

A QUARTERLY OF LIBERAL IDEAS

Freedom First

JULY 1985

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PRICE
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QUARTERLY ESSAY

Reservation—Discrimination in Reverse?

H.M. Seervai

One Cheer for Rajiv Gandhi

Minoo Masani

The Road to Dignity

Russi M. Lala

Nachiketa Publications Limited

5 Kasturi Buildings, J. Tata Road,
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Dear Reader,

The response to *Freedom First's* new *Avataar* has been encouraging. Some readers have, however, expressed their disappointment with the reduction in the frequency from monthly to once every three months. To them we plead please bear with us. Financial constraints prevent us from even considering making it a bi-monthly at this stage.

Acknowledgement

Mr. Minoo Masani's article "One Cheer for Rajiv Gandhi" is based on his fortnightly columns in *The Statesman*. We are grateful to *The Statesman* for their kind permission.

Essay Competition

On the inside back cover we carry an announcement of an essay competition for students of senior colleges on the occasion of the International Youth Year. We hope readers will pass on this information to college students and encourage them to participate. *Freedom First* lays great stress on youth and hopes to devote more space in its pages for the younger generation to voice their point of view. The essay competition is only the beginning.

The Editors

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With Many Voices

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

The day we accept state terrorism as an answer to terrorism by individuals, that day we have taken one giant stride away from due process and democracy.

—S. Mulgaokar, *Indian Express*, May 18.

For the last few years, bullet has been the principal means of a dialogue on Punjab.

—Balraj Puri in *Understanding Punjab*

Anything that can lawfully be said in public may actually be said in public. . . . In the end the only way to assert the right to free speech is to assert the free speech itself.

—Bernard Levin in his book *The Way We Live Now*.

In Germany, under the law everything is prohibited except that which is permitted. In France under the law, everything is permitted except that which is prohibited. In the Soviet Union, under the law, everything is prohibited, including that which is permitted. And in Italy, under the law, everything is permitted, especially that which is prohibited.

—Newton Minow, *Times of India*, May 31.

Sympathy is a perishable commodity and in India's hot political climate it has had a life of less than four months.

—*The Economist*, May 4

The World is governed by rhetoric which has the power to titillate the conscience while leaving the intellect untouched.

—Roger Scruton, *The Times*, London, April 2.

Israel Swaps 115 Prisoners, Terrorists for 3 of its Soldiers.

—Frontpage headline in *Herald Tribune*, May 31.

When the British government gets into trouble, it sets up a judicial inquiry. The Americans establish a presidential commission. The Swiss turn to management consultants.

The Economist, May 18.

If the Left has a future in India, India has no future left.

—'Cho' Ramaswamy, *Imprint*, May 1985.

People who only scream when a newspaper office gets burnt in a riot forget that the benefits of government policy have to reach *all* sections of society.

—Billu's cartoon in the *Sunday Observer*, May 12.

A husband is a station wagon, a lover a Ferrari. A husband is a glass of warm milk and a lover a glass of champagne. A husband is Sunday morning and a lover is Saturday night.

—Novelist Ruth Harris, *Indian Express*, April 8.

We should know when to leave, that is the most difficult thing to do in politics, but it is also the most desirable thing to do.

—Ramakrishna Hegde, *Sunday Mid-day*, May 19.

To litigate an open and shut case and take 30 per cent from people who have already been victimised is just another form of exploitation.

—Richard Cohen (on the American Lawyers who descended on Bhopal), *The Washington Post*, December 14, 1984.

A Community usually gets the delinquents it deserves.

—Ray Alan, *The New Leader*, November 26, 1984.

When the missionaries first came to Africa, they had the Bible and we had the land. They said "Let us pray". We closed our eyes. When we opened them we had the Bible and they had the land.

—Bishop Desmond Tutu, *Times of India*, May 31.

Of Cabbages & Kings

Of Tulips and Lilacs and Warm Handshakes

"GORBACHEV breaks protocol, meets Rajiv first" said the headline in the *Indian Express* of March 14. This 'momentous' occurrence took place when India's Prime Minister was in Moscow to attend Chernenko's funeral.

According to the PTI report "Soviet foreign office protocol officers brought up Mr. Gandhi for a warm handshake by Gorbachev and a hearty exchange that took all five minutes"!

The column Gallery in *The Sunday Observer* of March 31 wrote about "Imelda's coup". The wife of the Philippines' President who was also present at the funeral was "whisked to the front of the queue of leaders to meet Gorbachev and that the new Soviet leader held her hands 30 seconds longer than Margaret Thatcher's"!

And then of course there was the much publicised story of Comrade Gorbachev presenting some tulips and lilacs to Mr. Rajiv Gandhi when he was back in Moscow two months later on what can honestly be described as a 'don't worry I won't be a naughty boy in America' reassurance visit.

Seriously speaking these PR gimmicks overplayed by the media (the five minute warm handshake being described by the PTI as a "Great Leap Forward") can be quite costly. For instance the disgraceful Indian stance on the Soviet occupation of Afghanistan. In reply to a question at the press conference in Moscow on May 22 Mr. Rajiv Gandhi said that Gorbachev had given him an idea of Pakistan's interference in Afghanistan and of the magnitude of assistance to the insurgents!

Quite a generous repayment for the warm handshake and the lilacs and tulips. What other concessions were made (and not made public) and how much deeper we have walked into the spider's parlour, time alone will tell.

—SVR

Criticising the Soviet Union

IT IS a measure of the pervasive influence Soviet propaganda has had among the Indian public that even the mildest criticism of that country or its policies instantaneously draws sharp howls of protest, often followed by accusations of 'imperialist intrigue'. Jour-

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

—Lewis Carroll



nals like *Freedom First* which have, despite their inherent constraints, consistently striven to expose Soviet skulduggery, are obvious targets for these attacks which in recent years have increased both in frequency and strength.

While the ravings and rantings of the professional critics do not exactly bother us, it does cause us a lot of concern when, occasionally, an impartial, dispassionate friend of this journal writes in to echo similar sentiments, albeit in less virulent terms. We were recently admonished, for instance, by a gentle reader and one of our oldest supporters, Dr. R. M. Sinha, for what he called our 'anti-Soviet stance'. Dr. Sinha is of the opinion that toning down our critical comments vis-a-vis the Soviet Union would help our circulation. "I am making this suggestion," he said ever so politely, "with trepidation and reluctance—only in the interest of *Freedom First*."

We appreciate your candour, Dr. Sinha, as much as we appreciate your support for the journal. We also assure you that however much we may despise the Soviet system, we shall strive to be as objective as possible in our reactions to happenings in that country and to the pronouncements of its leaders. We cannot, however, help restating our conviction that the USSR continues to constitute the single most dangerous threat to freedom around the world, and as votaries of freedom, we will be failing in our duty if we did not highlight these dangers while there is still time.

It is seldom realised, incidentally, that despite its loud and repeated claims to being a "people's democracy", the Soviet state remains the world's most repressive tyranny today. The professions and practices of Soviet leaders are light-years apart, and this alone makes it imperative that all thinking citizens should relentlessly strive to expose the double standards that have so successfully been concealed by official propaganda.

—KSV

The Ethics of Press Reporting

IN THE wake of persistent criticism over the role of the press in Gujarat, nothing could have been more timely than the appearance of a volume entitled *Violation of Journalistic Ethics and Public Taste* (Tripathi, Rs 45). The product of a collaborative effort between the Press Council of India and the Indian Law Institute, it is a compendium of cases adjudicated by the Council over the years under such diverse heads as communal writings, the right of reply, defamation, obscenity, and journalistic impropriety.

Besides citing the brief facts of each case and the decision rendered by the Council, the volume enumerates, at the end of each section, the various principles that are deducible from the Council's ruling on the subject. "These would, in clear terms, indicate the principles of journalistic ethics and propriety that have been established by these decisions," says the Chairman of the Council, Mr Justice A. N. Grover, in his Foreword. Considering that the compendium was mooted as an alternative to formulating an exhaustive code of conduct for newspapers (in view of the widespread opposition to the latter course), the volume's usefulness to the working journalist cannot be overrated.

—KSV

Punjab: A Welcome Addition

WITH THE fresh spurt of violence in the Punjab and the bizarre turn that negotiations between the government and the Akalis have taken, it appears that any solution to the vexed problems plaguing that State will remain as elusive as ever. Little wonder, then, that the Punjab has once again become the subject of pointed comment in the media, both in India and abroad.

One of the welcome additions to the growing body of serious writings on the Punjab tangle is a little booklet entitled *The Sikhs* by Dr. Christopher Shackle, Reader in Modern Indian Languages at the School of Oriental and African Studies, London. Originally published by the Minority Rights Group in the UK, the booklet has now been reprinted by the Group's Indian section "in the hope that the presentation of the facts and material may assist the people in a clear understanding of the basic issues underlying the Punjab problem."

For a tract authored by a foreigner, *The Sikhs* displays a remarkable depth of understanding of the intricate questions involved. It is also marked by an objectivity that is truly refreshing. "In the present situation," says Dr. Shackle, "the real tragedy would be if the Sikhs were, through an absence of statesmanship, to be allowed to retract or driven to withdraw

into the state of mind of a minority in the worst sense, with the permanent feelings of disgruntled resentment which the term can sometimes all too easily suggest." If that comes to pass, alas, the government will have only itself to blame.

Two other recent publications on Punjab are worthy of mention. The first, entitled *Sikhs Abroad*, is a collection of articles by Warren Unna, Washington correspondent of *The Statesman*, on the attitudes and activities of the prominent Sikhs overseas vis-a-vis happenings in their home State. The second, entitled *Sikhs at Crossroads* (Des Raj & Sons, Patiala, Rs. 50) is a monograph by Bhagwat Singh Sidhu, Advocate-General of Punjab, which seeks to make the point that the present day practice of Sikhism is widely divergent from the basic tenets of the religion laid down by the Gurus centuries ago. It is, according to the blurb, "a forceful theological reply to the pleas of the separatists" and "one of the best efforts in the direction of national integration...in consonance with the teachings of the Sikh Gurus."

—KSV

The Biter Bit

Jan Yug was a Delhi-based Hindi daily owned by the Communist Party of India. The paper has now closed down. And thereby hangs a tale of double standards for which the communists are notorious. If a daily owned by the "Capitalists" were to close down, the communists would be the first to sit up on their hind legs and scream.

The *Free Press news service* in a despatch from New Delhi on April 24, reported that the "Champions of working class—the Communist Party of India—have themselves been warned of prosecution for contravening the labour laws." The *Jan Yug* workers union had complained to the Delhi Administration that their management (the CPI) had without notice informed the workers that the daily was being stopped with immediate effect. Thereupon the closure notice was withdrawn while the Communist management sought legal advice. Among the reasons given for the closure was that the paper was incurring heavy losses. The union offered to form a co-operative to continue the paper. Naturally, the answer was 'no'.

The real reason apparently is a rift between the Editor Mr. Vyas and the Management in the person of CPI's General Secretary, Rajeshwara Rao. The editor had actually been deprived of all authority in running and managing the paper for over six months.

Mr. A. S. Toofan of New Delhi in a letter to the editor of *Sunday Mid-Day* confirms that the paper has

indeed closed down. He writes *inter alia* "no notice of closure as required under the law was given to the workers and when the employees approached the labour court, the CPI contended that the paper was running into heavy losses. It is the management that is responsible for the mismanagement and the consequent loss. Why should the workers be punished for that? Had a private business house taken such a decision would the Communists accept the plea?"

Curiously a similar problem appears to be facing the management of the British Communist daily *Morning Star*. According to an editorial in the *Daily Telegraph* of May 21, the hard line Stalinists and the so called Euro-Communists are having a tiff. Needless to say the editor is a hardliner.

—SVR

Combating Corruption—Nigerian Style

From all accounts it would appear that corruption in Nigeria has become so pervasive that the authorities have now resorted to the postal media in their campaign against corruption. A recent letter from a



friend carries a postage stamp which says, "Campaign against Corruption" and "Don't give bribes."

We recommend this media to our own rulers in Delhi faced with a not so dissimilar situation.

—SVR

The Late "Comrade" Sundarayya

The Prime Minister of India in a condolence message on the death of Mr. P. Sundarayya expressed deep grief and described Mr. Sundarayya as "a stalwart of the national scene from the days of the freedom struggle." A similar unwarranted encomium came from the Andhra Chief Minister Mr. N. T. Rama Rao. I was reminded of a caption to an article by Mr. A. D. Gorwala in another context: "To speak good of the

evil dead is to speak evil of the living good." Mr. Sundarayya was part of the same Communist Party that refused to support the Quit India Movement on the ground that the war against Hitler was an Imperialist War. Even worse, the late Mr. Sundarayya was a prominent leader of the Telengana insurrection who surrendered with his men with arms to Indian Union troops unconditionally provided government promised not to prosecute them. If Mr. Sundarayya had had his way and had the then Home Minister not acted with firmness, where would the two gentlemen who offered their condolences be?

—SVR

"Cashing in on Patriotism"

The post-independence generation should take strong exception to the award of pensions to "Freedom Fighters". Any decent Indian who participated in the freedom struggle would consider monetary repayment an insult. There are some things that cannot be quantified. Love of one's country is one such. Mr. Phoni K. De wrote in a letter to the *Statesman* of 19th May, 1985, "the genuine freedom-fighters certainly have a legitimate claim on the nation's memory and there should be a serious official effort to identify them even though some of them have chosen not to broadcast their contribution to the cause of freedom. But there may be several freedom fighters who abhor the idea of encashing their patriotism as they can afford to fend for themselves. I know of several cases where the patriots have preferred the dignity of seclusion and hardship to flaunting evidence of their years of imprisonment."

Quite apart from the large number of fakes who applied for this dole there are indeed many who sacrificed much and who ought to have been rehabilitated. For example, those who gave up college or their business or profession. Palming them off with a mere Rs. 500/- a month is again an insult.

On the other hand there are those who are reaping rich harvests by virtue of their having gone to jail. Most of them can be found in the ranks of our ministers. It would hardly be surprising if on scrutiny it is found that these ministers also receive pensions! Their sole qualification for office was that they spent time in jail.

—SVR

Too often we enjoy the comfort of opinion without the discomfort of thought.

—JOHN F. KENNEDY

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One Cheer for Rajiv

Minoo Masani

THE RAJYA SABHA was told by the Finance Minister on March 22 that the Union Government is thinking of setting up a statutory Consumer Protection Council to safeguard the consumers' interests. What a cruel joke, considering that this announcement came only six days after the most vicious anti-consumer budget in Indian history had been introduced in the Lok Sabha.

There is nothing new or original about the current year's budget which is of the same family as its predecessors since 1955. The basic features of the earlier budgets had been: (1) Wasteful expenditure (2) Inflation arising from deficit finance, and (3) Excessive taxation. Wasteful expenditure on the bureaucracy and so called "public" enterprises is to continue. Not a single rupee of the money eaten up by these parasites is to be saved. Deficit finance, which is expected to touch Rs. 5000 crores by the end of the year, is more massive than before. True, direct taxation has at last been scaled down, but indirect taxation has increased.

Selfish Jubilation

The number of income tax payers in India is only around 4 million out of a total population of 700 million. Except for the 4 million, the rest are to be more heavily taxed than during the previous year. These include the entire rural population. While one welcomes the belated relief given to the income tax payers and the corporate sector, one cannot but regard the jubilation of Big Business and the Stock Exchanges as somewhat selfish. It is nonsense to say that the class of salaried employees will benefit. In the coming twelve months, they will have to pay much more through the rise in prices than the illusory relief the Budget appears to provide.

But why wait for the months to come? Here, for instance, are a few newspaper headlines culled at random in the last few days: "Minimum taxi fare is Rs. 3.50" (19 March), "Auto-richshaws fares up", "Sugar prices soars", "Vanaspati makers jack up prices", "Gold, silver shoot up" (21 March), "Dearer petrol drives NTR to Maruti" (23 March), "Wholesale price index moves up", "Union Budget adverse to drug in-

dustry", "Further rise in sugar prices" (26 March), "Budget proposals hit chemical units" (27 March).

About the jubilation of the misguided members of the middle class in the cities, one recalls the words of a British statesman who, on observing a cheering mob in London, said: "They are ringing the bells now. They will be wringing their hands soon."

Inflation

The Finance Ministry officials deny that the budget is inflationary. They make me laugh. In every speech I made, while opening the Budget debates in the Lok Sabha throughout the sixties, I foretold a rise in prices. Every year, Finance Ministry officials contradicted this. Every year the prices rose.

It all started in the days of Jawaharlal Nehru. In the course of a debate in the Lok Sabha in the early sixties, I had lamented deficit finance and the resulting inflation. The Prime Minister asked: "Why is Mr. Masani worried about a little inflation? It is a good thing." A couple of days later, I had occasion to tell the Prime Minister and the House of the experience of a price administrator in the U.S.A. during World War II who was visited by a friend as ignorant of economics as Pandit Nehru who asked: "Why are you worried about a little inflation, which is a good thing?" To which the price administrator sadly replied: "May be you are right, but, you see, a little inflation is like a little pregnancy, it keeps growing."

In Jawaharlal Nehru's days, Acharya Kripalani described inflation created by Government as "pickpocketing". I, on the other hand, described it as "legalised counterfeiting" in which the Finance Minister can indulge, but for which citizens like us would land in prison under the Indian Penal Code. The Finance Minister's job was to turn Plans into cuts, instead he had the effrontery to mock in his Budget speech at 'the foolish man who tries to live within his means.' Well, I happen to belong to that breed of foolish people. I prefer the wisdom of Charles Dickens to that of the Finance Minister. Dickens' well known character, Mr. Micawber, who went bankrupt made the following remark when he was in prison: "Income

20 shillings, expenditure 19 shillings 6 pence, result happiness. Income 20 shillings, expenditure 20 shillings 6 pence, result bankruptcy and misery." Abraham Lincoln put it somewhat differently: "You cannot establish sound security on borrowed money".

I shall be asked whether the relief given to income tax payers could have been achieved without imposing further indirect taxation on the consumer and without deficit finance. Of course it could. How? By the simple expedient of cutting down the disgraceful waste of tax payers' money on the bureaucracy and the loss making "public" enterprises. If our government had caught up with the world trend towards "privatisation", neither deficit finance nor increased indirect taxation would have been necessary and at the same time the income tax payer could have had his relief. Unfortunately, so wedded are the rulers in Delhi to the past that the "Rake's Progress", which has gone on since 1955, is to continue.

Wanted: Political Courage

Mr. Rajiv Gandhi has on two occasions recently shown a disturbing tendency to succumb to pressure. The first example of this was when he backtracked on a draft economic policy resolution which had been prepared by him and his advisers for the AICC(I) meeting. It seems that the absence of references to worn out cliches like "socialism" and "the public sector occupying the commanding heights" did not go down too well with some members of the Working Committee of the AICC who demanded that the disastrous policies followed by Pandit Jawaharlal Nehru and Mrs. Indira Gandhi, which had resulted in the stagnation of India since Independence, should be reaffirmed. The "New Class" obviously does not relish being deprived of the profits of "permit licence raj" which it calls "socialism". They were joined by the communist Prof. K. N. Raj and comrades from the Jawaharlal Nehru University.

Caving in to Pressure

The sad story of this abject surrender has been told in detail in reports from Delhi which have appeared in *The Statesman* of 2nd May entitled "Socialism Postures a Sequel to Pressure", the *Indian Express* of 6th May under the headline "Congress (I) Buckles under Pressure" and the *Sunday Observer* of May 12: "How Rajiv Learned to use Socialism", referring to the fact that the Prime Minister had been forced to

advocate "socialism", a word he has not used for the past six months. According to reports, poor Mr. V. P. Singh, the Finance Minister, was not allowed to move the economic policy resolution and there is every indication that he is going to be made a scapegoat.

When the Congress Party secured 400 seats in the Lok Sabha and a thumping majority, some friends of mine rejoiced on the ground that this, coupled with the Anti-defection law, would enable the Prime Minister to stand up to pressure from members of Parliament and his party. It has now been shown that, despite the size of the Parliamentary majority and the Prime Minister's alleged hold over his party, he was unable to hold his ground. That is what Mrs. Margaret Thatcher would have done, and has done, under similar circumstances. But then she, like Mrs. Indira Gandhi, is made of sterner stuff.

On the other hand, as Mr. Sunder Rajan sadly says in the *Sunday Observer*, Rajiv Gandhi "is a politician like Mr. Charan Singh or Mr. Vajpayee." The more's the pity. Goodbye to the Brave New World which many people saw arriving on 1st January 1985.

The Prime Minister, despite his four hundred MPs, is now in the unenviable position of the celebrated Duke of York about whom the poem says:

"The noble Duke of York,
He had ten thousand men,
He marched them up to the top of the hill,
And he marched them down again.
And when they were up, they were up,
And when they were down, there were down,
And when they were only half way up,
They were neither up nor down".

Saving Bombay

The second occasion on which the Prime Minister capitulated to clamour was when the Opposition members of the Lok Sabha ranted against the sensible proposal made by Mr. Bal Thackeray and the Shiv Sena that it is time the influx of outsiders into the City of Bombay is regulated. This proposal was originally made by Mr. J. R. D. Tata at a civic reception in his honour.

A recent poll taken in Bombay City reveals a sharp difference between those who welcome the proposals

(Continued on page 18)

Erosion of Fiscal Federalism

Amal Ray

SINCE a federation is a multi-government system, conflicts inevitably arise. There is then a perennial problem of conflict management in every federal polity. How best the centre-state conflicts are managed, depends upon how effectively elite consensus is evolved regarding ground rules for either delimiting the decisional areas or determining the resource allocations. Another crucial factor is the mode and style of operation of the federal institutions. In India, as elite consensus obtains at an extremely low level and as the federal institutions have not by and large represented the legitimate demands of the states, the centre-state relations have lately been under severe strain. This is being manifested in some organised demands for changes in the structural mould of Indian federalism. More vocal and intense are the demands for important changes in centre-state financial relations. There is a certain blurring of party lines in this regard.

Constitutional Structure

Looking at the constitutional structure, it is found that the centre-state financial relations follow closely the pattern contained in the Government of India Act, 1935. The Constitution has provided specification in a comprehensive way of the competence in matters of taxation of both the central and state governments. Taxes on income other than agricultural income, corporation tax, customs and excise are some of the characteristic central taxes, while taxes on agricultural income and sales tax are some important sources of state revenue. The residuary taxing authority is assigned to the centre. However, notwithstanding such separation of taxing jurisdiction, there has been a certain overlapping. There is, for instance, an almost continuous interaction between state sales tax and central excise duty.

Some amount of elucidation is in this connection necessary. Central taxes can be classified under the Constitution into several clusters: i) some taxes such as stamp duties are imposed by the centre but are collected and taken by the states (Article 268-1); ii) taxes, for example succession and estate duties (except on agricultural land), taxes on railway fares and freights etc. are imposed and collected by the centre, but the entire proceeds are distributed among the states (Article 269-1); iii) some taxes such as taxes on non-agricultural income which are levied and col-

lected by the centre, but the proceeds thereof are shared between the centre and the states (Article 270); iv) some taxes which are levied and collected by the centre but may be shared with the states. Union excise duties other than those on medicinal and toilet preparations come under this head (Article 272); and v) certain taxes such as corporation tax, custom duties etc. are levied, collected and appropriated by the centre. Besides, the Parliament is authorised by the Constitution to increase any of the duties or taxes mentioned in Articles 269 and 270 by a surcharge for exclusive central purposes (Article 271).

Considerations of administrative, fiscal and development needs have in India led to centralisation of relatively important and productive taxes. Besides, such centralisation of taxes has left the central government with a surplus of revenue earning over its expenditure needs, and thus has enabled it to perform an essential function of stimulating inter-regional balance. But the centralisation of the most revenue-earning taxes has created centre-state resource imbalance. The Founding Fathers, in order to deal with this problem, provided for sharing between the centre and the states of income tax, and if the parliament by law so provides, of central excise duties. The share of the states in such tax proceeds and the manner of their allocation among the states are kept flexible and are determined by the President after considering the recommendations of the periodically constituted Finance Commission. Besides, in order to provide for further transfer of resources the Constitution has provided for a system of grant-in-aid. Article 275 provides for grants being made to the states which are in need of assistance, and it is obligatory to consider the recommendations of the Finance Commission. In addition to such general purpose grants, Article 282, which is a 'miscellaneous' provision, enables the central and the state governments to make specific purpose grants. From the constitutional point of view Article 275 is an appropriate provision, while Article 282 is a residuary clause and hence, the former is relatively important.

Fiscal Federation

The working of the federal fiscal system has brought into sharp focus some weaknesses and anomalies in the system which are partly built into the constitutional structure and are partly the later-day distor-

tions brought about by New Delhi over a period of years. The overall result is two-fold: widespread frustration and dissatisfaction at the state level of the federal polity, and secondly, marked constitutional impropriety. The most important source of frustration for the states lies in their persistent incapacity in the existing financial and planning arrangements to evolve autonomous development impulses, programmes and strategies in their constitutionally delimited spheres such as agriculture, health, education etc. Part of this incapacity emanates from vastly inadequate resource position of the states and their enormous financial dependence upon the centre. Their dependence is gauged by the fact that aggregate central transfers as percentage of total disbursements by states, which amounted to 37.8 in 1951-56, stood at 41.6 in 1979-84.

It is found that while the centre's contribution to total tax receipts is much more than the states', the former's share in total expenditure is relatively low. The centre's contribution ranges between nearly 67 and 71 per cent, while its expenditure share oscillates between nearly 43 and 49 per cent. But the states' expenditure share ranges between nearly 51 and 57 per cent. Thus the federalisation of revenue earning is accompanied by regionalisation of revenue expenditure.

There are many reasons for this. Firstly, while under the Constitution the relatively productive and expanding taxes are in the central list, expenditure-heavy economic and social services are mostly state responsibility. So the state governments have always been confronted with a situation of mismatch between resources and expenses. Secondly, the centre has made several inroads into the states' tax earning/sharing sphere. For instance, through exclusion of taxes paid by the companies from the definition of income tax by amending the Income Tax Act and through imposition of surcharge on income tax, the states' legitimate entitlement to more tax revenue has been denied. Thirdly, the centre has always been reluctant to make optimal exploitation of revenue-earning possibility of Article 269 for augmenting the state resources. A tax on railway fares was levied in 1957, but was soon merged with railway fares, the states being compensated by payment of a lump sum. The result is that railway fares are increased from time to time, but the states have no share in it. Fourthly, the centre adopts from time to time some decisions which affect adversely the resource position of the states. For instance, the dearness allowances of the central government employees are revised periodically by New

Delhi to compensate for rise in price level. This at once serves to generate demand for similar dearness allowance enhancement among the state government employees. In consequence, there is a rise in state expenditure which further eats into their meagre resources. Lastly, the interactions between electoral politics and development process have generated widespread electoral demands for more social and economic services. Since the state governments are close to the pressure groups, it becomes frequently difficult for them to ignore these demands. This has had the effect of straining enormously the resource position of the states.

Constitutional Distortions

Of course it is true that the centre has entered in a big way the state sector of economic and social services. And, with this the bulk of expenditure for such services has been shifted to the central exchequer. But at what cost? In several areas of predominantly state concern such as agriculture, health, education, small and cottage industries etc., decisional impulses and operational directions emanate from New Delhi. This has had the effect of blurring the constitutional distinction between central and state spheres and eroding the concept of responsible government as enshrined in the state constitution. State governments are obliged to accept such central intrusions because of financial compulsion.

Part of the consistent incapacity of state governments to initiate and control development in their own constitutionally delimited areas, arises from the complexities of institutional arrangements in finance and planning. At the level of the central government there has been rise of very sizeable and powerful ministries dealing with subjects of essentially state concern, disbursing huge grants to induce the states to adopt their programmes in the shaping of which the states have practically little or no role and for the implementation of which the states have to be continuously under central control. When one includes in the centre's vast financial and development apparatus the Planning Commission and other such bodies impinging continuously on state spheres in development, one is struck by the gigantism of the said apparatus.

A further look at federal fiscal data shows the extent and nature of various twists and distortions which have crept into the constitutional framework. If one recalls the proceedings of the Constituent Assembly, one notices that the Founding Fathers relied more on shared taxes and other statutory devolutions than on discretionary transfers for reducing the fiscal imbal-

ance between the centre and the states. But the actual development has not conformed to their intentions. In the period of 1951-84 about 60 per cent (59.6%) of total resources from the centre to the states were of non-statutory nature, while only forty per cent (40.4%) comprised statutory transfers. This is notwithstanding about 12 per cent increase in statutory transfers in the said period. Besides, statutory grants have been vastly outstripped by plan grants. The total grants constitute about 19 to 20 per cent of total state revenues, and statutory grants form only one-third of the plan grants. This again indicates a twist introduced into the Constitution by the operation of the planning mechanism. This in turn has entailed a marked dilution of the role of the Finance Commission. If one considers the loan segment of plan assistance which comes to 70% of the total, the situation looks more alarming.

Thus the federal fiscal system in India is characterised by simultaneous growth of states' enormous dependence upon the centre and several constitutional distortions. Since late 1950s resentment has now and then been expressed by a number of state governments. But no serious note of this has been taken by the central leaders to emphasise an urgent need for revision of the centre-state financial relations. However, with the rise of a sizeable regional elite in the wake of development and re-alignment of political forces as unleashed by 1983 and 1985 elections, an organised assault on the concept of fiscal centralism has recently been made.

Need for Revision

Under the existing circumstances, even after making an ample allowance for the centre's crucial role as a balancer in a country of vast regional disparities, there is a clear case for restructuring the centre-state financial relations in order to accommodate the legitimate regional demands. It is necessary to endow the states with some viability and fixity in their financial sphere in order to mitigate the existing constraints on their ability to discharge their responsibilities in the constitutionally delimited areas.

For this several measures require to be taken. Firstly, the divisible pool should be enlarged by increasing the number of sharable taxes such as corporation tax etc. Secondly, the ambit of central excise duties should be reduced, thus making room for state sales tax on a wider range of commodities. Thirdly, efforts should be made for an extensive use of taxing powers under Article 269 for benefit of the states. Fourthly, the bulk of grants should be routed through the

Finance Commission. Only a small part of grants can lie within the ambit of authority of the Planning Commission and the Central Ministries in order to perform some particular central role. Lastly, in view of the ever-increasing volume of loans provided by the centre to the states, it is necessary to rationalise loan policy and to determine appropriate criteria. Concerted efforts should simultaneously be undertaken for consensus building in regard to structure and style of functioning of the federal institutions such as Planning Commission, Finance Commission, National Development Council etc, and about the need for setting up new federal institutions such as Loan Council etc.

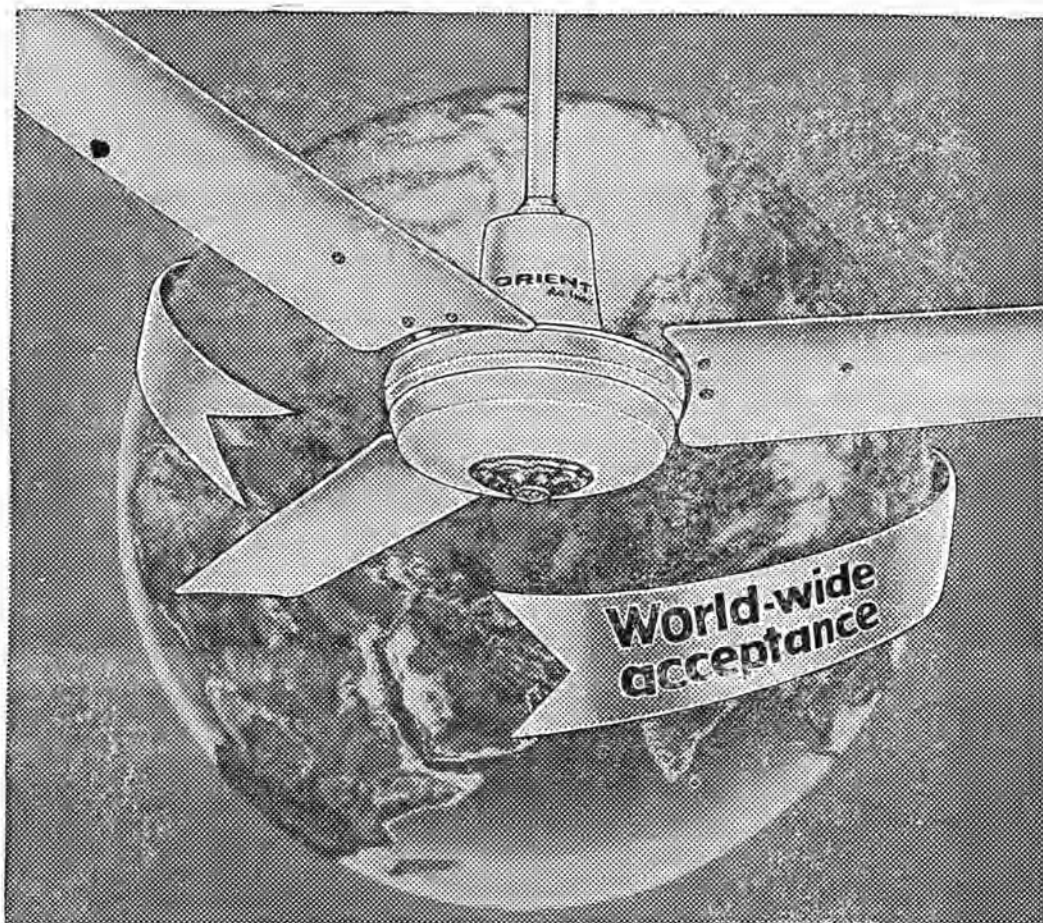
The Sarkaria Commission, as I could see in course of my recent discussion with them, feel the necessity for taking a wider view of the issues involved in centre-state relations. An appropriate setting for the intended review is provided by our experience of operational linkages between development, responsible government and the federalising process. To perceive this experience in greater depth, it is necessary to look beyond the frontiers of our federal polity and to collect the threads of experience in other federations where questions almost similar to ours have recently been faced.

Dr. Amal Ray is Professor of Development Politics and Administration at the Institute for Social and Economic Change, Bangalore.

QUESTIONS THAT NEED ANSWERS

... What lesson is the rest of the countrymen learning from Punjab? What are we going to do with the rapidly growing assertion of the sub-national identities for recognition? And with their basic urge for power? While territory based identities have political and constitutional means to share power within the framework of Indian federalism, how to satisfy similar urges of non-territorial communities? How can, say, Sikhs, Muslims and Christians have a share in power? Can religious identities be dismissed? Can Indian nation be atomised by reducing sub-national identities into individuals? What measures—constitutional, institutional or conventional can be devised to give territorial and non-territorial communities a sense of recognition and participation? What is the role of sectional parties?

—Balraj Puri in
Understanding Punjab, Committee
 for Dialogue on Punjab.



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A 'Swatantra' Budget?

Louella Lobo Prabhu

I was actually sitting in the Speaker's Gallery of the Lok Sabha, hearing a discussion on Demands for Grants in the Ministries of Industries and Petroleum, when the Congress (S) member, Mr. Unnikrishnan, came out with it. Despite the fact that his Party's spokesman, Suresh Kalmadi, had, in his pre-election broadcasts, outlined a pragmatic ideology more Swatantra than Socialist, Mr. Unnikrishnan, beginning with almost obscene diatribes against the Swatantra Party, castigated the Budget as a Swatantra product, and predicted that the Congress would also be flushed out of history, like its predecessor the Swatantra Party.

Only Partially True

Is it? The fact that Mr. Palkhivala waxed eloquent about it, and even more eloquent about the Prime Minister in an interview to *Gentleman* would appear to substantiate the claim. Indeed, the—only partially true—perception of the Budget as a Swatantra-oriented one, has been so disastrous, that the Prime Minister, who was at least beginning to move along the "right" path (the pun is intended!) has now taken fright, and succumbed to the pressure of the Old Guard, in again making obeisance to the customary idols of socialism and the Public Sector. Whether nominally, or genuinely, remains to be seen.

The fact is, that after years, indeed decades of imposts getting progressively heavier, with a few marginal reliefs never of a long-term duration, any Budget making even a half-hearted effort to deal with fiscal problems in a pragmatic manner, may be greeted with the same enthusiasm as the Holy Grail. Whereas some reliefs are substantial—for example the lowering of Wealth Tax rates, and the abolition of Estate Duty—others are peripheral, the raising of the income tax limit, for example, hardly compensating for the yearly fall in the value of the rupee. Capital Gains, another irritant, no less counterproductive than Estate Duty, remains at a *status quo* level, although the cut-off point for valuation of the "appreciated" property is such, that what looks like an increase in its monetary value, may actually represent a net loss in terms of inflation. Only the enhancement of the ceiling of

M.R.T.P. Companies is such that it takes care of inflation, with some leverage to spare.

Wrong Priorities

A Swatantra Budget would have seen the entire economy, steadily, and as a whole, and instead of tinkering at the peripheries, would have examined the whole structure of taxation, especially indirect taxes. It would have viewed the Budget as one among a range of tools to make the whole economy more productive. Moreover, although branded as the Party of big business, I feel reasonably certain, that the Swatantra Party would have manifested a better sense of priorities in formulating its indirect taxes. While modernisation is a necessary thing, it is shocking that computers and electronic goods used by the few are singled out for special treatment, while petroleum products and newsprint, for example, have been subject to steep levies. The first is carried into every item used by common people. The second is almost a tax on literacy. Moreover, although a few schemes have been enunciated for social and group security benefits to cover certain classes in villages, I believe a Swatantra Budget would have given a more decisive thrust in this direction.

The danger is that, if a partial right turn is not enough to reverse the chronic ailment of leftism and the body blows it has inflicted on vital organs of the economy, the efficacy of pragmatism will be discredited, without really having been tried. However, there is a promise that fiscal policy will be placed in a time-frame perspective, and that the Budget is only a beginning. It would need to be followed up by a close and honest look at all counterproductive measures like urban ceilings, nationalisation, and the like, if there is to be any thorough-going revival of the economy. However, that even a part of the Swatantra philosophy has been resurrected, long after the Party itself has formally ceased to exist, is no small triumph. Mr. Unnikrishnan was wrong. The Swatantra Party is not flushed out with the soiled bathwater of failed political experiments. Rather as Greece conquered Rome not with numbers, but with ideas, it has the potential to revive a sick economy, if the Prime Minister has the courage to implement its ideas all the way.



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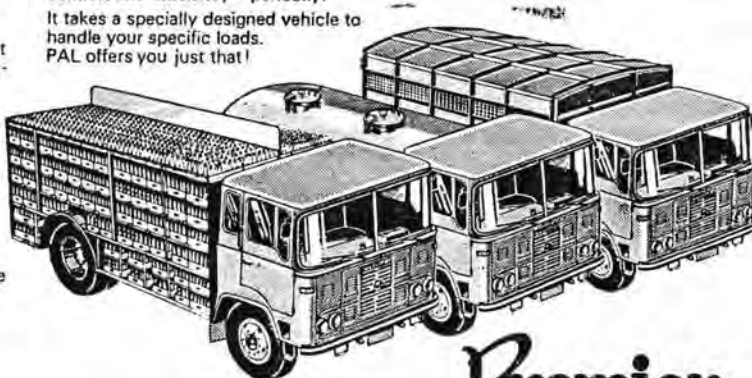
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The Road to Dignity

Russi M. Lala

THE NARADA airport outside Tokyo had a shining floor uncluttered by cigarette or paper. There were very few people where I landed—a strange welcome to the most crowded city in the world—of 11 million. The passport clearance was quick. I followed the signs to the floor below into the Customs lounge and as I walked in, some fellow passengers on my flight were already collecting their luggage!

After about a week of this cleanliness and efficiency—and comparisons could not be held back—I entered a temple at the ancient capital of Nara. A sense of sadness swept over me. Here in Japan I had found so many things I yearned for in India including cleanliness, efficiency and politeness. I watched the serene face of the Buddha, a face so large that a man could enter the ear of the statue, standing erect himself. The Buddha is India's gift to Asia. Gently a calm descended on me and with it the thought: "Any country that can produce a Buddha, there is hope for". Is there?

Not long after this experience I found myself in Bihar, the State that gave the Lord Buddha birth. Under Bihar's soil are rich seams of coal and uranium; in its mountains, iron ore. Bounteous is nature to Bihar. Japan has no mineral resources. Yet Japan is among the richest; Bihar among the poorest, even in poor India. "Why?" I asked this question at a Bihar Convention of Engineering students.

"Caste", replied one

"Communalism", said the second

"Corruption", said the third

"Politics", said the fourth;

and so it went on. But no one referred to two aspects of Bihar which were weighing on my mind: The way we treat each other and the way we treat our women.

Only a few days earlier, near Bombay, I had invited an adivasi from Bihar on a walk with me. We soon ran into a Company executive who had worked in Bihar. With me the official was more than courteous, at times obsequious. But the moment he realised that my companion was an adivasi, even the tone of his voice changed. He spoke to the adivasi in a commanding tone: "*Aap Kahase Aya?*", he said, his nose held in the air. This refrain went on for some time with questions and with his tone verging between contempt and condescension. I am not often silenced. But I was stunned by this sudden change of tone. It struck me that one reason why we are where we are is because most of us are two people: one to those

above us, another to those below. We lick the boots of those above and kick those below us. Man functions best as an integrated personality. Such a personality is at peace with himself, efficient, creative. The caste system fuels a dual personality where some count more than others; but even irrespective of caste we have different standards of behaviour.

What is the solution?

I met a young man, from Arrah Dist., Bihar. When he went home to his village one day in May, a deputation of villagers called on his grandfather. They are Yadavs and his family are the largest landowners. It was summer and all the wells in the village except one had run dry. The villagers requested the grandfather to allow them to draw the water from the Yadav property well. The grandfather refused. The grandson pleaded in vain, "You do not understand," the old man said, "if we allow them today, they will sit on our heads tomorrow".

On the following day the young man pointed to his grandfather that their well had never run dry. They sat in silence for about 10 minutes. Finally, the grandfather said: "You may do what you like in the well matter." The young man arranged that for 45 minutes each morning, the villagers could draw water from the well. The heart of the owner did not run dry. Neither did the well. The young man told me: "I realised later that had we not allowed them to draw water they would have left our village and we would have had no labour for our farm."

The shocking murder of 13 children in Bihar some months ago was part of this caste war. We are aware that at the root of caste war is the desire to grab economic advantage of the weaker castes in terms of land and cheap labour. Instead of increasing the size of the cake we try to grab the biggest share. Grabbing kills creativity in the people. Where people treat each other as equals, creativity flourishes. If that could happen in India the energies now spent in grabbing and scheming will go into creating more agro-industries, new crop patterns, better irrigation, better maintenance of tube wells, and the right type of education for our children.

Exploitation is anti-growth but historically, there are always some who justify it. When William Wilberforce was trying to abolish slavery in the 1790s the charge against him was that if slavery was abolished, it would ruin the economy of England. In fact, after

abolition of slavery, Britain and the Empire reached its high noon. Incidentally Wilberforce's second passion in life was the reform of manners in England, for manners show whether or not we care for and respect each other.

However refined we may pretend to be, we men do not really believe that women are equal to us. I recall years ago when the thought assailed a self-important gentleman, "You think you are the more important than your wife. You are more in the limelight but in God's eye she is as important as you are. And what she does may be more important than what you do". He found this thought very difficult to accept, but he had learnt from experience that some thoughts may emanate from a wisdom higher than his own and he was humble enough to mention it to some friends that day. I suppose bringing it into the open helped him to accept it and made some difference to his approach to the person nearest to him.

"Communalism" was one answer I had received to my question addressed to the Bihar students. I then

(Continued from page 10)

of the Shiv Sena, which has emerged as the largest single party in the Bombay Municipal Corporation, and those who are opposed to it. I find myself in neither camp, since I prefer to judge each of the Shiv Sena's proposals on its merits. Thus, I am totally against the proposal that Bombay should be renamed "Mumbai", the insistence on the use of the Marathi language in a city where the majority is non-Marathi speaking; and of the proposal of a "cut-off" date to permit outsiders to stay on in Bombay. On the other hand, I see nothing improper in the proposal for stopping Bombay from being flooded by undesirable outsiders entering the city from now on.

Not a Constitutional Problem

It is true that the Fundamental Rights embodied in our Constitution entitle an Indian citizen to travel and reside in India as he pleases. But, like all other rights, this one too is subject to reasonable restrictions. For instance, in Djakarta, the capital of Indonesia, an outsider can stay in Djakarta, except as a temporary visitor, only if he has a job and a home. Such a restriction would be quite constitutional. This is my opinion as a member of the Advisory Committee on Fundamental Rights of the Constituent Assembly which had drafted those provisions. It is a pity that the Prime Minister capitulated to pressure and ruled this constructive suggestion out of hand.

told them of a worker called Shaikh of a factory in Pune. In his village Shaikh witnessed a small temple in ruins. Cows loitered around its precinct. It pained him to see a holy place so neglected. He started renovating it and made it worship-worthy.

The Hindus were so moved that they decided, in turn, to raise money to repaint the *dargah* in their vilage.

No Integration Council exhorted Shaikh, nor any outside factor. Probably the still small voice that Gandhiji spoke about came alive and moved him to do what Mother Teresa calls "something beautiful for God". It always intrigues me that while a parent may shout at a child, a husband at a wife—or vice versa—the still small voice respects the dignity of each one. It whispers.

We are threshing our hands in different directions to find an answer to the social problems of this country. Could the answer be closer to us than we think?

Mr. Russi Lala is a writer and the author of the Heartbeat of a Trust.

The real problem is not a constitutional but an administrative one. How are the authorities in Bombay to stop unauthorised persons from entering the City, occupying public land, defecating in public and making a slum of this beautiful city? Every day, hundreds of people enter Bombay not only by plane and ship but also by train, truck and bus. How is this influx to be regulated? It is indeed a baffling problem. All the same, it needs examination and the Chief Minister of Maharashtra took the right stand when he said the Shiv Sena's proposal deserves consideration.

Shantilal H. Shah Memorial Trust

The late Mr. Shantilal Shah was associated with our publishers the Democratic Research Service for over three decades. Mr. Shantilal Shah who was a Minister in the Government of Maharashtra resigned on the issue of law and order.

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The Great Reservation Debate

K. S. Venkateswaran

FEW ISSUES of national importance have provoked as much debate and elicited as much concern in recent months as the question of 'reservations' in education and public service for the Scheduled Castes, Scheduled Tribes and other backward classes. The recent spate of violent incidents in Gujarat, which was sparked off by the State Government's election-eve announcement of a proposal to increase the quantum of reservation in favour of SC, ST and OBC students by 18 per cent, has been widely regarded as but the latest manifestation of a simmering discontent which, if ignored any more, would soon come to the boil.

Understandably, public discussion of this politically sensitive issue has generally produced extreme reactions. There are, on the one hand, those who believe that given the highly unsatisfactory, if not disastrous, experience of the past three and a half decades during which reservations have been in force, nothing short of outright abolition of this self-defeating policy was called for, if a modicum of sanity and decency were to be introduced in our polity. There are, on the other hand, those who argue with equal vigour that considerations of social justice enshrined in our Constitution and buttressed by compelling historical realities more than justify the need to continue, if not increase, both the quantum and categories of reservations.

The complexities and conundrums underlying the arguments for either view were brought into sharp focus at a seminar organised recently by the Indian Liberal Group and the Freedom First Foundation in Bombay. Chaired by Mr. M. R. Masani, one of the Founding Fathers of the Indian Constitution, the seminar attracted participation from a wide cross-section of people including lawyers, journalists, political activists, medical practitioners, businessmen and educationists.

A Corrupting Influence

Characterising the present policy of reservation as "the most corrupting influence in our public life," Mr Masani traced its historical roots to the famous 'Poona Pact' entered into by Mahatma Gandhi with Dr. B. R. Ambedkar in 1932 as a result of which it was constitutionally decreed that the Scheduled Castes and Scheduled Tribes would have separate seats reserved for them in Parliament and State Legislatures, albeit in a common electorate, for a period of ten years

from the coming into force of the Constitution. "However, when the ten years ended in 1960, the drug had already taken effect, the habit had been formed, so it was said why not continue the drug for another ten years." The reservations were thus continued till 1970. When the matter came up again in 1970, the Swatantra Party, through Mr. Masani and Mr. N. Dandekar, MP, sought to put an end to the repeated extensions of reservations by insisting on an express provision in the Constitution itself that the reservations shall under no circumstances be continued beyond 1980. This proposal was, not surprisingly, rejected by the ruling party which has always had a vested interest in perpetuating the system of reservation.

The role of the other political parties, to be sure, has been hardly any better. "Hindu society," in Mr. Masani's view, "has bought off the Harijans very cheaply. They have been given reserved seats and reserved jobs and it was decided that nothing more needs to be done for them."

Much the same sentiment was echoed by several other speakers, who also felt, as Mr. Masani did, that it would have been far more sensible for the Government to adopt such meaningful methods of social and economic upliftment as provision of free education (including scholarships and subsidies for textbooks, travel, etc.) and some form of need-based financial assistance to the backward classes so that they could loosen themselves from the grip of poverty and deprivation in which they were caught for decades. A similar plea was made earlier by the eminent jurist Mr. H. M. Seervai who, in the course of a recent lecture, advocated immediate steps "to free the Scheduled Castes and Scheduled Tribes (and others) from the money lender, to free them from the political boss, to free them from the police, and do it in earnest."

Need for Radical Overhaul

Predictably enough, the fundamental question as to the desirability or otherwise of continuing reservations in general figured prominently at the seminar. While there was near-unanimous agreement that the present policy of reservation needed to be radically overhauled, opinions differed on the alternative strategy to be adopted. Most of the participants favoured a progressive reduction in the quantum of reservation, coupled with supportive measures to make the intended beneficiaries self-dependent within a reasonable

period of time. "The ultimate goal," said Dr. Usha Mehta, the noted educationist, "would be a country where there will be no reservation in any field."

A slightly divergent view was expressed by Dr. Subramaniam Swamy, former MP, who underlined the need for differentiating between reservations in favour of SCs and STs and those in favour of 'other backward classes'. Since the former was the product of a solemn agreement (the 'Poona Pact') which could not be broken unilaterally, the reservations in favour of SCs and STs should continue. "But the question that is getting out of hand is the reservation for (other) backward classes," he said. Among the reforms he suggested were the introduction of an income ceiling (the crossing of which would entail automatic denial of access to reserved jobs or seats in educational institutions), the abolition of reservations for Muslims and Christians, the strict application of the Supreme Court ruling that reservations should under no circumstances exceed 50 per cent, the introduction of a three-generation rule (so that a family, three generations of whose members had availed of reservations would become ineligible for further benefits), and the creation of a new class of beneficiaries, viz. women.

Dr. Swamy also drew pointed attention to the fact that, despite the widespread clamour against reservations in employment, it has seldom been realised that even today no more than 15 per cent of the jobs in the organised sector (consisting largely of government service, state-aided universities, etc.) fell within the purview of the reservation policy. "Even within this 15 per cent, there are sectors like defence where there is limited application of this policy. But the fact is that the reservation policy is today being looked at as a sort of queue-jumping, and this has caused a lot of tensions."

While there can be no denying the validity of Dr. Swamy's point, the reality of the situation was such that the existing policy gave rise to a number of alarming consequences. Ms. Rajni Iyer, a young lawyer, argued that, the pressure on jobs in this 15 per cent of the employment market was so intense that those who, despite being better qualified, were denied jobs merely because they did not belong to any of the reserved categories, were bound to feel an acute sense of resentment and frustration.

Ms. Iyer also raised the more fundamental question as to who was trying to perpetuate the present system of reservation and why. "The people who are trying to perpetuate the system," she averred, "are not the SCs and the STs. It is that ruling elite—

whether they belong to the socially 'forward' community, politically vocal community or the ruling community—who want this policy to continue. It cannot be that the SCs and STs want it. We in our wisdom want them to have it. Who are we? Why should we want them to have it? We want them to have it because then we can say, 'Look, we are doing it for your good.' Why should we have that kind of relationship at all?"

Gross Abuse

Supporting Ms. Iyer's case for doing away with the present policy of reservations, Dr. R. Srinivasan, Professor of Political Science at the Bombay University, provided a graphic description of how the policy had been subjected to gross abuse in institutions of higher learning. "In some universities what passes off as reservations and facilities is nothing but another Unemployment Guarantee Scheme for most students. Many SC boys who enter universities get free education, free hostel facilities, some sort of subsidised textbook programme, and once they entered the University, they tend to stay there for 6, 7 or 8 years completing one course (and then) going on to another course, a third course, a fourth course, and so on. They get

"So far as employment in the government departments is concerned, I think it will be fatal to any good government if we introduce there the communal spirit. For administration to be efficient, it must always be in the hands of the fittest. There should be certainly no favouritism. If we want five engineers we must not take one from each community, but we must take the fittest five even if they were all Musalmans or Parsis. The lowest posts, must, if need be, be filled by examination by an impartial board consisting of men belonging to different communities. But distribution of posts should never be according to the proportion of the numbers of each community. The educationally backward communities will have a right to receive favoured treatment in the matter of education at the hands of the national government. This can be secured in an effective manner. But those who aspire to occupy responsible posts in the government of the country can only do so if they pass the required test."

—Mahatma Gandhi

all the facilities that they would not get in their homes. So public money is being much abused by many of these students." It was Dr. Srinivasan's conviction that any consensus arrived at on the issue of reservations which did not take into account existing social reality, was bound to be meaningless.

Perhaps the sole dissenting note was struck by Dr. G. G. Parikh, a prominent social worker and a leader of the Janata Party, who felt that, far from abolishing reservations, any attempt at reform must be directed towards building a more 'just' society. "I don't think we should dispense with reservations, not immediately," opined Dr. Parikh. "There should be certain elements in the reservation policy by which the need for reservation becomes less and less as the years pass."

Prof. V. B. Kamath, a political activist, forcefully argued that it would be realistic to strive towards entering the 21st century without any kind of reservations based on caste, creed or community. "We should have a time-bound reservation policy and by constitutional amendment, if necessary. After the year 2001 there should not be any reservation whatsoever," he said.

A different kind of proposal for amendment of the Constitution was mooted by Lt. Gen. S. K. Sinha. "Reservation cannot be an end by itself," said Lt. Gen. Sinha, "In fact it should not be an end by itself. It must be a means to an end. We have to be clear in our minds as to what is the end we have to strive for." According to him, it was desirable for the Constitution to be amended to provide explicitly that the practice of the caste system will be illegal. Conceding that such an amendment will not by itself bring about an end to the caste system, its long-term effects, felt Lt. Gen. Sinha, would be salutary. The former deputy chief of the Army staff also proposed that a new type of reservation, viz. for those contracting inter-caste marriages and the progeny of such marriages, should be introduced—a proposal which was stoutly opposed by Dr. Usha Mehta who was apprehensive that such a policy might lead to all kinds of malpractices, as no one knew "how marriages would be entered into and broken very soon."

The Role of Voluntary Bodies

If there was unanimity on one point more than any other among the participants, it was that there was an urgent need to take promotions in jobs out of the purview of the reservation policy. As Prof. Kamath observed, "promotions should be based entirely on merit and on no other consideration." Equally unanimous was the view that voluntary organisations, as

opposed to government agencies, should be made to play a greater role in mobilising public opinion on this vital issue. This has become imperative because, as Dr. Swamy pointed out, any change under the present democratic framework, i.e. through a referendum on the issue, was almost impossible, given the fact that at least 68 per cent of the population was 'backward' and therefore resistant to major reform.

Arguably, the most tangible result of the seminar was the proposal to set up a committee consisting of five members who would draw up a memorandum incorporating the views and suggestions thrown up during the deliberations, with a view to convening a larger, national seminar on the subject. As several participants, notably Dr. Usha Mehta and Dr. Subramaniam Swamy pointed out, it was regrettable that, despite the growing importance of the subject, no thought has so far been given in official circles to formulating a National Policy on Reservations. The sooner such a Policy is evolved, it was felt, the better.

'Dilliwallahs' not much bothered, with Reservation

The reservation issue which has sparked off widespread concern and debate all over the country almost seems a non-event for the average Delhi citizen. To him, it is yet another law and order problem in yet another State, with the usual charges and counter-charges being traded about police atrocities, political interference and so on.

The parents of school and college students in Delhi do not seem to understand, except very superficially, the real issues involved in the disturbances in Gujarat. Nor do they seem particularly interested in trying to understand the rationale behind the system of reservations, its justification, if any, and its relevance.

Even the students do not seem greatly concerned, probably because they are not very much affected by the reservations. The silence of the students' unions of Delhi and Jawaharlal Nehru Universities, which usually jump in with resolutions on every controversial issue, is telling.

This indifference of both parents and students is principally because admissions in Delhi are still very largely on merit and, to an equal extent, influence. Reservations are there, but only upto the statutory minimum of 22.5 per cent. One doesn't hear of an extremely bright student not getting admission into a professional course just because he or she belongs to the wrong caste. If ever somebody loses out to an undeserving candidate it is usually due to the more 'secular' influence factor than the caste factor.

—Komala Sarathy

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Reservation

In Education and Public Service

H. M. Seervai

I WANT to discuss the topic as one directly arising under our Constitution, and as a human problem which has to be solved within the framework of our Constitution and the guidance which it gives us. The problem and its solution is a matter of urgency, if we are to avoid greater disaster measureless in its pain.

It is not generally realised that the various provisions of the Constitution act and react upon each other. And the difficulty with politicians, judges and students is that they look at the problem of reservation or right to reservation of seats in education: Article 15 (4); reservation in public service: Article 16 (4) by itself. I think that this is not a correct approach, and if you want to solve the problem with which we are concerned today, you must first see the scheme of the Constitution, its framework, and the political set up which has been constituted under it.

The Preamble to the Constitution

The Preamble to our Constitution says that we are a "Democratic Republic". Well, the word "democratic" has many meanings. But we are a liberal democracy, having adopted a Parliamentary form of government on the lines of the British Parliament. And we are a democracy because we believe that certain values are so important that neither legislative power nor executive action are permitted to violate those values. The Preamble goes on to say what is important: that the Constitution exists for the citizen, not as in communist States, where the citizen exists for the Constitution. For, the Preamble proceeds to say "to secure to its citizens Justice, social, economic and political; Liberty of thought, expression, belief, faith and worship; Equality of status and of opportunity", and ensuring to all its citizens "Fraternity, assuring the dignity of the individual and the unity of the Nation."

Now you see that these things are inter-connected. Justice—which includes free access to Courts of Law—for without justice there can be no freedom of thought and expression as the Emergency proved beyond the shadow of a doubt. Without justice and freedom of speech and expression, equality and fraternity, including the dignity of the individual, are in peril. So, you must bear in mind that we have provided in our Constitution for a set of values which are described and

outlined in the Preamble, but which are carried out fully, and taken even further, in the enacting provisions of the Constitution.

Let me give you an example. We have enacted Fundamental Rights. It is one thing to declare fundamental rights; it is another to make them effective. So, in Part III, which enacts Fundamental Rights, Article 13 declares that any law violating fundamental rights is void. Well, that's all right. How are we going to give effect to the declaration? So Article 32, which creates a fundamental right, says that every person has a right to approach the Supreme Court for the violation of fundamental rights and the Supreme Court has got the power to grant appropriate relief. That drives us to Part V of the Constitution which provides for the Union Judiciary. The safeguards of the Judiciary are valueless, if we have corrupt, servile or sycophantic judges. So, Chapter IV of Part V takes steps to ensure the independence of the judiciary. There are other Parts relating to financial arrangements which are equally designed to secure judicial independence. So, one thing gets linked to another, and if you want to know the nature of fundamental rights and their effectiveness, you have to look not only at Part III, which deals with fundamental rights, but at a large number of other provisions, which give content and practical effect to fundamental rights.

Untouchability Abolished

Now, coming to the problem before us, I think one can say that at the bottom of it there is one word which our Constitution puts in—inverted—commas: "Untouchability". Constitutions do not by themselves produce social revolutions. But there are two provisions in our Constitution which have, by themselves, produced a social revolution in our country. First, Article 17 proclaims that "Untouchability" is abolished, and the enforcement of any liability or disability arising from "Untouchability" is to be made an offence punishable by law. Now this is as revolutionary in India as the abolition of slavery was in the United States of America. But in the United States the revolution was brought about by a terrible and devastating Civil War, and slavery was abolished on the battlefield. And the U.S. Constitution, in enacting the 13th and 14th Amendments, gave legal recognition to what had

been achieved by victory in a Civil War. We are more fortunate: We have abolished "Untouchability" by persuasion, by the action of great reformers, led by Mahatma Gandhi, who was determined that this blot on Hindu Society should be removed. The question of reservation is not new; it arose in an acute form in the Second Round Table Conference, in the Minorities Committee. A Memorandum was presented, among others, by Dr. Ambedkar in which he said that if you give us universal suffrage, I am quite content with joint electorates with reservation of seats. Otherwise, I must ask for a separate representation. And at this place I want to read to you what Mahatma Gandhi said in his address to the Committee, because, it seems to me, that he went to the heart of the problem. This is what he said on 13th November, 1931:

"Let the Committee and let the whole world know, that today there is a body of Hindu reformers who are pledged to remove this blot of untouchability. We do not want on our register and on our census untouchables classified as a separate class. Sikhs may remain as such in perpetuity; so may Muhammedans, so may Europeans. Will untouchables remain in perpetuity? I would far rather that Hinduism died than that untouchability lived . . . I want to say with all the emphasis that I can command, that if I was the only person to resist this thing, I would resist it with my blood."

He went to the heart of the problem, because, an acknowledged evil cannot be perpetuated for all time. And in a country fighting for political freedom, it would be impossible to have, at that time, four crores of "untouchables" (now 12 crores) unfit to be touched by their fellow co-religionists, whose touch polluted in various States, and whose shadow polluted in the south of India. So, we reach the first stage in our problem today—that the great reformers, led by Mahatma Gandhi, were determined not that some assistance should be given to "untouchables", not to ameliorate that evil, while maintaining "untouchability", but wipe it out—as it deserved to be wiped out.

Well, the whole thing has happened, and historians of the Constituent Assembly have said that when Article 17, which abolished "Untouchability" was passed, it was appropriately and universally acclaimed with the words "Mahatma Gandhi Ki Jai"—because the cause for which he had fought was won.

But then a question arises, when for years and decades and centuries people have been bound hand and foot in the grip of custom, rendered subservient by a status which was scarcely human, will those

people regain all the faculties of free men when the shackles are struck off from their hands and feet? So, the question arose: What shall we do, what attempt shall we make, to give these people a reasonable time, and reasonable opportunity, to develop their powers so that, like any other citizen, they come in the mainstream of Indian political life?

Universal Adult Suffrage

Well, the second revolutionary step in our Constitution was—universal adult suffrage. For, it put in the hands of the despised, maligned, ill-treated community of "untouchables" the power to influence political decisions by giving them a vote and a right to stand as candidates for the Legislatures. It gave them a voice in the affairs of our country. But the Debates in the Constituent Assembly show that there was almost universal agreement that for a limited period of time, this right to be a candidate at an election would be futile if it was left to persons who, for want of a better word, I call "advanced classes", were left to vote or not to vote for "untouchables". So, it was decided that for a period of 10 years—that was the original period, it was raised to 20, then to 30 and now to 40 years—there should be reservation of seats; joint electorates with reservations of seats for "untouchables". I will refer to them as Scheduled Castes, because, basically, that is the name by which "untouchables" are now called. For 10 years they should have reservation of seats. In other words, the high caste Hindu was compelled to vote for an "untouchable", and it is a salutary psychological lesson.

Dr. Ambedkar, who in his person, had suffered indignities and inhuman treatment as a student—he had to sit out on the steps of his school in Baroda—fortunately, had the good fortune to join the Elphinstone College, and a distinguished Professor wrote that in the free atmosphere of a Bombay College, he was accepted by his fellow students, "untouchable" or not. And what is more, he went to the University of London and obtained a Doctor's degree, thus showing that "untouchables", like anybody else, given opportunity, and assistance, can hold their own against any other citizen of India. Dr. Ambedkar thought, and said, that a longer period than 10 years was required; and it seems to me a matter of regret that his advice was not followed. He himself said that "since everybody now talks of 10 years, I don't want to stand in the way." But he added that if 10 years were found inadequate, well, ways and means would have to be found, to extend the period. But it would have been much better if 15 or 20 years had been provided for,

Because I must confess that the Government of India was lackadaisical in the discharge of its duty to "untouchables". The Act which Parliament was meant to pass making the enforcing disabilities arising from "Untouchability" a criminal offence was not passed till 1955. It took five years to make a law which should have been made, and which, if the British Parliament were passing the law, would have made within days of the Constitution coming into force. But never mind, the period of 10 years was extended to 20, to 30 and to 40.

Issue Politicised

This is a little unfortunate, because it has now become a political issue: offer to reserve seats, or offer to continue special reservation, and the party which makes the offer expects to get the votes of Scheduled Castes and Tribes. However, the thing to note, which is directly relevant for our problem, is that when the Constitution intends to confer a right, it says so. They have a right of representation in proportion to their population. That right has been extended to 40 years. The second thing to note is that the conferment of this right either to vote or to become a member of the Legislature does no great harm, because in an electorate, 90 per cent or more of which is illiterate, no qualification is required for being a voter except that you are a citizen and are of a particular age, and you are free from a few narrowly specified disqualifications, like insolvency, unsoundness of mind, conviction for criminal offences, etc. Secondly, there is no requirement of any intelligence or intellectual capacity in the legislator.

This is not a matter for jest. Because, the President of the Constituent Assembly was forced to say that it does seem odd that for those who interpret the law a detailed and long apprenticeship in the law is required; whereas for those who make the law, no qualification at all is required. But he said our difficulty is this: what we want are men of vision, men of insight, who will take a broad national view. In short, who have character. And, unfortunately, there is no yardstick by which character can be measured, and so long as that remains, a part of it will remain as a defect in our Constitution. But let me tell you that he expressed his faith which subsequent events have justified. He said that he had confidence in the villager as opposed to the town-dweller. The villager is shrewd, is practical, and he will bring a shrewd practical judgment to bear on the problem. I think that the President was right. The elections of 1977 showed that the electors knew what was good for them, illiterate though they may be. The elections in Andhra Pradesh,

in Karnataka and in Maharashtra in 1985 show that literate or illiterate, the electorate knows what it wants.

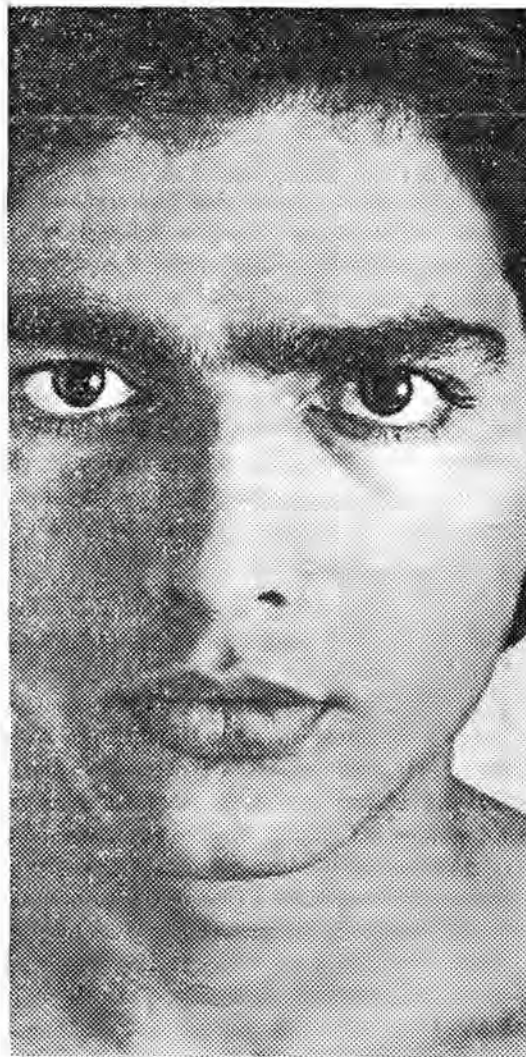
Now let me first cite a few provisions for the Scheduled Castes and Scheduled Tribes in our Constitution to better understand the reservation of seats and reservation in public service. A Commission is to be set up by the President to investigate into the hardships, disabilities and disadvantages suffered by Scheduled Castes and Scheduled Tribes and to make recommendations for their advancement, and the Union and State governments have been given the power to make grants to effectuate that purpose. Secondly, so far as Scheduled Castes and Scheduled Tribes were concerned, the power was given to the President of India to notify Scheduled Castes and Scheduled Tribes by an Order. It is a matter of deep regret that the Supreme Court which delivers judgments on Scheduled Castes and Scheduled Tribes, should not have referred to the Scheduled Castes Order. Because, at the end of the Order on Scheduled Castes, there is one inconspicuous little sentence: "No person shall be deemed to be a member of the Scheduled Caste unless he professes the Hindu or Sikh religion". So Scheduled Castes are essentially based on religion; not that there is anything wrong about it. We have religious freedom, but the point to note is that when judges talk loosely, "After all, this is not caste in the ordinary sense of the term"—why any one should speak of Scheduled Castes and Scheduled Tribes if they are not castes among Hindus is difficult to understand. Then there is one other provision. I would like to dwell upon it, and then pass on to Articles 15 and 16.

Restoring Dignity

Now, not only were untouchables not treated as human beings, because of caste, but though treated as Hindus, they also were prevented from worshipping their own Gods,—who were the Gods of other Hindus,—in their own temples. The Temple Entry Movement had been launched before the Constitution came into force; and a judgment of the Supreme Court in upholding its validity said that if the Court had to decide the question as a matter of Hindu religion, then the Court would hold that the right to exclude certain people from the temple was a part of the Hindu religion. But the very Constitution which gave freedom to profess, practice and propagate the Hindu religion, limited that right by saying that nothing in that right shall prevent the throwing open of temples to every Hindu. Summing up, you have the dignity of the individual restored, and "Untouchability" abolished. You have given the "untouchable" a vote, you have given him reserved seats in Parliament, you have given



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him the right to worship his own Gods in his own way, in public temples. So, when the Constitution speaks of fraternity, assuring the dignity of the individual, this was an essential cardinal step towards achieving that end.

We now come to two closely related questions: What happens in educational institutions? What happens in public service? The one thing to note is that the framers of the Constitution resolutely set their faces against electorates on communal lines so that every Indian citizen votes, whether he is Hindu, Muslim, Christian, Parsi, Jew or whoever he is, in joint electorates—there are no separate electorates for Muslims. Nor are there separate electorates for Scheduled Castes and Scheduled Tribes although there is reservation of seats which was intended to last for a limited period. Now, if people have been brought up in servile occupations—which if they did not perform, a city like Bombay would grind to a halt, and would become a city of disease and death,—how do you suddenly expect them to be able to educate themselves, to develop the faculties which are in them, of body, mind and character, which not only train the mind but equip people for a career, a profession, industry, public service? So, the framers of the Constitution laid down a general rule against discrimination. That is confined to citizens. (Not that a non-citizen is being discriminated against in fact. It only means that if he were discriminated against, he cannot complain of the violation of a fundamental right). So the framers said that no citizen shall be discriminated on the ground of race, religion, sex, caste or any one of these grounds. This injunction is against the State. The second part of Article 15 is directed to every single individual. You know that “untouchables” could not enter shops, or take water from a well, or even walk into a restaurant, or go to a barber’s shop for a haircut. So “untouchables” were not to be prevented from public places of entertainment, business or service. Thus the general rule of equality and non-discrimination was made further effective by prohibiting the evils known to the framers of our Constitution, and a subsequent amendment of the Untouchability Act has made these restrictions more stringent in 1976.

This is the general rule. But what provision was to be made for women? When King George V was in India, and Gopal Krishna Gokhale met him, the King said: “Mr. Gokhale, do you think the people will be happier under self-rule?” He said, “No sir, but they will retain their self-respect.” The King said to him: “How can you talk of self-respect when you treat women the way you do?” And Gokhale being

the wise and honest politician that he was, did not say “In Vedic times men and women were equal, later we had queens like the Rani of Jhansi” and so on. He said: “Yes sir, that is a reproach to our society”. But he was not the man to admit a reproach and make no attempt to remedy it. So, sub-Article (3) of Article 15 said that “Nothing in this Article shall prevent the State from making any special provision for women and children”. The Congress movement led by Gandhi, led by Jawaharlal Nehru, had brought women to the front. But India does not live in its cities; it lives largely in its villages. So, special provision had to be made for women. For, if you prefer them to men, that is discrimination on the ground of sex, which is forbidden by the general rule. That is how Article 15 stood when first enacted. Then the Madras Government issued a circular allocating seats in Colleges according to caste, race and religion: two seats for Brahmins, so many for non-Brahmins, so many for Christians. A woman student who was a Brahmin, applied to the High Court of Madras for a writ, saying that she was refused admission on the ground of religion and caste, because she was a Brahmin. The Supreme Court upheld this, and it is said that their conclusion was fortified by the fact that special power was conferred to reserve seats in public services under Article 16 (4) since a power to reserve seats was intended to be conferred. So Parliament in 1951 amended Article 15 by adding Article 15 (4) which said that “Nothing in this Article shall prevent the State from making special provisions for the advancement of socially and educationally backward people, or for Scheduled Castes and Scheduled Tribes.”

A Power Not an Obligation

Bearing in mind that equality is the rule, bearing in mind that discrimination is to be avoided, what is the nature of this provision? The first thing to note is that what is conferred is a *power* on Government. No *obligation* is imposed on Government. Secondly, it has been held that this discretionary power conferred on Government confers no right on the backward classes or Scheduled Castes and Scheduled Tribes to say that there should be reservation. So that this discretionary power to be exercised from time to time as circumstances dictate, but bearing in mind the general framework of our Constitution of which equality is an important principle, and bearing in mind that every Constitution is designed to secure the public good, at least in intent. Now this is the position as to educational institutions.

Coming to public services, the Supreme Court deci-

sions are, unfortunately, a little untidy. A part of it is dealt with under Article 15; a part of it is dealt with under Article 16. Each judgment refers to other judgments, so that in order to find out what is the true position you have to turn to judgments on Articles 15 and 16. The first thing is Equality. There should be equality of opportunity in matters of public employment. The rule is asserted in an affirmative form. That is the rule. But it is reinforced, negatively—No citizen shall be discriminated against in matters of public employment by reason of religion, race, caste, sex, descent and place of birth—and here a word has been added—residence. So here again, the rule is equality of opportunity in public service. Now, for public service you have to go to Part XIV and questions relating to public service are to be decided not in the abstract but in the framework of our Constitution. And in order to recruit people to public service, a Union Public Service Commission, made as independent of Government as a Constitution can make it, and State Public Service Commissions were established. And it was their duty to conduct competitive examinations for the purpose of recruiting candidates to public service. This is important, in view of some nonsensical observations of Mr. Justice Krishna Iyer which I will quote.

Public Employment

But before I do so, let me say that Article 16 gives no countenance to the theory of "sons of the soil"—for example, Maharashtra for Maharastrians. There is only one soil, the soil of India. And we are all sons of that soil. We are all Indian citizens. Every one of us is a citizen of the soil of India. There is no other soil. That is essential for the unity of the nation, and Article 19, by its three sub-Articles, provides for the right to move freely throughout the territory of India, the right to settle and practice any profession anywhere in India, the right to acquire, hold and dispose of property anywhere in India. And the Supreme Court has rightly held that these sub-Articles wipe out the narrow parochialism which treats an Indian citizen as a foreigner in his own country, because he belongs to another State. So the theory of the sons of the soil finds no place in our Constitution. Then came the question: supposing that you want a judge—let us say a subordinate judge in Gujarat or a legal practitioner, he may not know the language, he may not know the customs, he may not know the laws of a State. So power is given, not to the State but to the Union government, to provide a particular residential qualification for particular posts for a State or part of a

State. Having done that, there comes an Article corresponding to Article 15 (4)—that "Nothing in this Article (which means it is an exception) shall prevent the State from reserving seats in public employment for backward classes who are not adequately represented in the public services." Again, a power conferred, not a duty imposed, and no right is conferred on the party you ask for reservation. When this came before the Supreme Court they decided that since this was an exception, you have to construe it so as not to nullify the rule, and therefore the first proposition is: you cannot reserve more than 49 per cent of seats, because an exception cannot swallow up the rule. It is a little unfortunate that those were the heady days of nationalism, and that judges, like politicians, like to show how much their heart bled for the poor. But when it came to their own personal conduct, a judge refused to have a Scheduled Caste peon because his wife objected! So that is the difference between practice and preaching. But, this power was conferred, and basically they have treated both the requirements as meaning "backward socially, and economically" and the social and economic backwardness of Scheduled Castes and Scheduled Tribes is recognized as something flowing from their long history and their present state. This was the position. I do not want to go into the judgments of Mr. Justice Krishna Iyer. He has the belief that he has missed his vocation. That it is he, and not Dr. Ambedkar, who should have been the father of the Constitution, because he says, what is all this talk of merit and suitability in public service? You want graduates from Oxford and Cambridge? What you should want is something very different. Let me read out the nonsense which he has spoken, because I find it difficult to characterise it in any other way. This is what he said in *Akhil Bharatiya Soshit Karmachari Sangh v. Union of India*:

"... A sensitized heart and a vibrant head, tuned to the tears of the people, will speedily quicken the developmental needs of the country, including its rural stretches and slum squalour. Sincere dedication and intellectual integrity—these are some of the major components of 'merit' and 'suitability'—not degrees from Oxford or Cambridge, Harvard or Stanford or simian,* though Indian institutions. . . . The colonial hangover still clings to our selection processes with superstitious tenacity and narrower concepts of efficiency and merit are readily evolved to push out Gandhis and J. P.s, Ambedkars and Nehrus, to

* What he wanted to say was "or an ape like similar institutions." 'Simian' means, belonging to an ape.

mention but a few who knew the heart-beats of the people."

Now, first of all, a competition among 8,000 students cannot go into the integrity and the bleeding heart. Further, as regards Gandhi, Nehru, J.P. and Ambedkar, actually Gandhi was an English Barrister; Nehru was at Harrow and Cambridge; J.P. studied in American Universities and Ambedkar had a distinguished record in the University of London! How can you apply these tests of the bleeding heart and sensitized mind, sensitized to the tears of the people? Who is going to determine this among 8,000 students? So if I used the word "nonsense", I used it advisedly, for it makes no sense. So we go to an open competitive system. And, the idea is that, if honestly conducted and honestly carried out, examinations give you as good a test of merit and capacity as is available. Everybody expresses dissatisfaction with examinations. They do this, they do that. But, by and large, a first class student will, broadly speaking, be superior to a second class student, and decisively superior to a third class student. There are, of course, exceptions, but they do not disprove the rule. Mathew Arnold got a second class. Again, the greatest Latinist of his day, A. E. Housman, failed to get a degree. But, as Lord Macaulay said, such examples only show that those who have wasted their youth in idleness do not throw away their manhood in despair.

Time Bound Discrimination in Reverse Intelligible

So this is the position. A few days back the Prime Minister of India talking about efficiency in the public service—and the whole scheme of public service is such that it touches the happiness of the people said that anything which goes wrong with public service injures the people. Obvious, commonsense. He wants integrity, honesty, impartiality, and high qualifications in members of the Public Service Commission. And I am glad that we are now living in an age in which the populist dogmas of the past which are supposed to embody the values of the Constitution have all been quietly brushed aside, and lessons taught by experience have been learnt. I know for a fact of a Law Minister ringing up the Public Service Commission to appoint X, Y, Z. I also know that the Secretary of a Public Service Commission, a first class student of the Elphinstone College, retired prematurely because of constant interference with public services.

What Articles 15 and 16 provide for is what has come to be known as "discrimination in reverse". It means that certain classes have been so handicapped by social conditions, by previous history, by the nature

of their employment that some advantage should be conferred on them in order to bring them up to the level of the others. However, discrimination in reverse for a reasonable period of time is intelligible. If there has been a great historic wrong, if people have been suppressed and oppressed, then to give them some advantage, even at the sacrifice of some efficiency, even at the expense of a loss of career of people better qualified, is intelligible. Whether it is just or not is a different question. So when we talk of a period of ten years, you would say, it is all right, we have to put up with it. When 15 years, then 20, then 30 and then 35 years have gone by, a vitally important question arises. And there is no better illustration of what I am saying than a case in which out of 45 posts for public competition 16 were open and 29 were reserved. A man called Devadasan came to the Supreme Court and said: "Look, I have got 61 per cent marks. I have not been appointed. But among the reserved seats there are persons who got as low as 29 per cent marks. By what process do you justify this?" Well, by a majority of 4 to 1, the rule was struck down, pointing out that it reserved more than 49 per cent of posts.

But the point I am making is this—and it is a little important, because the relaxations made in favour of Scheduled Castes and Tribes have progressively overlooked the injunction of Article 335, namely, that the claims of the Scheduled Castes and Scheduled Tribes in public services shall be considered having regard to the efficiency of the administration.

I would like to say that if for a first class you want 60 per cent marks, and for a second class at least 40 per cent and for a third class 30 per cent, then, on the borderline it is difficult to say that efficiency is decisive. Let us assume that a Brahmin student gets 60 per cent marks and obtains a first class. And a Scheduled Caste student who sits on the steps of the Town Hall—they keep the lights going till late in the night,—who has no books of his own to study from, whose father is probably a sweeper, gets 59 per cent marks. It is not rationally possible to say that he will be a less efficient civil servant. I should say he would be more efficient, having regard to the handicaps he has overcome. But there is a borderline. Now surely it cannot be suggested that a person who gets 29 per cent of marks will be within miles of the man who gets 61 per cent marks. So a serious question affecting the efficiency of the public service is involved. And the same thing arises in the case of education. If you deprive a student from getting admission in the medical profession although he gets 60 per cent marks, but a Scheduled Caste student is admitted although he gets 29 per cent in a

separate examination, you are depriving the country of a person whose higher skill, greater knowledge and ability would have enabled him to render invaluable services to the country.

Provide Facilities

For, just as we condemn the injustices of the past, we cannot cure one injustice by perpetuating another injustice. And the events in Ahmedabad and in Madhya Pradesh remind us that the sands of time are running out. Nobody suggests that reservations can be dispensed with overnight. It seems to me that if you turn to the description and discussion about Scheduled Castes and Scheduled Tribes in "*India 1982*", you get a confused picture of the attempts made by Government—what Government is doing and attempting to do. You do not get a picture of the result of the attempts. And it seems to me, and I have said this before, that if all these attempts have failed, you must start with the primary school. What is it that handicaps the Scheduled Caste and Scheduled Tribe student? His parents want him to earn. They ask him to go and sell newspapers and earn a rupee a day. He has no books; uniforms cost money. So education which should be free and compulsory, should be free and compulsory for every Scheduled Caste student. He should be supplied with uniforms and books free of charge. He should have subsistence allowance. If you can't train a lakh of Scheduled Castes students, train fifty thousand. Select them by some process, if need be by lots. For out of a hundred students in primary classes surely there must be 20 or 21 who show promise. Give them scholarships in recognition of work and merit; give further incentives and subsistence allowance so that the parents have no desire to make them work, and supplement the family income. Carry this on to the Colleges, and do it, as the current cliché goes, on a war footing. If there was a war, as in 1939-1945, every factory in India, every factory in England was buzzing, teaching new skills, and developing skills. Adopt, as Government has done, measures to free Scheduled Castes and Scheduled Tribes (and others) from the money lender, to free them from the political boss, to free them from the police, and do it in earnest. And it is some comfort to think that it is no longer considered good politics to have corrupt ministers who therefore have been sacked, and corrupt legislators who therefore have not been given tickets. It is a comfort to think that at last it is dawning on the people in power that no matter how good the Constitution, corruption and political chicanery is like a cancer which must ultimately destroy the Constitution.

So, in substance it comes to this: provide a phased programme—15 years, 20 years, (in the life of a nation that period is not large)—by phasing out reservations in periods of 2 or 3 years. We have guidance for this in our Constitution. Anglo-Indians were given special protection because 60 per cent of their members were working in certain employment, in railways, in gas companies and so on. So this protection was given for 10 years so that they should not be disturbed in their employment. Every two years the number was to be reduced, so that in 10 years the protection would end. Take special grants to Anglo-Indian Schools. Those grants were continued, but at the end of 10 years they were phased out by being reduced every two years. From that time, it was intended, or believed, that the Anglo-Indians could stand on their feet.

The Death of Prof. Mamlok

Surely, when you engage a doctor or a surgeon you are not thinking of his race, caste or religion. Let me illustrate this by a story. Before the war the British Government suppressed two films: "The Confessions of a Nazi Spy" and Charlie Chaplin's "The Great Dictator", but they were released as soon as the Second World War began. When Germany invaded Russia, a remarkable Russian picture was released, called "The Death of Prof. Mamlok". Dr. Mamlok was a distinguished German Doctor, who also conducted research. His hospital was so famous that people from all over the world, Japan, Ireland and from places in the East came to work in his clinic. He was a Jew. He conducted research with people of different races. Perfectly friendly with all kinds of people. Then came the Nazis. Some Nazi official came to Prof. Mamlok's hospital, and looking at a Japanese doctor there, the officer said, but he is an Oriental. "Oriental"? said Prof. Mamlok, "but he is a doctor". So a petition was fomented registering complaints against Dr. Mamlok, and he was driven out of the hospital. After a little while a very senior Nazi military officer suffering from a grave ailment was rushed to the hospital. The nurse said to him that it was unfortunate that the only man who could have dealt with his disease was Prof. Mamlok and he was no longer with the hospital. So hurried messages were sent to Prof. Mamlok saying it was all a mistake, you come back. He came back. So, after all the Nazi officer was not thinking of the hated Jewish race of Dr. Mamlok, but wanted the best medical aid available. But, as the saying goes:

"Ease would recant

Vows made in pain, as violent and void"

(Continued on page 33)

Challenges to the Indian Consumer

K. H. Subramaniam

THE consumer scene in India reflects the peculiarities of its political counterpart; both suffer from a lack of inner vitality, even while boasting of intents and institutions that proclaim their noble objectives. The fact is both our politics and consumerism are afflicted with middle age ennui. The connection between the two is easily recognisable. It is no accident that the communist regimes all over the world are characterised by a total absence of consumer organisations. Statist economies are inimical to consumer movements. In our own country a tightly regimented economic order has a lot to answer for the stunted growth of our consumer movement. The bureaucrats in collusion with the politicians have become dispensers of economic favours and discourage the individuality and independence that consumerism promotes among ordinary people. In countries where the State arrogates to itself the role of provider of goods and services, dependence of the consumer on government functionaries makes the growth of consumerism extremely difficult. The irony is that the governments of these countries while pretending to be the protector of consumer interests actually neutralise the consumer movements. In India too the wide reach of government in the economic life of the people proves an inhibiting factor in the growth of a genuine consumer movement.

State's Role Minimal

Consumer activists must therefore recognise the limits of Government's role in promoting the growth of consumerism. The State should only provide the legal framework, which would enable healthy consumer activism. It is for consumer organisations to continuously monitor the economic activities of our society and to challenge all threats to consumer interests.

It is also necessary to recognise clearly that governments do not hesitate to exploit consumer interests, as it so often happens in our country. A genuine consumer movement must be ready to challenge this mighty monolith. Consumer organisations must not fail to understand that both business and government are their adversaries and should guard themselves against the danger of unwittingly becoming the ally of one against the other. There are subtle attempts by both to stymie consumer activities. This is speci-

ally true in India where the government is engaged in both trading and industrial activities apart from running utilities like electric power generation and distribution, Posts and Telegraphs and the Railways. The Government has such a big beam in its eye that it cannot reasonably point to the mote in the eye of Business. The Government has set such a bad example in its consumer orientation that it can command no moral authority in its efforts to discipline errant Business.

The ever widening and higher levels of indirect taxation can only be described as devious. Several examples can be quoted of government departments exceeding the bounds of both decency and morality taxing the people by fiat to circumvent legislative constraints. Some time ago the age-old system of charging concessional rates for trunk calls made between 7 p.m. and 8 a.m. (when the traffic is usually slack) was, by a stroke of the pen, scrapped and the concessional hours were reduced, thus extending prime time considerably. This could not have been done if the Government was not in a monopolistic situation.

Passengers Railroaded

A more recent example is the 10% hike in rail-fares, introduced in the Budget and sanctified by Parliamentary process, but nevertheless deserving of the strongest condemnation for more than one reason. With the latest increase, passenger fares have gone up by about 270% in 3 years, which cannot be justified and does not, at any rate, bear any relation to the general increase in price-levels. The pretext that our rail fares are among the cheapest in the world, ignores the fact that our wage levels (and purchasing power of the ordinary citizen) are also one of the lowest. The wage-price misalignment in India makes the Indian economic system very inequitable to the poorest of the poor in our population. Yet the government has gone unchallenged in many of its anti-consumer measures. The result is that the government feels no need even to keep up appearances of fairness. In the case of the railways, by increasing the provision for depreciation (from 4.7% to 9.1%) and the Pension Fund (from 2.79% to 6.59%) a net surplus of 1300 crores was converted into a loss of Rs. 44 crores, thus providing the railway administration with an alibi to administer what can only be described

as a *coup-de-grace* to the prone passenger. The railways meanwhile merrily chug along with an ever increasing freight of inefficiency, corruption and mismanagement, utterly oblivious of the protesting wails of the travelling public.

The government has a bagful of dirty tricks from which it can still produce more shockers. The vast domain of public sector Undertakings is full of opportunities for its greedy eyes. It can increase the administered prices of innumerable products without let or hindrance in the name of plan expenditure, development and other high-sounding objectives or even to fill a gap in the general revenues, thus neatly skirting the unpopular ground of increased taxation. Take the price of steel which is one of the most crucial inputs for vital sectors of our industry. From being one of the cheapest in the world (before the advent of the Steel Authority of India Ltd.) it has become one of the most expensive. Between 1982 and now, steel prices have been hiked five times, the latest one of 15%-20% across the board coming in March, 85. The result is that a sensitive item like steel has triggered a chain reaction through a host of essential industrial and consumer products. In the case of steel, the authorities have been even more brazen. Mr. C. R. Ramaswamy, Chairman of the Steel Re-Rolling Mills Association says: "it is not fair on the part of the integrated steel producers to create first scarcity conditions and allowing a market premium over JPC prices to build up, and then later blame the trade for its unhealthy practice". If one expected that SAIL would be able to eliminate the scarcity by increased production, he is not reckoning with the resourcefulness of the steel officials. SAIL promptly increased the prices "to mop up the premium"—a classic example of the hedge devouring the crop.

Increasingly Complex

It is the Government that has validated the false theory that the "Customer is always wrong", in its dealings with the ordinary people. Business is not slow to follow the example of government in its total disregard of the consumer. The distribution of cooking gas which is a combination of the government owned oil companies and privately owned retail outlets is an instructive example of how consumers can be and are being treated like dirt. In the circumstance the consumer activist has two fronts to fight, one against the government and the other against business.

On the other hand internecine strife among consumer organisations has been compounded by personal ambitions—an echo of the country's political ethos.

This has ill served the consumer cause and tends to be a drag on the progress of the movement. Those who are sincerely committed to the cause have to rise above this and chart a new course away from government, business and the strife torn consumer lobby. They have to project a new vision and build a consumer movement that brings into its fold people of diverse talents and with the knowledge and skill to handle the complexities of consumer problems in an industrial society; who would not be content with doing what has already been done by others, namely checking adulteration, short weightage etc. The scope for consumer exploitation has become practically unlimited and defies classification or enumeration. So that, those who range themselves on the side of the consumer have to develop a special attitude towards evaluating the many problems and issues that confront consumerists today.

Industrial disputes have come to be regarded in this country as a matter exclusively between employers and employees. Clearly the consumer has a stake in every such dispute, particularly in the larger ones like the textile strike in Bombay. Consumer organisations fight shy of voicing the consumers' position on these matters. A wage settlement which a prosperous company makes with its already well-paid employees has indeed an implication for the consumer. Both the employers and the employees in this case are intent on feathering their own nests, one its profits and the other its wages; and the consumer takes the rap by way of increased prices of the products of this company. This situation must be remedied by suitable legislation to protect consumers' interests in trade union settlements. This has already been recognised, though obliquely, by the government offering consumer representation in the many advisory councils of public utilities like the Railways and Telephones. Unfortunately industry and business in this country have not found it necessary to give the consumers' point of view any consideration. The parallel in the highly developed nations on the other hand like the U.S.A. is strikingly different. Several multinationals have created special cells that give weightage to the consumer angle right from the design of the product to aftersales service and reasonability of price. Unless consumer organisations agitate for a similar approach to be made mandatory, our business is unlikely to move in this direction.

A Salutory Example

The Council of Europe a supranational body uniting a large number of European countries in most

economic and political matters as a precursor of a United Europe, has paid special attention to consumer activities. It has asked its member States to strengthen the role of consumer agencies to enable them to promote the collective interests of consumers or to facilitate the establishment of consumer agencies where they do not exist or exist in insufficient numbers or strength. The E.E.C. countries have been asked to direct their respective consumer agencies to make use of the mass media to provide:

- (a) information for consumers on their rights and duties in general or in particular fields;
- (b) warning concerning defective or potentially dangerous products, especially where such warnings have not been given by the supplier himself;
- (c) information or warnings concerning unfair practices of suppliers and in particular misleading or unfair advertising.

The Council has also directed the member-States to take necessary measures to enable consumer agencies to

- (a) participate in matters of direct interest to con-

sumers in negotiations between public authorities, industry or trade;

- (b) be consulted when legislation including subordinate legislation of direct interest to consumers is being prepared, or encourage them to propose new legislation or amendments to existing legislation in this field, and
- (c) provide the necessary legal framework to enable consumers to resort to legal redress in case of suppliers acting contrary to the law.

Another important directive of the Council to the member-States is that consumers of public services could form consumer groups to influence the development of such services and monitor the quality and quantity of these services.

Unless matters are restored to their proper perspective, our consumer activities may become the happy hunting ground for dishonest businessmen and corrupt politicians donning the garb of social workers.

Mr. K. H. Subramaniam is a businessman and secretary of the Indian Liberal Group.

(Continued from page 29)

So, the same campaign against Dr. Mamlok started again and he was driven out. He looks at a revolver which had been presented to him by the Kaiser for valour in the First World War, fighting for the Germans, and he tries to kill himself. As he lay recovering in a nursing home, he realizes that his son was right in fighting the Nazis. His son comes to the nursing home to meet his father and also to escape from a police raid. The father helps him to escape. Then Dr. Mamlok goes out on the balcony and addresses the people, and he says the Germany for which I fought and suffered and for which I was decorated was the Germany of great thinkers, great philosophers, great poets—not this Germany. The crowd is so taken aback that ultimately a group of police and army officers using machine guns shoot him dead.

So when you want to be cured of a disease you are not worried by Jew or Gentile nor with the question whether the doctor is an "untouchable" or not. If the "untouchable" is the best surgeon within your means you'll go to him. If another person, a foreign doctor—say a German—is the best surgeon within your means, you'll go to him.

So, what I say finally is that reservation of seats and posts was meant to be a help; you were to hold out a

helping hand. They were not meant to be permanent crutches.

(Based on a speech to the Incorporated Law Society and the Indian Merchants Chamber, Bombay)

Mr. H. M. Seervai, former Advocate General of Maharashtra is a distinguished constitutional expert and the author of the most authoritative book on the Constitutional Law of India.

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"Gandhi with Satellites"

Yogesh Kamdar

THE PRESENT government is in a desperate hurry to take the country to the 21st century. The emphasis on those "wonder-machines"—computers stems primarily from the anxiety that if it is not initiated now, we may miss the bus again. At the same time, there is a vocal section of the people raising the issue of unemployment that such a craze for computers and automation may result in. They are primarily the trade unionists, the self-appointed custodians of the interests of the working class.

The "missing the bus" panic is not new. The same argument was advanced in the past also. ASIAD, NAM, CHOGM and all that went along with such circuses were sought to be justified by similar arguments. "We have to keep pace with the changing times." "We have to demonstrate to the world that if others can do it, so can we." The logic of the vociferous trade unionists is also predictable. These leaders of the working class are mainly concerned with the job security of the members of their class. If that is ensured, we won't hear anything further from them on the issue.

The Real Issue

While this shadow boxing is going on, the real issue is forgotten. Are the Government and the trade unions the only parties concerned? What is their past record?

The government is more anxious about building up its own image at any cost. Any disagreement is to be silenced—either by raising the cacophony of propaganda, or, if the need arises, by muzzling it. And what have the trade unions done? Holding helpless citizens to ransom to establish their supremacy. Those who shout, "We shall assert our rights" are oblivious to the existence of the unorganised working class—the landless labourers, bonded labourers, children slogging in inhuman conditions, craftsmen and artisans forced to abandon their traditional skills and exploited women workers. For these self-styled champions of the working class, these are not the relevant issues. Bonus, D.A., gratuity, pension are more pressing issues for them.

And what did these brave fighters do when the Emergency was clamped? When all the fundamental rights were mercilessly trampled upon, why were there no morchas or dharanas or strikes? Barring a few salutary exceptions like George Fernandes, they

did not even murmur in protest.

Therefore, the whole issue of modernisation and progress is being debated by the wrong people and in skewed perspective. Insignificant aspects are blown out of proportion and in the process missing the wood for the trees.

The problem that we face today is not whether we should or should not have computers, but "what ought to be our developmental priorities?" Can we afford to be hysterical about matters that concern only a small fraction of our population?

Population explosion, hunger, poverty and illiteracy stare us in the face. They cannot be simply wished away or compensated for by gains in other fields. Is it difficult to choose our priorities when we know that for more than 60 per cent of Indians fresh and potable drinking water is a luxury? Or that out of about 5 lakh primary schools educating nearly 700 lakh children, 53 per cent have no *pucca* buildings and 40 per cent teach without even blackboards? Or that hardly 3 out of 10 children enrolled in our schools continue till the eighth standard? The framers of our Constitution envisaged free and compulsory primary education for all. The achievements of free India show that the founding fathers were, to put it mildly, a bit too optimistic. We are actually a young nation with an ancient mind.

Not a Unique Dilemma

The dilemma that we are faced with is not unique. In the course of social evolution, different societies have faced similar dilemma at different times. The lesson that history has to offer is that an open society is a prerequisite to finding a way-out of such situations. Other important requirements are a scientific temper and respect for human values.

A scientific temper is not the same as progress in science. The latter can co-exist with and even strengthen authoritarianism as in the case of Russia. It can also live comfortably with religious fundamentalism and obscurantism as in many affluent Arab countries. The tools of modern science will facilitate the task of any ruler wanting to perpetuate himself in power. Tyrants can be far more effective today than they could have been in the past. An open society can be turned into a dictatorship more easily with the use and aid of modern science.

Scientific temper connotes respect for truth. It can

survive and flourish only in a society where dissent has its rightful place, where free enquiry is encouraged and liberal humanism and rationality are valued.

How do we fare? Are we a society with an open mind? Is dissent tolerated? These are uncomfortable questions. A journalist friend wrote a series of detailed articles about safety hazards and design flaws in the Tarapur atomic power plant. There was no official denial ever issued. The points raised by the journalist were not contradicted. Dr. Raja Ramanna came out with a strongly worded statement implying that it was done with an ulterior motive and was unpatriotic. For Dr. Ramanna, his brand of patriotism was more important than truth. The Government of Karnataka is going to enlist the divine services of a tantrik *swami* to appease the rain gods. Computers are yet to reach many of our engineering colleges and research establishments, but they have already become real money spinners for astrologers. Superstitions prevail at all levels in our country and this is anathema to a scientific temper.

Right Priorities

In our race for modernisation, we shall have to begin by setting our priorities right. Computers and other modern gadgets by themselves will not bring prosperity and progress, though they can work wonders if the social climate is conducive to development.

Population control and education will have to be taken up on a war footing. Only 4 per cent of our national income is spent on education today. Education will have to encompass all our citizens. But this cannot be achieved through the percolation theory. It has to be done in the way a tree gets its nutrition from the soil—by capillary action i.e. starting from the bottom. The content of education needs to be drastically revised. Let there be maximum dissemination of knowledge in formal as well as non-formal channels. The habit of enquiry should be encouraged and the humbug must be exposed. Children, women, adults, farmers, artisans, workers and even professionals should be the focus of our education policy. Mass media can be put to excellent use for this purpose.

Liberal humanism and rationalism generate tolerance for dissenting opinions and respect for truth. Voluntary organisations functioning at the grass-roots level can do a lot in this field.

If coupled with innovative planning, new technology will help decentralisation. It will be easier to take the means of earning to the needy than force the needy to run after the means of earning. But this calls for new thinking, thinking in yet unexplored directions. Worn-out alternatives will not suffice. New strategies

will have to be formulated as the available models will lead us to a dead end.

With the resources and knowledge that we possess, famine, hunger and poverty are not difficult to eradicate. We need a climate free from dogma and greed. The phrase "21st century" means a set up which guarantees freedoms and encourages rational thinking. Human beings will have to become more concerned with the plight of their neighbours to ensure their own welfare.

Alvin Toffler, the author of *Future Shock* and *The Third Wave*, has outlined this new vision thus:

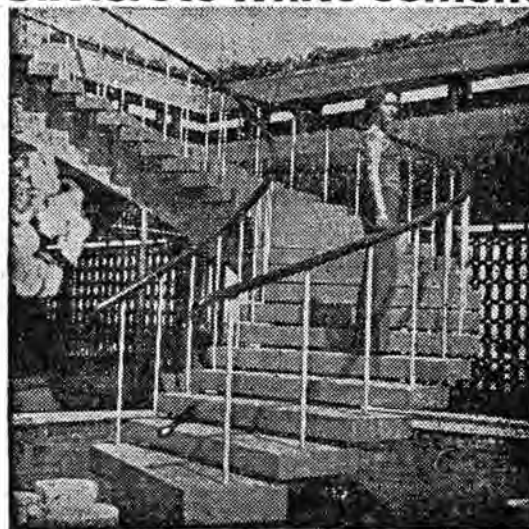
"Developments . . . in energy, agriculture, technology and communication suggest something even deeper whole new societies based on the fusion of the past and future. . . ."

"One can begin to picture a transformation strategy based on the development of both low-stream, village-oriented, capital-cheap, rural industries and certain carefully selected high-stream technologies, with an economy zoned to protect or promote both.

"Yet an increasing number of long-range thinkers, social analysts, scholars and scientists believe that such a transformation is now under way, carrying us towards a radical new synthesis: Gandhi, in short, with satellites."

Yogesh Kamdar is a young Executive and social worker.

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Gazulu Lakshminarasu Chetty

R. Srinivasan

The practise of liberalism in India has been older than the founding of the Indian National Liberal Association. Generally, the older members of the Congress are called Liberals or Moderates in contrast to the Extremists and names such as Gokhale are associated with this school. However, ever since the beginnings of Western education, a number of Indians began to play an important part in trying to influence the government, and initiate new policies. They tried to do this by *openly* canvassing for their point of view, convincing their opponents and creating a following for their positions. The hope was that with public backing it would be possible to persuade the government to accept popular demands. The government was regarded as *responsive*.

The essence of this movement was mainly in appealing to reason and to put one's view publicly. Memorials and petitions were the means for influencing government. Some of these memorials have become justly famous in our history, such as the one that Ram Mohan Roy addressed to the Governor-General in Council. The Indian National Congress was to continue this policy sedulously till the first decade of the century. But by then the objective had changed; besides appealing to the government, petitions and memorials were spreading information, popularising demands and hence educating an all-India public in matters of policy. The Tilak and Aurobindo School of nationalists derided this approach as one of mendicancy.

However, since the beginning of the eighteenth century, throughout the western world, particularly in English speaking lands, the importance of petitions and memorials to government has been regarded as significant in influencing public policy. On crucial issues petitioning had become important. Since elections were irregular, and the franchise was extremely limited there was no other method than this to acquaint government with the views of the people, on important issues.

One of the important Indian pioneers in petitioning not only to the East India Company but to the Crown and Parliament in England was Gazulu Lakshmi Narasu Chetty of Madras (1806-1868). He was one of a distinguished line of Andhras who served public life in Madras and in several respects should be regarded as a pioneer.

This near contemporary of Ram Mohan Roy, had the rudiments of education in one of the local schools and his education was meant to be only a bare necessary training for him to join the business of his father. His father had founded a flourishing trading house, interested in selling indigo and later, cotton. But the restless mind of Lakshmi Narasu would not be content with the minimum of education. He was active in debating societies and contemporary happenings interested him.

Joining his family's business, he divided his time between business interests and public affairs. The work of the Association was fanned by the activities of the Christian Missionaries who began to be active in their efforts at proselytisation. The Hindu population (it must be remembered that we are talking of the 1830's, three decades before the Mutiny) was alarmed at these developments. Finding the officials both in the Metropolitan city as well as in the smaller towns acting as privy to the endeavours of the Missionaries, the citizens were helpless and could not register their opposition. The partiality of the ruling bureaucracy to the religion was intense enough for a court to suspend its day's proceedings to enable a preacher preach near its precincts. Instances were not wanting where the sub-

ordinate justices were compelled to so give judgements to "force Christianity upon the Hindus" in an "open and undisguised" manner. Refusal to comply in one case involved dismissal.

The Crescent

Indians had no organisation to protest against this and Gazulu founded the Madras Native Association to channel protests. He brought an impecunious newspaper, *The Native Circulator* and renamed it the *Crescent*, and began running it as a mission to express the views of the Indians. Such an organ was a necessity for the Missionaries had newspapers and journals at their command and made full use of these. And such journals had the support of the government. The *Crescent* sought to battle against their influence, to expose the activities of the Missionaries, and of the christianising bureaucrat. The newspaper was not to the liking of those in power and position and the government did not extend even the minimum facilities that it extended to others.

Chetty and his associates with the help of the *Crescent* began to attack the efforts of the Missionaries. The Missionaries tried to bring in legislation by which Hindus who became Christians would continue to have their property rights intact. Chetty gathered a vast meeting of the Hindus in Madras in 1845 and sent a petition to England against this. They protested again during the next year when the Missionaries sought to make study of the Bible as a necessary test. The Missionaries began to examine the students of the University in their knowledge of the Bible and only those who

exhibited adequate knowledge were to be recruited to the service of the Company. This naturally made it almost impossible for Indians to get employment with the Company. In appealing against all these, the memorialists drew the attention of parliament to the indifference of the Company to extending educational facilities in the interior parts of the presidency, and to instances of justice being perverted. The local authorities tried to browbeat and frighten the members present in the meeting from being signatories to the petition.

Report of the Torture Commission

Chetty's role became extremely important in connection with a report known as the Report of the Torture Commission (1855). This was to shock the conscience of the Members of Parliament. It was due to an accident that the Commission was established. A British M.P., Danby Seymour came to India as a visitor and he naturally wanted to meet the most known man of Madras City Gazulu Lakshmi Narasu. As guest of Chetty, Seymour came to know of the practise of torture resorted to by the servants of the Company to extort revenue. Accompanied by Chetty, he went to the interior districts of the presidency and learnt of the exorbitant taxes and the difficulties faced by the ryot in meeting these. He collected the instruments of torture, such as the thumb-screw and presented them to the Parliament. The kinds of torture which were most common were: keeping a man in the sun; preventing his going to meals or other calls of nature; confinement; preventing his cattle from going to pasture; quartering on him; the use of *Kittee Anundal*; i.e. tying a man down in a bent position; squeezing the crossed figures; pinches, slaps, blows with first or whip; running up and down; twisting the ears, making a man sit with brickbats behind his knees; putting a low caste man on his back; striking two defaulters' heads, or tying them by the back hair; placing in the stocks; tying by the hair to a donkey's or a buffalo's tail; placing a necklace of bones or other degrading or disgusting materials round the necks; and occasionally, though rarely more severe discipline." (R. C. Dutt, *India in the Victorian Age*, London, 1908, pp. 74-75). It is said that the description of the Commission was rather mild compared to the reality. Besides raising a furor in the House, it did compel the government to act. But for Chetty accompanying Mr. Seymour none of these would have ever been published.

The Madras Native Association

Even more important was the founding of the Madras Native Association and this too owed its

beginnings to Lakshmi Narasu. This was the first of political organisations to be established in the whole of South India. Before the founding of the Congress these Associations were the only institutional means available for Indians to organize their grievances and ventilate them. In fact the metropolitan cities and the smaller towns were full of these organisations and they laid the foundations for the later Indian National Congress. It is to the credit of Chetty that he initiated in South India an Association decades earlier than Surendranath Banerjee started his India Association (1876).

The East India Company was chartered by the Crown and its Charter had to be renewed every twenty years. The year 1853 saw petitions from India highlighting the grievances of the citizens and the Madras Native Association took the lead in organizing a petition. It put forward "the grievances of (the) petitioners (as arising) principally from the excessive taxation and the vexations which accompany its collection; and the insufficiency, delay and expense of the Company's courts of law; and their chief wants are the construction of roads, bridges, and works for the supply of irrigation; and a better provision for the education of the people; they also desire a reduction of the public expenditure and a form of local government more generally conducive to the happiness of the subjects and the prosperity of the country."

Public Recognition

The police kept a watch on him for his supposed seditious activities. But the esteem that he had with the public as well as his services could not but make him a national leader of the Community. Honours came thick upon him. He was awarded the LSI (1861) and later appointed as member of the Madras Legislative Council (1863).

His public recognition, however, could not help his personal misfortunes. His business suffered and he lost all his wealth. His paper continued to make losses and he died a poor man in 1868. By then another group of leaders had emerged in the State and they continued his work though in a different direction. Unlike his near contemporaries, Ram Mohan Roy and others, he had few friends to record his achievements and unfortunately this great son of India is almost forgotten today.

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The Gulag Reaches Kabul

Laber and Barnett Rubin

THE WORLD is slowly learning the brutal facts about the Soviet Union's war in Afghanistan. Accounts by some of the millions of Afghan villagers who have fled to Pakistan and articles by a handful of Western journalists who have illegally ventured into the country detail the bombings, the massacres, and the executions by Soviet and Afghan government troops, which have been unable to gain permanent control over rural Afghanistan. Less attention has been paid to the policies of the capital city of Kabul, where the Democratic Republic of Afghanistan and its Soviet sponsors are in control. It is there that they are creating a new Afghan society.

Soviet Intentions

Information from Kabul is scarce; the few journalists who have been allowed into the city have been prevented from conducting any independent investigations. But interviews with refugees from the city—professionals, academics, former government employees, a former secret police official—reveal a good deal about Soviet intentions in Afghanistan.

Totalitarian controls have already transformed all independent institutions and destroyed all forms of civil liberty. All sources of information are directly controlled by the government. All books, newspapers, and radio and television broadcasts must conform to the official line. Criticism of the government is not allowed. Private conversations are monitored by an extensive network of spies. Meetings and gatherings must have official approval.

In their efforts to recast Afghan society, the Afghan communists and their Soviet advisers have given top priority to the educational system. All efforts now focus on producing new leaders for a new Afghanistan. Before the communist coup in 1978, Kabul University was one of the most independent and modern institutions in Afghanistan. Professors who had been trained all over the world taught a variety of subjects from a number of different scientific and ideological viewpoints. Classes were sexually integrated. Students belonging to various Islamic and leftist groups competed for seats in a freely elected Students' Council.

Immediately after the *coup*, Soviet advisers arrived at the university and began changing the curriculum. One professor told us that his course on the history of Islamic art had been abolished and that he and



Courtesy: The Times of India

other professors had unsuccessfully fought to preserve the course on the history of Islamic civilization, which had been the centerpiece of the social studies curriculum; the course was relegated to minor status. "New subjects were introduced," he told us. "For instance, dialectical materialism, history of the workers' movement, history of Russia, the Spanish language (taught by Cubans), and the Russian language."

Witchhunt of Professors

New deans, usually young party members without academic qualifications, were appointed to direct the university's 12 departments. They received reports from informers on campus, which they used to threaten professors into teaching "scientifically, according to Marxist theory." "In each faculty, in each class, we had some stooge, some communist spy," a former Rector of Kabul University explained. "When he heard that a professor was teaching something that did not conform to the official ideology, he would sabotage the professor, protest to the secret police that this professor is antinational, he is in the pay of the CIA. I tried my best to conform, but I felt that they didn't believe me." The Rector eventually fled to Pakistan.

In 1982 a group of professors formed an "organisation for the defense of academic freedom and human rights." The Afghan secret police (Khad) soon broke up the organisation and arrested a number of leading

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figures, including Hasan Kakar, an internationally respected historian. Professor Kakar and three others from the group are now serving prison sentences for "distributing antistate literature." A former student who was recently released from Theumsame prison described seeing the imprisoned professors: "I saw Shukrullah Kohgaday (a history professor serving a seven-year sentence). I saw Osman Rostar (law and political science, 12 years). I saw Kakar (eight years). I saw (Habib-Ur-Rahman) Halak (journalism, ten years). Osman Rostar's hair is all white, and he has lost his mind. Halak is entirely deaf from the beating. Kakar's hair is entirely white, but he is still surviving."

Since the communist *coup d'etat* in April 1978, between 50 and 70 per cent of the Kabul University faculty has been killed, imprisoned, or driven into exile. The faculty members who have replaced them often come from outside the country: according to the May 22, 1983, edition of the official Kabul newspaper, *New Times*, 60 per cent of the Kabul University faculty is now from "socialist countries." Materials from the Soviet Bloc countries are now pervasive at the university. Every faculty has a "Friendship Room," decorated with pictures of Marx, Engels, and Lenin, where periodicals and other literature from the USSR, Eastern Europe, and Cuba are distributed.

Political Indoctrination

The Soviets have also transformed Kabul's high schools into centers for political indoctrination. Recruitment for the government's security apparatus is done in the schools through the Democratic Organisation of Afghan Youth. Many students told us of the variety of ways in which they were cajoled or intimidated into joining the organization. They described being interrogated by members of the organization about private conversations that were apparently monitored by Khad agents.

They described how religious instruction had been replaced by "politics" classes. "In the politics class we were talking about Sabra and Shatila in Palestine," Mohammed Gul, a former student in the Technical High School of Kabul, recalled. "One of the students said that he would rather learn about our own country, where they were hundreds of Sabras and Shatilas that no one was talking about. After the class he was arrested by two members of the organization. He was imprisoned for four months, and after four months he signed a paper saying he would no longer speak in class."

Many thousands of Afghan students are being sent to the USSR for training. According to an August 1983 announcement by the Afghan minister of higher education, 12,000 Afghans university students were then studying in the USSR, more than twice the number of students now at Kabul University. Thousands of high school and even primary school children have also been sent to the USSR. Some are forced to go against their will. Last November the Associated Press cited western diplomatic reports that Soviet authorities in Afghanistan were sending thousands of primary school Afghan children to the Soviet Union for "at least ten years of indoctrination into communism and the Soviet way of life." The diplomats reported that on November 5, 1984, 870 children between the ages of seven and nine departed for the Soviet Union, leaving behind weeping parents at Kabul airport.

While cadres of Afghan youth are being trained to take over leadership in Afghanistan, control in Kabul is currently being maintained through terror and the omnipresent Khad.

Yves Heller, an *Agence France Press* correspondent who visited Kabul in May 1983, reported that "The city is in the grip of fear, which was visible in all the Afghans we managed to meet. This fear, they said, is methodically maintained by the secret police of the Afghan regime, the Khad, 'a veritable octopus which is continually spreading its tentacles' over the capital... stories of disappearances, arrests, spying are plentiful in Kabul... where the Khad has become not just a state within a state, but the state itself."

The Khad has a larger budget than even the military and is directly financed by the Soviet Union. Organized in 1980 under the guidance of KGB advisers, it remains under close Soviet supervision. Khad informers sit in virtually every office and classroom in Kabul. A former high official of the Khad told us in an interview in Pakistan on October 2, 1984, that the Khad aimed to have "a spy in every family."

Mass Arrests and Torture

The Khad enforces the new order through mass arrests and torture. Arrests are made without warrant or warning at night in homes, by day at offices or classroom or on the street. Arrests are based on informers' reports, accusations extracted under torture, and a variety of suspicions based on associations or family ties. Once arrested, a prisoner may disappear



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for months, and sometimes forever. Arrest is invariably followed by systematic interrogation by Khad agents and Soviet "advisers," who administer tortures that appear to be carefully calibrated in length and severity according to the importance and stamina of the prisoner. Though torture is not new in Afghanistan, it is different under the Soviets. In the words of Amnesty International, "It was only after the formation of the Khad in late 1979 that the practice (of torture) was reported to have become systematic."

The Khad has established numerous small detention centres throughout the city where prisoners are taken for a preliminary investigation. From there they are taken to the Central Interrogation Office, located in the Sedarat Palace. Razia, a student arrested in the Kabul University library, described the variety of torture she saw in Sedarat: "electricity, standing in cold water, keeping you from sleeping, beating, these are very normal things. They made a man stand on a board with nails coming out and beat him with chains and cables. For women, they would keep them from sleeping, or they would make them stand in cold water, then add a chemical, and after half an hour the skin would start to come off their feet. They made them stand barefoot in snow, gave them electric shocks, pulled out their hair, beat them with electric shock batons. They took one girl to a room, and they brought a man, Ulvujahed. Then the Khad men molested this girl, and then they beat the man to death in front of her and left her with the body. She became deranged."

Qadratullah, a farmer whose village north of Kabul has harbored resistance fighters, was arrested and tortured by Soviet officers as well as by Afghans: "They took me to Sedarat. Then two Russians and an interpreter came. They were beating me and hitting me against the wall. For five nights they repeated the same questions. I said I didn't know anything. Then the Parchami (Afghan party member) hit me in the stomach, and I had to lean against the wall. The Russian said to bring the wire, and the Russians connected the wires to my thighs. They gave me a shock, and I fell unconscious."

Sub-human Prisons

Interrogation and torture are followed by incarceration in prison, where conditions are themselves a form of torture. A former student described a small cell with 48 people in it, no windows, crawling with lice,

and only one pot for a toilet. In Pole-e-Charkhi prison, an immense complex holding perhaps 15,000 prisoners, the inmates declared a hunger strike in May 1982. They were protesting against overcrowding in cells where prisoners could not all lie down at the same time; restrictions limiting prisoners to one five-minute visit to the toilet each day; searches; and spying by agents. In response to the hunger strike, the prison administration beat the prisoners and lengthened the sentence of some.

Those prisoners who survive may ultimately be brought before the revolutionary court. This court, which meets secretly in the Sedarat, invariably confirms the verdict ordered by the Khad. Prisoners are not permitted to prepare or present a defence. Sentences frequently include the death penalty, which is usually carried out in secret. There is no appeal from the decisions of the revolutionary court, which, according to Syed Gharil Gharibnawaz, former Chief Justice of the Kabul Civil Court, is controlled by a committee of 30 Soviet advisers.

Underground Active

Though the people of Kabul live in fear, an underground persists. Recent reports tell of the arrest of 15 women students at Kabul University for planning to distribute "night letters" (underground pamphlets) on the fifth anniversary of the Soviet invasion. The quiet nights in the capital, where the curfew is deepened by a blackout caused by resistance attacks on the power lines, are shattered from time to time by the sounds of rocket and mortar fire directed at the Soviet Embassy or the offices of the Khad. Professor Abdul Ahad of the agricultural faculty of Kabul University, who was arrested and tortured for refusing to join the party, tells how the sounds of resistance attacks penetrated even the walls of Pole-e-Charkhi prison, giving him and his cell-mates the courage to go on.

The Soviets claim that they are bringing progress in the form of tractors and combines to the Afghan people, but this is not the modern technology that most Afghans have come to know. It is rather, the bombers and helicopter gunships that have devastated their countryside. It is rather, the electric shock batons that are driving them into a nightmare version of the 20th century.

Courtesy: The New Republic

V. D. Savarkar's Will

The late Indian Revolutionary, Mr. Vinayak Damodar Savarkar, who like Acharya Vinoba Bhave ended his life by refusing to take medicine in his last year, wrote: "We are in this world but the world is not ours. We really don't count for much in God's or Universal Destiny's calculations. So, if this be the reality, then in this world there are only two things that really 'belong' to man—self-surrender (euthanasia and 'suicide'. Actually both are the same but when one 'voluntarily' ends one's life after a feeling of fulfilment then it (Atma-visarjan) has the sanction of society and religion.

Thus, after finishing his mission of disproving Buddhist doctrines Kumaril Bhatt ended his life, after re-establishing Hindu philosophy. Adi Shankaracharya entered a cave and asked his followers to close the entrance with a huge boulder/stone. Dnyaneshwar entered Samadhi before he was 20, similarly, saints Ramdas, Eknath, Tukaram, all preferred to knock at the door of Death to Death knocking at their door. Suicide can arise out of frustration, cowardice and danger but euthanasia is an act of self fulfil-

ment. What is death? There is no drama in it. As a German philosopher said, "Death should not be deprived of something quite tiny, which constitutes its true nature".

In his "Will" the late Mr. Savarkar said: "After I end my life, my corpse should be put in an ambulance/van and taken straight to an electric crematorium. No one should 'carry' the body. No recitation at the crematorium. No immersion of ashes, no ceremonies. I do not like mourning on radio/T.V. No one should stop work, close shops or offices. This causes great inconvenience to society and people. The world must go on with its business as usual. The ambulance carrying my body should just be one of the several vehicles on the road, it may at most be allowed to proceed faster, that's all. If some people wish to pay tributes, they may organise a meeting later and if any one wants to give in charity on such occasion he may make donations to "causes" dear to me or institutions started by me."

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The Making of a Cold Warrior

Richard Krygier

I STARTED rather early. In 1932, at the age of fifteen (15) I joined the Editorial Board of a national magazine for Polish school students. I was to write about international affairs and review films. For some years before, I had been an orthodox pacifist—an admirer of Norman Angell—but the emergence of Adolf Hitler made me move to a commitment for collective security. I do not think that this has changed till this day and I see no reason why it should.

During the few years which followed, my writings on international affairs, such as they were, became pretty shrill, what with the Civil War in Spain, Ethiopia and Hitler's march into the Rhineland. I was even censored by the Socialist Party leader for being too critical of the Western Powers.

I felt drawn ever closer towards a Popular Front attitude of "no enemy on the Left". I was reading Leon Blum's *Le Populaire* and *The New Statesman* (which I discarded only after it supported the Munich capitulation). Contacts with Left-wing Socialists and members of the (illegal) Communist Party multiplied. My future wife was a member of the Party. At times, I would be approached by C.P. members with invitations to join. I did not have any great objection to joining but I did not believe any "propaganda" of our press concerning the Soviet Union, and I lapped up such of their books and films that could get through Polish censorship. I have never read Marx, then or since, and, I am sure, I shall leave this world in sweet ignorance of his "superstitions" (*pace* Raymond Aron). But, John Reed's *Ten Days That Shook The World* I did read and absorb very earnestly. Thus, my attitude to the Soviet Union was rather friendly, if at times ambivalent.

I was impressed by Litvinov's rhetoric, by the Communists' heroism in Spain and even by their new Soviet Constitution. In 1938 a friend who had contacts with the authorities warned me that I was "known to them" for "keeping bad company". However, by then my sympathy for the Soviet Union had started to cool. I could not swallow the official version of the Moscow trials.

At no time did I give the least credence to the farrago of monstrous lies exacted under torture or with false promises of sparing lives of the accused or their wives and children. Still my writings did not betray my doubts.

At about that time I read a very moving novel by Charles Plisnier, *Les Faux Passports* which denounced in novel form the lie of the Moscow trials. I had no access to any English or American documentation but found Plisnier most convincing.

Nazi-Soviet Axis

And then came the ultimate betrayal—the Ribbentrop-Molotov Pact. My communist friends were in despair for a while until they got their new instructions. But in some of them doubt remained. Stalin did not take any chances on Poland, which was to be the next attacked. At the same time as the treacherous Pact was signed, he had the Comintern dissolve the Polish Communist Party on the "charge" that it had been infiltrated by the Polish intelligence service. Most of its leaders, people who had braved Polish jails to continue their underground activities, were executed in the Lubianka. The only Communist leaders who stayed alive were those who were lucky to be at the time in Polish jails.

The Nazis attacked Poland on September 1, 1939. The Western allies took three (3) days before declaring war on Germany (it has been alleged that the French were still trying to get out of it) and then proceeded to bomb Germany with . . . leaflets. (This presumably served to discharge the British promise of Air Support to Poland). Seventy French divisions promised to go into action, sat on their hands or were hanging linen on the Maginot line (not on the Siegfried line as was promised in a popular tune of the time). The French, of course, did not move much until they surrendered to Germany. Not having been in the Army, I and thousands of others were told to walk East until we found a working recruiting office. I walked hundreds of kilometres, getting a lift here or there (once on a tank) until I arrived in a little town not far from the Soviet border. There I picked up Soviet leaflets announcing the entry of the Red Army to help the local population abandoned by Polish Fascists; or something to that effect. It was September 17th. Warsaw was still denying final victory to the Nazis.

On the street I met a Polish Socialist M.P., leader of the extreme left-wing of the party and generally regarded as the leader of the Polish Popular Front. He asked for advice and help. He wanted to join the disbanding Polish Army so that after the collapse he

could be taken prisoner as an ordinary private. He would not, under any price, allow himself to be honoured and duchessed by the Russians as their friend. "I will not give these bastards the pleasure of making me their puppet". I parted with some of the little money I carried to buy him a uniform.

After a few days of watching the Russians march through the town and listening to their songs I decided to go north—towards the northernmost Polish city of Wilno. My plans had not yet been firmly articulated but at the back of my mind was a desire to try to reach France where the battle was certain to continue. But, first I had to bring my wife from Warsaw to join me in Wilno.

With some university friends, I boarded the train and off we went. On the train there were numerous searches. The Russians were looking for Polish officers. (They finished in mass graves in the forest of Katyn, shot in the back of the skull, in exactly the same way as prisoners in the Korean and Vietnam war. The methods never change).

The 'Deal' Explained

In Wilno we ran into a group of Warsaw University Communists with whom we had been together at Law School. They greeted me very warmly and invited me to move in with them to the University Residence Hall from which they had just "thrown out the Fascists". I gladly accepted the invitation and spent several weeks there.

It was an interesting group:

'Z' was a former General Secretary of the illegal Communist students' organisation, a man of keen intelligence and very warm character—I liked him very much.

'A' was a leading member of the organisation—very good looking, not terribly bright but very assiduous.

'G' had just been expelled from the organisation but, as is often the case, he maintained that he was right and if he could only contact Moscow they would adjudicate in his favour.

'H' was a hard working loyalist from a poor family in the country.

I attended a mass meeting of students at which we were told that Moscow had made a deal with Berlin since there was nothing really to choose between the two imperialist camps. 'G' was sitting next to me fretting. "For the last few years I have been expected to demand, at every meeting, release Comrade Thaelman"; he was the leader of the German Communist Party imprisoned by the Nazis. "And now I am forbidden to say it."

Some time later the boys returned from a briefing with the Commissar and asked us to participate in electoral propaganda for the forthcoming elections to "Parliaments" of Western Ukraine and Western Byelorussia. The latter included Wilno as its capital. We were told that our task, as intelligentsia, was to join the victorious masses so as not to miss the bus, as the Russian intelligentsia had done. My friend, a Left-wing Socialist raised no objection but pointed out that if asked about the Ribbentrop-Molotov Pact he would answer that it was a bastard of a thing to have done.

Our colleagues initially thought that this could be accommodated but preferred to check with the Commissar who was less happy. He suggested that our friends should convince us of the correctness of the Party line whereupon we would join the propaganda terms with a clear conscience. It was therefore decided that the following night would be spent clearing our minds. I do not remember the dialectical details of the discussion which bored me stiff and was leading us nowhere. As dawn was approaching and we were all pretty sleepy, I interrupted the learned argument by mentioning rumours floating around that the Soviet Union would offer Wilno to the Lithuanian Republic as its capital. In the ensuing silence 'A' answered sternly: "Richard, we all like you very much but if you are going to peddle this Trotskyist trash, you will get into trouble". I dozed off.

Suddenly there was a knock on the door. A group of local Communist students arrived, very agitated. "Well", said one "we are now Lithuanian subjects". "These Trotskyist diversions again" replied 'A', "But, we just heard it on the radio". "BBC, surely". "No, Moscow", came the reply. Our hosts shaved and washed in a great hurry and rushed to the Commissar but he could not see them because he was awaiting explanation from Moscow.

They came back after an hour.

"Well" says 'A'—very sure of himself, "It was what I have always maintained".

"And what did you maintain?"

"That it was an act of historical justice", proudly answered 'A', the arch conformist.

Stooges Rewarded

We said our goodbyes—they were going to Soviet controlled territory and we were staying put. What happened to these four dedicated Communists?

'A' made it. He became a Secretary of the Central Committee and a favourite of Gomulka and then was moved to London where he served as Ambassador to the Court of St. James until he retired.

'G' returned to the bosom of the Party and after the

war, became the Principal of the Party Law School, training quickie judges and prosecutors for quickie trials.

'H' became a military prosecutor. He derived especial pleasure from attending executions. He also volunteered to attend in place of colleagues who did not like that part of their jobs. When, in 1956, there occurred a partial withdrawal of Russian military and security advisers from Poland, he was found murdered. It has never been established who was responsible—the Poles or the Russians for whom he might have been an uncomfortable witness.

And 'Z'—my only friend among these four—became disillusioned and went back to the Warsaw ghetto where he perished.

Another important part of my education at the time was seeing Soviet films portraying the glorious days of the Revolution. Unfortunately, John Reed's book was fresh in mind so that the falsehoods conveyed by these films were mind-boggling. Every time the name Trotsky, Kamenev or Zinoviev was mentioned, we were given to understand that they were traitors, or at least highly suspect. Stalin was Lenin's only true friend and valued counsellor. The lie became too oppressive for me to continue seeing these films. I am convinced that these lies completely cleared my mind of any hopes or illusion—this was a system which I would never abide. This conviction has never varied till this day.

In the meantime, I continued my efforts to let my wife know where I was. I would send messages through anyone returning to Warsaw in the hope that one of them would reach her. There was no mail, telephone or telegraph service, of course.

I would often send joint messages with my friend Victor whose father was the leader of the Polish Jewish Socialist Party, the "Bund". One day Victor told me that he expected news from Warsaw: his father had left the previous night by train to meet a Party courier at the border. I was stunned: "Surely your father has shaved his beard and otherwise assumed some other identity?" I asked. "Why", said Victor, "he has no enemies".

The Flight to Freedom

Need I say more? The great man, Henryk Ehrlich, was recognised on the train, denounced to the Russians and promptly arrested. During the war he was released for a period during which he was made head of the Jewish Anti-Fascist Committee to help in the struggle against the Nazis. He was also invited to join the Polish Government in London but the Russians refused

to allow him to leave. He was re-arrested when the Committee was no longer needed and executed for "collaboration with the Nazis".

After illegally crossing two frontiers, my wife joined me in November, 1939.

Then in June, 1940, the Red Army occupied the three Baltic States, this time permanently. A plebiscite was organised and decision to join the USSR was approved. The economic debacle which was visited upon these three small States, very prosperous and extremely well managed, has never been properly documented. The few months that we watched it were one more reason for us to decide that we would make every effort and take any risk to escape from that "evil empire". We would not stay, come what might. But we already knew that in other parts of Russian-occupied Poland those who registered for departure abroad were the first to depart for Siberia. And yet, it we did not try—no matter how high the risk and how slight the chances—we would not go. So we registered for permission to leave for Japan.

And suddenly, the gates opened. Three thousand two hundred (3,200) Polish refugees were allowed to leave either for Japan or for Turkey, after which the gates closed again never to re-open. When we collected our passports from the visa security man, Comrade Skoblin smiled and said. "I do not know why you are in such a hurry to get there. We will get there, never fear".

The 'Lucky People'

Our stay in Moscow, and eleven days spent in the Trans-Siberian train further contributed to our education. People swarming into the dining car on stations with plenty of money, asking to be sold bread, which they could not get locally and being thrown out; Jews in Birobidjan telling a friend of mine: "Well, you are free men and we are Communists".

But my deepest impression, one which has remained in my mind for forty-four years, was very low key. The train was approaching the last station—Vladivostok. My wife was packing our suitcase. I stood in the corridor looking out the window. Suddenly, I was approached by an elderly railway guard. He was placed at the end of the train, in an unheated compartment (it was Siberian winter). His uniform was in rags. His job was to step out at every station and make sure that the red light at the end carriage was alight.

"You lucky people", he said. "You are leaving this country."

Fearing provocation, of which there had been several

attempts, I answered saying how sorry I was to be leaving this wonderful country. But we had no jobs there whereas our families on the other side were waiting for us.

"Do not give me that" answered the guard. "I'd rather be a permanent unemployed in America than have the best job here". Coming from a real proletarian this was tough talking.

We boarded a small Japanese boat which took us to Tsuruga in Japan. A Soviet border guard remained on board till the ship reached the three mile limit after which he got off. The enthusiasm of the group of refugees, homeless and penniless though they were, seeing the disappearance of the last vestige of Soviet authority, cannot be described.

After a stay of nine months in Japan and a long trip through Asia, we arrived in Australia in November, 1941, not quite three weeks before Pearl Harbour.

New Life in Australia

For the first year or so I held several menial jobs of no consequence. But had been promised a press post at the Polish Consulate General as soon as budgetary conditions would allow and I received it at last. By that time the Polish question was "on" again; in fact it was in the frying pan. Everywhere we were faced with multifaceted and very insidious propaganda aimed at convincing the West that Poland, the country in whose defence Britain had taken up arms, did not really deserve any special consideration. The unholy alliance of anti-Polish sentiments described so convincingly by Norman Davies in his magisterial *History of Poland, God's Playground* (Oxford University Press, 1981), was in business again. This time, moreover, it had at its disposal the immeasurable resources of Soviet propaganda, the best in the world. Leading the pack in England was the notorious, or infamous, Isaac Deutscher, contributing unsigned articles to both *The Economist* and *Observer*. In addition, the British establishment, thinking naively that all that was at stake was a minor correction of the Polish-Soviet border, did not mind giving the recalcitrant Poles a nudge now and then by releasing some bit of anti-Polish propaganda to the general press. They would then intimate to the Poles that a "reasonable" attitude on their part would be conducive to calling off this propaganda exercise; till next time, of course.

So, I entered into the thick of it. I visited newspaper offices, supplied background material, monitored the media, distributed press releases and talked to people

individually and in groups. I was also accredited as War Correspondent in the SW Pacific Area. (I remember a complaint of an American press officer about the Soviet press man and also War Correspondent. He said: "I cannot work out that man Mikheav. He travels around, asks a lot of technical questions and questions about equipment but never submits a despatch for transmission..." The naive Press Officer did not understand the purpose of these questions nor did he suspect that Mikheav was an active operator of GRU—the Soviet military espionage.)

Cure Incomplete

My sympathies were still with the Left. I met quite a few Communists and fellow-travellers and my wife and I discovered the Communist New Theatre League. We attended many performances, avoiding straight-out "social realism" but seeing many Moliere plays as well as an excellent version of *The Little Foxes*, staged in style at the Conservatorium of Music. Gerald Wells was the theatre: Manager, Director, Producer, Actor—he multiplied in all these roles with unbounded enthusiasm. I met him some years later in Sydney and found out that he no longer belonged to the Communist Party as he would not submit to their orders on matters of art. (I was very surprised when reading recently a long article on New Theatre by John Harper in *Meanjin*. This detailed history of the movement does not mention Gerald Wells, not even once. Obviously, memory holes exist also in real life, not only in Orwell's book.)

The international situation of Poland steadily deteriorated. While Western media extolled Stalin's very moderate territorial demands on Poland, I felt in my bones that at stake was the independence of the country (and the whole area, for that matter), never mind a border correction here or there. (My apprehension was very convincingly articulated in the monthly articles by F. A. Voigt in *The Nineteenth Century and After*, the only genuine prophet writing in that period).

Confirmation of my fears came very brutally in 1944 when the people of Warsaw rose against the Nazis on hearing that the Russian army was fast approaching Warsaw. Russian Radio was calling on the Poles to rise and not to listen to the treacherous orders of their reactionary leaders. But when they had risen on the orders of *their* leaders, the Red Army stopped in its tracks. It sat on its hands on the other shore of the river waiting on the Nazis to finish off the *reactionary* revolt. It also refused landing permission to British

and American airforce planes carrying arms to beleaguered Warsaw:

Finally Cured

It was when the defenders of Warsaw were issuing their dramatic appeals to the Allies and when they invoked the fate of Paris (where General Eisenhower had changed his operational plans to allow a French armed division to make a detour and liberate Paris) that I became certain of Stalin's aims. And I felt that the promise of Comrade Skoblin was not made in jest and that they really meant to come here and everywhere if we would only let them. And that unless those of us—*who understand this and who care*—do something, come they, certainly would, for they wanted the whole world.

This completed my basic political education. The final betrayal by the West of their Polish ally was sealed when the Polish Government in London was told to close down its offices and the Warsaw puppet-regime received recognition in July, 1945.

I was at a loss what to do when W. C. Wentworth appeared out of nowhere and offered me a helping hand—a job in the Political Research Society he was organising. It was quite obvious to me that I should share such understanding that I had of the dangers lurking before us with my fellow-Australians. Whether by way of my present job or through some specially formed organisation I wanted to spread the message. Not by calling for support for any Party, creed or ideology, but simply—in the words of a very dear friend, the late Joe Hewitt—just to make sure that we never live under a system in which our children could be made to denounce us.

During the period of my Polish press work I had access to many overseas magazines, of which one caught my imagination. This was *The New Leader* an obviously impecunious Social-democratic weekly appearing in New York. Founded and published by a Russian Social-Democrat, Sol Levitas, uncompromisingly anti-Stalinist, it had gathered very prestigious contributors from the US, Britain and Asia. It paid very little, if anything, but it published authors who commanded large fees elsewhere and wrote for *The New Leader* as a labour of love.

The list of "Associate Editors" who graduated from Sol Levitas's school is star-studded with names such as: Irving Kristol, Melvin Lasky, Daniel Bell etc. It enjoyed some assistance from the American Trade Unions which, unlike ours, have always been steadfast in their opposition to tyranny.

Wrestling with Semantics

Regular articles by another Russian Social-Democrat, David Dallin, explained and predicted Soviet policy moves with an accuracy unrivalled before or since. William Henry Chamberlain, Granville Hicks, and Sidney Hook provided me with information and understanding of tremendous value, which I have never found disproved later. Sometimes there appeared despatches from London by a young Labor anti-Communist, Denis Healey, long before his responsibilities and ambitions had diluted his uncompromising stand of yesteryear.

As I was reading many other magazines in the Political Research Society I had a rich field in which to compare the various strands of views, to arrive at my conclusion and to confirm my views or as some might say, my prejudices.

At that time, I still remained under a very strong influence of the "socialist myth". Somehow the word "socialist" would give any deed or idea a special gloss, a certain charm. It had, as it were, a built-in "plus factor". It was then that I began slowly to appreciate the power of the semantic offensive later caricatured in Orwell's newspeak.

"Socialist", "left", "moderate" were plus words while "right wing", "conservative" or, God forbid, "extreme right wing" were words of opprobrium. An acute newspaper reader could notice the interchangeable character of these terms depending often on slight turns in the political situation. Someone's "freedom fighters" were someone else's "mercenaries", a "murder" could be laundered into an "execution", and so on. (One of the most spectacularly successful "newspeak" operations has been the calling of the late Senator Henry Jackson or Dr. Jeane Kirkpatrick, leading figures of the left-wing of the American Democratic Party, "extreme right-wingers" only because they oppose appeasement of the Soviet Union).

I still remember how many long hours of discussion we wasted arguing whether to associate with honourable people who had the "wrong image". I have gradually overcome these inhibitions and have come to regard that dreadful word "image" with the contempt it deserves. (I was therefore glad to read in the *Memoirs* of Raymond Aron his answer to someone asking him if he was not ashamed of taking a stand in company of dubious allies. "I am never interested who my allies might be; I am only interested who my enemies are". I quote from memory).

Richard Krygier is a leading member of the Australian Committee for Cultural Freedom.

Freedom was won long before 1947. By people who could think for themselves and shed the shackles of dependence; by men of foresight and determination, like Ardeshir and Pirojsha Godrej, who had confidence in the country's capabilities and shared the same ideals with Tilak, Tagore, Gandhi, Nehru.

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Self-reliance is both a means and an end. For Godrej it is the essence of independence.



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A Cold Blooded Relationship

Rama Swarup

Although Moscow's three decades of military and economic support have been of value to India, the Russians have always demanded more than rupees and friendship in return. No one realized this more than Indira Gandhi, whose principal dilemma during her 15 years as Prime Minister was how to keep the Soviet arms and oil coming while still maintaining a foreign policy independent of the Kremlin.

In the last 30 years, Moscow has invested over Rs. 20 billion in development aid in more than 80 major projects in India. Soviet arms sales to India for the same period are estimated at over Rs. 90 billion, and the Soviet Union is now India's primary trading partner and principal supplier of oil and petroleum products. In return for its massive investment, the Russians, as Mrs. Gandhi knew, expect political considerations from New Delhi.

"Special Relationship"

Mrs. Gandhi inherited India's "special relationship" with Moscow from the Nehru and Shastri governments. When she began her first term as prime minister in 1966, the Soviet Union had been providing arms and economic aid for more than 10 years. The military assistance agreements of 1960, which led to the establishment of Mig aircraft assembly lines in India in 1962, as well as the large arms deals following the 1965 war with Pakistan established Moscow as India's major arms merchant. To have reversed that relationship in 1966 would have cost India billions of rupees more in defense expenditure, capital investment and jobs.

Instead of distancing India from Moscow, Mrs. Gandhi cultivated the "special relationship." This policy produced economic benefits for India, but made the conduct of foreign policy an even more delicate problem for one of the world's principal non-aligned nations.

The 1971 friendship treaty with the USSR, for example, was part of the price Mrs. Gandhi had to pay to keep Moscow's arms, aid and oil coming. The Russians had pressed Mrs. Gandhi for closer military ties, including establishing Soviet air and naval bases on Indian territory. The friendship treaty was a comparatively inexpensive alternative to such a military relationship.

The invasion of Cambodia by Moscow's Vietnamese allies in 1978 and the Soviet invasion of Afghanistan

in 1979, however, put more of a strain on the "special relationship" than any other Soviet action or request. Although Mrs. Gandhi was out of office when those invasions occurred, when she was re-elected Prime Minister in 1980, Moscow demanded India's support on both matters.

Afghanistan

Although Mrs. Gandhi recognized the government Vietnam forcibly installed in Cambodia, she refused to accept the invasion and occupation of Afghanistan by the Red Army. Repeatedly, and with increasing conviction, Mrs. Gandhi publicly called for the withdrawal of all foreign troops from Afghanistan. She refused, however, to either support or condemn the Soviet Union in any of the United Nation General Assembly's six major votes on Afghanistan.

Mrs. Gandhi also did not openly condemn Moscow for shooting down Korean Airlines (KAL) flight 007 in September 1983. Her stand on Afghanistan and the KAL tragedy cost India dearly in its relations with the West and with other-non-aligned nations. To have condemned the USSR, however, would have cost India the low cost arms, industrial aid programmes and low interest, long term loans that Moscow has provided. Many sectors of the Indian economy, such as the steel, cosmetics, pharmaceutical and knitted-wool industries are dependent on the growing export trade to the USSR, and Mrs. Gandhi realized that if she publicly attacked the Kremlin, tens of thousands of Indian workers would be unemployed.

Mrs. Gandhi's freedom of action in foreign policy was thus hampered by the "special relationship" with Moscow. She understood that Moscow wanted to pull India into its orbit, or at least control its foreign policy, but was also conscious of the economic benefits India could gain from close ties with Moscow.

When reporters challenged her for being too submissive to Moscow in foreign policy matters in 1982, for example Mrs. Gandhi told reporters that she was "neither pro-east nor pro-west but pro-India" "Former Defence and Foreign Minister Y. B. Chavan was perhaps more accurate when he characterized Mrs. Gandhi's relationship with Moscow as a "cold-blooded one, "in which each side understood what the other was really after."

Mr. Rama Swarup is a Delhi-based journalist.

Red Star Wars: The hidden facts

The Soviet Union, unlike the United States, does not advertise its strategic defence research. Indeed, if it were to do so it would be difficult at the same time to characterize the American programme as "dangerous, destabilizing and provocative".

In 1984, a working group of the Committee of Soviet Scientists for Peace Against the Nuclear Threat published a report which concluded that space-based systems are too expensive, technically unattainable and easily neutralized by counter-measures—arguments now at the heart of the campaign in the West against SDI. Yet in January this year Nikolai Basov of the Soviet Academy of Sciences announced in Moscow that the Soviet Union would have no technological difficulty in matching the American SDI programme.

It may be argued that the Soviet Union cannot really have it both ways. Either the SDI is dangerous, provocative and destabilizing, or it is useless, expensive and easily neutralized; either it is technologically unfeasible or it is well within the reach of Soviet military scientists.

On this last point the evidence of Nikolai Basov must be thought to carry some weight. Since he won the Nobel Prize in 1964 for his work in quantum electronics, he has been one of the driving forces behind the Soviet strategic defence programme.

Indeed, what appears to be a baffling contradiction in Soviet attitudes to strategic defence is easily explained if one simple proposition is accepted—namely that the Soviet Union has been engaged for many years on a secret programme of research into space-based defence, and that it now fears that it may be overtaken by a similar programme which has all the weight of western technology, industrial infrastructure and economic resources behind it.

Soviet research into laser weapons began as early as the 1960's. It is conducted by some of the best scientists and engineers in the Soviet Union, including Nikolai Basov and the man who shared the Nobel Prize with him in 1964, Alexander Prokhorov.

For many years western intelligence reports have suggested that the Soviet Union is at least as well

advanced as the US, and in some areas well ahead of it, in laser technologies for military application. It already has a ground-tested anti-satellite system (the only one in existence) and, according to some intelligence assessments, could have operational space-based systems before the end of the century. Although Russian research and development has tended to concentrate on laser technologies, impressive progress has also been made with particle beams. Research into nuclear accelerators has obvious applications in normal high-energy physics for peaceful purposes, but equally it has obvious military potential. Similarly, Russian expertise in microwave weapon technology is at least as great as that of the US.

None of this will come as a surprise to any serious student of Soviet strategy. The Soviet Union has never subscribed to the concept of Mutual Assured Destruction. Russian strategists have consistently emphasized that their planning is based on the calculation that any war between Nato and the Warsaw Pact will inevitably escalate into a nuclear war, which it is their purpose to win. In any case, they know that effective defence is an essential ingredient of a credible deterrent.

It would have been surprising, therefore, if Soviet scientists and military planners had not carried out serious research into space-based strategic defence systems. They do not, of course, have the kind of political system in which this has to be the subject of a presidential announcement; nor, if it had been announced, do they have the kind of press which would have been ready to produce "Star Wars" headlines and columns of hostile and derisive comment.

Those who suggest that the United States should abandon its strategic defence research programme in the interests of successful arms control negotiations might do well to ponder one significant aspect of the public debate. Within a month of President Reagan's SDI speech on March 23, a letter appeared in *The New York Times* attacking the initiative. It was signed by over 200 Soviet scientists—a powerful blast, one might have thought, against the whole idea of strategic defence.

The most interesting signature was that of Evgeny Velikhov, vice-president of the Soviet Academy of Sciences and the leading figure in "Star Wars" Research in the Soviet Union. Perhaps he should have declared an interest.

Fewer Rules More at Work

Deregulation is in the air. There are articles in the Press, debates in Parliament, discussions at the last European Council (at Mrs. Thatcher's instigation). I am chairing a group of ministers and there is talk of a White Paper before the summer. Why? Because the real cause for concern today is employment, about creating the conditions that will reduce the number out of work in the shortest possible time.

It is not that we are not creating jobs—we are, and probably faster than any other nation in Europe. Encouraging enterprise will create jobs even faster, as is happening in America.

Earlier this year I went to Washington to see what they had done to get employment going—and to maintain it. For with all their dynamism they were worried that they might slow down. So some years ago they started on a drive to reduce regulation. If you compare President Reagan's first 23 months with the last 23 months of his predecessor, the number of new federal regulations fell by nearly a third.

The immediate savings in costs across the economy amounted to at least \$9 billion with a further annual saving of \$6 billion. Even more important, the President reported to Congress that in 1982 and 1983 business start-ups in the deregulated sectors rose at twice the rate of those elsewhere.

But what is deregulation? To give an example, there was a time when BT gave you the choice of the Trimphone or nothing. The vast choice of telephones and services available today is not the fruit of privatization but of deregulation. Look at car telephones. Only a few days ago Arthur D. Little estimated that there would be over half a million by the end of the decade—and by then they will be cheaper than ordinary telephones! Once again due only to deregulation.

The deregulation of long-distance coaches has done more to help the occasional traveller and the distance commuter than any other measure since the war, if not during this century. Prices are often only a fraction of what they were before. Deregulation of the buses should have the same effect.

Only a few months ago it took weeks to get even simple reading glasses. In some countries you could get them in an hour or two, but not here. Today I see shops advertising glasses in 24 hours. A few more weeks, a little more competition, and it will be a few hours. Again, deregulation.

Of course not all regulations should be abandoned, but what we have to ask is what we can afford to keep. We must have the balance between liberty and

licence. Enough liberty to free our initiative and enterprise to create the wealth we need for a truly caring society, but not the licence to abuse our fellow man.

All regulation has a cost. Are too many people being denied the opportunity to work, to justify that cost? That is what I hope to discover during the next few weeks and months. Government, in the shape of ministers and officials, is not the best judge of where too many regulations lie. You are, for you live and work with them. The voice of business, large and small, be heard. Deregulation is not a panacea, but I suspect that too many regulations is one of the ills.

Lord David Young is a British Minister with special responsibility for unemployment.

The Times (London)

Kind Attention Mr. Jhakar

Government critics at Westminster are convinced that any softening of style by the Prime Minister is a direct result from a major confrontation between her and the Speaker, Mr. Bernard Weatherill.

The word emanating from the Commons is that she demanded that he come to her defence more often during the twice-weekly sparring matches with Mr. Kinnock, Labour leader, but that her quest was to no avail.

They claim that Mr. Weatherill stood up to Mrs. Thatcher and told her he had no intention of "cocooning" her as had been done by his predecessor, Mr. George Thomas, now Viscount Tonypandy.

It appears that Mrs. Thatcher wanted Mr. Weatherill to take a stronger line with some of the Opposition MPs in their choice of language and general roughness in questions by calling them to order.

It is also speculated that Mrs. Thatcher wanted Mr. Weatherill to accept more "friendly" questions from Conservatives relating to subjects outside the Prime Minister's responsibility but which centred on some blunder or statement from Mr. Kinnock or one of his own Front Bench.

Mr. Weatherill's stance appears to have won him huge respect.

They note that he has characteristically allowed each party to put its message across during Prime Minister's questions.

The Daily Telegraph (London)

OUTSIDE THE ARCHIVES, by Y. D. Gundevia I.C.S. (Retd.); Sangam Books India (Pvt.) Ltd., (1984); Rs. 140.

THE PRE-EMINENCE which India had attained in the international field has been attributed to the consummate skill with which Jawaharlal Nehru had directed India's foreign policy. In this endeavour he had the advantage of having by his side a team of able, dedicated and loyal advisers and officials. These officers constituted a heterogeneous group got together in a hurry, from the civil services, from the Defence Services and from among the professionals. Yezdi Dinshaw Gundevia belonged to the ICS cadre.

He was virtually 'up-rooted' from the backward areas of Eastern U.P. (which he apparently adored) and posted as the second-in-command at the Indian mission at Rangoon when Burma was in the throes of transforming itself as an independent sovereign state. During this posting he had gone to Delhi to convince the officials in the Commonwealth Relations Department (CRD) about the futility of allowing vast numbers of 'unskilled' Indian labourers who fled from Burma during the War, to go back. Since he could make no headway in the matter in his discussions with the senior officials of the CRD, he took the unheard of and extraordinary step of writing to the Prime Minister himself seeking an interview! Nehru, being Nehru, sent word to Gundevia that he should join him at dinner that evening at his residence. After the dinner (at which Indira Gandhi and K. P. S. Menon were also present) Nehru asked Gundevia about his problem and once he understood what it was, suggested that he should see the Secretary of the CRD. Ultimately a policy decision was taken disallowing the movement of unskilled labour to Burma. This 'coup' enabled Gundevia to establish a personal relationship with Nehru which was to endure till the end.

The biographical part of the book could be skimmed over. After his term in Rangoon, Gundevia was posted to Moscow as Minister-Counsellor when he functioned as No. 2 to Ambassador Dr. Radhakrishnan. During this assignment he had the opportunity of meeting Stalin when the Ambassador made his farewell call in Moscow. In 1953-54 he was the Indian Ambassador to Switzerland, and concurrently Minister Plenipotentiary to Austria and also to the Vatican. The Vatican assignment enabled him to meet Pope Pius XII. Subsequently he served as Deputy High Commissioner in London (when Mrs. Vijayalakshmi Pandit was the High Commissioner) and thereafter as High Commissioner in Ceylon. On his return to India after ten years of duty abroad the author had a long

innings at the External Affairs Ministry when he successively and successfully held the posts of Special Secretary, Commonwealth Secretary and Foreign Secretary. During this period Nehru used him as his trouble-shooter on many occasions.

The second half of the book should prove more interesting for the historian and researcher. Here the author devotes considerable care and attention to spell out the 'whys and wherefores' of India's foreign policy, e.g. the Kashmir problem, East-West relations, Non-alignment, our policy towards China. In regard to Kashmir, the author gives a detailed, almost a 'blow-by-blow', account of the negotiations which the Indian delegation, under the leadership of Sardar Swaran Singh, had with its Pakistani counterpart led by Zulfikar Ali Bhutto, in 1962-63, in search of an equitable solution to the dispute and which produced not even the proverbial mouse! In a way, the Kashmir issue provides a clue to the manner in which India's relationship with the West (principally the U.S.A. and U.K.) and the Soviet Union developed. Gundevia touches briefly on the circumstances which led to the debacle of 1962 in our clash with China, but is quite definite as to where the responsibility lay. The author is fair and objective in assessing men and matters throughout and never misses a chance to tell a joke!

K. V. Padmanabhan.

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