

Freedom First

The Liberal Magazine

A DEMOCRACY ENTANGLED IN THE WEB OF CORRUPTION

Dumb Charades in Parliament • Have Both A JPC and a CBI Investigation •
Bribery and Corruption - The Indian Norm? • "The Buck Stops with You!" •
How to Demand a Bribe Without being Accused of Corruption • Corruption, Bad
Governance and the Election System • Why is India Still Low in the Human
Development Index?

Accountability in Public Service

The Global Economy and Policy Changes

Ensuring Greater Liberty in Kashmir

The Af-Pak Boundary is not a Border

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Freedom First

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Between Ourselves...

At the outset - A Happy New Year To All Our Readers.

We get into the second decade of the 21st century with our democratic system in shambles. The symbol of our democracy, our parliament, has been dishonoured and made dysfunctional. It is a sad state of affairs. There is not a single personality nationally respected who has the moral authority to admonish the errant MPs to get back to their seats in the House. On the contrary we had that awful statement by Mr. L. K. Advani “Sometimes, business not proceeding also yields results.” Can there be a more disgusting statement than this? How is it different from a statement some years earlier by another ‘veteran’ Mulayam Singh Yadav comparing Parliament to an *Akhara* (a wrestling ring or gym). Restoring Parliament’s dignity is fundamental to the restoration of the country’s dignity which is already taking a beating on other counts as well.

Reminds me of the last paragraph written in despair and hope by Minoo Masani in his autobiography: “Since our politicians are beyond repair, if India is to be saved, it will have to be saved by the small man, particularly the middle class of the cities and the landed farmers of the countryside who are the backbone of the nation.” He wrote this in 1981 when the opening up of the economy was still a decade away. Sadly the economy has put the country on the road to material prosperity but also moral bankruptcy. If this latter trend is not halted by the small man and woman in whom Masani had so much faith then we are heading towards doom.

We planned this issue to focus on the paralysis of parliamentary democracy, but our readers like the rest of our honest countrymen are so much exercised by the corruption exposes across the country that we received a number of articles bemoaning these. We combined the two to produce this issue’s main feature with the ungainly title “A Democracy Entangled in the Web of Corruption”.

We have tried to balance this depressing narrative with essays on Irom Sharmila Chanu - the Iron Lady of Manipur, Dr. Ram Manohar Lohia, C. Rajagopalachari and Nani Palkhivala. Also a brief comment on Bihar and its hero Nitish Kumar courtesy DilipThakore. We do so in the belief that reading these will give us some hope that all is not lost yet.

We await your comments on these and other current matters. The “From our Readers” column that has taken pride of place in our journal seeks more reader participation. It is proving moderately popular; but we would like it to be the most popular part of *Freedom First*. So let’s hear from you!

Editor

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From Our Readers

On *Freedom First*

I was touched by your editorial in the October 10 issue of *Freedom First* from which I gather that you type articles yourself. This means you have to save on secretarial assistance. I am making a small contribution of Rs.5,000/- to add to the ICCF's kitty.

It requires no assurance from readers of *Freedom First* like me, that we will back up wholly the efforts of *Freedom First* to maintain fearlessly and without favour the standards of liberal values the founders of ICCF envisaged.

Sadanand Kumta, Pune. sbkumta@rediffmail.com

*

Thank you as always for *Freedom First*. I look forward to its arrival and always enjoy it. It is a good deed in a naughty world.

Peter Coleman, Australia. pcoleman1@dodo.com.au

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Why Are We So Corrupt?

Ashok Karnik's article (*Freedom First*, December 2010) well covers the subject. I have one comment on the integrity of the PM. Integrity of mission is far more important than declining free lunches. Some of the acts of the PM do not conform to integrity of purpose - appointment of Sabherwal Commission which is an incitement to the Muslims, misuse of CBI in cases of politicians and officials and interlocutors for Kashmir.

It is like a fort commander who pays for his tea or even for the water of his horse but lets his own troops damage the foundations of the walls.

Brig.Suresh Sharma (retd.), Navi Mumbai.
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Ashok Karnik's response:

I agree with Brig. Sharma that the PM has not covered himself with glory. Keeping silent when things are going wrong around you is not good for an administrator. I would call him weak but not accuse him of complicity.

*

While Ashok Karnik's 'Why Are We So Corrupt?' makes interesting reading, one tends to lose faith in Indian democracy as its constitutional checks and balances are of no avail to prevent recurring scams and scandals and their perpetrators get away scot-free. Immediate electoral

and judicial reforms may be the only way to make the politicians and the judiciary accountable to the runaway corruption.

By the by, does the figure printed on the front cover of the *Freedom First* (Dec. 2010) refer to the Rs.1,76, 000 Cr Telecom scam of the country? If so, please correct the number of zeroes in the figure. It should be: Rs. 1760000000000 (10 zeroes followed by 176)! Of course, we may be short of zeroes to add to the actual figure of corruption when we come to know of it in due course!

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*

Radiagate and its Aftermath

In some mainstream TV channels the trend of questions and the manner in which the subject matter was selectively chosen confirms the fact that there are news anchors who moderate the discussions steering them in favour of a particular political party. In fact, if any inconvenient questions arose it would be brushed aside. Anchors are quite adept with their gift of the gab to confuse issues and rapidly change direction. Also, their selection of discussants.

All this will hopefully change because the revelations of Niira Radia, a lobbyist leaves no doubt how, with the help of media persons, she played the part of kingmaker to see who gets which portfolio in the UPA government so that it will suit the purpose of which corporate czar. In effect it means that neither the Congress 'High Command' nor the Prime Minister were really in-charge of allocating portfolios for some key ministries. There have been discussions in the media about the role of such persons who have disgraced themselves. The way they have defended themselves and remained defiant is rather puerile. After this happening, hopefully the media will go through some soul searching and come up with some self-regulatory mechanism or subject themselves to certain control measures. Of course to the public who were already aware of the phenomenon of 'paid news' the latest revelations have acquired a new dimension.

This leaves one question unanswered – whether the persons involved benefited monetarily or was this confined to acquiring a heady feeling of wielding power which is the ultimate aphrodisiac. The larger issue it raises is whether India should imitate some countries where lobbying is legal. The saddest part of this development is that it has cast a shadow of doubt on some eminent

persons who have been held hitherto in great admiration and respect. It may be relevant to recall what Oscar Wilde wrote in his novel 'Lady Windemere's Fan': 'Do not put people on high pedestal for it is an uneasy perch and difficult to maintain balance'.

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The Kashmir Conundrum

In response to the proceedings of the Seminar on the Kashmir Conundrum (October 2010) I must say that the views expressed are very informative and of a very high standard with a lot of objectivity. However, there are, in my opinion, a few serious omissions.

In the entire discussions, the Islamist angle that motivates the intifada is missing. This is surprising in the light of the partition of India. The creation of Pakistan was entirely based on the principle that Muslims constitute a separate nation. Despite having voted and rioted for the creation of Pakistan, most Muslims chose to stay on in India. Has this notion of separatism disappeared? If we are a truly secular state, why are there Minority Commissions, minority educational institutions and minority financial corporations based on religion..

None of the participants in the seminar has referred to the 350,000 Hindu Pandits and Sikhs that were expelled from the Kashmir Valley. Why this silence? It is because the so called secularists are immune to any suffering and insult that is inflicted upon Hindus but they all rise up in case of the same happening to Muslims.

That is why all the "secularists" and "human rights" wallahs are dead silent in respect of what's going on in the north-eastern states where the people are not Muslims. They are full throated to voice their indignation about anything happening to Muslims. It is the same attitude that makes these people silent about the slaughter of 3000 Sikhs in India's capital city, New Delhi in 1984 by organized gangs of Congressmen. Islamists and "secularists" are silent about this slaughter.

If Indian political parties and their leaders truly believe that J&K that is under India's administration is an inalienable and integral part of India, why should Art.370 be preserved? Even when it was incorporated, it was characterized as temporary. Why is it that we allow Kashmiris to acquire property anywhere in India but don't allow non-Kashmiri origin Indians to acquire property in J&K? Why don't we ever even rhetorically ask autonomy for Jammu and Laddakh or integration of these two regions

fully into India?

It is absolutely wrong to think that the Kashmiris are alienated because of lack of development or job opportunities or poverty. In all these regards, they are no worse off than Indians in several other states. They are in fact better off.

Since *Freedom First* is addressing itself to this most sensitive issue, it is better no holds-barred views are first aired and thoroughly discussed .

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Convert 'Adarsh' into a Jail

Nowadays our newspapers are full of the 'Adarsh' scam with the names of 'netas', 'babus' and others involved; and the views and suggestions of readers and the public, as to what can be done about the 36-storied monstrosity.

It is my suggestion that after ousting the illegal occupants the building should be converted into a jail for "housing" those involved in this scam. The spacious apartments can be converted into cells (No special ones, "as per Government procedures", fitted out for VIPs with the comforts of special beds, ACs, TVs) with the minimum requirements for prisoners. Think of how many cells would be available from an average sized apartment of 1,500 sq.ft.?! At least 24, allowing for corridors, utilities, etc.! It is however, not unlikely that the total number of resulting cells would not suffice to accommodate the number of culprits. (There would be in course of time far more skeletons tumbling out of the cupboards than currently discovered).

At least, if the project of a prison should materialise, the inmates would have the benefit of an important address in a posh locality!

I cannot think up any new name for such a refurbished "edifice". Perhaps my fellow readers of *Freedom First* can come up with some suggestions!

Even if 2 percent of the ill-gotten wealth of such persons in power, was to be utilised for the bettering of the lives of millions of the people who so patiently continue to suffer even after 63 years of "independence", what a lovely place our beautiful land with its fine people could be!

I love my country, and sincerely wish for our people – the 'aam admi' – to get their rightful share of food, education, housing, employment and health and imbibed with civic sense and discipline! These can be achieved only by the total eradication and annihilation of the *Scum* that had over the past over 6 decades plagued our India with *Scams*.

Dadi M. Darbary

A Democracy Entangled in the Web of Corruption

Dumb Charades In Parliament

Firoze Hirjikaka

For any political party in India to take effective measures on curbing corruption would be tantamount to biting the hand that feeds them.

I am slightly amused and totally outraged at the game of dumb charades being played out in India's Parliament over the past two weeks. The charade is being played out by the country's two national political parties; and we, the people, are the intended dummies. Both the Congress and the BJP are validating Shakespeare by usurping Parliament – presumably the pinnacle of a functioning democracy (not a banana republic) – as a stage to act out a well-planned drama full of sound and fury; and signifying nothing. The shameful histrionics being displayed on a daily basis within the walls of that hallowed institution have the insidious purpose of obfuscating the very issue they are shouting themselves hoarse about: corruption.

To the jaded observer of the Indian political scene, the ongoing shenanigans in Parliament are but the latest manifestation of one-upmanship perennially indulged in by our political parties. However, the real motive is far more sinister. As one financial scam after another comes tumbling out of government and corporate closets on an almost weekly basis, the people of India are furious. They have heretofore virtually, although reluctantly, accepted corruption by politicians and bureaucrats as a way of life; but the current spate of scandals may have been the proverbial straw that broke the camel's back. Indeed, a very recent national survey revealed that corruption is the issue topmost in the minds of a majority of Indians. The political parties have realized this; and so they have to put on a show which purportedly expresses their outrage and determination to eradicate this cancer. But that is precisely what it is; just a show.

For any political party in India to take effective measures on curbing corruption would be tantamount to biting the hand that feeds them. Making money as unscrupulously and rapidly as possible is the principal attraction of politics in this country; and it is the reason why it is the most favoured occupation for people with criminal backgrounds to aspire to. They feel right at home. Party ideology is secondary, if not irrelevant. Therefore,

we can be assured any practical and effective legislation to limit or eliminate the discretionary power of ministers and bureaucrats – which is the principal conduit for illegal gratification – will never be passed.

Right now, the people of India are angry and they want to see visible legislative action by which the sources of corruption can be removed. But for that to happen, Parliament must function. And therein lies the diabolical ingenuity behind the present fracas. Shutting their ears to all reasoned arguments, the BJP is vociferously insisting that they will have a Joint Parliamentary Committee (JPC) on corruption, or nothing. The ruling Congress is equally insistent that a JPC will not happen. And so each day of the winter session of parliament is reduced to a shouting session during which no business of the House can be conducted. It is now entirely feasible that the winter session will be abrogated *sine die*. When that happens, most of the “honourable” members will heave a sigh of relief, because their pre-arranged strategy has succeeded. By the time the next session of the House rolls along, hopefully, the temper of the general public will have cooled and its notoriously short memory will have moved on to something else.

And the people of India – as well as the media – are made the dummies yet again. Contemplate for a moment how skilfully we are being manipulated. We are condemning the disgraceful behaviour of our elected representatives in the House. We are demanding that the dismissed Telecommunication Minister, A. Raja, be punished for financial misappropriations of monumental proportions. We are applauding Ratan Tata for speaking his mind. Our media “personalities” are hosting repetitive and meaningless television debates, where the same pedestrian spokesmen of political parties and the omnipresent “experts” hurl the same tired and hackneyed accusations at each other.

What we are **not** doing is asking the right questions. What we are **not** doing is asking what effective legislations

and penal safeguards our lawmakers are proposing to keep a check on the causes of corruption – removing their often misused discretionary power to interfere in the promotion and transfer of police officers, for example. That is the only step that will make a significant difference. Dismissing or suspending a few ministers and bureaucrats – or even putting them in prison – will cause only a brief and temporary remission of the cancer that has spread its

tentacles throughout our body politic. It will not cure it. And the master manipulators who are making a mockery of parliamentary procedure will ensure that their immunity from criminal prosecution remains intact. As the Bard aptly put it; what fools we mortals be.

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Have Both : A JPC and a CBI Investigation – Under Supreme Court Supervision

Sharad Bailur

The misfortune of Indian democracy today is that the party that wins the largest number of seats in Parliament must depend upon sundry regional microscopic parties for their survival.

For the last three weeks we have been treated to the negation of democracy by members of our Parliament – for which they are incidentally being paid. The Raja imbroglio is the publicly stated cause. It is, but I have my doubts if it is for the reasons given.

The Opposition will have nothing less than a Joint Parliamentary Committee (JPC) to investigate “it”. A JPC can only investigate policy and what went into it. It cannot investigate or pin down criminality. That has to be the job of the investigating agency which today is the CBI. To prevent it from being a “slave to the Congress Party” as alleged by the BJP, the CBI is investigating what went wrong, under the watchful eye of the Supreme Court. For the opposition, nothing “less” than a JPC will do. And a CBI inquiry under Supreme Court supervision will *not* do. It is unacceptable to the opposition for the reasons given below.

It must be admitted that the present UPA government should have taken a firm stand with the DMK the moment they had nominated A Raja for a ministerial position and had demanded the post for him that it did. The mathematics of Indian polity however, did not allow them to do it, since it would have been suicidal, even if it would have been heroic.

The misfortune of Indian democracy today is that the party that wins the largest number of seats in Parliament must depend upon sundry regional microscopic parties for their survival. This is what I called the “Bane of Coalition Politics” in an earlier article in *Freedom First*.

In essence this means that being a leader of a small party that can get, say just ten seats in Parliament, confers far greater (blackmailing) power than being the leader of the largest party. The BJP faced similar blackmail and succumbed to it when it formed the NDA. The Congress has had to do likewise. And the whole issue of the position of power lies in the quiet siphoning off of hundreds of crores in unaccounted money. Inevitably this money must come from the Indian tax payer from the wealthiest to the poorest who is taxed for the salt and matches he buys.

The issue is simple: Will a JPC unearth the truth in this matter? Theoretically it may. But in practice regrettably the answer must be a firm NO. The misfortune is that if the UPA does really have its hand in the till, so does the NDA before it. And these two will constitute the JPC in maximum number. You do not ask a Kasab to prove his own guilt. You get the Public Prosecutor to do it. Similarly you cannot ask the Congress and the BJP to prove theirs which is what constituting the JPC will amount to. If the facts that turn up as they inevitably must that both coalitions have in lesser or larger measure been responsible for this present Spectrum mess, it will be in their interest to come to a Joint Parliamentary Committee conclusion that no mess was uncovered after the so called “investigation”.

So where does that leave us? I have the following suggestions to make:

(Cont'd. on page 19)

Bribery And Corruption – The Indian Norm?

A. D. Gorwala

Mr. A. D. Gorwala of the Indian Civil Service who took premature retirement rather than carry out arbitrary verbal instructions from his political master a Chief Minister in the old Bombay State, was an icon to those of us who had the opportunity to know and interact with him. A prolific writer his articles in leading newspapers and periodicals of the day under the pseudonyms Vivek and Vidura were widely read, till the then establishment arm-twisted the newspapers and periodicals to stop carrying his articles. He decided to start his own periodical which he titled Opinion. He was a role model not only for the bureaucracy when he was a civil servant but also for journalists, post retirement. That both chose to ignore him and prefer the gutter is evident from what is happening today and which forms the main story of this edition of Freedom First.

This article was first published in the Opinion of 28 November 1967. He republished it in the Opinion of October 20, 1981. Introducing the article to a new generation of readers he wrote:

“Now that 14 years later, the cause is almost completely lost, our principal authorities, and the very large majority of the people, seeming to have concluded that Bribery and Corruption are almost natural phenomena, against which nothing can be attempted, this article has perhaps only a melancholy interest. None the less I publish it to light up the ‘vast undone’”.

You, dear Freedom First reader, reading it today 29 years later will be forgiven if you conclude that what Gorwala was complaining about was a mere fleabite as compared to the cancer that is tearing apart the fabric of our democracy. You will therefore, read it with more than ‘melancholy interest’ – Ed.

Consider the following statement for discussion put out by an educated, middle-class organisation in the great city of Bombay. It is headed “Bribing is Essential” and it goes on: “It is imperatively felt necessary to bribe Government or non-Government officials for prompt and smooth carry over of any proposal in the present day economic activity. Everyone agrees that corruption is increasing day by day and is eating into the vitals of our economy. All estimates of any dimensions in planning of any project do take into account the probable extension of such expenditure of underhand payments. Moreover corruption has already become a part and parcel of our life and the way we go about maligning one another is not the way to cure the evil. To work for reward is inherent in human behaviour. May we take it as a common natural phenomenon, irrespective of time, place or race? If so, it is felt that due to its inevitability, the unwholesome connotation of the word bribe be deleted henceforth. It seems that bribing is functioning as a lubricating factor in present day conditions and activity, and as such must be accepted.”

Well, good Indians, do you accept the charge? Shall we alter the connotations of corruption and its users from their current derogatory to their future praiseworthy, content? That corruption has increased greatly in the last twenty years there is no doubt. That it pervades circles where before it was very rare is also true. That it is not

so overwhelmingly present as the statement makes out would be the writer’s view. And yet instances are cited that make him wonder. In many reputable concerns it is said no man can hope for a job unless he is prepared to donate his first quarter’s salary to the appointing authority or other superiors. No traveller it is said can hope to buy a second or third class railway ticket quickly unless he is prepared to add a percentage. A substantial solatium must be made, they say, to influential people to get a telephone installed in certain cities. The managing agents of well-known industries it is alleged insist on a secret commission on all sales and all purchases. Buying authorities of some financial institutions, private and public, think nothing at all of allowing full -brokerage and receiving a part back in cash. Professors and administrative officials of some universities add substantially to their incomes by looking after the examination results of certain students. Text-books are sometimes unacceptable to selection committees until special arrangements are made to satisfy influential members. Some newspapers on occasion add to the resources of their - authorities by selling their newsprint secretly at profitable rates. Trade union leaders now and then grow far richer than would seem to be possible from the condition of their unions. Of politicians in power, a former Congress President has vividly pointed out, the startling increase in affluence. And so forth and so on, to cover almost every section of society urban and rural. Weight is further lent to the

likelihood of corruption being present on a very extended scale by the enormous amounts of black or unaccounted money that are obviously in use for every type of transaction, a parallel currency almost that in certain spheres tends to displace the official currency to the extent of about half the sum involved in any transaction, even it is said commonly in cooperative societies for housing.

This being so, would it not be wise, at least in the worldly sense, to concede the case? The Indian it would seem, is corrupt and will continue to be corrupt, therefore despite the past view of corruption, Indians today, you and I, must look upon it with a far more kindly eye. To drink wine excessively is part of the normal behaviour of the French. To get drunk on vodka and lie about dead to the world in tie- streets is part of the normal behaviour of Russians. Why not corruption then as part of the normal behaviour of Indians, helpful to them on many occasions in reducing the stresses and strains of ordinary life and adding to the practicability of attaining their private and public ambitions?

Before deciding finally, however, let us consider how we have come to the present state. With Independence power, full, final and complete, came into Indian hands. Much good has resulted from the exercise of this power by Indians. There has also resulted this very great increase of corruption, this almost making of corruption part of the Indian way of life (which we are yet uncertain whether to condemn or accept). We Indians by and large are very susceptible individuals. We are impressionable above the ordinary. Most of us take our standards from those we consider our superiors. One in ten thousand may have his own standards and live by them. Now the average Indian had up to then held corruption to be bad, something to be avoided, something to be ashamed of. Corruption existed, mostly among minor officials and businessmen, but it was deplored, its practitioners held dishonourable and worthy of punishment. With Independence came a great change. At the centre and in state after state the bewildered Indian saw the idols of his worship, the heroes of his revolution, behaving in a manner that he had held disgraced a talati. The building-up of fortunes, the looking after of relatives and caste-fellows, the use of public office for personal and political advantage, became commonplace, and when in consternation he turned to the foremost figure of the time, Gandhi's heir, Jawaharlal, as some old and truly worthy congressmen did, for comfort and redress, all he got from that mighty potentate, who by then in his palatial residence was enjoying to the full the role of the great

Moghul, was that he did not wish to hear such useless tales.

Of no people is it truer than of us Indians that the behaviour of those in high places is the wind and that of those below them is the grass. The wind of the corruption of men in power had little difficulty in bending in its own way the conduct of those below. By 1950 the discerning could see clearly where in this matter we were going. The combination of power and immorality at the top affected every section down to the lowest. "If they can do it, why not IT" asked indignantly a head-constable of police, pointing towards the Ministers' bungalows, when the writer passing by rebuked him for taking six annas from a squatting seller of gram and insisted on his returning it to him. The personal integrity of the ruler, the main key to good government and honest living in our conditions, just disappeared, and as the experience of its disappearance became more and more widespread, the deterioration in conduct throughout society followed suit. Soon "the black-marketing princes of tax evasion", advisers, friends and providers of the rulers, moved as by right to the leadership of society, attainment to their heights becoming the aim of the able young. Soon, dishonesty and corruption were the principal modes of getting on. As the years passed, the more outrageous the conduct of the ruling classes, the greater the enormity of the behaviour of the rest of the people, until the present stage has been reached, when in all seriousness a body of earnest, able, well-brought up young men in the middle ranges of many intellectual professions, looking deeply at the world around them and the circumstances of living today, feel compelled to suggest the legitimising of corruption, the removal of any taint of wrong from it. Then at least they perhaps feel the conflict within them on this subject will be resolved. They too will without compunction be able to move forward :through the aid of this 'normal' activity.

The second main factor in good government and the establishment, of a decent society is the moral sense of the citizenry. If it is held that this too has vanished completely, then there is no alternative to accepting corruption as the norm of Indian life. But 'so far as can be seen this though weakened still persists. The very self-questioning of the group is evidence of its continued existence. A solution to the problem other than the acceptance of corruption as normal would be so to energeise this moral sense as to bring back into public

(Cont'd. on page 37)

“The Buck Stops with You!”

Nagesh Kini

The Free Press Journal Weekend (November 28, 2010) carried a write-up “The Buck Stops with You!” by Mumbai’s well known psychiatrist Dr. Harish Shetty, quoting Arthur Koestler – “If the creator had a purpose in equipping us with a neck he surely meant to stick it out.” His is a call to professionals of all hues to converge to confront the evil of corruption, frauds and scams that are seen taking place day in and day out.

It is perhaps for the first time that a fellow professional, a psychiatrist at that, in writing this thought provoking article, has at last chosen to take the bull of corruption by its horns. And he has not minced words. It is the need of the hour that professionals in other disciplines also stand up to take a stand to rid our nation of this rampaging cancer. There was a time when our Judiciary and Armed Forces were considered sacrosanct and perceived to be above board. The recent scams have led to a Kolkata High Court judge to be impeached and two Army and one Navy chief into the web of corrupt practices. Practically every top bureaucrat in Maharashtra from the Municipal Commissioner, City Collector, BEST General Manager and Secretaries in Mantralaya had their fingers in the “Adarsh” pie, so much so anyone on whose table the file landed got a flat allotted despite blatant violations - a rewarding *quid pro quo* at that!

Today not an arm of governance, activity or profession is taint free. Auditors are suspected to be colluding with company management in the still unravelling Satyam financial fraud; Company Secretaries found to have issued certificates left right and centre in the 3G episodes; Medical Practitioners are sued for negligence, for ordering unnecessary investigations that get them resultant ‘cuts’ and overbillings all driving the health insurers to withdraw the cashless covers: Lawyers are seeking adjournments galore while lining their pockets; Architects and Civil Engineers design bridges and structures that collapse like a pack of cards as happened during the Commonwealth Games or with Mumbai’s flyovers.

While Mr. Ratan Tata speaks of demands for bribes, Mr. Rahul Bajaj whose forefathers were close to Gandhiji has set the cat among the pigeons by pointing a finger at India Inc. as being party to perpetuation of corruption. The print and electronic media have thrown caution and safeguards to the winds by indulging in the same hysterical, frenzied all-stops-pulled media skullduggery with ‘columnists and anchors selling their souls’ by going for paid-for planted reports and editorials. While our poor

cannot access the funds that are legitimately theirs, fat cats bribe their way through to get loans sanctioned by financial institutions, loans that are subsequently ‘restructured’ by waiving interest and ultimately classifying them ‘Non Performing Assets’ to be written off. According to an authoritative report 85% of our NGOs are fakes only set up to siphon away funds and indulge in first class foreign jaunts “for working for a cause”. Thus no section of our nation is spared this endemic menace.

Yet our pseudo-intellectuals are seen to conveniently adopt an ostrich approach of “*It happens like that only in India*” - where everybody wants somebody “to do something” culminating in nobody doing anything at all! Back to square one of the all pervasive laid back attitude of *chaltahi rahega, kya karey?*

In a supposedly enlightened metropolis like *amchi Mumbai*, less than half i.e. only 42% of the eligible electors choose to exercise their franchise, far lower voter turnouts mostly in the rich and upper middle class areas. Those in slums who are heavily bribed with cash, saris and liquor not only cast their own votes but also vote for the absentee rich elite who do not know someone has voted for him/her!

We get the governance we deserve - *Jaisa praja vaisa raja* (like subjects like king). The majority of our so-called elected representatives have declared in sworn affidavits incomes and wealth running into crores. Our flawed electoral laws do not call for declaration of taxes paid. They have criminal charges ranging from assault, murder, rape, rioting, *hawala* and money laundering. Because of laws delays they manage to stall conviction with impunity and roam scot free to get elected over and over again. No wonder they render our Parliament, Assemblies and Municipalities dysfunctional by their rowdy behaviour uprooting mikes and throwing furniture and footwear at their opponents.

This menace is so pervasive that it begins at birth

from obtaining certificates of birth going on to certificates for domicile, caste, income, tax clearance, no objections and marriage all the way finally to death certificates. Here the euphemism for the term is “speed money” – not perceived as bribes, incurred to overcome waste of time and energy in filing multiple applications with irrelevant attachments duly self-certified/notarized or even to buy peace and do away with their nuisance value. When a cost-benefit analysis is carried out, this ‘speed money route’ is found to be cost-effective to justify the illegal gratification! The under-the-table ‘tenner’ of the good old days stands replaced today by *peti* and *khoka*, - slang for lakhs and crores - or by demanding a share in the profits of the business as sleeping partnerships or equity. The heavy capitation fees running into lakhs for medical and engineering colleges are sought to be recovered by the doctors and engineers by extracting exorbitant fees.

Corruption in India has a history. Dr. Shetty writes that Sir Thomas Roe of the British East India Company could only meet the Mogul Emperor after bribing his way through. On the present front we’ve Atal Bihari Vajpayee and Dr. Manmohan Singh as our honourable Prime Ministers, but both have been victims of the evils of the oft mouthed phenomenon called ‘*Coalition Dharma*’, tolerating the wrong doings and acts of omission and commissions of their own cabinet colleagues be it Tehelka cash, Kargil coffins or the massive 2G/3G spectrum.

To quote the learned Dr. Shetty: “So more corruption at the bottom is directly proportional to the mega sinners at the top”, indeed it is! He points out that the “Indian psyche is peculiarly sentimental like the aha of the coke bottle.” How many of us remember the fodder scam, the Telgi scam and many others. Sentimentality has a short-lived memory and such brains rave, rant and forget. The TV debates satisfy our appetite and the buck stops there. We are not emotional and emotionality has a thinking component. Look what happened to Madoff or an Arthur Anderson or the Enron officials in the US? That is being ‘emotional’ where the issues reach a logical end. The thinking component guides the strong emotion... So many of my literate and illiterate friends have told me that they would have been happy if the parliament terrorist attack would have killed many corrupt politicians.

“Well we want things to move... The revolution should happen but the heat should not touch our skin. We silently consent to all nonsense due to our apathetic attitude... We also misinterpret the philosophy of Karma, God will punish them is our refrain and we wait. For us death is also a comma and not a full stop... Caste affiliations and blind reverence distorts our vision towards the sins

of the ones we revere... Affluent kids have started Facebook groups against corruption; they cannot stop their parents from bribing to enhance their business. Nor do they take stands at small crimes around them. To prevent malaria we need to clear our surroundings. And this net activism is good but the real live practice should begin around us among issues that affect us directly. That gives us energy for a face to face fight and not a network dialogue...

“An RTI activist is killed in Maharashtra, no heart bleeds when a young man stands up against the might of the corrupt rich and is killed... it’s ok if people amass wealth is an accepted norm. We are a world power says Obama and that’s not true as our roots are infected... An average Indian is honest just like a Manmohan or a Vajpayee but they refuse to rock the boat. Just being proud of our Kargil martyrs is not enough and building monuments (we looted this too) is also an act of little meaning. The need of the hour is to rock the boat... When will we do it? Is a trillion rupee question.”

Only a psychiatrist like Dr. Shetty could put it across so succinctly.

When and how many will stick the neck?

What can one say of a land where a discredited and soon-thereafter sacked Chief Minister is the first to receive President Obama at the Mumbai airport on his arrival and the tainted CM of the neighbouring State belonging to what it claims to be a ‘Clean Party with a Difference’ travels by a special IAF aircraft with the Honourable Dr. Manmohan Singh from Putturpurati to Delhi?

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Visit <http://ipaidabribe.com>

IPaidABribe.com registers an astonishing assortment of first person anecdotes detailing bribe-giving across India. It is a first-of-its-kind chronicle of you-and-me Indians’ brush with an array of corrupt government officials. By graphically detailing and recording the universality of this Indian problem, IPaidABribe wants to analyse patterns, change processes and tackle corruption.

IPaidABribe (IPAB) was set up by the Bangalore-based Janaagraha, a non-profit organisation that works to change the quality of life in urban India by working with both citizens and governments. In the short time since its launch, thousands of Indians have gone online to record their experiences under a laundry-list of headers: I paid a bribe, I didn’t pay a bribe, I didn’t have to pay a bribe, I don’t want to pay a bribe.

Contributed by Sudhir Rao, sr0501@yahoo.com

How to Demand a Bribe Without being Accused of Corruption

M. B. Damania

In Indian legal circles, it is accepted that corruption means asking for a bribe or giving a bribe. Does any person in authority demand a bribe in simple words? No. He knows how to protect himself. He may ask "You have committed a crime. What are you going to do about it?" Then we offer the bribe and we become criminals.

Once a sales tax officer asked me how much I was going to pay her (she did not demand a bribe). I said I would give the customary envelope but I refused to discuss the quantum. She said, "Then how do I make out my report? You should know how to do business. Do not expect us to beg for money." Note that she never asked for money. Ultimately, the sales tax commissioner wrote a remark, "Due to reasons explained to me, I transfer this case to another officer." But that is another story.

A labour inspector asked me how much I would pay him. Again, I said that I would give the customary envelope but I refused to discuss the quantum. He said, "I do not spoil my reputation for a small amount", and walked out. He filed a criminal case against me without citing any infringements. He also filed a similar case against our neighbouring factory. Their lawyer asked him why he had filed the case when he had not even entered the factory. The inspector replied "What can I do? This Damania spoiled my mood so much that I filed a case against you also."

We usually say that we have to bribe for nuisance value. There is a National Sample Survey, which seems such an innocent subject and is run by a department which has least powers to harass. However this is no obstacle for an experienced inspector.

I had one such inspection. (He had already come before to inspect figures relating to employees; this was his second day with us). The inspector came at 11-30 AM and left at 6-00 PM. Prior to his coming, I had filled up the return forms and sent them by registered post to his office. Since such response does not allow him to extract money, he came to us for inspection.

He spent 20 minutes explaining to me how to round off paise to the nearest rupee. Another 10 minutes was spent in explaining that decimal point should be written "and" not "-". He made hand-written copies of several

ledger pages and asked for full justification of various expenses. At the slightest opportunity, each and every entry was disputed. For example, purchase of zadu (broom) for Rs.10 should not go under "sundry expenses"; it should go under "building repairs". Rs.80 paid to paniwala, who brings water from well for drinking, should go under "water charges". Energy saving device cannot be put under "Plant and Machinery" because machinery can run without energy saving devices. I had stated number of working days in year as 306; he made detailed calculations and after some time was able to prove that correct figure was 307. There was also a dispute whether one employee was "supervisor" or "worker".

Of course he did not ask for a single paisa. He had stamina to go on in this manner until we said "What is it that you want? Please take your money and go"; so we become corrupt; not he. He checked each and every detail and was not finished by 6-00 PM. I suggested that we continue inspection in office of Maharashtra Chamber in the presence of two observers.

Before going, the inspector requested me to convey his regards to the then president of Thane Small Scale Industries Association. The meaning of this hint was, "Do not expect your association to help you."

I have attended meetings with their departmental chiefs at the Maharashtra Chamber, and other places. They give us instructions on how to fill forms. Our own association office bearers cannot understand what we are complaining about. It is only one who has personally gone through such inspections will realise the torture.

Even in revenue surveys, our accounts are not disputed in this manner. In sales tax small dealers are subject to summary assessment. But for statistics, each paisa, each expense and each working day is subject to the strictest audit. This is nothing but legalized corruption.

(Cont'd. on page 37)

Corruption, Bad Governance and Election System

Subhash Athale

Our governments are the source of Corruption.

It is a proven fact that we have bad governance, rampant corruption and increasing criminalisation of politics in India.

The root cause of this condition of our government is that our governors - the persons who govern, are mostly corrupt, criminals and have low ethical standards. The Members of Parliament, of State Legislative Assemblies, of Zilla Parishads, of Municipal Corporations and Municipalities, of Panchayat Samitis and village Panchayats are the persons who govern us. Often, the only aim of these persons is to get power, not for using it for the good of the nation and its people, but for using the power for engaging in corruption while spending the public money; for breaking and bending laws with impunity, and to escape the legal consequences of previous criminal acts.

Why do we, the people of India, elect such corrupt and criminal persons? It is because we have no choice. All the persons, barring a few exceptions, contesting the elections irrespective of which political party they belong to, or whether they are independent, are of the same calibre and same mentality.

Why so? It is because, under the present system of elections - first past the post - contesting the elections is a very costly affair. For instance, it is estimated that an expenditure of five to ten crores of rupees is necessary for contesting a parliamentary election. But after spending this money, one is not sure of getting elected. If you get elected, you must have the ability and aptitude to earn back at least the money that you have spent. Until recently, our MPs were getting about 20 lac rupees as salary in 5 years. After the recent raise in salary to Rs.80,000/- p.m., they will get about Rs.48 lacs for term of 5 years. How can one make good the election expenses? It is a known fact that the wealth of members of parliament goes on multiplying after each term. We have never heard of anybody getting impoverished after getting elected several times. We have also not heard anybody getting insolvent, even after losing the election. It is also unlikely that whatever business - agriculture, industry, profession

- to which the person belongs suddenly gets unimaginably profitable as soon as they get elected. The only logical explanation is that there is a well organised system of corruption, which reimburses the election expenses of all the members of parliament - again, barring a few honorable exceptions. This system of corruption not only reimburses the election expenses, but multiplies the wealth several times, not only of the ministers, but also of the members of parliament.

The present system of election actively discourages honest people from contesting, unless they are so rich that losing 5-10 crore of rupees is a trivial loss for them. Some industrialists and some sons and daughters of present or past ministers belong to this category. Honest rich persons who have earned almost 10-15 crores of rupees by honest hard work cannot easily gamble 5 crores of rupees contesting the elections. Poorer honest persons, who own a few crore of rupees or less, obviously cannot even think of getting elected. There may be exceptions but these only prove the rule. The fact remains that the present election system acts like a sieve, which allows only the criminals and corrupt persons with money and muscle power, to contest the elections. Honest persons with modest income cannot even dream of contesting the elections. Even our Prime Minister does not dare to contest the polls, and prefers back door entry by becoming a Rajya Sabha member!

It is not true that because we are corrupt, we elect corrupt representatives. Our present voting/election system - First Past the Post - is responsible for allowing only the corrupt to get elected, and to be ministers. Corrupt ministers corrupt the government servants. This corruption of the political class and the government servants percolates into the whole society, leading to moral degradation of the whole population. Our governments are *the* source of corruption.

Other bad effects of the present system of election:

- (a) It gives disproportionate representation to political parties. As the negative votes are wasted, a true and

faithful reflection of people's wishes is not seen in the body of representatives. A minority of say 20% evenly spread all over the country (say a Dalit Party or say liberals – if they ever form a political party may not get a single seat in the house! That accounts for the tragedy of the Republican Party founded by Dr. B. R. Ambedkar.

- (b) Winnability of the candidate becomes the only criterion for the political party in selecting its candidates. This weakens the political party, while the candidates with winning-power dominate, change parties at the drop of a hat, or contest (and win) as independent members, if denied a ticket by the party. Political ideology is a thing of the past.
- (c) In the absence of preferential voting, no political party gets a clear majority, there are unstable, coalition governments and horse-trading. The main political party is unable to implement its political agenda.
- (d) As political ideology and support of the political party fade in significance, voters vote for language, region, etc. The present election system has given a tremendous boost to these divisive forces, but at the

same time has denied proportional representation to the minority opinion.

A change over to party list – proportionate and preferential voting system will be a remedy for most of these ills affecting our politics and society.

The proposed voting system, along with changes in tax system (replacing all present taxes with a bank transaction tax) and in currency notes (abolishing all currency notes above the face value of Rs.50/-) and the implementation of universal identity numbers, will pave the way for a remarkably just and corruption free India.

Unfortunately, even the well educated professionals like doctors, advocates, industrial managers, professors and tax consultants, are not aware that any such alternative voting system is available, and is working well in many countries in this world!

I hope *Freedom First* will take up the cause of disseminating the information about alternative voting systems.

Dr. Subhash Athale is a medical practitioner in Kolhapur and a social activist. Email: subhashathale@gmail.com



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Why is India Still Low in Human Development Index (HDI)

Sadanand B. Kumta

India is ranked 119 from among 169 countries. This ranking is certainly not flattering to our overall economic performance.

UNDP's HDI annual reports are with us since the last 20 years. It is a composite index based on economic growth rates, health and education devised by a Pakistani economist Mahbub UI Haq.

The first impression one gets in the November 2010 report published and released in India by Shri Kaushik Basu, Chief Economic Advisor. Govt. of India is that despite economic development the quality of life is floundering in India in matters of health and education.

2. The present report differs from the earlier reports in three aspects:

(a) Introduction of the concept of "multidimensional poverty". The implications for India are strong. Some Indian states have poverty as acute as 26 poorest African countries and more in numbers.

(b) The gender inequality index.

(c) The inequality adjusted HDI.

When all the above three measures are factored in, India has 31% loss in its life expectancy at birth, 41% in education and 15% in income.

3. Let us begin with our much publicised economic growth rate.

We can be proud of the fact that India is among the 10 countries that have showed faster growth rate over the last 40 years from 1970 to 2010. China is at the top and India is 10th. But this pride is chastened when we learn that we are ranked among "Medium Human Development Countries" with a rank of 119 from among the 169 countries evaluated in this report (HDR). This ranking is not certainly flattering to our overall performance.

Norway is at the top of the table with HDI of 0.988 and India is 0.519 with a ranking of 119. China is at 89 with index of 0.663, Nepal is as low as 138 with HDI of 0.428, South Africa is 110th, Pakistan 125 and Bangladesh 129.

4. It is interesting to know that India is among the "Minor Civil War threat category" countries along with Iran, Israel and Myanmar with less than 1000 deaths per year. Among the "Major Civil War threat" countries are Pakistan, Afghanistan, Sri Lanka and Columbia.

5. Though in economic terms, there is improvement, we have in our midst "Multiple Dimensional Poverty" which affect the poor in health care and education.

China like us initially focussed on economic growth. But it is learning faster than India from our Nobel Prizeman Amartya Sen who wrote the book "Development as Freedom", with emphasis on health and education.

In the reproductive health sector, it may surprise many that Pakistani women as mothers are better taken care of than in India. The adolescent fertility rate is 68 births for overall 1000 live births. It is 45 for Pakistan. This means Pakistan has fewer younger mothers.

It is also interesting to know that the report shows that economic development shows no corelationship with that in health and education. Nepal is a glaring example of low economic growth but better attention to health and education. To conclude, we can say that since the days of Bharat Ratna M. Visveswarayya to the present day Amartya Sen, we have as a nation, ignored three main parameters of the quality of life – namely health, sanitation and education at the primary and secondary level. If we continue to ignore these vital sectors of development, we will make the life of the majority of our people only more miserable.

The state has failed to provide its citizens with the ability to improve their chances by failing to get out of their way and let our citizens do it for themselves (empowerment).

MR. SADANAND B. KUMTA, retired as Director of Technical Education, Government of Gujarat. He is resident of Pune and can be contacted at sbkumta@rediffmail.com

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Point Counter Point

Ashok Karnik

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

The Obama Visit

1. President Barack Obama's visit to India (Nov 6-8, 2010) caused great excitement since it was considered a watershed in diplomatic relations between the two countries. Expectations were raised as India's wish list was long and Obama had his own sales pitch to make. The issues to be resolved were: (a) India's seat in the Security Council (b) Pak role in terrorism (c) The Kashmir dispute (d) Civilian nuclear trade (e) The China problem (f) Outsourcing *vis-a-vis* unemployment in the US (g) Delisting of Indian 'entities' from the 'ban' list.

President Obama met most of the issues upfront and skirted a couple. His oratory and seeming open-mindedness won the day for him. He unexpectedly supported India's candidature for UNSC and criticised Pakistan's tardiness in acting against terrorists. He refused to intervene in the 'K' dispute (to Pakistan's disappointment) and, without naming China, asked India to pay attention to the East in its capacity as a big power. Like a salesman, he sold American goodies worth 12 bn dollars to India. The only issues he did not fully address were the benefits India would gain from increased trade with the US and the fate of Afghanistan after the US withdrawal from there. He was vague in assuring that India would gain by having better infrastructure/technology and promised that the US would not desert the Afghan people; both assurances meaning nothing in concrete terms. Nevertheless, the visit was a success.

1. The critics who started with the point that he did not mention Pakistan on the first day, were not easily mollified even after he actually criticised Pakistan and supported India's candidature for UNSC. They were determined to find fault with whatever he did. They argued that his oratorical skills hid the lack of content in his speeches. The leftists (CPM) who dislike the US as a matter of faith were prompt to point out that he did not mention India's poverty. The extreme right was at its usual paranoia that the US was out to exploit the Indian riches as the British did two hundred years back. Pakistan was understandably unhappy that India's claim to UNSC was supported and that an indirect warning was given to Pakistan to mend its ways. The real sting for India was in the tail when Obama mentioned that as a big power (aspirant for UNSC), India cannot deny its responsibility in preventing nuclear proliferation (in Iran) and absence of democracy in Myanmar, both areas where India's foreign policy is at odds with the US policy. Statesmen would realise that no two countries can have identical perception of international developments and differences in nuances are inevitable. As Obama's speeches are put under a microscope in the coming weeks, the critics will have a field day playing Cassandras. Already there are whispers that the US backing for the UNSC is an empty gesture but then why was so much noise made when the US declared earlier that it was a complicated process? Are we a nation of cribbers who are not satisfied come what may?

The 'Adarsh' Conundrum

2. At the risk of repeating the topic of the last issue of *Freedom First*, it is worth examining what is happening around us. The Adarsh Society scam in Mumbai stirred up the Maharashtra political scene and the State Chief Minister lost his job. How many more ministers and senior bureaucrats were involved is a matter of speculation! The entire episode reeked of manipulation, fudging of records and misuse of authority. The involvement of senior Defence officers, including Generals and Admirals made it worse. The suspicion starts from whether the plot of land belonged to the state government or the army? Whether environment clearance was obtained for construction near the sea, whether security clearance was

2. There is now an overkill of fingers pointing to trace back 30-40 year old allotments of land for housing colonies of senior bureaucrats. The impression is that all such deals smack of inside manipulation for the benefit of influential babus. This may not be wholly true. The policy of allotting plots to government functionaries is not as evil as it is made to look. Instead of selling newly developed areas to builders, the Government decided to allow 'babus' and various other groups (artists, sportsmen) to form cooperative societies of their own and apply for plots at concessional rates. This was to ensure that the builders did not capture all newly developed areas and mint money later. Nothing wrong with it initially! However, a good

obtained for a building overlooking a naval establishment, etc? Since the entire scheme was built around specious ground that the building was meant for the Kargil martyrs, the sleight of hand was clear. 'Adarsh' is only the tip of the iceberg; hundreds of such societies have come up where influential men have cornered prize locations for a pittance. Since the Government itself is involved in most cases, who is to investigate the scams and who is to punish the guilty?

scheme was turned into an instrument of self-aggrandizement for those close to power. Once the available stock of plots in prime areas was exhausted, the 'babus' started converting reserved plots into available plots and allotting these to themselves. Land worth crores was given away for a pittance. Not every member of such societies was involved in the mischief; some might have joined with the desire to get a house in a good location. They may be guilty of greed but not necessarily of fraud or corruption. This could be an explanation why some (not all) Army and Navy bosses joined 'Adarsh'. Let us not judge them too hastily.

Scam Republic

3. The Adarsh scam above is a petty matter compared to malfeasances that have come to notice of late. The Adarsh scam exposed the ugly underbelly of the housing industry. Worse still, the Commonwealth Games (CWG) ignominy, followed by the two year old 2G (Spectrum) scam of much bigger dimension, followed by the Home Ministry's "inside trading/ leakage" to cell phone companies, involving a senior IAS Officer, followed by the Home Finance scam exposing the greed of 8 top officials of reputed financial institutions make one wonder where this country is going. It is not only the number of scams exposed in a short span of time but also the inability/unwillingness of the Government to act decisively to punish the guilty that is galling.

3. The failure of the system to weed out the corrupt is covered up by arguing that not one innocent person should be punished even if it means that a hundred guilty escape. If the country is sinking under the weight of this premise, the premise needs a second look. Withdrawal of a person from a post of power is not the same as punishment. A person under a cloud should not be allowed to remain in a position of power. He may be punished later if he is guilty or restored to his position if he is not guilty. The two steps should not be mixed up. A society cannot survive if it is required to pamper those who are suspect, under a false notion of fair play. The mindless tolerance of evil would destroy the administration of justice itself.

The Radia Tapes

4. The revelations of intercepted telephone talks of Niira Radia, a lobbyist, by the Income Tax Department exposed how wheeler dealers operate in New Delhi. Radia's Vaishnavi Communications is a 'Public Relations & Advocacy' firm with big ticket clients like the Tatas and Ambanis. She is supposed to manipulate political climate to suit their business interests. The tapes also reveal her dealings with politicians angling for cabinet posts. For a common man, it is mind boggling that an outsider working for money is able to influence Government decisions while working within the boundaries of the law – discounting reports of her foreign links! India has no code of conduct for lobbyists, like the US. Lobbying is big business and cannot be shut down as each business house or a politician has the right to push its claim forward before those in power.

The name 'Raja' terrorises Dr. Manmohan Singh. In UPA(1) it was 'D Raja' of the CPI and in UPA(2) it is DMK 's 'A Raja' who paralysed parliament.

**Delhi-based journalist R. Rajagopalaan on Twitter,
2 December 2010**

4. Lobbying was well known long before the present expose. There are scores of influence peddlers in New Delhi who are prepared to work for anybody for a price. There is no compunction of morality as it is just business. Everybody in Delhi who is somebody claims to know somebody higher up and boasts of his ability to get things done. The real crunch is whether he or she can actually deliver. The tapes show Radia talking to industrialists, journalists, politicians claiming to have access to somebody who in turn has access to the highest in the land. The journalists who were embarrassed through these revelations explained that they were not a party to any deal but were only stringing Radia along as the normal function of a journalist to gather information. Ratan Tata claimed that there was nothing wrong in his talks with Radia about his business and on the contrary it was wrong to put private talk in the public domain. He is right that the Income Tax Department has no business leaking out the tapes as its stated purpose was to trace income tax violations and not to embarrass people who had done nothing wrong.

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

Accountability in Public Service

N. Vittal

This is the third and concluding part of the three-part serial on this important subject by Mr. Vittal whose tenure as Central Vigilance Commissioner saw the Commission play a proactive role in demanding accountability from the elected and permanent executive. The first and second parts dealt with why accountability is so important and the reasons for the erosion of accountability in the last sixty years. In this, the concluding part, Mr. Vittal holds out hope. He says: "I am optimistic that the quality of integrity in public life will improve in our country and with it accountability in public service" and gives his reasons why.

New Public Management

1. Above approaches (see part-2 FF December 2010 page 11) for fighting corruption and bringing of transparency and accountability in public service, all visualise working within the given system. In recent times, especially after the experience of Margaret Thatcher and John Major both British Prime Ministers, the concept of new public governance has been becoming increasingly popular. The concept of the theory of public choice is also being discussed as an option for providing public service. Instead of depending only on the government as an agency to provide public service, we can visualise alternative agencies like non-government organisations, the private sector or better still public-private partnership for evolving new models for providing public services.

Professor Pradip Khandwalla, former director of IIM Ahmedabad and a highly respected intellectual has come out with a thought provoking book *Transforming Governance through New Public Management*, published by the Ahmedabad Management Association. He begins with a highly perceptive comment:

“When there is poor governance, people tend to blame politicians and administrators. But the root causes of poor governance may lie in the design of the democratic-administrative form adopted by a country rather than in the character of the people governing the nation.

“If the design is inappropriate, the wrong kinds of people will keep on exercising authority, and the wrong kinds of conduct will be perpetuated. Unless the design is rectified, governance will tend to remain poor and even worsen.

“The alternative is not dictatorship but a democracy purged of its disease-inducing genes.”

He then proceeds systematically to prescribe how our democracy can be purged of disease inducing genes – through New Public Management (NPM). “NPM originated in the US and Britain,...What started out as an effort to bring into governance private sector efficiency and accountability for performance, has now become a much more participatory, stakeholder centric, humane, professionalist and innovationist paradigm of governance that has, on the whole delivered good results across the globe.”

Professor Khandwalla suggests that the Prime Minister (PM) and the Chief Minister (CM) must be elected by the legislature for a fixed term of five years. This is the first radical change.

It will free the CM/PM from the day-to-day pressures of political volatility and empower him to implement policies of public interest.

The PM/CM so elected, can induct talented people from different fields to become ministers and run the various ministries and departments.

It is not necessary that, as at present, the ministers have to be legislators. This is the second radical suggestion...that the great advantage of this change is that all talent available in the nation can be harnessed by the CM/PM.

The legislators can devote their full energies to the legislative function. Farcical instances like our national budget being passed in a jiffy by the Lok Sabha will not happen.

The third suggestion relates to the electoral system. We now have the British system of the candidate first past the post becoming the winner, even though he may not have secured won the majority of the votes polled.

Professor Khandwallah suggests that this must be replaced by a system where the winner has to get the majority of the votes polled.

This means, that if in an election the winning candidate does not get 50% +1 votes of the total votes polled, there should be a run-off between the top two candidates to be held soon after the election to decide the winner.

So as far as the administrative system is concerned, Professor Khandwalla recommends the Margaret Thatcher model of extensive agencification.

This means setting up executive agencies under professional managers who are domain experts, each with a stakeholders' board to transfer out to such semi-autonomous bodies some two-thirds of departmental functions and transform all undertakings and bodies into executive agencies.

But who will implement these ideas?

Let us hope that the Indian intelligentsia will initiate a wide ranging debate and make NPM possible one day in India.

Competition in Public Service

2. Competition can be one method of improving public services. Whether competition to the government police services can be provided is worth examining. The dramatic improvement in telecom services when the monopoly of the Department of Telecom was introduced from 1994 is an excellent example of the potential for improving public services.

Conclusion

3. At the age of 72, I am still optimistic. My optimism is not based on what Alan Greenspan would say as irrational exuberance. I am optimistic that the quality of integrity in public life will improve in our country. Incidentally, the accountability in public service will also improve.
4. These are the reasons:
 - i. To begin with, we have to recognise that we are a democracy and we are a society in which there is a very high degree of freedom of expression. We have an alert media, both electronic and print. This environment gives an opportunity for countervailing forces to develop and corrective action to be taken. Engineers talk of self-correcting

or servo mechanisms which, based on the feedback, correct themselves.

- ii. At least three examples readily come to mind. Perhaps, the greatest threat to democracy as we have seen since 1947 was when in 1975 Indira Gandhi imposed emergency. But within two years the system corrected itself and it will be very difficult for any future prime minister of our country to impose emergency. One of the consequences of that emergency was an amendment to the Constitution insofar as imposition of President's Rule in States are concerned. Before the emergency in 1977, the Congress was a dominant party, and, at the drop of a hat, President's Rule and Article 356 could be imposed on states when the Congress government at the Centre felt uncomfortable. This is no longer possible. Imposition of President's Rule therefore, has become rare. The correction in the form of a constitutional amendment for gross abuse of the power is an experience we have.
- iii. At a lesser level, when organisations have failed to check malpractices, judicial intervention has forced corrections. Again, three examples can be thought of: The Hawala Scam leading to the Vineet Narain case and the famous judgement of Justice Verma in the Supreme Court of December 1997. This led to the CVC becoming a statutory body with powers over the supervision of the CBI and the Enforcement Directorate, two key agencies of the government dealing with corruption and black money.
- iv. Changes in systems and procedures have been made to correct gross misuse of power in our country as a result of the democratic pressures of our politics. Just recall the amendment to the Constitution after the Emergency experience to prevent future possibility of a similar exercise and the restrictions introduced in imposing president's rule under article 356 of the Constitution following the Bommai judgement. One recent example is the recent Spectrum scam so far as the auction of 2G Spectrum is concerned. This in turn led to an open debate about the auction to be conducted for 3G and the net result is there for everybody to see. Not only was the 3G Spectrum transparent, it was done in such a way that against the budget of Rs.35,000 crores, the government of India is going to receive more than Rs.60,000 crores as the result of the excellent response to the 3G auction.

- v. In this case, the growth of technology has created situations which have gone a long way to reduce corruption. The information technology applications by the Railways to the passenger reservation system has given relief to crores of Indian passengers everyday from having to face corruption while booking their tickets. An extension of this technology explosion combined with the liberalisation policies of the government has seen the incredible telecom revolution in the country where, from a teledensity of 1 in the year 1990 when the National Telecom Policy was announced, we have reached more than 53 by 2010. The telecom sector's growth has introduced the basic principle that where there is competition, monopoly fails and not only the customer gets better services, corruption also is reduced to the minimum. This will happen in every sector where government introduces competition, under the overall policy of economic liberalisation.
- vi. The success of social activists and NGOs is another reason for rational optimism about the future of our country. Two Professors from the IIM, Ahmedabad used the well known tool of the Public Interest Litigation and thanks to the 2004 judgement of the Supreme Court based on their petition, today we know every candidate standing for election has to declare his/her criminal record, wealth and educational qualification.

The above analysis on accountability in public service, ultimately leads us to fundamental points. Ultimately, the level of accountability in any service depends on three factors. First and the most important is the individual in the organisation. As mentioned earlier, it is by proper selection and training of people who come and occupy public services that we will be able to nurture a culture of accountability.

Equally important in this context would be the development of codes of conduct. For thousands of years, the Hippocratic oath for doctors stood the test of time. "Above all, do no harm". Introducing an element of awareness about ethics in professional courses as has been done for example in Tamil Nadu in Engineering courses, is a step in the right direction.

After all, accountability is essentially an ethical issue and injecting an element of ethical thought in education as also in HR programs after recruitment in an organisation will go a long way in nurturing a *leitmotif* of accountability which goes beyond mere rules and regulations and builds a culture where the quality of public service improves greatly.

(Concluded)

MR. N. VITTAL IAS (Retd.) has had a long innings in public administration and Industrial Management. Positions occupied by him include Secretary in the Department of Electronics; Chairman of the Telecom Commission. After retirement he was appointed Chairman of the Public Enterprises Selection Board and later as Central Vigilance Commissioner.

Have Both : A JPC and a CBI Investigation (Cont'd. from p.5)

One: Members of Parliament should not be allowed to boycott Parliament sessions under any pretext whatever. If they do they should forfeit their salaries for the day and their attending fees and all facilities that they get pro-rata. A law in this regard should be made and passed even if it meets with the stiffest opposition.

Two: The CBI investigation under the supervision of the Supreme Court should be allowed to go ahead and given a fixed time frame to unearth the truth.

Three: The Joint Parliamentary Committee demanded by the Opposition should also be allowed to be convened with the agenda of unearthing its own truth. There is no rule or law under the Constitution that says that the two cannot go on simultaneously.

This will ensure that the truth will come out. If the

CBI investigation finds evidence of criminality and can pin it down, the JPC will have no alternative to coming out with the truth. It will ensure that the JPC cannot push its own delinquency under the carpet as I expect it will do, if just the JPC is formed. This will also ensure that the Opposition does not have a leg to stand on in its reasons for the boycott of Parliament.

And most important of all the helpless voter who sent these rogues to Parliament will know the truth, even if it must be dragged out of their reluctant investigations – for they all know that there is no such thing as an "honest, successful politician". The three words are in inherent self-contradiction.

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The Global Economy and Policy Challenges

Sunil S. Bhandare

The problems of sustaining economic recovery and reforming the fiscal and financial systems are far from over.

There are a few things which are becoming clearer in the context of the global economy at the close of first decade of the 21st Century.

1. The global economy has pulled itself back from the brink of a Great Depression feared so widely during the closing months of 2008; it is now on the path of recovery. How sustainable it would be remains a crucial issue, especially if the major economies (G 20 countries, in particular) were to proceed with the “exit strategy” of their respective stimulus policies. Meanwhile, the phase of economic devastation caused by the global financial turmoil which lasted almost two years is now being officially described as the Great Recession which resulted in millions of people all over the world losing their jobs, homes, life savings and many pushed into penury.
2. Clouds of uncertainty are still looming large and many economists continue to caution against the prospects of a “double dip” recession.
3. In contrast, the emerging economies, especially those of Asia, namely, China and India and some of the erstwhile Asian tigers like Singapore, South Korea and Indonesia as well as Brazil, South Africa and a few others have been more resilient and have sustained economic growth, supporting, in the process, overall global economic growth as well as world trade. According to the WTO annual report (2010) world trade has recovered strongly following its worst decline in many decades. The Report forecasts world trade growth by 13.5% and contracting by as much as over 12% in 2009. At the same time the Report notes: “Although developing countries have performed relatively well recently, output growth in developed countries has remained sluggish. The economic recovery has not been strong enough so far to impact significantly on high levels of unemployment.”
4. The three major economic power centres – the USA, the European Union (EU) and Japan, which together represent about sixty percent of the value of world GDP, are still struggling to resolve acute policy dilemmas. Such a predicament is inevitable given the fact that their economic recovery continues to be modest, hesitant and fragile. Further, there is a great divide in the EU – the relatively stronger economies of Germany and France not comfortable with the burden of having to “bail out” floundering countries like Greece, Ireland, Spain and Portugal (and perhaps Italy as well). There is also growing scepticism over the future of the European currency, the EURO, as many member countries of the EU are finding it increasingly difficult to submit to the rigours of fiscal and financial discipline.
5. Finally, given such complexities in the global economic scene, there has emerged a new international institutional formulation over the last couple of years by G 20 countries. The proclamations of this group at its various Summits clearly suggest the imperatives of global coordination and consensus amongst these countries on all key economic policy initiatives – be they fiscal, financial or issues relating to trade. The fears of “double dip” recession and its impact on growth, trade protectionism, competitive devaluation (or manipulation of currencies by some countries despite their huge trade/current account surpluses and huge accumulation of forex reserves) and huge job losses and unemployment are far too worrisome!

Thus, what comes out loud and clear is that despite last several years of efforts, the problems of global imbalances remain persistent and intractable. Many advanced countries (for example, the USA and many in the EU zone) are in the midst of shrinking domestic savings and huge twin deficits (fiscal and balance of payments). In contrast, a few advanced economies and Germany in particular, with its large balance of payments surpluses and healthy forex reserves, and some emerging economies of Asia – largely China with its massive domestic savings, huge forex reserves of over US\$2.5 trillion and undervaluation of its currency – are found wanting in terms of their required policy responses to support the

process of mitigation of global imbalances.

Nature and Cost of Economic Recovery

Against this backdrop, let us have a quick look at the nature of the on-going economic recovery. Based on the IMF report in October 2010, it is evident that the three major economic power centres suffered a progressive slide down in the growth rates from 2007 to 2009, and in turn dragged the world economy into a negative growth territory. This downfall could have been even more sharp, had it not been for the handsome positive growth achievements of emerging economies as a group, and China and India scoring impressive growth rates of 5.7% and 9.1% in 2009, respectively.

The IMF and several other international institutions have projected the world GDP to recover sharply in 2010 and moderating thereafter in 2011. For the world economy the indicative range of growth is around 4.5% and 4% for the respective years. At the same time, it is expected that the world trade would continue to retain some momentum even in 2011 after a remarkable growth in 2010.

But it must be recognized that the economic recovery has come about at a huge cost. Most of the advanced countries and most developing economies are now reeling under rising fiscal deficits and mounting (perhaps unprecedented) debt burden. This is an inevitable outcome of the fiscal stimulus packages implemented by various countries. At the same time, the creation of new jobs is found to be inadequate in the midst of incremental workforce in the respective domestic markets. Consequently, the unemployment rates have remained stubbornly high, and if the normalcy of economic growth could not be sustained for far too long, there would hardly be any policy options available to policy makers and the governments. It would be logical to believe that fiscal stimulus and monetary easing have almost reached their ultimate limits.

Just to illustrate the severe dimensions of the economic cost of the recovery process: in the case of USA, the fiscal deficit to GDP ratio at 10.6% in 2010 is the highest in the post second war period; its debt to GDP ratio is very close to the size of its GDP (about \$15 trillion) and it is pointed out by many experts that this does not include unfunded liabilities of the federal government which are several times more; and its unemployment rate is hovering around 10% - once again, at the highest level since November 1982. In the case of most European Union countries and especially with respect to Greece, Ireland, Spain, Portugal and Italy, the situation has been equally scary – the fiscal deficit to GDP ratios

ranging between 7.3% (Portugal) and 9.3% (Spain); debt to GDP ratio has been in the range of about 63% (Spain) to as high as 144% (Greece); and unemployment ratio ranging from the relatively low of 6.7% in case of Germany to 20.6% for Spain.

Indeed, given the current modest economic growth and its equally modest positive impact on the level of unemployment, there are severe underlying sentiments of social strife. And all these are clearly posing huge challenges to the governments concerned.

Policy Challenges

In fact several experts have been cautioning “dangerous times” ahead, because the structural problems that created the financial and economic crisis still remain and “aftershocks continue to rattle countries and economies around the world”.

This aspect becomes clearly evident from two significant developments in the course of the last few weeks. First, after the Greek sovereign debt default crisis, which was averted about six months ago thanks to the composite bail out package of EURO 110 bn (US\$154 bn) from the European Central Bank and the IMF, it is now the turn of Ireland to eventually accept similar bail-out scheme. Incidentally, anticipating the prospects of “contagion effect” of the Greek sovereign debt crisis on other Euro zone countries, the provision has already been made for an overall \$1 trillion bailout package. The Greece bail-out has been subject to rigorous conditionalities requiring the government, among other things, to restore fiscal sustainability, safeguard financial sector stability, and boost competitiveness by creating an environment for sustained growth and employment. All these have already caused severe pains for the citizens of this country in terms of broadening of the tax base and strengthening of tax compliances, reduction in social welfare benefits, loss of jobs, etc. and these in turn have led to considerable social unrest.

In the case of Ireland, after considerable resistance the government finally accepted, sometime in November 2010, the bail-out package worked out by the EU worth EURO 85 bn (\$113 bn). The key element of the programme, among other things, will be to support restructuring and restoration of “the long term viability and financial health of the Irish banking system”. The Irish government has also been made to fulfil certain stringent obligations. Accordingly, over the next four years, it is required to solve the problems of public finances, given the fact that its current fiscal deficit to GDP ratio of 32% is perhaps at an unprecedented highest level in the world.

Whether it is Greece or Ireland, the European approach to economic policy making has essentially been guided by the consideration of protecting its banking system – there are a number of big banks who have very large exposure to the fiscally and financially weak EU members. More importantly, the challenge before the EU is how to move forward towards sustainable EURO currency – its long-term stability – which is so critically dependable upon enforced fiscal discipline of the participating countries.

Across the Atlantic, the USA since it was the epicentre of the global financial turmoil, had to put in place a huge emergency lending during the height of the crisis in the latter half of 2008 and through 2009. According to the recent detailed disclosure by the Fed, the aggregate of such funding was \$3.3 trillion, which represented over one fifth of the size its GDP. Such support system was not only made available to the major banks and financial institutions but also to the non-financial sector companies like General Motors, General Electric, Harley Davidson, to mention just three. In many cases there was capital infusion through equity ownership of such banks and companies.

During the height of the crisis, such action was rightly perceived as a direct intervention by the State (and there were fears of such actions tending towards some form of nationalisation) and consequent retreat of the private sector. But the turnaround in the fortunes of some of these major banks and non-bank companies have in the recent months led to some buy-back of equity/divestment process and the treasury making some handsome gains in the bargain.

However the problems of sustaining economic recovery and reforming the fiscal and financial systems are far from over. Recently the US Federal Reserve (the Indian equivalent is the RBI) planning to buy \$600 bn. treasury bonds, thereby continuing its policy of monetary easing and keeping the interest rates to their historical low levels. Effectively, this amounts to deficit financing funded by printing of massive currency. The persisting high unemployment and low inflation seems to have given little room for the Fed to pull back its soft monetary policy. Yet another important development is President Obama announcing a compromise package – largely the continuation of the previous Bush Government's tax-breaks which would have otherwise lapsed by the end of December 2010 – by extending the tax break by another two years. A number of Democrat representatives in both Congress and Senate have deemed this action as a virtual surrender to Republican pressures, involving a huge additional budgetary burden of US\$858 bn.

Doubtless, political expediency has taken the better of judicious decision-making. A highly critical Paul Krugman (among others) has pointed out that “it is likely to get very little bang for the buck”. By and large, the resentment of this new Obama package is based on considerations that (a) it is cutting taxes on high income earners (who do not deserve such tax relief); (b) it is setting taxes too low on large inheritances (income and wealth inequalities in the USA have expanded very sharply in the last few decades); and (c) it will further damage fiscal health by increasing fiscal deficits and indebtedness.

In sum, global economic recovery is still in a state of flux and there are huge policy challenges that are yet to be met to be able to return to the path of sustainable economic growth accompanied by fiscal and financial reforms. There are also legitimate apprehensions that in their desperate desire for economic growth and job creation, the global economy in general and advanced countries of the West in particular are laying the seeds of a resurgence of inflation. Most importantly, the main issues of long-term structural reforms that often form an integral part of IMF/WTO/G 20 reports and declarations continue to be relegated to the background; that policy making in the global economy, and in particular of the present economic three major power centres, is getting increasingly trapped in a vicious circle.

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Bihar Gives Us Hope

From our weakness for demagogues have come the political dynasties that now control most political parties in India. Whenever this happens, a political party stops being a political party and becomes a family firm whose main purpose is to serve the interests of the family who control it.

India has suffered enough from demagogues and dynasties. What we need are many, many more chief ministers like Nitish Kumar who show that they can win elections by working hard for the people who vote them to power... The voters of Bihar can truly be proud of the results they gave us last week. If this can happen in our poorest, most illiterate state, then there really is hope of India becoming a fully developed country in the next few years.

Tavleen Singh in the
Indian Express, 28 November 2010



Cornucopia

Firoze Hirjikaka

Raja Resurrected

A beleaguered government is threatening to cancel the licences of the telecom companies who benefitted unfairly and enormously from Raja's largesse, but no one is talking about recovering the multiple crores the ex-minister has stashed away

It is fittingly appropriate that the author of the king of recent scams in this country is himself named Raja. The 2G Spectrum scandal may have dethroned him for the moment, but the king is still a long way from dead. If further proof was needed, a recent edition of a morning newspaper carried a telling photograph of a beaming A. Raja, hands upraised in a victory salute. This was almost immediately after the incredibly corrupt and shameless telecommunication minister had been forced to resign his post. Raja had just returned to Chennai and was being rapturously received by thousands of his "supporters" who were vociferously acclaiming him as a hero.

Raja's myriad crimes and misdemeanours have been thoroughly documented in the media over the past several days, so it is a safe assumption that the cheering multitude was well aware that his corruption was revealed to be of monumental proportions, even by the already high mark set by Indian politicians. And yet, in their eyes, he was still the "glorious leader" and a hero. It is quite conceivable that Raja will be resurrected soon after the present furore dies down. He may even float his own political party and crown himself king. After all, he has all the necessary qualifications.

This apparent dichotomy is not hard to explain; and it also encapsulates what is wrong with India's much touted, but distressingly flawed democracy. A politician is not given a ticket, or get elected, based on his integrity,

past performance, or even plain competence. Furthermore, the fact that he or she may have a proven criminal record and was virtually guaranteed to misuse his office, is completely irrelevant to the people who vote for him.

So why does one group of people vote for him? The primary reason is that he belongs to the same caste as them. Other considerations, such as false promises and bribes in cash and kind also play a role, but the overriding factor remains caste. The recent election result in Bihar holds out the nebulous hope that the Indian electorate is gradually maturing. For the moment, however, even after 60 years of so-called freedom, Indian democracy sputters along, but never fulfils its promise. The reality is that the vast majority of India remains a feudal system and is just not compatible with democracy in the true sense. The underprivileged need an overlord to tell them what to do; and the elite do not bother to vote.

The end result is that Raja may have gone into temporary hibernation, but countless other of his ilk remain – and many more will inflict themselves on us in the future, with impunity. In a desperate face-saving gesture, the beleaguered government is threatening to cancel the licences of the telecom companies who benefitted unfairly and enormously from Raja's largesse, but no one is talking about recovering the multiple crores the ex-minister has stashed away in the process. So it is a safe bet that A.Raja will continue to live life king size.

What is Ratan Tata Upto?

The Tatas have traditionally shied away from political controversy all these years. So if the head of the group suddenly makes pronouncements there must be a good reason.

The famously reticent and media-shy Ratan Tata is displaying an uncharacteristic public visibility these days. First there was the seemingly off the cuff remark about a former aviation minister demanding Rs.15 crores for clearing his airline proposal; then the hour long television interview with *Indian Express* editor Shekhar Gupta. What is he upto?

Precisely because it is such an unusual event, Ratan Tata agreeing to give a lengthy television interview is an occasion that demands the public's attention. As

he voices his fear that this country is rapidly degenerating into a banana republic, the public is ready to believe that he has no hidden agenda because he does not need to cater to a vote bank; and so has nothing to gain. Tata was specifically questioning how tapped private phone conversations between him and corporate lobbyist Niira Radia – ostensibly authorized by the Income Tax department to ferret out financial misdoings – ended up in the public domain and were being freely broadcast by some journalists and television news personalities. No one will argue that his 'banana republic' comment is

generally applicable to almost every aspect of the pathetic, corrupt and self-serving governance – cutting across party lines – that we Indians are forced to suffer; but that is not the real issue here.

One cannot help but conjecture about the reasons for Ratan Tata's "second coming" – as it were. Is it a case of a sleeping giant coming awake? Farfetched as it seems, is he considering entering politics in a quixotic desire to do some good? After all, he has nothing to lose. His industrial empire is flourishing, even without greasing the mandatory palms. The Tatas have traditionally shied away from political controversy all these years. So if the head of the group suddenly makes pronouncements

guaranteed to ruffle quite a few ministerial feathers, there must be a good reason. It could be that he is about to retire; and so he no longer has to worry about his words affecting the prospects of his group of companies. Or maybe, in his golden years, he has decided that he will try to make a difference. I hope so. If he does try to imbue India's politics with a sense of probity and accountability, he will be undertaking a task as difficult and monumental as Hercules cleaning out the Aegean stables. But someone has to try; and Ratan Tata is one of a handful of individuals in this country who is universally respected and whose words won't be dismissed lightly.

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2 Annas

freedom first

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ORGAN OF THE INDIAN COMMITTEE FOR CULTURAL FREEDOM

JANUARY 2011

Editor : Faiz S. Noorani

This month in January 1954

Hindu Philosophy in the Modern State

On 11th May 1953 C. Rajagopalachari then Chief Minister of Madras delivered the Russell Memorial Lecture at the Senate Hall of Patna University on the "Value of Hindu Philosophy in the Modern State." This lecture was extensively covered (5 of the 12 pages) in the January 1954 issue of Freedom First. Here's a small excerpt from his speech dealing with Karma - Ed.

"It is wrong to think of Karma in terms of what may be facetiously called its western half-brother, Fatalism. Destiny as taught in Vedanta does not involve an unscientific attitude towards natural laws or a loss of faith in human effort, which is Fatalism. Karma is just the unalterable law of effect following upon cause. Newton put it in clear terms with respect to physical momentum. The Vedanta puts it down for the motions of the soul. Is it possible to do a thing and escape its consequences? One cannot expect something to happen for which something else appropriate to produce that result must have been done. Given a certain thought or act, the natural result cannot be escaped.

This is Karma. Is it not well for citizens to see the truth, to accept it as a binding doctrine and perform their tasks and duties and avoid the prohibitions, not in fear of the Magistrate, but remembering this inescapable law?

The law of Karma does not do away with free will and the value of the initiative or endeavour. On the contrary, it is the truest charter of freedom and initiative. The thoughts you entertain, the words you choose to speak, the acts you do, the restraints you exercise on yourself, all these produce their full fruit, no effort goes for nought. If on one can be robbed of the fruits of his

labour, it is not true freedom.

There cannot be any better freedom in the world for man than that his future is entirely in his hands. The very meaning of the word "Karma" is work. It is the law of work that is laid down in Vedanta, not a doctrine of negation of human effort. Vidhi is law, not blind Fate..."

N O T E S

India and Forced Labour

Over the years the world has learnt that the Soviet mental state is one of frenzied violence with occasional lucid intervals. The reaction of Mr. Saskin, the Soviet representative, to the Report of the U.N. Committee on Forced Labour was therefore not surprising. When communists are faced with facts they cannot answer they resort to vituperation. But the Indian attitude to the debate on the report, was to say the least, deplorable.

"The Committee consisted of eminent men presided over by Sir A. Ramaswami Mudaliar....It found that forced labour, on a vast scale, was an integral political and economic part of the Soviet system.

"In the course of a vulgar personal attack on Sir Ramaswami, the Soviet delegate referred to this distinguished Indian as a traitor and a "servant of the imperialists." The Indian reaction to this was belated and its defence of our national was almost apologetic. A similar attack was made on the Norwegian member of the Committee and the vigorous reply of Norway's delegate was in sharp contrast to the Indian apologetics.

India's record in the debate on forced labour could scarcely be said to be creditable.

Come On, Liberals: Let's Change India!

Ensuring Greater Liberty in Kashmir Compatible with Freedom and Justice

Sanjeev Sabhlok

Kashmir's solution boils down to freedom and good governance. And while Article 370 must be abrogated, it is best done as part of a *liberation package for the entire country*.

On Kashmir, a matter of vital significance to the world, it is important to not focus on any legalities or technicalities but to revert straight to the basics. I will therefore consider two basic issues in this article: (a) Kashmir's territory and (b) its people, and hope to deduce policy insights that are compatible with liberty and peace.

Kashmir's Territory

No nation can hope to defend the freedoms of its citizens without first securing its territory. National boundaries are, however, only rarely created by civilized debate. In most cases, brute force and physical possession are its markers. A nation that loses physical control over land loses it for ever. History moves on.

India's partition was based on the communal principle, with princely states given the option of acceding to either India or Pakistan. This – the communal principle – however, is badly flawed, indeed meaningless. The failure of this principle is evident from the fact that roughly the same number of Muslims live in India today as they do in Pakistan. It is likely, therefore, that this principle was a façade for British geopolitical calculations to weaken the mighty India of the future.

Be as it may, this principle failed to make any headway from day one. When the Muslim ruler of Hindu-majority Junagadh acceded to Pakistan, Indian forces took it over and held a plebiscite in 1948 to provide 'legitimacy' (Note, however, that only possession matters, so this idea of a plebiscite is a desirable but not necessary condition of national territory). India also rejected the Nizam of Hyderabad's independence dreams, and took it over.

In Kashmir, however, things went badly wrong. After dithering for months, by which time chaos and anarchy had set in, the Hindu raja of Muslim-majority Kashmir fled Srinagar, acceding Kashmir to India. But his action was devoid of any implications for when he did

not control the Kashmir valley, how could he possibly hand it over to anyone? When Nehru flew planes into Srinagar and took over the valley, the matter should therefore have come to a close. In the meanwhile, Pakistani troops – through a front of organized tribal forces – took over what is now called Azad Kashmir.

But then Nehru quite unnecessarily lodged a complaint with the UN, claiming the entire Kashmir territory (territory that India has not physically controlled *even for one instant*). He also committed unnecessarily to a plebiscite in Kashmir. Things got murkier when J&K was allowed its own constitution and Article 370 of the Indian Constitution gave Kashmir a privileged status.

But things have dramatically changed. Both India and Pakistan are now nuclear states. It should be obvious (unless people are willing to risk mutual assured nuclear destruction) that *all* options on the boundary have now been closed. Pre-nuclear era treaties and commitments are worthless and the LOC cannot be budged except at grossly unacceptable cost.

Some Kashmiris, looking for a way out, still ask for an independent state. But they should realize that this option is entirely off the table. Pakistan will never allow this to happen (after all, the "K" in its name comes from Kashmir), and India is aware that China – with its menacing control over the Karakoram highway – will use defenceless Kashmir to threaten India. This means that India can never afford to have an independent Kashmir.

So what is to be done? The most logical solution is for India to withdraw its complaint to the UN and recognize Azad Kashmir *provided* that Pakistan (a) agrees to recognize the LOC and that Kashmir is an integral part of India, (b) totally stops aiding and abetting terrorist activity in Kashmir, and (c) works constructively towards trade and cultural relations with India. Should this happen, the people of Kashmir, who are fed up with endless

violence, will find at least some respite.

However, this won't happen easily. It is not in Pakistan's interest to resolve the Kashmir issue. If this issue disappears then Pakistan will have one fewer reason to exist – further deepening its already severe existential crisis. Therefore Pakistan is likely to continue terrorising Kashmir.

One plausible way to achieve this is to improve the governance in Kashmir to such an extent that Muslims in India (and particularly in Kashmir) will become wealthy and will thereafter themselves throw out the terrorists sent by Pakistan. But this is further complicated by political parties like the BJP that keep stoking communal conflict and promoting Hindutva. Such parties only strengthen the hand of the Pakistani generals and create doubt in the minds of Kashmiri Muslims.

Unless all political parties in India agree to separate religion from political discourse, resolving the territorial problem in Kashmir will remain a distant dream.

Kashmir's People

Despite all these complications, territory is a relatively minor matter. Nations exist for the sake of the people, not the other way around. Therefore Kashmiris must *want* to live in India; and by that I mean *all* Kashmiris – not just those who work for the J&K government or the Kashmiri Pandits or the Hindu and Buddhist residents of Jammu and Ladakh.

For that to happen genuine freedom must be ensured. True, the J&K constitution guarantees civil and political rights, but then India itself is unfree, so how can J&K experience freedom? The Indian constitution violates our freedoms in innumerable ways (as shown in my book, *Breaking Free of Nehru*); and governments in India use an archaic colonial governance system for their socialist ends. The end product is a horribly corrupt, statist society.

India ranks at the *bottom of the Third World* on the Heritage index of economic freedom – well below Botswana, Uganda, Namibia, Rwanda and Tanzania, and *below* Bhutan, Pakistan and Sri Lanka. Even Pakistan offers more economic freedom than India. Indian misgovernance has surely increased secessionist demands; demands that Kashmiris would have otherwise snubbed. With such deplorable governance, how can we prevent Kashmiri youngsters from being attracted to Pakistani propaganda?

The Solution: Freedom and Good Governance

Kashmir's solution boils down to freedom and good

governance. And while Article 370 must be abrogated, it is best done as part of a *liberation package for the entire country*.

This package should ensure that all Indians are treated equally (discrimination such as reservations must go); poverty is eliminated; corruption is reduced to the unavoidable minimum; freedom (subject to accountability) is ensured; and restrictions on movement and settlement within NE India and tribal areas of India are abolished – along with the abrogation of Article 370.

Once genuine freedom and good governance are available in Kashmir, anyone who talks about secessionism will be ignored by the people. And then the Kashmiri Pandits (and others who have been forced to leave) will be able to return to their homeland, marking the end of this tragic and bloody chapter in India's history.

Freedom Team of India

I invite leaders from Kashmir (of any religious denomination) who want genuine freedom and good governance in Kashmir to join Freedom Team of India (<http://freedomteam.in/>). Existing political formations in India do not understand even the basics of freedom, and so we are obliged to work to bring freedom to India (and Kashmir).

MR. SANJEEV SABHLOK can be contacted at sabhlok@yahoo.com

The Quality of Death

According to an advertisement in *The Economist* by the LIEN Foundation, a Singapore philanthropic organisation, the Economist Intelligence Unit was commissioned by them to devise a "Quality of Death" index to rank countries according to their provision of life-end care. The index which covers 40 countries, includes 24 qualitative Indicators. The UK comes on top in terms of its hospice care network and statutory involvement in end-of-life care. India ranks 40th and, if it is any consolation, China is 37th; also the fact that "there are beacons of hope in the developing world. Uganda's forward-thinking palliative care strategy, for example, or the groundbreaking community work undertaken in the Indian state of Kerala."

So, despite the much vaunted economic growth we are 119 of 169 countries in "Human Development Index" (see article on page 11) and 40th among 40 countries in "The Quality of Death". For more details visit www.qualityofdeath.org

The Af-Pak Boundary is Not a Border

JFR Jacob

Sir Henry Mortimer Durand's line imposed on a reluctant people, has little relevance or validity in today's geopolitical environment. It is an anachronism of history, out of place and out of date.

There has been a heated debate on the validity and legality of Sir Henry Mortimer Durand's line, a line some 2,640 kilometres long between former British India and Afghanistan, which now divides Afghanistan and Pakistan.

The single-page treaty was signed by Amir Abdur Rehman Khan and Sir Henry Mortimer Durand, British India's foreign secretary, in October 1893 in Kabul. The Afghans maintain that the treaty was signed under duress.

This was the era of the Great Game, the subject of Rudyard Kipling's novel *Kim*. Apprehensive of Russian expansion and influence being thrust towards the Indian border, the British were keen to push their frontiers into Afghanistan to form a buffer against such designs.

The other lines drawn by the British government were the Johnson-Ardagh Line in Ladakh/Tibet in 1865, [the basis for defining the Ladakh/Tibet border] followed by the Macartney-MacDonald line in 1899. Then came Sir Henry McMahon, who drew his line dividing China (then Tibet) and India in 1914. And 1947 saw the Radcliffe Line dividing India and Pakistan.

There were other lines drawn by the British in Africa, as also the lines drawn by Sir Mark Sykes [of the MI-6] and his French foreign office colleague Georges Picot in 1916, carving out the Ottoman empire to further the imperial interests of Britain and France, thus largely contributing to the unstable environment that currently obtains in the Middle East. The Picot/Sykes agreement was endorsed by Tsarist Russia but later denounced by the Bolsheviks. In 1919, former viceroy and foreign secretary George Nathaniel Curzon drew the Curzon line between Poland and Bolshevik Russia.

The 19th century saw the emergence of the Great Game being played by Britain and Russia. The first Anglo-Afghan war was fought from 1838 to 1842 to pre-empt Russian influence in the region. A British Indian force of some 16,000 comprising mainly Indian soldiers was holed up in Kabul. The commander, Lord Elphinstone [immortalised as Elphie Bey in MacDonald Fraser's historical novel *Flashman*] negotiated with the Afghans

for their safe passage back to India. But the retreating columns were attacked en route and massacred. The only survivor who reached Jalalabad was Doctor William Brydon.

The Mughals, and later the Sikhs under Maharaja Ranjit Singh, had also tried to exert control over Kabul in order to prevent tribal forays into their territories but with little success.

Much later, the Soviet occupation ended in disaster for their armed forces leading to a humiliating withdrawal. This was one of the factors leading to the demise of the Soviet Union and the emergence of a truncated Russia.

There were turbulent conditions in the border areas and several armed forays by Afghan tribesmen. The British then formulated a forward policy, pushing outposts deep into the tribal controlled areas.

The second Anglo-Afghan war from 1878 to 1880 saw the annihilation of General Burroughs' British Indian force by Ayub Khan's forces at Maiwand. Despite counter attacks at Kandahar, the British were forced to withdraw in 1880. The only major gain for the British was the control of the Khyber Pass.

In 1893, Sir Henry Mortimer Durand 'persuaded' the Afghan King, Amir Abdur Rehman Khan to sign a single page treaty defining the Durand Line as the boundary between British India and Afghanistan. The treaty was never ratified by the Afghans. the clause in contention reads:

'The government of India will at no time exercise interference in the territories lying beyond this line on the side of Afghanistan and his highness the Amir will at no time exercise interference in the territories lying beyond this line on the side of India. 'Surely this clause cannot be construed for the basis for making the Durand Line an international boundary.

Post Independence, Pakistan maintains that the treaty is binding, and confirmed by further treaties in 1905, 1919 and 1921. But the Afghans maintain that the treaty was not only signed under duress but was never ratified.

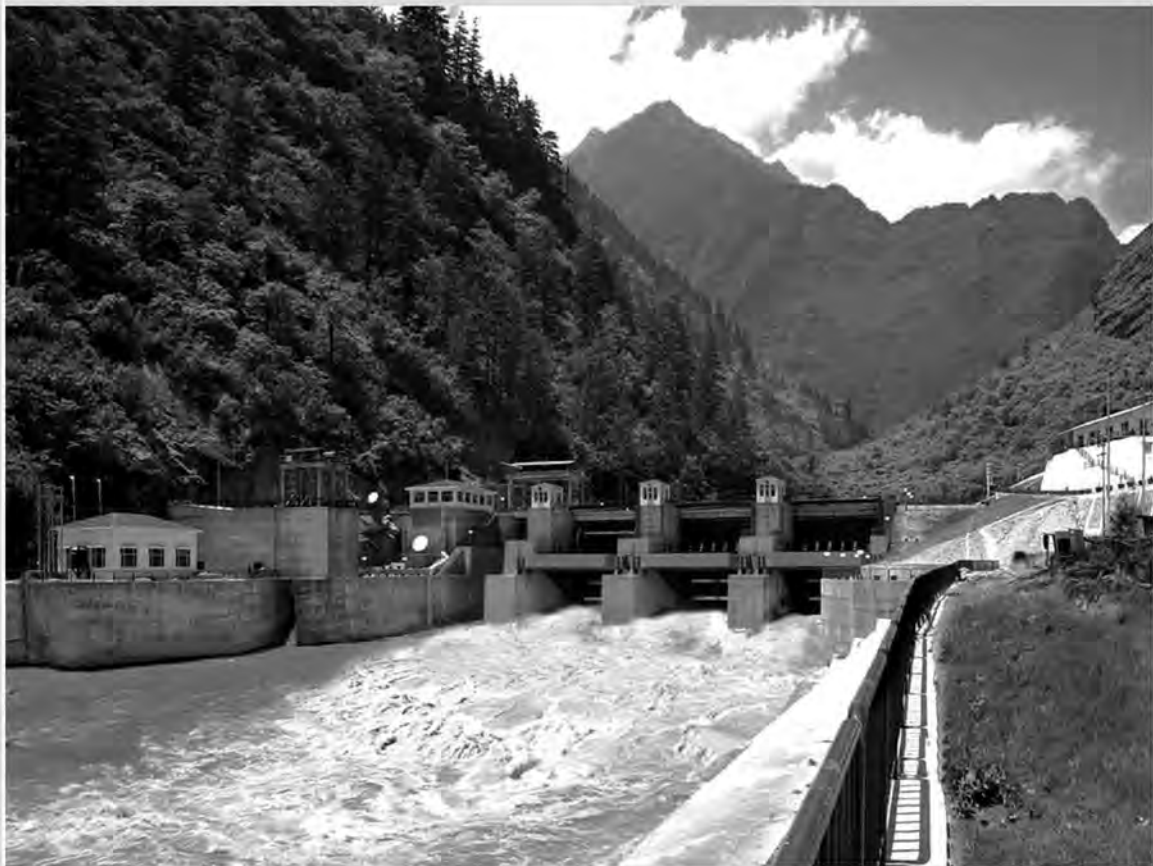
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This line was not a boundary but only a frontier and the line merely defined spheres of influence. The Afghans also dispute that Pakistan is the legal successor of the British government and as such all treaties made earlier under the British and Afghan governments have lapsed. The British support the Pakistani position. The Americans, now fighting a war against terror in that region, are ambivalent on the issue.

Perhaps it is pertinent to quote Durand himself who after the treaty said:

‘The tribes on the *Indian* side are not to be considered to be within British territory. they are simply *under our influence* in the technical sense of the term, that is to say, so far as the Amir is *concerned* and so far as they submit to our *influence* or we exert it. ‘ [Javed Khan, *The News*, 4 November 2007]

Confirming Durand’s statement above, Lord Elgin the Viceroy wrote in 1896:

‘*The Durand line was an agreement to define the respective spheres of influence of the British government and the Amir. Its object was to preserve and maintain the Amir’s acceptance of the status quo.*’

The single page treaty was intended to define spheres of influence, and not to delimit an international border. It was never intended to be an international border. The line was drawn in the context of the Great Game to counter what the British then perceived to be the threat of Russian designs of expansion to the borders of India. These conditions no longer obtain.

There are some 50 million Pashtuns living in the region, the largest ethnic group in the world without a state of their own. The Durand Line had in effect divided the Pashtuns.

Today, Pakistan claims to be launching operations against the Taliban in their tribal areas, while NATO is waging a war in Afghanistan against the Pashtun Taliban.

The mission of NATO is unclear to many. Afghanistan has for thousands of years been ruled by tribal warlords, whose loyalties and customs are paramount and transcend national laws. The writ of President Hamid Karzai’s government runs a little beyond Kabul. There is rampant corruption, lack of infrastructure and extreme poverty. The drug trade is the mainstay of the economy.

NATO will not be able to unify the country. when NATO forces leave, as leave they will have to one day, the country will in all probability be taken over by the various warlords once again.

Pakistan views Afghanistan to be part of its sphere of influence.

Their covert support of the Taliban is a continuation of their Great Game. they are gradually and slowly pushing their control of territory further across the Durand Line into Afghanistan, while at the same time trying to neutralize the growing Indian influence in Afghanistan .

India wants to counter Pakistani influence by a series of developmental measures. India’s support of the Karzai regime is resented by Pakistan, which is taking measures to counter the Indian influence. The Pakistanis and their ISI mentors have used the Taliban as tools to further their influence and interests in southern Afghanistan. They are in touch with the Mujahideen leadership to overthrow the pro-Indian Karzai government and to drive out all Indian influence from Afghanistan. The ISI has worked with the Taliban to attack Indians and Indian interests.

Pakistan knows that NATO is largely dependent on the logistic supply routes to Afghanistan that pass through its territories, and that as such NATO and its American leadership can do little to pressurize them. Pakistan wants to create an environment for a pro-Pakistan Pashtun Taliban controlled southern Afghanistan.

Iran too wants to wield influence not only in Shia Hazara but also in other adjacent areas in western Afghanistan.

The overall situation in Afghanistan remains in a state of flux , despite the troop surge and the increased military efforts of the American led NATO forces. It is going to be a long long haul for NATO. Some NATO countries are less than enthusiastic about the continuance of protracted operations.

Very little light can be seen at the end of the tunnel.

Pakistan aims to be in the driver’s seat in Pashtun south Afghanistan once NATO pulls out.

Sir Henry Mortimer Durand’s line imposed on a reluctant people, has little relevance or validity in today’s geopolitical environment. It is an anachronism of history, out of place and out of date.

LT.GEN. JFR JACOB, a hero of the 1971 war with Pakistan, remains a keen student of strategic warfare. Jacob also served as the Governor of Goa and Punjab, recently lectured in nine US cities, (including one at Capitol Hill in Washington DC) which were attended by several senior US administration officials and military officers. The lectures - broadcast live on some US television and radio channels - have been critically acclaimed by many, and parts of it have been also incorporated in the curricula of some universities.

Irom Sharmila Chanu

– The Iron Lady of Manipur

S. C. Sharma

Manipur and Sharmila are crying for peace and justice.



Freedom First received an invitation from the People's Union for Civil Liberties (PUCL), Andhra Pradesh, to a meeting in Hyderabad on November 2, 2010 to express solidarity with Ms Irom Sharmila Chanu who has been on an indefinite hunger strike since November 2, 2000 in Manipur demanding the repeal of the Armed Forces (Special Powers) Act, 1958. The invitation briefly mentioned that this "extraordinary struggle of an extraordinary woman" began after the Malom massacre where 10 civilians were gunned down by the security forces.

Manipur State, earlier ruled by a prince, was merged into the Union of India on 15 October 1949. Hindus, called Meitis, are the predominant majority and live in the valley while the Nagas and Kukis who are Christians inhabit the hills. After the merger, the Meitis did not enjoy the privileges of the Scheduled Tribes [ST] and could not buy land in the hills. There was no restriction on the Nagas and Kukis to settle down in the valley. The Meitis who were the ruling class earlier were marginalized. Illegal immigration of Muslims from East Pakistan [now Bangladesh] tolerated or even encouraged by the Central Government due to vote bank politics added another point of discord. Encouraged by the example of insurgency and separatist demand by the Nagas, the Meitis also took to the path of violence. The unrest developed into a demand for liberation from India. President's Rule was imposed and Manipur was declared a 'Disturbed Area'. The security forces were able to contain the insurgency but it erupted again in the late '80s.

Insurgency and the operations by the security forces have caused considerable inconvenience to the people. Death due to collateral damage has fuelled the demand for withdrawal of the Armed Forces Special Powers Act [AFSPA]. Insurgency has disturbed socio-economic development leading to unemployment. The mix of unemployment and porous borders with Myanmar, have created opportunity for drug traffic. The youth are wasted by HIV, drugs and alcohol. The Manipur Women's Gun Survivor Network was founded by Binalakshmi Nepram to lift women from the trauma. They formed the Solidarity Network of committed young people to help the victims.

On 2 November 2000, 10 people standing at a bus stand in village Malom 15 kms south of Imphal were killed in a firing by the Assam Rifles who claimed that firing was in response to an earlier ambush. 28 year old Irom Sharmila Chanu who was observing her weekly Tuesday fast and is a poetess and painter was disturbed by the sight of blood and dead bodies. She went to her mother on 4 November and took her blessings "to do something better for the people". That was the last time mother and daughter saw each other. "My mother has given me her blessings. If I meet her, it may weaken both of us." Ever since, Sharmila has not combed her hair, not looked into the mirror and not a single drop of water has crossed her mouth. She cleans her teeth with dry cotton. Sharmila headed straight to the site of the bloodbath and began her historic, peaceful fast. On 21 November, she was arrested on charges of 'attempt to commit suicide'. The administration began force-feeding her nasally. On completion of one year, she is released by the court, as the maximum sentence for 'attempting suicide' can't exceed one year. She is repeatedly rearrested within 2-3 days.

On her release on 3 October 2010, she managed to reach Rajghat in Delhi to pay homage. Three days later, in a midnight swoop, police picked her up and admitted her in AIIMS. Nobel Laureate Shirin Ebadi met her at the AIIMS and promised to take up her case with the UN Human Rights Council. She was awarded the Gwangju Prize by the South Korea Human Rights Organization. The Indian Institute for Planning and Management

awarded her the Tagore Peace Prize of Rs 51 lacs. She was nominated for the Nobel Peace Prize in 2007 by the Manipur Network and again in 2010 by the Scientist and Rationalist Association.

Sharmila's objective is clear and she is in no mood to turn back. She said "Unless and until they remove the AFSPA, I shall never stop my fast. Nothing is impossible or unreachable in that place where truth is lucid and pure, human wrongs are punished, not excused or ignored." She has completed ten years of fast, the longest fast in

history. There has been no credible attempt by the Central Government to negotiate. This shows one great weakness of India's political leadership. A similar event in Kashmir would have created a ready response. The North East is being ignored. Lack of action by the Central and state governments during the recent blockade of the highway by the Nagas is a testimony to the neglect of the region. Manipur and Sharmila are crying for peace and justice.

BRIG. S. C. SHARMA (retd.) is adviser to the telecom industry, a freelance writer, and a member of the Advisory Board of *Freedom First* Email: brigscs@gmail.com

Dr. Ram Manohar Lohia

Forty five years earlier, the renowned Socialist and Humanist, Dr. Ram Manohar Lohia was arrested and jailed in Imphal for participating in a struggle protesting police firing. Jailed in an Imphal jail, he had this to say in a letter to the Speaker of the Lok Sabha.

August 19, 1955 has changed the form of politics.



In the debate on August 3rd, the Home Minister made a reference to me, the full text of which was available to me yesterday. The Home Minister quoted me in a one sided way and the press completely perverted it. When the views of any person particularly of an Indian citizen are twisted in the

Lok Sabha, persons concerned should be given an opportunity to have his correct opinion read out in the house either by the speaker himself, or by some member.

To justify shooting in the name of class struggle is as sub-human and barbarous as to justify it in the name of democratic discipline or civic responsibility. The Home Minister referred to the first part of my views but not the latter. Why is it that in India, democratic discipline is lost to such an extent that never in world history have so many firings taken place before? This question cannot be answered until both government and opposition representatives rise from the level of praise or condemnation to that of understanding. As yet, neither the government nor the people have understood that by inventing and practising mass civil disobedience, Gandhiji

Now injustice and exploitation can be opposed continuously and permanently and the conspiracies and long silences of preparations for armed fighting are no longer necessary. Any government may be annoyed by such a situation, particularly if it does not distinguish between civil and uncivil disobedience. Such a government will suppress satyagraha in the same manner as the fire of bombs and pistols. To the extent this distinction is blurred in the behaviour of the government, the people and the crowd also begin to mix stone pelting in its behaviour.

Violence and non-violence, truth and lie are so hypocritically mixed up in India's politics that I was surprised on that day why the police did not enter and shoot from Gandhiji's hut. It is also surprising that the same people who shoot in the morning and are condemned are garlanded at the same place in the evening after a few days. That is why I have recommended that there should be two fixed rules for firings. Firing should take place when there is (1) an armed insurrection or (2) there has been a killing and there is danger of more killings taking place. So long as such fixed rules are not made, tyrants will continue their tyrannies and also shed hypocritical tears of non-violence.

The people's behaviour will also have to be changed and made more responsible but that will be possible when an organized rethinking is started on such subjects as society, police, peace and firings etc.

Yours truly,

(Rammanohar Lohia)

C. Rajagopalachari

The Leader Par Excellence

B. M. N. Murthy



Rajaji (1879-1972)

“One mark of a great man is the power of making lasting impressions on people he meets; and another is so to have handled matters that the course of after events is continually affected by what he did”, so said Sir Winston Churchill, British

Prime Minister many years ago. Probably Churchill had men in view like Chakravarti Rajagopalachari [1879-1972], popular and beloved to his countrymen as Rajaji, when he made the above profound statement. Rajaji may be considered as one among the three tallest leaders of India in the 20th Century who made a lasting contribution to the overall progress of the country. If greatness consists in the combination of character and intellect of the highest order and if it is to be measured by the lasting value of solid work done in the fields of thought and action, Rajaji was beyond question one of the outstanding men in world history.

Gandhiji respected Rajaji as his “conscience keeper” whose razor-like sharp intellect stunned the Britishers during India’s struggle for freedom. During the six decades that he was active in public life, every activity of his bore the stamp of his impeccable character, courage of conviction and indomitable courage. The following few incidents in his life are illustrative which testify to the greatness of the man.

Rajaji in Jail: When Rajaji was in Vellore jail during the struggle for freedom, the British government gave the nationalist inmates of the jail certain allowances for their maintenance. These allowances were earmarked for specific uses. However many of the detainees spent only a tiny portion or none, saving the rest to buy attractive items for their household, when paroled out. According

to the jail manual and the instructions given, the unspent money was to be returned to the Prison Department. Only one man was sensitive enough to give back to the government unspent sums from the washing allowance, dress allowance etc. That man was Rajaji who washed his own clothes and meticulously refused to take home the ‘savings’ from the allowances. He returned even the last unspent pie.

Rajaji in office: In the thirties when Rajaji was the Prime Minister of Madras under Congress rule, there was an epic event which tested his character. There was a Test Match between England X1 and India X1 to be played at the M.C.C. Grounds at Chepauk. The organizers invited the Prime Minister to be the Chief Guest at this great event; however, this austere Gandhian excused himself as he could not spare time from his official work. Nevertheless the Reception Committee Chairman left a special pass for him to go at any time and witness the exciting match on his table. A little later, Rajaji’s grandson found the special pass on the table, was overjoyed at the opportunity to witness the match, picked up the pass and went away. When Rajaji noticed this, he called the youngster and told him that the pass was meant for the Prime Minister and not for grandfather Rajagopalachari.

Rajaji and Nehru: With the advent of independence to India in 1947 and the passing away of Gandhiji and Patel sometime thereafter, the two great leaders, who carried on as torch-bearers and led the country on its onward march to progress, were Rajaji and Nehru. However, they held divergent views on some of the most important issues facing post-independent India that eventually led to Rajaji resigning from the Congress and founding his own party, the Swatantra Party. Sometimes the gulf between them was so wide that Monica Felton, Rajaji’s biographer once told Rajaji, “If I were the mother of you and the Prime Minister, I would bang your heads together and tell you to stop arguing, settle down and run the country”.

Whatever might have been the political differences between them, Rajaji had great affection for Nehru. Look at the way the obituary he wrote in his political journal *Swarajya* when Nehru passed away: “Eleven years

younger than me, eleven times more important to the nation, eleven hundred times more beloved of the nation, Sri Nehru has suddenly departed from our midst and I remain alive to hear the sad news from Delhi – and bear the shock.

“The old guardroom is completely empty now. I have been fighting Nehru all these 10 years over what I consider faults in public policies. But I knew all along that he alone could get them corrected. No one else would dare to do it and he is gone, leaving me weaker than before in my fight. But fighting apart, a beloved friend is gone, the most civilized person among all of us. Not many among us are civilized yet. God save our people”

Why was Rajaji given the nickname ‘Cunning Fox’: In keeping with their policy of ‘Divide and Rule’, the British spread a blatant lie that the fair Aryans [Brahmins] migrated to South from the North and that the Dravidians, normally with a dark complexion, were the natives of the South. E.V. Ramaswamy Naicker [EVR], the founder of the Dravidian Movement in the South, fell for this bait and encashed on it for his own political gains. EVR was the mightiest Dravidian leader when Rajaji was the Prime Minister of Tamil Nadu in the thirties. The Dravidian

organization was so powerful who formed the majority that they resorted to all means to put down the Brahmins. They went to the extent of even cutting the Brahmins’ Sacred Threads. Brahmins were in the grip of a fear and some of them even shifted to safer places.

Meanwhile, EVR came up with the idea of staging a Tamil drama called ‘Ravanayana’ – a drama depicting Ravana as a hero and Lord Sri Rama as a villain. The news of staging this Tamil drama was given wide publicity, both in the print media and posters all over Tamil Nadu. A possible social upheaval was expected with unimaginable consequences. Pandit Nehru who was the tallest political leader in the country at that time got worried and requested Rajaji to prevent the staging of the controversial drama. Rajaji kept his cool and just on the eve of the evening the drama was to be staged, the Press approached Rajaji for his reaction. Rajaji merely said “Poor chap this EVR doesn’t know that Ravana was a Brahmin”. The organizers cancelled the drama without giving any reasons and Rajaji earned the sobriquet ‘The Cunning Fox’.

MR. B. M. N. MURTHY is a retired Engineer. Over the last ten years he has been writing weekly articles recalling India’s great heritage. This month he wrote his 600th article. Email: bmmurthy@vsnl.com

Indian Democracy Comes of Age in Bihar

Amid a welter of scams and scandals indicative of the extent to which neta-babu socialism has corroded the base and innards of Indian society, the outcome of the legislative assembly elections in the Hindi heartland state of Bihar has come as a whiff of oxygen for a nation reeling under the brazen betrayal of public confidence by politicians of all ideological hues and stripes, and complicit bureaucrats. The rot within the 20 million-strong bureaucracy of the Central and state governments has spread so deep and wide that it’s entirely within the realm of possibility that there are 40 million scandals waiting to be discovered.

It’s against this backdrop of public angst that the electoral verdict delivered in benighted Bihar (pop.82 million) – unarguably the most unruly and socio-economically backward of the 29 states of the Indian Union (adult literacy: 47%; per capita income: Rs.13,663 per year) – assumes significance. For the first time in any state legislative assembly election, the electorate was unswayed by appeals to religious, caste and particularistic loyalties and voted massively for the Nitish Kumar-led JD(U)-BJP alliance which fought the election in Bihar on issues of law and order and economic development.

This is a watershed in the history of post-independence India’s patchy democratic experiment and signifies the maturing of Indian democracy. If the scales have fallen from the eyes of the country’s poorest and most ignorant electorate which has ignored the anguished appeals of caste-based political parties – and caste loyalties were hitherto the determining factor in Bihar

politics – and voted overwhelmingly for the JD(U)-BJP alliance on the issues of *vikas* (economic development) and *suraksha* (law and order) giving it a four-fifths majority, it heralds a beacon of hope for Indian democracy currently experiencing a dark age of scandals and loot of public treasuries countrywide.

There’s much that India’s major political parties – Congress, BJP and CPM – can learn from the historic electoral verdict delivered by the country’s most gullible, short-changed, uneducated and socio-economically backward people. First, that the era of low-equilibrium politics (in which the expectations of people are kept low, so that they are overwhelmed with gratitude for small mercies) is over. The media and communications explosion has introduced middle class life and norms to the subaltern classes, and has resuscitated the international demonstration effect exposing progress and development of countries round the world to the poorest households. Thus awareness is dawning that given good governance and clean administration, it is possible for entire societies to live respectably.

The great American president Abraham Lincoln (1809-1865) was right. You may fool some people some of the time, but you can’t fool all the people all the time. The overwhelming vote for law and order and economic development in India’s most backward state indicates that the people can’t be fooled any more. Even if belatedly, Indian democracy has come of age.

Courtesy: Editorial in the Education World, December 2010.

The Legacy of Nani Palkhivala

Minoo Adenwala



Nani, like Edmund Burke, was a passionate believer, not just in Democracy, but Constitutional Democracy. Individual liberty and fundamental rights, were as, or more important, than the franchise.

As a Lawrence University faculty member, since 1959, I was familiar with the legend of Nani Palkhivala. Through the following years, I remained a distant admirer, marvelling at his continuing accomplishments, in law, scholarship,

economics, education, business, philanthropy, and public service. His erudition and command of Indian and Western history, literature and philosophy amazed me. Long before the end of the “permit, licence raj” Nani belonged to that small band of intellectuals, who kept the flame of free enterprise alive, when to many, the cause seemed hopeless. Never did I imagine, that chance or fate, would lead to our meeting, and a friendship, spanning twenty years.

It began in 1979. Lawrence University, in Appleton, Wisconsin, invited Ambassador Nani Palkhivala in 1978, to receive an honorary Doctor of Laws, at our June graduation. Nani accepted. Unfortunately, the date later conflicted with the arrival of Prime Minister Morarji Desai’s visit to the U.S. Nani had to decline. Lawrence responded by making an unusual exception. It invited Nani to address a special university convocation, where the honorary degree would be conferred, at a date convenient to the Ambassador.

On 28th March 1979, President Thomas Smith of Lawrence, and I, drove down to Milwaukee, Wisconsin to greet Ambassador Palkhivala and wife, Nargesh, I had not eaten. I suggested that we take the Palkhivalas to a good dinner. Tom Smith agreed. I was delighted! After President Smith greeted the couple warmly, I asked whether they cared to go out to dinner. Nani replied, that they had dined well, on the plane. “That’s too bad,” I blurted out. Tom Smith stifled a chuckle. The Ambassador, looked a bit puzzled, but said nothing! Not a propitious introduction!

His major convocation address, the next day, was, at 4.00 p.m. The large Lawrence Chapel, was packed. Following the faculty procession and before Nani spoke, President Smith conferred the honorary degree of, “Doctor of Laws”. In part the Lawrence citation read,

“As India’s leading author, scholar, teacher and practitioner of constitutional law, you have defended the individual, be he prince or pauper, against the state; you have championed free speech and an unfettered press; you have protected the autonomy of the religious and educational institutions of the minority, and you have fought for the preservation of independent social organizations and multiple centres of power. Never more did you live your principles, than during the recent nineteen month ordeal which India went through in what was called ‘the Emergency’. Under the shadow of near tyranny, at great risk and some cost, you raised the torch of freedom.”

Nani acknowledged the “special” convocation, as “one of the happiest and proudest days, of my life.” He titled the address, “A New Birth of Freedom.” It referred, of course, to India’s rejection of the draconian Emergency, but was also a clause culled from Lincoln’s Gettysburg Address. Not many knew this!

Without props or notes, Nani spoke to a spellbound audience. The speech, though an analysis of political history, the events leading to the Emergency and its demise, was also an exposition of Democratic Political Philosophy. Democracy was, he believed, a delicate and “rare human achievement”.

Nani, like Edmund Burke, was a passionate believer, not just in Democracy, but Constitutional Democracy. Individual liberty and fundamental rights, were as, or more important, than the franchise.

Strong institutions, especially an independent judiciary, a written constitution, a bill of rights, separation of powers, a free press, freedom for opposition parties, were essential for their preservation.

In his speech, Nani lauded the U.S. “for being the first nation in the world to have a guaranteed Bill of Rights.” Though he venerated the Indian Constitution, he pinpointed some of its weaknesses, such as the ease with which it could be amended by a two thirds Parliamentary majority. This fact had led to his greatest constitutional law triumph in 1973 in the historic *Kesavananda Bharati vs. the State of Kerala* case, to preserve the basic structure of the Indian Constitution, against an aggressive Parliament’s amending power. The Indian Supreme Court ruled that though the right to property was not a part of the basic structure of the Constitution, the amending power of Parliament could not be used to alter or destroy the framework of the Constitution, itself. During the dark days of the Emergency, the government tried to make the Court overrule its earlier judgment. Once more, Nani’s impassioned defense, forced the Chief Justice to dissolve the bench, stopping the effort dead in its tracks. One of the judges observed that Nani’s performance had been unparalleled in the history of the Court. In a later work, he spelled out the key elements of the basic structure: “the rule of law, the right to personal liberty and freedom from arbitrary arrest and imprisonment, the right to dissent which implies freedom of speech and expression and a free press.....and it is these priceless freedoms, which cannot be destroyed by the Parliament in exercise of its amending power.”

During the Emergency, Parliament tried again by rushing through the Forty Second Amendment, while most of India’s opposition leaders were jailed. The Amendment was another attempt to supersede the Supreme Court’s *Kesavananda* decision, by “conferring absolute and unlimited amending power on Parliament.”

Once more, in May 1980, following his return from Washington D.C., Nani stepped into the breach. In another crucial case, *Minerva Mills Ltd. v. Union of India*, the Supreme Court struck down the Forty-Second Amendment Act of 1976. After Nani’s death in 2002, Congress President Sonia Gandhi, in a gracious tribute, said,

“The basic structure of the Constitution bears testimony to his originality and scholarship. One cannot think of a more eminent name in the Indian legal firmament than Palkhivala’s.”

Another weakness of the Constitution, was the right to declare a national emergency. As Nani told the Lawrence audience, “We were foolish enough at the time that we started the republic, to empower the President of India on the advice of the Cabinet to declare a state of emergency when the conditions in India were such that the normal machinery of government could not function. There were no limitations in point of time or qualifications on the part of parliament to declare a state

of emergency.”

He described, vividly, what happened following the Allahabad High Court’s convicting Indira Gandhi on two counts of violating India’s electoral law, and unseating her from Parliament with a six year disqualification. Nani had sympathised with Prime Minister Indira Gandhi, when she had been convicted by the Allahabad High Court for electoral infractions. He explained why:

“The case had not been handled properly in the lower court, as a result of which the Allahabad High Court reached an adverse decision on the information before it. It was a *wrong* decision because in effect it meant that if any functionary anywhere down the line and beyond the immediate control of the decision-makers did anything wrong, the person at the top was held guilty. If this legal principle was allowed to remain the law of the land, the functioning of Indian democracy would become impossible.”

Seeing the decision as a threat to Indian democracy, Nani accepted Prime Minister Gandhi’s brief, to defend her against the judgment, which was sure to be appealed to the Supreme Court. He was inundated with protests from friends and admirers. He told his close associate, M. R. Pai, “I would not mind being even permanently misunderstood as I was doing what I consider to be my duty.”

Mrs. Indira Gandhi did not wait for a final verdict from the Supreme Court. The Emergency was declared on June 25, 1975. Democracy came to a screeching halt. As the arrest of the opposition began, without hesitation Nani withdrew from her legal defense. His statement, explaining his resignation, read, “While I adhere to my views regarding the legal merits of the Prime Minister’s Appeal against the Allahabad High Court’s judgment in the election petition against her, the measures taken by the Government this morning are such that, consistently with my lifelong convictions and the values I cherish, I have requested the Law Minister to convey to the Prime Minister my decision to withdraw as counsel from the appeal.” It was an act of courage and principle.

In March, 1977, elections were held. The government of Prime Minister Gandhi believed it would win. In prison, the leaders of the opposition parties united, and formed the Janata Party. They swept the polls, and restored the banned freedoms. As Nani concluded his Lawrence address, the audience rose spontaneously in a standing ovation.

Following dinner at President Smith’s home, Nani and Nargesh, departed, for the University of Wisconsin, at Madison. We had been together almost the whole day.

Nani made me promise to visit him whenever I was in India. I kept it, with great pleasure, for almost the next twenty years.

Nani's greatness transcended his magnificent accomplishments. It shone in his character, conscience and conduct. Nani was born in Mumbai in 1920, to a devout Parsi family. His father, Ardeshir, owned a laundry, called "Harrisons". Nani had two siblings, brother Behram and sister Amy. The family was close. Nani wrote in *We the People*: "To my parents, to their love, care and guidance, I owe a debt which could never be repaid. From them I learnt that all the loveliness in the world can be reduced to the first syllable." His father inculcated a "passion for literature", and charity. When two, he was about to eat some almonds. His father told him to remember a neighbour, an orphan. He gave the entire bowl to the neighbour, a hint of his later contributions to innumerable causes, including the quiet donation of rupees two crores, to Sankara Netralaya, a charitable eye hospital in Chennai.

Like many great figures, Nani, at an early age, developed a sense of destiny, mission and Providence. But he was also, I would venture, a *Karmayogi* who followed the path of desireless action, who acted righteously, but never sought personal reward or self aggrandizement. He wrote, "I have deep faith in the existence of a force that works in the affairs of men and nations. You may call it chance or accident, destiny or God, Higher intelligence or the Immanent Principle. Each will speak in his own tongue." Nani believed in the equality of all the great religions.

As a child he demonstrated will power. He suffered from "a dreadful stammer." So, he threw himself into elocution competitions, and overcame the impediment. He believed it was providence, "... without Providential grace, my own will to get over the handicap would have been in vain" He was consumed with books and study. Gifted by nature with a brilliant intellect and photographic memory, he earned a master's in English Literature at St. Xavier's College, and applied for a lectureship at Bombay University. Fate intervened. A Parsi girl was offered the position. So Nani enrolled at the Government Law College. He stood First Class First, in both the first LL.B and Second LL. B. exams. He won every possible prize, along the way.

He joined the chambers of the famed Sir Jamshedji Kanga, in 1944. Within a few years he was the luminary of the bar. We have already mentioned his greatest case – Kesavananda Bharati vs. the State of Kerala. Nani defended other important causes whether they were popular or unpopular, as long as they concerned the principle of constitutional justice. He defended the Indian Princes against the Government's violation of the

Constitution when it passed an executive order abolishing their Privy Purses; freedom of the press, when the Government attempted to crush dissent, by controlling the import of newsprint. Nani's arguments convinced the Supreme Court to strike down the restrictions. He argued, "Newsprint does not stand on the same footing as steel...Newsprint will manifest whatever is thought of by man." In the St. Xavier's College case, he successfully defended his alma mater's right to administer its own affairs, to appoint and dismiss teachers, and admit students of the minority community. He charged no fee.

During the 1960's he was offered a seat on the Supreme Court, but declined and in 1968, the position of Attorney-General, in Prime Minister Indira Gandhi's Government. He almost accepted, but destiny or an inner voice made him pull back. He wrote in *We the People*: "That night I went to bed and looked forward to my usual quota of deep slumber. But suddenly and inexplicably, I became wide awake at three o'clock in the morning with the clear conviction, floating like a hook through my consciousness, that my decision was erroneous and that I should reverse it before it was too late". The very next morning, his acceptance was withdrawn. Fate had saved him, to oppose the same Government in three of his greatest cases: Bank Nationalization (1969), the Princes' Privy Purse (1970), and Kesavananda Bharati (1973).

Though he refused to participate in active politics, Nani belonged to a host of corporations, public, cultural and charitable. Most prominent perhaps, was his membership of Tatas, which he was invited to join in 1960. Of the many Tata Chairmanships, two deserve special mention- Tata Consultancy, and Tata Exports, later renamed Tata International. The former became India's largest software company, the latter, one of the country's greatest export houses.

Though unsought, honours poured in. Princeton also conferred a "Doctor of Laws", during his ambassadorship. In India, Mumbai University and Annamalai University, did the same. Among other significant awards, was the Living Legend of the Law Award of the International Bar Association. In the late 1980s the Government of India conferred the Padma Vibhushan, one of its highest awards.

I met Nani for the last time in 1998. Every visit, Nani invited me to lunches – at Bombay House, the Ripon Club and to dinners, at his home, "Commonwealth". At every dinner, grilled chicken livers were served with drinks! On every occasion, Nani spoke of his concern of government policies that prolonged poverty, corruption, regional rivalries.

When I visited in 1998, I knew that he had not been

well, had undergone heart surgery, and suffered paralytic strokes. Yet, he continued to work. I went to Bombay House, since I did not want to burden him by being invited to dinner. As soon as I entered his office, we embraced, and his first words were, "When are you coming to dinner?" I protested, but he insisted. His mind was clear and sharp, as ever. It was my last memorable evening with him and Nergesh.

Nani was devastated, when Nargesh, his lifelong companion and anchor, passed away in 2000. He lost the power of speech. His heart troubles continued. Many years before, he had written, "I believe the journey will be over at the predestined hour, irrespective of the medical

care which money can buy."

That hour came on the 11th December, 2002.

Of the countless tributes, during his life, the most apt was, India's elder statesman's - Chakravati Rajagopalachari's:

"Nani Palkhivala is God's gift to India."

MINOO ADENWALLA is Professor Emeritus of Government, and former Professor of Government and the Mary Mortimer Professor of Liberal Studies, Lawrence University, Appleton, Wisconsin, U.S.A.

Bribery And Corruption – The Indian Norm? *(Cont'd. from page 7)*

life the first factor, the personal integrity of the ruler. We are fortunately a democracy, so that who is to hold power depends upon us. If we all decide that above everything, else honesty shall be the qualification for our choice, that no man in the least questionable shall receive our vote, and we make full enquiries before voting into the past behaviour of all candidates, their means of livelihood and possessions particularly, we may, if fortunate, provide ourselves with a government that would reverse the trend towards corruption that has brought us to this sorry pass. The influence of those in power for the good is not likely to be less than it has been for the had.

The attempt is worth making, fellow-citizens, for in our present state; life itself loses all its savour for many. And as a preliminary to this effort comes personal freedom

from corruption. He who would have .honesty in government and society, let him cherish and practise honesty in what he himself is concerned with. "The right man practises first and then preaches according to his practice." If the criterion you apply to all thought and action is personal advantage however obtained, it is not for you to repine about the disgraceful conditions that prevail. "What can I do? After all, I must live. What does it matter what an individual here or there does? They must be honest." Those who argue and act thus, can neither be saved themselves nor help in the least to save their country. They have already made the choice for themselves and their land, "Bribery, Corruption, evil though you be, be you our good".

Opinion, October 20, 1981

How to Demand a Bribe Without being Accused of Corruption *(Cont'd. from page 10)*

After taking over the reins of the group, Ratan Tata tried at least on three occasions to pursue the aviation business and accordingly moved the government of the day in 1995 in 1997 and 2001. The last time was during the BJP regime when Tatas and Singapore Airlines withdrew their bid for Air India, citing political opposition to the sale. Ratan Tata regretted that despite Tatas being a pioneer in the airline industry, the group faced enormous problems in setting up a domestic airline. He said at a public meeting, "We approached three prime ministers. But an individual thwarted our efforts."

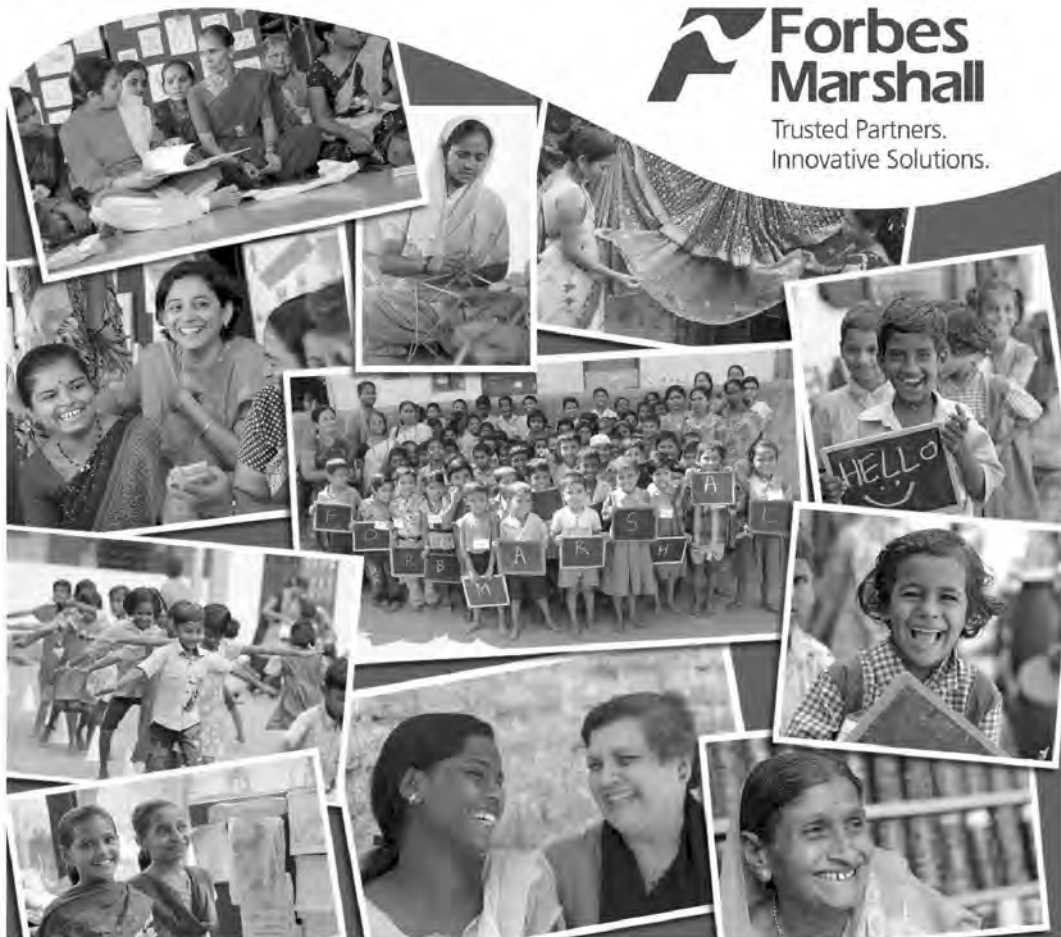
Ratan Tata said, "I happened to be on a flight once and another industrialist who was sitting next to me said: 'I don't understand. You people are stupid. You know the minister wants Rs 15 crore. So why don't you pay it?'," to which Tata is reported to have said "You can't

understand it. I just want to go to bed at night, knowing that I haven't got the airline by paying for it',"

We can see the significance. Ratan Tata does not say anyone demanded money from him. But, because he did not pay, the proposal did not go through in spite of eight years and three governments under three different prime ministers.

One of the persons who perhaps thwarted Ratan Tata claimed that he acted in national interest. We can certainly see the national interest in the very sorry state of Air-India today.

MR. M. B. DAMANIA. is a small scale entrepreneur. He is an active member of the Thane Small Scale Industries Association and Maharashtra Chamber of Commerce Industry and Agriculture.



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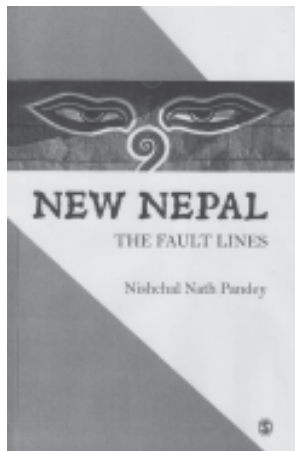
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BOOK REVIEW



NEW NEPAL- THE FAULT LINES by Nishchal Nath Pandey ● Sage Publications India Pvt. Ltd. B1/I-1, Mohan Cooperative Industrial Area, Mathura Road, New Delhi 110044 ● www.sagepublications.com ● 2010 ● Pp 164 ● Rs.495.

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

The author is Director of Katmandu based Centre of South Asian Studies. The book deals with the consequences of failure to address the questions of identity, ethnicity, language and religion in the young republic. After the success of the Second People's Movement, the seven party alliance and Maoists decided to enact an interim constitution by accepting all types of demands from the Maoists and the Terai based Madhesi Janadhikar Forum [MJF]. Abolition of monarchy and the induction of the Maoists from the jungles to the corridors of power were landmark achievements as a result of the joint efforts of the Nepali Congress [NC] and the Communist Party of Nepal [UML]. The UN mission in Nepal played an important role in the peace process.

However unrest and violence continued to plague Nepal. The Terai people complained of discrimination and talked of autonomy. Five amendments were incorporated in the interim Constitution to accommodate various representations. Elections were held in April 2008 under a forceful Election Commissioner Bhoj Raj Pokharel. There were 74 political parties and 17.5 million voters. The turn out was 60% and foreign observers reported it to be fair and peaceful. Former US President Carter called it the most "transformational of the 70 elections he had observed around the world."

The Maoists emerged as the largest single party with 220 out of 577 seats. Some of the senior leaders of NC and UML were defeated. The new Constituent Assembly [CA] declared Nepal to be a federal democratic republic. King Gyanendra accepted the verdict and instructed the staff to lower the dynastic flag at the main gate of the royal palace. After much wrangling amongst the parties, Dr. Ram Baran Yadav of NC and Premananda Jha of MJF were elected president and vice-president respectively. Clad in traditional terai dress of dhoti, Jha took the oath in Hindi. This infuriated a large number of

people and the court too declared the oath in Hindi to be unconstitutional. His apology was accepted and he took another oath. Though only 0.3 per cent of people speak Hindi, the terai people look upon it as the link language between Bhojpuri, Awadhi and Maithili. For the flimsiest of reasons anti-Indian feeling can be whipped up as a nationalist sentiment.

The fault lines identified by the author are ethnicity, languages, religion and security. Nepal has 103 castes or ethnic groups and 92 languages. A federal structure satisfactory to all groups is difficult to design and work. It will ensure that a majority group does not dominate other regions but cannot reduce economic disparity in various regions. The Maoist rebellion had led to fracturing the national identity. Earlier all ethnic groups remained united under the umbrella of statehood under the king. The government jobs had been generally shared amongst some privileged castes. After 1990, the dalits and the minorities started coming together to enter the mainstream. Some of the groups, notably the Madhesis, are demanding autonomy. This demand may escalate to self-determination to be opposed by the Tharus in Western terai. There is also a demand for federal structure based on languages. Nepali language has been the official language for a long time and other languages have been called languages of the State. While the oath by the vice- president in Hindi was declared unconstitutional, the mayor of Katmandu took oath in Newari. The terai region controls the only access to sea and has affinity towards the adjoining areas of UP and Bihar. Similarly, the people in Eastern Nepal have links to Darjeeling and Kuersang in Bengal. The author recommends that the new constitution must safeguard all languages and avoid languages to be flash point for discord.

Nepal was the only Hindu state in the world and had a history of communal harmony. Under pressure from the Maoists, religious minorities and some ethnic groups not belonging to Hindu religion, the country was declared secular. The irony is that in "secular" Nepal, there was one incident of attack on a mosque in Western Nepal when twelve Nepali hostages were killed in Iraq. Questions are

being asked why during the decade long People's War only Hindus were killed and temples demolished while churches and mosques remained unscathed. Secularism was a political tool to weaken the power of the king and its long term cultural consequences were ignored. In fact the Hindu majority has been bothering a number of foreign NGOs as if it was a hindrance to socio-economic progress. The foreign funded NGOs have played a similar role in India and Sri Lanka. The ban on priests from Kerala in Pashupati Nath temple was done in a hurry and had to be reversed. The strength of the secular system will be measured in its capacity to treat all citizens equally without stinging further venom on the majority community.

No other issue is more crucial to the stability of Nepal than the security sector. The Nepal Army [NA] had fought with great gallantry against the British and Tibetan invasions but was outmaneuvered by the Maoists. There is need for the army to accept civilian supremacy and be prepared to alert the government against threats to national sovereignty and territorial integrity. One such issue is the danger of balkanization due to federalism. The plan to integrate the Maoists into the NA has led to stand offs. Political parties other than UML are apprehensive of the outright absorption of the Maoists into the NA. While the army has to accept civilian supremacy, the government should not humiliate the army publicly.

There is a chapter each on relations with India and

China. The open border with India is a hallmark of unique relations. Almost very political change has been an offshoot of the deterioration in Indo-Nepal relations. Aggressive nationalism has become synonymous with anti-Indian tirade. The last five decades have witnessed many lost opportunities and avoidable misunderstandings. There is a suspicion of India's hand for the unrest in the terai. The army has not forgotten that India stopped the supply of arms when needed most in the fight against the rebels. The 1950 Treaty is considered to be good for the economy but not for sovereignty. Nepal has not been abiding by all the terms of the treaty without objecting to them. For example, the Treaty requires Nepal to inform India on procurement of arms from other countries but has not been doing so. Nepal realizes the importance of cooperation from India to build up the sorely needed hydro power projects. Both sides have to manage trade and economic tie ups with mutual respect and interests.

The relations with China have been ideal. China has always supported Nepal and Nepal on its part has stood by the policy of "one China" and Tibet being an integral part of China. There have been occasional setbacks due to Tibetan refugees in Nepal. China has helped in developing infrastructure and prefers trade to aid.

Lack of political culture and struggle for power may take prominence over more critical issues. The book is of great help in understanding domestic policy structure and interplay amongst the various political parties.

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