and Washington believe that there was an implicit *quid pro quo* between Shahryar's release and Anderson's escape. American documents already public, confirm that until the Anderson case the Reagan administration was determined to punish Shahryar, and in no mood to show any clemency.

Excerpted from a report filed by Kota Neelima, *The Sunday Guardian*, 20 June 2010

Come On, Liberals: Let's Change India!

Freedom of Expression: A Great Challenge for India

Sanjeev Sabhlok

British liberal philosophers were perhaps the first to advocate freedom of expression, none more eloquently than J. S. Mill in his 1859 essay, On Liberty. India imbibed some of these ideas during British rule. And despite the corruption rampant in the Indian press – where news can be readily purchased – we do have a broadly free press. But we never internalised the idea of liberty.

Salman Rushdie's *Satanic Verses* was banned (among many other books since independence). The screening of *Da Vinci Code* was prohibited. Our governments failed to protect Deepa Mehta during the making of her film, *Water*, and D. N. Jha was similarly forced to publish his book, *The Myth of the Holy Cow*, outside India. Our governments readily cave in to the flimsiest threat from our millions of rabid fundamentalists.

I'm not suggesting that anyone has absolute freedom of expression. That's not what I'm saying. All I'm suggesting is that India has to do *far more* if it wants to become a free society. The examples below will illustrate how this can be done.

Electoral Funding Limits

Even a cursory understanding of the concept of liberty will make clear to us that imposing arbitrary limits on electoral funding is incompatible with liberty. Citizens of the free society must remain free to conduct any legitimate activity, and in doing so to spend any amount they wish. We must remain free to fund the religion of our choice or to advertise our products. So too, nothing should prevent us from spending any amount on our preferred political party or candidate. After all, freedom of belief in ideas is the most fundamental of all freedoms.

But socialists see red with such a suggestion. They rush in with paternalistic arguments to prevent people from supporting a political philosophy of their choice. They tell us that the Indian voter is a fool, highly susceptible to political advertising. But in reality the Indian voter displays greater maturity and wisdom than our socialist intellectuals. The Indian voter is smart enough to listen to all sides (and even take unsolicited gifts from the wealthier candidates) but vote, in the secrecy of the polling booth, for his own choice.

Setting whimsical limits on electoral expenses is also an act of hypocrisy, for such limits, we know, are invariably violated – *particularly* by our major political parties. These totally corrupt parties not only use crores

of rupees of black money but billions of dollars of foreign funds, stashed away in Switzerland. Fraudulent accounts are then lodged and they pretend that they have spent within the limit! What a fraud on democracy! Utter hypocrisy.

In brief, all limits of expenditure on political activity must be abolished. Instead, mechanisms to strongly enforce the disclosure of political receipts and expenditures must be put in place. In addition, reforms detailed in my book, *Breaking Free of Nehru* (<http://bfn.sabhlokcity.com/>), are needed. If clean money promotes political ideas, even socialism, then we will have nothing to fear. It is only hypocrisy, use of foreign funds, fraud, and corruption that we must be afraid of. Let there be honesty – and freedom of expression.

Flag Burning

Now consider someone who, upon being convinced that his freedoms have been trampled upon, burns the national flag in protest. Doesn't attack anyone, just burns the flag. Is that a crime?

Certainly it is, in India. The *Prevention of Insults to National Honour Act*, 1971 provides for imprisonment of up to three years, or fine, or both, for anyone who, in public view, mutilates, defaces, defiles, disfigures, destroys, tramples on, or otherwise brings the National Flag into 'contempt'. But I believe this position is entirely contrary to liberty.

I do not make this assertion lightly. I claim that our flag must be defended with our own life. But on the other hand, no citizen is likely to take the extreme step of burning the flag, casually. Such an act signals that something is seriously wrong. We would be better off as a nation if we investigate the *cause* of the unrest, instead of focusing on the incident of flag burning.

More importantly, we must take a serious lesson in liberty from the US which has *ruled out* the criminalisation of flag burning. In 2006, an amendment

to the US Constitution was proposed by someone to prohibit flag burning. But the US Senate *rejected* this amendment.

Senator Daniel K. Inouye, who lost an arm in World War II, fighting for USA, said that flag burning 'is obscene, painful and unpatriotic', ... '[b]ut *I believe Americans gave their lives in the many wars to make certain that all Americans have a right to express themselves – even those who harbor hateful thoughts.*'¹

Such unequivocal commitment to freedom is what America teaches us. Our heart goes out to America for clarifying the standard of liberty even on such an evocative issue. Hundreds of its own soldiers die in wars to protect the American flag, but these very same soldiers insist on defending the right of their fellowmen to *burn* that flag. That is why they fight for. For freedom. The true flag we must fight for is the flag of freedom. The national flag must subordinate its claims to those of liberty.

Artistic 'license'

It has become fashionable these days for artists and writers, claiming artistic 'license', to brazenly insult Islam, Christianity, Hinduism and other religions. But they are wrong in doing so. They have no such license. While an analytic critique of a religion is fine, vilification and abuse of a religion is *not*.

Artists must stop being stupid. They must exercise self-restraint. In no way are they special, or exempt from the laws of the land. Everyone's liberty is subject to the same standard of accountability.

But what about those artists who refuse to exercise self-restraint? What can be done about them? Should we

ban their work or kill them? Clearly not! Three things must happen in the free society, as outlined below.

First, we must develop a thick skin. As they say, 'Sticks and stones may break my bones but words will never hurt me'. We must tolerate others' opinions, no matter how tasteless.

Second, an offensive piece of art can constitute a *civil* offence. The plaintiff in such a case will need to prove that he tossed and turned in bed for, say, five hours because of the offensive art. The court would compensate the plaintiff for the value of this lost sleep. Class-action suits could also be lodged against the offending artist.

But third, no matter what happens, there can *never* be any cause for violence being used against the artist. The government *must* put behind bars anyone who browbeats an artist. Even stupid artists deserve to be protected.

Freedom Team of India

Let's be clear about this, though, that *no* existing major political party in India will step forward to defend our liberties. They are more interested in forcing socialism or Hindutva down our throat. A political platform focused on the defence of our freedoms is therefore desperately needed. The Freedom Team of India (<http://freedomteam.in/>) is working towards such a platform. Please join or otherwise support FTI. Become a Freedom Partner!

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¹ Reported in the *Washington Post*, June 28, 2006, [<http://www.washingtonpost.com/wp-dyn/content/article/2006/06/27/AR2006062701056.html>]

Also in *Freedom First*.

An interesting historical fact known perhaps to very few regarding M. A. Jinnah's Roots.

Here are some interesting facts on the Lohana roots of Mohammad Ali Jinnah the founding father of Pakistan:

He was the grandson of Premjibhai Thakkar (Gondal), who, to support his family, entered into the trading of fish within the coastal town of Veraval. His business, however, clashed with the strong moral ethics of the Lohanas and as a result he was ostracised from the community. He made enough money in this trade and attempted to rejoin the community. He also discontinued the fish business.

The Lohana leaders, in their wisdom, did not accept his request 'think about the course of history, if they did not have inflated egos and welcomed him back'.

Premjibhai's son Punjalal Thakkar (Jinnah's father) was enraged at his father's humiliation and reacted like any other Lohana - with equal and opposite force. He adopted the Muslim religion and changed the names of all his four sons. However, he continued to use his Gujarati nickname Zino (pronounced Jinno in old fashioned Gujarati) which means 'Skinny.'

Jinno's son - Mohammad Ali - changed his family name to Jinnah - the nickname of his converted father.

So, here is the fact. Gandiji who effectively gave birth to independent India (Bharat) and Jinnah, who is the father of Pakistan, are both sons of Saurashtra (old Kathiavad) ! Gujarat .

This is an edited article from *Gujarat Samachar* and just cleaqr facts are states.

From the Net. Contributed by Khorshed and Khurshed Randeria

It's All about the Price of Freedom

– Not About the Hike in the Price of Petroleum Products

Girdhar Patil

We are, most of us, confounded by the pace of economic change. Naturally it will take some time for us to adapt ourselves, as old habits take time to die. With familiar landmarks vanishing fast during the changeover, we are unprepared to face new circumstances & challenges. These changes also lead to a sense of insecurity. Before this economic change was upon us we were accustomed to address problems to an entity called the government. The government tried its best to resolve the issue. If it could not then it took shelter under the pretext that the problem was universal, hence insoluble and it was not a problem.

Actually because of globalization, government has been unable to do anything about the ups and downs in the economy. It is for the first time after independence that economic issues have taken precedence over politics. This makes it important for governments and the people to have a clear understanding of the issues involved. It is likely that the common man may not have this foresight, but our opposition parties too are ignorant.

Globalization, liberalization and privatization are policies that proceed in only one direction: From controls to deregulation; from, monopoly to competition and encourage people's participation. In other other words the dismantling of barriers to economic intercourse across borders. It is therefore inappropriate to link this process of deregulation to the present price hike. Ironical as it may sound this is a cost one has to pay for greater economic freedom. Prices rise but they will also fall. This is better than the state administering prices and recovering the cost of the subsidies from the tax payer. It is like the debtor who is fully aware that he is paying more to be freed from the clutches of having to pay interest forever.

The common man in our country is generally confused about liberalization which is praised by some for its benefits and criticized by some others as not beneficial to the common man. This makes him anxious about his own life and prospects. Addressing this anxiety is not so easy. Of the criticism that the benefits of liberalization not reaching the common man, we can

certainly blame the way we have adopted these policies and the manner in which these policies have been stymied knowingly or unknowingly. We are well aware of the debate of freedom versus social reforms (which has priority) during the freedom struggle. We now realize that social reforms are necessary to enjoy the benefits of freedom. The same thing has happened while adopting liberalization. We need to have a strong, sensible and efficient government at the Centre, to administer the process; we need to have a clean & transparent administration; a just & time-conscious judiciary supported by the firm enforcement of law & order; an economy not polluted by black money, spurious currency & various scams. These are necessary collaterals if we are to enjoy the benefits of liberalization.

The latest hike in the price of petroleum products (which led to the *bandh*) is multifaceted. The entire petroleum business production, sales, taxation is government-controlled. All refineries are under government control, their conversion cost is also not so transparent. We get various products like aviation fuel, petrol, LPG, diesel, kerosene, lubricants & tar from the distillation of crude oil. The government has levied various taxes on various products at various levels. At the same time government also claims it is subsidizing all products. For example the petrol we are purchasing at Rs.55 per liter costs Rs.27 to the government-owned oil company. At the same time it is very difficult for the common man to know the real price of today's petroleum product as there is a very wide time gap between the date of purchase & date of sale. So it will be deceptive to relate to today's purchase & sale price. It will be of interest to the reader to know that the hike was effected because of a rise in international prices of crude from \$ 32 per barrel to \$ 147 per barrel. All the Indian oil companies enjoy government support are monopolies and are not at all transparent in their transactions. Many queries remain unanswered in spite of details given by these companies.

Now there is a demand by those agitating against the price rise, for corrections in the taxation of petroleum products. It is not clear why Indian oil companies are

indifferent to the suggestion that the price of petrol can be reduced by 20% by adding ethanol, a biofuel which can be a boon to the Indian agro sector. Even though it is mandatory, these companies are not following the law! A country like Brazil uses 40% ethanol in the petrol it produces to make it less expensive. In my view they are ignoring the biofuel as this could be the first step towards deregulation which they oppose. All government companies (PSUs) use a variety of measures to ensure their monopoly including taxation & subsidy to shun the competition of the private sector eg. pumps run by Reliance, Essar & Shell who had to shut down because of such unhealthy tactics of the PSUs competition. This also means that avoiding deregulation gives a free hand to these consumer-unfriendly public sector companies one reason for the price hike.

Actually government was conscious of this unbearable burden. The mounting pressure from IMF &

WTO resulted in the abolition of fertilizer subsidies was the first step. Government well knew that there will not be any protest from the unorganized & weak agro sector. (At present nobody knows where these fertilizer subsidies have gone, because these days farmers have to purchase all fertilizers in the black market). The way the middle class comprising of neo-rich and the large army of government servants, beneficiaries of the 6th Pay Commission, are protesting this price hike, because they do not want the 70% of the poor Indians living in rural India to have the benefits of liberalization. Industry and Trade sector have welcomed this move towards deregulation. Because of the plural nature of Indian society, it is very difficult to suggest perfect political and economic solutions for the problems we are facing right now!

Dr Girdhar Patil.
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Deregulation: The Liberal Position

A press statement issued by the INDIAN LIBERAL GROUP, Nasik Chapter on the eve of the Bharat Bandh'

Opposition parties have declared a 'Bharat Bandh' on 5th July. By linking the issue of deregulation with the hike in petrol prices, the Bandh sponsors are misleading the common man. Deregulation is a vital of economic reforms and its long terms advantages will more than justify its adverse impact on prices in the short run.

The inflationary situation we are facing today is the result of years of the planned & state-controlled economy in the name of socialism. The dramatic growth witnessed in the last decade and more is proof of the advantages of liberalization or market economy which has replaced the sterile policy of state capitalism. However the manner in which the economic reforms are being implemented in India, has resulted in excluding the poor from its benefits.

The country has already accepted a liberal economic agenda along with various reforms to achieve higher economic and this need not be considered as the success or failure of any particular party. The final consideration should be the welfare of the people. Since our economy is accepting global parameters, we should not view it from any particular party's policy. On the other hand we should we view the current inflation as punishment for past

mistakes and the price for prosperity through freedom that we and the generations to come will enjoy.

Economic activities in this country are not limited to any party's populist predilections. To save our country from anarchy & statism, our economy has to be deregulate. We find it necessary to educate the common man to understand the reality and it is for this we are of the opinion that the Bandh is unwarranted.

Signatories: Dr. Shyam Ashtekar, Health Services; Sunil Bhandare, Economist; Ravi Devang, Shetkari Sanghatana; Badrinath Devkar, Shetkar Sanghatana; Amar Habib, Writer, Parisar Prakashan; Prof. Srinivas Hemade, educationist; Govind Joshi, merchant; Hiirambh Kulkarni, Educationist; Sureshchandra Mhatre, Editor, Shetkari Sanghatak; Rahul Mhaske, Industrialist; Milind Murugkar, Pragati Abhiyan; Ajit Narde, Agriculturist; Ram Nevle, Shetkari Sanghatana. Sanjay Panse, Chartered Accountant; Dr. Girdhar Patil, Convenor, Indian Liberal Group; S. V. Raju, Editor Freedom First, Meera Sanyal, National Convenor, INDIAN LIBERAL GROUP; Dinesh Sharma, Advocate; Lokesh Shevde, writer and industrial; Srikant Umrikar, Executive Editor, Shetkari Sanghatak.

Communists in Retreat

K. Vikram Rao

The impenetrable Wall of China in India has tottered like the Berlin wall.

The electoral disaster of the CPM-led Left Front in the West Bengal civic elections will have a direct impact on the Kerala state Assembly elections due in a few months. The Left Front in Thiruvananthapuram, though not as steady as its Bengal counterpart which remained glued to power for 33 long years, may go the Kolkata way. Any hope of repair of CPM's fortunes in Kerala were dashed last year when party boss Pinarayi Vijayan used TV and the print media under his ownership to damage the "genuine proletariat", that is V. S. Achutanandan, the chief minister. Some constituents of the Left Front, chiefly the Janata Dal (secular) has already quit Left Front. The civic poll results from the east coast have hoisted danger signals on the west coast. In Malayalam they say *Arabik kadayu* (throw into the sea). Kerala voters have learnt it from the Bengali urban voters.

In the Lok Sabha poll last year the rural village electorate did the same to the Marxists both in Bengal and Kerala. So now reverse a pre-independent era proverb: what Bengal does today, the rest of India (Kerala this time) does tomorrow. The Kerala coast was hit by tsunami some years ago. Currently tornado is sweeping the Arabian sea states of Gujarat and Goa; Kerala coast is only next door. Though the political tornado during the poll will need a new name. It may be more fierce than Liela.

There is a political irony worth mentioning here. The Left Front had been howling that Mamata Banerjee will get back with compound interest what she did by driving out Tata's Nano project. Exactly that very moment (Wednesday, afternoon, 2 June, 2010) when the Tatas were rolling out their first Nano car from Sanand factory in western India, the Singur areas in the east were rolling down the Marxists. Not a mere coincidence.

But don't forget that the Left Front is a party of ideas, ideology and also symbolism. It does business with purpose. For instance the renaming of the Harrington Street as Ho Chi Minh Sarani was symbolic: just to remind Uncle Sam that uncle Ho was the victor. Incidentally the Americans have their consular office in this street. History repeats itself daily here.

Mamata Banerjee's capture of the important Salt

Lake City civic body would have come as a shock to the Marxist patriarch Jyoti Basu who built it and died here.

To the Marxists in the Hindi belt the defeat of their party in West Bengal has come as a jolt. Whatever third alliance was conceived at Kolkata when Mulayam Singh Yadav and his *samajwadis* met here (Lucknow) last is now doomed. Mulayam Singh Yadav had even offered to replace the Trinmool Congress in the U.P.A. Not remaining behind were the C.P.M. polit bureau members seeking to revive their seductive charms on the U.P.A. leadership.

When Sitaram Yechury met Pranab Mukherjee twice a few hours before and after the civic poll results, investigative journalists did a geometrical report on it despite Yechury's dubbing the meetings as routine. "I met the Finance Minister, and not the Congress leader, he said." Only an ancient Hindu seer practicing the dwaita philosophy can understand Yechury.

Precisely for this very reason Hindi-speaking Marxists, who are more puritan than their comrades elsewhere, shuddered at the Yechury-Pranab rendezvous, fearing the revival of the 50-month long honeymoon during the previous Lok Sabha. For, in their analysis, this collaboration with "revisionists and class enemies" had damaged the Marxists who lost both the coastal citadels of Bengal and Kerala. The civic poll defeat, therefore, for the Hindi-speaking CPM members is an extended punishment.

Perhaps the Sonia-led Congress which traditionally follows the use and throw practice has immediately not shown any immediate predilection for the CPM; and certainly not till Mamata Banerjee proves that her current victory is a continuation of the last Lok Sabha trend and not just a transient phenomenon. The proof is that the UPA had first refused and later conceded the Trinamool Congress (TMC) demand for a CBI probe into the Gyaneshwari rail accident. It is no mere afterthought but a calculated move by the Sonia Congress to leash the Bengal tigress. For Sonia has already mounted the tigress.

MR. VIKRAM RAO is a veteran journalist who worked for *The Times of India* for many years. He is president of the Indian Federation of Working Journalists. k.vikramrao@gmail.com

Will Kyrgystan Make History In Central Asia?

Dr. R. G. Gidadhubli

It is highly creditable that the Interim Government of the Kyrgyz Republic in the Central Asian region headed by Roza Otunbaeva successfully held a promised Referendum on 27th June 2010 though the environment was extremely difficult. In fact there were divergent views expressed on the desirability of holding it. An International human rights organization criticized the timing of the referendum contending that hardly fifteen days earlier the country had suffered the worst form of violence in which about 2,000 people were killed or wounded and about four hundred thousand were displaced seeking shelter in areas bordering Uzbekistan.

On the other hand, the United Nations and the leaders of Russia and the USA were of the view that the Referendum would legitimize the claim of the Interim Government which had come to power in April 2010 after violent protests led to the ouster of former president Kurmanbek Bakiev who is in exile in Byelorussia. In fact the decision to hold the Referendum was taken much before the violence in April 2010 soon after the Interim Government assumed office. Roza Otunbaeva was determined to hold it even as the country was struggling to bring normalcy. The Government lifted the curfew and strong security arrangements were made for holding the Referendum, which was peaceful. In fact to prove her contention and determination she cast her vote in the city of Osh which was the epicenter of bloodshed. Thus Roza Otunbaeva has created history by being the first woman in the Central Asian region to head the government and by holding the referendum to establish her authority as a leader acceptable to the country.

There is high appreciation for the Referendum which was monitored by some 70 international observers and media personnel from several Western countries; Russia, and the former Soviet Republics and the Shanghai Cooperation Organization. The observer of the Organization of the Security and Cooperation of Europe (OSCE) opined that voting was 'fairly transparent'. About 70% of the voters from the northern region and around 50% from the southern region took part,

indicating wide participation in the Referendum and negating allegations of possible manipulation and falsification of election. The Interim government which is now called the 'Caretaker Government' has claimed legitimacy with the support of about 65% supporting it in the Referendum which was more than the minimum of 50.1% required by law.

The government is to draft a new Constitution which proposes to convert Kyrgyzstan from the present presidential form to a parliamentary republic in which the powers of the president will be drastically reduced. How far Roza Otunbaeva will succeed in this objective and



Kyrgyzstan is a part of Central Asia with which India has historical connections. Central Asia was part of the Silk Route between India and China in the ancient past and in the medieval period part of India was ruled by the Moghul Emperors starting from Babur who hailed from Central Asia. Both during the Soviet era and post Soviet period efforts have been made by the leaders of India and Central Asian States including Kyrgyzstan to strengthen friendship and multi-vector cooperation. A few hundred students are studying in the Universities in Central Asia and in turn India has been providing training to students from these countries in various fields including mass media.

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whether the proposed parliament to be formed by October 2010 and approve several constitutional changes, is still open to question. This is because there are 100 parties in this small country of 3.5 million with diverse ethnic groups and interests which are quite strong, but there are also differences among clans even within the same ethnic group of Kyrgyz between North and South. Thus getting the consent of parliament is a major challenge.

By holding the Referendum, Roza Otunbaeva has won only half the battle. The country faces several problems and challenges. Firstly, the threat of violence persists since several criminal elements including drug mafia groups which were active and initiated violence by arson and looting in the second week of June have not been eliminated. Ethnic differences between the majority Kyrgyz and the Uzbeks which led to the clashes persist even as the Interim Government has tried to reduce the animosity that triggered conflict.

Secondly, there are forces in the country which are not prepared to accept the verdict of the Referendum and might create a problem for the government. The ousted president Kurmanbek Bakiev and his family members including his son Maksim and his three brothers who were alleged to have financed and planned violence in the second week of June 2010 are hiding in exile in Byelorussia since April 2010. They might trigger violence again to prevent legal action being contemplated by the Interior government. There are allegations that they have amassed wealth illegally and would use their ill-gotten wealth to prevent the smooth functioning of the government so that they can recapture power.

Thirdly, the former Interior minister Omurbek Suranchiev who is heading the Afa Just Party and the former army head Miroslav Niyazov heading the El Armany Party have openly expressed their views against policies of the Interior government. Both of them are close to Bakiev and are from the same clan from south Kyrgyzstan and hence have common interests. Moreover, Niyazov apart from making allegation that there could be mass falsification of voting (as he has stated is traditional in the country), has even warned that the 'consequences could be unpredictable'. This is very serious and could mean the possibility of threat of repeated violence and even political agitations by his party. According to reports these former leaders could be having strong links with some sections of the security forces in the southern part of country which could be used as it was alleged during the violence in June. Thus money power and muscle power could be used to frustrate the programmes of the Caretaker Government'.

Fourthly, according to analysts fundamentalist

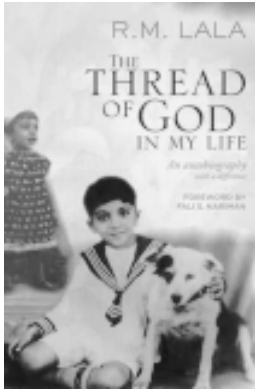
forces including the Islamic Movement of Uzbekistan were reported to be part of groups escalating violence and are active in Central Asia including the Ferghana Valley comprising part of Uzbekistan, south Kyrgyzstan and Tajikistan to destabilize the peace. The president of Kazakhstan, Nursultan has expressed his concern about the possibility of ethnic disturbances in Central Asia.

Fifthly, the Government has to face a major challenge of economic development, which will be quite formidable. Even before taking over the reigns of government, the Kyrgyz economy was experiencing crisis due to mounting external debt, high inflation, energy deficit, the decline in industrial and agricultural production, high rate of unemployment, widening economic disparities. The violence has worsened the economic situation since the new government needs huge resources not only for reviving economic development but also for the rehabilitation of lakhs of refugees who have returned to their hometowns. The economic damage caused by violence has been enormous.

The Kyrgyz government may get political and even economic support from many Western countries for major developments and changes being conceived by Roza Otunbaeva including transformation from presidential form of government to parliamentary system as they ensures greater democracy, freedom of press and freedom of expression in the country. This is a major political change in the region and this might not get much support from other Central Asian States where authoritarian regimes prevail with extraordinary powers with the president. Uzbek president Islam Karimov and the Kazakh president Nursultan Nazarbaev are holding their presidential position for the last two decades since the Soviet breakup. Hence there are bound to be reservation and even concern about the experiment of Kyrgyzstan regarding the success and efficiency of change in the form of government. Not surprisingly even Russian President Dmitry Medvedev has expressed doubts about the smooth functioning of this new model. The regional and global powers will be keenly watching whether the small Kyrgyz State will be able to overcome these problems and face the challenges successfully in this experiment and open a new chapter in the Central Asian region.

DR R. G. GIDADHUBLI, Professor and former Director, Center for Central Eurasian Studies, University of Mumbai, Mumbai.

BOOK REVIEWS



THE THREAD OF GOD IN MY LIFE. AN AUTOBIOGRAPHY by R. M. Lala ● Published by Penguin Viking ● 2009 ● 194 pages ● Rs.399

Reviewed by Mr. K. Vedamurthy, author and freelance journalist based in Chennai. Kved2001@yahoo.com

Easily one of the best reviews of this rare specimen of an autobiography is within the covers of this book itself! The reference is to the ten page

foreword contributed by no less a personage than Fali S. Nariman, than which this reviewer believes there can be no better review of this solid contribution to the Indo-Anglian literature of modern India. I remember R. M.Lala's first visit to me in Bangalore in 1966. My dear friend Rajmohan Gandhi had asked him to meet me. I was overwhelmed, because by then I had become an avid reader of 'Himmat' edited by him and admired him both for his strong convictions and the way he expressed them through his weekly columns. I had booked subscribers for the weekly then from among my friends in Bangalore.

Therefore, when the editor of *Freedom First* asked me to review this autobiography of R. M. Lala, I was both delighted and flattered, but once I finished reading it, I could not help feeling that its best review is already printed in the book itself! I am therefore content now to share with the esteemed readers some excerpts from this fine foreword by Fali Nariman which speaks for the book's excellence:

"It is easier to live a good life than to write one. Pushing eighty, R. M. Lala has succeeded in doing both: which is quite an achievement!" thus begins his Foreword.

"Unbelievers who pick up *The Thread of God* and read it through may not become believers when they put it down; they will certainly have less doubts about the existence of a Supreme Being" (This comment is in the context of R. M. Lala's confession in this absorbing account of his life that he was an honest atheist in the days of his adolescence and youth).

*

"Intense belief in some Supreme Being - howsoever remote - is the ultimate consolation for all our worldly woes.

*

"When you read the different chapters of this admirable memoir you will find that it is divided neatly into separate sections - 'The Early Years', 'Years of College', 'Journalism', 'Publishing and the U.K.', 'Return to India', 'The Creative Years - Book Writing', 'Philanthropy', 'Challenges to Health' and 'Blessings'- all contained in Part I. You will find here, composed in eloquent prose, a string of important events in the life of the author. In Part II, Russi writes about influences and thoughts that have helped shape his life - I find the chapter 'Learning Values' the most scintillating. In the concluding chapter —'Entering the Eighties'- (which, for personal reasons, I read more than once), Russi visualizes ageing as a time for discovery and for adaptation."

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"When he was past eighty- like Russi- Lord Hailsham of St.Marylebone (Lord High Chancellor of Great Britain from 1970 to1983) wrote a short book titled *Valuess - Collapse and Cure....* Hailsham ends his quest for values with the following wise words:

'For ever, truth is better than falsehood, kindness is better than brutality, virtue is better than vice, beauty is better than ugliness. But what exactly is truth, what falsehood, what exactly in a given context is true kindness, what is virtue and what is vice, are questions to which our hypotheses are never more than provisional, and always subject to revision as we plod our way through the wilderness of experience...There comes a point at which we are compelled to say, as we approach the throne of the ineffable, that words fail us. At that stage, we are compelled to say: 'that of which we cannot speak intelligently is something about which one is bound to keep silence'. But it is the silence of worship, not of ignorance."

Coming now to the Autobiography itself, R. M. Lala's brief account of his "Ten Years as *Himmat* Editor"(pages 51 to 58) is an exciting chapter of the recent history of Indian journalism. It deserves a separate publication as a small booklet to put budding journalists

in the English speaking world on the 'right track' in their adventurous career. Says he: "Rajaji remained a source of encouragement, and often quoted *Himmat*. He wrote once in *Swarajya*, '*Himmat* carries a wise head on its young shoulders.'....Rajmohan (Gandhi) was the chief editor, I was the managing editor as Rajmohan travelled a great deal *Himmat* was quoted in parliaments and tried to give a steer to world statesmen tackling difficult issues. Its circulation was modest in today's terms, but it went to sixty-five countries...Most of us were young enthusiasts who gave our services without charge. In keeping with our principles we often had to refuse advertising, which was readily available, for cigarettes

and liquor, even though the money was badly needed.

"In March 1975 I left for Europe. Three months later the Emergency was declared. *Himmat* was to attain its finest hour, but I can take no credit for it. Hands other than mine were to steer the paper and make it known the world over for its *himmat*" (Hindi for courage or guts)

That Russi Lala's earlier books have all been translated into many languages, including Japanese should come as no surprise to those who go through this fascinating story of his life and times. It is a 'must' for the libraries the world over.



RECOLONISATION - FOREIGN FUNDED NGOS IN SRI LANKA by Susantha Goonatilake ● Sage Publications, B 42, Panchsheel Enclave New Delhi 110017 ● 2006 ● Pages Price not mentioned to check.

Reviewed by Brig. S. C. Sharma (retd.) adviser to the telecom industry and a freelance writer. Email: brigsc@gmail.com

In Sri Lanka, penetration of political parties, academia and human rights institutions by foreign funded Non-Government Organizations [NGOs] started in the 1980s, almost parallel to the

growth of an authoritarian regime. It resulted in undermining local civic institutions. In the name of promoting human rights and democracy, they are advocating demobilization of armed forces and restructuring the State. The foreign funded NGOs control segments of media and civic life. Many obstacles were placed in the publication of this book and the author received threats of legal suits. He was suspended for a year without pay. A similar movement has emerged in India which has been documented in the book *India Under Siege* by former Intelligence Bureau [IB] officer Mr Ravindranath.

After the collapse of the USSR, aid from the Western countries was subject to market-centred approaches. The NGOs entered areas earlier handled by the State. The programme of the 1980s reduced public expenditure and through devaluation raised prices thus increasing poverty. Donors were encouraged to give aid direct to the NGOs on the assumption that they were more efficient than the Government. The number and funding of NGOs increased rapidly and in some countries, the State has been replaced by a parallel virtual State. The author has analyzed the working of Sarvodaya, an NGO, funded by foreign donors and the United Nations [UN]. It claims

to be the largest NGO in Asia. The movement began in 1958 with the visit of Dr Ariyaratne and a group of volunteers to village Kanatholuwa to help the Rodiya community who were treated as untouchables. The uplifting measures claimed by the NGO were in fact carried out by the Government.

The Sarvodaya movement in Sri Lanka pretends to draw inspiration from the Sarvodaya movement in India. There is a basic difference. The movement in India aimed at self-sufficiency at village level while the Sarvodaya in Sri Lanka depends on foreign aid. It has tried to falsify Sri Lanka's history by propagating that in the pre-colonial days the people enjoyed equality and justice. They have forgotten the caste and class differences and oppression by the rulers. Their exaggerated claims were essentially meant for the foreign donors. "The local elites have mastered the economic and political jargon which helps successful negotiations of these aid programmers." Due to adverse criticism by the public, a Presidential Commission of enquiry was appointed. It was discovered that there were 6000 NGOs in the country. Besides exaggerated claims, the enquiry revealed misuse of funds for private benefit. The book is silent about the absence or otherwise of legal action against the defaulters. Sarvodaya's budget for publicity was one-third of its entire production budget. The foreign donors formed aid consortium similar to the one giving aid to governments of developing countries. 98% of the societies formed by them collapsed soon after formation.

Sri Lanka was one of the key founders of the Non

Aligned Movement and acted as an intermediary between India and China in 1962. She was an important player in the non-Western world. Foreign policy has been privatized by the game played by the NGOs in the prevailing insurgency. In USA, the Logan Act prohibits private citizens from negotiating with foreign countries without authorization. The Act was passed in 1799. The author forgets that so far there has been only one indictment in 1803 of farmer Flournoy for advocating a separate nation in the west as an ally of France. The law authorities went no further than indictment. After a year this became a moot point as Louisiana was purchased by USA. It has been well brought out that [as in India] ethnic divisions were created by the British. Tamil sympathizers in India and foreign funded NGOs supported the cause of separatists in the name of human rights.

The case study of two NGOs, International Alert [IA] and National Peace Council [NPC] establishes their negative role. IA's activity lacked transparency and it advocated direct collaboration between international NGOs, thus privatizing national foreign policy. This NGO had been accused of diamond smuggling in Sierra Leone. It came under severe pressure due to its involvement with LTTE and had to quit Sri Lanka. Both these NGOs supported the theory of Tamil homeland and arranged overseas trips for members of parliament. The author does mention about the grievances of the Tamils due to discrimination in admissions to colleges and recruitment to Government services. Another NGO, Berghov, recommended that security forces of Sri Lanka be managed by international community and the State be restructured.

The major intrusion in Sri Lankan affairs on the ethnic issue has come from Britain and Norway. These countries themselves follow the policy of single language and an official religion but preach multilateral policy for Sri Lanka. Interestingly, Norway's Constitution lays down that citizens professing Evangelical-Lutheran religion must bring up their children in the same religion. The King and the majority of cabinet members must belong to this religion. Till 1994, Norway sterilized minorities like the Lapps.

Sri Lanka has enjoyed a strong intellectual tradition and Buddhism has undergone many reforms. Western authors attribute it to Protestant influence. The Western colonialists and the Catholic missionaries had deliberately obscured the social work by Buddhist monks. The rebellions against the colonial British rule in 1818, 1834 and 1848 were at least partially under the leadership of the monks. To ascribe any good work in the social sector to Western influence is similar to the work of European

authors on India. Lord Wolsley had commented about India that "Everything that is worth having has been derived from the British rule".

Sri Lanka faced two armed conflicts in the 1980s. In the North, the LTTE were fighting the State while in the South, the JVP rose in revolt against the Indo- Sri Lanka accord. They considered it to be an infringement on Sri Lankan sovereignty of Sri Lanka. The NGOs supported the Accord and provided the separatists an intellectual base for Tamil homeland. They invited foreign intervention to end the conflict. All this was done in the name of peace. Such moves by their own nationals has a negative impact on the people and the security forces. We have experienced similar events in India. The author emphasizes that the violence by the JVP was against the Accord and not against the Tamils. Violence was not confined merely to LTTE and JVP. Almost the entire political spectrum of Sri Lanka supported the multifaceted violence. The uprising spread to school children and university students. About 100,000 people died principally due to crackdown by the Government. President Jayewardene declared in Beliatla that the rebels should be crushed like animals. The entire leadership of JVP was rounded up and executed extra-judiciously. The butchery of Sinhalese Maoists by death squads came to light only after 1990 when detailed reports were published. Some journalists are suspected to have been killed by the State and it was alleged that the Indian Army bombed offices of two newspapers. Surprisingly, there is no mention about the assassination attempt on Rajiv Gandhi.

A number of local organizations took up the issue of human rights. The author's wife was national Joint Secretary of one such organization – the University Teachers for Human Rights. The Colombo District Citizens Council filed many a *habeas corpus* application for missing people. Monks and students also joined in the movement for human rights in spite of harassment and torture. He makes a bitter comment on the ruling class and the foreign funded NGOs – "Folly, greed and heartless insensitivity of an older age group of 'statesmen' and eminent political leaders in control of the destiny of the country and a stable of apologist writers and human rights lobbies have lost a generation of our children- the cream of the youth of Sri Lanka."

In the concluding chapter, the author gives details of the pre-colonial civic society. The monks participated in social work and decisions were taken not on majority but by consensus. Mr Moddie has made the same observation about India in his book, *The Failed Mahabharata*. President Jayewardene's authoritarian rule

suppressed the existing society. His pro-Western stance was well rewarded by abundant aid. The churches had no grass root base in the country. They have acquired a large base in the last two decades, when Buddhist organizations with any independent voice were being suppressed. It is no surprise that the monks who raised their voice against the colonial rule earlier opposed the church as well.

The author is a renowned scholar and has taught in a number of universities including Exeter, Sussex and Columbia. The book is the first study of the political economy of NGOs. We in India also need to examine the working of foreign aid to NGOs and the media.

The book is recommended for a similar study in India.

Pakistan DeservesNot a Civil Nuclear Deal (*Cont'd. from page 8*)

Rewarding Nuclear Proliferation

Pakistan is by now well-known as the leader of the global nuclear proliferation movement. Its nuclear programme was born in sin – I mean stealth from Sweden. The father of Pakistani Bomb, Dr. A. Q. Khan is the designated director of the underground nuclear flea market. He had supplied stolen nuclear technology to North Korea, Iran, and Libya, among others – all those who followed an anti-American policy. The Nuclear programme in Pakistan has been under tight military control since Zia-ul Haq's military coup in 1978. Hence, it is impossible without the knowledge of a military regime to transfer even a piece of spent fuel. Yet, another dictator, Musharraf in 2004 fixed sole responsibility for Khan's underground nuclear bazaar on him. Americans had accepted it. I had asked Clinton administration's non-proliferation expert – Robert Einhorn, as to how it was possible. His reply was since Pakistan was a friend in need it has to be tolerated!

Yet when Pakistan's Foreign Minister, Shah Mehmood Qureshi led a delegation on strategic dialogue that included Army Chief Kayani to Washington, Secretary of State Hillary Clinton, created an illusion of serious consideration for Pakistani request for a CND by publicly stating that Pakistan's "struggles are our struggles." Knowing Democrats concern for non-proliferation, Pakistan, however, had made a strong case on the ground of its energy needs and economic compulsions as well. Secretary of State also had referred to Pakistani's acute need for energy. Pakistan has a very strong lobby to push its case. Even when the Bush administration was

considering the CND for India, a pro-Pakistan scholar, Stephen Cohen, said: It should be an "initial step in a process of crafting a diplomacy that addresses...India's energy needs [but] America has such concerns in area that stretches from Israel to China...." Pakistan stood between Israel and China and it is this hope that has made pro-Pakistani lobby not to strongly oppose CND to India!

Now Pakistan's hopes of a CND have been put off for another lengthy of time – may be 10 or 15 years later with a friendly American advice to improve its non-proliferation regime. Everything in the nuclear arena has a long gestation period any way. India had publicly expressed its concern on the possibilities of US consideration of a CND. Now India needs to privately work on two more goals in the interest of regional peace: One, ask the US to hold the threat of placing Pakistan on the 'Terrorism Watch' so as to achieve the goal of creating a moderate Islamic society in Pakistan and in the light of the Times Square failed terrorist attack by an American of Pakistani origin this should be enough of a reason. Two, stop arming it through the American tax-payers' money. Let Pakistan buy its needs by paying hard currency it earns as is the case with India. That way US can contribute a great deal to improve India-Pakistan relations. 10 years later India might even support US extending a CND to Pakistan.

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Compulsory Reading for Our Legislators

"Reading the two volumes of *Munshi Papers: Indian Constitutional Documents*, published by Bharatiya Vidya Bhavan (whose founder Dr. K. M. Munshi was a leading member of the Constituent Assembly) is an invaluable education about what is undoubtedly the most decisive period in modern Indian history. One is simply overwhelmed by the sheer quality and intensity of the debate, and also the enormous erudition of most of the participants – besides Nehru and Munshi, Dr. Rajendra Prasad, who presided over the Assembly, Vallabhbhai Patel, Maulana Azad, Dr. B. R. Ambedkar, Dr. S. Radhakrishnan, Dr. Shyama Prasad Mookerjee, Sarojini Naidu, and others. One is also struck by how a lot of what they debated over six decades ago sounds relevant even today. Above all, one is pained by the sharp contrast in the standards of debate then and now. A crash course in the Constituent Assembly Debates must be made compulsory for our MPs and MLAs."

Excerpted from Mr. Sudheendra Kulkarni's column "Thinking Aloud: *The Sunday Express*, 27 June 2010

Freedom First

Freedom First speaks for the silent majority - the majority that wants to be left in peace to pursue its goal of improving its quality of life, but has been suffering in silence, the indignities heaped on it by insensitive governments who have abrogated to themselves the right to decide what is good for the people. In the process, the whole country has been turned into a cesspool of corruption. Public morality and character have reached an all-time low.

Freedom First affirms that much of the unrest and ferment in our society is a direct result of excessive State intervention in the day-to-day lives of our people. While the people's initiative has been stifled, the economy is in shambles. The Journal believes that while India needs a strong government that ensures the rule of law what India does not need is a meddlesome government – the system so far that has led to impoverishment, insecurity and instability.

Freedom First therefore stands for minimum government and maximum freedom, tempered by a sense of individual responsibility, in which the people's genius has a fair opportunity to develop and grow.

Freedom First rejects any ideology, movement or policy that sets one group of citizens against another, be it based on class, caste, religion or envy.

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The bogus Emergency of 1975-76 and the censorship that followed was not an overnight phenomenon. The seeds of censorship in independent India were sown first when the government was led by Jawaharlal Nehru. – Ed.

A Light Snuffed Out

Friends of freedom will grieve that the voice of *Vivek* has been silenced. Suddenly and without any explanation, the contributions of the country's undoubted leader among columnists have stopped appearing. We have it on good authority that *Vivek* was no party to this deed. The considerations by which the management were moved have not been made known.

Freedom First is informed that several readers of *The Times of India* wrote to the editor letters for publication asking for an explanation, but none of them have seen the light of day. Meanwhile Iqbal Singh and *Adib* are allowed with impunity to carry on their *agitprop* activities in the paper's columns.

Vivek is the second anti-totalitarian publicist to be victimised in recent weeks and the incident recalls the case of Mr. Prabhakar Padhye, formerly editor of *Navashakti*. Perhaps those who complain loudest about McCarthyism in distant America – about which all democrats feel strongly – would consider their attention nearer home to what looks like becoming a good imitation of the real thing in reverse in our own country?

Meanwhile, no better exhortation to writers and publicists to preserve their integrity in the face of such pressure can be found than the words of Mr.A.D.Gorwala in the *Statesman* of July 8: "The urge towards conformity, the pressure for turning all thought into the same mould, the resentment against *bona fide* criticism, more especially if valid and difficult to refute, is often strongly present. In these circumstances, on the publicist, speaker or writer, a grave responsibility rests. He must tell the truth as he sees it. It is not for him to endeavour to win the confidence of statesmen by altering the truth and suiting his words to the aims of their policy. Nor must he allow the power and influence of owners of great wealth and mighty institutions to affect his task, whatever the good or harm they can do him. His primary and only duty is to the people. Them he must serve, whether or not they sustain him."

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With Many Voices

When Napoleon's special envoy to England Fouchet, came to London and was received by the Prime

This month in August 1953

Minister, he said: "The Emperor wants peace." "No doubt", was Pitt's answer, "but what for?"

Free Press Bulletin, July 3, 1953

I am gravely concerned at the complacency of our statesmen and of our innumerable apostles of peace without strength or of peace at any price and their blindness to the perils to which our frontiers are exposed. The intentions of our neighbours are to be judged not by their hollow protestations but by their deeds within and without their own territories

Sir Padamji Ginwalla, *The Times of India*, June 27, 1953

Bertram D. Wolfe on Yusuf Meherally and Mahatma Gandhi

(excerpted from his article Meherally, Gandhi & The C.S.P.)

As Yusuf (Meherally) talked to me about Gandhi, I began to realize that there was a warm bond of affection and good-humoured intimacy that bound Yusuf to him in a relationship that was compounded of father and son, master and disciple, friend and friend, in unequal parts... Yusuf told me of Gandhi's reservations about the class struggle aspect of Yusuf's socialism, and the socialist habit of treating some classes as virtue incarnate and others as incarnate evil. The dogmatic violent amoral side of Yusuf's socialist creed had been tempered by Gandhi's philosophy. And Yusuf had his reservations on the "home-spun" aspects of Gandhi's economics. But these were superficial differences while in their hearts there was a tie of common moral principle, deep affection, and the warm bond that links a devoted disciple to a great teacher.

"...I became aware of the existence of Mahatma Gandhi, as the movement he headed, or rather inspired, began to dwarf and absorb all other independence efforts. But then as suddenly, in the early twenties, as Gandhi's movement seemed to be gaining irresistibly in numbers and power, I learned that he had called of the non-cooperation and resistance movement because he feared that it was getting out of hand. ..I formed the opinion that Gandhi had become a British puppet or a traitor to India's cause..."

"...But as the years passed .. I came to realize I had been wrong about him. He knew his people with a profound knowledge of their spirit, their weaknesses and their possibilities. His conception of resistance to evil included the evil latent in his own people..."