

Freedom First

MONTHLY No. 976, JANUARY 2007, Rs. 25

THE LIBERAL POSITION

CRIME



&

PUNISHMENT

The Nithari Killings

*Containing Political Corruption -
A Landmark Verdict from the Supreme Court*

Retirement - A Blessing or a Curse?

H. M. SEERVAI



(1906-1996)

Over the last one hundred fifty years, Mumbai has produced several legal luminaries who have enriched both public life and the pursuit of Law. H. M. Seervai belonged to this distinguished fraternity. His birth centenary was celebrated in the city at a meeting on December 5, 2006 appropriately on the lawns of the Bombay High Court and, in the many articles in the leading newspapers by well known personalities paying tribute to his memory. What made him particularly outstanding was his firm commitment to principles and clear exposition of the legal position on any issue of law and the Indian Constitution. *Freedom First* is privileged to join the many in honouring a great Indian.

H. M. Seervai served Maharashtra as Advocate General from 1957 to 1974, when, as his devoted wife Ms. Pheroza Seervai observes in her profile of her husband, "with no word of appreciation from the Government, for 17 years of outstanding work for the State, although by general consent, he added lustre to this great Office. He resigned on finding the high Office denigrated by the actions of the Minister for Law and Judiciary". It must be of some comfort for Mrs. Seervai to know that even here Mr. Seervai was in the distinguished company of several senior executives including that outstanding ICS officer A. D. Gorwala who, many years earlier preferred to quit rather than kowtow to a Chief Minister of the then composite Bombay State.

What his erstwhile government employers failed to appreciate, was recognised by his peers beginning, ironically, with the Government of India.

In 1972 Seervai was awarded the Padma Vibhushan in recognition of his monumental work *Constitutional Law of India, A Critical Commentary*.

In 1981 the British Academy elected Seervai to be its Corresponding Fellow an honour "reserved for scholars of the highest academic distinction".

In 1991 The Asiatic Society of India (formerly the Royal Asiatic Society) elected Seervai an Honorary Fellow, in a long line of distinguished Fellows from all over Europe and India.

In 1994 the International Bar Association awarded Seervai a trophy "in recognition of outstanding service to the legal profession internationally": an award called 'Living Legend of Law Award of Recognition'.

Seervai was invited to be a judge of the Bombay High Court, a judge of the Supreme Court and also Attorney General of India. All three he declined both for personal reasons as also his pre-occupation with his Magnum Opus *Constitutional Law of India, A Critical Commentary* which ran into four editions starting in 1967 and ending with his death in 1996.

Mr. H. M. Seervai began as a teacher. He taught English Literature at the Elphinstone College. Apart from his legal career, which spanned nearly 70 years, he wrote several books which included *Partition of India: Legend and Reality*, *The Position of the Judiciary under the Constitution of India*, and *The Emergency, Future Safeguards and the Habeas Corpus Case: A Criticism*.

Reviewing 'Partition of India - Legend and Reality', *The Economist* said: "For the foreseeable future, Mr. Seervai's account of the Partition must remain the most authoritative version. ... As for the massacres and population exchanges, Mr. Seervai proves his case that it was Mountbatten who was largely responsible".

For more on Mr. H. M. Seervai you cannot do better than to read the book compiled by Mrs. Pheroza Seervai "Evoking H. M. Seervai - Jurist and Authority on the Indian Constitution." Priced at Rs.525 it is published by the Universal Law Publishing Co. Mrs. Seervai had earlier published 'The Seervai Legacy', an equally engrossing account of the man and his works.

Freedom First

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Contents

<i>Many Voices</i>	2
Crime and Punishment Ashok Karnik	3
The Nithari Killings R. Srinivasan	5
Nithari and Us - Another Culprit Seetha	6
Three Predictions about India Kishore Mahbubani	8
Containing Political Corruption Ganesh Sovani	9
<i>Point Counter Point</i> Ashok Karnik	11
A Liberal Party for India Subroto Roy	13
<i>The Reservation Conundrum</i> The Government's Motives are Suspect Sharad Joshi	16
<i>The Rural Perspective</i> Farmers in Distress P. R. Dubhashi	18
Fertiliser Subsidy G. Giridhar Prabhu	21
The India-US Nuclear Deal Kuldip Nayar	25
Retirement: A Blessing or A Curse? Firoze Hirjickaka	27
Some Very Personal Thoughts on Religion Farrokh Mehta	29
Ten Years in a Communist Chinese Prison	31
<i>Debate</i>	32
<i>Book Reviews</i>	35

BETWEEN OUSELVES...

The cover story of *Freedom First* October 2006 was concerned with the fact that the state of governance in our country is in inverse proportion to the state of the economy – while the Economy soars, Governance plummets. It is too much to expect that as we go to press three months later it would be any different. If anything the situation is worsening. As some of us who lived through the years soon after independence will recall, for the first forty years some of us in the liberal movement were highly critical of one party governance which undoubtedly provided political stability. The undivided Congress was in power at the Centre and in most States of the Indian Union. But these States enjoyed little power – to such an extent that, decrying the situation, Rajaji described most State governments as little more than municipalities! I still recall reading his article in *Swarajya* "States or Municipalities?" Minoo Masani described the stability of governments at the Centre and the states as the stability of the 'graveyard' as the economy grew at a snail's pace not exceeding 4% at any time during that period; what is referred to as the 'Hindu Rate of Growth'. Today the rate of growth has doubled and we are talking of achieving 10%. The concern over 'One Party Dominance' has been replaced by an even greater concern over the current murky state of coalition politics. The waters of our polity are churning and as of now the dregs have surfaced. When will the churning die down and clean waters come on top?

Sadly what has not changed, now as was then, is the continuing exploitation on the one hand and the neglect on the other of rural India. These are some of the concerns that emerge from the many articles in this issue.

Tell us what you think. Share with our readers what, in your view needs to be done. Remember we are now in touch with you twelve times a year. Let's step up our dialogue! You can write about anything and everything which in your view would interest your fellow readers!

Editor

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MANY VOICES

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

America always does things without grace.

Columnist Kuldip Nayar, *Janata*, December 24

New Zealand has a population of four million and its team reached the semifinals of the Champions Trophy. India has a billion people but the last time it won an event was in 1987.

Malcolm Speed, CEO- ICC, *DNA*, November 2

Violence against women has less to do with how women dress and far more to do with the inequality of women, the impunity of those who commit gender crimes and the apathy of state and society that condone and encourage attitudes that facilitate gender violence

Zubaida Irene Khan, Secretary General of Amnesty International, *DNA*, November 2

The Lord is only one and he is God above all of us. I am not god, judges are not gods.

Supreme Court Chief Justice Y. K. Sabharwal (explaining the decision to drop the archaic and colonial prefix of 'Your Lordship' from the court rulebook), *Hindustan Times*, November 25.

Let's take that image further. Only God is above the law. All human beings – even those we admire and respect – must be held accountable.

Television journalist and newspaper columnist Burkha Dutt, *Hindustan Times*, November 25

Had China, South Korea, Japan, Iran and Uzbekistan not been in Asia, India would have won an enviable cache of medals in Doha.

K. P. Rajan in a letter published in *The Week*, January 14

In almost every aspect of life, senior citizens' issues have to be examined and addressed in a focussed manner. This has surprisingly not happened even though the Union cabinet is dominated by senior citizens who enjoy myriad privileges at the tax payers' expense.

Sucheta Dalal, *The Indian Express*, August 21, 2006

I thought it was only women who indulge in bitching. It's interesting to know that men also bitch.

TV actress Nagma, *Bombay Times*, November 22, 2006

At one word of mine or other saints, followers donate whatever they have. Men empty their pockets and women, their jewellery. They do this because of their faith in us and the religion. Why should government decide where this money goes? (The reference is to the proposed Maharashtra Temples or Religious Institutions – Management & Regulation – Bill)

Gachadipati Hembhushanji, leader of a Jain sect, *Hindustan Times*, September 28, 2006

I think 18 years is a responsible age, when you are voting. If you can't deal with a couple of bad words, then should you be voting?

Actress and Chief of Censor Board Sharmila Tagore (reacting to criticism of abusive language in A-certified movies), *The Week*, October 15, 2006

Of all the wildlife out there, man's the one I fear most: Man is the most dangerous animal in the world.

Crocodile Hunter (the late) Steve Irwin (in the course of an interview in 2002), *Reader's Digest*, November 2006.

Why do we have to wait for a serial killer to learn that a drain behind D-5, Sector 31, Noida, was last cleaned in 1994. The police refusing to file FIRs is not about UP alone. It is about India.

Economist Bibek Debroy, *The Indian Express*, January 5



Crime and Punishment

Ashok Karnik

Who says crime does not pay in India today?

Crime does not pay, goes the adage. A comforting thought for the naive! It is a corollary to our credo, "*Satyamev Jayate*". Does it hold good in the present state of our country or is it a mere platitude? There are some heartening developments and some that would make one a cynic.

The good news first and the bad later. The passage of the RTI (Right to Information) Act promises transparency in public administration that was unthinkable earlier. There may be hurdles in the way as bureaucrats fight for safety and unhindered control over their domain. Nevertheless, it is an important, positive step forward. The second is that the judiciary seems to have responded to public anguish over some cases of gross injustice. The revision in judgments in the Priyadarshini Mattoo rape/murder case and the Jessica Lal murder case show that there may be a light at the end of the tunnel. Nitish Katara murder case also falls in the same category of high profile citizens trying, but failing to evade the law. The Shibu Soren conviction underlines the same reassuring message that the justice system is not the handmaiden of the rich and the powerful. However, are these merely exceptions to the rule that one can get away with murder if one has money and contacts? How confident are the citizens that they are safe in the hands of the police and the criminal justice system? The criminal justice system rests on

the police (for investigation and prosecution) and the courts (for delivering judgment). If either of these fails, justice is denied to the victims.

The Police

National Police Commission reports and Supreme Court orders on the administration of the police system are adequate testimony to the crying need for changes in the system. Despite vehement assertions about changes made in police training and sensitizing the police to human rights, the policeman remains the most feared and the most untrustworthy public official in the minds of the people. This is a sorry state of affairs as there are many police officers of outstanding integrity who cherish human values; policemen sacrifice the most for us in maintaining law and order and in dealing with criminals and terrorists. Even then they are mistrusted. Why? The answer is intriguing. They are the ones, among public servants, who are in close contact with the people on a day-to-day basis. The cutting edge of the administration is the foot constable; and his conduct determines the public reaction to the administration as a whole. It is the constabulary and the police station staff who deal with the public. It is unfortunate that these officials are often callous, corrupt and rude. There are excuses that they are overworked, underpaid etc., but their treatment of the common man is appalling. Complaints are not registered,

investigations are often shoddy, with an eye on the buck, and courtesies are unheard of. This behaviour stems from the notion that the policeman wields power and it is his will to do a favour or not. There is very little sense of obligation to the people. With this background, how can the people appreciate the policeman's problems?

Apart from the routine complaints that are not attended to, when major crimes like rape and murder are also handled with bias, the police image takes a beating. The Mattoo and Lal cases revealed how the police deliberately misdirected the investigation. Only a few officers may be guilty of dereliction of duty in these cases, but it tarnishes the entire police machinery. Quick in succession come the Marine Drive rape case, involving a police constable, the Khairlanji massacre and the Nithari (Noida) graveyard; the police have no face left. These cases underline the utter ineptitude or disregard for human life. The failure of the police in Noida to investigate the disappearance of over 30 children in 3 years from a small village is a blot on the entire police system. To cap the ignominy, the police had not even registered an offence about the missing children – not even a non-cognizable offence. The State Minister's categorization of the inhuman molestation/murders as a small event defies outrage. An event that is a national shame refuses to stir

a government authority. Besides, frequent terrorist attacks, Naxalite depredations and ULFA hits make one wonder whether there is law and order in the country.

In the midst of this, politicians in the name of state autonomy oppose measures suggested by the Supreme Court to shield the police from political influence. How can one describe the utter disregard for propriety? It is difficult to ask the people to trust a force so stigmatized. The good work done by the police in arresting terrorists, possibly saving hundreds of lives, gets lost in the din of adverse publicity. The police hate this ingratitude and the alienation between the police and the people grows further. This is a cynical point of view but can anybody see a ray of hope?

The Judicial System

If there is one institution the people have faith in, it is the Judiciary. One needs to be careful in asserting this, as slowly the lower rungs of judiciary are losing the people's faith. The fact that the Mattoos and the Lalls received justice in the end also indicates that the lower courts had failed to deliver justice and public furor was needed to pursue the cases. In how many cases can the public rise in anger to get justice? Should there be no built in system where such injustice is promptly set right? The judiciary is often in an adversarial role vis-a-vis the police. The smallest error in the prosecution case is pounced upon to set a criminal free. Can it not allow the police to rectify the errors in the prosecution case? Their common goal ought to be to punish the guilty and not indulge in fault-finding. Society is the ultimate victim if criminals get away.

The most common excuse

presented for judicial delay is that there is shortage of judges at every level. True, but the same excuse is trotted out by the police for their own shortcomings. There will always be financial constraints in this country; the system has to work within these limitations. Are the courts using their time to the optimum level? Can the frequent adjournments of cases not be avoided so that the courts' time is not wasted? The whole process of criminal case hearing needs to be shortened. In any case, the conviction rate in the country is only 6.5 %. This is the percentage of cases that go to court. How many more are not even registered and how many are downgraded as non-cognizable and how many remain undetected is not known. It simply means that most criminals go scot-free and are ready to threaten the social fabric again and again. Who says crime does not pay?

The legal fraternity is also a party to judicial delays. The lawyers cite their duty to offer their best services to a client without pre-judging him. A lawyer is bound to use every bit of legal loophole to help his client; but after all, a lawyer is an officer of the court and needs to assist the judicial process. He cannot delay trials under one pretext or another and manufacture evidence to allow his client to escape punishment. How many lawyers have a clear conscience on this count and how many use their reputation and cleverness to twist the evidence to suit their clients? Consider the dozens of corruption cases pending against the high and mighty. Nobody is getting penalised as the cases have been pending for decades. To make matters worse, there are politicians with tainted reputations who become Ministers and control our destinies! One

wishes there was a law making it mandatory to speed up cases against elected representatives, so that they could not evade justice. Some may even refuse to contest for fear that their cases would not be deferred indefinitely, as is the practice now!

Answers

It is a depressing scenario. Everybody is aware of the impending loss of faith in all values. However, everything is not lost. Concerned citizens have some weapons available to fight the sloth and corruption. The RTI Act can be used to render bureaucracy accountable. The police may try to wriggle out under the plea of security. But only the Intelligence wings are exempted. The investigation wing is open to scrutiny. The judicial system is also not immune from the RTI Act. Public Interest Litigation (PIL) also provides a major relief. Finally, the weapon of public awareness and protest is now readily available through the wide reach of the TV medium, if the victims are determined. It is up to the citizens how diligently they use these avenues to right the wrongs.

MR. ASHOK V. KARNIK is a former deputy director, Intelligence Bureau, Government of India. He writes and lectures on national security issues.

On Democracy

Many forms of Government have been tried, and will be tried in this world of sin and woe. No one pretends that democracy is perfect or all-wise. Indeed, it has been said that democracy is the worst form of Government except all those others that have been tried from time to time.

Winston Churchill

The Nithari Killings

R. Srinivasan

The Right to Life has become a casualty in today's India.

One of the fundamental duties of the government is to give a modicum of protection to its citizens. In this respect, our State cannot be regarded as having covered itself with glory. For too long there have been repeated instances of either the State helplessly watching mayhem and guardians of the law themselves subverting the law as in Bombay in 1993 or during the earlier terrible happenings in Delhi and later in Gujarat. These have been a blot on the not very fair name of India.

If one happens to be a member of the minority, he cannot always take for granted that he will be able to live a trouble-free life.

The Right to Life has become a casualty in today's India. Nearly 70 people have been massacred in Assam by the ULFA, all of them working in low paid jobs. Both the Centre and the State failed to protect the victims who were migrant seasonal labourers during harvest time. This is not the first time that Biharis have been at the receiving lethal end.

Here was an outlawed organisation wrecking its fury on helpless citizens. The suddenness of the attack and the ineffectiveness of the forces made others to flee back to their State.

We have yet to recover from the shock of the Khairlanji case where four members, all Dalits, were brutally murdered and the

police refusing even to record the complaints; for weeks, the happenings were almost swept under the carpet. It was the outrage of the dalits and their public expression, in some instances violent, that egged on the government to act and to begin punishing the guilty officials. Sadly, the print media did not highlight this outrage as they normally should have. All these cumulatively deter the effective functioning of governance, and of setting right wrongs.

The happenings in Noida very close to the nation's capital have again horrendously confirmed the totally unhelpful attitude of the law enforcing agencies. The facts are too fresh in public memory to need recapitulation. That thirty children and more could be missing for weeks and the police of the area not being ready even to register a complaint

is telling. This led to a further brazenness on the parts of the criminals. In spite of the complaints made time and again, how does one explain the indifference of the police to the disappearance of not one or two but more than thirty and all in one particular locality? The police abused the complainants and threatened to throw them out if any problems were created. The politicians, when approached, were equally indifferent. This was in shameful contrast to the alacrity with which the police swung into action to retrieve a kidnapped boy in a neighbouring area. The boy was restored to his parents. But they happened to be affluent and influential. All the parents of the missing children were mainly from West Bengal, Orissa, Bihar, M.P. and Chattisgarh. All of them occupied lowly positions. The brother of the Chief Minister and a politician in his own right made

The Social Consciousness of the Police

A lot has rightly been made of the deep class divide this case exposes. The poor have no mechanisms for exerting pressure the way the privileged do. But the way in which the class divide truly impairs the functioning of the police is that it is inscribed in its very structure. Most policemen, SHO and lower inhabit a peculiar social zone. They have been armed with a lot of discretionary power, but their own social status also makes them victims of class subordination by superiors in society. Power without corresponding social recognition is a fatal combination. The intractable problem may not be that the police ignore the poor. It may rather be that social divisions are so inscribed within the police force that most police do not think of themselves as conduits of equality before law, since none of them have experienced it.

Pratap Bhanu Mehta
The Indian Express,
January 6, 2007.

unfeeling remarks that such minor things happen all the time and these rubbed salt on the wounded sensibilities of the parents. Being outsiders and not voters, the victims felt, was the main reason for the apathy and indifference of the political class.

This is not restricted to U.P., but is the situation all over the country. It is said that at a minimum, there are nearly 45,000 children missing all over the country. The Patna High Court came down very heavily on the Bihar government for not being able to trace 143 children reported

missing for the last five years and asked the State government not only to take immediate measures but file an action taken report.

In this context, the remarks of Pratap Bhanu Mehta are of significance (*see box on page 7*).

Nithari and Us – Another Culprit

Seetha

In the Nithari massacre - there is another culprit - a collective one: the affluent residents of Noida in whose homes the parents of the missing children worked.

In the Nithari massacre - there is another culprit - a collective one: the affluent residents of Noida in whose homes the parents of the missing children worked. Surely, these maids, drivers, security guards and other help must have mentioned to their employers that their child had disappeared, and that the police were refusing to lodge a complaint? Unless these people are so impersonal towards their servants that they don't speak to them at all, beyond giving instructions. I find that a bit hard to believe.

The maids must have taken a day off to look for their missing child, do the rounds of the police station, among other things. They must have been asked why and they must have been given the reason.

Did any one of the employers offer to help these people? Did any one of them offer to go to the police station and help get a complaint registered? Did any one of them pick up the phone to call 'someone they know', which they would have done if someone from their peer group had been in

trouble? It's another matter that the police are so callous that it may not have helped, but did they even try? Or did they also, like the policemen, dismiss the incident as children running away due to poverty? Or good looking girls having eloped? Could it also be possible that these people weren't able to spend more time looking for their children because their employers would have upbraided them for not coming to work on time or taking too much leave or inconveniencing them in some other way? I suspect this could also be a reason.

Even as we all sit and criticise the police for not acting, we have to come to terms with this disturbing question - how active are we and others from our socio-economic set? The drain in which the children's remains had been found hadn't been cleaned for years. And all these people living in these posh houses just kept quiet? Regular cleaning may have prevented the culprits from hiding their crime as easily as they did.

*

When Salman Khan was jailed in the black buck killing case,

it was seen as a demonstration that the rich cannot get away with crimes. There were an equal number of people who felt that he went to jail only because he was rich. It's an endless, inconclusive debate.

Those who lit candles in Delhi to protest the acquittal of Jessica Lal's murderers and in Lucknow to protest the lack of action on Meher Bhargava's murder and those who sent angry SMSs from across the country felt vindicated in a way (never mind that their vigil didn't influence the Salman case verdict).

The two vigils have won a lot of kudos. They are seen as a sign that the middle class is shaking off its apathy and taking a stand, saying they will not take injustice any more. For a Delhi whose overarching philosophy is *sannu ki* (what's it to me), this was certainly a change. But let's take a good,

Politicians are the same all over. They build a bridge even where there is no river.

Nikita Khrushchev

hard, dispassionate look at those protests. Was the outrage anything more than skin deep? A cynical question, yes, but one that needs to be asked.

The protests were about the rich and the influential getting away with serious crimes. The system, everyone said, was to blame. What a clear distancing of oneself from the system and the actions of the rich.

But isn't the system made up of individuals? And is the middle class less prone than the rich to use money to escape penalties? Can all those who agonised about money power and influence legitimately claim that they have never paid a bribe to avoid a challan for jumping a red light? Why is a Rs.100 bribe more acceptable than a Rs.1 lakh one? Can they say they never used the network of friends,

relatives and classmates to tweak the system for one's own selfish benefit at someone else's cost?

What's worrying is how quick the middle class is to point fingers at people, without stopping to think what they would have done if placed in the same situation.

How many of those who lit candles in Delhi and Lucknow intervened when they saw a wrong being done, instead of just turning their faces away? How many of us would intercede when we see a lout harassing a woman in a bus or train? Are we even prepared to go for the social boycott of a criminal?

Salman got convicted because of the dogged perseverance by a group of people. The urban middle class, mired in its energy-sapping daily grind,

doesn't have the bandwidth for that kind of persistence or any form of active citizenship. It's so much easier to light candles and send outraged SMSs. That's a quick salve for our collective guilty conscience.

Perhaps this is an extremely pessimistic view of things. Perhaps those gestures are the first, faint stirrings of active citizenship among the middle class. But that's not enough. Middle class angst has to go beyond that.

For the system to change, we have to change our individual behaviour. There's no getting away from it.

Courtesy DNA and <http://beyondlabels.blogspot.com>.

MS. SEETHA is a journalist and researcher. She can be contacted at seetha.seetha@gmail.com

"We were guilty of a shameful silence"

Those of us who live in the parts of India illuminated by the glitter of the growth rate sometimes forget that we live only on the circumference; on the boundaries of a great heart of darkness.

Perhaps that's why it's so difficult to accept that the story of mass murders of young girls in a suburb of the national capital isn't just about crime; it's a story about class. And in different ways, each of one of us is to blame.

For once, we in the media – at least the urban, English-language media – must stand at the front of the line and plead guilty.

Two months ago, when the three-year-old son of the Adobe CEO was kidnapped from Noida, the media, spurred on by the success of their own activism, went for the kill on this story as well. For the next few days there was relentless reporting - on the role of the police, the lawlessness of Uttar Pradesh, the blot on India

as a corporate destination and finally, the happy reunion of son with father.

There was nothing wrong with what we reported. It was what we did *not* report that defined our negligence in this case.

We had all vaguely read the agency reports about the 40 other children missing from Noida. Some of them were untraceable for more than a year. Was it because an issue often needs a single face to catapult it into the public imagination? Or was it because when we read that the missing children were from the "village of Nithari", we somehow imagined a wasteland deep in the interiors of UP's badlands where such disappearances are a part of daily life?

What ever it was, we were lazy, passive and guilty of a shameful silence.

Barkha Dutt in her column 'Third Eye' *Hindustan Times*, January 13, 2007

Three Predictions about India

Kishore Mahbubani

Freedom First readers should read the following summary of a speech delivered at the Center for Advanced Study of India, University of Pennsylvania, on November 9, 2006, by Singapore's distinguished diplomat and author, Ambassador Kishore Mahbubani, Dean of Lee Kuan Yew School of Public Policy at the National University of Singapore in which he makes three predictions about India. When the Iraq War began, one heard Bush speak about the great threat to civilization. In an article I wrote around that time I asked "What Great Civilization? The Western Concept? Dubya Bush needs to get his history correct as all the ancient civilizations had their origins in the East. This impression has now been clearly spelled out by Ambassador Mahbubani in the following extract of his speech. - Eustace D'Souza.

First, Indians, unlike the Japanese, are going to wear less rather than more Western clothing as they emerge as a great power.

Second, India will continue with some of the finest political traditions it has inherited from the West: democracy, a respect for human rights, and respect for the rule of law. But, increasingly, Indians will start to claim these traditions as their own. A rediscovery of the ideas of Ashoka and Akbar in India could lead to an understanding that some of the best practices of Indian political culture predated the arrival of the West in India.

Third, with the growing detachment between the West and the East, India will once again resume its natural role as the meeting point for the great civilizations. At a time when many in the West are convinced that the West cannot co-exist in peace with the Islamic world, they should study how India has been able to accommodate so many civilizations – including the Hindu, Buddhist, Islamic and Christian civilizations – and how most of them have lived in peace with each other for most of the time. There is something unique about Indian political and social culture. There is a spirit of inclusiveness and tolerance that pervades the Indian

spirit. Hence, while the West often tries to discuss the world in black and white terms, distinguishing itself from either the evil empire or the axis of evil, the Indian mind is able to see the world in many different colours.

He concludes: "The Indian capacity for engaging other cultures and civilizations may well define India's role in the relations between the West and the East. Certainly it can play an important bridging role but it could play an even bigger role. It could help to remove the sharp distinctions that seem to be growing between the West and the East. It could

perhaps help to convince the leading minds in the West that they should stop seeing themselves as guardians and custodians of one leading civilization, the Western civilization. Instead, they should see themselves as guardians and custodians of 'human civilization'. Convincing the West to adopt this new mindset will not be easy. A great crusade will be needed to convince the West that it is essentially no different from the East. India may well play a leading role in this crusade".

MR. KISHORE MAHBUBANI is Dean of the Lee Kuan Yew School of Public Policy, Singapore.

"I think it would be a good idea"

Most Western opinions are generated by a small group of Western pundits – whether they be in the *New York Times* or *Financial Times*; *The Economist* or the *New York Review of Books*. For most of these pundits, their mental foundations still rest on a deep conviction of Western civilizational superiority. This seeps through their writings. The consequence of all this is that you have a strange situation: In our information rich universe where Western voices continue to speak to other Western voices on the basis of deep-seated assumptions of Western superiority, while the rest of the world is progressively drifting away from these assumptions.

One favorite past-time of Western pundits is to wrap the cloak of moral virtue around themselves and say that, at least in the moral arena, Western civilization stands head and shoulders above the rest. It is doubtful whether this was ever true in the absolute sense. Many Indians love to repeat the famous quip of Mahatma Gandhi: When asked about what he thought of Western civilization, he replied, "I think it would be a good idea."

Kishore Mahbubani

Containing Political Corruption

- A Landmark Verdict from the Supreme Court

Ganesh Sovani

There has not been a single case of a politician being sent behind bars on corruption charges!

Corruption, simply put, is the 'use of public office, for private gain.' Sadly, since independence, no serious effort has been made by anyone to tackle the menace of corruption, which has been virtually institutionalized all over the country.

According to the Berlin based Transparency International's Corruption Perception Index, India was rated 69th in 1999, 72nd in 2002 and at 83rd in 2004 among 176 members of the United Nations. The dipping of India's rating with the passage of time is quite alarming. On the other hand, countries like Singapore, Australia, Denmark, Norway, and Sweden, which have high per capita income or GDP growth rate, are perceived to be the least corrupt countries in the world, thereby giving credence to the theory that corruption is in inversion proportion to progress. Higher the corruption, lower the progress!

Corruption and Elections

According to former Central Vigilance Commissioner N. C. Vittal, the enormity of corruption in India is so high that black money accounts for 40% of our Gross Domestic Product (GDP). In his excellent paper 'Corruption & the Rule of Law', Vittal opines that our electoral process is mainly responsible for starting the vicious cycle of corruption. According to him political corruption leads to

bureaucratic corruption, which in turn leads to business corruption leading to the criminalisation of politics.

Criminals in Politics

Our defective election system allows 'dons' like Shahabuddin, Vikas aka Pappu Yadav from Bihar and Rajju Bhayya from UP to get elected with thumping majorities even while they are in jail, thanks to money, muscle power and political patronage. Although the findings of the Vora Committee appointed during the tenure of the late P. V. Narasimha Rao to investigate the politician-criminal nexus submitted its report almost a decade ago, no concrete action has been taken by successive governments at the Centre to seek its implementation. Even Lal Krishna Advani, (who demanded the publication of the Vora Committee's findings, particularly the annexure to the Report giving a list of criminals enjoying political patronage), did not take any steps when the BJP-led NDA government was in power. As a matter of fact, the BJP invited the wrath of the media when its then general secretary Pramod Mahajan got U.P.'s infamous don, D. P. Yadav, to join the BJP prior to the fourteenth Lok Sabha poll. Of course D. P. Yadav was forced to leave the BJP, thanks to the media's campaign.

The post-independence scenario reveals that political parties

are willing to field mafia dons in various elections due to their ability to win and the large amount of funds they collect for the party. In return, political parties offer them protection from legal action. According to a survey published by *India Today*, of 5,539 candidates who contested the 2002 Uttar Pradesh assembly elections, 965 had serious criminal records. 39 members of the 12th Lok Sabha constituted in 1996, were implicated in serious criminal offences like murder, dacoity, or rape. This figure increased to 72, after the 1999 Parliamentary elections.

It is difficult to recollect a single step taken by the central government or by a national political party, to eradicate the evil of corruption. There has not been a single case of a politician being sent behind bars on corruption charges! This is because it was virtually impossible thanks to the immunity from prosecution they have enjoyed under Section 19 of the Prevention of Corruption Act which prevented action against the permanent and elected executives without prior government sanction.

The prosecution of former Tamil Nadu chief minister J. Jayalalitha, of former Assam chief minister Prafulla Kumar Mohanta and Kerala's former chief minister K. Karunakaran took several years to start, as sanction was not forthcoming from Governors who were

themselves politicians. As of December 2005 as many as thirty-five cases against central government employees were awaiting prosecution sanction. Clearly government is not serious about tackling corruption.

No Immunity

However, it looks like we can look forward to a radical change for the better thanks to an epoch making judgement by the Supreme Court. The judgement has paved the way for expeditious and effective prosecution of both public servants and politicians who will no longer enjoy immunity from prosecution if charged with corruption. Dismissing a clutch of petitions filed by former Punjab chief minister Prakash Singh Badal, Union railway minister Laloo Prasad Yadav and his wife, former Kerala chief minister K. Karunakaran and former Punjab deputy chief minister Rajinderkaur Bhattal, the Supreme Court held that "the principle of immunity protects all acts public servants have to perform in the exercise of the functions of the government. However, where a criminal act is performed under the colour of authority, but which in reality is for the public servant's own benefit or pleasure, such acts shall not be protected under the doctrine of state immunity".

Section 19 of the Prevention

of Corruption Act, 1988, of 'prior prosecution sanction', was meant to save public servants from mischievous, bogus and/or vindictive prosecution harassment in the performance of their legitimate duty, thus providing public servants immunity from prosecution. The SC ruling has now cleared a huge hurdle that had literally prevented the prosecution of public servants. The manner in which India's Attorney General Milton Bannerji took cudgels on behalf of BSP leader and former UP Chief minister Mayawati over the Rs.75 crore scam in the Taj Corridor project was a clear example of how alliance partners were being protected by the incumbent government for political reasons.

Who are 'Public Servants'

Until the Supreme Court delivered a verdict in the *Hawala case*, confusion had prevailed whether the term 'public servant' was confined to bureaucrats alone, or it could also encompass politicians. With the judgment in the *Hawala case* on 18th December 1997, the SC clarified that the political leaders who are members of parliament, and state legislatures or are holding ministerial office also come under the definition of public servant. The Supreme Court undoubtedly deserves kudos for clarifying that the protection enjoyed by public servants under

section 197 of Cr.P.C. cannot be invoked by politicians and/or public servants, as the act of 'indulging or abetting corruption' cannot be construed as being part of official duties. This ruling has also kicked off a debate in the legal fraternity as to whether Section 197 of Cr.P.C. is now redundant!

The latest ruling would definitely facilitate expeditious disposal of trials, in addition to transparent investigation of cases of disproportionate assets! However, all depends on the will of the people as well as society which too has to come out of its shell in tackling such serious issues, which have a huge bearing on the progress of the nation. Unfortunately, law-abiding citizens in this country have lost faith in politicians, as a result of which participation of the people in governance is totally absent. Unless the middle classes and intellectuals join hands and overcome their indifference, progress is difficult because politicians cannot be depended on to change things on their own.

"Quo Vadis, Indian democracy"?

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Liberal International Demands the Release Dr. Chee Soon Juan Jailed for Speaking in Public Without a Permit'

The President of Liberal International, Lord John Alderdice condemned the Singapore government's severe restriction on the freedom of speech and urged it not to ignore the international expectation on the authority to adhere to the natural laws of Human Rights. The strong statement came at the heels of the detention and subsequent imprisonment of Dr. Chee, Secretary General of the Singapore Democratic Party, who was jailed on 23 November 2006, hospitalized and sent back to prison whilst still unwell. The Singapore authorities claimed Dr Chee met the full wrath of the law because of his refusal to pay a fine for 'speaking in public' without a permit. However, intensive international pressure by liberal parties was brought upon the Singapore government, which helped secure his eventual release by the Singaporean authorities on the 16th December 2006.

LI News Issue 50

Point Counter Point

Ashok Karnik

Every issue has at least two sides. A wise man studies all sides before deciding what is right. This is an attempt to present different viewpoints for your consideration.

The Prime Minister's Inexactitude

● At the recent National Development Council meeting, the PM declared, "the plans for SCs, STs will need to be revitalized. We will have to ... ensure that minorities, particularly the Muslim minority, are empowered to share equitably in the fruits of development. *They* must have the first claim on resources." This led to an uproar from the BJP chief ministers who alleged that the PM had indulged in the worst kind of communal appeasement by advocating first claims for the Muslims on national resources. The PMO clarified that the PM meant to cover all the downtrodden, including the SCs, STs and all minorities and did not mean only the "Muslim minority". The damage was, however done, and the Parliament session on December 11 was disrupted. The opposition claimed that the Government was trying to woo Muslims in view of the forthcoming UP Assembly elections. The opposition was possibly raising a storm over a non-issue. There was no justification to disrupt Parliamentary proceedings for a day by hair-splitting words when the Government had clarified that the PM had not advocated, in his speech, special favours exclusively for Muslims.

It is possible that the PM meant to use "*These*" instead of "*They*". "*These*" would have covered the categories mentioned in the previous sentences too. Is it a matter of mere semantic inexactitude or is it worse than that? In view of the Sachar Commission Report on the plight of Muslims, there was enough reason to misinterpret PM's remarks. The country is being constantly divided and sub-divided into various categories like SCs, STs, OBCs, minorities of different hues and creamy layers among all of them. Is there no end to it? Can the politicians not stop underlining that we are really not one nation? Is there no way of helping the poor without putting them in different categories of caste and communities? This should have been possible at least after 60 years of Independence.

Singur – CPM's comeuppance?

● The CPM-led government in West Bengal has fallen into a trap the CPM and the left has dug for others. In its well-intentioned quest for investment in the state, the WB government has approved an ambitious project for opening a Tata automobile factory in the State. It is acquiring about 1000 acres of land in Singur for the Tata project. Since most of this is agricultural land, the acquisition affects farmers. Those opposed to the CPM have jumped into the fray and launched an agitation against the land acquisition. Mamta Bannerjee, the inveterate enemy of the CPM-led government, took the lead and even the NDA has jumped on the bandwagon. All this is so reminiscent of the Left's opposition to all development projects by the private sector. The boot is on the other foot now. In its defence, the WB government claims to have given more than fair compensation to the landholders. The

The CPM's discomfiture may gladden the hearts of those who have suffered at its hands, on similar grounds. However, if the CPM is doing the right thing, albeit out of economic compulsions, the change should be welcomed. The opponents of the project claim to be fighting for the farmers' cause. How genuine is their concern for the farmer is a moot point. As usual Medha Patkar and Arundhati Roy have joined the fight for the downtrodden. Medha Patkar has claimed that irrespective of the compensation paid to the farmers, she is opposed to the very idea of the use of agricultural land for industrial purposes. From Narmada Dam to *jhuggi jhopdis* in Mumbai, to Singur is a journey driven by ideology akin to the Ludites'. The effect of their action is damaging to all progress. They will of course challenge the layman's definition of progress. In the final analysis, it needs to be

question remains – should fertile agricultural land should be used for industrialisations.

ascertained if most farmers were coerced under legal provisions to sell their lands or they were genuinely a consenting party to the deal.

Dumbing Down of News

● The 24-hour news channels are becoming a daily dose of entertainment – as against infotainment – to the viewers. To keep up with TRPs, they come up with “exciting” news every day, whether it is of importance to anybody or not. The criterion is, it should be titillating enough to attract the eyeballs and keep them fixed on the channel. The value of the news, regionally, nationally or internationally, is immaterial. We thus see day in and day out, *Sadhus* who have predicted their death, *Babas* who treat patients through the telephone, girls claiming to be *nagins* (who can transform themselves into snakes), and all kinds of charlatans given valuable space and time on TV. It goes on and on, on every news channel day and night. One wonders if these are earth-shaking events deserving the undivided attention of major news channels; or have curiosity and momentary titillation preoccupied our minds to such an extent that news-value has become an empty word? Is this what reaching out to the masses has become? Is there a competition for presenting the most meaningless happening, the most loudly?

On the other hand, TV channels claim to have become the voice of the common man, the fastest way of conveying the people’s will to the powers that be. It proved to be effective in the Priyanka Chopra murder case where the High Court probably took note of the people’s anguish and re-heard the case quickly; the same with the Priyadarshini Mattoo rape/murder case and the Nitish Katara murder case. Without the use of the power of the people’s will, would these cases have attracted the Courts’ attention? This indeed is a great achievement in a country where public grievance gets the least attention. But the other side of the coin is whether our judicial system should be influenced by popular sentiment? Is it good or bad for the system? Should the courts not be sensitive to such issues without prodding? Can the news channels not strike a balance between public interest and public titillation and voyeurism?

Readers are invited to send in their points of view on serious issues of the day to avkay@mtnl.net.in

An Exciting Encounter

This is what the Nobel laureate in Economics the late Milton Friedman had to say after a meeting with Rajaji:

“One of the great emotional and intellectual experiences of my life was a visit to Mr. C. Rajagopalachari when I was visiting in India some years ago. It was exciting to find a man with such philosophical depth, emotional concern, and analytical clarity about the problems facing India. It revealed to me an aspect of Indian culture and intellectual life that had been a closed book before.

“My studies of India had led me to the belief that the methods of economic control and policy that were being followed threatened to undermine the very real political democracy and individual freedom that India has maintained since independence. I shared with Rajaji his belief in the importance and value of individual freedom, of the key role that individual responsibility and initiative would have to play in the political and economic development of India, and a far more sophisticated and penetrating understanding of the problems and possibilities in that direction than I had found anywhere else in India.

“India is fortunate to have such a great man. May one of his foreign admirers wish him many further years of service to his country and to the world.”

MILTON FRIEDMAN, The Department of Economics, University of Chicago.

Reproduced from the Rajaji 93 Souvenir

A Liberal Party for India

Subroto Roy

Communists, socialists and fascists exist in the Left, Congress and BJP-RSS – but there is a conservative / “classical liberal” party missing in Indian democracy today.

We in India have sorely needed for many years a serious “classical liberal” or “conservative” political party. Major democratic countries used to have such parties which paid lip-service at least to “classical liberal” principles. But the 2003 attack on Iraq caused Bush/McCain-Republicans to merge with Hilary-Democrats, and Blair-Labour with Tory neocons, all united in a cause of collective mendacity, self-delusion and jingoism over the so-called “war on terror”. The “classical liberal” or “libertarian” elements among the Republicans and Tories find themselves isolated today, just as do pacifist communitarian elements among the Democrats and Labour.

There are no obvious international models that a new Indian Liberal Party could look at – any models that exist would be very hard to find, perhaps in New Zealand or somewhere in Canada or North Eastern Europe like Estonia. There have been notable individual Indian Liberals through whom it may be still possible to look to for some insight: Gokhale, Sapru, Rajagopalachari and Masani among politicians, Shenoy among economists, as well as many jurists in years and decades gone by.

What domestic political principles would a “classical liberal” or conservative party believe in and want to implement in India today? First of all, the “Rule of Law” and an “Efficient Judiciary”.

Secondly, “Family Values” and “Freedom of Religious Belief”. Thirdly, “Limited Government” and a “Responsible Citizenry”. Fourthly, “Sound Money” and “Free Competitive Markets”. Fifthly, “Compassion” and a “Safety Net”. Sixthly, “Education and Health for All”. Seventhly, “Science, not Superstition”. There may be many more items but this in itself would be quite a full agenda for a new Liberal Party to define for India’s electorate of more than a half billion voters, and then win enough of a Parliamentary majority to govern with at the Union-level, besides our more than two dozen States.

The practical policies entailed by these sorts of political slogans would involve first and foremost cleaning up the budgets and accounts of every single governmental entity in the country, namely, the Union, every State, every district and municipality, every publicly funded entity or organisation. Secondly, improving public decision-making capacity so that once budgets and accounts recover from having been gravely sick for decades, there are functioning institutions for their proper future management. Thirdly, resolving J&K in the most lawful and just manner as well as military problems with Pakistan in as practical and efficacious a way as possible today. This is necessary if military budgets are ever going to be drawn down to peacetime levels from levels they have been

at ever since the Second World War. How to resolve J&K justly and lawfully has been described in these pages before (*The Statesman*, 1-3 December 2005, 2-3 July 2006).

Cleaning up public budgets and accounts would *pari passu* stop corruption in its tracks, as well as release resources for valuable public goods and services. A beginning may be made by, for example, tripling the resources every year for three years that are allocated to the Judiciary, School Education and Basic Health, subject to tight systems of performance-audit. Institutions for improved political and administrative decision-making are necessary throughout the country if public preferences with respect to raising and allocating common resources are to be elicited and then translated into actual delivery of public goods and services. This means *inter alia* that our often dysfunctional Parliament and State Legislatures have to be inspired by political statesmen (if any such may be found to be encouraged or engendered) to do at least a little of what they have been supposed to be doing. If the Legislative Branch and the Executive it elects are to lead this country, performance-audit will have to begin with them. The result of healthy public budgets and accounts, and an economy with functioning public goods and services, would be a macroeconomic condition for the paper-rupee to once more become a money that is as good as gold, namely, a convertible world cur-

WHAT MINOO MASANI SAID BEFORE
INDEPENDENCE WAS "FREEDOM FIRST"
AFTER INDEPENDENCE NOW WHAT WE
NEED IS THE "SAME FREEDOM" FROM
OUR OWN ELECTED RULERS



ESTD - 1910

The Lakshmi Mills Co. Ltd.,

Coimbatore - 641 037.

rency again after having suffered sixty years of abuse via endless deficit finance at the hands of first the British and then numerous governments of free India that have followed.

It may be noticed the domestic aspects of such an agenda oppose almost everything the present Sonia-Manmohan Congress and Jyoti Basu "Left" stand for – whose "politically correct" thoughts and deeds have ruined India's money and public budgets, bloated India's Government especially the bureaucracy and the military, starved the Judiciary and damaged the Rule of Law, and gone about overturning Family Values. While there has been endless talk from them about being "pro-poor", the actual results of their politicization of India's economy are available to be seen with the naked eye everywhere. One hundred years from now if our souls returned to visit the areas known today as India, Pakistan, Bangladesh etc, we may well find 500+ million inhabitants still below the same poverty-line despite all the gaseous prime ministerial or governmental rhetoric today and projections about alleged growth-rates.

If the Congress and "Left" must oppose any real "classical liberal" or conservative agenda, we may ask if the BJP-RSS could be conceivably for it. The answer is clearly not. The BJP-RSS may pontificate much about being patriotic to the motherland and about past real or imagined glories of Indian culture and religion, but that hardly ever has translated concretely into anything besides anti-Muslim or anti-Christian rhetoric, or breeding superstitions like astrology even at supposedly top technological institutes in the country. As for a "classical liberal"

economic agenda, the BJP in Government transpired to be as bad if not worse than their adversaries in fiscal and monetary profligacy, except they flattered and were flattered by the organised capital of the big business lobbies whereas their adversaries flatter and are flattered by the organised power of the big labour unions (covering a tiny privileged class among India's massive workforce). Neither has had the slightest interest in the anonymous powerless individual Indian citizen or household.

The BJP in Opposition, instead of seeking to train and educate a new modern principled conservative leadership, appear to wish to regress even further back towards their very own brand of coarse fascism. "Family Values" are why Indian school-children have become the envy of the world in their keen discipline and anxiety to learn – yet even there the BJP had nothing to say on Sonia Gandhi's pet bill on women's property rights, whose inevitable result will be further conflict between daughters and daughters-in-law of normal Indian families.

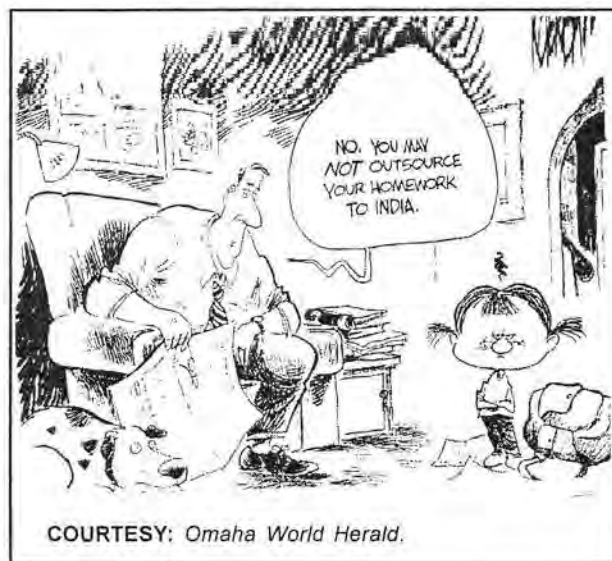
At the root of the malaise of our political parties may be the fact we have never had any kind of grass-roots "orange" revolution. There has been also an underlying national anxiety of disintegration and disorder from which the idea of a "strong Centre" follows, which has effectively meant a Delhi bloated with power and swimming in

self-delusion. The BJP and Left are prisoners of their geriatric leaderships and rather unpleasant ideologies and interest-groups, while the Congress has failed to invent or adopt any ideology besides sycophancy. Let it be remembered Sonia Gandhi had been genuinely disdainful of the idea of leading that party at Rajiv's death; today she has allowed herself to become its necessary glue. The most salubrious thing she could do for the party (and hence for India) is to do a Michael Howard: namely, preside over a genuine leadership contest between a half-dozen ambitious people, and then withdraw with her family permanently from India's politics, focusing instead on the legacy of her late husband. Without that happening, the Congress cannot be made a healthy political entity, and hence the other parties have no role-model to imitate. Meanwhile, a liberal political party, which necessarily would be non-geriatric and non-sycophantic, is still missing in India.

DR. SUBROTO ROY is Contributing Editor, *The Statesman*

COURTESY: *The Sunday Statesman* October 22 2006.

Please see box on page 30 for another interesting comment on this subject.



COURTESY: *Omaha World Herald*.

The Government's Motives are Suspect

Sharad Joshi

Based on Mr. Sharad Joshi's Intervention in the Rajya Sabha during the debate on the 'Bill to Provide 27% Reservation in Central Educational Institutions for the Scheduled Castes and Tribes and Other Backward Classes, 2006'.

Even within the farmers' movement, we had a difference of opinion as to whether Reservation can be a solution to the farmers' problems. Choudhury Charan Singh and Choudhury Devi Lal were strongly in favour of having Reservation for farmers as well. On more than one occasion Choudhury Devi Lal asked me, how many IAS or IFS officers had come from the farming community? They were of the view that the reason why the voice of farmers remained muted was that they had negligible representation in the centres of power. My own view has been that solutions to the problems of farmers cannot be found in the non-agricultural sector.

Dr. Babasaheb Ambedkar exhorted his followers to educate themselves and go to the cities because villages are cesspools of feudal structures. The underlying presumption being that the socialist system will prevail and there would always be enough jobs for all who migrate to the cities. That presumption has been proved wrong. The farmers' movement must find the way for farmers to be able to live in dignity. The *Shetkari Sanghatana* innovated an economic programme for the farmers to improve their standard of life by ensuring for them a remunerative price for their produce.

I believe that the kind of Reservation programme intro-

duced soon after independence has not served much purpose as the vast majority of the targeted communities have not benefitted. Reservation, in its actual operation, has not helped overmuch the disadvantaged communities but has been misused by individuals who manage to get a certificate to the effect that they belong to a disadvantaged community. The



advantage has gone to certain sub-castes and families that have emerged as the creamy layer. Not only are those belonging to this layer not inclined to serve their fellowmen but they have, on the other hand, built their world in a manner detrimental to their communities. In fact, it can be said that Reservation has actually been counter-productive.

It is surprising that the word 'Harijan' is now treated as a term of abuse by the new generation of Dalit leaders. The communities that have suffered thousands of years

of injustice have emerged from that experience not as people with compassion for the downtrodden but as bellicose politicians spitting venom against the rest of the society.

The Directive Principles in the Constitution only talk of deprived sections and do not talk of castes. Article 93 refers, in fact, to class. As all leftist friends would agree class is necessarily an economic concept and not a social concept. So, if we are talking of 'class' for Article 93 of the Constitution, it is clear that the reference is to economic backwardness and the need to help our backward brethren who are backward not only socially and educationally but also economically. But, this aspect of the policy of Reservation has been conveniently forgotten because it does not lend itself to mobilising voters on caste basis – a permanent feature of Indian society – be it Hindu, Muslim or Christian.

Consequently, Reservation has come to mean caste-based Reservation for the Scheduled Castes, the Scheduled Tribes, and later, during the days of Mr. V. P. Singh as Prime minister, to Other Backward Classes or OBCs as well. It is a queer coincidence that while Parliament was discussing a further extension of the principle of Reservation, V. P. Singh in an interview to *The Indian Express* admitted that while he pioneered

Reservation for OBCs, he now regrets having done so because he finds that it has not produced the desired results, insofar as OBCs are concerned. Pandit Nehru was opposed to the idea of Reservation on the basis of caste. Rajiv Gandhi wanted to know how many OBCs were there who should be covered by Reservation. And now, even V. P. Singh is recanting.

I think, the time has come to completely review the policy of Reservation and take stock of the results produced by this policy in the last 60 years. This is important because the Reservation regime is supposed to come to an end, unless extended, in three years time i.e. in the year 2010. I do not see any merit in trying to expand the scope of Reservation when the very idea is due for re-examination three years from now. One particular thing that I have found pernicious in 'The Bill to provide 27% reservation in central educational institutions for the Scheduled Castes and Tribes and Other Backward Classes, 2006' is to take Reservation beyond the year 2010. If you want to make Reservation a permanent part of our system, then the government should say so openly and not resort to any subterfuge - like this Bill which is talking of staggered implementation over three years starting from the academic year 2007-08 and going into 2009-10, which crosses the limit that has been fixed by Parliament as the year to review the entire Reservation policy.

If this Bill had been brought in the 1950s, I would have said that there is some good intent in it. Now, that it is being brought only three years before the deadline that has been set for the programme's evaluation, I am very skeptical of the intention of the government.

Quite a good number of members in the Rajya Sabha have serious doubts about excluding the educational institutions of minority communities from the application of this Act. It is difficult to see why the Backward Castes in the various minority communities should not be helped by educational institutions of those communities? Why should the minority communities expect the general institutions to help the Backwards in their communities? A number of members in the Rajya Sabha have voiced their feeling that Reservation should be applied to Institutions of excellence. There is a doubt expressed in the House as also in the judgements of the judiciary about the desirability of conferring advantages on the creamy layer. There are exclusions recommended even by the Standing Committee on the subject. One wonders if the intent of the drafters of the legislation is to promote

political division and derive electoral advantages therefrom.

One honourable member referred to the Mumbai incidents, in which Dalit mobs joined hands with the Naxalites and went on a rampage. The Mumbai police report says that the Dalits there have joined hands with Naxalites, and, therefore, they have burnt trains etc. If that is the trend that the Dalit movement is going to take, I think it is time to put a stop to such divisive policies and find out alternative ways which would be more effective in ensuring progress of the Dalits.

Unless I find some satisfaction in the Minister's Bill, I have resolved to ask for a division and vote against the Bill.

MR. SHARAD JOSHI is President, Shetkari Sanghatana, Founder of the Swatantra Bharat Party and a member of Parliament.

Language ... A Bridge or Barrier?

Exactly fifty years ago, the nation was reorganized into linguistic states so that the common man could get an opportunity to be educated and governed in his mother tongue. The process was not smooth, and many clashes took place during the demarcation of boundaries. Some of the disputes, such as Belgaum's merger with Maharashtra or Kasargod's shifting to Karnataka, still continue to simmer. At times, the animosity turns so ugly that I wonder these are two states of the same nation, or two enemy nations fighting for territory.

The sad part of this saga is that after two generations, we are still struggling to impose the state language on the masses, while the common man is getting more and more attracted to English. It is an undeniable fact that English is opening more doors to employment and prosperity than any regional language. This is confirmed by the reality that majority of politicians and top bureaucrats send their children to English medium schools, while enforcing the regional language on the masses for the sake of cheap popularity.

As a career counsellor, I come across so many children who are otherwise smart and doing well academically, but perform miserably in the compulsory state language, even if it happens to be their mother tongue. This shows that we are literally paying "lip" service to the state language.

Language is meant to be a bridge, but we have made our beautiful Indian languages into barriers. Can we not raise our voice, in any language, to tell the politicians to lay off and allow educators to do their job?

Dr. Ali Khwaja, Bangalore.

Farmers in Distress

P. R. Dubhashi

Farmers do not commit suicide just because they are indebted. They do so only when they become desperate finding no way out and nobody to give them a helping hand. That is the tragedy of what claims to be a welfare state.

The phenomenon of farmers' suicides in several states like Maharashtra, Karnataka, Andhra Pradesh, and Kerala and even in the irrigated areas of Punjab has been going on over the last decade. This is undoubtedly indicative of a serious distress in the rural economy and yet the politicians ruling the country, though elected by voters in the countryside, have chosen to deal with it in a ham handed fashion. The finance minister of the country, who gets disturbed by the precipitous fall of the index number in the stock market, chooses to mention not a word in his last budget speech about farmers' suicides. Apparently for him the movements in the stock market are more important than the suicide of hundreds of farmers.

The Union agriculture minister, though hailing from Maharashtra did little beyond promising a package in consultation with the Finance Minister. For him the package to bolster up the cooperative sugar factories and the import of wheat from Australia was more important than the relief to farmers in distress in Vidarbha. The state government, initially tried to attribute farmers' suicides to family, social and socio-psychological

problems. It was only when the study of the Tata Institute of Social Sciences drew attention to economic impoverishment as a cause of farmers' suicides that the state government announced a package, which did little to put a stop to farmers' suicides. It is only after the nationwide outrage caused by sustained publicity in the media, that

third of which will go towards writing off the interest, rescheduling of existing loans and providing fresh loans, and two thirds towards taking up irrigation projects and promoting horticulture and animal husbandry. Some part of the fund is obviously drawn from the on going schemes. The package has not satisfied the leaders agitating on behalf of the Vidarbha farmers.

The Rural Perspective



Proper remedies can emerge only out of a correct diagnosis. It is necessary to note that the phenomenon of farmers' suicides has emerged during the era of liberalization and globalization and the policies of the so-called economic reforms associated with

the Prime Minister decided to spend two days in Vidarbha to get a first hand information from the widows of the farmers who committed suicide, and extended his sympathies to them. Initially the Union Minister of Agriculture Shri Sharad Pawar, who is primarily responsible to deal with the situation was reluctant to accompany the Prime Minister and did so only after the Prime Minister himself persuaded him to do so. The Prime Minister announced his own package of Rs. Three thousand seven hundred and fifty crores for six districts in Vidarbha, nearly one

that era may have much to do with the agrarian crisis of which farmers' suicides are a manifestation. The advocates of economic reforms are however reluctant to admit this. They attribute the economic distress to recurrent drought, dependence on rain fed agriculture, lack of irrigation facilities due to lack of investment, low productivity, and lack of auxiliary and subsidiary occupations. These causes of agrarian distress are of course there and the PM's package seems to deal with them. But it is necessary to point out that these causes have always been there.

Why is it that farmers' suicides are taking place only now, after the economic reforms of liberalization and globalization? It is necessary to go deeper into the connection between economic reforms and farmers' suicides.

The farmers' suicides are attributed to indebtedness. Indebtedness again has been a feature of the rural economy for a long time. After Independence it was realized that the Indian farmer is in the clutches of the moneylender who exploits the farmer by charging usurious rates of interests. It was to emancipate the farmers from the clutches of the moneylenders that a decision was taken to establish a network of agricultural credit co-operatives and banks. After the nationalization of major commercial banks in July 1969, they too were asked to set up agricultural branches to provide credit to the farmers. They too established hundreds of agricultural branches. In addition regional rural banks were also established on the recommendations of the Narsimhan Committee. At the national level the National Bank of Agriculture and rural development was set up to provide funds for agriculture credit.

However the whole machinery of institutional finance has failed to come to the rescue of farmers in distress and the private moneylenders came back on the rural scene with a bang. A most painful example of exploitation by moneylenders has come to light. One Khavadkar borrowed Rs. 40,000 from a moneylender by name Gokulchand Sananda. The farmer had repaid Rs 95,000 and yet the moneylender's agents demanded with threats that he had to pay more. The farmer complained to the local officers. When they tried to take action under the Moneylender's Act for doing busi-

ness without license, the moneylender's son who is an MLA approached the Chief Minister himself who promptly asked the local officers not to take action against the moneylender. So much for the government which rules in the name of 'Aam Aadmi'.

Borrowing money by itself is not reprehensible. Like entrepreneurs in industry and service sectors, farmers too need credit – short term for current agriculture operation, medium term for purchase of implements and bullocks and long term for investment in creation of assets such as wells. If the credit is used productively, it generates a flow of income, which creates the capacity for re-payment of loan. If however the re-payment capacity is atrophied by natural calamities such as drought or market vicissitudes such as crash in prices, the farmers cannot repay their loans and lose their entitlement for fresh credit. That is why there is need for a special protective mechanism. The extension agency should actively guide the farmers in dealing with drought as well as for proper use of seeds, fertilizers, insecticides and technology. Credit also has to be linked with cooperatives for marketing, processing as well as price support operations by government.

During the era of liberalization attention was focused on the needs of industry and services but agriculture was neglected. The protective and welfare mechanism to provide security to the farmers weakened. In the name of fiscal discipline, investment in irrigation was reduced. The nationalised banks chose to ignore the 18% norm laid down as the share of agriculture credit. Banking was geared to international Basle norms of accounting, profit maximization and mergers and acquisitions. The

cooperative credit societies and banks became tools of politicians and were mismanaged. In a progressive state like Maharashtra the whole machinery of cooperative land development banking became defunct and investment credit became a casualty.

While the costs of bought inputs soared compelling farmers to draw credit beyond their capacity at high rates of interest, the prices of agriculture commodities remained low thanks to the new regime of globalisation under the auspices of the WTO. The developed countries paid huge subsidies to their rich farmers and insisted on free access to the markets of the developed countries. This situation of high cost of inputs and low returns of output has turned the agriculture economy topsy-turvy. The developed countries are relentless in putting pressure on developing countries for access to markets while doing nothing to reduce their subsidies. That is why the talks at Geneva failed as the earlier meetings at Hong Kong and Cancun.

Farmers do not commit suicide just because they are indebted. They do so only when they become desperate finding no way out and nobody to give them a helping hand. That is the tragedy of what claims to be a welfare state.

Dr. P. R. Dubhashi is the former Vice-Chancellor of Goa University.



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Fertiliser Subsidy

A Subsidy India Can Ill Afford

G. Giridhar Prabhu

Imagine you need ash for your rose plants. Ash is claimed by scientists and development officials to be so vital that the rose plant will not give beautiful fragrant roses without application of ash. When you need the supply, you take currency notes of Rs.100, burn them and apply them to your rose pots. You do it day after day, year after year. Will a rational man do it? Will a man do it even if he has a lakh of rupees to burn every day? If he doesn't have the money, will the rational man borrow money and do it for the sake of his roses?

This is what free India is doing in the case of fertilizers for agriculture. The obviously irrational process is justified in a national waste called "fertilizer subsidy". In 2006-2007 the budgeted amount for disbursement as fertilizer subsidy is Rs.16,251.90 crores. This is disbursed to various fertilizer manufacturers to produce urea. The inputs are naphtha and natural gas. The input cost varies according to fluctuations in the market rates of naphtha. In the case of natural gas it depends on the prices fixed by Government of India to be charged by the producers.

Naphtha price was over Rs. 20,000 per metric tonne at its peak. The average rate of urea in the world was around Rs 13,000 per metric tonne on a calculation known as "import parity".

First, the Government of India does not have the wealth of the Sultanate of Brunei. It is a republic with a population of which a sizable segment are poor. Its current record is that it borrows Rs.1,25,000 crores per year from its own people to finance its revenue and capital expenditure. Six years ago, the Reserve Bank of India was printing money just to buy government paper. Today it is printing money at the rate of Rs. 60,000 crores and releasing it into the system.

Therefore, our country cannot afford to throw Rs.16,251 crores into irrational expenditure in a year. This process came about from a policy in the 1970s for assisting farmers do scientific and modern cultivation. The Indian farmers needed to use extensive artificial nutrients to grow more agricultural products. In order to encourage farmers to use more fertilizers the government decided to intervene and formulated policies, procedures and issued notifications on the control and distribution of urea.

The government had also powers to license the fertilizer industry. Government promoted large fertilizer plants and the product was distributed by a system of rationing. It encouraged the private sector to set up manufacturing plants. In the process, the Government thought it fit to support such plants by giving them fixed returns by means of an assured price for the output on a "cost plus" basis with an intervention in "assured" feed stock supply. The production and consumption of fertilizers in India has bloated since then.

Whenever there was "insufficient" stocks, the government took steps to directly import urea and subsidise the price to match the local "fixed" price. The

subsidized price also could result in excess application which is not required for farming.

The economic justification perhaps was that the farmer could not "bear" the increased cost of fertilizers. The output prices of all agricultural produce was controlled by government. Every input price increase had to be compensated by increasing output prices. Increase in output prices would affect the poor people in India. Therefore, it was justified to keep fertilizer prices at the levels determined in the late 1970s.

It is now true that all farmers in India are enjoying the benefits of a low fertilizer price. Phenomenal changes have occurred since the 1980s, 1990s and into the 21st century. India in the 1990s had an average inflation rate of over 10 per cent in the first half and around 6 to 7 per cent in the second half. Inflation rate has been around 5 per cent in this century so far. Product prices have gone up substantially. Products which have been released from price control have jumped in line or beyond the line of inflation.

Why should fertilizers be the only item of production for intervention and price control? This process has been a political "hot potato". Every finance minister who has proposed a "cut" in

subsidy or "increase" in fertilizer prices has been shouted out politically. Even though we have been ruled, by turns, by all political parties, each of them has been briefed dutifully of this issue by the ministers concerned. Political survival wins over economic commonsense. Hence, we continue with the irrational conduct of the State.

Getting out of this quicksand requires administrative dexterity. It requires perception management. It requires solutions to the serious problems facing Indian farming. It requires discussion, debate and dialogue. It requires consensus.

The Liberal policy would be:

- Farming should be dealt with in a manner as to ensure that the Indian farmer gets a fair return on his or her investment and labour.
- The manufacturer and the trader are free to engage in industry and trade untrammelled by needless impediments in the conduct of their business
- It is the consumer's purchasing power reflected by the demand for specific goods and services that decides what to produce and how much to produce
- The dismantling of the permit licence quota raj will have to be accompanied by a gradual elimination of the regime of subsidies. The taxed rupee which is intended to benefit the poor should do so;
- The overall economic policy must be guided by the principle of efficiency, pro-

ductivity, enhanced consumer satisfaction, full employment and the well being of the people, keeping in view the central liberal belief in the dignity of the individual.

If logically what is stated now is right, then the State has to be advised to deal with the complex issue of fertilizer subsidy by deliberation. Liberals are very much concerned about the real earnings of the farming community in agricultural activity. The negative return from production and sale of agricultural produce in several sectors has resulted in an increase in indebtedness. The farmer is unable to generate capital out of farming activity.

The application of the liberal principles of political economy will imply minimum intervention by the State in pricing of a produce. In India the pricing of agricultural produce from post harvest to the point of consumption was determined by a plethora of policies and rules. The production, distribution, sale and pricing of urea is controlled by the State.

The first logical step that has to be taken is to allow the increase in prices of urea to its economic levels taking into consideration the cost of input. This could well result in the price going up from Rs.3,500 per metric tonne to Rs.14,000 per metric tonne to the farmer. The political implications of this are formidable. Successive governments have tried and failed in parliament and outside to create public opinion needed for justifying a price increase. Essentially there is a conflict between government and the advocates of farmers. The real earning of the farmer goes down in the face of the increasing cost of inputs. In a given farm activity

the realization from sale of produce must also go up equal to or higher than the proportion of the increase in input costs.

The increase in the price of farm produce has to be paid for by consumers for whom farm produce is a daily necessity. The increase in the price of farm produce increases the cost to consumers. And this becomes a sensitive issue affecting the politics of power.

It is now generally accepted that government subsidy of fertilizer is undesirable. It does not create mass employment, it does not contribute to economic efficiency, it does not transfer or redistribute income efficiently and it increases the burden on the tax payer. In economic terms it is better to have a higher price for the produce than an indirect levy on tax payers and the buying public.

The dependence on petroleum products to make fertilizers is very expensive in today's situation of volatile petroleum crude prices. There are also undesirable consequences on excessive use of urea in the fields where "intensive" agriculture is practiced.

Liberals must create a path and assist the government in getting out of this situation as early as possible. I propose the following for discussion.

The Big Bang

This practice has been done in the case of many commodities and services from 1991 to now. With careful premeditated action, announce the liberalization process in all controlled items simultaneously on a single day. Inevitably, fertilizer prices will go up from Rs.3,500 to Rs.12,500

overnight.

The farmer is free to decide what to do. He can even decide to stop using chemical fertilizers and proceed towards organic farming. He can reduce his consumption of urea proportionately. If it is viable he will buy at market price and sell his produce at market price.

State intervention in pricing which gives a Minimum Support Price should respond to the cost increase. There would be an automatic increase in support prices by the Government to help the farmer realize the value of the increased input cost.

Dual Pricing

This was done many a time during the liberalization process. There are two ranges of prices determined. A lower price for select customers and a free market price for customers who can afford to pay. This follows the analogy of managed food distribution in India today. This need not imply physical controls. It can be by regulation and monitoring through dedicated agencies.

Rationing

Restrict the production of urea to affordable costs and release only limited quantities by rationing it to farmers. If rationing is practiced it will result also in black marketing. If rationing is limited in quantity and the balance is allowed to be traded freely then Dual pricing will be automatic.

Market

Free market conditions will apply to the product just as in the case of other commodities. Since 1981 steel prices in India have gone up 25 times, Cement prices have gone up 10 times all other prices have gone up 5 times and

in many cases prices have come down in real terms. Why should fertilizers have a special status? In free market conditions producers take decisions on the basis of consumption – current as well as the future. Prices interpret the interplay of demand and supply. In this scenario the aspect of production, distribution and sale is determined entirely by the producers who respect the demand for their produce by consumers. Import and export should be allowed freely.

Modern Management and Public Administration

A combination of modern management and good public administration can ensure that the demand and supply of chemical fertilizers is managed efficiently without state intervention in the interest of agriculture.

An Agenda for Action

Liberal principles allow for State action to promote agriculture and protect the interests of the farming community. They are to be adequately prepared for facing the changes in their input costs and increase in the sale price of their produce.

Liberals should be open to the idea of direct state assistance

to farmers. This could be the highest for the first hectare, and scaled down upto the third hectare of production. This resolves the problem of the small and marginal farmers. This will help them not only in fertilizers but they can choose their method of agriculture at their discretion.

In today's scenario the liberalization of the fertilizer sector will result in production units stopping use of naphtha as an input. Naphtha will get exported and will fetch high value. Petroleum consumption will come down within the country. Natural gas will get substituted as an input over a period of time. If gas is not feasible to be brought to the place of production, the units can change over to use of naphtha for other petro-products.

There will be scope economically for starting of fertilizer plants on the basis of gas finds in the east. The situation will manage itself over a few years as in the case of all liberalised products.

This writer looks forward to a good discussion of his proposals.

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"Please Denounce Me"!

The Dalai Lama has expressed sadness over reports that monks had been killed and tortured by Chinese authorities for refusing to denounce him as a "separatist" bent on damaging China. Speaking to Reuters December 29 in an interview at his exile home in Dharamsala, the Tibetan leader has reiterated that those in Tibet should not endanger their lives by refusing to denounce him. "Their safety is more important. Just please denounce me", the report quoted him as saying.

Referring to the recent official Chinese media reports quoting the Chinese government-appointed Panchen Lama's comments about religious freedom, political stability and economic prosperity in Tibet, the Dalai Lama said such a comment was only to be expected. "... obviously the Panchen Lama has to speak what his superiors want," the Dalai Lama was quoted as saying. "It is very difficult".

COURTESY: *Tibetan Review*, February 2006.

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The India-US Nuclear Deal

Kuldip Nayar

America always does things without grace. Within a few years of independence, we faced food shortage. America's PL-480 brought wheat to India. But the debate in the US Congress was so belittling for India that the entire goodwill was lost.

Before I take up the India-US nuclear deal, I would like to say that there is a case for destroying all nuclear weapons, whether in the US, India or elsewhere. India, which won independence through non-violence, should have taken the lead and worked towards a nuclear weapon-free world. Mahatma Gandhi and Jawaharlal Nehru would have done that. They would not have even allowed the country to possess the Bomb. But today's India is diametrically opposed to their thinking.

The nuclear competition in South Asia is India's undoing. Had it not exploded the bomb, Pakistan would not have done so. True, New Delhi has sought America's assistance only to augment civil energy. But it is nuclear, not conventional. And one should not be oblivious to the danger that nuclear plants have poses throughout the world.

Still we wanted energy so badly that we compromised a lot. Whatever our stand, we gave the content in exchange of phraseology. After haggling for 15 months, India gained only a bit. Sanctions have been lifted and we can buy nuclear technology and fuel from anywhere. But in the process we conceded too much. It was humiliating at times. Prime Minister Manmohan Singh rang up the US Senate majority leader

to seek support. I do not know who advised him. I wish he had not done so because it was not Manmohan Singh who was phoning but India's Prime Minister.

Even then, the result has been hardly satisfactory. What America has given with one hand, it has taken back with another. The act is not so bad. But the background note which is part of the act is the unkindest cut. It is restrictive or "extraneous" (the word used by New Delhi) and it impinges on India's dignity, if not sovereignty. Maybe, the bilateral agreement, which is to follow the act, will lessen the damage.

Manmohan Singh said in the very beginning that India would not settle for anything less than the resumption of "full civil energy cooperation". The act comes nowhere near that. It does not open "full civil energy cooperation and trade with India". If the US really wanted to give full energy cooperation, its Congress could have enacted a simple, straight bill to assure that. Instead, there are too many vague points. Several cooks joined the US Congress and the State Department to spoil the broth. The bill was expanded from three pages to 41, many harsh amendments finding place in the background note.

New Delhi's main objection was the three parts: end-use

monitoring of the US of Indian nuclear imports, an annual presidential verification and the ban on reprocessing, enrichment and heavy water technology. All the three parts are there in the act in one shape or the other, although America has tried to cover them up through clever wording.

Take the monitoring part. The act does not say anything on it. There is no assurance. The ban on reprocessing or enrichment is relaxed through the act. But the background note attached to the legislation makes it clear that no relaxation is going to take place. Section 105 directs the executive to "work with members of the Nuclear Suppliers' group, individually and collectively to further restrict the transfers" of reprocessing, enrichment and heavy water technologies to India. It would become worse if America were to terminate its exports. As regards presidential verification, the word, certification has been replaced by assessment. The US President is still obliged to report every year his assessment whether India is complying with its non-proliferation or other commitments.

It is obvious that New Delhi has accepted the nuclear deal, with all its limitations, because it has welcomed the 'outcome' of joint Congress-Senate conference. It has thanked President Bush and Secretary of State Condoleezza Rice.

India may argue that the act would be discussed with the State Department to ensure that it is within the contours of the statement made by Prime Minister Manmohan Singh and President Bush in August last. The fact is that the act is a watered down version of what was stated again and again, even in Parliament. We have compromised our stand. Maybe, it was pragmatic to do so. Maybe, India had no alternative if it wanted to step out of nuclear isolation. If it is so, let the nation know about it. Transparency is important, particularly when there are serious doubts over the deal.

In any case, America should stop shouting about its 'confidence' in the democratic India. Had that been the case, New Delhi would not have been suspect in the eyes of the US Congressmen and Senators. They would not have dawdled over the bill for such a long time and passed such an act, which does not attend to India's main concerns.

America always does things

without grace. Within a few years of independence, we faced food shortage. America's PL-480 brought wheat to India. But the debate in the US Congress was so belittling for India that the entire goodwill was lost. Moreover, the cost of freight, which India had to pay, was higher than the food price.

What type of democracy America is when a country, which is the largest democracy, is treated nonchalantly? Still the anti-American feeling in India is very limited. The deal, as the details unfold themselves, may make people wonder how sincere America is towards them. Washington should have given the impression of a friend, not the one who wants to extract whatever advantage it could.

The cold war is over. The distance between the two countries should have been spanned by this time. But America continues to pursue the Dulles' policy of those who are not with it are against it. Take Iran. India too does not want another nuclear power in its

neighbourhood. But it has its own foreign policy. It too would like to ensure that Iran did not develop nuclear device. New Delhi wants to do in its own way. Still the deal wants the US President to 'assess' whether New Delhi was working with Washington to 'contain or restrain' Iran.

Now that the deal is through, American should seriously attend to what it can do in the economic field. That alone will strengthen democracy in India. By insisting on opening every field to the US cartels or having for them special economic zones (SEZ) may get America the best of financial terms, but not people's goodwill. Democracy is weakened when people see the system helping the rich and the haves and that too at the expense of the lower half. America would not like people in India to compare it with the erstwhile East India Company, which left traces of exploitation and imperialist rule.

SMR. KULDIP NAYAR is a senior freelance journalist.

Courtesy: *Janata*, December 24, 2006.

Preserving the Secular Character of the Armed Forces

The Constitution of India is founded on the principle of equality and individual dignity. There will be no discrimination on grounds of religion, caste or creed. The secular character of the Armed Forces has withstood the test of time except for some desertions in World War II incited by the entry of Turkey as an ally of Germany and, after Independence, after Blue Star. The conduct of the Army, when called out for restoring peace during communal disturbances has been exemplary. This has been possible because of fairplay and absence of discrimination. No society can live on past laurels alone and we need to maintain this spirit of fairplay. Exposure of troops to TV media, influence of ex-servicemen who join political parties and eagerness of major political parties to please vote banks can damage this structure.

The census of various communities in the Army as demanded by the Sachar Committee can become the thin edge to tear apart the secular fabric. The Defence Minister has announced that the character of the Armed Forces will not be changed. Why then was such a proposal floated without due deliberation? Some damage may have already occurred and the authorities must not trifle with the Defence Services.

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Retirement: A Blessing or A Curse?

Firoze Hirjikaka

It's about time Senior Citizens started to fight back. Why should we keep on docilely accepting the roles allotted to us?

One of W.H. Davies' most celebrated poems begins thus:

"What is this life, if full of care
We have no time to stand and stare"

The tragedy of the values modern society imposes on us is that to just stand and stare is regarded as a waste of time (does not generate any tangible value, you know. What are we, accountants?). This, after all, is this age of multi-tasking. What a horrible concept that is: reading an email and simultaneously answering another one, all the while talking on your cell – and not doing justice to any of them. Has the human spirit been reduced to this? Have we become mere automatons, driven to cram as much as possible into a waking day – and never mind the cost to our mental wellbeing, indeed, our souls? And when you have received hundreds of emails and replied to most of them: when you have made your colleague feel small in front of the boss: when you routinely put in eighteen hours a day: what have you gained really?

What about the cancelled picnics: missed prize distribution for your kids: forgotten anniversaries? Do the math, but do it honestly. Would you rather receive accolades from your boss, or your wife and kids? How much more rewarding it would be to just take time out once in a while; to spend a quarter hour contemplating the

majesty of a sunset or the beauty of a flawless rose? Why is such activity something to be indulged in furtively, if at all? Why is it greeted with looks of sympathy or disdain? Why is it deemed unproductive? Is productivity to be measured only in terms of tangible benefits? What about enrichment of the soul? Why is it considered wasteful to just let your mind wander, to dream dreams, to do something on a whim, wherever your fancy takes you?

Till the early part of the last century, retirement was regarded as a well-deserved reward after a lifetime of hard work. Our grandparents and their grandparents, after they reached a certain age were quite content to do what is regarded today as "nothing."

Nowadays, however, doing nothing is frowned upon. It is socially unacceptable. Thus, even those people who are enjoying their retirement are embarrassed to admit it. Consider my own case. After 35 years as a practicing civil engineer, it felt good to give up the pressures of near-impossible deadlines, hard-to-please clients and missed concerts, for just doing what I pleased. And I have plenty to do. I am converting my old LP collection to CD and my VHS tape collection to DVD, for example; talking to people from different countries on the internet; writing articles for online and print magazines; flooding newspaper editors

with letters about things that bug me; and finally reading the uncondensed versions of War and Peace and Crime and Punishment. And yet, when friends of my wife routinely asked what I was doing these days, she felt embarrassed to tell them that I was doing "nothing." Being in the fortunate position of not absolutely needing a job to put food on the table, I asked her what was wrong with me doing all the things I'd been putting off for years; and didn't it count as an occupation anyway? Hadn't I earned that right? She sort of agreed, but still insisted it didn't feel "right."

So, as a compromise, I took up part time consultancy work. It does not take up too much of my time, I work from home and my I'm still doing pretty much what takes my fancy. But, according to my wife, at least I now have a "handle." She can respond to questions about me without loss of face. If it sounds hypocritical, well, it is, but such are the silly things modern society makes us do.

Is there no dignity in old age any more? Open any Situations Vacant page in a newspaper and chances are the vast majority of job adverts will have an age stipulation; generally "not more than 35 years of age." What about the wisdom acquired through years of experience? Does it count for nothing? It was not always so. History tells us that older individuals were

regarded as sages and deferred to. India's ancient Hindu culture embodies the concept of the old as teachers, who were respected and venerated. So why is it that older people today are ignored or, at best, tolerated instead of being made use of? Is this really "progress"?

Of course, a lot of it has to do with attitudes and prevalent national cultures. In Western nations, where "dignity of labour" is valued and appreciated and social mores are not so rigid, working "beneath your station" after retirement is not frowned upon. Hence, if an Australian computer programmer, say, decides to become a full time gardener in his golden years, it is quite acceptable. However, in countries like India and Japan, for example, a professional sitting at home or, at most, pursuing a "humble" or blue-collar occupation after retirement would be regarded, at best, with pity and, at worst, treated with social ostracism.

A word about debt. Probably the most lucid advice about managing one's finances was offered by Wilkins Micawber, a character in Charles Dickens' novel *David Copperfield*. He said "Annual income twenty pounds, annual expenditure nineteen and six, result happiness: annual income twenty pounds, annual expenditure twenty one pounds, result misery." Seems simple and obvious, doesn't it? Then why is it so hard to practice? Let me give you an example. My wife and I travel abroad quite often and each time we end up blowing at least a couple of hundred dollars on "must-have" souvenirs which look real tacky once we get back home; and weird hats that we would not dare wear in public. The same analogy applies to daily life. Most

folks spend on and accumulate a staggering amount of junk – usually on credit – by the time they reach retirement age. Often the rationale is a sudden rush of shopaholic adrenalin; or keeping up with the Jones'. If we could exercise a little more self control, which I know is easier said than done, we could end up with a comfortable nest egg to add to our pension.

I know of contemporaries who have been goaded by societal pressure into taking up low paying jobs where they have to swallow their pride and face the humiliation of being patronized and even arrogantly bossed over by brash, young "go-getters". But hey! At least they are doing "something", right? Wrong. All they are doing is allowing their frustration and impotence gnaw away at their insides till they need to take it out on someone, generally the wives who, in turn, remind the spouses that they are worthless pieces of shit. Yeah, it's a great life.

It's about time Senior Citizens started to fight back. Why should we keep on docilely accepting the roles allotted to us? A prime example, especially among Asians, is babysitting the grandkids. Our children presume that this is our sacred obligation and, also, it is about all we are good for. It's another matter that, by doing so, we are taking an enormous task of their backs, both in terms of time and money. But what if we put our foot down and said "we have our own lives to live, our own interests to pursue. They are your kids. You take care of them?" You can bet they would start appreciating our worth a lot more.

Another disturbing trend is to treat older family members as unpaid help. Hence, it usually falls

to their lot to walk the dog or stand in line to pay the electricity bill. The irony is that many older folk appear to be grateful to have these chores allotted to them. It gives them something to do. But is it so hard to find "something to do?" The natural infirmity of age may not allow you to run the Boston marathon, but what is preventing you from letting your mind and imagination roam free? Maybe look up a long lost girlfriend; or just lie in a hammock and count the passing clouds. Why should you limit yourselves to activities that society regards as conventional or appropriate to your age? After all, you spent most of your life being "conventional." Haven't you earned the right to strike out and do something, merely because it gives you satisfaction or pleasure? Your near and dear ones regard you with benign contempt anyway. Why should you care what they think? Think Jack Lemon and Walter Mathau. You may not get Ann Margaret, but you can have a ball anyway.

In short, fellow senior citizens, let us get rid of the notion that lost youth is to be lamented. Youth is somewhat overrated anyway. Remember those impossible deadlines, aggravating bosses, backbiting co-workers – not to mention those women who let you spend a bomb on them and then happily dumped you? Who needs them? Let us acknowledge that we are still in our prime. We still have a third of our lives ahead of us. Let us be confident that we can give as good as we get. Let us be grateful that limitless horizons are opening up to us. We have nothing to lose but our inhibitions.

MR. FIROZE HIRJIKAKA is a freelance writer. He can be contacted at leonardo8_99@yahoo.com

Some Very Personal Thoughts on Religion

Farrokh Mehta

Religion must follow nature's law and must evolve and discard the extraneous. To be relevant, religion must be contemporary. For religion must serve society as much as society needs religion.

A very dear – and long departed – professor had advised us (then) young, brash, iconoclasts, that humour is often the best way to make a difficult point.

The internet is a great leveller that spews ideas without borders. Take them or leave them.

With these two pontifications, let me start with a story that is traveling the globe via the internet. It's humour is as innocent as you the reader would have it.

Dr. Laura Schlessinger is a radio personality in the USA who dispenses advice to people who call in to her radio show. Recently, she said that, as an observant Orthodox Jew, homosexuality is an abomination according to Leviticus 18:22 and cannot be condoned under any circumstance. The following is an open letter to Dr. Laura penned by an East Coast resident, which was posted on the Internet. It's funny, as well as informative:

Dear Dr. Laura:

Thank you for doing so much to educate people regarding God's Law. I have learned a great deal from your show, and try to share that knowledge with as many people as I can. When someone tries to defend the homosexual lifestyle, for example, I simply re-

mind them that Leviticus 18:22 clearly states it to be an abomination. End of debate. I do need some advice from you, however, regarding some of the other specific laws and how to follow them:

- When I burn a bull on the altar as a sacrifice, I know it creates a pleasing odour for the Lord – Lev. 1:9. The problem is my neighbours. They claim the odour is not pleasing to them. Should I smite them?
- I would like to sell my daughter into slavery, as sanctioned in Exodus 21:7. In this day and age, what do you think would be a fair price for her?
- I know that I am allowed no contact with a woman while she is in her period of menstrual uncleanness – Lev. 15:19-24. The problem is, how do I tell? I have tried asking, but most women take offence.
- Lev. 25:44 states that I may indeed possess slaves, both male and female, provided they are purchased from neighbouring nations. A friend of mine claims that this applies to Mexicans, but not Canadians. Can you clarify? Why can't I own Canadians?
- I have a neighbour who insists on working on the Sabbath. Exodus 35:2 clearly states he should be put to death. Am I morally obligated to kill him myself?
- A friend of mine feels that even though eating shellfish is an abomination – Lev. 11:10, it is a lesser abomination than homosexuality. I don't agree. Can you settle this?
- Lev. 21:20 states that I may not approach the altar of God if I have a defect in my sight. I have to admit that I wear reading glasses. Does my vision have to be 20/20, or is there some wiggle room here?
- Most of my male friends get their hair trimmed, including the hair around their temples, even though this is expressly forbidden by Lev. 19:27. How should they die?
- I know from Lev. 11:6-8 that touching the skin of a dead pig makes me unclean, but may I still play football if I wear gloves?
- My uncle has a farm. He violates Lev. 19:19 by planting two different crops in the same field, as does his wife by wearing garments made of two different kinds of thread (cotton/polyester blend). He also tends to curse and blaspheme a lot. Is it really necessary that we go to all the trouble of getting the whole town together

to stone them? - Lev.24:10-16. Couldn't we just burn them to death at a private family affair like we do with people who sleep with their in-laws? (Lev. 20:14)

I know you have studied these things extensively, so I am confident you can help. Thank you again for reminding us that God's word is eternal and unchanging.

If you have read this far, I can now hope to carry you through to the end.

One of the most important freedoms is the Freedom to Think, the Freedom to Question.

Nothing in Religion is cast in stone, figuratively and literally, no matter what Moses claimed

when he presented the two tablets of stone. Religion is thought passed on by one person to many, in the true tradition of story-telling. Along the way, it also gets added to, written down and "fixed". It springs from humans at a point of time and in a social context. And as time passes, Traditions and Practices get added on till they have now overtaken and dominate Religion. Traditions and Practices are not religion. They are what we fall back on for comfort when Faith is weak. Traditions and Practices are binding forces for communities and even nations. But no more.

Religion must follow nature's law and must evolve and discard the extraneous. To be relevant, religion must be contemporary. For religion must serve society as much as society

needs religion.

Faith (with a capital F) is a personal matter. The Freedom to Think and the Freedom to Question can only strengthen that Faith. What is bad, what is ugly in my religion? Should I preserve that or discard it? What is good in other religions? Should I embrace that also and incorporate that in my faith? When religion prevents, prohibits the Freedom to Think, it plays into the hands of priesthood.

These are personal thoughts. They do not require discussion or replies. If they can make each one of us think, that is everything. Thank you for reading to the end.

MR. FARROKH MEHTA is a Corporate Advisor and Management Trainer.

Need to Revisit the Concept of Liberalism

We have seen political parties opposing economic reforms mainly because the government is trying to push through such moves.

The BJP tried hard for disinvestment but had to put it off. The Congress which opposed the BJP, is now trying for the same, and this time it is the Left parties that are opposing it. This complete absence of consistency really means that while every party would like to see disinvestment when in power; it will oppose the same when not in power.

More policing is also invariably an issue for the party in power. It is difficult to allow the screening of a novel because the sensibilities of a community are affected. Because, if you do so there is a possibility of losing votes which means an election and all the benefits that come with victory. Therefore, censorship of the free citizen's mind becomes the norm.

There is a serious need to revisit the concept of liberalism in thought and spirit. We do need strong judicial action to ensure that human liberty is not impinged on by subjective judgements of those who have the physical power to dictate their reality and morality to others.

In the absence of such corrective action, we would only be sliding backwards while the rest of the world moves on.

Excerpted from an article "Do liberals have to tolerate intolerance" by Madan Sabnavis, Chief Executive, NCDEX Ltd. in the *Hindustan Times*, September 29 2006.

Ten Years in a Communist Chinese Prison

A Tibetan Scholar gets ten years in a Communist Chinese prison
For writing "*The Restless Himalayas*"

Dolma Kyab, a young Tibetan writer and teacher, has smuggled out a letter from prison saying he is serving a ten-year sentence linked to his unpublished book 'The Restless Himalayas' in which he writes about Tibetan geography, history and religion.

Twenty-nine year old Dolma Kyab, who is known among his friends for his passionate concern for Tibet's environment, was detained in March 2005 and is being held in Chushur (Chinese: Qushui) prison south-west of Lhasa on charges of 'endangering state security'. In his letter from prison, he appeals for help from United Nations committees on human rights, and says that he was imprisoned because of the ideas expressed on Tibet in his unpublished manuscript. A group of well-known Tibetan and Chinese writers have written a letter calling for his release.

Dolma Kyab writes: "They [Chinese officials] think that what I wrote about nature and geography was also connected to Tibetan independence ... this is the main reason of my conviction, but according to Chinese law, the book alone would not justify such a sentence. So they announced that I am guilty of the crime of espionage."

Following his sentencing on September 16, 2005, Dolma Kyab appealed against the conviction, but the court upheld the sentence on November 30, 2005, and transferred him to Chushur prison, according to the Tibetan Center for Human Rights and Democracy. In his letter, Dolma Kyab says that during a visit by the United Nations Special Rapporteur on Torture, Manfred Nowak to Chushur prison last November 4, he was removed and hidden and therefore he "did not have a chance to talk about

the real situation here and about my unfair trial."

Dolma Kyab, who is from Tsojang in the Tibetan area of Amdo has a Masters degree, studied history and geography at Qinghai Normal University and graduated in 1999, doing postgraduate studies at Beijing University until 2002. In November 2003, Dolma Kyab left Tibet to travel into exile, and studied English and Hindi in Dharamsala in India. While in exile, he worked on his manuscript, which includes chapters on Tibet history and geography, Tibetan sovereignty, democracy, and religious belief. His manuscript begins with an emotional account of his love for his parents and country, and refers to his spiritual beliefs: "I grew up in the cradle of my nation. I saw my people live in a higher place in this world. But when I lay on the ground to watch the world, I cried. Those tears were a reasonable response to what was happening in the world. I grew up with the love of my parents. When my parents' foreheads were creased with love, I cried. These were tears of emotion. Therefore I decided that I would do something for my nation and people like my parents."

"I know that doing things, even contributing one's life to the cause of a nation, raises very difficult questions. I would rather use my words to talk to other people than be an example to lead other people."

Dolma Kyab also writes in philosophical terms about the concept of Tibetan identity and sovereignty, and the Tibetan peoples' wish for the Dalai Lama to return to Tibet. He explores the relationship between the Chinese and Tibetans, saying that the reason for the 'political burden' suffered by Tibetans, is the way in which the Chinese "impose their way

of thinking onto Tibetans" thus "destroying the concept the Tibetans have of themselves". A friend of Dolma Kyab's, an Tibetan now living in exile in Europe, said: "Dolma Kyab was particularly concerned about the destruction of the Tibetan environment under Chinese policy. He grew up in the grasslands of Amdo and he saw this for himself. He often used to talk about the military bases in his home area - he said that nomads were often displaced by these and affected by the army's control over the area. He also saw the pollution from mining in the hills near his family's home, and was angry about the poisoning of rivers by uranium mining. He travelled a lot in Tibet and saw many things that tourists do not see, and all the time he was trying to understand more. I would say that his relationship to the land has a spiritual aspect - he is definitely a religious person."

As political repression in Tibet intensifies, Tibetans are more often turning to education, arts and religion for ways to express and preserve their culture and identity. According to a recent report by the Washington, DC-based Congressional-Executive Commission on China, "Expressions and non-violent actions that officials suspect could undermine Party supremacy are sometimes punished as threats to state security... As reported incidents of Tibetan political protest decline, Chinese censors and police watch for other signs of Tibetan resentment or nationalism. Writing, publishing, or sharing literature that laments cultural loss, or that advocates ethnic ambitions not sanctioned by the Party, is sometimes repressed or punished."

Based on a Report released by the ICT in August 2006. For further details contact Kate Saunders at kates@savetibet.org

Debate

Mumbai As It Was For the Not So Fortunate

I read Feroze Hirjikaka's article (*Freedom First* 473, October 2006: Bombay – The Dowager Empress) with interest and remembrances of days past came flooding back. The pleasant memories went back to 1974 and later because by then I had a job and could occasionally afford a few luxuries: Lunch at the Taj Ball room at Rs.25 once in six months and occasional visits to the Wayside Inn and Gourdots.

But I must go back further. I remember the 'C' route bus that my friend talked about simply because I lived up on Forjett Hill. In the early sixties BEST decided that the route could do with embellishment. It brought in two double deckers built by Allywn of Hyderabad which had been imported from England. They were Leyland Atlanteans with their engines in the rear and they ran a new express service from Tardeo to the Prince of Wales Museum called 'Marina Express'. It did not last too long and the service and the buses were withdrawn in short order to be used in places where they were needed more.

I must go back still further. To the days of deprivation and near starvation, to the days of economic belt tightening that everyone went through in Bombay in the years immediately after the war right through to the sixties when a large number like my family were not as fortunate as the fortunate few.

The depression left a large number of families completely ruined. They all trooped to that economic magnet called Bombay and arrived there in the dark days of blackouts and deprivation during the War. They had all been people belonging to families that had been fairly well off where they had earlier lived and had been forced into straitened circumstances for reasons completely outside their control.

These people occupied 'chawls' in places like Girgaum and elsewhere. My family came from the chawls of Forjett Hill. I have vivid recollections of the life we led. A certain forced cheerfulness informed our day to day existence because that was the only way to sane survival.

My mother took up her first job with the Post and Telegraphs at Rs.65 per month out of which she allowed herself the use of one anna each day to go to work and return. The rest went to support the family. My father who had come away to Bombay with dreams of becoming a great journalist, had the strong basis of long years of grinding self-education to go by. It was that which enabled him to rise to the

position of Assistant Editor of the *Illustrated Weekly of India* along with Nissim Ezekiel and S. Subramaniam after having worked as Private Secretary to Sir Cowasji Jehangir and having assisted B. G.Horniman on the *Bombay Chronicle*.

But he had a professionally suicidal love of winning arguments. He regularly lost jobs and spent long years unemployed as a result. Jobs were not easy to come by in those days and the family was most often on the edge of starvation.

But I am going off the track. How did people in general live - not my family. My first memory is of a cure-all prescribed by doctors in those days called M&B 93. This was before the days of antibiotics. M&B 93 was successful in curing mild infections though, then, nobody bothered about side effects. What nobody said anything about it was its unfortunate predilection for causing murderous allergies. I have seen grown ups go blue and die when all they had suffered from was cold and fever.

My next memory of Bombay in the early fifties was of almost all children suffering from scabies. They had these awful running sores on their hands and feet for which there seemed to be no cure. Then there was mumps and whooping cough that regularly killed off hundreds of children. For those of us who went through them and successfully came out, it was a refined form of hell.

Grown-ups were not spared either. Streptomycin had not come on the market then. As a result tuberculosis was a clear and present danger, that killed off people in their prime. It was firmly believed that TB 'ran in families'. Huge swathes of families were economically ruined as a result of the death of their only earning member from TB. TB at least was a huge killer. Even typhoid evoked horror because it killed off people.

Most chawl dwellers like my family lived in one room tenements in buildings built besides vast open drains crawling with flies and rats that stank and bred disease. We were lucky that we lived on the hill up on the fourth floor. But we shared our bathroom and toilet with three other families. Not a single family had a ceiling fan. It was an outrageous luxury. So were steel cupboards, or even basic furniture. Insecticides were expensive, so getting bitten by bedbugs on an everyday basis was quite normal.

We heated our water in copper stills fired by charcoal balls made from powdered charcoal. We cooked with kerosene for which we stood in long lines. Later we ate a waste grain called 'nachni' when we could no longer purchase rice or wheat. Sugar gave way to *khandsari*. Torches were luxuries and batteries for them were not available. Baby food could be had only if you committed murder for it.

We drank a grey-blue watery soup which went by the name of 'milk' and we paid 14 annas a seer for it. That is 87 paise for 478 ml, which is less than half a litre. This, while the rich of Bombay sedately moved around in Chevrolets and Packards for which they paid 8 annas to the imperial gallon which today would be fifty paise for five litres. They, of course, ate at Gourtons, Bombellis and the Taj.

We bought perhaps no more than one or two shirts a year. Cotton shirts that frayed at the collar and cuffs after the first three washes. This is where the best known laundries of Bombay made money – Garment Cleaning Works, Leach and Weborny and Bandbox. A distant second came a laundry for the majority of the likes of us called Sunlight Laundry.

Very few could afford underclothes that were not worn through till they had holes in them or socks that were not part of just two pairs one washed every second day. Handkerchiefs were an uncalled for luxury. Shaving blades were murder before the advent of the stainless blade and had to be changed every third or fourth day. The cartridge blade was far into the future. There was a brand called Bharat. I still recoil from the thought when I think of it. Aftershave and deodorants were unheard of luxuries. Cooking utensils were made of iron and coated with tin. The tin coating would regularly wear off and then they

would have to go to the 'kalaiwala' all over again.

And we were supposed to be the educated 'middle class'. The poor must have lived infinitely more miserable lives in the Bombay of those days.

There were, of course, a few nice things to remember by. The new electric trains just imported from England, the whole train painted silver with 'Birmingham Carriage Company' written on the stepping bar. They smelt of disinfectant and the third class had pastel green walls with dark brown moulded seats. Long before today's present Western Railway decided upon fluorescent lighting we had them in those trains in 1952. We of course did not dare go near the first class compartments. It was beyond thinking.

I escaped this situation by incredible good fortune. I won a scholarship in 1953 in an open competitive examination from the Government of India to a public school education right up to my Senior Cambridge from Poona and later, Hyderabad. Were it not for this extraordinary piece of good luck I would have ended as a senior division clerk working out of Sachivalaya, a fanatical votary of the Shiv Sena, who devotedly drank myself senseless at *Gatari* every year.

Yes. We rode 'C' route buses when we could afford them, which was rarely. Because it was cheaper and therefore perhaps inevitable that we got to walk to Nana Chowk to get the tram going from Gowalia Tank to Mazgaon.

Bombay in those days was another name for hell. Don't believe me? Go and see Raj Kapoor's "Shri 420".

MR. SHARAD BAILUR, freelance journalist.

On Vande Mataram

I respond to the Editor's invitation to participate in the discussion on *Vande Mataram*, India's National Song (*Freedom First*, No.472, September 2006). According to the author of the history book, *Vande Mataram*, Moni Bagchee, the well-known disciple of Belur Math, Kolkata, the song was composed by Bankim Chandra Chattopadhyaya (Chatterjee) in September 1876. He described *Vande Mataram* as a parable of patriotism which stands comparison with the famous *Marseillaise*, national Song of republican France.

At the 11th session of the All India National Congress held in Calcutta in 1896, the song was sung by Nobel Prize laureate late Rabindranath Tagore, setting it a melodious tune. The song was once again sung at the Congress Session at Banaras in 1905 presided over by Gopal Krishna Gokhale, sung by

Sarala Devi Chowdhurani, niece of Rabindranath Tagore. The Indian National Congress passed a memorable resolution adopting it as India's national song in the year 1937.

It was the former BJP MP, Shri Ram Naik who brought in a resolution in the Lok Sabha to make *Vande Mataram* our National Anthem, but it was strongly objected to by the Muslim MPs on the ground that the Muslims 'do not bow before a woman'. In a letter to the press, I had criticised the stand saying that 'bowing down before the Motherland was not a sin' and that 'every mother carried her child in her womb for 9 months and not the father - this letter was published in several newspapers. And now the stand is that 'Muslims do not believe in "Idol Worship"'.

To the politicians in India, 'secular pretensions'

are more important than our national emblems. It is not understood why even our Apex Court is silent on this issue of national importance. Perhaps *Outlook's* Executive Editor, Vinod Mehta's reiteration that "Judiciary is the only last holy cow left to be slaughtered" is being awaited.

In the words of Pandit Nehru, *Vande Mataram* is indisputably the premier national song of India, with great historical tradition and intimately connected with our struggle for freedom. A fact that cannot be altered and no other song can displace it. It will continue to be our national song par excellence. I regard this song as the religion of patriotism". *Hamara Desh Mahaan*.

Rabindranath Tagore commented: "When I set the tune to the song *Vande Mataram* and sang it before a vast assemblage of people in a Congress session held in Calcutta, I felt myself electrified from top to

toe and my very existence was overwhelmed with a deep emotion. It was not a song, it was molten fire and every line and every word of it engulfed the audience". This sacred *mantra* which we received from a seer, intensified the nation's desire for freedom during the first decade of this century, when the whole country was convulsed following the rash and mad act of an unscrupulous imperialist in the person of Lord Curzon. During the days of the Partition of Bengal, it was but too patent to the colonial government that the National slogan, *Vande Mataram*, was the most powerful of forces behind the awakening of the nation. They, therefore, banned the cry. And because of the ban, the skies of Bengal rang with redoubled force with the holy cry of open and courageous worship of the Mother rising out of the throbbing heart of the nation". Jai Hind!

MR. M. S. KILPADY, a freelance writer.

No Indian Government has Stood for a Free Tibet

I was surprised to read a statement ascribed to Mr. Tenzin Tsundue in your magazine's issue of November 2006 pages nos. 2 and 3. He says, "India supported us when we lost Tibet in the Chinese invasion. After 47 years in exile, we were once again fighting China. India's new found support has resuscitated our dreams of a free Tibet." 'For that (India's support after 1959), we remain grateful forever to the government and the people of India.'

Tibetans can be grateful to India for allowing the Dalai Lama and one lakh other Tibetans to live, earn their living, get educated and practice their religion in India. They can be grateful for the facilities being given to the Dalai Lama and others. Mr. Tenzin can be grateful to the police for not dealing severely with him. So far so good.

But let's remember that India was the first country in the world to accept Tibet as part of China (See *Tibetan Review*, January 2007, page 23). India saw to it that the issue of Tibet was not raised at the U.N. in 1950. India was instrumental in seeing to it that the Tibetan

delegates did not go to various countries to seek their support in 1950. India forced the delegation which came to see Jawaharlal Nehru to go to China, which played a part in the making of the 17-Point Agreement.

India was claiming that the Chinese aggressors were a peace loving nation. India has prevented the Dalai Lama from taking part in political activities. Indian prime ministers Rajiv Gandhi and Atal Behari Vajpayee have declared Tibet as part of China. When China was in the process of absorbing Tibet and crushing it, India joined hands with China to show to the world how China was a peace loving country (*Panchsheel*)! Successive Indian governments have never said that they stand for a free Tibet.

If all this appears to Mr. Tsundue to be 'India's new found support has resuscitated our dream of a free Tibet.' the less said the better.

AJAY B. AGRAWAL,
Author of *India, Tibet and China –
The Role Nehru Played*

The Reservation Conundrum – Misreading the Constitution?

Mr. Patil in his brief article titled *Misreading the Constitution?* suggests that Reservations in perpetuity is necessary to correct the historical injustice and that it was envisaged in the Constitution. The argument is extremely flawed and dangerous. Right wing politicians also feel that they were correcting the historical injustice when they pulled down the Babri Masjid. Is this argument any different from the one purported by Mr. Patil and others?

Reservation, it is said, was meant to be in

perpetuity. This implies that the Constitution makers under Dr. Ambedkar felt that the proposed corrective will never work or would take centuries to yield any results. Try and adopt that model to your business, and you will understand what I mean. I am certain that Dr. Ambedkar, a messiah of Dalits and a man with profound wisdom, would never have suggested a flawed programme.

DR. NAGRAJ G. HUILGOL, Mumbai.

BOOK REVIEWS



THE MARGINAL NATION: TRANSBORDER MIGRATION FROM BANGLADESH TO WEST BENGAL By Ranabir Samaddar • Sage Publications India Pvt. Ltd., M-32, Greater Kailash, Point I, New Delhi 110 008 • Year of Publication: 1998 • No. of Pages: 227 • Price: Rs.325
Reviewed by: Vanita Banjan, Senior Lecturer, SIES College of Arts Science and Commerce, Sion (W), Mumbai

In the age of migration when local loyalties are easily exchanged for better prospects, the book *Marginal Nation* tries to evaluate in a comprehensive manner the history, the cause and the rights of migrants. The question of these migrants crossing over from their country to another becomes a political issue essentially when they do so in an illegal manner.

The book takes an overview of the issue of migration in a geo-political perspective. Political borders are created to ensure the exclusivity of the citizens as against aliens. Nations created in the postcolonial era in South Asia suffer from an inherent ethnocentric behaviour pattern. They are forced to maintain homogeneity that has been the harbinger philosophy in the creation of the state/nation. Nations that are a political entity, a sovereign state, after partition want to rigidly ensure their identity, insist on maintaining their territorial nationality by debarring the others (former nationals) from entering their boundaries. But in this process often forget that though the borders are drawn and the nations have received international recognition as a nation state they continue to share civilisational traits, which no borders can destroy. This civilisational harmony among citizens of two states across the so-called political border challenges

the notion of statehood. For people living away from the border this may be a difficult phenomenon to understand but for those who live just across the border the notion of nation and national identity itself is ridiculous. The border in the post-colonial South Asia is recognised with the naturalness of violation. Neither fences nor walls can reduce these violations. It may make the process of violation difficult but not impossible.

The book lodges itself into the eternal quest, of the modern nation state in a globalised world order of 'migrants'. Ranabir Samaddar deals with this eternal quest of the sanctity of the borders and the issue of migration against the background of partition. He brings out a vital fact, that borders born out of partition produce even more partition(s) by marking out the separateness of the various solidarities. Simultaneously the immigration or the 'alien' problem becomes a problem of the interior. The border thus exteriorises the interior and interiorises the exterior. It is at this juncture that the book tries to awaken the reader to the fact that though there are international laws dealing with migration and refugees but once they cross the borders they pose some serious question to the receiving nation and there are no easy answers to these questions.

The book is a study of two nations of South Asia namely India and Bangladesh, but the author

maintains that there is a regional pattern of migration and homelessness which rarely find mention in literature on the subject. The pattern of migration in South Asia is distinct to the region cutting across national borders. The pattern of migration, whether within a country or between countries, is almost uniform. Just as capital flows from the developed nation to the lesser-developed nation similarly labour flows from a less developed nation to a developed nation. If the world economy thrives on free movements of goods, then there has to be an acceptance of free movement of labour and services. But invariably the migrants who form the work force are the highly exploited lot with no rights recognised by the state. They are people without a nation, ignored and eternally peripheralized. The foray of migrants is not as uncomplicated but has bought in a flux of issues for the receiving nation such as threat to the local labour and demographic changes perceived today as threat to the survival of the nation. The migrant also is making a political choice and not just an economic decision to move away from once own nation.

Bangladesh being the youngest nation, had to face the fiercest of conflicts, upheavals and crises. The educated middle class to a degree unrivalled in the rest of the region has dominated the political nationhood. She has become a nation of 'footloose people'. To the leaders of the state and keepers of the nation's

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conscience, the exodus is an embarrassment to be philosophised, explained away or be glossed over in silence. The greater the distance from Dhaka the greater is the urge to move.

The book questions the emerging line that divides the lives of those living near and around it as nationals of two different actors in the world order. Borders did not create any exceptions in their lives and as has happened they have found ways to tackle it. The disregard of the border by the local situated around it has routinized and thus marginalized or rendered it insignificant. The state is relevant if its people accept it as an authority but when violation of rules becomes the norm then nations are marginalized and that's exactly the situation on the border of India and Bangladesh. In fact through empirical data collection conducted by the author a very pertinent question is being raised, namely "do people here have feeling of nationalism?" And since the answer is negative, then it is difficult to point out an insider from an outsider? Considerations of patriotism seem so absolutely absent here.

Though the issue feeling of patriotism may be slightly weak at the border the authors statement that security personnel are forced to accept the border as "routine" and unofficially allowing transborder trade and movement on a small scale but on a continuous basis highly undermines the sovereignty and territorial boundary of the state. There is essentially a clash of political identity here. If borders loose their sanctity then there seems no need for states and thus his argument of marginalisation of nations have to be accepted as a reality. People living near the border areas insist on informal border trade. But if economic compulsions are considered

primary, what remains of the legitimacy of partition

The author is not very keen to bring out the marked number of migrants with reference to their religion. Considering the modern notion, sovereign states have been chalked out in South Asia on the basis of religious alliances. Partition has brought in tremendous amount of bloodshed and violence. Under the given circumstances the principle on which partition has taken place is violated by migration of people who joined the other nation. Thus the Indian state faces a dilemma of looking at these migrants from a sympathetic structure of the regions around the borders.

The book also dwells on another dilemma of India against the West or for that matter the Middle East. Contemporary migration flows from Asian countries is an effect of extensive international economic integration. Liberalization and internationalisation have not only encouraged migration but have also raised the question of the rationale and the ethical basis for government policies that bear on such integration by trying to prevent "free movement"

Often while evaluating a problem the desire to glorify the issue leads to ignoring basic facts. One such issue has been pointed out by this book namely while identifying a Bangladeshi crossing the Indian borders illegally we forget to mention that it is a peasant and not a refugee or migrant. The erasure of identity trivializes the issue, depersonalises the phenomenon and loses the particularity of third world displacement and migration. Migration studies have thus disciplined it by depeasantizing its own corpus.

The author has analysed the situation on basis of various reports

and tables that gives us a comprehensive insight into the problem of migration. Interviews conducted of the migrants portray the human side of the problem. Though figures are provided but there is no foolproof method to arrive at the accurate size of the migrant population. But the census figure in Bangladesh suggest decline of the Hindu population. The dispossession and consequent migration of Bangladeshi Hindus was through: forced occupation, leasing-out by government of the said property. The migration not only comprises of the Bangladeshi Hindus but also the poor Muslims.

The chapter on cartography gives us an insight on how cartography and social realities violate each other. Maps invite suspicion. They essentialise differences, but precisely because they essentialize they remain sacrosanct and inviolable. There is nothing called the nations interest. Everything should serve the public interest. It showed how the persistence of the old society had taken the modern form of enlightened argument of liberalism and Marxism to marginalize the nation.

The book tries to look at the issue of migration from a human rights perspective. Considering the fact that men choose to leave their ancestral home is not a choice taken easily. The comparative degree of safety across the border is more enduring than the calamities at home. It need not be political, ethnic strife but the prospect of starvation death or just unemployment and poverty that forces these people to cross over. Moreover the borders are not sacrosanct for these people as it is a matter of few steps and you are in another country. The transborder migrant from Bangladesh has not escaped to a world of freedom. He has entered a world structured by a combination of opposites.

Rational and secular migrants and natives become fundamentalist whenever confronted with history, history as presented and appropriated by memory. Communalism thus survives and thrives in this repeated reproduction of partition amidst conditions of post-coloniality-conditions of petty production, immiserization, lumpenization, population movements and formation of occupational communities engaged in petty production.

The book rightly bring out the fact that as migrants and more important as illegal migrants, they were defying the nation in a double way-first, by deciding to 'opt out' of a nation, second, by defying 'national' boundaries and claiming another entity as their home? Marginal nation in South Asia in often an outcome of inter-relationship of

seasonal migration (sometimes also permanent), subsistence production and peasant relations in community formation.

Gender sensitivity while dealing with the issue of migration, often ignored by the governments, reflects in the writings of the author. Migration becomes a form of self-empowerment for countless women in Bangladesh. If man alluded in a vague way of poverty, communal discrimination and inadequate educational opportunities for children as reasons for migration, women often cited directly some ecological disaster and pointed to insecurity of their girl children, whom they wanted to marry off safely and hence decide to migrate to a safer area.

The numbers game does not take into account the particular ep-

ochs of population flow, the general breakdown of boundaries the globalisation and regionalization of resources including labour and finally the episodic marginalisation of the nation.

The book raises some important questions. Whether deporting these migrants to their home country is the only solution to the problem? Can we really maintain the sovereignty of the nation by drawing borders around us? Do we not need to rethink the whole notion of sovereignty? Is nationalism over and above human life? Can there be no viable solution to solve the problem? Over and above all these questions the book instigates one to think and look out for alternatives.



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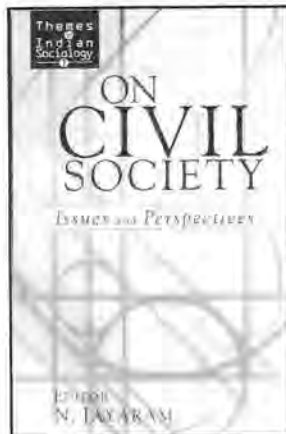
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This is the seventh and final volume in the series 'Themes in Indian Sociology'. The thirteen articles reprinted here were selected from over forty articles first published in the Indian Sociological Society's *Sociological Bulletin* in the last forty-five years or so. More than half the articles were presented in a conference in 2000 and published in the *Bulletin* the following year. The volume seeks to contextualise the discourse on civil society and explore its relationship with specific social institutions with reference to state and democracy.

The first article (Chapter 2) is by D. N. Dhanagare who contextualises the discourse by outlining classical debates, charting its intellectual history and providing contemporary interpretations. He reviews the Indian experience, highlighting the decline in political morality since the 1970s which has "stifled the voice of civil society" (p. 58). Though he takes a pessimistic view of the state of civil society, it is also the case, as Andre Beteille tells us in the last article in the volume (Chapter 14), that the current interest in aspects of civil society, especially in the last three decades, has come about due to "a disenchantment with the state and its institutions" (p. 278). J. P. S. Uberoi's scholarly analysis of civil society in Europe and India is both historical and contemporary (Chapter 3). He

ON CIVIL SOCIETY: ISSUES AND PERSPECTIVES, edited by N. Jayaram. Sage Publications India Pvt. Ltd., M-32, Greater Kailash, Point I, New Delhi 110 008 • Year of Publication: 2005 • No. of Pages: 325 • Price: Rs.300.

Reviewed by: Munmun Jha, Associate Professor of Sociology, Indian Institute of Technology, Kanpur. He can be contacted at mjha@iitk.ac.in

approaches the question of civil society from "two opposed aspects: that of culture and that of power" (p. 67) and suggests that it is a category of universal human society.

The civil society is often seen in opposition to the state. "The tendency is to pitch the relationship as one of antagonism: the state as the antagonist of civil society or civil society as the antidote to the tyranny of the state" (p. 19). Vikas N. Pandey (Chapter 4) dissects this view, arguing that "the state is not separate and autonomous from civil society" and that we need to "move beyond this dualism of state versus society to grasp the dynamic process of both being intertwined together" (pp. 105-106). He suggests that neither is the state fully repressive nor is the civil society totally plural or democratic. Perhaps as Satish Saberwal (Chapter 5) argues, the civil society is not only accidental in India but also unstable. This raises several questions that are addressed in subsequent articles.

A variety of nongovernmental organisations (NGOs) occupy a prominent place in the civil society today, some would say, even represent the civil society. In a brief article, P. K. B. Nayar (Chapter 6) takes a largely negative view of the "third sector" that occupies the space between the state and the market. B. S. Baviskar, however, suggests that NGOs are diverse and heterogeneous (Chapter 7). While outlining their contribution and limitations, he confesses that generalisations about their organisational structure, priorities and

activities are not possible at the moment. Accordingly, he calls upon sociologists to undertake investigation in this potentially rich area.

Donald W. Attwood's eminently readable article on the management of common property resources (Chapter 8). His point of departure is the so-called "Tragedy of the Commons" which states that "common resources must either be regulated and managed by the state or else they must be placed in private ownership" (p. 151). Attwood provides a comparative analysis of co-operatives in rural India, including the sugar co-operatives in Maharashtra, and concludes by asserting that co-operatives and community organisations "can provide a viable middle path between state and private ownership" (p.167).

Dipankar Gupta's sociologically sound article (Chapter 9) is a bit out of place in this volume. The question he asks is: "Why did intellectuals fight for establishing nation-states and not press instead for recognizing the universalistic potential of open stratificatory systems?" (p. 174). However, the discussion on the interface between citizenship, stratification and the nation-state – makes the discourse more meaningful as it unfolds in the chapters that follow. Especially helpful is the discussion on the caste system and how it provides enhanced scope for identity politics. T. K. Oommen (Chapter 10) explores this question further in terms of the tension between class politics and identity politics. He examines the mobilization of people on the basis

of religion, caste and language with reference to the notions of equality and identity while insisting that "individuals and collectivities have multiple identities and no identity can acquire primacy in all contexts" (p. 189). He argues that mobilisations by the underprivileged social groups focus on emancipatory identity and seek equality between themselves and the privileged groups, whereas the dominant groups seek to "reinforce and perpetuate their hegemony" (p. 202). Rowena Robinson's contribution (Chapter 11) is about Hinduism – that positions itself against Islam, Christianity and communism – in the context of a globalisation. She suggests that religion is "the main marker of Indian identity today on a global scale," and shows "the complex location of the transnational middle classes in sustaining this particular identifier" (p. 215). Ananta Kumar Giri points to the limits of identity politics (Chapter 12), suggesting that the emancipatory promise of identity politics has vanished, leaving in its place a preoccupation with "the annihilation of the other" (p. 219). The future, he says, can be redeemed by "identifying with the suffering of others" (p. 233). Staffan Lindberg

(Chapter 13) analyses the peasant or farmers' movements, suggesting that the crux of the issue can be captured in Sharad Joshi's apt formulation, "Bharat against India!" – in other words, the contradiction "between the agrarian population as a whole and the rest of the society" (p. 243). The essence of the mobilisation in the rural civil society is not so much it's being against the state but to ensure a state sympathetic to their interests which is also the key to the prosperity of the rural economy. In the final article (Chapter 14), Andre Beteille distinguished between the terms civil society and the good society. He also identifies the institutions that constitute the civil society and the conditions in which the good society can be possible.

The term "civil society" is a tricky one and is discussed in several of the articles. As the editor points out, the term "has eluded consensus among scholars regarding its definition and attributes" (p. 16). After reading what Marx and Gramsci, or Shils and Gellner have said on the subject, one has to finally be content with Andre Beteille's description of civil society as "mediating institutions" – "the

open and secular institutions that mediate between the citizen and the state in modern democratic societies" (p. 275).

The editor, N. Jayaram, whose own piece (Chapter 1) is an excellent introduction to the volume writes modestly, "Overall, this volume takes the first step towards a sociological articulation of an Indian perspective on Civil Society discourse" (p. 37). An acquaintance with this discourse would certainly be useful for students of sociology and political science. And as each of the contributors are well known and respected sociologists, it might be worthwhile to take a look at the volume for this reason alone. But as scholarly articles are by nature dense and in some cases, abstract, I wonder if the readers of *Freedom First* would be inclined to invest their time in a close reading of the volume. However, the question posed by Satish Saberwal – what our role must be as citizens, as academics and as sociologists (p.122), would certainly interest the readers of *Freedom First*, many of whom I know are actively involved in the process of strengthening the civil society.



Soli J. Sorabjee, the legal luminary and former Attorney-General of India, completed 75 years on March 9, 2005. His wide circle of friends, admirers and well-wishers, decided to bring out a festschrift in

CONSTITUTIONALISM HUMAN RIGHTS AND THE RULE OF LAW ESSAYS IN HONOUR OF SOLI J. SORABJEE

Edited by: Mool Chand Sharma, Director, National Law Institute Library, Bhopal and Raju Ramachandran • Publishers: Universal Law Publishing Co. Pvt. Ltd., G T Karnal Road, New Dehi 110 033 • Year of Publication: 2005 • No. of Pages: 295. • Price: Rs.550.

Reviewed by: R. V. Chari, retired professor of Commerce and Management and a freelance writer.

honour of his birthday. The outcome, is a book of nearly 300 pages, dealing with various aspect of law as well as the finer, nobler facets of his character.

The introduction, by Prof. Moolchand Sharma, very succinctly states the views and opinions of the

authors of these essays. He quotes from one of the noted lawyers of South Africa, Bram Fisher, who abandoning his practice, plunged headlong into politics, was arrested and tried. My decision was made only because I believe that it is the duty of every true opponent of this government to remain in this coun-

try and to oppose its monstrous policy of apartheid with every means in his power ... When an advocate does what I have done ... it requires an act of will to overcome his deeply rooted respect of legality ..." Apart from the legal community, the entire academia rose against these cruel discriminatory laws as is evidenced by the epoch making novels of Alan Paton, viz. "Cry, the beloved country" and "Too late the phalarope", both of which were highly acclaimed throughout the world.

Continuing, Prof. Sharma says that "a law or system of governance that does not honour human rights erodes its own legitimacy. However, what makes all rights effective is the principle that law governs all men, kings and paupers and none is above it ... Our world is full of inequality of gender, caste, economic status and many others. However, the real threat arises when the State, which is the supreme protector of citizens' rights itself stands in the way to wrestly free of the fetters clamped by law".

Arvind P. Datar, a Sr. Advocate of the Chennai High Court, draws attention to the obstacles that may be placed by the powers-that-be on the freedom of speech and expression, enshrined in Art.19(i)(a) of the Constitution of India, in the form of contempt of court. He further states that "it would be wrong to suggest that there is no corruption in the judiciary". According to Shri Datar, "a retired Supreme Court Judge has gone on record and stated that 20% of the High Court judges were of questionable character". This brings us to the crux of the matter, viz. contempt of court, since no newspaper or TV channel dare to publish or broadcast any wrong doing in the High Court as it will immediately invite the attention of the judiciary for contempt of court, despite the fact that the allegation may contain a

grain of truth which is worth investigating. The question that arises is what is the distinguishing line that differentiates between genuine comment/criticism from contempt of court. The Sanyal Committee examined in detail the contempt law and laid the foundation for the present Contempt of Courts Act of 1971. The Committee had had to do a right rope-walking, as it had to reckon with the existing judicial law as well as the constraints and fetters imposed on the individual's freedom of speech. Recently, when a television channel proposed to telecast about judicial corruption against the Chief Justice of a High Court, this attempt was scotched by five judges of the High Court, the winds of criticism, nothing which is said by this person or that, nothing which is written by this person or that, nothing written by this pen or that, will deter us from doing what we believe is right; nor, I would add, from saying what the occasion requires, provided that it is pertinent to the matter in hand. Silence is not an option when things are ill done". [R vs. Metropolitan Commissioner (1968)].

Having elaborately discussed about the subject matter of contempt of court, Shri Datar reverts to the Indian scene, wherein he avers that even a statement of fact cannot be claimed as a defence, as on today. He further adds that the Commission headed by Chief Justice, M. N. Venkatachaliah, of which Shri Sorabjee was a member, recommended a revamp of the Act, with special reference to Sec.13, by replacing it with a new section as follows:

"13. Contempts not punishable in certain cases. Notwithstanding anything contained in law for the time being in force,

- (a) No court shall impose a sentence under this Act for a

contempt of court unless it is satisfied that contempt is of such nature that it substantially interferes or tends substantially to interfere with the due course of justice'

- (b) the court may permit, in any proceeding for contempt of court, justification by truth as a valid defence if it is satisfied that it is in public interest and the request for invoking the said defence is bonafide".

Even this proposed amendment, however, is not good enough according to Datar, who says, "that if an investigative reporter is able to unearth clear evidence of serious irregularities in the judiciary, nothing should prevent him from publishing the same. This should not be subject to the "satisfaction" of the judges hearing the contempt. Truth should be a defence without any qualifications. The judiciary cannot claim any special protection or immunity".

Art.44 of the Constitution provides for a uniform Civil Code by stating that "The State shall endeavour to secure for the citizens a uniform civil code throughout the territory of India". Elaborating this, Justice Leila Seth of the Delhi High Court clarifies by stating that it refers to family laws sometimes called personal laws. In the Constituent Assembly all the muslim members relentlessly fought to exclude the muslim community, except Tajmul Hussain. At the other side were three enlightened stalwarts, who fought for social change and equality for women, viz. Minoo Masani, Raj Kumari Amrit Kaur and Hansa Mehta.

Fifty years have gone by, after the enactment of the Article, yet successive governments have been shying away and shirking respon-

sibility. In this respect, one remembers the poignant statement of Acharya Kripalani, who said, "We call our State a secular State. A secular State goes neither by scripture nor by custom. It must work on sociological and political grounds. We are in a democratic state, I submit, we must make laws not for one community alone. Today the Hindu community is not much as prepared for divorce as the Muslim community for monogamy... Will our government introduce a Bill for monogamy for the Muslim community? ... it is the Government also that is communal, whatever it might say. It is passing a communal measure... I charge you with communalism, because you are bringing forward a law about monogamy for the Hindu community".

Justice Leila Seth fervently

pleads by stating that, "This is the time to redeem the pledge of equality given to the women of India and enshrined in the Constitution ... I speak not as a Hindu or an agnostic but as a woman who feels the indignity suffered by other women ..."

Shri M. N. Venkatachaliah, ex-Chief Justice of the Supreme Court of India, brings out the human and humane nature of Sorabjee. Sorabjee was not only a lawyer *par excellence*, fiercely fighting to preserve human rights, but was also a lover of music as well as literature and poetry. This reminds me of the late Dr. Raja Ramanna of BARC, who was exceedingly proficient in piano as also of the late Homi Seervai, Advocate-General of Maharashtra, who was fond of literature and poetry. Shri

Venkatachaliah narrates an instance where he, "chanced upon a photograph in the pages of an issue of SPAN, where two Jazz artistes were together, one being Benny Goodman and the other, Soli Sorabjee. Apart from these, Soli also contributes his "soliloquies" which appear quite regularly in *The Indian Express*. When a social worker called upon Soli seeking his legal assistance, he was quite stunned to find Soli, not only offering legal advice, but also donating a big cheque for the cause of leprosy!

However, paucity of space precludes discussing in detail the other scintillating essays of other eminent persons. Moderately priced at Rs.550/-, this book is an intellectual treat, which should not be missed.

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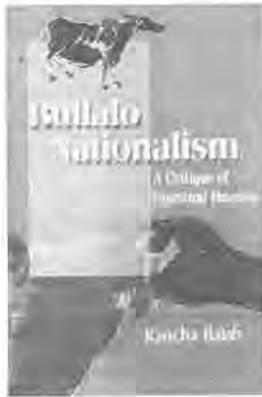


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Buffalo Nationalism- A Critique of Spiritual Fascism, by Kancha Ilaiah, prominent spokesman of the Dalit-Bahujan movement, author of the best seller, *Why I Am Not a Hindu*, Head of the Department of Political Science, Osmania University, is a collection of op-ed pieces from a number of well known newspapers, like *The Hindu*, *Deccan Chronicle*, *Times of India*, *Hindustan Times*, and *Deccan Herald*.

Every liberal democrat will sympathise with his cause, the uplift, progress and social emancipation of the suppressed O.B.C.'s, scheduled castes and tribes of India. No rational mind will deny, that in spite of progress, a great deal remains to be done.

But, the author paints with a broad brush. He sees things in stark black and white. There are no shades of grey. His sweeping generalizations often overstate the case. He believes, "that religions have shaped the body and content of civil societies around the globe, which in turn have determined their level of cultural and civilizational progress..." (p. xiii) He adds, however, "in the process of their institutionalization, these religions have also evolved authoritarian tendencies and engaged in inhuman practices." (p. xiii) Isn't that an admission that religions are also influenced as they evolve, by non-religious factors?

BUFFALO NATIONALISM- A CRITIQUE OF SPIRITUAL FASCISM by Kancha Ilaiah • Published by: Samya, 16 Southern Avenue, Kolkata 700026 • Year of Publication: 2004 • No.of Pages: 206 • Price: Rs.200. Reviewed by: Minoo Adenwalla, Professor Emeritus of Government, Former Professor of Government & the Mary Mörntimer Professor of Liberal Studies, Lawrence University, Appleton, Wisconsin, U.S.A.

History shows that other important events- revolutions, secular intellectual movements like the Enlightenment, for example- also play important roles in moulding the destinies of nations and peoples. According to Ilaiah, four major religions that have produced "socio-spiritual systems" - Buddhism, Christianity, Islam and Hinduism. The first three, in spite of aberrations, believed in spiritual democracy, that God created all human beings equal. Only Hinduism, "was born out of a brahminic philosophy that stated that God created human beings unequal." (xvii) This core belief resulted in the Hindu caste system, the root and overriding cause of "spiritual fascism", the wellspring for almost all that is evil, wrong and degrading in modern India. From it springs the Aryan hatred for all things BLACK, for the worship of the WHITE cow, and what the author calls "Hindu cow nationalism". By the time the Aryans arrived in India, the buffalo had already been domesticated by Dravidian cultures. It was, according to our author, a difficult animal to tame. He believes that only the Dalit-Bahujans succeeded in so doing. Taming and caring for animals never appealed to Indian Brahmins. "They were never animal-friendly people." (xxiv) And just as the black Dravidians were never granted any spiritual status by Brahmanic culture, the black buffalo was allowed none.

Ilaiah is right in pointing out, that in BJP proposed Anti-Cow Slaughter legislation, no protection of buffaloes was mentioned, that seventy-five percent of India's milk

comes from the buffalo, that Hindu literature has many references to the contribution and sanctity of cow's milk, but none to the buffalo's! Ilaiah would reverse this whole tradition. The cow, he argues, is not even an exclusively Indian or Asian animal. He would have Indian nationalism, as far as its animal heritage goes, be built around the symbol of the buffalo, "which is exclusively Indian." This reversal would also be a potent antidote to the "unproductive basis (p. xxxi) of Hindutva thought and a step towards constructing a new inclusive, nationalism that also exalts the culture of the Dalit-Bahujans

Having stated that the buffalo is exclusively Indian, Ilaiah criticizes the Western world for failing to domesticate it. They, also, hated it for being "black"! If it is exclusively Indian, how on earth were they supposed to do this! Ilaiah picks on the American settlers for having "killed thousands in their bid to wipe out the indigenous peoples of the continent, and because they feared and hated the black buffalo just as they feared and despised the black man." There seems to be some confusion here! Unless Ilaiah is referring to the American Indian as "the black man", which is hardly ever done, he is pointing to the wrong group. The American buffalo played a central role in the lives of certain American Indian tribes, not blacks. The American settlers hunted and killed the buffalo, not because they hated any human group, but for the profit of the animal's hide and skin.

The above, may seem like a minor, even unimportant point. But it is illustrative of the sometimes careless, inaccurate or imprecise generalizations of the book. It is Ilaiah who gives so much importance to the symbol of the buffalo, even including it in the title of the work! There are species of buffalos to be found in the countries of South East Asia, China, the U.S., and parts of Africa. What might be exclusive to India, is a variant of the species. The author never makes this clear!

All the book's varied subjects- communal violence, social justice, caste, religious rights, politics, globalization, education- to name quite a few, are analyzed in relation to their impact on the OBCs (Other Backward Classes), and the Scheduled Castes and Tribes or Dalits. A common theme runs through all of them: the Brahmanic hegemony, exercised through caste, that holds all other groups in its thrall, and exploits them for its own interests. Ilaiah admits to some progress- affirmative action or reservation in the matter of education and political representation. Progress though minuscule, is beginning to create a new awareness among a small section of the O.B.C.'s and Dalits. The study of English, for so long withheld from them, is becoming a possible weapon of liberation.

It is this very prospect of slight progress, of the possibility of a new political consciousness among the Dalits and Bahujans, that has mobilized the forces represented by the BJP, the RSS, the Hindu Vishva Parishad and the Bajrang Dal, to manipulate, co-opt and suppress the Dalits and Bahujans. The fact that most of these articles were written between 1996 and 2003, when Hindutva was at its peak, lends credence to the author's fears,

which, in turn, might explain some of his sweeping, generalizations, utopian remedies, and over-statements. Ilaiah, for example, believes that real reform can only come from a change in the belief system that underlies caste, especially in the belief that ONLY Brahmins can be priests, and that "the chanting of mantras in temples and in the rituals should be carried out only in Sanskrit." (p.118) To reverse this situation he recommends that "the children of the poor who study in government schools should be taught English as a primary language. And every child's mother tongue should be taught as a second language." (p.118) Even more sweeping is his recommendation that "The Indian state must acquire control over temple activities and appoint untouchables and none else (at least for a few decades) as priests. They should also serve as ritual priests in the households of all caste communities." (p.118) In his enthusiasm for reform, he ignores the dangers of monolithic power in the hands of the state. A democratic political scientist, even though well intentioned, ought to be a bit more cautious.

A classic example of the author's proclivity to reduce all or most of India's problems to Brahminic hegemony is his belief that India has become "totally invisible to the Western world" (p.28). especially America, because "the Indian socio-spiritual elite has kept the country under the grip of a spiritual fascism that hates social and spiritual equality and modernity." (p.28) This was written in 2002, after his first visit to the U.S.A. The Hindu priestly class had killed the dignity of labour. But American Capitalism was individualistic and competitive. It was based on hard work and the dignity of labour. So, "India does not figure in any tangible manner in

news analyses or in academic and socio-cultural discourses in newspapers and TV channels there." (p.27) If Ilaiah were to visit the U.S.A. today, in 2006, he would find India very much in the news. Forbes Magazine and the Wall Street Journal, to mention only two very well known respected news sources, have written extensively on India's economic progress. TV economic news channels, constantly report on India's strides on a number of fronts and its growing GDP. *Time Magazine* and the prestigious journal, *Foreign Affairs*, recently devoted most of their issue to India. India is no longer "invisible" (to use Ilaiah's phrase) in the U.S.A.

In spite of everything said above, *Buffalo Nationalism* is valuable and worth reading. It shows what the scars of caste can do to a highly educated, sensitive, O.B.C. scholar. This is sensed in the books dedication: "To all those who have suffered apartheid, untouchability, casteism, patriarchy and brutal atrocities because of spiritual fascism." For this reviewer the book is at its best and shines when Ilaiah writes at the personal level, about his own village, caste (Kuruma), struggle for education, role in rural uplift and education, the battle not to be silenced at the university where he teaches. He comes through as a passionate, spirited, altruistic fighter for social justice.

For many people there is no such thing as a competent Dalit. That's a contradiction in terms. Do you know Gandhiji himself believed that Ambedkar was a Brahmin (until they actually met)? It's a very sad commentary on how the mindset is affected by the caste system.

Narendra Jadhav,
Vice-Chancellor,
Pune University.



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

Freedom First affirms that much of the unrest and ferment in our society is a result State intervention in the daily lives of our people. The ongoing economic reforms have reduced the State's stranglehold on commerce and industry. Yet, while GDP growth in the last ten years has been impressive, the slide in governance is alarming. The mindset of permanent and elected representatives continues to be meddlesome and suspicious of civil society. This has to change if India is to step out of the quagmire of impoverishment, insecurity and instability.

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

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

Freedom First

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