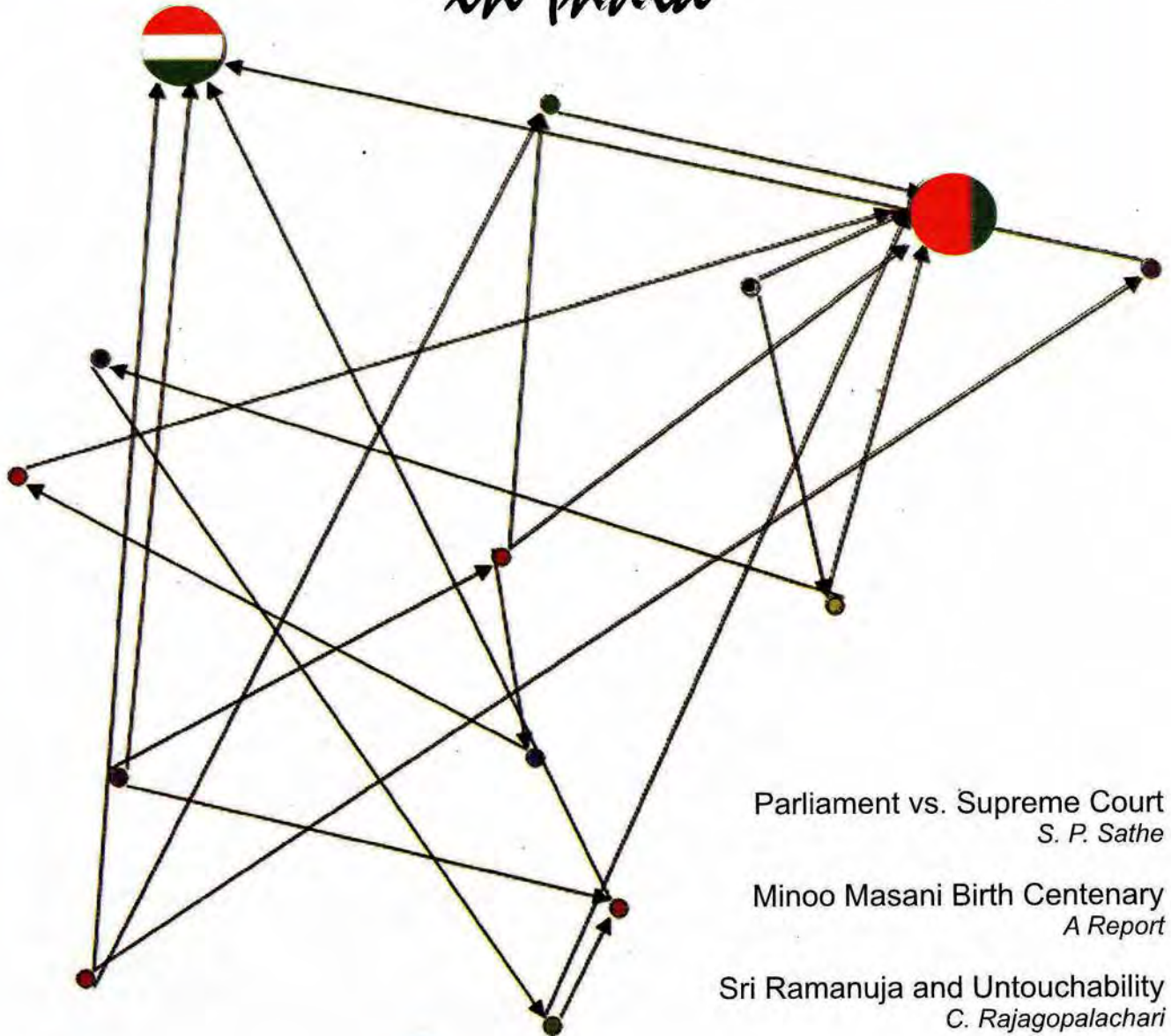


Freedom First

No.468, January-March 2006
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A Liberal Quarterly

Prospects for the Party System in India



Professor Satyaranjan Sathe - A Tribute

Upendra Baxi



Dr. Satyaranjan Purushottam Sathe, Honorary Director, The Institute of Advanced Legal Studies, Pune passed away after a brief illness on March 10.

"It is difficult for me to speak, in the past tense, of Satyaranjan Sathe, my teacher at the University of Bombay and a lifelong guide and friend. I shall miss him beyond words. His demise leaves an aching void in the world of law teaching and research as well as of social action through law.

"Satyaranjan enacted the preambulatory values of the Indian Constitution in teaching, writing, and public engagement. Always animated by the values of liberty and equality, Satyaranjan believed that their pursuit remained barren of future history unless fraternity and dignity of all also constituted an integral part of this agenda.

He remained singularly unkind to arrogance of power, and developed a citizen-empowering and human rights-friendly understanding of the law and constitution. He embodied the constitutionally mandated virtues: development of 'scientific temper,' the spirit of reform, respect for the 'composite culture of India,' and the 'pursuit of excellence' in all walks of life. A spirited defence of constitutional secularism was for him a way of celebrating these virtues; Satyaranjan transformed this discourse as a regime of constitutional discipline, and disrespect, for the corrupt Indian sovereign.

"No one in public life escaped his painstaking constitutional scrutiny, especially justices, even on the Supreme Court of India, who acted occasionally in utter disregard of their constitutional oath of office. But Satyaranjan extended to himself the virtues that he sought to impart to other public actors. I know of no public law scholar in India who has had the courage of conviction to acknowledge as erroneous, and fully revise, his earlier publicly stated positions.

It is unfortunate for India that when the entire constitutionalism stands now exposed to risks of erasure, we will have to learn to cope without his eminent voice and vision. Perhaps, not quite so as the remembrance of the meaning of the virtue of integrity in public and private life remains Satyaranjan's living legacy for all those who knew and worked with him and for those struggling ahead to preserve for the constitutional estate against all hyper-globalizing odds.

Dr. Upendra Baxi

Professor of Law, University of Warwick, Coventry U.K.

A distinguished Professor of Law, Dr. Sathe obtained his Masters from the University of Pune and a doctorate from the Northwestern University School of Law, Chicago Illinois. Starting his career as a Lecturer, in the faculty of Law, Banaras Hindu University, Dr. Sathe went on to hold the positions of Reader, Department of Law, University of Bombay, Pro-Vice-Chancellor University of Pune, Principal and Professor, ILS Law College, Pune which position he held for 15 years till his retirement.

Professor Sathe delivered numerous lectures on subjects ranging from Women and the Law to Judicial Activism an area in which he was deeply interested. Apart from numerous papers in academic journals, he authored a number of books. Among them were: Fundamental Rights and Amendment of the Indian

Constitution; Administrative Law; The Right to Know; Judicial Activism in India. His last book was on the recent enactment of the Right to Information Acts by the Centre and the various states. He was active almost till the end writing articles and books, lecturing from various platforms. He was an excellent speaker and communicator.

In response to our request Dr. Sathe wrote the article on Parliament *versus* the Supreme Court which appears on page 5 of this issue.

Freedom First mourns the passing away of a great scholar an outstanding human being and a good friend, and conveys its heartfelt sympathies to his family on their sad bereavement.

Freedom First

A Liberal Quarterly – 54th Year of Publication
No.468 January-March 2006

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BETWEEN OURSELVES ...

Coalitions have come to stay. Between 1947 and 1967 the political sway of the Congress over most parts of India other than Kerala, Tamil Nadu and West Bengal was so complete that political scientists described that period as the 'Era of One-party dominance'. It was also co-terminus with the larger than life presence of Pandit Jawaharlal Nehru. Stable governments then were the norm rather than the exception. With Pandit Nehru's passing in 1964 cracks began to appear in the Congress monolith initially at the state level following the 1967 general elections. It would be another ten years before the Congress monopoly on power was finally broken at the centre as well. Like the proverbial drowning man who bobs up two or three times before finally going down, the Congress lost in 1977, barely came back in 1979 and even managed an all time record of the highest majority it ever got under Nehru's grandson Rajiv Gandhi. Thereafter the slippage began. Many believed in the early years after freedom that if the Congress Party exited the political scene the result would be chaos. This fortunately did not happen in the administrative sense. India held together and democracy survived, provided one did not question too much the quality of its democracy.

Our democracy has acquired the desired level of flotation to keep its head above water. In other words we have learned to survive as a democracy. Now the question is, do our political parties have the desire and the will to provide good governance. This is really the issue. The experience so far has not been very encouraging. In 1998 when *Freedom First* discussed this matter those who wrote in their views showed optimism. The title itself "Stability in Diversity" (*FF* Jan-March No.436) was an eloquent indicator of their confidence that coalitions would work provided certain norms were observed. Just a year later this confidence began slipping, because the performance of the coalition partners was appalling. This time the cover feature was titled "Coping with Coalitions" (July-September No.442). The belief was that the coalition partners needed to know the techniques of making coalitions work. In this issue we are revisiting the subject of coalitions again. The title is more circumspect this time. Since political parties form coalitions the discussion is on the prospects of the party system itself. In the early days political scientists favoured a two party system. What has materialised is a two-coalitions system. Considering the size and diversity of our country this is perhaps inevitable. Do you agree? It's a subject worth debating.

The next issue of *FF* will deal with another area which too has taken a 360 degree turn – this time in the realm of foreign policy. The Soviet Union on which the Congress establishment relied heavily lost the cold war. We are now in a unipolar world. The winds of globalisation and liberalisation are changing the way we live. It is in this context we invite you to contribute your views on "India's Foreign Policy after Liberalisation". You can send your contribution by email at freedom@vsnl.com. You can also mail or fax your comments. **Deadline: Thursday April 20, 2006.**

Editor

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WITH MANY VOICES

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

Constitutions and communists do not go together.

Subroto Roy, *The Statesman*, January 22

People should stop dictating what culture is, what morals are. We are all grown ups.

Film actress Khushboo, *Mumbai Mirror*, February 5

Uncle Sam wants his wards to learn Hindi, so he can be seen as Uncle Shyam.

Chidananda Rajghatta, *The Times of India*, January 7

When Priya Dutt walked into the parliament wearing a pair of jeans and a kurta, it said a lot about what one can expect from Indian politicians in the next few years. GenNext politicians have arrived, and how.

Shaina NC, *Mumbai Mirror*, January 8

I don't care about what people think. I am aware that if you have to do anything for the public good, you have to open ourselves to ridicule and shame. It doesn't bother me.

Anti-Corruption crusader Anna Hazare, *Mumbai Mirror*, January 8

If I fight an election, I'll lose my deposit.

Anna Hazare, *Mumbai Mirror*, January 8

I am very troubled by the fact that bigger farmers are getting bigger and the smaller ones don't even know what their basic rights are.

Floriculturist Megha Borse, *The Indian Express*, January 6

(Venezuelan President) Chavez is not Castro, he is Peron with oil ... (Bolivian President) Evo Morales is not an indigenous Che, he is a skilful and irresponsible populist.

Jorge Castenada, *The Indian Express*, January 6

Russians celebrate the new year with a few firecrackers, a glass of sweet champagne, perhaps vodka and pickled herring. This year Vladimir Putin celebrated by switching off the flow of natural gas to Ukraine.

Anna Applebaum, *The Indian Express*, January 6

We are now used to it – ministers coming out of their tony offices and with at least two cell phones glued to their ears and a vast entourage of followers willing to cater to their every whim.

DNA, October 17, 2005

The RSS's celebrated celibacy is under threat. The real concern for them is that the sex lives of their 'celibate' *pracharak*s is being made public.

Sanjay Singh, *DNA*, January 9



Courtesy: National Review.

Minoo Masani Birth Centenary

– A Report

S. V. Raju



Remembering Minoo Masani

On his Birth Centenary Year:
November 20, 2004 - November 20, 2005

The Minoo Masani Birth Centenary year was a joint effort of the Indian Committee for Cultural Freedom, *Freedom First*, Freedom First Foundation, Rajaji Foundation, Adult Education Institute and the Indian Liberal Group.

We thank all those involved, in Mumbai and in other parts of the country particularly the Indian Peasants Union, Hyderabad, the Gokhale Institute of Public Affairs, Bangalore, and the Rajaji Institute of Public Affairs Chennai, for their cooperation in making the Minoo Masani Centenary year a memorable events

PROGRAMMES

Pune

A seminar held in the University of Pune's Shivaji Sabahgriha on November 29, 2004 marked the beginning of the Minoo Masani Birth Centenary Year. Organised by the Indian Liberal Group, the subject of the seminar was on "Accountability of Elected Representatives". The keynote address was delivered by Dr. S. P. Sathe, Honorary Director of the Institute of Advanced Legal Studies. Dr. R. M. Vora, Head of the Department of Politics was in the Chair. President of the Indian Liberal Group (ILG), Mr. S. V. Raju spoke on Minoo Masani as a "Role model for elected representatives". Prof. Suresh Shirodkar, President of the Kolhapur Chapter of the ILG delivered the introductory address and Mr. S. R. Kelkar ILG member from Pune proposed a vote of thanks. Professor S. V. Kogekar a highly regarded political scientist and former principal of Pune's Fergusson College, Professor P. R. Dubhashi former vice-chancellor of Goa University and Brigadier (Retd.) N. B. Grant were among those who participated in the discussions

That afternoon the Marathi and Hindi versions of the ILG's first Liberal Budget were released. Mr. Sunil Bhandare, Chairman of the Drafting Group of the Liberal Budget made a presentation. In the discussions that followed Dr. Ajit

Karnik, Head of the Department of Economics of the Mumbai University and Dr. C. S. Deshpande, Executive Director of the Maharashtra Economic Development Council clarified various aspects of the Liberal Budget.

Speaking to the press on why Pune was selected to kick off the Minoo Masani birth centenary celebrations, Mr. S. V. Raju said: "Pune is home to Gopal Krishna Gokhale a great Liberal and parliamentarian who is a source of inspiration to the ILG.

Chennai

Chennai was the venue of two public meetings organised by the ILG's Chennai Chapter to mark the Masani Birth Centenary Year. The first was a talk on 'Electoral Reforms' addressed by former Chief Election Commissioner Mr. T. S. Krishnamurthy. Mr. B. S. Raghav, IAS (Retd.) was in the Chair, in association with the Rajaji Institute of Public Affairs. The second was a meeting on the 'Administration of Criminal Justice' addressed by Mr. C. V. Narasimhan IPS (Retd.) with retired Justice Michael Saldanha of the Karnataka High Court in the chair.

Guntur

A public meeting in Guntur on 20 November 2005 was chaired

by Mr. M. Ramachandra Rao, President of the ILG's Guntur chapter. Dr. LSN Prasad, Secretary ILG-AP was the chief guest. Other speakers were Dr. C. Brahmachari, Mr. S. Brahma-mananda Reddy and Dr. Subba Reddy. The speakers eulogised Mr. Masani's leadership qualities.

Hyderabad

The Birth Centenary was observed in Hyderabad with a public meeting on September 14, 2005 at the prestigious Jubilee Hall. Mr. Soli Sorabjee the well known lawyer and former Attorney General Government of India addressed the packed gathering on "The Rise of Intolerance and Suppression of Dissent". Dr. Sivaji, former member of the Rajya Sabha and vice-president of the ILG was in the Chair. State Finance Minister Mr. K. Rosaiah, formerly of the Swatantra Party in the sixties addressed the meeting. The meeting was organised by the Indian Liberal Group, Andhra Pradesh Chapter in association with the Indian Peasants Institute.

Mumbai

A well-attended meeting at the Indian Merchant's Chamber saw Mr. D. N. Patodia, Swatantra member of the Fourth Lok Sabha, in the Chair. He was presiding over a meeting organised by the Indian Liberal Group in association with *Freedom*

First. The subject was "Our Constitution and our Future" delivered by former Disinvestment Minister Mr. Arun Shourie, MP. Mr. S.V. Raju welcomed the guests, Dr. Rene Klaff, Regional Director (South Asia) of the Friedrich Naumann Foundation was the other speaker. Dr. Y. Sivaji proposed a vote of thanks.

Bangalore

Mr. Soli Sorabjee addressed another well attended meeting on the theme "Rising Intolerance – Threat to Democracy" on December 29. This meeting was organised by the Bangalore Chapter of the Indian Liberal Group in association with the Gokhale Institute of Public Affairs,

Bangalore. Justice (Retd.) K. S. Puttaswamy, President of the ILG's Bangalore Chapter welcomed the guests introduced the speakers and Justice (Retd.) Mr. M. Rama Jois former Chief Justice of the Punjab and Haryana High Courts presided.

TRIBUTES

The following are extracted from speeches made at the Hyderabad meeting on September 14 (Mr. Sorabjee) and the rest at the Mumbai meeting on November 21.

Soli Sorabjee



Minoo Masani was a many splendoured personality. He occupied several important public positions both in India and abroad. He made effective contributions in the Lok Sabha and he was a disciplined Member of Parliament. He was a committed democrat and a Liberal to the core.

During the spurious emergency foisted on the country in June 1975, by the Congress Government headed by Mrs. Gandhi, *Freedom First* was one of the early casualties of the censorship imposed during the emergency by the Central Censorship Order dated 26th June 1975.

The Censors instructed *inter alia*: "Nothing is to be published that is likely to convey the impression of a protest or dis-approval of a government measure". Consequently anything that smacked of criticism of government measures or actions was almost invariably banned even if the criticism was sober and expressed in moderate terms.

During the emergency, intolerance was at its peak and dissent was out of the question. The Censor prohibited publication of 11 items in *Freedom First* by affixing the stamp 'Not for publication'. No reasons were given. The banned items had nothing to do with national security.

Minoo Masani, was not the one to take it lying down. He went to court; in fact he was the first to go to court. So on 17th of July 1975, Minoo Masani filed a writ petition in the High Court of Bombay, challenging the action of the censor.

The writ petition, came up for hearing before Justice R.P. Bhatt and he quashed the order of the Censor saying that all the items which had been banned were not objectionable at all and it was not within the power of the censor to ban them.

*

D. N. Patodia



Mr. Minoo Masani was indeed a great statesman, a brilliant parliamentarian, a true democrat and an uncompromising dissenter.

I had the privilege of working with him, in Parliament as well as outside Parliament and I felt very enriched by my association with him. He was indeed a remarkable person. I will give you three illustrations of my experience.

He was a profound teacher, a very hard taskmaster, believing in bringing and building young parliamentarians who could contribute effectively to the proceedings of Parliament. In 1967,

on the very first day of the Fourth Lok Sabha, a no confidence motion was moved by Mr. P. K. Deo, against the improper imposition of President's rule in Rajasthan. Usually, on such events, government accepts discussion for the next day. For some reason, Mr. Y. B. Chavan, who was then the Home Minister, agreed to a discussion of the Motion the same day and we were unprepared. Coming as I did from Rajasthan, Masani who was the Leader of the Opposition wanted me to speak. That was my first day in the Lok Sabha and to speak on a no confidence motion was too tall an order. I declined. But he insisted. In the intervening 45 minutes, he took me to the Parliament Library, taught me like a teacher all the nuances, all the principle issues, all the points that needed to be raised, how to start, how to speak, how to attack. By the time I came back with him, within 5 minutes, my name was called by the Speaker, Mr. N. Sanjiva Reddy; Masani sitting by my side encouraged me. I spoke for 30 minutes, I remember the time. And the speech came out well. I was applauded by the House. The Home Minister congratulated me in the lobby. I was thrilled. Those 45 minutes of his training and thereafter his continuous support and his continuous guidance charted the course as a parliamentarian for the next four years. I will never forget that experience.

cont'd.p.38

Parliament vs. Supreme Court

- Expulsion of Members of Parliament

S. P. Sathe



Professor S. P. Sathe
(27.03.1931-10.03.2006)

It is with a deep sense of loss that we report the demise of Professor Sathe on March 10, after a brief illness. This article was received from him in February. - Editor.

Our highly esteemed Speaker of the Lok Sabha, Somnath Chatterji has decided not to accept the notice of the Supreme Court in the matter of the expulsion of members of Parliament by the two Houses for having accepted money as consideration for asking questions. While I entirely agree with him that the Supreme Court has no jurisdiction to deal with this matter, it is in my view necessary to get such position accepted by the Supreme Court and laid down by it in the form of a ruling. This is the requirement of the rule of law. In my opinion the Attorney General or the Solicitor General should appear in the Court and state the correct legal position.

Article 105 (3) of the Constitution says that the powers, privileges and immunities of each House of Parliament and of the members and the committees of each House, shall be such as may from time to time be defined by Parliament by law, and, until so defined, shall be those of that House and of its members and committees immediately before the coming into force of section 15 of the Constitution (Forty-fourth Amendment) Act, 1978.

A similar provision regarding

the powers, privileges and immunities of the state legislatures is stated in article 194 (3). Before the Forty-fourth Amendment, the powers, privileges and immunities of the House and its members and committees were to be those which were possessed by the House of Commons and its members and committees in England on the day of the coming into force of the Constitution.

Does the House have the privilege to disqualify a member on the ground of her having acted improperly as adjudged by the House or its committee? If the House of Commons or its committee of had such a privilege, such a privilege inhered in the houses of Parliament and the state legislatures and their committees by virtue of Article 105(3) as it existed in the original Constitution. The Forty fourth amendment has not made any change in this position, though it says that the powers, privileges and immunities of the House of Parliament, its members and its committees would be those that were enjoyed by the House immediately before the coming into force of S.15 of the Forty fourth Amendment Act because the Houses of Parliament and state legislatures had the powers, privileges and immunities as those of the house of Commons in England on the date of the commencement of the Constitution.

The question that the Court will have to examine is whether the

House of Parliament enjoyed the privilege of expelling a member from the House for improper behaviour. immediately before the commencement of S.15 of the Constitution (Forty-fourth Amendment) Act, 1978. Since the powers, privileges and immunities of the House of Parliament before the commencement of S.15 of the Constitution (Forty-fourth Amendment Act) were those of the House of Commons in England at the time of the commencement of the Constitution of India, the court will have to examine whether the House of Commons in England had the power and privilege to expel a member for improper behavior. The next question would be whether the exercise of such power and privilege is subject to judicial review.

In *M.S.M. Sharma v. Srikrishna Sinha*¹, the Supreme Court held that where powers and privileges of the House of a legislature under article 194 (3) conflicted with the citizen's fundamental right of freedom of speech and expression, guaranteed by article 19 (1)(a), the latter must yield. The power, privileges and immunities of the House of Legislature were held to prevail over the citizen's fundamental right to freedom of speech and expression. In the dissenting judgment, Subba Rao J, (as he then was) gave the opposite opinion holding that the exercise of legislative privilege by Parliament had to be consistent with the citizen's fundamental right to freedom of speech, which included freedom of

the press. The majority's judgment clearly held that if Parliament made a law listing its powers, privileges and immunities, it would have to stand the test of article 13 (2) of the Constitution which says that the State shall not make any law which takes away or abridges the rights conferred by Part III (Fundamental Rights) and therefore its validity could be examined with reference to article 19(1)(a). But until Parliament enacted such a law, it would have the powers, privileges and immunities that were possessed by the House of Commons in England on the day of the commencement of the Constitution of India and the validity of the exercise of such powers, privileges and immunities could not be assailed as being violative of the fundamental right to freedom of speech and expression.

It is submitted that on law, Subba Rao J was right but on facts, the majority was right. In that case, the appellant had published some thing which the house had expunged from its proceedings. The appellant therefore could not have asserted her right to freedom of the press because she had no right to publish what was expunged by the Speaker. The majority view that powers, privileges and immunities of the House would be immune from judicial review as long as they were not codified by Parliament or a state legislature, encouraged Parliament as well as state legislatures against enacting a law codifying their powers, privileges and immunities. At times the legislatures have acted extremely arbitrarily in exercising their privileges and have shown intolerance towards criticism.

The question of legislative privileges came up once again before the Supreme Court in 1965 on a reference made by the President of India seeking its advisory opinion under article 143 of the Constitution. A crisis had erupted in U.P. where

the Legislature had passed a sentence of imprisonment against a person called Keshav Singh who had committed breach of its privilege. This person approached the High Court of Allahabad, which admitted his petition and granted him bail.

The Legislature thereupon issued notices against Keshav Singh, his lawyer and the two judges of the Allahabad High Court why action should not be taken against them for contempt of the House. Two judges to whom such notices were issued filed a writ petition before the High Court and the entire High Court barring those two judges quashed the resolution of the legislature. The Legislature thereupon was likely to proceed against the entire High Court. In order to avert a further conflict between the legislature and the court, the President referred the matter to the Supreme Court. The Supreme Court in *Re. Art 105 of the Constitution (Keshav Singh's case)*² dealt with this question comprehensively, though not satisfactorily. From Seervai's account of the whole untold story behind this litigation, one gets the impression that the Supreme Court which held in favour of the High Court by a majority of 5 against 1 had been pre-disposed in favour of the High Court³. It held that where an order of the House of the Legislature affected the fundamental right of a citizen, a court of law had the jurisdiction to entertain it and decide its legal validity. The Court, however, did not overrule the previous decision in *M.S.M. Sharma's case*, thereby allowing the law regarding the prevalence of the legislative privileges over the freedom of speech to continue. It was held that where a privilege of a legislature was exercised against a person that resulted in the denial of her fundamental right, such a person could approach the High Court under article 226 and the High Court

could grant remedy under that jurisdiction.

The Supreme court could have disposed off the case by holding that the issue of a contempt notice against the judges of the Allahabad High Court violated article 211 of the Constitution which provides that "no discussion shall take place in the Legislature of a state with respect to the conduct of any judge of the Supreme Court or of a High Court in the discharge of his duties". Similar provision prohibiting any discussion about the conduct of any judge of the Supreme Court or of a High Court in Parliament exists in article 121. Keshav Singh's insolent behaviour had taken place in the House and the House was clearly within its rights to punish him for contempt. This was certainly not a case where a person had been deprived of his personal liberty without the procedure established by law. Therefore there had not occurred any violation of a fundamental right given by article 21.

The majority's decision that exercise of a legislative privilege resulting in breach of a fundamental right would be subject to judicial review in my view cannot be faulted. Where, however, no breach of a fundamental right or any right other than those arising out of the membership of the House had occurred, the court would not have any jurisdiction. Exercise of powers, privileges by the House which it possessed by virtue of article 105(3) or 194(3) and which were those that the House of Commons in England possessed on the day of the commencement of the Indian Constitution is immune from judicial review. The British House of Commons had the privilege of committing a person for contempt by an unspeaking warrant."⁴

The majority's decision suffers from two contradictions. One

that since it did not overrule the majority decision in *M.S.M. Sharma*, the legislative privileges prevailed over the right to freedom of speech. Of all the fundamental rights, it was this right that needed protection against legislative intolerance. It was left unattended. Second contradiction was that the law laid down by it clearly went against the spirit of the Constitution. If independence of the judiciary is important, autonomy of the legislatures is no less important in democracy. Therefore the Constitution says in article 122 and 212 that the validity of any proceedings in the Parliament/ the Legislature of a State shall not be called in question on the ground of any alleged irregularity of procedure. The courts have imposed upon themselves similar restrictions. They will not issue a writ of *mandamus* to a legislature to pass or not to pass a law. They can hold a law invalid if it is contrary to any provision of the Constitution but they do not interfere with the proceedings while that law is being debated. It is only when the President seeks its opinion under article 143 that the Supreme Court may give opinion on a bill or a law in the making.⁵ By owning responsibility for reviewing the exercise of legislative privileges in respect of matters which happened within the House, the Court exceeded its powers and thereby abridged the autonomy of the legislature. How can a House keep discipline and conduct its proceedings if every action is going to be challenged in a court?

In both the above cases, it was an outsider, a non member, against whom a privilege had been exercised. In the case of the members of Parliament who have been disqualified for having sought money as a consideration for asking questions, the above two precedents do not apply. This is a case where the House of Parliament has by a resolution disqualified a member for

having behaved in an improper manner. This was done after a committee found those members guilty. The committee had heard the members. There had been no violation of the rules of natural justice in the proceedings of the committee. It was entirely within the domain of the Parliament and Parliament rightly acted firmly against such members. It must be accepted in toto because the disqualified member cannot complain of her fundamental right having been violated since she has no fundamental right to be a member of the House. This action of the Houses of Parliament is entirely a domestic affair and no court should

How can a House keep discipline and conduct its proceedings if every action is going to be challenged in a court?

intervene. The House of Commons in England has had an absolute privilege regarding its internal proceedings. and its actions in so far as they pertain to such internal matters are totally excluded from the jurisdiction of any court. Basically judicial review is exercised only to make sure that the subordinate bodies, courts or tribunals, act within their jurisdiction. If they act within their jurisdiction, they can decide rightly as well as wrongly. Judicial review is posited on this principle. Judicial review, unlike an appeal, does not go into the merits of the decision. It is restricted to ensuring that the subordinate body acts within its jurisdiction and according to the principles of natural justice.

Mr. Chatterji therefore must fight out this matter in the Court and obtain a ruling in favour of the autonomy of the Parliament. This is a golden opportunity to settle the law on this issue. The Supreme Court

may lay down the limits of the powers and privileges of the Legislatures while reconciling them with the important fundamental rights. For example, the Court could be invited to state the law on the conflict between the legislative privileges and the fundamental right to freedom of speech. Several cases in which newspaper columnists or editors have been hauled by legislatures for contempt have arisen out of intolerance and arrogance of the legislatures. This law like the law of contempt of court needs to be made more democratic. It may be noted that in the *Reference Case*⁶ mentioned earlier, Seervai, who had appeared for the U.P. legislative Assembly had submitted before the Court that the state assembly would not be bound by what the Court held and his appearance on their behalf should not be understood as the assembly's submission to the Court's jurisdiction.⁷ But that submission of Seervai was because the matter had been taken up under the advisory jurisdiction of the Supreme Court, the decision under which according to Seervai was not binding. Somnath Chatterji does not have that leeway since the matter before the Court is through regular petitions filed by the disqualified members of Parliament. Therefore it will be desirable if the matter is sorted out by obtaining a clear decision of the Court on the extent of the powers and privileges of Parliament under the Constitution.

¹ (1959) Supp. (1) SCR 80

² AIR 1965 SC 745

³ H.M. Seervai, *Constitutional Law of India*, Vol.2, p.2169 (4th ed. 2002)

⁴ Id. p.2174.

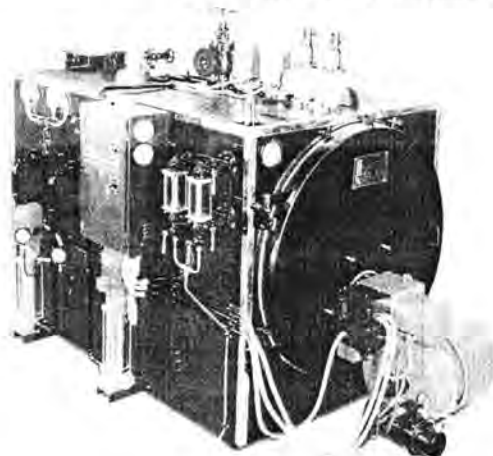
⁵ *In re Kerala Education Bill* AIR 1958 SC 956; *In re Art. 143, Constitution of India (Berubari Union)* AIR 1965 SC 745; *In re Special Courts Bill* AIR 1979 SC 478.

⁶ Supra n.2

⁷ supra n.3

PROFESSOR S. P. SATHE was Honorary Director, The Institute of Advanced Legal Studies, Pune and a highly regarded teacher of Law, and formerly Pro-Vice Chancellor, University of Pune.

We make Steam.



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Prospects for the Party System in India

The Party System in the Era of Coalition Politics

Amit Dholakia

The relevance and credibility of parties as vehicles of democracy must be restored.

Notwithstanding their several deficiencies and risks, political parties as mediating agencies between people and government are indispensable for the working of modern democracies. To achieve power, parties seek to aggregate and articulate socio-economic interests and direct them into the policy making process. It is a great success of our democratic system that India is probably the only post-colonial state to have provided the widest scope for numerous parties to develop and have free competition among themselves. Political parties in India have been largely determined by the traditions of the nationalist movement, social pluralism and the charisma of leaders.

From One-Party Dominance ...

The nature of the party system in India has altered significantly during the past two decades. The fabled 'Congress system' of one-party dominance that lasted at the Centre till 1989 seems a matter of the distant past in the current era of multiparty coalitions and fragmentation of the party system. Frequent party splits, mergers and defections further contribute to the fragmentation of the polity. The inherently authoritarian political culture of the previous decades flowing from the overwhelming majority of a single party and its charismatic leadership has given way to a more subdued and collective form of leadership.

The social and representational basis of the mainstream parties has shrunk so largely that there are no genuine national parties left now. Drawing their support from a few states or from some social segments, none of the parties recognized as national parties by the Election Commission are truly national in character. The Congress and the BJP, the two largest parties, are unable to secure more than thirty per cent votes on their own and form a single-party government.

... to a Multi-Party System

This multi-party system has emerged due to several factors. The political space created by the gradual erosion of the social and ideological base of the Congress party from the mid-1960s onwards has been filled by the other parties. The process of the formation of anti-

Congress alliances began at the state level after the 1967 elections. In a way, the dilution of the coalitional and umbrella character of the Congress party led to its own dissenting factions becoming independent and acquiring their separate party identities. The fragmentation of the party system was further accelerated due to the identity-based political mobilization by parties in the 1990s. Electoral successes of the mobilization of the Dalit and backward caste sections in the northern states as well as the Hindutva political consciousness aroused by the Ayodhya agitation, encouraged political parties to focus increasingly on identity issues rather than concerns of governance. There is, therefore, little surprise that the fragmentation of the party system in recent years has been accompanied by intensification of social and religious conflicts in the country. We are now in an era of dominance of ethnic or regional parties unabashedly asserting narrow and sectional interests.

Competing Alliances

Alliances of national parties with smaller and regional parties have become inevitable in this situation. Coalition politics, often seen in some of the countries of continental Europe like Italy, Belgium, Austria or Switzerland, has now become an inevitable part of India's political scene. The coalition system has got somewhat institutionalized in the form of two large, competing alliances, viz. the National Democratic Alliance (NDA) and the United Progressive Alliance (UPA) led by the BJP and the Congress respectively. Smaller and regional parties hold the balance in both these coalitions. Consequently, they use their clout to gain maximum advantage for themselves and their regions.

In a positive sense, such clout of the regional parties translates into demonstration of greater respect for the federal provisions of the Constitution by national parties. Even as members of different coalitions cooperate for political advantage, they also compete with each other for a greater share of the pie and expansion of their own political base. Rational and consistent policy making is the last thing one could expect amidst such machinations and blackmail that often plague coalition governments.

Unlike the leftist coalitions in Kerala and West Bengal, in which the entry of new members is allowed on the basis of some shared ideological norms, the NDA and the UPA are loose rather than rigid coalitions. In such loose coalitions, members are free to join and leave the alliance depending upon their interests. The doors of the coalition are kept open for this purpose. These alliances are formed and re-formed depending upon the classic political question – “who gets what, when and how.” All the partners in a coalition may not get satisfaction to the same extent with the outcomes and rewards, but they continue in the arrangement because what they get out of a coalition is much more than what they would have secured if they had gone alone. India’s coalition system has also seen a peculiar phenomenon of ‘outside support’ by parties – the Telugu Desam in the case of the last NDA government and the Left parties in the present UPA government. Such outside supporters share power without sharing responsibility and subject the ruling coalitions to instability and uncertainty.

End of Ideology?

Coalition politics has also brought flexibility, expediency and pragmatism in the working of the party system in India. We are in an era of idea-less, value-less and amoral politics in which ideology is on an irreversible retreat. The electoral support of any one party is not large enough to confirm popular mandate for a certain framework of governance and policy making. The task of government formation thus becomes one of working out the arithmetic of numbers of MPs rather than of evolving consensus on policy matters. Though the competing coalitions might be advertising themselves as dedicated to some normative principles like secularism, social justice or development to gain legitimacy, they have in fact very thin ideological or programmatic orientation to unify the partners. The espousal of such principles is merely a contrivance to cloak the temporary and tactical power-sharing arrangements among different parties. Parties are now less inhibited to share power with other parties that were their bitter political and ideological enemies till the other day. In fact, both the NDA as well as the UPA have ideologically incompatible parties as their partners.

Due to the failure of political parties to channel the real problems of the people, the people today are increasingly turning to civil society organizations and popular movements to articulate their expectations and demands. Civil society rather than political parties has become the foremost mode for strengthening and advancing democracy in the current era. However, such crisis of legitimacy of political parties can critically hurt the political system in the long run. The relevance and cred-

ibility of parties as vehicles of democracy must be restored.

For this, it is essential to enact comprehensive legislation to monitor political parties. This legislation can also cover a wide range of electoral and political reforms that help democratize the internal functioning of political parties and make them adhere to a commonly accepted code of political behaviour. Also, regulations relating to party funding and channeling of black money in elections, selection of candidates without corrupt or criminal background, campaign methods, limits to the use of caste, tribal or religious identities for electoral purposes etc. need to be institutionalized and implemented. A special arrangement like an ombudsman enjoying quasi-judicial status can be helpful in controlling unethical practices of political parties.

Parties also need to learn the tenets of the so-called “coalition *dharma*” and the art of sharing power without conflicts and clashes of their leaders’ egos. Intrigues and distrust that distinguish internal relationship of parties in present-day coalitions can be replaced by better harmonization among them and transparent norms of political conduct. The anomaly of extra-constitutional powers enjoyed by coalition coordination committees should be done away with. Besides, coalitions can evolve some ideo-logical compatibility and understanding among their members to make them durable and credible.

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Towards a Two Party System

The party system as it is working in India at present is not functioning for the common good. I am wondering whether it would be desirable or not to have the rational elements in both the parties to get together with a view to realizing India’s potential for growth and the common good.

What we require really is a centrist party - one party could be slightly leftist and the other party slightly rightist. There are such parties today in the developed countries in the world and they are functioning for the national welfare. What we require is a socialist-capitalist system which is neither wholly socialist nor wholly capitalist.

If we have such a national party formed of the rational elements mentioned above, then in due course we could have a two party system as envisaged. This requires serious debate whether this is desirable and if so how to achieve it.

Pratap Bhogilal
Mumbai

The Political Class and Development in India

A. Vaidyanathan

This article is an extract from the Fifth Dr. Ambirajan Memorial Lecture held in February 2006 in Chennai, organised by Public Expenditure Round Table (PERT) and Institute of Economic Education (IEE). We reproduce this lecture in two parts. This is the first part dealing with the political aspects of the subject. The second part – the role of politics in development will be published in the next issue. - Ed.

My reflections on the Political Class and Development in India are not based on any original research. They are based partly on reading the work of other scholars but for the most part are an attempt to articulate my present understanding of the ways in which politics and politicians have shaped or misshaped the course of the country's development. I recognize that politics operates over a much wider sphere but my focus is on its role in development.

There is a widespread public perception - reflected in the popular mass media - that politics is the bane of society; and that unbridled corruption, venality, cynical and manipulative use of power by politicians for private gain rather than the public good is the root cause of all that is wrong in society. Better informed observers of society also note and comment on the unsavory features of the way politics and politicians function. But they can hardly be the sole cause of the sad state of our polity. Instead of demonizing them, it is important to take a detached look at their role and functioning.

Politics and Politicians

To begin with we need to distinguish politics from politicians. Politics in its broad sense refers to the mediation, balancing and resolution of competing interests of different segments of society – regions, religions, castes, and classes – and conflicts arising from them. This is an important function essential for the orderly working of society. The mechanisms and processes by which this function is handled vary widely in form and complexity.

Politicians are persons who participate in the political process individually or through political formations. They perform an essential social function by articulating concerns and interests of citizens and interest groups and seek to influence state policies and their implementation directly (by gaining control over governance) or indirectly (by exerting pressure on those who control governance). They have however to function within a framework of rules and laws that define the mechanisms and procedures by which people can come to hold po-

litical office; the powers they can exercise and responsibilities they have to shoulder; and norms of justice, fairness and due process that they have to observe in making and implementing decisions.

In India this framework is defined by the Constitution. Its basic features – universal adult franchise, separation of powers between legislatures, executive and judiciary, and a federal structure of government – are too well known to need elaboration. It provides for an elabo-

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rate system of checks and balances - comprising a guaranteed set of fundamental rights to all citizens, a set of directive principles of state policy, and a variety of autonomous watchdog and regulatory authorities of which, besides the judiciary, the Election Commission, the Comptroller and Auditor General and the Public Service Commissions are the most important. It also leaves sufficient flexibility to interpret and adapt the provisions in the light of evolving experience and situations. The responsibility for exercising this adaptive flexibility is left to the judgment and wisdom of the constitutional functionaries.

A Resilient Polity

Taking a broad view, and keeping in mind the experience of other newly independent countries of the third world and even the functioning of constitutions in countries with a long democratic tradition, our struc-

ture has performed well in several respects: Free and fair elections have been held regularly with high voter turnout; the Judiciary, the Media and the civil society have intervened at critical junctures to check legislative and executive excesses; the polity has shown remarkable resilience to manage many difficult situations within its framework; the multi-party system has also played an important role in this respect by enabling regional and social diversity to find political expression and to check any tendencies for the emergence of authoritarian regimes; and the electorate's rejection of the Emergency in 1979 by a massive margin has shown that people will not tolerate any attempt to suspend democracy.

Politicians and the Constitution

However the manner in which the polity actually functions is hardly consistent with the spirit of the Constitution. There is legitimate concern over serious violations of the spirit of the Constitution reflected in stuffing of electoral rolls, booth capturing and buying of votes; increasing presence of corrupt persons and persons with dubious antecedents in different organs of the state; widespread and large scale corruption in public institutions; lack of accountability of government and its agencies for fair and efficient discharge of their functions; failure of watchdog institutions to be vigilant in monitoring the functioning of government agencies and taking effective action to correct wrongdoing and inability to contain and to resolve growing conflicts between regions, communities and classes. The situation in all these respects has been deteriorating.

These deficiencies are also manifest in the performance of governments in the economic sphere. Revenue collections have not kept pace with the growth of GDP due, in large measure, to laxity in assessment and col-

lection of revenues; they have been outstripped by uncontrolled growth of the revenue expenditure (salaries and benefits of staff, interest on public debt and explicit and implicit subsidies); public debt is soaring; public enterprises as a whole are deeply in the red; the public sector is unable to expand and improve basic social and economic infrastructure needed to sustain rapid economic growth; and effectiveness of public spending on development, social welfare and poverty alleviation is severely impaired by huge waste, corruption and inefficiency. This state of affairs is in many ways and to a large extent due to the commissions and omissions of the political class.

The Constitution leaves a great deal of room for the legislatures and the executive to decide eligibility criteria and devise independent institutions and transparent processes for appointments to the watchdog institutions, the bureaucracy and various public bodies. The political elite have systematically misused these powers to manipulate appointments to public office and to influence their functioning. Politicians in power, irrespective of party, are in a position to delay appointments, to get favourites and loyalists appointed or to prevent appointment of others who do not meet these criteria. They are also in a position to affect their functioning through allocation and release of funds to them, internal mechanisms within public institutions to maintain high standards of probity and integrity have become weaker. Under these conditions the interest of watchdog bodies and, more importantly, their ability to perform their constitutional functions with independence and objectivity have been seriously compromised.

The growing proliferation and ascendance of political parties and fragmentation of their political base by region, caste and community have progressively eroded the hold of national parties at the regional and eventually the national levels. The emergence of coalition governments has made politics more fluid and the prospects of gaining and retaining power more uncertain. The cumulative result has been to shorten the time horizons of the political class and be guided by expediency and survival rather than the pursuit of coherent long term vision. In the sphere of economic policy, this has led to competitive populism eroding the capacity of governments to provide basic amenities and infrastructure of a scale and quality needed to sustain rapid overall growth. Populism as a tactic to woo the support of one or the other interest groups is not unknown to democracies. India is no exception. But the political class - irrespective of their hues and ideology - has taken it far beyond reasonable limits by proliferation of poverty alleviation



Professor S. Ambirajan was highly respected for his wide and deep scholarship, dedication to teaching and active interest in public affairs. He had the rare ability to convey the essence of complex concepts and arguments clearly and in a lucid style. He attached great importance to education and its key role in social and economic transformation. He was concerned at the low and declining standards of education at

all levels and used to speak and write about it. His contributions in seminars and the media covered a wide range of contemporary socio-economic issues. They remain notable for clarity, insightfulness and a critical perspective.

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programmes with scant regard for their efficient management and indiscriminate expansion of subsidies.

Politics and Reforms

The declining importance of ideology in politics and the acquisition and retention of power becoming the primary motivation for political parties has further eroded their interest in and capacity to implement much needed reforms. Those who hold office in the state and central committees of their parties and those elected to parliament and state legislatures are the most influential. Regular and open elections to higher level party offices are rare. These and candidacy for elective offices are decided by the leader or higher level party organs on considerations of caste, family background, electoral record, personal loyalty, capacity to fight elections and mobilize resources for the party. Political and administrative experience at the district level that used to be important considerations in these appointments to these positions now seem to be much less important. One gets the impression that selections are more biased in favour of those who come from established political families, those who have ample resources, and 'strong men'. This restricts the opportunities for local party leaders to move to the higher tiers which tend to be controlled by a more restricted group. The upper tier group has got used to exercising considerable influence in administration and developmental activity at the local level and takes advantage of the opportunity for power, patronage and personal gain that it offers.

The Way Ahead

The deficiencies in governance and in the functioning of public systems and enterprises are due largely, though not wholly, to the attitudes and behaviour of the political class. The vested interests of the political class in the existing regime are far too entrenched and strong for it to take the initiative to introduce needed reforms. Growing pressure from the public and by watchdog in-

stitutions has forced it to pass legislation meant to restrict its capacity to manipulate the system with impunity and widen the domain from which the political class is drawn. The 73rd and 74th amendments to the Constitution, laws to curb corruption, hold public hearings on major projects and enable citizens to access information relating to the functioning of government and changes in electoral law are notable cases in point. But since the political class controls the legislative process, these laws provide far too many loopholes to be effective. In other cases - notably the 73rd and 74th amendments - implementation has been effectively stalled. There are other areas - especially electoral reform to check malpractices, prevent persons with criminal records from contesting and reduce the role of money power in elections - where much remains to be done. Stronger pressure is needed to ensure effective implementation of existing laws and legislative measures as well as strengthen the independence and integrity of watchdog institutions.

These pressures are getting wider and stronger: The grassroots clamour for devolution of authority with resources for local development to the elected Panchayats is growing. The increasing tension between local and upper tiers of politics is to be welcomed because it generates pressures for empowering elected panchayats. The Judiciary, the Vigilance Commission and the Election Commission are also getting more actively engaged in pushing for stricter codes and their enforcement in their respective domains. The Media too help generate pressure by exposures of corruption and misuse of power by politicians and the bureaucracy, and highlighting the ineffectiveness of watchdog institutions. The intelligentsia and civil society organisations need to take advantage of these trends to mobilize public opinion to reinforce and strengthen pressures for reform.

(to be concluded)

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The Rule of Law does not mean merely that representatives elected by the people have full power to make laws as advised and guided by the majority party's leaders and that the laws so made shall prevail over every other authority. The rule of law also means that the Supreme Judiciary installed under the Constitution is duly respected by the Executive as well as by parliament. Respect means not only acceptance. Acceptance for the purpose of framing new laws to circumvent the Supreme Judiciary's verdict is a mockery and an insult, not respect.

C. Rajagopalachari
Swarajya, May 2, 1964

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The Bane of Coalition Politics

Sharad Bailur

There was a time when a number of knowledgeable people amongst us spoke of coalitions in India as though it was the dawn of a new maturity in democratic politics in the country. At that time I had warned readers of *Freedom First* about the inadequacy of coalitions in a democracy in my article "Coalition Politics and the Need for Electoral Reform" (*Freedom First*, No.438, January-March 1998).

The article then appeared in this magazine as a "contrary" piece, apparently because the received wisdom at the time was that in coalitions, India had invented for itself a unique brand of consensual politics and that the age of one party rule was over. This was aimed at "diluting the grip of the Nehru-Gandhi Congress on the Indian political scene".

I am still not clear how senior journalists and constitutional experts are so blinded by their hatred of the Congress that the entire future of the nation is treated as piffle before the all important task of dispensing with the Nehru-Gandhis. I can understand such rabid hatred among the BJP. After all Jawaharlal Nehru did treat them with ill-concealed contempt. And they have long memories. But the rest of us liberals? And when this huge task, of ensuring what Dr. Manmohan Singh so facetiously calls, "not missing the bus", stares the country in the face?

As is clear, with the Congress having to face a situation similar to the one faced by the BJP earlier, the chickens have finally come home to roost. The Communists will continue to try their damndest to run the reform process into the ground. They must, for they have Big Brother across our northern border to answer to. The Lalus and the Paswans will try their damndest to ensure that the Congress cannot take on the Communists on its own because it goes against their own personal agendas. All this because of the aberration of minority parties capable of bringing down a minority government in a twisted verdict which makes the democratic exercise in India laughable.

In essence a mess of pottage exactly of the sort I had warned about.

A New Political Maturity?

What is it about coalitions that was supposed to be so good? It was said that such a vast and diverse nation is bound to have a large number of parties reflecting different interests. It reflected a new and growing political maturity among the electorate. As is clear the country continues to run. What then is the problem?

First the patronage: It is transparent, unnecessary and stupid. Illiterate masses are not expected to take correct decisions. They take voting decisions most often based on a bottle of local hooch and a sari. What prevents their wrong decisions from doing its worst in the mass is that they are all conflicting and therefore cancel themselves out. The voting pattern has

In a coalition the knives remain out among the partners and they are being perpetually sharpened. Coalitions in a democratic set-up can therefore only be the worst choice because they cannot ensure concerted action.

nothing to do with political maturity. It can only be the worst form of democracy. Unfortunately democracy, bad as we have it, is better than all the others

Besides, the wrong word often makes for wrong interpretations. The country does not continue to run. It continues to hobble, held back very efficiently by the inevitability of the conflicting interests being compelled to form governments in spite of being fragmented like so many pieces of a broken mirror.

The divisive nature of our religions, cultures, languages, castes and creeds, the general lack of education among the representatives whom we send to Parliament, the fact that we have encouraged this over the last fifty plus years and the sheer size of the country, effectively converts governance into an exercise of a very Indian form of elephantine drunkenness even if there is no coalition government at the centre.

Coalition politics efficiently ensures that the government is on the verge of passing out at any moment.

No decision on any matter can be taken. Conflicting political interests just do not permit it. When it is over something as straightforward as the airport privatisation issue we have a national crisis kept on the boil by the Communists.

Bankruptcy of Informed Opinion

Opinions about the goodness of coalitions come about because of our inability to understand the badness of human nature, and to make adequate provisions to prevent it from doing its worst. This is because it is much easier, more tempting and definitely more popular to tell ourselves what wonderful fellows we are. Hence the patronage about the "new maturity among the electorate". But then any idiot can pat himself on his back. And a lot of informed idiots can pat the mass of uninformed ones on theirs.

Coalitions result from a splintering of parties. The splintering of parties is not a sign of growing political maturity. It merely reflects the realisation among professional politicians that splintering helps them individually to gain their personal ends more than by being loyal to one large party. The splintering is therefore not on ideological lines. The ideology is much more single minded: Me and Mine.

Coalitions Cannot Do Harm?

There is another view: Coalition governments cannot do much harm. This is about as stupid as the assertion that MiG 21s are safe and do not fall out of the air. Fighter aircraft have to go up there and fight better than the planes sent by the enemy. The ability to remain safe in the air should be the least of its problems.

But is that all we want from a government? That it cannot do harm, when it is looking for a 10% annual growth path? When such a huge responsibility is put on it to look into the infrastructure muddle? When education is the prime need of the hour? When rural incomes have to be raised to a level where farmers can take part in the economic prosperity of the nation?

In a coalition the knives remain out among the partners and they are being perpetually sharpened. Coalitions in a democratic set-up can therefore only be the worst choice because they cannot ensure concerted action. They are an aberration in the democratic process – not a normal part of it.

We need governments that can lead the country out of the harm done already. The acceptance of and *post facto* admiration for coalition politics comes of a bankruptcy of ideas on how to restore the situation to a non-coalitional polity. It is not because coalition politics is itself worthy of admiration.

A change in the electoral system is needed. And yet keeping our major pillars of democracy standing is important. Pillars like universal adult suffrage, notwithstanding the opinion of Nani Palkhivala who suggested a suffrage of the educated. Since the emergence of a multiplicity of parties has contributed to the emergence of coalitions, it is here that reform should be aimed.

The election to the government should be made a two step process. In the first round all parties should be permitted to contest irrespective of whether they are almost atomic in size. In this manner nobody can say that their political rights have been denied, because if

A Genuine Two Party System



What would happen if the Communist Party came to power in Delhi? Where will there be the physical force to remove them ever from power? Once the communists get into power in a country at the Centre, that is the end of democracy, the end of all decent existence. We realise this and we want the people of India to have a choice not between the Congress and the Communists but between two democratic parties – the Congress Party and the Swatantra Party. That way no harm can come. If the people of India are tired of the Congress Party, let them vote for the Swatantra Party. If, after some years, the people of India get tired of the Swatantra Party, then – as Rajaji has said – you can throw them out and bring the Congress back. But the country will be safe. Democracy will survive because both parties are pledged to handing over power when they are defeated – something that the communist does not understand. That is why I say that, far from helping communism as some misguided people believe, the emergence of the Swatantra Party is the best guarantee against this country being taken over by communism.

Minoo Masani

From a speech delivered at a public meeting at the C. J. Hall, Bombay on 2nd August 1961, to commemorate the Second Anniversary of the Swatantra Party.

they do wish to form a party or contest the elections as independents, they can do so in the first round.

In the second round the two parties that have secured the two highest vote percentages would have the right to contest and put up their candidates against each other. The other parties would stand automatically disqualified. This will ensure that the Lok Sabha has the absolute majority of one party and the concerted opposition of the other. It will also discourage the purchasable independent and the formation of splinter parties. The bane of coalitions will have been routed.

This will require an amendment of the Representation of the People Act. Do we have a choice? In a recent article a report of which appeared in *The Times of India*, the Rashtriya Swayam Sevak Sangh has suggested that the BJP should offer the Congress outside support even as it keeps its identity distinct. It accepts the fact that the Congress of Manmohan Singh and Chidambaram has nothing in common with the socialistic Congress of Nehru and Indira Gandhi; that its economic policies are the same as the ones that the BJP was fostering during its term of office as part of the NDA.

It is here that the RSS suggestion comes into the picture. It is clear that such an amendment to the Representation of the People Act goes against the interests of every single party except the Congress and the BJP. Other parties will therefore oppose any move to amend it. But as suggested by the RSS, and by me in my earlier article, it would be an uncommon act of political wisdom for the BJP to join hands with the Congress to push through such an amendment to the Act to ensure their own futures.

This possibility is not as remote today as it was when I had first suggested it, or else the RSS would not have come up with something similar. Take recent de-

velopments as they have occurred. The Indian stance on the Iran nuclear issue in which India stood with the rest of the civilised world, including the Communists' Big Brother China, in voting against Iran, is being criticised by political parties of the left who are the Congress's partners in the ruling coalition. Oddly enough the main opposition party the Bharatiya Janata Party is significantly silent on the issue.

Since this has come about on the heels of the domestic spat about private participation in the modernisation of two of its largest airports which also the Left (its partners) was against, the Congress, which is the largest party in the ruling coalition stands in danger of having the rug pulled from under its feet. The question is will the largest party in the opposition stand by and watch its discomfiture or will it offer a hand and save the government?

After all one thing unites both the BJP and the Congress – the all-encompassing gravity of power. Just one move on the part of the BJP offering outside support to the Congress will lead to a collapse of all coalitions. Will the BJP put the country's interests before the interests of its individual members?

A further move by both parties to amend the Act will put a permanent quietus on this aberration of splinter parties and the bane of coalitions. After all in the best of its moods the BJP could not pretend that it was in love with its coalition partners either.

Once the amendment goes through and the new electoral process is set in motion the Congress and the BJP can go back to making their respective political noises at one another. But the 10% growth path will then have been assured.

MR. SHARAD BAILUR is a freelance journalist.

'Failures' as a Measure of 'Success'



It was the favourite saying of Tolstoy that the moment one believes that he has reached his ideals his further progress stops and his retrogression begins and the virtue of an ideal consists in that it recedes from us the nearer we go. To say, therefore, that Tolstoy on his own admission failed to reach his ideal does not detract a jot from his greatness, it only shows his humility. Constant development is the law of life, a man who always tries to maintain his dogmas in order to appear consistent drives himself into a false position. Tolstoy's so-called inconsistencies were a sign of his development and his passionate regard for truth... He was great even in his failures and his failures give a measure not of the futility of his ideals, but of his success.

Jayaprakash Narayan

Cited in Jayaprakash Narayan: *Prophet of People's Power*, by Sudhanshu Ranjan, National Book Trust, India.

Prospects for Two Party System in India

V. N. Torgal

The debate on the two party system for India began almost with the dawn of Independence itself. I and a few of my friends who were enthusiastic socialists in those days were discussing how, like in the U.K., socialist forces (democratic socialist forces) could grow into a kind of Labour party, and how the forces in the Congress led by Sardar Patel could grow into a Conservative party in India. Even after the total failure of the Socialist Party at the 1952 hustings, the idea did not die down. It was Asoka Mehta who first wrote seriously about the necessity for the growth of the two party system in India. I remember George Fernandes also wrote about the same, one party led by the democratic socialist forces and the other led by the communist forces in India.

No one at that point of time, even after the birth of the Jan Sangh, later renamed the Bharatiya Janata Party (BJP) considered it as an alternative to the Congress. It was so thought of only after the ignominious *Rath Yatra* by L. K. Advani (who is one of the accused in the Babri Masjid demolition case) that it came to be considered as an alternative. But today one cannot run away from the fact that the BJP does constitute a threat of growing into a Frankenstein devouring rationalism, scientific attitude, liberalism and above all the earnest desire of India to be a member of the Gandhian and Liberal forces of this earth.

Now to the theme of "prospects of a two party system in India". Apart from the harsh reality that such a prospect seems very bleak in the near future at least (except for a political miracle), let us pause a little to consider whether it is necessary for India to develop a two party system as in the USA, the UK, Australia, Japan and Sri Lanka etc. How has the two party system been beneficial to the people of these countries? I quote a joke here which is an apt commentary on the two party system of democracy. A correspondent in the USA asked a contender for presidency as to what the issues were in the ensuing contest. The reply of the contender was classic. He said, "Issues? No issues! That man is occupying the chair for the last five years. Now I want to occupy that chair". That almost sums up the debate or discussion on the prospects of the two party system in India.

Jokes apart, what really are the prospects for a two party system in India? At present, the prospects appear to be of the Congress forces and the BJP forces. But that, as I said earlier, will be a catastrophe! If that happens, sooner or later, the BJP forces shall devour the Congress forces which are fighting with their back to the wall for sheer existence. I include the *Janata Parivar* forces and also the forces of caste identities in the Congress forces though they go in the name of Socialist forces. I very much doubt if the Communist forces can escape the same fate!

As it is a multi party democracy with so much of regionalism and egoes and social conflicts, the country of such a big size and variety of pulls, a two party system of democracy is almost a wishful dream. Apart from its improbability and impracticability and impossibility, a two party system in India is not a desirable goal either, if India is to follow the decentralisation of power in its true Gandhian spirit. A vast country like India cannot be represented by two parties vying for power for power's sake and if by a miracle, a two party system grows in India, it will be nothing more and nothing less than the joke mentioned earlier.

When decentralisation of power is adopted in its proper spirit there will be no power centered politics. Dr. Lohia once talked of the "will to power". He meant power in politics is not for aggrandizement by personalities or groups but for resolving issues evolving out of democratic discussion and debate. A reference here to the Greek city states, of the Greek political philosopher Solon's dreams or to the village republics of ancient India may not be too far fetched.

All this may sound utopian, but a two party system of democracy had its innings in the 19th and 20th centuries. A multi party democracy with decentralisation of power which ensures "Freedom first" to the individual and to society is the need of the 21st century.

MR. V. N. TORGAL is a retired teacher, actively based in Gulbarga who was involved in the freedom struggle.

If is dangerous to be sincere unless you are also stupid.

George Bernard Shaw

Socialism and the Registration of Political Parties

Sharad Joshi

On August 25, 2005, Mr. Sharad Joshi, MP, leader of the Shetkari Sanghatana and the Swatantra Bharat Party moved a Private Member's Bill in the Rajya Sabha to amend the Representation of the People Act. The amendment sought to delete the word 'socialism' from sub-section 5 of Section 29A which deals with the registration of political parties by the Election Commission. This amendment was enacted in 1988 by the government headed by Rajiv Gandhi. - Ed.

It is one of the shortest Bills that must have ever come up for consideration before this House. If you omit the Preamble, Title, etc., the operative clause is only one line: viz. that in the Representation of the People Act, 1951, Sub-section 5 of Section 29(A), the word, 'socialism' be dropped.

Section 29(A) of the RPA deals with the registration of political parties, and this sub-section 5 of that Section 29A reads as follows.

"The application", that is, by the political parties/associations/bodies, "under sub-section 1 shall be accompanied by a copy of the memorandum or rules and regulations of the association or body, by whatever name called, and such memorandum or rules and regulations shall contain a specific provision that the association or body shall bear true faith and allegiance to the Constitution of India as by law established, and to the principles of socialism, secularism and democracy and would uphold the sovereignty, unity and integrity of India."

Now, as far as this clause is concerned, bearing of true faith and allegiance to the Constitution of India, as by law established, does not present any problem. We are all here because we share this faith.

Similarly, we all stand for the sovereignty, unity and integrity of India. Here too we face no problem. There is a problem, which came up later.

In 1951, when the people adopted the Constitution, the Preamble said *inter alia*:

"We, the people of India, having solemnly resolved to constitute India into a Sovereign, Democratic Republic and to secure to all its citizens:

Justice - social, economic and political;

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

Equality of status and of opportunity before law."

That is all that had been agreed to at that time when the Constitution was adopted. It was only in 1977 that under the extraordinary circumstances of the Emergency, an amendment was made to the Preamble of the Constitution by the 42nd (Amendment) Act, 1976, which came into effect on 3rd January 1977, that the three words, 'Socialist', 'Secular', 'Democratic' were added to the Preamble of the Constitution. At that time, no modification was made in the Representation of the People Act. What was the purpose of introducing the qualificative word 'socialist'? We have some indications about the intention in the Statement of Objectives of that 42nd Amendment Act - wherein it is clearly said that the addition of the word 'socialist' indicates incorporation of the philosophy of socialism in the Constitution which may enable the courts to lean more and more in favour of nationalization and State ownership of industry.

So, this was the purpose of introducing this word 'socialist' in the Preamble. Thereafter till 1976, nothing further happened. It was in 1988 that Section 29A (5) of the Representation of the People Act was amended to introduce the words, 'secular', 'democratic' and 'socialist' to the effect that any association or any group of people forming an association and wanting to be registered as a political party have got to have a Memorandum of Association or Constitution which not only unequivocally, pledges allegiance to the Constitution and integrity of India, but also declares that it subscribes to the tenets of socialism, secularism and democracy.

Now, subscribing to the tenet of democracy, and subscribing to the tenet of secularism should not pose any problem. However, there are some problems, which arise by the addition of the word 'socialist' and, therefore, my Bill demands that the word 'socialism' be deleted. The word 'secular' may remain, the word 'democratic' may remain, and only the word 'socialism' ought to be removed.

This is not an amendment to the Preamble of the

Constitution. There need be no apprehensions about this amendment being followed by others in days to come.

There may have been so many constitutional amendments, which have been introduced till date. The important thing in the Constitution of our type is that there will always be amendments that will be proposed, and, they will be accepted or rejected. This is a continuous process. Dr. Ambedkar, in one of his speeches quoted Jefferson to the effect that a Constitution does not mean a rule of the preceding generations over the following ones and that Constitutions will and should be amended whenever there is sufficient consensus in favour of doing so at any subsequent point of time after its initial adoption.

I would like to explain as to why I have come with an amendment for the deletion of the word 'socialism' to the Representation of the People Act. Let us presume that I have nothing against socialism; that I am not an anti-socialist. I would still have substantial reasons for demanding the deletion of the word socialism. I am proposing the omission of the word 'socialism' for one simple reason. It is said that every young man with a heart is supposed to be a socialist at one stage in life and, so was I, in fact, with a certain standing. It was only after visiting the USSR that I realized the importance of protecting my right to dissent and of protecting my right not to be a socialist, and, therefore, I started moving away from socialism, and, I am with every passing day increasingly convinced that it is very important that, while socialism may be perfectly good, may be a perfectly ideal school of thought, I must have the right to dissent; it is a principle that Voltaire declared with great clarity: 'I disapprove of what you say, but I will defend to the death your right to say it'.

Now, Sir, in my middle years I turned away from my job in the United Nations and became a farmer to obtain first-hand experience of why, the world over, farming is associated with penury and indebtedness. After being convinced that State policies in India were the prime cause of the misery of the Indian farmer, I formed an organization of farmers, farmer women and eventually an association of people which was certainly not socialist because in the farmers' movement we learnt that the farmers' misery was on account of the intervention by the State in agricultural commodity markets and realized the importance of economic freedom. I came to the conclusion that the search for Freedom needs to be extended to all classes of citizens including the peasantry. We therefore, formed an association that believed in minimum government, which is again a very com-

mon dictum. Eventually, we decided to form a political party emulating the glorious precedent of Chakravarty Rajgopalachari and Minoo Masani who had formed the Swatantra Party. When we applied for the registration of the new Party we got a reply from the Election Commission that we will have to have a clause in our Memorandum of Association that we subscribe *inter alia* to the tenet of socialism. As that would have been rank dishonesty, we did not want to do that, and, we were therefore refused registration.

Sir, the writ petition we filed seeking redressal of unfair treatment to non-socialists is still pending in the Mumbai High Court. It has been pending there for the last seven years and it has not come up for hearing even though two general elections have come and gone during the interval. Today, I am coming to this forum, the most important forum in the country, demanding that the word 'socialism' be removed.

Now, while I was refused registration, there was one party – it is in Maharashtra and everybody recognizes it as a crassly-communal party – that signed an affidavit saying that it adhered to the tenet of secularism, and the Election Commission gave that Party the registration, and an election symbol. The day after the election symbol was given, the supremo of that party, at a public meeting, said, "one has to play these tricks in order to get the election symbol. We are not secular and we stand for a particular religion."

But the Election Commission did not even take *suo moto* notice in order to cancel the registration of that party. In fact, it was I who approached the Election Commission, demanding that if the EC was not inclined to taking *suo moto* action, I was approaching it stating this is proof, this is evidence, and this an admission by that party that they are not secular, therefore, the Election Commission should withdraw that party's registration. The Election Commission refused to do that saying that once registration has been given and once the election symbol has been given, it can be withdrawn only by Parliament, and not by the Election Commission.

So, Sir, here we are in a situation where the law demands that you subscribe to a particular tenet or several tenets, but that if I make a false statement there is no remedial action. I know several leftist parties, revolutionary parties that have said that they believe in democracy. There are communal parties, which have said that they believe in secularism. Similarly, we were asked to say that we subscribe to socialism. This is something, which is all right for those with a pliable conscience.

If you are prepared to ignore your conscience for some time and make a false statement, you will get a registration that is irrevocable. The problem is for honest people who do not want to make a false statement. The stipulations of Section 29(A) 1(5) of the Representation of the People Act, 1951, as amended in 1988, create problems of conscience, which are circumvented by prevarication and falsehood by most political parties in the country. There is no provision for any verification of the truth; the Election Commission does not verify the truth of your stated belief – of the memoranda or regulations, nor is there any instance of registration being withdrawn from any party on the basis of proven falsehood of the provisions in the memorandum of association of that party. Now, that means, that that Section has become totally inoperative. It is only used according to convenience and all parties play the make believe game.

The second point that I would like to make, Sir, is that when there is a certain important condition upon which depends the political future of an association of persons or a school of thought, it should be very specific and clear and it should not suffer from the vice of vagueness. Sub-section 29(A) 1(5) of the Representation of the People Act suffers from the vice of vagueness in that, it compels an association to swear allegiance to the principle of socialism without any attempt to define or even indicate the meaning of the word socialism. The sub-section is, therefore, illegal and unconstitutional being arbitrary and, therefore, violative of Article 14 of the Constitution of India.

The term 'socialism' has not been defined either in the Constitution of India or in the Representation of the People Act. The requirement to declare allegiance to a tenet so shrouded in vagueness can serve no possible purpose.

If the provisions contained in the Constitution represent, in the view of the authors of the stipulation, the essential contents of socialism, the specific requirement of Section 29(A) – to swear allegiance to the tenet of socialism – is unnecessary since the oath of allegiance to the Constitution includes the oath of socialism. If it is not so there is an evident contradiction between the oath of allegiance to the Constitution and that of allegiance to the tenet of Socialism.

The term 'Socialism' has been applied to a large spectrum of theories over the last two centuries. I will only try to make a brief enumeration, which is certainly not exhaustive:

Saint Simonism based on compassion for the less fortunate and suffering fraternity;

Owenism, named after Robert Owen, as a serious attempt at organizing the weaker sections into economically viable units;

Fabianism with its mighty intellectual prestige provided by George Bernard Shaw, Sidney and Beatrice Webb;

Guild Socialism advocated by G.D.H. Cole; *Welfarism* providing a contrived and misplaced justification for equal distribution of wealth;

We have the European type of liberal, democratic, *Welfare Socialism*; we have the Keynesian model entrusting the responsibility of ensuring fuller levels of employment and investment to the State;

Various socialistic patterns adopted in the Third World countries after the Second World War that wanted to resort to some kind of planning, hoping that that would accelerate the process of development;

Then we have the Soviet type of *Bolshevik 'Scientific' Socialism* based on dialectical materialism, historical determinism, class conflict, theory of surplus value and aimed at industrialization, nationalization, planning and dictatorship of the proletariat; and,

Last but not the least, we have the whole rainbow of *Maoist, Che Guevarist, Castroist, 'socialisms' and the Radical Humanism* of M. N. Roy.

These are all various shades that have been reflected in the word 'socialism'. It provides only a part of the spectrum of the ideas that have been identified with the word 'socialism'.

By virtue of the vast expanse and the political and economic power of the erstwhile Soviet Union and the use of the word 'socialist' to describe the Soviet bloc countries, the word is now understood to mean, in popular parlance, a system associated with the Soviet model. Other schools of socialist thought are identified by the appendage of qualificatives like Democratic, Christian, Liberal, Gandhian etc. Even the BJP for some time had talked of Gandhian Socialism.

The term 'socialism' used without a qualificative word is interpreted to refer to the system of thought propagated by Marx, Engels and supplemented by lesser 'prophets' like Lenin and Stalin. The Concise Oxford Dictionary defines the word 'socialism' as a 'political and economic theory of social organization which advocates that community as a whole should own and

control the means of production, distribution and exchange; a policy or practice based on this theory.'

Now, which particular meaning we have given to the word, is not clarified either in the Constitution or in the Representation of the People Act. Therefore, there is the question of whether all these or any of these definitions of socialism go with our Constitution at all or whether there is a contradiction between the allegiance to the Constitution and allegiance to the tenet of socialism.

It is quite clear that the word 'socialism' in its unmixed form means much more or much less than a system based on Justice, Liberty, Equality and Fraternity that is envisaged in the Constitution of India. It, therefore, follows that the oath of allegiance to both the Constitution of India and to 'socialism' are, in good part, mutually contradictory.

Certain traits of mainstream theory of socialism are clearly opposed if not repugnant to the basic principles and structure of the Constitution of India; for example, class-contradiction, atheism, and dictatorship of the proletariat are certainly contradictory to the basic structure of the Indian Constitution.

An argument may be made that the term 'socialism' is so vague that no individual should have any difficulty in adhering to it or should feel any need to dissociate himself from it. The obvious corollary is that the declaration of allegiance to the principle of socialism means nothing or anything and is, therefore, unnecessary.

Further, this argument is far from valid. The essential ingredient of all brands of socialism is the notion of the paramountcy of society over an individual, of social decision-making over individual behaviour. This concept of paramountcy of the collective, stands in ruins today. It is now accepted quasi-universally that while the market is not a good thing, mankind has not invented anything better; that the market mechanism is the best mechanism for arriving at optimal decisions for society as a whole; that holistic decision-making is a masquerade for a few individuals hijacking the system to their advantage; that individuals are unique and hence, unequal; that individuals pursuing fulfillment of their unique personality interact amongst each other to produce the most desirable results and that there are no masters, neither spiritual nor economic, with superior lights.

Further this provision in the Constitution or requirement that we should swear adherence to the tenet of socialism is in a certain way contrary to the Constitution. It really is in conflict with the Constitution. Section 29A of the Representation of the People Act compels a political party to bear allegiance to the principles of socialism, as a precondition to its applying for registration as a political party. It is *ultra vires* of Article 19(1)(a) and (c) of the Constitution of India which gives freedom of expression and thought. The said section has the effect of hindering and inhibiting the formation of a political party with full advantages of registration and its functioning in the political arena of the country unless it conforms to a certain point of view. The said provision is not saved even by sub-clause (2) and (4) of Article 19 of the Constitution of India, in that it has no bearing on the sovereignty and integrity of India or on public order. If, for example, the question of sovereignty and integrity of India was concerned, we could consider it as an exception, but there is nothing like that involved here. If the dispositions of the Constitution of India are not entirely socialistic, but are a little less or a little more, there would arise a contradiction between the declaration of allegiance to the Constitution and adherence to the principle of socialism.

I would now argue that this provision is also anachronistic, outdated and has no particular *raison d'être* in the present times. As demonstrated above, the concept of the paramountcy of the collective stands in ruins. The historic fall of the Soviet Union has put a question mark on all notions associated with socialism. Socialistic economics have been found to be bad, not only in theory but also in practice. In most countries of the world, socialist systems are collapsing under the weight of their own non-viability. Even the Government of India admitted in 1991, when our present Prime Minister was then the Minister for Finance, the errors of its socialist past and professed to be pursuing the path of market-oriented economies. It makes little sense in this era to deny the non-socialists the possibility of organizing themselves as a party in order to be able to contest political elections with a view to confront effectively socialism's basic worldview of economics, sociology and politics.

Now, there is a very strange thing. The Third Schedule to the Constitution of India, which contains the texts of oaths to be taken by candidates to the election of Lok Sabha and of the State Legislatures, has not been modified. Even though the Representation of the

People Act was modified, the Third Schedule to the Constitution was not modified, with the result that the oath to be taken by individual members remains the same, it does not require swearing by socialism, democracy or secularism. The texts of oaths required to be taken by individual candidates continue to be limited to swearing true faith and allegiance to the Constitution of India, as by law established, without any reference to the principle of socialism. Allegiance to socialism is insisted upon only in the case of associations of persons, wishing to be registered as a political party! The provisions of the Representation of the People Act, which deal with qualification and disqualification for membership of Legislature, do not impose any such pre-condition, nor do the provisions which lay down the requirements of a valid nomination. The effect of the relevant provisions of the People's Representation Act are that whereas individual candidates, that is, those not set up by a registered political party, may contest elections, without having to declare any allegiance to the principles of socialism, parties which seek registration for the same purpose are required to do so. For the purpose of the Representation of the People Act, namely to confer and regulate the right to contest elections, there is no intelligible difference between political parties and individual candidates. Section 29(A) that requires only political parties to bear allegiance to the principles of socialism, is wholly discriminatory and void, being in violation of article 14 of the Constitution of India.

As far as the area of operation of the Representation of the People Act goes, there is no valid difference between individuals contesting elections and parties doing so. This constitutes an unreasonable and unjustified denial of the advantages of registration as an association only because the said individuals are non-socialists. The restriction which section 29(A) of the Representation of the People Act, 1951 imposes on political parties, nullifies the very essential and basic feature of the Constitution of India, namely democracy and the fundamental right to freedom of association and of thought and expression. As I mentioned earlier, I am only being very modest and asking for the right to live. But the very curious thing is that we are making the most dominant schools of economics and sociology in the world today not acceptable, not viable and politically not admissible in India.

The final point that I would like to make, Sir, is that you have put the word "socialist" where this word did not exist. In 1976, you made a change. But as Jefferson said that a Constitution is not a dead document. It does

not mean that old generations will dominate the generations to come. Every new generation in the light of the situation then prevailing has a right to modify the Constitution. Now, if you want to modify the Constitution, there is only one legal and constitutional way of doing it, and that is through legislation. Now, if entering into the Legislature itself is barred to certain schools of thought, that amounts to the denial of fundamental right to have the Constitution amended.

The right to amend the Constitution so as not to change its basic structure having been upheld and socialism not being part of the basic structure of the Constitution, the restriction imposed by section 29(A) of the Representation of the People Act has the effect of virtually denying the right to attempt an amendment of the political philosophy of the Government in 1976 as reflected in the Constitution of India, the year the Preamble was amended.

My amendment is not to amend the Preamble – remember that it is important – but to the incorporating of the word "socialism". The Constitution contains many dispositions not all of which need to be uniformly acceptable to any given individual or association of individuals. What is essential is that a citizen should have the possibility to act and must have the right and the possibility to canvass by constitutional means, for changing the dispositions of the Constitution in accordance with his inclinations howsoever unreasonable they may look to others at a given point of time. Section 29(A) of the Representation of the People Act prevents committed and sincere non-socialists from agitating as an organized force in favour of getting the Constitution modified in their favour by entering the State Legislative Assemblies as also Parliament. It is not enough that only one member enters. You have to enter in sufficiently large numbers.

Thus, without going into the question of the precise definition of the term "Socialism", the right of a non-socialist citizen to hold his personal views and be entitled to all the privileges enjoyed by his socialist fellow-citizens, cannot be denied. In particular, his access to the legislative body as an individual and as a party cannot be hindered by denying him the privileges of registration as a political party.

From Mr. Sharad Joshi's speech in the Rajya Sabha on 9th December 2005.

**“MANY TAKE THE FREEDOM
AS A POWER TO BOSS OVER OTHERS”**



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Revive the Swatantra Party

Jaithirth Rao

Clearly we need an unambiguous platform that calls for a minimalist non-predatory state, a platform that recognises that but for Avadi, we would today be as rich as Korea or Malaysia.

The Berlin wall fell sixteen years ago. Free market communism of the Deng variety has been in place in China with vim and gusto for about two decades. Latvia and Lithuania, parts of the erstwhile Soviet socialist paradise, have the lowest tax rates in the world! India, unfortunately, remains one of the last citadels of confused statism or shall we say statist confusion.

There has been no *khullam-khulla* acceptance that socialism, or for that matter the socialistic pattern of society, the public sector from its commanding heights or lows, the "navaratnas" and their kin, counter-productive price controls pandering to middle class appetites for diesel and LPG and so on are, in fact, the principal reasons why we remain a poor country. We seem to believe that we will muddle through in a state of schizophrenia where we embrace market-friendly moves on Monday and revert to the socialist womb on Tuesday gifting high interest rates to the labour aristocracy and going round and round in endless hair-splitting about twenty-six or fifty-one per cent of phantoms of the Indic mind.

Clearly we need an unambiguous platform that calls for a minimalist non-predatory state, a platform that recognises that but for Avadi, we would today be as rich as Korea or Malaysia. We would not have bare-foot children begging in the horror-stricken moonscapes of contemporary urban India. We would not have two hundred million citizens, or shall we correctly call them "subjects" of our socialist state, going to bed hungry each night.

We have no money for a well-paid police force or a well-staffed court system or for well-paved roads or for working schools or for employment for the rural poor giving them wages, mind you, not doles! We have plenty of money for Ministries of Steel, Fertilisers, Coal, Chemicals, Petroleum, Civil Aviation and Banking with dozens of ministers, scores of secretaries, hundreds of joint secretaries and thousands of deputy secretaries. We never have shortage of funds for growing malignant government cells, but are always short of money for pursuing the proper ends of government.

Chinese communists have no problems with flexible labour policies in SEZs. Our stalwarts of Alimuddin Street have to be more catholic than the pope. They oppose in India what they approve of in China. One wonders if they are being paid and guided by Chinese capitalists with the diabolical purpose of keeping India uncompetitive and backward!

Can the BJP be the right of centre progressive political party we desperately need in this country? The prognosis is not too sanguine. When they headed the NDA government, only at the fag end of its term did

Has Swatantra A Future?

There are people who think that the Swatantra Party has no future and cannot hope to influence the course of developments in this country. I feel that they take a very short-term view. Public opinion is changeable and even fickle. History teaches us that, if on the one hand, the high and mighty are toppled from their seats into the abyss of disgrace overnight, on the other hand those who bide their time and prepare for the day often find that their opportunity comes. Since I believe that the principles of the Swatantra Party are not only sound but that, unless the country turns to them, there is no hope for the future of India. I am convinced the Swatantra Party has a role to play. Indeed, if the principles of the Swatantra Party have no future, it would mean that India has no future worth talking about either.

But, then, what is that role? Is it to join with others in groupings in this state or that in an effort to get into office? Or is it, whether by hook or by crook, to win the next elections? My own answer is that for us to join in efforts such as those recently started by Mr. Biju Patnaik is counter-productive. It is not to discredited politicians of that kind or to any combination of them that the people are going to turn in order to replace Mrs. Indira Gandhi and those in power in Delhi today. The people have had their fill of the old type of politician and, if that is the only choice, they will prefer the old dictum: "Better the devil you know than the devil you don't".

Minoo Masani delivering the
Inaugural Address of the Swatantra Party's Sixth
National Convention in Chennai, April 14, 1973

they start to move on privatisation. They reversed the sensible policy inherited from their Janata predecessor and reverted to government tinkering with prices of petroleum products. They indulged in statist patronage in silly matters like licensing petrol pumps. Their sister organisation, the *Swadeshi Jagran Manch*, aired shrill diatribes against free trade. Once out of power, they have opposed platforms for free trade and VAT reform which they had themselves initiated. Their commitment to free markets seems to lack sincerity.

The Congress under Rajiv Gandhi had a touch of modernism and when faced with a BOP crisis, Narasimha Rao turned out to be a pleasant surprise. I remember Manmohan Singh's first budget where he quoted an Urdu poem offering to sacrifice his head, but not budge from his market-friendly plans. It was exhilarating. We all know that radical reforms make an impact only after some lags. We are today reaping the benefits of the reforms of fifteen years ago. But the Congress party seems to be shifting back to weak-kneed socialism. It is as if the embrace of reforms was entirely under duress, not a matter of conviction. Keeping Luddite coalition partners happy seems to take precedence over economic sanity. The intellectual descendants of Avadi, they who would have collectivised us then and who would throttle the nation's productivity now, are both within the Congress edifice and hovering around it. The danger is that with half-baked reform, we may revert to the 'Hindoo' rate of growth. And reform, rather than its inadequate implementation, becomes the scapegoat.

The various versions of the Janata in different states take their lineage from Congress Socialists, the PSP and the SSP – all hysterical non-constructive political forces committed to stealing from the rich before they get rich and not distributing their meager pickings to the poor, but throwing them into vapid fires of pointless noise. They may on occasion have an affair or two with crony capitalism, but a healthy appreciation of free, fair markets, respect for property rights and enforcement of contracts – these are not matters high on their agendas.

I am not even dealing with the politics of these groups – the nativist, revivalist platforms associated with the BJP, the dynastic nature of the Congress and the caste obsessions of the Janatas. One cannot move them towards conservative, quasi-libertarian political goals if they do not start with a healthy love for markets and a minimalist state.

The Swatantra Party got a great deal of its sup-

port from the erstwhile princely order. Indira Gandhi knew this, which is why she defanged the maharajas. The danger of relying on business and industry to drive a new party is obvious. It will almost certainly degenerate into a den of crony capitalism. What, then, is the alternative? We are in desperate need of a Thatcher-Reagan revolution. We must be able to republish the 1962 manifesto of Rajaji and Masani and honestly embrace the market, not play footsie with it surreptitiously. Is there hope for this?

I see a glimmer... a mere glimmer of hope, in a coming together of pragmatic regional parties. Now if the NCP, the Telugu Desam, the BJD and a few others came together and transformed themselves into a pro-growth, pro-freedom, anti-state tyranny platform on a national scale, would they pull it off? An intriguing thought – is there a Maggie Thatcher lurking among them? For the sake of our homeland, let us pray that there is one.

MR. JAITHIRTH RAO is chairman & CEO, Mphasis.

COURTESY: Mr. Jaithirth Rao and *The Indian Express*.

Restrictions on Courier Services The Postal Babus at it Again!

The recent report in your columns about the move of the Union government to amend the P&T Act to bar courier companies from services pertaining to letters and packets weighing less than 500 gms, in order to protect the ailing postal sector, is dismaying to say the least.

The Indian postal system is doing an excellent job. It has of recent come up with many innovative schemes to increase its revenue and sustain its operations. Whatever, the rural operations can never be cost-effective, and there is no harm in the government providing necessary budgetary support to sustain this crucial role. In fact, these are the kind of roles that the government needs to play, as well as confine itself, to. Instead of thinking along these lines, when certain sections in the government start turning the clock back to the old monopoly ways, it is not just retrograde, but totally alarming.

The dependence of the economy today on the efficient services by the private sector players is epitomised by the engaging of their services even by the IRCTC (Indian Railway Catering and Tourism Corporation Ltd), and public sector banks, in preference to the government-owned SPEEDPOST. Returning to the monopoly era will lead to a total collapse of the many dependent services, which the country just cannot afford any longer.

As such, not only should the move be curbed right away, but even the babu's who came up with the proposal should be weeded out, so that the message goes right across and no one else tries such misadventurism ever again.

Muralidhar Rao
Bangalore

BJP, RSS and the Secular State

S. H. Deshpande

**It is time for the BJP to grow out of its swaddling clothes and begin life anew.
Though separate, the roles of the RSS and the BJP can be complementary.**

Without going into their merits, the major concerns of the Sangh *Parivar* can be stated as follows (although not necessarily articulated the way I do below).

1. Conversion of Hindus through force, fraud and material incentive, effected by Muslim clergy and Christian missionaries. This amounts to violation of the 'freedom of conscience' granted by the Constitution under Article 25 (1).
2. Islam intends Islamisation of the whole world just as Christianity does to Christianise it. But there is a difference; Islam sanctions the weapon of Holy War when circumstances are proper and strength is adequate to carry out the task. This threat denies the 'right to life' which is the most sacred of all secular rights. (Art.21).
3. Then there are problems of internal and external security. The *Parivar's* perception is that there is already a high concentration of Muslim population in the Northern strip of India running across the border with Nepal, from East Uttar Pradesh to West Assam caused principally by illegal immigration from Bangladesh. Then in the North-East there are three States almost wholly Christianised. (For population figures see Joshi, A.P. *et al*, *Religious Demography of India*, Centre for Policy Studies, Chennai, 2003, pp.104-111 and

119-131 and for problems connected with security, see, Shourie, Arun, in *The Indian Express*, July 21, and December 15, 16, 17 and 18, 2004.) In the North-East, Christian missionaries of various Denominations and Churches are suspected to aid and abet insurgency. Threats to internal stability proceed from terrorists, foreign and indigenous, the former helped by their accomplices at home. (Shourie, *op. cit.*).

Do not the threats to security confront all Indians rather than only Hindus? The *Parivar's* answer, most probably, would be that since they arise from machinations of Muslim clergy and Christian missionaries, they are essentially aimed at Hindus. And these threats, in the final analysis, endanger the life and liberty of Hindus and imperil the 'unity and the integrity' of the nation (Preamble of the Constitution).

All the concerns implied in the *Parivar's* objectives can be reduced to these fundamental facts.

The problem of Hindus is, thus, essentially, the problem of 'human rights.'

I have above merely expressed in my own language the basic worries of the *Parivar*. At the moment I neither uphold nor contest them. What I want to show now is that

these concerns can be addressed entirely within the framework of the Secular State (SS) and that if this is recognised, both the BJP and RSS can advance their common cause of fundamental Hindu rights, independently of each other.

The vital importance of the SS must be appreciated by the *Parivar*. The SS marks a step in the direction of civilizational progress by freeing human intellect from the stranglehold of religion in so far as mundane, this-worldly actions are concerned. However, the SS is not merely desirable as an end in itself but also as an instrument of peaceable co-existence of communities in a multi-religious state since the SS removes all religions from the temporal field and confines them to the spiritual arena, left to the conscience of individuals. The SS, therefore, lays down the ground rules or prepares a 'level playing field' (to borrow a phrase from another area) for different religious communities to live in amity.

Our Constitution in its *spirit* is secular because it makes a clear division between secular and non-secular (spiritual) activities and reserves the power of legislating on the former (Art.25-2).

However, the Constitution and the ordinary laws are not cent per cent secular. To name a few deficiencies, they allow the existence of separate family laws for each religious community and extend some

concessions to minority institutions and customs.

Moreover, in practice secularism is 'honoured more in the breach than in the observance' by the State organs as well as by political parties.

Why does this happen? The answer is: Because of 'pseudo-secularism' – to use the *Parivar's* pet phrase – which is another name for appeasement of most religious groups but especially and consistently of religious minorities. The same goes for the Minorities Commission and Special Status for J&K.

Now, appeasement of any group blatantly violates the essential SS spirit. In other words the violation of human rights of Hindus arises out of appeasement of religious minorities, i.e., by not being in consonance with the spirit of the Constitution (also Arts.14 and 15).

The remedy, obviously, is (a) to remove the deficiencies of the Constitution and the laws and (b) to implement the Constitution without fear or favour. Thus the Hindu grievances can be redressed through constitutional means. Ideally any party can take up the legitimate problems of those subjected to injustice, Hindus or non-Hindus, without harming secularism and without being 'communal'.

The SS, after all, is a precious heritage which we must preserve, protect and strengthen, at all costs, as an end-value as well as a means-value.

Once it is recognised that Hindu-specific problems result from violating the spirit of the secular Constitution and the SS and that they can be solved through strictly implementing it in letter and spirit, several things follow for the *Parivar*

to ponder.

One, it must proclaim faith in the ideology of state-secularism. The attitude of the *Parivar* on this score has been at best wobbly and at worst negative. In instances like the demand for ban on cow-slaughter it uses a purely religious motif. In the same way the BJP also talks of the Ram Mandir.

Two, the SS is only the first step in nation-building because a legal framework can afford no more than the rules of the game. The game to be played is national integration which can only arise from the inculcation of a feeling of brotherhood without which the SS itself would not endure. Therefore the next logical step is a secular, i.e., composite (Hindi) nation. This rules out talk of Hindu Rashtra.

Three, an implication of the above is not to entertain notions of Hindu domination over the rest. The SS denies supremacy to any community; what is supreme is the Constitution.

Four, in spite of calling other parties pseudo-secular, the RSS and especially the BJP have themselves fallen a prey to the temptation of minority appeasement. They must avoid this snare.

Given the above it would be easy for us to deduce from it the distinct spheres of action and modes of operation of the BJP on the one hand and the rest of the RSS *Parivar* on the other.

As for the BJP it would have to work under two constraints. First, it is a *political* party, intent to acquire state power. Therefore it must engage with all the various problems: political, social, economic, educational, defence-and-foreign-policy-related etc. Hindu rights can be only one

of its concerns, although considering its neglect by other parties it can put on it a relatively greater stress.

The second and more important constraint is the following: BJP is a party keen to acquire power in a state which is *secular*. Its ideology has then to be religion-free, it cannot use religious slogans and religious symbols (disguised under the name of cultural nationalism'). It must represent the legitimate interests of all sections of the Indian population and for this purpose keep its doors open to all irrespective of their religions or sects (which last condition it fulfils, formally through open membership). It means it must cease talking about '*Hindutva*' although, as said above, it can voice Hindu grievances.

Within these constraints it can enact legislation to control conversions, implement a common civil code, abolish illegal immigration and punish, in general, any violent or treasonable activity which imperils security and internal stability. This will be done when the BJP is in power and press for these measures when out of it.

The BJP has thus a chance of emerging as a truly secular party which is what is lacking in the current political scene.

Yet there are limits to what the BJP can accomplish. It can, at the most, remove injustice to Hindus (though not exclusively) but cannot do anything to remove the root cause at the back of it – the weakness arising out of the fragmented nature of the people called 'Hindu'. Hindu Unity (*Sanghatan*) is here the desideratum.

Given the objective of the *Sanghatan*, it can be pursued within the four walls of the SS, by a non-political, non-governmental, private

voluntary social (cultural) organization – in short an organization in the civil society – which the RSS happens to be.

Its tasks, in this context, would appear to be the following:

1. Making the Hindu public and the Indians as a whole, aware of the dangers that threaten them and expounding to them the merits of the SS.
2. Internal religio-social reform comprising of eradication of the caste system and untouchability and other obstacles to modernization.
3. Inviting non-Hindus to enter the Hindu fold.

An appeal to religious sentiment in organising these tasks can be made because the Constitution allows the citizens to 'profess, practise and propagate religion' (Art.25 (1)) which, within the bounds of the Constitution, can only be spiritual.

The problem with the Hindus is that they have no common religion. Comprising, as they do, of Jains, Buddhists, Sikhs, Adivasis; and followers of all other indigenous religions and sects, which from the point of view of Islam and Christianity are *kafirs*, pagans, heathens who have no salvation outside Islam or Christianity.

The RSS in that case can appeal to the religious feelings of each group to get them together separately or must invent a new religion or a new deity popular with all Hindus or most of them. Ram Mandir, perhaps, can make sense in this context with the proviso that the dispute must be settled using constitutional means. But these are problems for the RSS to solve.

I have indicated above the different areas in which the BJP and the RSS can operate. In this situation it would be wrong for the RSS to control or influence the BJP, since their objectives and programmes differ.

There are also other reasons. The BJP personnel are more exposed and alive to the realities and problems of political life. Also the BJP, perhaps because of the non-Sangh elements which it accommodates, is more forward-looking and enlightened about economic and social matters whereas the RSS is relatively more conservative.

It is therefore, time for the BJP to grow out of its swaddling clothes and begin life anew. Though separate, the roles of the RSS and the BJP can be complementary.

In short, all the Hindu-specific problems which the *Parivar* wishes to solve can be tackled without injury to the secular structure; indeed in the process of solving them it will strengthen it – provided the BJP and the RSS commit themselves to the SS and decide to part ways.

DR. S. H. DESHPANDE is former Professor of Economics, University of Bombay.

A 'Fatwa' against Terrorists Attacking Places of Worship

A leading 400-year-old Islamic seminary, the Darul-Ifta Firangai Mahal on Monday issued a 'fatwa' against terrorists targeting places of worship and killing innocent people.

The Lucknow based institution issued the fatwa on an application moved by local businessman Sajid Umar, who had sought Firangi Mahal's verdict on the issue.

According to Firangi Mahal chief Maulana Khalid Rasheed, who was also the Imam of Lucknow's Idgah, "Sajid Umar wanted to know what Islam had to say about those people who were attacking places of worship and killing innocent people in cold blood."

The Maulana ruled, "There was absolutely no room for terrorism in Islam and murder of one innocent person amounted to murder of entire humanity."

Quoting from the 32nd 'Ayat' of 'Sur-e-Mayda' in the Holy Quran, he pointed out, "God has very explicitly stated that if any human being kills any other human being, he would be guilty of murdering humanity."

Rasheed told this scribe, "I further pointed out that in this

reference, the Holy Quran does not talk about any particular religion; it is a reference to the entire humanity."

Quoting yet another excerpt from the Holy Quran, he added, "Ayat 107 under 'Sur-e-Ambia' chapter of the Quran says that the Prophet's objective is to ensure well being of the entire universe, which includes not only human beings, but even animals, trees and plants."

He said, "It is notable that the Prophet never reacted violently even against those who not only attacked him in various ways but also tried to cause physical harm to him; the Prophet was also totally against causing the slightest harm to any place of worship, belonging to any faith."

While emphasising that, "Islam has always laid stress on peace and harmony," the Maulana's fatwa added, "If any Muslim causes harm to any place of worship or indulges in killing of innocent people, Islam would regard it as the worst possible crime and the Shariat would consider it absolutely unlawful."

Contributed by Bhalchandra Patankar

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Sri Ramanuja and Untouchability

C. Rajagopalachari

Rajaji's role as a social reformer is not as well-known as his books on the *Ramayana* and *Mahabharata*. He was among the pioneers of the temple entry movement in south India. He considered the right of the 'untouchables' (Gandhiji's Harijans) to enter and worship inside temples as important as the right of Indians to political freedom. His deep study of Hindu religious texts convinced him that the Hindu scriptures did not sanction this discriminatory practice. In this article which Rajaji wrote in 1933 and which was published in the *Indian Social Reformer* of April 29 of that year, he paints a portrait of Sri Ramanuja not only as a saint but as a social revolutionary. We are grateful to Dr. R. Srinivasan who came upon this article in the University of Chicago Library and suggested we re-publish it in *Freedom First* for its remarkable relevance today as it was when he first wrote it 73 years ago. We are privileged to do so. - Ed.

Sri Ramanuja, the world-famed exponent of the Visishtadwaita philosophy, was described by his orthodox contemporaries as the 'tender leaf' on the tree of humanity. They observed that whenever any pain was caused to those lowest in the social scale, Ramanuja's face immediately faded in responsive pain. When any injury is caused to the root of a tree, the tender leaves on the top fade away first. Hence, the appellation of the 'tender leaf' was given to Ramanuja. In the salutation verses regularly sung in Vaishnavite temples in honour of the line of Vaishnav teachers, the special description given of Sri Ramanujacharya is that he was "*Dayaikasindhu*", i.e. ocean of pure compassion, this being the characteristic that was peculiarly Ramanuja's.

No wonder then that this great teacher's heart surged with love and compassion for the unfortunate people now known as Harijans, from whom the Hindu community is willing to accept the most intimate services, but refuses to give them what can be given only by society, namely, social intercourse. Ramanujacharya felt 900 years ago the grievous wrong of treating them as part of society for purposes of exploitation and looking on them as a community apart, when the question of serving them was raised. Like Mahatmaji, he sought even in those

days to give these people a name with a sweet and holy flavour. He called their tribe "*Tirukkulam*". (*Tiru* = Shri, *Kulam* = Kul, tribe). It is a matter of common knowledge now throughout India that Ramanuja established the custom of admitting the Harijans into the interior of Vaishnavite temples at least on some occasions every year. In the temple of Melkotte dedicated to Shri Narayana which was built by Ramanuja, he established the custom of admitting Harijans into the interior for three days in the year. We can guess the opposition that he must have faced remembering that it was nine centuries ago, long anterior to all our modern knowledge and modern movements. Alas! that instead of this good and wise and humane beginning being extended in course of time, ignorance and prejudice got the upper hand and succeeded in restricting instead of widening the privilege.

In the great Srirangam temple, in spite of all Agamaic authorities that are now so persistently and pharisaically quoted, he established an innovation. A flagstaff, a great hall and a balipitham specially erected for the benefit of the Panchamas and to-day in continuous use *inside* the fifth wall of the temple as monuments of Sri Ramanuja's courage of compassion and of his desire to remove the disabilities of the Panchamas. There

are certain episodes in the accepted records of Ramanuja's life and teaching in the orthodox Guru-Parampara-Prabhava which are worthy of note in connection with the movement for the emancipation of the Harijans.

It is written that one day, Ramanuja was going along with his disciples when a Pariah woman came on the way. Some among the holy group shouted to the woman to move aside. The woman laughed and with the light shining in her eyes, said:

"The Lord has stamped with his holy foot and measured the entire earth. Doth not then the whole earth become his sacred temple? Where and how shall I move aside, ye learned men?"

It is written that Ramanuja was struck with remorse and prostrating before her as before a brother Vaishnava, said:

"Vain pride and ignorance corrupt the mind of this Sanyasi. The symbols of Vaishnav faith that I wear would be more proper on your body, oh sister".

Ramanuja specially warned his disciples against pride of caste, pride of wealth and pride of learning as three great dangers for the unwary to fall into perdition. He

established customs and rights by which a so-called Sudra devotee is given the Prasad in Srirangam with honours and with priority over even some Brahmins.

When he was old and weak, Ramanuja's practice was, it is recorded, to lean on somebody's shoulders when walking to the river for his daily ablutions. He used to lean on one of his Brahmin disciples when going to the bath, but when returning after ablution he would walk with his hands resting on the shoulders of one of his 'low-caste disciples'. The orthodox were greatly scandalized at this practice. In spite of the Acharya's position and influence, there were grumbings and mutterings at this unseemly revolt against the practice of untouchability. "He might touch the low-caste man before the bath, but why lean on him after the ablutions when at least he might keep himself away from pollution". This was their criticism. Ramanuja understood and, smiling, explained to them:

"I lean on this low-born son, as you deem him, when returning after ablutions, because that is the way to wash out my pride of birth, which I cannot remove by ablutions with water".

This is what Ramanuja thought of the secret of pollution and ablution. How different from the superstitions of his present-day followers!

Ramanuja, unlike Sankara, claimed equal authority for the agamas along with other accepted scripture, in order, on their authority, to enthrone the doctrine of surrender on the highest pedestal and to recognize the unifying force of common faith and devotion above the distinctions of Varna. His greatness bore down everything in its way. But after him came teachers who saw bitter opposition gathering force against reform, and in order to conserve what had been gained, they found it necessary to teach caution

and deprecate a too easy breaking down of barriers. These teachings accumulated, and lent themselves at the hand of the little men that came afterwards, to misinterpretation and to being turned by the snobbery of caste, in which the newly admitted vied with the older hierarchy, into an impregnable fortress of bigotry.

So we see now that the men who swear by his name, and still sing extolling the intense compassion of Ramanuja are compassionless towards the very people whom their master sought to raise in the social scale. It is an irony of history that among those who claim to represent Sri Ramanujacharya's authority and to follow his creed are some of the stoutest opponents to a movement about which it may be truly stated that he himself was the initiator nine hundred years ago.

C. RAJAGOPALACHARI, *Bharat Ratna*, Governor-General, Governor, Union Home Minister, Chief Minister and the Founder of the Swatantra Party.

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"Thimayya of India"

E. D'Souza

Whereas the World recognized this Soldier Statesman's rare qualities, it was not so in his own country. At his last rites there was none from Delhi present, not even the Army Chief. The senior most representative was Lieutenant General Moti Sagar, GOC-in-C Southern Command under whose jurisdiction Bangalore fell.

But we who knew him and had the good fortune to come under his influence will always remember "Thimayya of India". But will the Nation?



The title of this tribute, penned on the birth centenary of this great but forgotten son of India, has been taken from his biography by Geoffrey Evans, published many moons ago. March 2006 will mark the 100th birth anniversary of this eminent soldier statesman, arguably the greatest India has produced. This much remembered son of Coorg nestling in the Bimagiri Hills of the Western Ghats comes to mind today and this recall is by one who had the distinction and privilege to serve under him from 1945 onwards.

Kodendera Subayya was born in Coorg of a family of gentlemen planters, a community that has produced over the years and continues to do even today, eminent soldiers. Leading the pack was none other than the late Field Marshal C. N. Kariappa whose contribution to the Indian Army if it is what it is today, owes much to this upright man, not only in stature but of impeccable integrity. "Timmy" as he was affectionately called, being an excellent all round sportsman with a jovial nature and obvious leadership qualities, was sent to the Royal (now Rashtriya) Indian Military College Dehra Dun to prepare him for the very stiff entrance test for selection to the RMA, Sandhurst, where young Indian gentlemen were sent to be trained as KCIOs for the Indian Army.

He had no difficulty in qualifying and in 1926 he was granted a Kings Commission in the then 19 Hyderabad (now Kumaon) Regiment. He spent the mandatory year's attachment for KCIOs with a British Regiment, in his case the famous Highland Light Infantry. And there lies a tale. Many, many years later, in November 1955, after he had reached the pinnacle of his career as Chief of the Army Staff and had been specially selected by name to head the tricky and sensitive UN Commission for Cyprus where he died with his boots on, in harness as it were, a lone Scots Piper from a Highland Regiment was specially flown to Nicosia to play a lament on bagpipes at the ceremonial send off at Nicosia Airport. The Scots considered him to be one of their own and had not forgotten "Timmy". Compare this act with what happened at his last rites at Bangalore of which more anon. After his attachment he joined the Hyderabad Regiment.

It was during World War II that Timmy came into his own. He joined his Battalion 8/19 Hyderabad in Burma, then part of the 51 Infantry Brigade, 25 Infantry Division. It was in February 1945 that his true worth as an Officer surfaced. He was recommended for an immediate award of the Distinguished Service Order (DSO). In his citation Major General "Lakri" Wood, the Divi-

sional Commander, describes his planning, skill and determination as outstanding. The Commander XV Corps says of him "He is one of the Indian CO's in the all Indian Brigade which won a decisive battle during the assault on a feature nick named POLAND key to the area known as the Buthidaung Bowl. That was in November 1944. In December 1944 and January 1945 he was given officiating command of 51 Infantry Brigade, the first KCIO to be so promoted in this Theatre.

He was eventually confirmed in this rank, the first Indian Officer to be so promoted in a theatre of operations during World War II. As a young officer serving in Italy, the news was received with much pride. Little did this writer realize that within a year of the end of the war first in Europe and then Japan, he would have an opportunity to serve under this then Brigadier Thimayya.

The opportunity came in November 1945 after the return of his unit 1/5 Mahratta Light Infantry from Italy. We were all sent on two months war leave on completion of which we received orders to proceed to Nasik to join his unit. We wondered what was in store until we reported at Mashrul Camp on the Nasik-Dindori Road. To our utter surprise we were told to prepare to move to Japan as part of the British

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Indian Division (BRINDIV) earmarked for the British Commonwealth Occupation Forces for Japan. We were now to be one of the three Infantry Battalions of 268 Indian Infantry Brigade under a Brigadier K. S. Thimayya, DSO. The few Indian Officers in the Unit – Nambiar, Thakar, Mohite and self were overjoyed to be serving under such a distinguished soldier.

How did a very young officer come to meet this Indian Brigadier? It was through hockey. While in Nasik, he used to head for Mumbai every weekend to play hockey for the famous Lusitanian Sports Club in the Bombay Provincial Tournament. As luck would have it his name was mentioned in *The Times of India* as having played a good game and to have scored a goal. He did not realize that Brigadier Thimayya was a hockey player himself until he met him in the tented camp and said words to this effect "Hey you, I read about you in the papers. Good show". This was for me a great compliment as I was a young subaltern and never ever thought that Brigadier Thimayya would bother to say such encouraging words. He recalls playing against Thimayya in a hockey match while in Nasik.

It is important to state that all his three Battalion Commanders, all pre war regulars, were British: Lt Col Maurice D'Apice, 5/1 Punjabis; Lt Col. D. W. Leeming, DSO, 1/5 Mahratta Light Infantry, and Lt Col Townsend, 2/5 Royal Gurkha Rifles. What is more, both his Principal Staff Officers were also British: Major James Heard 13 Frontier Force Regiment and Major Tom Corrigan, Queens Regiment. This did not faze our Timmy. He took them all in his stride. So did his charming wife Nina. She handled all the Brits with consummate poise and confidence – no question of any inferiority complex. Timmy, through his sound professional knowledge, war experience and his sense of fairplay and impartiality enabled him to handle his team with complete confidence.

The scene now shifts to Japan. BCOF troops were located mainly in the South with the Yanks ensuring they were located in all the attractive locations in Central and North Japan like Tokyo, Yokohama, Kyoto *et al.* As an aside, BRINDIV had a HQ, Divisional Troops and two brigades, one Indian ie Timmy's 268 Indian Brigade and a British Brigade. The three battalions in the Indian Brigade were all high fliers. Brigadier Thimayya's only consolation was that the Hyderabad Regimental Centre Brass Band was part of BRINDIV. And that was Timmy's only regimental connection. Neither did he have any Staff Officers from his Regiment in his HQ. Even his Staff Car driver Havildar Babu Mane was a war experienced Maratha from the 1/5th. So attached was Timmy to this fine specimen of a Maratha that he served Timmy right up to the time he was Southern Army Commander and only left when it was time for him to retire.

During his year in Japan, Timmy was not only an outstanding success but thanks to his sense of fair play and justice he treated the defeated Japanese with understanding and that is perhaps why the Brigade had no problems whatsoever in pursuing the policies of BCOF. He was popular with all who came in contact with him – British, Australians, New Zealanders and of course the Americans. India could not have had a better representative.

There was just one major flaw when the men of 2/5 Gurkha Rifles very nearly rebelled because of the partisan manner they were being treated by British Military Police when it came to consorting with Japanese women in the large town of Okayama. The British Commanding Officer was unable to resolve their grievances or perhaps being a Brit did not want to. Matters came to a head and Brigadier Thimayya was asked by HQ BCOF to resolve the issue. As was his wont, Timmy visited the Unit and first spoke to the

Subedar Major and JCOs. He then met the men and gave them a patient hearing. He managed to soothe their feelings and soon the situation was under control. And the Gurkhas never forgot this intervention. When India was granted Independence, personnel of Units were asked whether they wished to opt for India or Pakistan or, in the case of the Gurkhas would they want to opt for the British Gurkhas. To the utter surprise of their British Officers, men of this triple VC Battalion opted to stay on in the Indian Army. They perceived through Brigadier Thimayya's just handling of their case they would be better off in the Indian Army. Yet another example of Brigadier Thimayya's leadership qualities.

On his return to India and with partition around the corner Timmy joined 4 Indian Division then employed in the Punjab Boundary Force ensuring law and order during the mass movement of people across the border. Not surprisingly, Brigadier Thimayya stood out as a humane soldier. When the raiders supported by the new Pakistan Army invaded Kashmir in October 1947, Brigadier Thimayya was chosen as General Officer Commanding Sri, later, 19 Infantry Division to take over operations in the Valley to repel and drive out the invaders.

His leadership qualities once again surfaced and had Pandit Nehru listened to his plea to give him just three more months to reach Muzaffarabad we would not have faced a Kashmir problem. As GOC he now had to deal with the United Nations Military Mission for J&K (UNMOGIP) initially with Sir Owen Dixon of Australia, and his experience of Japan stood him in good stead. Among his other achievements he succeeded in driving out the Pakistanis from Zoji La and thus saving Ladakh by capturing the well held Zoji La, doing what was never thought feasible – moving tanks of 7 Light Cavalry to be used as moving gun platforms to support the ass-

aulting infantry in capturing the well sited enemy positions at the heights of over 12,000 ft. He was fortunate that he knew 7 Cavalry and its Commanding Officer then Lt.Col and later Major General Rajinder Singh as this Regiment was part of BRINDIV in Japan. Fortune favours the brave.

Yet another human face of Timmy emerged. One fine morning he was driving down to Uri from Srinagar with Sir Owen Dixon. I was then a Major with 1 J&K Militia. Because of the road, traffic was controlled through gate timings. On that particular morning I was in a vehicle driving against the gate timings and to my bad luck I saw a flagged car approaching from the opposite direction. I pulled out to one side. The Staff car stopped and Major General Thimayya emerged obviously upset. He recognised me from Japan days and brusquely asked me what I was doing on the road against the gate timing. I said that I was paying the men at all the detachments guarding vital points. He then waved me aside with his baton and asked me whether I was still playing hockey. I then realized that I had been forgiven. Some months later I was surprised to learn that he had endorsed a recommendation for the award of Mention in Despatches to me.

While posted in London in 1952, I was proud to learn that he had been selected personally by the UN Secretary General to head the UN Neutral Nations Repatriation Commission in Korea, a most sensitive and challenging task needing infinite tact and patience. His war time colleague then Major General Thorat was deputed the force commander. This was at the end of the Korean War and the problems were endless in screening Chinese prisoners to ascertain whether they wanted to be repatriated to China. His command including Observers were all Indians, including some priests from Bombay. Two colleagues of mine,

both sent as Observers, and the Priests were full of praise for General Thimayya's patience and skill in handling this trying issue.

He then became the Quarter Master General at Army HQ introducing many innovations and later became first Western and the Southern Army Commander. He was appointed Chief of Army Staff in 1951. Lord Louis Mountbatten who was head of South East Asia Command (SEAC) in World War II was well aware of Timmy's soldierly qualities so much so that the then Brigadier Thimayya was called to Singapore to attend the surrender ceremony of the Japanese. Mountbatten commented: "He had the image of a splendid military leader on whose loyalty and professionalism Mr. Nehru could count on". He said, in a letter that before the 1962 debacle against the Chinese, Mountbatten urged Pandit Nehru to appoint General Thimayya as the first Chief of Defence Staff but though Panditji liked General Thimayya immensely he felt that he would meet stiff opposition from Krishna Menon then Defence Minister who was bitterly opposed to General Thimayya. Lord Mountbatten recalls that Krishna Menon was appointing people like General P. N. Thapar who was a good administrator but lacked command experience, and worse still, Kaul who appeared to be a political appointment.

Mountbatten further went on to state that if war came, the Indian Army would suffer a quick defeat. In hindsight it did. General Thapar was sensible enough to tender his resignation. General Thimayya took over and his spat with Menon for undue interference in purely Army matters is well known resulting in General Thimayya tendering his resignation to Panditji. He was then in a position to take over the country. Nehru however knowing full well how loyal Timmy was, managed to use his charm to persuade him to withdraw his resignation. Krishna

Menon who was removed from Defence never forgave Timmy.

On General Thimayya's retirement, his Soldier Statesman profile was never lost sight of and U Thant the then Secretary General, selected him by name to head the very sensitive situation in Cyprus by appointing him head of the UN Commission on Cyprus. His success as a just and neutral head is reflected in the many glowing tributes paid to him when he died of a heart attack while in harness:

The Blue Beret, the UN Cyprus Mission Paper of 22 December 1965 has this banner headline: Thimayya Mourned. Tributes to the late Commander from all over the World".

" U.N. General Assembly stands in silence in memory of soldier of peace". U Thant's statement: "His death comes as a great shock. His death is a most serious loss to the UN peace effort in Cyprus.... General Thimayya has rendered distinguished and dedicated service to the UN and Cyprus... He was highly regarded for his military ability, wisdom, and above all his warm human qualities.

After this poignant farewell the remains of Thimayya of India were flown to Bangalore for the last rites.

And this recall ends on a sadder note in that whereas the World recognized this Soldier Statesman's rare qualities, it was not so in his own country. At his last rites there was none from Delhi present, not even the Army Chief. The senior most representative was Lieutenant General Moti Sagar, GOC-in-C Southern Command under whose jurisdiction Bangalore fell.

But we who knew him and had the good fortune to come under his influence will always remember "Thimayya of India". But will the Nation?

MAJOR GENERAL (RETD.) E. D'SOUZA, PVSM, a freelance writer and frequent contributor to *Freedom First*.

Debate

'Secularism' in Unworthy Hands

Cover story titled 'Increasing Intolerance and Suppression of Dissent' which is excerpted from a lecture delivered by Mr. Soli Sorabjee is an eloquent testimony of the malaise from which the country suffers disturbing values, inhibiting free flow of ideas across the whole spectrum of life (*Freedom First*, October-December 2005). This intolerance has percolated from the top and infested the system at every level giving credence to the adage 'Yatha Raja thatha Praja'. It has been rightly deduced that there is an essential linkage between intolerance, human rights, democracy and peace and several instances have been given to substantiate this. The intolerance is only increasing by the day and probably it will be an unending list. For example foisting many cases on Khushboo whose only fault was airing her views on what is happening in the society.

The *fatwa* on Sania Mirza shows to what ridiculous level religious intolerance has plunged. (In fact, I suspect her recent failings is due to the *fatwa* which made her wear a different dress which constrained her free movement in the court). There is a strange dichotomy that inhibits so called level headed and sober personalities of good standing particularly in the realm of politics and religion who shy away from voicing their views which has only deepened religious and caste divide amongst the people.

'Secularism' has been used as a deadly weapon and not as ideology by some political parties cynically using it as vote

bank mechanism. For years these parties have been spreading disinformation particularly targetting another major national party as though they have the sole copyright for secularism and unfortunately with the level of literacy in India being what it is, vast majority of voters are fed on this poison creating hatred and revulsion. In fact it tantamounts to treating the party as untouchables and those political parties practicing this can be prosecuted under the Untouchability Act! This pernicious attitude has robbed liberal thought and has sedulously encouraged sycophancy and hero worship making our democracy a farce. Let me cite the strange fixation of naming streets after Ambedkar and erecting statues in every village, town and city and this practice is also followed in respect of Mahatma Gandhi. No doubt they were great but there must be a limit to this and not take it to absurd levels. Is this the index of liberal view? At present the glue that binds various castes and subcastes whose number are increasing by the day is the hatred for the imagined discrimination practiced by the so called upper caste centuries back. Like 'secularism', 'Varnashram' has been a ready tool by distorting it to suit their purpose. Mandalisation and reservation *ad nauseum* are its offshoots. It has reached such a level that there is a competitive rhetoric to be listed as backward (AHINDA syndrome of Karnataka variety). How can liberal thought thrive in this environment?

H. R. Babu Satyanarayana, Mysore



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Minoo Masani Birth Centenary – A Report (Cont'd.)

In Parliament one of the most important events was the debate on the Budget. Masani being the Leader of the Opposition, would initiate the discussions. But before that he would spend two or three days studying the budget, he would visit Bombay, Madras, and Calcutta to meet bankers, businessmen, financiers, farmers, and various sections of people, obtain their opinion, and only then only would he present his case. It was a delight to listen to him. He almost presented an alternate budget – full of liberal thoughts, giving alternatives. The attendance was as full to hear Minoo Masani as it was to the Finance Minister's speech presenting the Budget.

I believe Minoo Masani was a crusader more than a dissenter. He was opposed to nationalization, he was opposed to state control, he wanted a free economy, and he wanted the economy to revolve around consumer interests. When banks were nationalized, he was one of the saddest persons. He thundered his opposition in the House and while addressing bank depositors he said 'you the depositors, were the king, the bankers standing in queue offering their services. After nationalization, the depositors will stand in queue and the bankers would be the king, choosing their customers. What a formidable way to protest.

Towards the end of his political career, when he wanted to retire, around the eighties, he was disappointed and disheartened man. In his preface, in the second volume of his autobiography, *Against the Tide*, he wrote: "Today, those dreams lie shattered. Whatever view one takes, it is quite clear that we have awfully mismanaged the affairs of the country and betrayed those dreams of hope". That was Masani in 1981. If I can talk to him sitting in Heaven, I would say 'Not quite Mr. Masani. History can never forget the efforts and the attempts that you made. They have not gone in vain, you might not have seen them, but after having experienced the disastrous results of their policies, India has started acknowledging the tremendous contribution made by you'.

Masani was for a free economy, for an open society, Almost borrowing

the same slogans, the present Prime Minister Dr. Manmohan Singh, has in a recent article in *The Indian Express*, used these very words. He said well being is best ensured in the framework of an open society and an open economy. Open societies enable the flowering of our individual personality; open economies provide space for fruition of our creativity and our enterprise. What greater tribute can be paid to the success of the efforts made by Minoo Masani for the last fifty years than this? Friends, to that great man, on his 100th Birthday, I offer my salute.

*

Arun Shourie



I am from the generation which grew up reading two books at that time – one was the *Discovery of India*, all of

us read it in school, and the other was Minoo's *Our India*. And it is *Our India*, which has been vindicated by time, not the *Discovery of India*. And to be present with his associates of so many years, is a great delight and to be present at his 100th birthday, is a cruel reminder of how time flies! I lost my father recently, he lived to be 93. Masani too lived as long and a very combative exciting life it was.

As Mr. Patodia was reminding us, when everybody was swept off their feet by the whole business of Planned Economy and Socialism, it was left to Prof. C. N. Vakil, Prof. Brahma-nanda, Minoo Masani and three or four others who had the intellectual courage to defy the accepted wisdom of those days. We didn't want to move away from that position even when all the evidence pointed in the other direction. Minoo Masani was an example of one who moved away from socialism to liberalism even while retaining his deep life long friendship with those who continued to be socialists.

Masani titled the second volume of his autobiography "*Against the Tide*". It is such a telling title, which describes

his own life. But throughout, the one man for whom he continued to have great regard, faith, whose ideals he would want to follow in personal life was Gandhiji and his deep and abiding affection and friendship for JP.

When everybody was clamouring for socialism, these three or four people reminded us constantly that the country would have to pay heavily in terms of, I believe, almost a generation and a half in development. That is the difference between China and India today. In a fine essay, in the book, *Freedom and Dissent, Essays in honour of Minoo Masani on his 80th birthday*, Raju recalls the fact that they have been vindicated by time. Mr. Patodia read, a sentence from the preface of the book, *Against the Tide*, the sentence could well have been written by Gandhiji.

There is one other point I would like to make before I come to the subject allotted to me – that a society really desperately needs persons who will always speak their minds. We don't value that. Persons in leadership positions give them the ability to do good things, on a scale which others can't do. That's important. But governments are so often wrong and so often obstinate even societies for that matter. So we require people who will always speak their mind, And there is a pre-requisite in addition to intellectual courage and that is not wanting anything from those in authority. Not just from government but also from society. Masani had both these pre-requisites.

I learnt that from my father too, there was nothing we could offer them. That was brought home to me by Mr. B. K. Nehru once. He was the governor of Gujarat. Earlier he was governor of Kashmir; he was shifted to Gujarat because he would not compromise his position on Kashmir. We were walking in the compound of Raj Bhavan in Ahmedabad, and I asked him what was so special about Gandhiji and others. He answered 'the point is, they had no price. There was nothing you could pay them, there was no honour you could give them, no office you could offer them that would deflect them from what they thought was right.

*

Rene Klaff



It is a great privilege and an honour for me to be here this evening. Minoo Masani's name is well known amongst liberal

thinkers and I consider myself very unfortunate that I have not had the good fortune of meeting him in person.

I am told, and we have heard also this evening, that Minoo Masani started as a socialist and shifted to liberalism. It showed political determination enormous intellectual capability to do that, when in those years socialism seemed to be the intellectual's dream. From the 1940s till his demise, much of his time was spent in campaigning to free the Indian economy from bureaucratic controls, and champion free markets and economic liberalization. He was fortunate enough to witness in his lifetime at least the beginnings of the transformation of India's economy. Minoo Masani was, obviously, far ahead of his times in his political thinking, and therefore it is not surprising that he faced stiff political opposition,

It is also clear to me that Minoo Masani had a reputation as a man of total integrity in public life. The Liberal International which is the world federation of liberal parties and organizations bestowed on Minoo Masani the distinction of an Outstanding Crusader for Liberal Thoughts and Ideas and nominated him a Patron.

Minoo Masani along with other Indian liberal thinkers founded the ILG in 1964; today the ILG is a pressure group and a catalyst for change. It strives for a better understanding of liberal values and principles amongst the general public, and this is also the main reason why the FNST has been closely associated with Minoo Masani and the ILG.

Our two institutions follow two main objectives, namely to ensure that citizens' initiatives are encouraged for a true civil society to exist and to act as a check and balance to prevent governments from becoming too strong or too bureaucratic.

At the moment there are around 84 liberal parties spread across 67 countries. The common ground cutting across all liberal parties and organizations is based on human rights, and democracy, social justice, tolerance, equality, market economy, free trade and a strong sense of international solidarity. And this is what connects us with the ILG and of course with the legacy of Minoo Masani.

S. V. Raju



I would have shared with you some of my reminiscences of Minoo Masani if time permitted. A forty year association has many stories to tell, that

speak of the man, his achievements and his failures. This not being possible due to constraints of time I would request you to read the booklet which you would have received as you entered the hall. On page 9 of this book, is a small biographical article titled 'The Quintessential Dissenter'. The following paragraph in that article sums up Masani the politician and statesman: "His was an outstanding performance as a member of the Lok Sabha between 1957 and 1971. He firmly believed that occupying the opposition benches did not mean opposing for the sake of opposition. On many occasions he supported the ruling party. But did not hesitate in going against other groups in the opposition if a particular issue warranted such an action. Two instances come to mind where he took a stand which was considered at that time to be unpopular - the liberation of Goa which he opposed - the criticism it as being totally unnecessary and described the action as using a sledgehammer to swat a fly! The other was the abolition of privy purses, which he and the Swatantra Party opposed as it went against the solemn pledges given by Sardar Patel to the princes in return for their peacefully integrating into the Indian Union and recorded in the Instruments of Accession.

CONCLUSION

To conclude, the various programmes listed in this Report were

held in a manner that Minoo Masani would have approved - without ostentation but highly educative in content. There were also a few things that would have disappointed him or even met with his disapproval.

He would have disapproved, for instance, our approaching the Department of Posts, Ministry of Communications and IT, Government of India to issue a commemorative postage stamp to mark his birth centenary. We wrote to the Department concerned on 1 December, 2004. On December 24, they asked for various facts relating to Mr. Masani. These were sent on January 1, 2005. They replied twelve months later on December 6, 2005 (After the centenary year had concluded!) stating: "The proposals for issue of commemorative postage stamps are examined by the Philatelic Advisory Committee (PAC) in the light of certain guidelines (italics mine). The aforesaid proposal was placed before this Committee for consideration at its meeting held on 17.05.2005. However keeping all relevant considerations in view, the proposal could not find a place in the Stamp Issue Programme for 2005-06". The letter was signed by an Assistant Director General (Phil). Any comment will be superfluous.

He would have been disappointed to know that the Leslie Sawhny Programme founded by him in 1968 to provide training in citizenship and leadership to the youth of this country and in promoting the values of liberal democracy had been suspended with effect from 1 April, 2005.

He would have been hurt to know that we were refused the use of the Bombay House auditorium for the November 21 meeting. This Hall was the venue of numerous programmes he had organised during his lifetime, on the ground that it was "company policy not to allow any institution other than Tata organizations to make use of our hall". What makes this particularly sad is the fact that Minoo Masani was with the Tata organisation for 16 years from 1940-1957 and he left the organisation after his election to the Lok Sabha in 1957 with the approval and good wishes of Mr. J. R. D. Tata. There were occasions when his Tata connection was raised in the Lok Sabha. He affirmed that he was very proud of this connection.

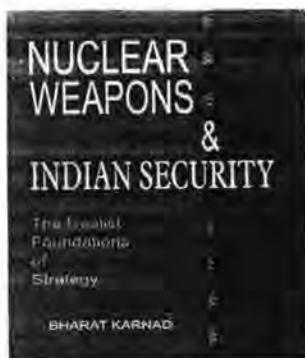
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BOOK REVIEWS



NUCLEAR WEAPONS AND INDIAN SECURITY

by
Bharat Karnad

Published by

Macmillan India Ltd., 2/10 Ansari Road,
Daryaganj, New Delhi 110 002.

Year of Publication: 2002 No. of Pages: 724 Price: Rs.795

Reviewed by

Sharad Bailur, a freelance journalist.

Some time in 1999 I came across a website of American State Department documents that showed that the Indian Government had done its best to seek a joint nuclear umbrella, from the West and from the Soviet Union over a period of some years after the Chinese nuclear explosion. That, when it finally dawned on the Indians that such a nuclear umbrella would never be forthcoming, they decided to go ahead with their own bomb. This, and other policy documents that go to show something far more astute on the part of the Indian establishment, forms the first part of Bharat Karnad's book, *Nuclear Weapons and Indian Security*.

For interested readers the following that comes out of Karnad's research efforts needs to be taken note of since none of it is readily available in published documents:

1. By the time Independence dawned Jawaharlal Nehru had come to the conclusion that India had to become a nuclear weapons power. Since this was not immediately possible he adopted a three track policy:
 - a) of seeking and securing an implied nuclear umbrella from the west.
 - b) while simultaneously going

full steam ahead with the help of Dr. Homi Bhabha to ensure that India secured the weapons in the shortest possible time.

- c) For public consumption he went on a *moralpolitic* track and expressed unctuous horror at the very idea of nuclear weapons. This was to satisfy Gandhians like Rajagopalachari. He knew he could get around Vallabhbhai Patel.

The Chinese bomb went off in 1964 and India could have, at a scratch, exploded one of its own within six months thereafter, but then Nehru died.

Nehru's real policy, to which only Bhabha was privy, was neither understood nor acted upon by Lal Bahadur Shastri who went by his public pronouncements of abjuring nuclear weapons. Had we, by then exploded our own bomb, an opportunistic Ayub Khan would never have foisted the 1965 war upon us.

Indira Gandhi, who had some idea of what went on between Bhabha and her father, took up the nuclear gauntlet immediately after she became Prime

Minister, but then Bhabha died in the plane accident on Mont Blanc. That delayed the first explosion to 1974.

2. I have suspected this all along, but now comes evidence: Morarji Desai was an unmitigated disaster as Prime Minister in almost every sense one can think of. His better-known nostrums like Prohibition and the prohibition of donations by companies to political parties pale in comparison to what he tried to do to the security of the nation. He wanted to close down the entire nuclear weapons research programme and his relations with Dr. Bhabha were, at best, prickly. During his stint as Prime Minister, he also wanted to wind up the Research and Analysis Wing. *In both cases his reasons were that both were immoral. Apparently morality and his own personal salvation with his God was much more important than national or nuclear security.* It is frightening, in retrospect, that we allowed this monomaniac to occupy the chair that controlled the destinies of more than 850 million people as its Prime Minister. That he did not succeed in getting away with all the damage he could have inflicted can only be attributed to a beneficent Providence.

The initial bad luck of losing Nehru, and thereafter, Bhabha, was to some extent mitigated by the lack of understanding of nuclear strategy among his successors. The nuclear situation therefore remained at a virtual standstill but did not deteriorate. The exceptions were Indira Gandhi and later Rajiv Gandhi and Vajpayee. But even Vajpayee had earlier backed Desai during the Janata regime in sabotaging the nuclear effort, a policy his RSS backers asked him to change when he became Prime Minister, which resulted in the 1998 tests.

3. The Israelis cooperated with the Government of Indira Gandhi even as she followed the wrong-headed policy of publicly disassociating herself from them. On at least two occasions they made plans to attack and take out the Kahuta nuclear complex in Pakistan. In the first they actually ferried equipment that would facilitate the attack, to our Jamnagar air base. The plan was stopped when the information leaked out of the office of Dr. P.C. Alexander, then the Principal Private Secretary to the Prime Minister, to the Americans, who threatened to come out on the side of the Pakistanis. *Why Dr. Alexander or his staff were never called to account is not clear.*

In the second, they planned to use Jamnagar and another north Indian base for refuelling purposes to attack Kahuta from the north. General Aharon Yaariv was to ensure that their aircraft in full Israeli livery would carry out the attack. But then the Indian government did not want to be publicly associated with it, even if it cooperated and offered bases to Israel to operate and refuel from.

Israel felt that the Indian government should accept at least part of the responsibility for the attack, since it would be the main beneficiary, and that its hesitancy verged on pusillanimity. As a result the entire plan fell through.

4. There seems to be adequate evidence that the H-bomb design used in the 1998 tests did not perform according to specifications. The fiction that it did, is being upheld and accepted by the US to prevent further testing.

Karnad suggests that India should develop cooperative security linkages based on its version of the Monroe Doctrine backed by a strong nuclear/thermonuclear force, as a strategic long-term measure. If it calls for renewed testing, so be it. According to Karnad the Indian version of the Monroe doctrine should consist of cooperation with Japan, Taiwan and Viet Nam on the one side and Israel on the other, in which the entire area in between would eventually be the Indian sphere of responsibility. He believes that the Americans would be amenable to such a move and would help in its successful operation.

Considering the decades long mistrust that has characterised Indo-US relations, one wonders how close to wishful thinking this is because Karnad himself adds, "It is a mystery how Washington expects India to ... act as a counterpoise to China if New Delhi is strong armed by the Americans into foregoing nuclear and thermonuclear wherewithal that is Beijing's strongest military card." Besides, will the US acquiesce in an Indian Monroe doctrine if, as he says, the US and China are Pakistan's "chief patrons"? Then again, this a new version of "forward policy" does not take into account the sensitivities of Australia and New Zealand.

Karnad clearly subscribes to the gung ho school of patriotism, which is fine as it goes – especially now when for the first time in its history the country's economy is going great guns. India's new found economic confidence is responsible for the American interest in ensuring that India maintains a de-mated "force in being" nuclear weapons posture. Tackling an economically weak India with nuclear weapons in a de-mated state was something the Americans could have done any time they chose. Tackling an economically strong India with world scale ambitions and armed with thermonuclear wherewithal is a different matter altogether. The matter is better dealt with now rather than after the tiger has left his economic cage. It is this realisation that has brought Bush to India.

George Bush wanted that the Indians should be nailed down to a negotiated position from which they could not wriggle out. Condoleezza Rice in a statement from Air Force One, as it was flying from Kabul to Delhi, also stated that India should not be permitted to back out of any agreement that it makes with the United States. In other words an "in perpetuity" clause would be insisted upon. They have succeeded in getting it. It is good that a reciprocal "in perpetuity" clause regarding fuel supply has been agreed to by the Americans. The only question: How will India enforce it if the US reneges on the deal? With the agreement, the Americans have succeeded with the first step of prising the civilian facilities out of the Indian military embrace. This is the aim of the present agreement. The second step is to emasculate the Indian weapons programme gradually. In a television interview Karnad was forthright on the issue. The two governments he said, will come to some sort of agreement. The Americans will then seek to extract further con-

cessions. It must be made clear to them at the outset how far we are willing to go and the limit beyond which all else is non-negotiable.

Quite apart from its extraordinary readability, this book has a page-turning immediacy in the unputdownable category in spite of its size – 724 pages. The vast sweep of its frame of reference and its depth

is in the same class as that of Nirad Chowdhury. Except, of course, Chowdhury had the irritating habit of talking down to his reader and quoting French out of context. The scholarship is not merely implied; it is evident from the copious sources that Karnad marshals and quotes from. To read “disinterested”, used wrongly in a number of places is a small price to pay for the overall

worth of the book. It does not in any way detract from the book’s literary quality. Were it not to be limited by its subject, *Nuclear Weapons and Indian Security* would stand with pride alongside Aldous Huxley.

It was a privilege to read this book.



THE ANGLO-MARATHA CAMPAIGNS AND THE CONTEST FOR INDIA

by
Randolph G. S. Cooper

Published by

Foundation Books Pvt. Ltd., Cambridge House, 4381/4, Ansari Road,
Daryaganj, New Delhi 110 002.

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Reviewed by

Brig. S. C. Sharma (Retired), freelance writer

The book deals with the Maratha military culture. The Marathas had posed a challenge to the Mughals and to the British. Their warrior traditions reflect the age-old Vedic inspiration – the ancient stone sculptures show well drilled infantry supported by cavalry and archers. The scenes of siege and attack provide recorded evidence of sophistication of Maratha warfare in the pre-European period. The skills used in casting metal idols for the temples, fortified with Vedic mathematics, helped in producing quality guns. The correspondence of a Portuguese officer in the first half of the 16th century acknowledges the superiority of the Maratha guns. This was particularly evident in the production of metal alloys. Some of the guns were cast in sections, giving them a mobility in the field then unknown to the Europeans. Military technology and military labour in India flourished in a free market unrestricted by the monopoly of State control.

Shivaji was the most outstanding Maratha leader in history. Besides being a guerrilla leader, he was a brilliant strategist and an able administrator. His plan of holding a chain of forts gave him the freedom to harass and tie down an invading foe and defy a siege. In due course of time, he extended his control to the sea. After Shivaji, Peshwa Baji Rao I added two unique features to the Maratha war machine – the integrated fire power of guns and small arms and the tactics of advance by the infantry under cover of fire. He combined the military and civil functions under himself. This sent a wrong signal to the Maratha sirdars who managed to grab civil power thus weakening the central authority. The national army of Shivaji was transformed into a group of factions, often at odds with each other. The Maratha army was not a Hindu army. It was secular and not dissimilar to the armed forces of India today. It was composed of military professionals from all over

the country and included foreigners too in ranks from sepoy to Commander-in-Chief.

The political background of the events leading to the 1803 campaign are well covered and the tactical moves and operations are given in detail. On 12 August 1802, the Maratha forces in Ahmednagar capitulated through treachery. The commandant, an Englishman, and two battalions turned disloyal. This was to be a constant feature of the hired military sepoys of the period. Assaye was a hard fought battle and not a walk over. That the British were the victors in 1803 is not disputed. It is the continuing misrepresentation of the Maratha army and the reasons for their victory that are contested. European historians have consistently ignored the historic record of Maratha power and have wrongly considered British victory as inevitable for reasons of their military superiority. The author has given due credit to the valor of the

Maratha troops and the strategic perception of their commanders.

The fort of Asirgarh was surrendered by the Maratha sirdar for Rs.20,000, this being equal to the arrears of their pay. To the British military establishment, death before dishonor has served as a motto and a behavior *cliché*. The businesslike attitude of the Maratha killedar who had not received his and the sepoy's pay in time must have looked strange to them. The killedar and sepoys felt no remorse in changing sides due to non-payment of dues. The British learnt to exploit this weakness of the Maratha army and particularly their foreign officers.

The British victory in the Deccan had snapped the North - South corridor and they could no more rush troops from the South to the North. Nor could they menace Bengal. The disconnection prevented thousands of Maratha light horsemen, the pindaris, from moving Northwards to assist the Scindia of Gwalior against the British in the Ganga-Jamuna Doab. In 1802, Scindia was in a comfortable position to dwarf the East India Company [EIC] by virtue of his accumulated wealth. Artillery and arms had been stockpiled and the stage was set for a showdown. The campaign opened at Aligarh. The Maratha command structure was severely handicapped by distrust amongst the European and Maratha officers. Amongst the Europeans, the French did not trust the English. The French C in C Peron went over to the British after handing over to another Frenchman Pedron who wanted to surrender and was placed under arrest by the Maratha sirdars. In September 1803, the fort fell after a hard fight. No quarter was given to the defenders. Agra and Delhi met a similar fate.

The author disputes the four

common explanations given for the British victory – continuity of momentum of victory in Napoleonic wars, British training and discipline, British artillery and British credit. The 1803 campaign was fought *before* the Napoleonic wars and the Maratha army was as well disciplined. A British officer noted the precision with which Scindia troops broke camp and formed into columns and the skilful use of military geography before the battle of Aligarh. The Maratha artillery was not inferior to that of the British and took a heavy toll of the attacking force. The author points to two major weaknesses. The British placed great emphasis on combat leadership amongst the senior officers. General Lake, Commander-in-Chief, Northern Army was known to risk his life in the line. The British regimental system required a known, trusted natural leader who would not retreat. Such leadership did not exist in the Maratha army due to distrust and last minute desertions which rendered the command and control system dysfunctional. The de-

fectors managed to take their troops and precious intelligence with them.

The second great advantage enjoyed by the British was their financial system. The Maratha financial centres were within easy striking distance of the enemy while the British financial centre was in London. It was British duplicity and money which lured the Maratha sirdars, European officers and sepoys to change sides. Subversion by money defeated the grand army of Scindia in 150 days. The British had taken control of the military economy of South Asia in the form of weapons manufacture, logistic networks and protection of the Indian rulers at a price. After this campaign there was no indigenous power left capable of driving the British back to the three presidencies.

A book of original work, Randolph Gooper's book is highly recommended to students of Indian history. Extensive notes add to clarity.



TERRORISM by Mr. V. Balachandran, Former Special Secretary, Cabinet Secretariat with a foreword by Mr. A. V. Karnik, retired Deputy Director, Intelligence Bureau.

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**GOPAL KRISHNA GOKHALE
HIS LIFE AND TIMES**

by
Govind Talwalkar

Published by

Rupa and Co., 7/16 Ansari Road, Daryaganj, New Delhi 110 002.

Year of Publication: 2006 No. of Pages: 511 Price: Rs.695

Reviewed by

Dr. R. Srinivasan, retired professor of political science, University of Mumbai, and Associate Editor, *Freedom First*.

Gokhale battled for months to introduce an Elementary Education Bill in the Imperial Legislative Council, 1911. Memorials were sent to the government in support of the proposals and public opinion moulded for the Bill to be adopted. The Bill was rejected and Gokhale had an inkling of this. His peroration at the end of the speech on the rejected Bill was a testament to the spirit of battle and the optimism of his generation of fellow-nationalists. It summed up the indomitable spirit of the patriots of that period, who were inured to failures but were sanguine of the ultimate outcome.

"My Lord, I know that my Bill will be thrown out before the day closes. I make no complaint. I shall not even feel depressed ... I have always felt and have often said that we of the present generation in India, can only hope to serve our country by our failures. The men and women who will be privileged to serve her by their successes will come later. We must be content to accept cheerfully the place that has been allotted to us in our onward march. This Bill thrown out today, will come back again and again, till on the stepping stone of its dead self, a measure ultimately rises which will spread the light of knowledge throughout the land. It may be that this anticipation will not come true.

"It may be that our efforts may not conduce even indirectly to the promotion of the great cause which we have all at heart and that they may turn out after all to be nothing better than the mere ploughing of the sands of the seashore. But, my Lord, whatever our fate awaits our labours, one thing is clear. We shall be entitled to feel that we have done our duty, and where the call of duty is clear, it is better even to labour and fail than not labour at all."

Not only he, but all his contemporaries and predecessors too shared this sentiment. But the so-called failure was covered with a sense of nobility unmatched by the successes of the politicians of today. Gokhale set high standards, political and moral, both for himself and his colleagues, and wore himself out in his untimely passing away. His sterling character, his principled life, his transparency remains without a parallel and those who worked with him regarded him "this side idolatory".

His disciple and successor V. S. Srinivasa Sastri wrote on him copiously and with a sense of intimacy and these bring him to life vividly and remain unsurpassed. It could be said of Gokhale that he touched nothing that he did not adorn whether it be teaching, running journals, participating in councils or in tirelessly trying to in-

fluence British public opinion in his public lectures and in meeting the British liberal elite predisposed to advocate the cause of India. His great achievement was the evidence on Indian finance presented to the Welby Commission which was to deeply impress the concerned public. If in England he was to make a mark, he was equally to impress if not influence the official executive and the highest representatives of the British in India. His Budget speeches in the Imperial Legislative Council with their impressive command of the financial outlays and a penetrating analysis of the public finances of the Indian government remained without a parallel and drew grudging admiration even from Lord Curzon. To dwell on Gokhale and his sacrifices is to feel ennobled and one rises from a reading of him imbued by an elevated sense of public service.

Though ostensibly a book on Gokhale, it is in fact a chronicle of developments from the nineteenth century India from the times of the Company, examining politics and policies and detailing the beginning of modern political currents, and the emergence of the Congress. The Congress occupies the central position in national politics and was to provoke reactions in the press and the Legislative Councils.

The scene shifts from debates in the British parliament and jour-

nals of opinion to Calcutta. Gokhale, of course plays a part in this, but in this account, he is one of the actors and his continuous interaction with others is highlighted and detailed; his difficulties and the dilemmas that he faced are examined. If anything, the book exposes the gap between the professed ideology so eloquently articulated by Lord Morley and his ilk and its total non-significance in practical politics. Like many liberals of his generation, Gokhale took seriously the verbal commitments of the elite and was to be disappointed time and again.

The author originally wrote the book in Marathi and the present version is a translation. It contains the essentials of Gokhale's life which have been written of in earlier books, but the emphasis here is on the background and the times and the attempt is to place him in the context of contemporary developments.

This is both the strength and the weakness of the book. The background is dwelt upon in very great detail so much so that Gokhale tends to be drowned in this. The old forgotten details of debates are recapitulated and these often make for heavy reading. But the strength of this approach is that no book has gone into the background in similar detail and it makes it useful for the student of the period – the contemporary details in Parliament or the press, the public discussions are quoted or paraphrased comprehensively. Also, he has used the biographies, memoirs and the papers of Gokhale, the correspondence of Dadabhai and Wacha to great advantage. However, it is addressed more to the scholar and the student of modern Indian history than the common reader. From the book, it clearly emerges that if Pherozeshah had not been at the helm of affairs of the Congress during the Surat

imbroglio, the two warring sections of the Congress could have come to some understanding. It appears that the obduracy of Sir Pherozeshah and the reluctance of Wacha and Surendranath considerably led to the stalemate.

The publishers have let down the author, for it appears to have had no professional editing at all. Mistakes in proof-reading abound as do clumsy sentences. Proper names are misspelt in many places. Certain pages have sentences that make no sense – the last line at p.88, the first two lines at p.89, last lines at p.90, first few lines at p.91, the first line of p.93, the last line of p.94, first two lines of p.97, the last line of p.97 and the first line of p.98. If Homer nods, so does Talwalkar. It was G. Subramania Iyer, not Sankaran Nair, who gave evidence before the Welby Commission.

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ZALACH PAHIJE

(Marathi)

Edited by

Pradeep Karnik

Publishers:

Dimple Publishers, 4/1, Kalyan Building, Opp: Chikitsah School,
Khadilkar Road, Girgaum, Mumbai 400 004.

Year of Publication: 2005 No. of Pages: 352 Price Rs.250

Reviewed by:

Professor Vilas Patankar, retired professor of political science,
Ruparel College, Mumbai.

Zalach Pahije (Must be formed) is an engrossing presentation of imaginatively interwoven editorials written by Acharya P. K. Atre in his *Navayug* weekly during the hectic years of the Samyukta Maharashtra Movement (SMS) along with insightful excerpts from the Acharya's autobiography – *Karheche Pani*.

The SMS occupies a position of pre-eminence in the history of Maharashtra because of the just and legitimate nature of its demand for the formation of the state of Maharashtra comprising Vidarbha, Marathwada, western Maharashtra, Konkan, Belgaum and Karwar with the city of Bombay as its capital and the arbitrary opposition to it by the Central Government and the then Government of Bombay.

It was unfortunate that the Congress which had advocated the restructuring of provinces on the principle of linguism through a resolution in 1920, opposed it after independence. Mahatma Gandhi, who had earlier supported the formation of linguistic provinces, began to think otherwise when the demand for Pakistan grew. Prime Minister Nehru and Sardar Patel became staunch opponents of linguistic states and Morarji Desai and the industrial and financial interests vehemently opposed the formation of Samyukta Maharashtra. They could not stomach the idea of the city

of Bombay becoming the capital of Maharashtra. Barring the Congress all political parties joined in the Samyukta Maharashtra Samiti (SMS). The spontaneous and fervent support of the people throughout Maharashtra was phenomenal. Among the political, social and intellectual luminaries who toiled hard through the years to lead the Samiti to victory on 1st May 1960, the lion's share of praise must go to Acharya Atre. The present volume was brought out in the birth centenary year of Acharya Atre as a tribute to his unparalleled contribution to the cause of Samyukta Maharashtra. It was the Acharya's writings in the *Navayug* and the *Maratha Dainik* and his memorable speeches studded with rich jewels of political invective and humour that kept the flame of the movement glowing brightly throughout the long drawn struggle. Acharya Atre's public meetings were mesmeric. He toured extensively reaching out to the remote corners of Maharashtra. He marshalled facts and figures with unassailable logic, flavoured it with wit and sarcasm,

which left even the mightiest of opponents in high places helplessly embarrassed.

Prof. Pradeep Karnik deserves praise for editing this volume with skill. His editor's note reflects his scholarly diligence and makes the volume highly rewarding to the reader. Prof. Karnik has succeeded in projecting Acharya Atre in the right perspective and set the earlier records straight.

For everyone conversant with Marathi *Zalach Pahije* is a 'must read' book, especially so for the undergraduates studying papers in politics. Special mention deserves to be made of the monumental cover page and the cartoons by Shri Balasaheb Thackeray and Shrikantji Thackeray.

Maharashtra owes a debt of gratitude to the versatile genius called Acharya Atre for the formation of Samyukta Maharashtra, which can be redeemed to a degree by going through his entertaining and informative writings.

A Mistake in the Mahabharata !

In one remote village of India, one masterji is teaching the Mahabharata katha to a class. He is at the 'Krishnajanma' part. So let him continue instead of me....

Masterji: *Bachcho*, Kansa heard the akashvani that his sister's 8th child is going to kill him. He was furious. He ordered that Vasudev and Devaki be put behind bars. First son is born, and Kansa kills him by poisoning. Second one is born and Kansa throws him off the mountain peak. Third one is born, and so on...

Now Ramu, who is the smartest of the lot, puts up his hand, and asks Masterji, if Kansa knew that Devaki's 8th child was going to kill him, then why did he put Vasudev and Devki in the same cell.?

Contributed by Bhalchandra Patankar



CHITTHIRA CHILAMBU

(In Tamil)

by

K. U. Rajavelu

Published by

LKM Publications, Old No. 15/4, Ramanathan Street,

Thayagaraya Nagar, Chennai 600 017

Year of Publication: 2004. No. of Pages: 960. Price Rs.400

Reviewed by

Professor R. V. Chari, Retired professor of Commerce and Management and a freelance writer.

Silappadhikaram, the Tamil epic authored by Ilango Adigal is the tragic tale of Kannagi and her husband Kovalan. Kovalan is infatuated with Madhavi, a danseuse. Kovalan fritters away his entire wealth on his paramour and finds himself penniless. Determined to start a new life Kannagi gives him one of her diamond studded anklets. Kovalan goes to Madurai the capital of the Pandian kingdom. He sells the anklet to a Jeweller who turns out to be a thief. The Jeweller who has stolen a pearl studded anklet belonging to the Queen falsely accuses Kovalan of having stolen the Queen's anklet. The King, without any investigation, has Kovalan executed. Kannagi who comes to know of this cruel murder of her husband confronts the King and tells him that the anklet which Kovalan had was hers which she had given him. The King realising his guilt dies of shock and his wife too dies unable to bear the shock. Kannagi curses the city the city of Madurai which has been so cruel to her husband and the city goes up in flames.

This classic epic, consists of three parts. The first part *Pugar Kandam* describes the flourishing city of Kaviri Pom Pattinam the capital of the Chola Kings to which belong Kannagi and Kovalan; the second part the *Madurai Kandam* where the tragedy takes place; the *Vanchik Kandam* which discusses the state of affairs of the Chera Kings, and the

effort of the King in erecting a statue of Kannagi.

Freedom First being a journal in English in which this review appears cannot capture the great literary merit of the work which is in Tamil. The flavour will be lost in translation. The reviewer must therefore rest content in bringing to the notice of readers of the existence of this classic and also the assessment of Rajavelu the author of *Chittra Chilambu* of *Silappadhikaram's* place among the great epics of the world.

Rajavelu compares the great Greek epic of Homer and opines that the *Iliad* pales into insignificance when compared to *Silappadhikaram*. Helen, the heroine of the *Iliad* had relations with five different persons. Kannagi, the tragic heroine of *Silappadhikaram* stands out as a sparkling specimen of rare chastity and unblemished character. When the tragedy occurred she was just in her twenties. Her husband Kovalan the handsome son of the wealthy and flourishing trader Masathuvan, was 16 year of age and Kannagi a 12 year old. Their wedding was celebrated with pomp and splendour and the couple were established in a palatial building where they led a happy life for a number of years.

As Rajavelu narrates it their idyllic life came to an end when Madhavi, now quite proficient as a dancer and singer, started her career when she was introduced to the

stage at which time the Chola king was himself present. The audience was quite enthralled with her performance and so was the king who rewarded her. Among those in the audience was Kovalan who fell in love and started living with her, leaving Kannagi. The wealth, very assiduously accumulated got depleted very soon, with Kovalan squandering it away in a reckless manner.

The lucid, flowing, captivating style of Rajavelu reminds this reviewer of Edward Gibon's *Decline and Fall of the Roman Empire* as well as that of Dandin's *Dasakumara Charitam* in Sanskrit. It is indeed very difficult to pick-up any passage from this book of 900 pages to illustrate my appreciation. However the following passage may be cited as a specimen of the complete command and mastery of Rajavelu over the language of the epic.

Ever since the book has come into my possession hardly a day goes by when I do not slip through its pages. It is as if reading it relieves the stress and tensions that I experience preparing me to re-energise myself for the day's onerous assignment.

Price at Rs.400 the book is a steal. The publishers ought to be complimented for bringing out the book with excellent types and in hard cover.

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