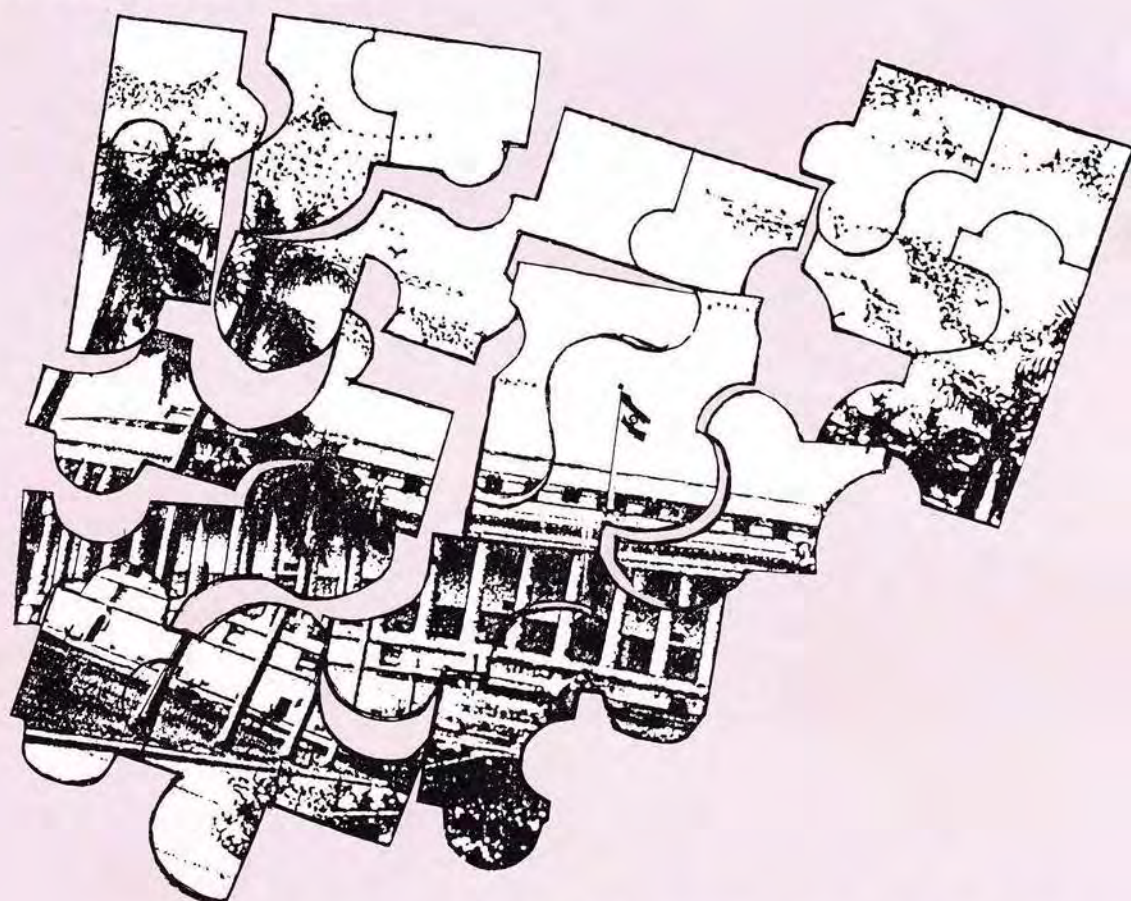


A QUARTERLY OF LIBERAL IDEAS

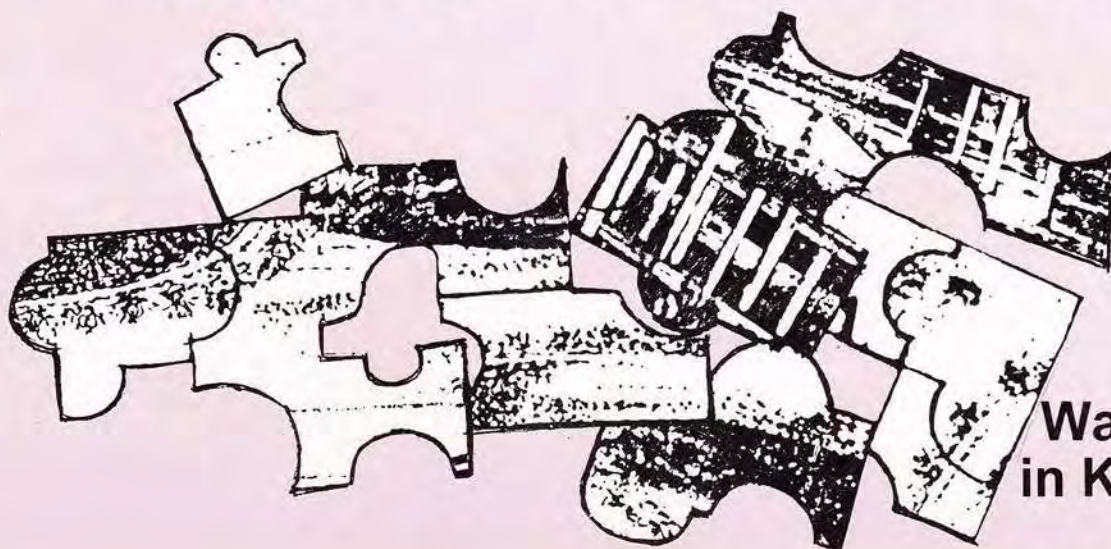
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47TH YEAR OF PUBLICATION



Coping With Coalitions



Warlike War
in Kargil

J. M. LOBO PRABHU, I.C.S. (Retd.)

A Wife's Tribute



J. M. Lobo Prabhu

His public life started in the early twenties, when he went to England, and passed the I.C.S. at the first shot, aged 21, and not yet a graduate! Minoo Masani and Krishna Menon were among his contemporaries, while Laski and Lionel Robbins were among his teachers. Minoo would go through a socialist phase - eventually to become a liberal. Menon would be one, lifelong. Mr. Lobo Prabhu apparently was completely immersed in his preparation for the I.C.S., his studies being largely in the British Museum, where he saved on heating bills during his long hours of study. (He was privately wealthy and well born, but his widowed mother was dependent for her income on the Executor of her late husband's properties). He thus did his preparation for the I.C.S. on the princely sum of £6 a week!

The Administrator

He was posted to Uttar Pradesh, where he handled several districts including Gorakhpur, and Amroha, known for its communal violence. Never in his service did he resort to a firing. He was the Collector of Dehradun, when Nehru was his prisoner. He did a great deal to make Nehru's imprisonment bearable. He was the Custodian of Evacuee Property when freedom dawned at midnight on 15th August, 1947. His honest and impartial work was inconvenient to his political masters, and he was "framed", in the Custodian case, which he eventually won. He handled purchase, for the India-Burma-Ceylon theatre of war, handling amounts which translate into billions, at today's prices. He also set up the first food processing industries at the time. The Shrirams and Modis were among the industrial houses which owed their origin to him. In Madras, he transformed Neyveli Lignite, from a file to a mine. The industrialisation of Madras followed from the fulfilment of this basic infrastructural need.

The Politician

He resigned prematurely from the I.C.S., after differences with his Chief Minister. With Rajaji and Minoo Masani, he was among the important founder-members of the Swatantra Party. In 1964, when we were married (he was 58, and I, 22), Minoo gave him the green signal to pick his own constituency, and nurse it from the grassroots. We spent our first weeks as newly-weds, and the next three years, doing precisely that. He won with a huge majority against an undefeated, undivided Congress, a feat which has not been replicated. He was also a Christian, who won from Udipi, considered the Benares of the South. His record as a Civil Servant had transcended the usual factors of caste and creed.

He was an outstanding and meticulous parliamentarian, who was the Party's Secretary in Parliament. His Budget speeches elicited great acclaim, though his most moving oration was on the I.C.S. Bill. He was a member of the Estimates Committee, and on the Court of the Benares Hindu University.

The Last Phase

He was swept out in the Indira wave of 1971, but spent the time productively, both of us bringing out our paper *Insight*, with no other contributors. After he lost his vision in 1988, I wrote the paper myself, from beginning to end, as this was the commitment, he wanted of me - one I will try to carry on. Confined to bed for four and a half years, after a massive stroke, he remained a model of Christian fortitude, never once complaining, nor murmuring against God, for the fate which had overtaken him - though he had accumulated such good *karma*. The end came after a short struggle of 12 hours. I was at his bedside for every soft endearment even in his semi-conscious state.

His long illness was hard on me, but his passing has broken, not relieved me, as the emotional and intellectual bond, shared for 35 years, was so strong. I pray that my commitment to bring out *Insight* will be kept and that I have the creativity to do this. I want to keep his torch burning - till I die.

Louella Lobo Prabhu

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BETWEEN OURSELVES ...

Are coalitions good or bad for the country? How valid is the assertion made time and again that frequent elections are not conducive to the stability of Indian democracy; apart from the fact that elections are a costly affair and that we simply cannot afford them at such short intervals.

There was a fairly good response to our invitation to readers to contribute to this quarter's cover feature. Unfortunately the Kargil conflict intervened and we had to intrude on space reserved for the cover feature to discuss the conflict. In this context we felt we ought to remind ourselves of an earlier intrusion by the communist Chinese and our humiliating inability to evict them. Fortunately, this time, we succeeded in throwing the Pakistani intruders out. These issues of defence, national security and foreign policy will form a cover feature sometime next year. Meanwhile with polling scheduled for September and the counting of votes set to begin from October 3 we shall continue this discussion on Coping with Coalitions in the October-December 1999 along with an attempt to understand the results of the elections.

It is a year since our founder Minoo Masani passed away. In honour of his memory three organisations that he founded: The Society for the Right to Die with Dignity (SRDD), the Leslie Sawhny Programme of Training for Democracy and the Freedom First Foundation organised a discussion on Dying with Dignity and Voluntary Euthanasia. We carry an article by Dr. B. N. Colabawalla, President of the SRDD based on the proceedings.

We have been compelled to raise our subscriptions. Apart from spiraling production costs, postal charges have tripled - from Re.1/- to Rs.3/- please see the back inside cover for the new rates. The new rates are applicable to new subscribers and for renewals as and when they become due. We hope you will understand. We count on your continuing support to *Freedom First*.

Our Next Cover Feature

THE MATURING OF INDIAN DEMOCRACY

Last date to receive your contribution: Monday, October 18, 1999

A request: If it is possible please email your contribution at freedom@vsnl.com. If this is not possible then on a diskette (floppy) preferably on MS Word. If this is not possible then typed - double spacing and broad margin. If none of these are possible then in legible handwriting. Thank you.

Editor

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WITH MANY VOICES

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

We (schoolteachers) are treated like donkeys or even worse. Be it polio campaigns, census, floods or famines, a minister's or collector's programme, wherever literate campaign is needed we are sent. When do we get the time to teach?

President of an Ahmedabad-based association of school-teachers, *The Times of India*, July 1.

Today Pakistan drops a nuclear bomb on us and we respond in kind. Will tomorrow forgive either of us because we did it for the love of our country?

Ranjona Banerji, deputy editor, *MID-DAY*, July 2.

Macho parties like the Shiv Sena do not believe in across-the-table arguments. So, it seems only proper that in a state ruled by it, a woman principal is slapped and others threatened for not granting school admission based on recommendations.

Editorial in *MID-DAY*, June 29

We have neither schools, nor hospitals, nor industries, nor police; we have ruined them all. But we have Kolkata! We even have Bangla!

C. R. Irani, Editor-in-Chief, *The Statesman*, July 25

Today, cricket, particularly in the sub-continent has become a prisoner of soft drinks. Coca Cola and Pepsi are the real cricket control boards. Giant sponsors make or mar players.

Chief Election Commission M. S. Gill,
The Times of India, June 13

When you die in a war you become a hero, but if you survive with injuries, you are a zero.

Sepoy Soban Singh of Sikkim who became a paraplegic as a result of a land mine,
INDIA TODAY, July 26

Developing countries use Indians at international meetings to draft resolutions because they are good with words. But they regard India as an economic failure.

Swaminathan A Anklesaria Aiyar quoting an Indian diplomat, *The Sunday Times of India*, June 13

If an actress gets married, the audience feels like a husband who's been cheated.

Filmstar Sunil Shetty, *Stardust*, June 1999.

The real threat to Pakistan is from the low morale of the Indian Army. We are facing threats from an undisciplined and frustrated army.

Pakistani defence expert, Shirin Mazari,
OUTLOOK, July 5

Russia's future will be the Italian solution - either Sicily or Mussolini

A joke doing the rounds of Moscow cited in
FORTUNE, November 23, 1998.

I was amused to learn that in Switzerland many people don't know the name of their President.

Alexander Lebed, a contender for the Russian presidency, *FORTUNE*, November 23, 1998.

We have two guiding principles. We're everywhere. And we stay forever. This is the most noble business on earth.

Coca Cola CEO Doug Ivester, quoted in
Businessworld, July 19.

One thing that India has more than any other country in the world is holidays.

Busybee, *The Afternoon Despatch & Courier*,
June 24, 1999.

Could the West muster courage to rain havoc on Serbia if it possessed nuclear weapons?

Russian General Vladimir Belaushev,
The Times of India, May 29.

I have contempt for the people in Delhi. There was such a hoo-ha over onions. It almost brought down the BJP government. Nobody kicked up the same fuss on air pollution. Yet, air is something you breathe every minute of your life.

Anil Agarwal, founder of the Centre for Science and Environment, *The Times of India*, June 5

If the (U.P.) government doesn't want society to be protected from criminals then it shouldn't continue with the farce of having prisons. They should just be closed down, officially.

Mr. S. P. Singh Pande, Additional Inspector General (Prisons), Uttar Pradesh, *The Sunday Times of India*, May 30.

OF CABBAGES AND KINGS

A Redeeming Act

The Hungarian revolt of 1956 against the Soviet Union's occupation of their country, coincided with the Anglo-French aggression against Egypt then ruled by Gamal Abdel Nasser. Nasser had nationalised the Suez Canal and blocked its use.

Imre Nagy the Hungarian communist leader who led the uprising was executed by the Soviet regime. Pandit Nehru's criticism of the Anglo-French action was severe but his reaction to suppression of the Hungarian struggle for freedom was muted. In fact his representative in the United Nations Mr. V. K. Krishna Menon actually cast India's vote in favour of the Soviets. *Freedom First* was very critical of Pandit Nehru for his double standards.

We are now informed by *The Times of India's* correspondent Mr. Shastri Ramachandran (July 1) that (after the collapse of the Soviet empire) free-Hungary's twice elected President Arpad Goncz was saved from execution when an Indian Embassy official gave refuge to Mr. Goncz in the Indian Embassy. This was done at Nehru's behest.

This act redeems the somewhat despicable anti-freedom stand taken by the then Nehru-led Congress government in 1956. Incidentally the leader who took Nehru and Menon to task at that time was no less a person than Jayaprakash Narayan.

Preparing Hong Kong for 'Peoples' Courts

The expected is happening. The myth propagated by the Chinese communists of 'one country, two systems' and swallowed hook, line and sinker by the uncritical admirers of yet another myth 'capitalist socialism' or 'socialist capitalism' is getting exposed. According to an AFP report in *The Indian Express* (June 27) a Hong Kong Court of Final Appeal ruled in January this year that mainlanders (i.e. Chinese who lived in mainland China) did not need permits to live in Hong Kong. The Standing Committee of the National People's Congress (NPC) - the communist legislative body in Beijing - rejected this decision and overturned the Hong Kong Court's ruling. Beijing has now prescribed lengthy procedures which require those Chinese on the main-

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



land who wish to move to Hong Kong to obtain permits and then wait their turn in a quota system.

This is like New Delhi prescribing quotas and permits for Indians from mainland India desiring to enter the island city of Bombay with the intention of taking residentship. Hong Kong's Democratic Party leader Martin Lee (see *Freedom First* No.433 April-June 1997 for his article apprehending curtailment of freedoms once Hong Kong was taken over by the communist Chinese) commenting on the NPC ruling said: "I am very sad and angry... They have not come up with any good reason why they did this. That's why I am compelled to think the (Chinese) central government has ulterior motives. It will like to control the courts."

VIP Nuisance

Professor Shreekant of the Delhi School of Economics had the 'temerity' to come in the way of the Delhi Lieutenant Governor's motorcade. For this impertinence his driving licence and his car were impounded says a report in the Delhi edition of *The Times of India* (July 25). The challan issued to the Professor says *inter alia* "This car driver was plying his car rashly and dangerously. Didn't allow the L-G's carcade to pass. When asked for side, abused the personnel and was also without a pollution under control certificate." Says the Professor: "It was nothing but a bureaucrat's arrogance. Any person who has a red light atop his vehicle rules the city roads. It's disgusting in a free society."

Indeed so. The white Ambassador cars with red lights have become so numerous that, as we mentioned before in this column, they are causing traffic jams. These are practices of a bygone era of the days of kings, queens and princes; of colonial India and of dictatorships - not compatible with a democracy which we claim to be. Shouldn't we be doing something about this 'disgusting practice'?

Meanwhile the Professor has been asked to appear before the court on August 15 – which, if we are not mistaken, is India's Independence Day and a public holiday. Maybe the date is deliberate – an Orwellian joke that in free India some are more equal than the others!

Read EMS Namboodiripad at State Expense

The holier than thou marxist communists in Kerala have ensured that their enterprise "Chinta Publications" makes a cool profit of Rs. One Crore. This will come from the coffers of all panchayats from funds earmarked for development activities. A report in *The Times of India* of November 11, 1998 cites an order issued by Kerala's Local Administration Secretary on October 24 last year. The order informs all 1000 panchayats in the State that they have been "given the permission to purchase *The Complete Works of EMS Namboodiripad* who was the first Chief Minister of Kerala, political acharya, orator and writer, at the pre-publication price of Rs.9,000 (published price Rs.15,000). *The full amount is to be drawn from the panchayat fund, subject to budget provision.*" When the parties in the opposition protested the Local Administration minister said with all innocence: "We have not compelled the panchayats to buy the book".

Clean the Ganga – for What and Whose Benefit

Professor S. Ambirajan, a familiar figure with *Freedom First* readers has expressed his unhappiness with my comments in this column on Hindu businessmen which in turn arose from Ms. Tavleen Singh's comments in *India Today*. Though he stated that his response was not for publication, I would, with his permission, like to share with you what he wrote particularly because Professor Ambirajan's liberal credentials are impeccable:

"I am not writing the following for publication, but it was somewhat disturbing to me although I consider myself a liberal and secular person. This is in connection with your note on the Ganga. There is a particular class of Indian intellectuals who can magisterially dismiss anything connected with the unfortunate religion called Hinduism. Hindu scriptures can be rated as meaningless, Hindu temples can be sneered at, Hindu rate of growth can be laughed at, Hindu businessmen can be abused for not doing what the intellectuals think they should do, etc. If anyone says anything in its favour, he becomes a fascist monster no less. Should you also join that bandwagon? By saying that "Hindu Businessmen" building "ugly modern temples" and not cleaning the Ganga, that class has been condemned wholesale. It is true that many business-

men contribute to the construction of temples, and this they do in the light of what they consider aesthetic though that does not meet with the approval of the artistic sensibilities of Ms. Tavleen Singh. But is that all the Hindu businessmen do? I know of many Hindu businessmen who contribute liberally to public institutions like hospitals, educational institutions, and so on. Birlas for example have built temples, but they have also built one of the finest technological institutes in India at Pilani. In South India, the TVS group has spent considerable sums of money to renovate and preserve the more than thousand year old temple complex known as "Nava Tiruppathi" in Tinnevely district in Tamilnadu which the Hindu Religious Endowments Department had allowed to decay. They have also established numerous schools and built the excellent Sundaram Medical Foundation that caters to the poor and middle class in Madras. Almost all of the contributions to our Madras School of Economics intended to improve economics education in Tamilnadu under the aegis of the private sector, have come from businessmen who are born Hindus. So to blame the Hindu businessmen of ignoring the needs of the public does not seem right. The Ganges is a public domain and if anyone is to be blamed, it is the so called "secular democratic" government that has failed in its duty to look after the natural resources of the country; and it is the unbridled private and public sector companies run by all communities that has made the river such a cess pool. Why were not electric crematoriums constructed with strict police supervision along the banks of the river so that ignorant Hindus do not throw corpses in the river? Or why were they not educated about the harm done to community health by such unhealthy practices?

What I have said here is simply to illustrate that if one wants, one can abuse any religion. It is better not to bring religion in rational liberal discourse."

SVR's response: *I apologise to Professor Ambirajan for whom I have the greatest respect and all those who may have been offended by my comments. The intention was not to decry Hinduism. However Professor Ambirajan's point that it would be better "not to bring religion in rational liberal discourse" is well taken. I entirely agree, subject to one exception: wherever any kind of religious practice in any religion is offensive to human rights and human dignity, there we shall not refrain from drawing attention, and where justified condemn such practices. Beyond that we shall refrain from commenting on issues that relate to religion. There will also not be any further discussion on the merits or otherwise of Professor Ambirajan's riposte. To permit comments would mean getting into religious arguments!*

SVR

COPING WITH COALITIONS

Coalitions Can Work Provided ...

Subhash C. Kashyap

Those who believe that the era of coalition politics in India began in 1996, perhaps forget that in a sense, Indian politics has always been coalitional. In a country of India's size, diversities and pluralities, any attempt at nation-building or at political management is bound to be an exercise in trying to bring together different groups or persons, principles and interests. The one party dominance that we often talk of, was, in fact, the result of the Congress itself having evolved as a coalition.

The Indian National Congress before independence, was essentially a freedom movement under which people of diverse beliefs and backgrounds came together. The Swaraj Party, the Socialist Party and for a long time even the Communist Party were within the Congress. It was a sort of an 'umbrella organisation' with the all embracing single aim of achieving the country's emancipation from foreign rule. The Congress was not a political party; it was something much less or much more. When independence came, Gandhi would have liked the Congress to dissolve or be transformed into a social service organisation so that a healthy, ideologically oriented party system could grow in India. But, the Congress leaders then - including the tallest among them - disagreed with Gandhi. Perhaps they thought the Congress was necessary for running the government or that there was no other alternative or that it was after all a going concern and that was the season of harvest. The going was good for the dominant Congress Party till 1963 or 1967 while it continued to be coalitional in nature.

It may be recalled that follow-

ing the split in the Congress in 1969, Mrs. Gandhi's government was in a minority for some time. Throughout the period of its dominance, the real strength of the Congress Party was not its ideological or programmatic orientation or its performance in providing good governance - it could claim few credits on either count - but its coalitional and consensual character which made it an alliance of different castes, communities and minorities of various sorts with their varying religious, regional, linguistic, ethnic, cultural and economic interests. All the parties that replaced the Congress at the states' level were also coalitions of political convenience. The non-Congress governments at the Union level during 1977-79 and 1989-91 attempted to be close proximate of the Congress coalitional model. Thus, not only was Prime Minister Morarji Desai a product of the Congress culture and a life-long Congressman, the Janata Party was a coalition of several parties - Congress(O), Jan Sangh, Socialist Party, Bharatiya Lok Dal and the Congress for Democracy (another Congress splinter group, headed by Jagjivan Ram). Before the government could settle down to positive business, serious fissures

appeared between the leaders and diverse groups constituting the Janata Party.

Again, in 1989, the minority Janata Dal government headed by V.P. Singh, another former Congressman and a protege of Indira Gandhi and Rajiv Gandhi, was a coalition of the Janata Party, Lok Dal (A), Lok Dal (B) and others.

Finally, the so-called first coalitions headed by Gowda and Gujral were really an ugly parody of coalitionism and a fraud on representative democracy inasmuch as the two largest parties in Parliament with the best and the second best mandate from the people remained outside the government. By no stretch of imagination, could Gowda and Gujral be said to have received the people's mandate for government formation.

By their very nature, it is said, coalition governments are unstable and short-lived. Of the 138 State governments between 1977-1996, 40 were coalitions and their average life was a mere 26 months. Also, in a coalitional arrangement, adjustment and accommodation are regarded as

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the greatest virtues and many compromises with beliefs and principles - sometimes even in matters of national interest - may have to be made. Coalitions may be ideological or opportunistic. If the coalition is pre-election and the constituent parties have some basic ideological compatibility and agreement on a common programme calculated to serve the best interests of the nation, there is no reason why it should not be successful. Most lasting coalitions in continental Europe are entered into by political parties before the elections and are based on ideological similarities or nearness. The fairly long experience with coalition governments at the level of states in India shows that pre-election alliances among similarly oriented parties as in West Bengal, Tripura and Kerala are success stories.

The country is passing through a period of unending political instability, expensive general elections becoming almost an annual ordeal, the resultant 'hung' Houses and post-election coalition governments devoid of principles and political legitimacy. The phenomenon is directly related to the political system that the founding fathers gave us and the ways in which we have operated it during the last nearly fifty years.

We are supposed to be working a system of representative parliamentary democracy broadly patterned on the British model. Also, we have adopted the British majority or first-past-the post system of elections. Under this system, the person getting the largest number of votes cast - not necessarily the majority of votes cast - is accepted to

have received the popular mandate. To transplant foreign institutions on the native soil is always a dicey business. The essential pre-requisites for the success of British parliamentary system are non-existent in India. Among other things, we do not have a system of two major parties with clear ideological and programmatic orientation. Instead of a two-party system, we have the unsavoury spectacle of over 600 registered parties and nearly 60 recognized parties. The many small parties often get into hard bargaining and play the game of brinkmanship, bluff and blackmail to get the best price for their support in government formation or in 'operation topple'. In one of the most corrupt and illiterate societies in the world, our legislators can be freely bought and sold.

In a two-party situation, the first-past-the-post electoral system makes sense because most often the winning candidate is likely to have received the majority of votes cast. Applied to the Indian scene, it has proved to be very divisive and one that is seriously distorting the people's verdict by returning to the legislatures persons who may have got only 20 per cent or less of the votes cast, with more votes cast against them than in their favour.

In India, if we wish to work the Westminster system, we would have to take drastic measures to restrict the number of political parties and suitably regulate their working. In the alternative, we may have to adopt some kind of proportional representation system with single transferable vote and its concomitant of coalition governments of the type known in the continental countries of Europe. But, as it is, that is hardly

A Recipe For Successful Coalitions

The following may be considered to be some parameters for successful coalitions:

- Coalitions must be based on a pre-election alliance between parties.
- There must be a large party to form the nucleus round which some smaller parties may revolve.
- Coalition partners should have a general ideological affinity. It is best to have agreement on a common programme and preferably a common election manifesto.
- A Coordinating Committee, Steering Committee or Consultative Committee consisting of the representatives of all the constituent parties should meet at regular intervals or as often as necessary to sort out differences of perception, if any, and to hammer out common approaches. Ideally, the number of parties forming the coalition should not be very large - the smaller the number the better.
- Temperamental compatibility between the leaders of the constituent parties is important.
- A coalition is bound to lose some of its relevance if even after some parties getting together, a majority eludes it.

COPING WITH COALITIONS

a viable alternative in our situation.

We have to begin by accepting the hard reality that the people have lost faith in the present political system, political parties and politicians. Coalitions of all hues appear to them to be mere convenient alliances for sharing power and public office most often for getting-rich-quick and for serving their other personal, narrow, selfish interests.

In a situation where political parties are every now and then born and nurtured around personalities or caste and get split, merged or dissolved frequently, their commitment in a coalition alliance can hardly mean much. Sometimes, the only interest of a party joining a coalition or supporting it from outside may be to protect the interests of its supreme leader like ensuring withdrawal or soft-peddalling of pending criminal cases. Ideological compatibility, principles or ability to serve the people are the lowest, if any, priorities for them.

Some of the parties have themselves become mafia gangs. Very often, coalition is another name for a sharing arrangement between criminals, the police, the bureaucracy, businessmen and politicians. Under the circumstances, there are many systemic constraints and no coalition arrangement can help unless there is a fundamental attitudinal change and a wide ranging review and reform of the political system including the administrative set-up and electoral processes.

It should be possible to simplify electoral laws and processes. The number of parties can be limited

by law making it obligatory for recognition as a national party to secure at least 15 per cent votes cast all over India and in not less than half the states. For recognition as state parties, the same percentage of votes should be necessary in the state concerned. Only national parties or pre-election coalitions may be allowed to contest elections for Lok Sabha while state parties may contest for state legislatures and the Rajya Sabha.

It is also worth considering whether the Gandhian model of multi-tier governance with a bottom-up approach and the German subsidiary principle may not be a more viable policy option for us. In that case, the number and frequency

of direct elections could be drastically reduced and limited to the lowest grassroots level of self-governing institutions with lower levels electing representatives for each higher level going up to the office of the President and the institution of the Union Parliament.

In the interregnum, since the Westminster system has little room for post-election coalitions and somehow we do now have - if not two major parties - two major pre-election political alliances, it should not be difficult to cope with the post-election scenario, subject to political will and some basic liberal values of integrity of character among the political class. If one of the two alliances wins a clear majority of seats

Ensuring A Clean Parliament

Now that fresh elections for Lok Sabha have been announced, the electorate has to ensure purity in public life and good governance irrespective of the party or parties which come to power. The root cause of many present ills in Indian polity is that the legislature gets a good number of people given to rowdiness and with a criminal record.

While pressure must be brought on political parties to see that only people with good character, knowledge and a record of public service are chosen as candidates, so far as criminals are concerned the Election Commission has a duty to the country to keep them out of Parliament. Under the Representation of the People's Act, a person convicted in a criminal case cannot contest an election. Unfortunately, the Election Commission has given a criminal-friendly interpretation to this rule saying that even if a person is convicted in a lower court and there is an appeal pending in a superior court, the candidate will be allowed to contest. The correct interpretation is that once a person is convicted, even in the lower court, till he is cleared by a superior court he cannot contest the elections.

The Election Commission should also make it mandatory for all aspiring candidates who have been charged with criminal offences but not yet convicted to advertise at least in one English and regional language paper each the cases which have been filed against them. The cut off date should be the date of election announcement so that innocent people are not foisted with false criminal cases.

The Election Commission has a duty to ensure that Parliament the source of laws and Government of the country, is not tainted by criminals.

M. R. Pai

COPING WITH COALITIONS

in the Lok Sabha, there is no problem. The leader of the winning alliance can form the new government. But, if the House is again hung and none of the alliances or parties gets a clear majority, then the alliance or party getting the largest number of seats must be invited and allowed to form the new government on the ground of its having received the best - even if not absolute - mandate of the people. The other alliance getting the second largest number of seats must accept the position of a responsible opposition. This is the only way a parliamentary polity can really run.

In keeping with the democratic ethos, it is absolutely necessary that the two major parties recognise each other's relevance and legitimacy. It

is outright purile to regard as 'untouchable' any party that secures the largest or second largest number of seats and votes all over the country. Whether we like it or not, the people's verdict must be respected. If that is done, government formation should pose no problems nor should it be necessary to encourage unprincipled post-election coalitions where parties fighting each other at the polls, join hands after the polls to share power thereby clearly cheating the public.

As another option, it should be possible without making any constitutional amendments or fundamental political reforms to resolve the problem of instability of governments, frequent elections and

hung houses by (i) the President asking the Lok Sabha to elect its leader so that he could be appointed the Prime Minister (this can be done by the President sending a message to the House under art. 86(2)); and (ii) the House simply amending Rule 198 of its Rules of Procedure to provide for a constructive vote of no-confidence i.e. the motion expressing no-confidence in a Prime Minister simultaneously naming an acceptable successor. If this is done, situations like the one arising after the Vajpayee government losing by one vote, would never arise.

DR. SUBHASH C. KASHYAP, a tireless crusader for constitutional and political reforms for over a decade was the Secretary General of the Lok Sabha.

Not a Problem but an Opportunity

Seetha Parthasarathy

A fractured mandate is the manifestation, within the political system, of the churning that's going on in Indian society. To that extent, it's rather doubtful whether it should be seen as a problem at all.

It's time for another round of elections, the third in three years. With the ignominious collapse of the country's fourth experiment with a coalition government at the centre, once again, the main electoral plank is going to be that of stability. And stability will yet again be equated with single party majority.

On the face of it, that's not quite the case and the two main parties seem to be preparing to share power. The Bharatiya Janata Party

(BJP) has already sewn up the National Democratic Alliance (NDA) and the Congress is still floundering for allies. But both are seeing these alliances as a safety net, just in case they don't get a majority on their own. In fact, both are working towards absolute majority. Neither seems to have learnt the lessons of 1998.

In 1998, even normally on the ball political pundits didn't foresee yet another hung parliament till

quite late into the electoral process. Everyone was positive that popular revulsion for the disgraceful manner in which three governments had come and gone between 1996 and 1997 would translate into an overwhelming vote for a single party. But the Indian voter loves throwing surprises and he did so this time too; it was a fractured mandate once again.

In the search for what went wrong, various explanations have

Coping With Coalitions

been thrown up: apathetic voters, the throng of regional parties, the proliferation of one-man parties. The solutions offered have, therefore, invariably revolved around preventing the splitting of votes by eliminating the smaller parties and independents.

Unfortunately, what is being missed is that a fractured mandate is not merely a managerial problem and, therefore, there is no easy administrative solution to it. People don't vote for or against coalitions. They vote for those who will articulate their demands. A fractured mandate is the manifestation, within the political system, of the churning that's going on in Indian society. To that extent, it's rather doubtful whether it should be seen as a problem at all. Or even as a transient phenomenon as most parties are tending to.

The India that is all set to step into the new millenium is far different from what it was 50 years earlier. The plurality of Indian society has come into full play now and is mirrored in the political system. Since the mid-1970s, the domination of the urban middle class in the political, administrative and intellectual spheres has been challenged by a host of newly assertive social groups from the geographical and social hinterlands. These groups — the peasants, the OBCs, the scheduled castes and tribes, the Dalits, women — had always been around but their concerns and identities had been subsumed within the larger idioms of the freedom struggle and then of nation building as defined by the urban elite. But access to education, the whole process of democratisation and the innumerable choices thrown up thanks to the economic reforms

process led to a groundswell of self confidence in these hitherto subdued sections. They now wanted a larger share of the national pie, have their own agenda and want a political system that is more responsive to their needs.

And as they looked around for someone who could make the system respond, they found that no one party could deliver the goods. The Congress, which was once a coalescence of all these identities, became an overcentralised organisation which couldn't respond effectively to their aspirations. The Janata Dal began eating into the Congress' backward class and Muslim base but as loyalties got increasingly narrower, the party's responses were not flexible or dynamic enough.

Political mobilisation of these newly resurgent classes was now taken up by a slew of newer political formations purely on the basis of various primordial identities — religious, caste, regional, linguistic. Established parties tried to tap these sentiments but the idioms they constructed — be it Mandal or Mandir — couldn't contain the welter of new identities that had sprung up. The newer parties had shrewder leaders who knew how to fashion the right idioms to muster support. So it was only natural that the political system at the Centre began to reflect the multifarious schisms in Indian society.

That is the real reason for the fractured mandates that have characterised every single election since 1989. Voters have united in giving a drubbing to incumbent governments for corruption or non-

performance but this never translated into a majority for any single party. Even the sympathy wave following Rajiv Gandhi's assassination couldn't get the Congress a majority in the 1991 elections. Narasimha Rao ran a minority government for 5 years before consolidating his position by buying up the support of other parties.

One decade of political flux should have led to a recognition, within political parties, of this fundamental social reality. It should have led to the evolution of some norms of political behaviour to ensure that governance is more in tune with people's needs and aspirations.

Coalition governments can be an ideal formula to address the many complex problems dogging India which have their roots in the nature of Indian society. Involvement in a coalition government at the centre gives participating parties a national perspective, enabling them to rise above the narrow, sectarian outlook so typical of them. And that in turn could create the right kind of climate for problem solving, for tackling the myriad ills of present-day India. With the right approach from all concerned, it could actually lead to a maturing of democracy. Instead, parties are still uncomfortable with coalitions, viewing them as a rather inconvenient way of sharing power. The smaller parties, for their part, see in coalitions a godsent opportunity for political blackmail to further their own narrow agendas.

Witness the Congress flipflop on coalitions. At the Pachmarhi session, the party clearly said it was not in favour of coalitions. Yet when the BJP government fell, the party

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was quick to agree to a coalition government, provided it headed such an arrangement. Right now it is desperately trying to work out alliances with regional parties but it wants these arrangements to be limited to seat sharing. In fact, its talks with the AIADMK almost ran aground because of the AIADMK chief Jayalalitha's insistence that even if the Congress got a majority, it should share power with all its allies. The BJP has, very magnanimously, already made that promise to the constituents of the NDA but even that is prompted by the hard nosed compulsions of

electoral politics than an understanding of the social factors behind fragmented verdicts and a readiness to deal with them. Coalitions have, thus, become convenient electoral tools, not a way of sharing power with the diverse social groups that make up India. That's where the tragedy lies. For, till such time as India's myriad social contradictions are not resolved, this political fluidity will continue. The upsurge of nationalistic sentiment in the wake of Kargil may paper over these rifts but only temporarily. The schisms in Indian society will surface soon and make their

presence felt on the political stage. And if these divisions have to be managed and social equilibrium restored, power sharing through coalitions is the only answer.

Power sharing does not mean sharing the loaves and fishes of office. It means a readiness to sit down together and discuss issues, get to the root of perennial problems and arrive at solutions based on a consensus. But do our political leaders have that sagacity or sense of responsibility? That is the million dollar question.

MS. SEETHA PARTHASARATHY is a journalist with *Businessworld*.

Coalition Politics Have Come to Stay

Nagindas Sanghavi

The 1999 federal elections is the Keralisation of national politics.

Three federal elections in four years have dampened the enthusiasm of even the most ardent advocates of coalitions, as a far more suitable political institution for a plural society like India. The September 1999 elections are probably the most widely unwanted ones and everyone is blaming every one else for it. Frequent elections are becoming a rather frustrating experience, almost a nightmare and are being approached with fear and despair. If that option were available, the voters would perhaps be glad to return to the single party dominance system, with which they have been so familiar so long.

Both the major contenders for power in the forthcoming elections, the Bharatiya Janata Party (BJP) and the Congress, seek to exploit this

latent yearning of the people and each blames the other for inducing instability in the political system. Each of them urge the voters to return it with a strong majority to ensure stability and hope that voters would do so. But this is hardly possible. The prevailing political landscape as also the current projections and poll surveys indicate that this particular option is, for all practical purposes, closed as of now. Political India will have to live with coalition politics for some more years at least. Whatever the leaders may say for public consumption, every party and all leaders are mentally prepared for such a situation.

The BJP leaders have been frank and honest about it and have gone to the extent of surrendering their self-identity and have accepted

an agreed programme to keep their group together. The Congress party, still hoping to regain its past glory, boldly resolved to go it alone at Pachmarhi, and Sonia Gandhi acted upon it after the fall of the Vajpayee Ministry. The Congress has now completely reversed its stand completely and is avidly hunting for allies wherever available. It has sought to keep up appearances by declaring that it would not align with any national party and would only have regional allies. This is a mere play of words.

'National' and Regional Parties

The dichotomy between national and regional parties laid down by the Election Commission and accepted by all is mere humbug. Only the Congress party and now,

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to a large extent, the BJP, can claim that status. The rest of the so-called national parties - the CPI, CPM, Janata Dal and Bahujan Samaj Party are mere regional groupings, confined to not more than four or five States. Secondly, in the emerging situation, the regional parties can and do play a decisive role in national politics. With the BJP and the Congress going in for alliances, it is quite clear that the 13th Lok Sabha, like its immediate predecessor, is going to be a hung House and coalition ministries are inevitable.

The transition to the coalition era has been a slow and zigzag process, arising out of the undercurrents as our political system shapes itself. We must therefore not miss the woods, in counting the trees.

Shift in Political Equations

It cannot or would not be reversed so easily or so quickly. A close scrutiny of the performance of political parties over the last few elections will reveal the dual process that is leading to a major shift in political equations in India. There are two processes which are silently working themselves out. The dominant party system is fading out due to the steady decline of the Congress party and this would need replacement both at the national and regional levels.

The Congress has been losing voter support, more sharply after 1989, in terms of votes and seats, and even a minor spurt in 1991 did not reverse the trend in terms of the percentage of votes (Table I). This decline has left a vacuum in the political arena. How or by whom this vacuum is going to be filled is not clear. The future shape of Indian

Table I
The Congress Party in the Lok Sabha

	1984	1989	1991	1996	1998	1999
Seats	415	197	227	140	141	
Votes %	48.1	39.5	36.4	28.8	25.8	

politics depends largely on the nature of the emerging alternative whether it would be single or plural. If it is plural, whether it will be a group of national parties or a number of regional parties or some combination of both. All these alternatives are theretically viable and all of them are at present available.

Table II
The BJP in the Lok Sabha

	1984	1989	1991	1996	1998	1999
Seats	2	86	120	161	182	
Votes %	7.4	11.4	20.8	23.3	25.5	

Only Two National Parties

A single national party challenging the Congress dominance is not unknown to contemporary history. Several such parties - Socialists, Swatantra and Janata Dal have done so with varying success. A group of national parties that merged into a single party, the Janata Party, replaced the Congress for a brief period. But for a variety of reasons, this disintegrated and disappeared from the arena. The BJP is today the main rival and hopes to replace the Congress party. The growth of this party which has been painfully slow, picked up only during the last decade.

But the strong point of the party, *Hindutva* is also its handicap. In a plural society like India, it is difficult for the BJP to grow beyond a point and that point seems

to have been reached (Table II).

Regional Parties

The regional alternative is the fastest growing factor. The facts summed up in the following are compulsive. If we treat the Congress, the BJP and the Janata Dal as national parties, then the seats and the vote support secured by them are going down, though the fortunes of the individual parties may fluctuate (Table III).

There is a sharp and somewhat alarming decline in the number of seats as also the vote support secured by the national parties during the nineties. In contrast to the national parties, the regional and the miniscule parties have been improving their performances by leaps and bound with every successive election (Table IV).

Table II
Combined Seats of Congress/BJP/JD

	1984	1989	1991	1996	1998	1999
Seats	427	425	505	347	329	
Votes %	62.2	68.8	69.0	57.2	54.6	

Currently, nearly a third of the political arena at the federal level is occupied by regional political entities. Their collective vote support in 1998 surpassed that of the national

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Table IV
Regional Parties in the Lok Sabha

	1984	1989	1991	1996	1998
Seats	66	46	55	110	168
Votes %	12.7	15.5	15.1	23.6	35.0

parties. Their total impact is partially dimmed on account of the lack of cohesiveness and splintered structures. But the number and the importance of these groups have registered a sharp increase and all major parties as also the national parties have been forced to cater to their aspirations and their whims. The final pattern of the political system has still not emerged, but the hard and inescapable fact of life is that in any contemporary dispensation at the federal level, the regional parties will have to be counted and courted.

Contests Between Fronts

This fact has already changed the nature of the impending elections. This election will be fought not between the individual parties but between the various fronts and *morchas* (or platforms). In other words, the experiment and the experience of coalition ministries will now be extended to the electoral arena itself.

We are now moving from parliamentary coalitions to electoral alliances and coalitions even before the House is constituted. This of course is not completely unknown to India. From 1977, every ministry in Kerala has been a coalition ministry and the elections are fought between two fronts led by the Leftists and the Congress respectively. In other words, the 1999 federal elections is the Keralisation of national

politics. Too much is being said about the inherent instability of the coalition ministries *vis a vis* single party ministries. Our experience in the field is too limited to draw any final conclusions. So far we have had only three coalition ministries at the national level. The two coalition ministries led by the Janata Dal (1996-98) were also minority ministries supported by the Congress party from outside, while the third ministry headed by Vajpayee enjoyed majority support in the House and was able to demonstrate its majority again and again – more especially on the occasion of imposing President's rule in Bihar.

All these three coalition ministries died in infancy, but they did not die the same way or on account of the same malaise. The Janata Dal ministries were done in by the over-ambitious leadership of the Congress party which lived in a dreamworld of its own and fantasized about returning to power. The failure is not the failure of coalitional politics but of minority politics. In fact, the member parties of the coalition displayed a remarkable cohesion and stayed together till the bitter end. The BJP ministry on the other hand died of internal haemorrhage, which is a professional risk in coalitional politics. The Opposition parties did nothing to topple the ministry, they merely attended the funeral and participated in the last rites. It is interesting to note that while Janata Dal ministries died on account of the power struggle at the federal level, the Vajpayee government was pulled down on account of issues which were either regional (removal of the DMK government) or personal (cor-

ruption cases against the leader of a partner in the coalition government).

It is still too early to predict the impact such party fronts will have on the campaigning and the outcome of the electoral contests. At the time of writing, we hear of at least four separate fronts being formed – the BJP front, the Congress alliance, the third front led by the Leftists parties and the one led by Sharad Pawar and Mulayamsingh Yadav. These groups and coalitions are still in the process of formation and their membership as well as their cohesiveness are still open. These 'Fronts' may limit themselves only to seat-sharing agreements and leave the members to fend for themselves or they may go the whole hog and embark upon collective campaigning. The extent of coalition activities may be confined only to the national level or may be extended to State Assembly elections wherever they are being held. It can be asserted safely that the 1999 elections might be an important watershed in the Indian political party system though its contours cannot be determined with any precision at present.

Such collective participation in the elections might have far reaching effects on the organisation and activities of political parties in the future. If we keep in mind that in mature and functioning democracies, political parties are sooner or later reduced to electoral organisations, then the collective electoral campaign might open up a vista of very interesting possibilities.

PROFESSOR NAGINDAS SANGHAVI is a widely respected political columnist in the Gujarati Press. He is a retired Professor of Politics.

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In Defence of the Parliamentary System

S. R. Kelkar

We must bear in mind that developing countries like ours will be in danger of losing our democracy in a presidential system.

"Time has come to consider switching over to a presidential type of government instead of the present parliamentary type" says Mr. Farooq Abdullah, the chief minister of Jammu and Kashmir. Several other persons also occasionally speak in favour of the presidential system.

Persons who propose the presidential government have obviously the example of the USA where the presidential system has prevailed for more than 200 years. Obviously the system must be good. If we adopt such a system we also will do better and prosper. This might be the feeling in the minds of those who sincerely feel that the presidential system is better.

One more reason advanced by them is that the president gets a mandate for four years and under the presidential system the government will last for four years. We will have stable governments thereby.

The fall of governments lead to elections and this is a great wastage of money. The changeover will reduce this expense.

Another reason advanced is that the President can select his ministry from eminent personalities who need not necessarily be members of parliament.

It is not right to put forward such proposals for change to rem-

edy temporary situations. Practically most countries in Africa have the presidential system. It may not be a coincidence that a majority of them have gone bankrupt.

Recently an organisation of non-resident Africans was formed in England. The main objective of this organisation was to get their loans waived on the plea that the loans were misused by their corrupt rulers, and innocent Africans should not be held responsible for this situation.

Look at Pakistan where the presidential system prevailed. So much injustice was done to East Pakistan that East Pakistan revolted against the central government and Bangladesh came into existence.

South Korea, Indonesia, Hong Kong and Thailand passing through their worst economic crisis, are countries that have 'stable' presidential type of governments.

Hence it is not at all correct to conclude that the presidential system is superior.

The Stability Factor

The stability factor is not really relevant. Italy and Japan have always had unstable governments. But they are part of the prosperous C7 countries. On the other hand, stability by itself does not result in prosperity. Portugal and Spain had stable regimes for 40-50 years un-

der Salazar and General Franco. Today these two countries are last in the list of European countries in terms of economic growth. So is the case with Russia and East European countries. These countries were either communist or fascist. We must bear in mind that developing countries like ours will be in danger of losing our democracy in a presidential system.

Today India's foreign debt is around US\$ 84 billion. The debt service ratio is 28%. This means that 28% of our annual export earnings have to be spent towards repayment of loans - a situation not at all satisfactory. It would have been much worse under a presidential form.

Actually, all Congress Party prime ministers enjoyed much more powers than the U.S. President. As a result, nobody questioned them. Barring six MPs nobody questioned the Emergency. It took the Congress 44 years to realise that their economic policies were wrong. Rajaji and Masani questioned the propriety of the Licence, Permit Quota Raj. Morarji Desai differed over the nationalisation of banks. All these persons had to go out of the Congress. The parliamentary system never came in the way of the Congress when they were in power. They could carry out their (good as well as bad) policies without any problem.

But now the parliamentary

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system has started coming in the way because the Congress has started losing. Hence the cry for a presidential system from members of the Congress Party, like Mr. Vasant Sathe, among others.

For a vast country like ours, the parliamentary system is ideal. We have to think how this can be improved instead of changing it altogether. A presidential system will lead to much greater corruption; towards dictatorial tendencies and more discontent among the states of the Union. In India people vote for charisma rather than performance and we have to be very vigilant in keeping democracy alive.

The 11th Lok Sabha was a hung Lok Sabha like the one before. Still it was commendable that coalition governments made up of 14 parties and a subsequent one of 18 parties in the 13th Lok Sabha, were formed and functioned. The government held elections in Kashmir which a previous stable government with an absolute majority could not. Mr. Chidambaram could collect income tax to the tune of Rs.10,050 crores which even Mr. Manmohan Singh as Finance minister of a stable government could not. Inflation remained less than 5 to 6% throughout the 32 months of the UF and BJP-led Front governments. Mr. Chandrababu Naidu and Mr. Karunanidhi did not withdraw support to the UF ministry though there were differences over the Almatti and Kaveri waters. The government also implemented the Prasar Bharati Act and improved relations with our neighbours. Thus the instability of government did not lead to mismanagement.

The expense of holding elec-

tions costing Rs.1000 crores works out to Rs.5 per person per year if held in 2 years. This is not a great expense. The amount lost in a single share scam was much more.

Still, the mindset of the people and the politicians is for one party rule. The Janata Dal and in particular Mr. V. P. Singh were first to recognise that we have to get accustomed to a multi-party government. He used to call his government as a NF government though there were just 4 MPs of parties other than the Janata Dal. Now the BJP and Congress also have digested this reality.

I feel that we, that is the Indian Union and the European Union have started in opposite directions. The EU is inching towards a common currency, free visa, and free trade. The EU is also going to have a common rotating chairman/

president. However, at the administrative level, the countries in the European Union will have individual freedom. I visualise that gradually we will have more decentralisation, more number of states, but at the same time, more and more understanding of each other's problems. We will meet the EU pattern half way and they will do the same. For an extremely complex society like ours, the present system is better. Our constitution makers did not have any vested interest and they were definitely people of much more vision than the present day politicians.

We should therefore continue our present system and try to improve upon the lacunae instead of changing it altogether.

MR. S. R. KELKAR is a Consulting Engineer by profession, interested in politics and in the survival of democracy.

Is Our Parliament a *Dharmashala*?

Our politicians seem to have totally forgotten that our Parliament is a lawmakers' body and a debating club, and not a *Dharmashala* for the rehabilitation of discredited political destitutes and their family members, or a sanctuary for the protection of underworld dons, dacoit kings and queens, gangsters and criminals.

Not a single deserving Indian woman will be a beneficiary of the misconceived and rather ill-conceived Women's Reservation Bill. The only beneficiaries of this bill will be the mothers, wives, daughters, daughters-in-law, cousins and nieces of our discredited politicians and their patrons, who would like to ensure for themselves that at least their close relations get elected to Parliament, in case they are defeated in the next elections, so that they don't have to vacate their present flats retained by them now as M.P.s.!

This bill is like an insurance policy taken by a person to take care of his or her family members in case of his or her death.

This bill violates the fundamental right of our citizens, men and women, who can today, under our Constitution, contest from any constituency in the Lok Sabha elections. If this bill is finally passed, and receives the President's assent, men will be prohibited from contesting 30% and women from 70% of our Lok Sabha seats. A person who is popular in his or her constituency will not be able to contest from that constituency, simply because it is reserved for the other sex.

The Supreme Court is bound to strike down this bill as unconstitutional, as somebody or the other is bound to file a writ petition challenging it. The whole controversy is hence, futile.

Mrs. Suman Bankeshwar, Mumbai

**This was sent to us in January. With the dissolution of the 12th Lok Sabha, the Women's Bill is once again in limbo.*

Let's Honour The Dead ...

Even a random selection from among the 420 who died in the Kargil war Reveals

They came from many religions and many regions but they all died for India



They were the men of India's Armed Forces. They epitomised India's Secular Democracy

Capt. Jintu Gogoi, Assam • Major Ajay Singh Jasrotia, Jammu • Lt.Col. Vishwanathan, Kerala • Lt. N. Kengurutse, Nagaland • Lt. P. Tomar, Haryana • Sepoy Tsering Wangchuk, Ladakh • Lance Naik N. Pradhan, Darjeeling • Lance Naik Shanker Rajaram Shinde, Pune • Nalk Srinivasa Patra, Orissa • Nalk R. Kamaraj, Thanjavur • Gunner Udhav Das, Barpeta (Assam) • Sepoy Dinesh Waghela, Kheda (Gujarat) • Subedar Joginder Singh, Punjab • Major Padmapani Acharya, Andhra Pradesh • Capt. Hanifuddin, Delhi • Lt. V. Bhattarcharya, West Bengal • Naik Pramod Kumar (Netaji), Bihar • Capt. K. Clifford Nongrom, Meghalaya • Capt. Aditya Mishra, Uttar Pradesh • Subedar Bhanwar Singh, Rajasthan • Major Saravanam, Tiruchi • Major R. S. Adhikari, Himachal Pradesh • Sepoy Liaqat Ali, Jammu and Kashmir.

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Major General E. D'souza, A Veteran Of four wars suggests how we can help our disabled servicemen

"INDIA TODAY has done a great service to our disabled servicemen who have to carry on their lives without hands and feet and because of damage to their spines are confined to wheelchairs. Their disabilities are such that they have to be boarded out of the Army. They need to live in dignity with their disability.

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He has lost a leg and feels that he can best rehabilitate himself by becoming a data operator.

Sepoy Avozole Angami of the 1 Naga Regiment

He has lost both his hands. His desire is to start a small business in Nagaland.

Rifleman Mohammed Asad of the 18 Garhwal Rifles

He has lost his left hand. He wants to find a bride, marry and raise children.

Havildar Sunil Kumar Libu of 1/11 Gurkha Rifles

He is paralysed waist downwards. He wants to modify his home so that he can move about freely in a wheel chair.

There are many other such cases. To enable these splendid men to live in dignity, this old soldier suggests that monetary help be sent to them directly or to the many infantry units where such soldiers have been disabled."

If you wish to respond to this appeal or for additional information please write to :
Maj Gen. E. D'Souza (Retired), Grosvenor, Flat No.1, 174A, St.Cyril Road, Bandra (West), Mumbai 400 050

The 'War-Like' War in Kargil

Some Lessons for the Future

E. D'Souza

To say that it was not an intelligence failure at all levels, external and field, would be begging the issue.

Why did Pakistan resort to this major intrusion into the Dras-Kargil-Batalik sector of Jammu and Kashmir? Why did Pakistan select this rugged high altitude sector to do so knowing full well the degree of the effort involved?

It is well known that the low intensity conflict launched in the softer areas of Kashmir had scaled down considerably because of the measures taken by India. This may well explain why tourism this summer began to pick-up. This state of affairs was not acceptable to the Pakistan Government and certainly not the top Army Brass. Yet another reason was that the opening of the Srinagar-Leh road would enable movement of supplies to commence; there was thus need to interfere with this process, and in addition, cause discontent and fear among the locals of Dras and Kargil and the surrounding areas. A third reason was that a sense of complacency in India appeared to have set-in with the successful 'Bus diplomacy', resulting in the signing of the Lahore Agreement, and that in this environment of euphoria, the Indian Government would lower its guard anxious to prove that the dispensation in power - the BJP led coalition - had scored a major diplomatic victory bettering its chances of being voted back to power. And let us not forget that conditions in Pakistan itself both

politically and economically are such that a diversion was the need of the hour and what better solution than to raise the bogey of Kashmir in an environment where the Americans were anxious to interfere under the guise of preventing a possible nuclear conflict on the sub-continent.

The Pakistanis knew full well that the area selected would be snow bound, reducing the chances of even a large force of infiltrators being detected. It would also create major problems for the Indian Army to throw back the infiltrators occupying such commanding heights - a lesson learnt from Siachen.

Pre-planning

Military knowledge tells us that it would require at least 6 months to plan such a major operation. If the deadline was to be end April or first week of May, the initial preparations could well have begun while the two prime ministers were talking peace at Lahore, possibly even before, an ideal foil to achieve the desired surprise.

During this lead period the Pakistan Army and the ISI would have recruited foreign mercenaries from Afghanistan and other Islamic countries and slip them through collection points to Minimarg, the obvious base for this operation,

located on the highway to Skardu in Baltistan. This is confirmed by the fact that the Pakistani Army personnel killed and identified to date are from the Northern Light Infantry, headquartered in Minimarg. The ISI would have acquired and stock piled the appropriate arms, ammunition, special snow clothing and the large number of other items required to conduct operations in altitudes ranging from 15,000 to 19,000 feet for a sustained period. Due to the lack of roads, porters and ponies would have been mustered and tracks constructed wherever possible to deploy heavy artillery.

An Intelligence Failure?

If such activity was in progress for nearly six months along the single highway to Skardu what was the Ministry of External Affairs, represented by our High Commission in Islamabad, doing? What was the Research & Analysis Wing, responsible for acquisition of external intelligence doing? What were the Intelligence Bureau (IB), and the Field Intelligence Units (FIUs) of the Army doing? It is common knowledge that the IB and the Army develop their own local 'sources' to gain information of hostile or unusual activities along their immediate front. It is alleged that shepherds (Gujars) in this wild terrain did report unusual movement. It is believed that the information reached the Cabinet but in the euphoria of the Lahore

Declaration it was not passed down the line which is unfortunate or else counter measures could have been initiated to reoccupy some of these high altitude posts withdrawn during the severe winter. It was lucky that the intrusion was spotted by an alert Army patrol since missing. The increased and intense shelling of Kargil and Dras towns should also have alerted our field and intelligence agencies based on past experience.

To say that it was not an intelligence failure at all levels, external and field, would be begging the issue. And this lapse has resulted in the large number of casualties suffered by the Army and to a much lesser extent by the Air Force. This then is Lesson One never ever lower our intelligence guard.

The Aims of this Intrusion

There can be no doubt that Pakistan, through this major intrusion, hoped to reap the following benefits:

- Open a second front as it were and by so doing hope to create more favourable conditions in the softer areas of J & K to push through terrorists and create tension in towns and villages.
- By occupying these heights, to bring down accurate artillery and mortar fire on movement of convoys to and from Leh during the road opening season, and create psychologically difficult conditions for the inhabitants residing along this part of the highway.
- To create favourable conditions to infiltrate *mujahideens* from the backdoor as it were into the Valley via Suru in the Zaskar Valley and Baltal, to Amarnath and Pahlgam before the annual

migration of the Gujars/Bakharwals with their cattle to high altitude grazing grounds and so reduce the possibility of detection.

- To create a parallel Siachen making it expensive and difficult for Indian security forces to evict the intruders. In the same context to intensify operations to the point of making a nuclear attack a possibility and so to invoke foreign (read American) intervention.
- To take advantage of the uncertain political climate in India with a caretaker government in power, considered incapable of taking any resolute action to defend our frontiers.
- To internationalize the situation in the hope of gaining political advantage.
- To divert the attention of the people of Pakistan from the poor state of their economy and its internal problems.

The Aftermath

The intruders dug themselves in making it all the more difficult to evict them, situated as they were on the ridgeline. It also became apparent that there was a liberal sprinkling of Pakistan Army Regulars to oversee operations professionally. The initial attempts of the Army to force the intruders back across the LOC posed major problems and a number of troops was either killed or wounded. It was not going to be an easy affair and yet the intrusion had to be removed without further delay. It was at this stage that the Vajpayee government took the sensible step of invoking air power to pound the intruders in their well established positions, soften them up, keep their heads down and so enable ground

forces to advance as near the intrusions as possible.

This step to use air power came as a rude shock to the Pakistanis who made all sorts of noises crying wolf, even to the extent of suggesting that it could well lead to a nuclear war in the pious hope that the international body would intervene. This ploy misfired because international opinion for once agreed that such a large intrusion could not have possibly been launched without the active connivance and support of the Pakistan Army. India's Armed Forces successfully integrated the use of the Air Force, the Artillery and Ground Troops to clear this intrusion and in so doing sending a clear signal to Pakistan that such intrusions will no longer be tolerated.

Many question the fairly high casualty rate. It is a well-known axiom that in mountainous terrain the force occupying the top holds the advantage, and that mountains eat up troops. This is precisely what has happened during this operation. As a result there have been heavy casualties among those deployed in such clearing operations against an entrenched enemy. There can never ever be a Zero Risk factor in fighting in the mountains.

Some Failings

Initially, there was a discernible sense of lack of priorities. The first bloomer made was to openly announce that the Pakistan Government and the infamous ISI were unaware of this plan which our Defence Minister claimed was hatched in secrecy by the Army. No Prime Minister worth his or her salt can claim to be blissfully ignorant of these shenanigans, not when such a large group of intruders is involved. Even if this was a remote possibility, we had no business to

announce this openly when our men were being killed and wounded.

The next major gaffe was to publicly offer safe passage to the intruders, again at a critical period when our men were battling against such great odds. Was this safe passage offered through our own terrain or was it meant to be an unopposed withdrawal across the LOC? Either way it was a very insensitive gesture totally unwarranted.

Then the initial reluctance to accept the fact that this was a major intrusion, giving the impression of lack of conviction. It was only after a public outcry that a semblance of determined reaction became manifest. The politicians and the bureaucracy showed scant feelings for those of our brave officers, JCOs and men killed in action. Again a public outcry restored this insensitivity to the proper perspective. One need only observe the American reaction to the return of their war dead and the total sensitivity to the loss of even a single American Serviceman. Are those in power so lacking in feeling or is it our attitude once expressed by a senior bureaucrat that "these men (of the Armed Forces) were only doing their duty"?

What Needs To Be Done Now

Based on this hands-on experience, a number of measures need to be taken to ensure that such violations do not occur in the future and if they do, what needs to be done to restore the *status quo ante*. Some of the more important ones are detailed below.

- The first and most important step that any government in power should take is that while any peace process or initiative is underway, our guard should never, but never be lowered and

that when dealing with our immediate neighbour, our intelligence network should be hyperactive.

- In the context of intelligence acquisition, there must be better coordination at every level between external and field intelligence agencies, and the most effective coordinating body to guide the government should be the National Security Council, which sad to say, has never ever met in any seriousness. It is a matter of total disbelief that a senior retired bureaucrat Brijesh Mishra should be the National Security Adviser in addition to his many other duties; from his statements made in the print and electronic media his grasp of defence and security affairs is pathetic. Why not a retired Service Chief who is *au fait* with such matters? If Service Chiefs are fit enough to be Governors of such sensitive States as Maharashtra, Sikkim and Nagaland, or Ambassadors or High Commissioners of Denmark, Afghanistan, Canada and New Zealand, why not a National Security Adviser?

- In view of the fact that our international borders are so vast and the present LOC so sensitive calling for closer Army-Air cooperation, it is high time a Chairman of the Joint Chiefs of Staff is appointed, a proactive rather than a retroactive move in the right direction, irrespective of what our bureaucracy feels.

Interestingly, reading odd snippets on this intrusion in the *New York Times* in the last 10 days, one comes to the conclusion that the Americans have at long last accepted the fact which they had ignored all along, that the passage of these so

called Kashmir 'liberationists' has been aided and abetted by Pakistan. The US of A it appears is beginning to accept the fact that these so-called freedom fighters are anything but foreign militants and not ethnic Kashmiris. It is high time that the USA stops equating India with Pakistan in its so-called South Asian scenario. It is encouraging that almost all the G-8 countries now recognize the true facts of this intrusion and are bringing pressure to bear on Pakistan to 'vacate' this major intrusion.

The Last Word

The Western Media has consistently accused our Security Forces of uncontrolled brutality in their handling terrorists/militants and the locals. Yet they conveniently and sanctimoniously condone the fact that a large number of people killed in their massive air strikes using the most modern missiles and bombs in Khartoum, Iraq and now in Kosovo as unfortunate mistakes!! Then India is accused of inducting an unnecessarily large number of troops to contain the militants over a front stretching from Pathankot to Leh. In the same breath the *New York Times* with tongue in cheek reports the induction of 17,000 British troops into Northern Ireland to contain the situation there. One tends to the view that all such accusations must be ignored and the India Government should continue regardless in clearing Kashmir of terrorists, whether call them *mujahideen*, militants or by any other name.

MAJOR GENERAL E. D'SOUZA (Retd.) served in J & K for over 11 years. During the 1971 War he had occasion to fly in a helicopter towards Minimarg over the desolate mountainous high altitude terrain through which the present intrusion was launched.

*Control is not contrary to
freedom. It is essential for the
just use of freedom.*

- Aurobindo



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Our 'Credulity and Negligence'

The 1962 War with Communist China

Prem Vaidya

On October 12, Nehru left for Sri Lanka, on a three-day visit. Talking to newsmen before his departure, Nehru said that instructions had been issued to the troops to "throw the Chinese out of our territory in the NEFA area"!

It was the 'fifties. Nehru was ruling us. Alongside our national anthem, we were asked to sing "*Hindi Chini Bhai Bhai*". Both countries were exchanging goodwill visits. We were sending our politicians and they were sending their 'experts'.

In the Nehru cabinet, there was a minister of Defence called Krishna Menon. 'An arrogant, impatient man, having no political base in the country'. But with Nehru's powerful support, he could ignore all his colleagues. In the ministry of Defence, there was an excellent Defence Secretary, O. Pulla Reddy, an ICS officer. But Menon used to humiliate him in front of others. All norms of proper functioning had been eroded in the ministry of Defence.

Red Carpet Welcome

When the *Bhai-Bhai* slogan was at a high pitch, Menon had invited a high powered Chinese military delegation, headed by Marshal Yeh Chien, Vice-Chairman of the National Defence Council of the People's Republic of China. The 12-member military mission arrived to a red-carpet reception at Delh's Palam airport on January 24, 1958. They were received by General Thimayya, Vice-Admiral S. H. Carlill and Air Marshal S. Mukherjee, along

with two deputy ministers of Defence, Sardar Surjit Singh Majithia and R. Raghuramiah.

On January 26, 1958, speaking at an Indian Embassy reception in Peking, the Chinese Prime Minister, Chou En-Lai said, 'The Peking Government will co-operate with India for peace'.

On January 31, 1958, Menon said in Bombay, '...The frontiers between the two countries, though it was the Himalayas, was not unsurpassable, they could come together in peace, realising that the prosperity of one helped the prosperity of the other. China was not a problem today as some thought, but it was a great country with highest potential for ensuring peace'.

Exposing Ourselves

The Chinese military delegation was taken to various sensitive Defence establishments all over the country, allowed to inspect in detail the armaments with our armed forces and, at places, witnessing our fire-power, explosives, and a whole range of weaponry. The leader of the delegation, Marshal Yeh Chien was very attentive. He said:

'China and India are guided by the well-known five principles of the Panchasheel and the Chinese people and the

Chinese armed forces treasured that friendship with Indian people and the Indian armed forces".

Back in Delhi, the delegation met Prime Minister Nehru. Later at a dinner, minister of Defence, Menon said that '...Neither world peace nor Asian stability can be served without China's participation in the U.N.'

Acharya Kripalani, an Opposition member in Parliament repeatedly warned, '... India should certainly vote for China's admission in the U.N., but why go out of the way pleading for it?'

Soon thereafter, Tibet was taken over by China and H. H. The Dalai Lama escaped to India on March 10, 1959. In the same year, Delhi bookshops were flooded with Chinese maps showing 91,713 sq.km. of Chinese territory. Of these 28,962 sq.km. were in Burma, 27,353 sq.km. in Assam and some 35,398 sq.km. in Jammu & Kashmir! When the matter was raised by the Indian Embassy in Peking, the Chinese said that the maps were prepared by the old Kuomintang regime, and had not been revised by the Communists.

General Thimayya

At this time, an abnormal situation developed in the ministry of

Defence. A rift between Defence Minister Menon and the Army Chief, Gen. Thimayya led to the latter's resignation. On August 30, 1959, at a meeting with the Prime Minister, Gen. Thimayya informed Nehru of the day-to-day difficulties experienced due to the unconventional approach of Menon which had affected the discipline and service morale of the armed forces. Tension grew in Parliament. While defending Menon in the House, Nehru informed the House on September 2 that he had persuaded Thimayya to withdraw his resignation.

On September 3, reports came from Leh, that the Chinese had infiltrated into the Aksai-Chin plateau of Ladakh. On September 7, Nehru presented a White Paper on Sino-Indian relations to the Lok Sabha. The Chinese Prime Minister Chou En-Lai refused to recognise the MacMahon Line as the border between India and China.

China Prepares For War

On September 10, in reply to a three-hour debate, Nehru admitted his error in not taking Parliament into confidence earlier about the Chinese having built a road across the Aksai-Chin region of Ladakh.

On October 21, the Chinese

armed forces ambushed and killed 17 members of an Indian Police Patrol in eastern Ladakh. While the Chinese were gradually advancing on our Northern border on some pretext or the other, the Nehru government continued to send protest notes.

After the lapse of the 1954 Sino-Indian Agreement on Tibet in May 1962, the Chinese started questioning the propriety of India's continuing direct wireless link with the Indian Consulate General in Lhasa. In June 1962, in a well calculated move, China restricted the activities of our Consulate in Tibet.

On July 22, the Chinese opened fire on our border-guards in the Chip-Chap river area. Two of our guards were wounded. As usual, we sent a strong protest and in turn, China gave a call to the People's Liberation Army in Tibet to 'prepare for war against India'.

Next day, on July 23, speaking to newsmen, Nehru said, 'We have to be wide awake'.

Chinese in NEFA ...

While these developments were taking place on the Indian border, Defence Minister Krishna

Menon was having lunch with the Chinese Foreign Minister, Chen Yi in Geneva, where he was attending the Laos Neutrality Agreement. Speaking to the reporters in the evening on the Sino-Indian border issue, he said, "... these

are largely unoccupied areas. They have posts and we have posts. Sometimes they said we shoot first and sometimes we say they shoot first - actually they shot first."

... Nehru in London

While the situation was hotting up on our northern border, Nehru left for London on September 11, to attend the Commonwealth Prime Minister's Conference. The next day, the Chinese crossed into Indian territory in the NEFA area near Tawang in the Kameng Frontier Division and encircled the Indian Outpost manned by the Assam Rifles.

Nehru was informed in London about the incident. Hem Barua, a Member of Parliament from Assam, suggested that Nehru should return immediately after the Commonwealth Conference, cancelling his proposed goodwill state visits to different countries in view of the Chinese aggression.

Menon in New York

Krishna Menon left for New York, to attend the U.N. General Assembly Session. On his way, he met Nehru in London. After this meeting, Menon told reporters, 'We are taking necessary steps to deal with the situation. There is no crisis, no sense of panic. If it was that kind of situation, I would not be here now.'

Both the Prime Minister and the Defence Minister were absent from the country during this critical period.

From London, Nehru went to Paris on a three-day visit. Contrary to what Menon said in London, the fighting continued near the NEFA frontier. Three Praja Socialist members, Farid Ansari, Chandrashekhar



Mao-Tse-Tung and Prime Minister Nehru meeting in 1954

and H. V. Kamat sent an S.O.S. to Nehru, asking him to return. But the S.O.S. fell on deaf ears. From Paris, Nehru went to Nigeria for a three-day state visit on September 23.

As the firing continued near the Thagla Ridge in NEFA on September 24, while the three members, H. V. Kamat, Chandra-shekhar and Ansari urged the President, Dr. Radhakrishnan to convene the Winter Session of the Parliament, much earlier than the scheduled date of November 19, Nehru was addressing a Joint Session of the Nigerian Parliament, at Lagos, on the topic, 'Lessons in Safeguarding Freedom', and India's Defence Minister was attacking the white regime in South Africa for its apartheid policy, at the United Nations.

After his three-day visit to Nigeria, Nehru was scheduled to visit Ghana. But Dr. Kwame Nkrumah requested him to postpone his visit as a state-of-emergency had been declared in the Ghana's capital Accra.

From Nigeria, Nehru visited Cairo on September 29. On September 30, Menon returned from New York and on October 1, Nehru returned after 23-days' abroad - when India was in deep crisis.



Marshal Yeh Chien, Vice-Chairman of the National Defence Council of the People's Republic of China inspecting our tanks at the Ahmednagar Armoured Corps Centre

Peaceful Co-existence Collapses

On October 12, Nehru left for Sri Lanka, on a three-day visit. Talking to newsmen before his departure, Nehru said that instructions had been issued to the troops to "throw the Chinese out of our territory in the NEFA area"!

These words ignited the situation. India's policy of peaceful co-existence with China had collapsed. Two years after and a few days before his death on May 27, 1964, Nehru admitted to Dr. Giesla Bona, the German author of *Indian Challenge*, saying, "You have before you a statesman who has failed..."

When Nehru pleaded for international support, his most trusted Soviet leaders kept mum whereas the U.S. Ambassador to India, Prof. J. K. Galbraith cut short his visit to Britain and flew back to Delhi. The U.S. State Department denounced the attack by the Chinese forces. Britain too condemned the Chinese aggression. On the other hand, the Soviet Communist Party paper, *Pravda*, published an editorial:

"... Imperialists are seeking now to make mischief between the two great powers and also to upset the friendship of the Soviet Union for brotherly China as well as friendly India..."

Protecting Menon

Rajaji suggested that Menon should be relieved and there should be a corresponding



change in our foreign policy. Nehru criticised Rajaji on his suggestion. But Menon being the controversial figure associated with failures of past policy, was hardly the person to be continued. Now, not only the Opposition members, but Nehru's senior cabinet ministers told him that the change at the Defence Ministry had become a political and psychological necessity.

On October 26, President Radhakrishnan proclaimed a state of emergency and summoned both the Houses of Parliament to meet on November 2, 1962. It was at this time he bemoaned "our credulity and negligence".

In a half-hearted action, Nehru took over the Defence portfolio on October 31, and appointed Menon as Minister for Defence Production with cabinet rank. Reacting to this, Sarvodaya leader, Jayaprakash Narayan said that the military reverses suffered by India in NEFA were due to the negligence on the part of Menon, and he was in no way satisfied with the revised arrangements in regard to the Defence Ministry. He said that Menon, as one of the principal figures associated with Defence policy, should have

nothing to do with matters relating to Defence.

On November 2, Ambassador Galbraith announced that a plane-load of American military equipment would start arriving to help the Indian army.

On November 7, Mr. Nehru accepted Menon's resignation with great regret!

After a few days of lull, there was a huge Chinese onslaught on November 16, in NEFA, to the west of Walong. The Chinese kept coming "wave after wave" supported by artillery, mortar and recoilless guns.

- Walong fell on November 17 ...

- Se La on November 18 ...

- Bomdi La on November 19

The Chinese were hardly 160 kms. from the plains of Assam.

Plane loads of American military equipment started landing at Calcutta with the most modern sophisticated high-altitude war equipment.

On November 21, 1962, the Peking Government announced a unilateral cease-fire while keeping the right to strike back in self-defence!

Nehru's Promise ...

Nehru informed a mournful House, "Whatever time it takes, whether it takes years or more, we can never accept that India's soil should be invaded by the enemy, because we will never bow our head before the enemy."

Which his Grandson Forgets ...

26 years later, in December 1988, Nehru's grandson, Rajiv Gan-

dhi visited China as Prime Minister of the Government of India, and his government claimed to have achieved success in Sino-Indian ties in scientific, technical, cultural, educational, trade and economic fields - but not on the 30 years border dispute! Prime Minister P. V. Narasimha Rao also visited China on September 6, 1993 on a four-day visit with 'Faith and Goodwill', and signed an agreement to observe the Line Of Actual Control (LAC) till a mutually acceptable settlement to the three-decade old border dispute was found through negotiations. Yet not one of Congress (I) remembers today Nehru's promise to that mournful House!

MR. PREM VAIDYA, a documentary film-maker, was with the Films Division of the Government of India. He is the recipient of several awards - national and international.

Relations with Pakistan



ध्यायतो विषयान्मुंसः सङ्गस्तेषूपजायते ।
सङ्गात्स यते कामः कामात्क्रोधोऽभिजायते ॥
क्राधोन्द्रवतियसम्मोहः सम्मोहात्स्मृतिविभ्रमः ।
स्मृतिभ्रंशाद्बुद्धिनाशो बुद्धिनाशात्प्रणशयति ॥

Gita II 62-63

Friendship between India and Pakistan really does not depend, as is commonly supposed, on any solution of the problem of what should be done for the people of Kashmir regarding their government. It depends on the very much larger affairs of how the life and economy of the 90 million people of Pakistan and the 470 million of India are guided. This must be obvious to any reasonable man of affairs. But when reason and understanding get blurred by undue concentration on a particular object of desire and the constant contemplation of it, the desire acquires the intensity of madness and anger and confusion of thought follow, causing loss of understanding which leads to ruin. This is a word to word translation of the Gita text quoted above - and it is exactly what has happened to us and to Pakistan.

C. Rajagopalachari
Swarajya, January 22, 1966

Issued by the Rajaji Foundation

The Right to Die and Voluntary Euthanasia

- Emerging Perspectives

Dr. B. N. Colabawala

To honour the memory of Mino Masani, who passed away on May 27 last year, the Society for the Right to Die with Dignity (SRDD) in association with the Leslie Sawhney Programme and Freedom First Foundation organised a seminar in Mumbai on May 29, 1999. The discussion centred around a credo for the SRDD, the Right to Die in the context of the Right to Life; the freedom to choose to die; and the concept of the Living Will. Thirty five participants (see box below) took part in this half day discussion. The following is based on the proceedings of this seminar.

The Fundamental Right to Die

Is the 'Right to Die' a corollary to the fundamental 'Right to Life'? When we talk about the 'fundamental right to life', it is implied that this 'right' is enshrined in the Constitution of India. But this is not so. Article 21 of the Constitution merely provides for the right to life in as much as it states that no individual can be deprived of life except by due process of law. Hence the right to life is not explicitly stated but is implied. If that is so, then 'the right to die' cannot be construed as a fundamental right under the Constitution. In any case, rights are not absolute and are circumscribed by various restraints. To make the right to die a fundamental right one would need an amendment to the Constitution - very difficult at the best of times and in the present political context almost impossible. The best one can hope for and work towards is legislative action. In fact

there is no country in the world where the Constitution enshrines the "Right to Die". The only basis we have at present is to consider it as a moral issue.

Freedom To Choose To Die

On the other hand while we may not have the legal right to die, we certainly have the freedom to choose how we wish to live and how we wish to go.

The circumstances under which this freedom could be exercised can be outlined under two heads:

- (a) When an individual felt that he or she had fulfilled his or her obligations in life to the family, society and the country, and that person no longer desired to continue living, he or she should have the right to decide the time and mode of death and this decision must be entirely that of the person concerned. This concept has the sanction of past

tradition. The most famous example is that of *Sant Dyaneshwar* who chose to terminate his life in *samadhi* at the age of 19 or 20 years on the ground that he had finished his life's work. Even in our era, there are examples such as those of Mr. Gopal Mandlik, Vir Savarkar, Acharya Vinoba Bhave, Mr. Shantilal Shah and others, all intellectuals and well respected members of society, who terminated their lives for the same reason. The *dharma* of Jainism to this day advocates relinquishing of life by the act of *Santhara*.

There are also socio-economic factors. For instance the problems of the aged whose numbers are ever increasing and issues of poverty. But there are many who feel that old age and poverty are not adequate grounds to exercise the choice to end one's life. The desire of old people to terminate life is mostly due to the influence of depression at that age,

LIST OF PARTICIPANTS

Dr. V. N. Bagadia • Dr. B. N. Colabawala • Mrs. Sanjeewani Deshpande • Mr. Arvind Deshpande • Mr. J. B. D'Souza • Ms. Brunelle D'Souza • Dr. Surendra Dhelia • Mr. D. F. Fitter • Mr. S. P. Godrej • Ms. Katy Gandeveia • Dr. A. K. Gavale • Dr. (Ms.) N. Gokarn • Dr. Nagraj Hullgol • Justice R. A. Jahagirdar • Ms. Pareen Lalkaka • Dr. Sushil Muni • Ms. Usha Mehta • Ms. Aban Mukherji • Ms. Sheela Masani • Mr. Feroze Patch • Dr. Anil Algaokar • Dr. Sunil Pandya • Mr. Jehangir Patel • Mr. D. R. Pendse • Prof. V. C. Phadke • Mr. S. V. Raju • Prof. V. K. Sinha • Mr. Abe Solomon • Mr. Haresli Thacker • Ms. Usha Thakkar • Dr. V. Vahia • Mr. Walter Vieira • Prof. S. S. Varde • Dr. N. H. Wadia.

“21... I think... er... see... when India was formed... in... nineteen... umm... nineteen... umm... when it was formed... they had less states than they have now... er... we have more states... now... I think they added one more... we.... we added one more... no, two more... recently... it was in the papers... not all of them... some... so 21 plus 2... that is 23... 23 states... without including Goa... and... Delhi... Delhi is actually seen as the capital... not a state in the true sense of the word... constitutionally, it is 21... but then when you say states... it is 23... yes... no!... sorry... there is Andaman... and Pondicherry...”

and once that is dealt with, they would get over the desire. It is therefore for society to find ways and means to help such individuals. The right to life is a positive one as opposed to the right die which is a negative one. So we must be very careful before enlarging the circumstances under which this right is exercised.

At the same time we need to dispel the misapprehension that the acceptance of this concept of voluntary euthanasia by society would lead to a long queue of individuals wanting to die. Attachment to life is far greater than the desire to die and perhaps not even one in a million would choose to exercise this right.

- b) We must also accept the fact that such decisions are subjective. Moreover it would be difficult to ascertain whether the decision was not as a result of emotional stress or pressures from interested members of the family. What if the family members disagreed? Who should decide and in what manner that an individual's obligations in life have been fulfilled? And how is one to decide what these obligations are,

Where terminal illness is involved, there is a greater acceptance of the fact that is more practicable. There is increasing awareness in society as witnessed by the many media reports, TV shows and personal approaches on the subject by many individuals with me.

Voluntary Euthanasia

The deletion of Section 309 of the IPC (this section makes attempted suicide a criminal offence)

is a major factor in the implementation of any legislation on the right to die and voluntary euthanasia. It is absurd that attempting suicide or aiding and abetting one to commit suicide is a criminal offence.

The seminar devoted a major part of its attention to the theoretical and philosophical aspects of voluntary euthanasia. Important as these aspects are if they are not remain on paper there is need to consider the practical side.

The following are partly based on ideas thrown up at the seminar and partly suggestions that are placed before you for your consideration.

1. Consider the *Ichha Maran* (Living Will) statement and guidelines for voluntary euthanasia in the context of the issues raised above.
2. I do not believe that we need to have differential moral judgments between "active" and "passive" euthanasia. Passive (or negative) euthanasia is not as passive as the word suggests. After all, the doctor is doing something active by not offering life support and only giving narcotics - perhaps in increasing doses - to relieve pain and suffering. But he makes himself believe that his intention was not to bring about death, when he knows fully well that these drugs at one stage will lead to death. As opposed to that, is "active" (or positive) euthanasia which brings about the same effect but more rapidly. It is therefore of no purpose to create a conflict between the ethics of intentions and ethics of results produced, as both produce the same effect.
3. We all feel that the law today is a hindrance. Hence we need to

discuss various aspects of suitable legislation. Some significant aspects are:

- The difficulty of verification and implementation of some of the criteria for voluntary euthanasia and decision making capacity - whether there was any coercion, judgement on irremediability. These needed to be sorted out.

- Would the criteria be applicable to patients suffering from incurable diseases etc. but who are not on the verge of impending death.

- How does one define terminability of illness, particularly now in the context of medical technology being able to prolong or postpone the process of dying. Perhaps, we should not use the term "terminal illness". There were many diseases which are incurable but may take a variable period of time before reaching the terminal stage, when death may be impending. Hence it is evident we should label them as incurable diseases till that stage of impending death. This is not to deny them their freedom to choose euthanasia at any stage. Further, the final act of terminating life should only be carried out under medical supervision. The family should not be given that right, although often enough, their assessment of the patient's illness may be better than that of the medical attendant.

These difficulties could be resolved by reviewing the clauses of *Ichha Maran*, and that of the criteria for voluntary euthanasia.

4. The following parameters need be kept in mind when drawing up legislation:

- (a) The law should be unambiguous and each clause must be clearly defined.
 - (b) It must provide for immunity from civil and criminal liability for medical professionals, para-medical staff, institutions and family. It is therefore necessary to repeal Section 309 of the IPC as also that of aiding and abetting. Alternatively, the law should unequivocally exclude voluntary euthanasia from its purview.
 - (c) An *Ichha Maran* Declaration should be given legal sanction.
 - (d) It should provide for medical assistance to terminate life.
 - (e) Sufficient safeguards against misuse should be provided.
 - (f) The criteria for voluntary euthanasia should be clearly defined.
 - (g) Severe punishment for infringement of the law must be incorporated.
 - (h) It should provide for freedom of medical professionals to dissent and not participate in the procedure.
- Perhaps the SRDD should take the initiative in setting up a Committee to consider the terms of

such legislation. A majority of its members should be drawn from different sections of the society and the services of doctors should be availed of as experts on technical issues.

I invite readers of *Freedom First* to become members of the Society for the Right to Die with Dignity. They are welcome to write to me at the following address with any suggestions and proposals they may have on the issues raised in this report.

Dr. B. N. Colabawalla,
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Relations with Pakistan



Where Pakistan is concerned, we shall have to have two policies: a short term and a long term policy. In the short term, our firm posture of resisting any aggression or infiltration must be maintained. Our long term policy should be to keep the door open to normal friendly relations which are so demonstrably necessary in the interest of both countries.

These must be established some day even if it takes months or years; if the two countries are not to take the wrong path and go down in mutual destruction. Geography has made us intimate neighbours. If I do not like my neighbour in a house or a flat, I can move to another, but a country does not enjoy that luxury of moving away from a neighbour. Sooner or later the two countries will have to learn to co-exist. For this to come about, however, there will have to be a change of heart first on the part of the present government of Pakistan. But, Sir, when that change takes place, let the door be open, and as a stronger and bigger power, let us then hold out our hand in response.

Minoo Masani

From a speech delivered in the Lok Sabha on November 15, 1965

A Burning Question

- The U.S. Flag and Freedom of Speech

Minoo Adenwala

"If there is a bedrock principle underlying the First Amendment, it is that the Government may not prohibit the expression of an idea simply because society finds the idea itself offensive or disagreeable."

- Justice Brennan

On June the 24th, 1999 the U.S. House of Representatives, by a vote of 305 to 124, once more, passed a resolution proposing an amendment to the U.S. Constitution giving Congress the "power to prohibit the physical desecration of the flag of the United States." A similar resolution had been passed, by the House, in 1995 and 1997. In 1996 the vote in the Senate (on the 1995 House vote) was 63 to 36, or three votes short of the necessary two-thirds majority, and in 1998 (on the 1997 House vote) a count showed that the Senate was three votes shy of two-thirds, so no vote was taken. This year the resolution again faces defeat. All 100 senators have already expressed their opinions. Sixty-five favour the amendment, but that is still two votes short of two-thirds. Obviously the battle will continue in the years to come.

Texas v. Johnson Case

The flag desecration issue came to a head in 1989 when the Supreme Court of the United States ruled in a landmark decision in *Texas v. Johnson*, that any state law banning the burning of the Stars and Stripes was in violation of the Constitution's cherished First Amendment, part of which reads, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom

of speech, or of the press;" *Texas v. Johnson* (1989) arose out of an incident at the 1984 Republican Party National convention in Dallas, Texas. Gregory Johnson, a member of the Revolutionary Communist Youth Brigade, participating in a political demonstration against the policies of the Reagan administration, burned an American flag, as a crowd of supporters chanted, "America, the red, white and blue, we spit on you. You stand for plunder, you will go under..." Johnson was arrested and convicted under a Texas flag desecration law, which among other things sought to preserve the flag as "a symbol of nationhood and national unity." Johnson appealed his conviction, by Texas, to the Supreme Court of the United States.

In a close, dramatic 5 to 4 split decision, the Court upheld Johnson's right to burn the flag as an act of symbolic speech. It ruled that when conduct is "sufficiently imbued with elements of communication" it falls within the free speech protection of the First Amendment of the Constitution's Bill of Rights, and therefore enjoys the same stringent protection given to regular speech. Justice Brennan, who delivered the majority opinion pointed out that, According to Texas, if one physically treats the flag in a way that would tend to cast doubt on either the idea of nationhood and national

unity which are the flag's referents or that national unity actually exists, the message conveyed thereby is a harmful one and therefore may be prohibited."

He also pointed out: "A law directed at the communicative nature of conduct, must like a law directed at speech itself, be justified by the substantial showing of need that the First amendment requires." But the state's claim of such need must be subjected to "the most exacting scrutiny." The state must show that Johnson's communicative message created a clear and present danger of "imminent lawless action."

The court concluded that no such threat to a breach of the peace resulted from Johnson's burning of the flag. The Texas law was aimed primarily at an idea that the state found offensive, and this was a form of censorship. Brennan ruled that "If there is a bedrock principle underlying the First Amendment, it is that the Government may not prohibit the expression of an idea simply because society finds the idea itself offensive or disagreeable."

The Supreme Court's ruling against Texas, which implicitly also declared unconstitutional similar flag desecration laws in forty eight other states, set off a storm of protest. The U.S. Senate passed a resolution

by a vote of 97 to 3 expressing its "profound disappointment" with the ruling. The House voted its "profound concern" by 411 to 15. Then it spent the whole night listening to impassioned speeches attacking those who desecrated the flag. President Bush proposed the passing of a constitutional amendment, banning flag burning, which no court could overturn. Congress finally responded to this national outcry in October 1989, by passing a federal or national law against flag desecration called "The Federal Flag Protection Act of 1989." 11 A key clause of the Congressional statute stated:

- (a)(1) Whoever, knowingly mutilates, defaces, physically defiles, burns, maintains on the floor or ground, or tramples upon any flag of the United States shall be fined under this title or imprisoned for not more than one year, or both.

The Supreme Court, in June 1990, declared the federal law unconstitutional in the case, *United States v. Eichman*, for the same reason it had struck down the Texas law. It was by the very same 5 to 4 vote, a razor thin majority for the defenders of the First Amendment.

The Supreme Court's interpretation of the U.S. Constitution is final. There are only two ways to overturn its ruling. The Court can reverse itself at a future date, or, two-thirds of the House of Representatives and of the Senate can propose a constitutional amendment, which then has to be ratified by three-fourths of the states. The latter can be a difficult and long drawn out process.

In over 200 years the Constitution has been amended only 27 times. But this might not be the case for an anti-flag desecration amendment. Opinion polls have shown that

around 80 per cent of the population are in favour of an anti-flag burning amendment. When *Texas v. Johnson* was decided in 1989, 48 states already had anti-flag desecration laws on their statute books. In this case ratification by the states could be swift.

What is the great harm of such an amendment, ask its myriad supporters? Since the flag is an unique symbol of the country it should be made an exception to political defilement. Every nation needs its patriotic symbols to create cohesion and unity. Desecrating it is not the only way to express political criticism. Chief-Justice Rehnquist made this point in his forceful dissent in *Texas v. Johnson*:

"Johnson was free to make any verbal denunciation of the flag that he wished; indeed he was free to burn the flag in private. He could publicly burn other symbols of the Government or effigies of political leaders The Texas statute deprived Johnson of only one rather inarticulate symbolic form of protest - a form of protest that was profoundly offensive to many - and left him with a full panoply of other symbols and every conceivable form of verbal expression to express his deep disapproval of national policy."

To the surprise of many, Justice John Paul Stevens, an ardent defender of free speech and the First Amendment, also joined the dissenters. Making a similar point about the unique, symbolic, patriotic value of the flag, the World War II veteran wrote,

"The ideas of liberty and equality have been an irresistible force in motivating leaders like Patrick Henry, Susan B. Anthony and Abraham Lincoln, schoolteachers like Nathan Hale and Booker T. Washington, the Philippine

John Glenn's Defence of Individual Liberty

No one made a better and more stirring case in defense of Johnson's right to symbolic protest than ex-Senator John Glenn when he testified against the proposed constitutional amendment before the Senate Judiciary Committee. As a decorated Marine pilot, the first American to orbit the earth as a pioneering astronaut, and a Midwestern conservative, Glenn's credentials as a hero and patriot are set in stone. In part of his lengthy statement he said:

"Those who made the ultimate sacrifice, who died following the banner, did not give up their lives for a red, white and blue piece of cloth. They died because they went into harm's way, representing this country and because of their allegiance to the values, the rights and principles represented by that flag and to the Republic for which it stands.

"Without a doubt, the most important of those values, rights and principles is individual liberty: The liberty to worship, to think, to express ourselves freely, openly and completely, no matter how out of step those views may be with the opinions of the majority.

"Do we want to take a chance on reducing our freedom of speech? What about freedom of the press? Do we want to open even a tiny chance to restrict our ability to assemble peaceably? And do we want to take a chance that we would not be able to petition our government for redress of grievances? Those are the things covered in that first amendment, known as the Bill of Rights."

MA

Scouts who fought at Bataan, and the soldiers who scaled the bluff at Omaha Beach. If those ideas are worth fighting for - and our history demonstrates that they are - it cannot be true that the flag that uniquely symbolizes their power is not itself worthy of protection from unnecessary desecration.

The controversy over flag burning and desecration highlights one of the crucial dilemmas of liberal democracy. Where does one draw the line between the "voice of the sovereign people" and "the rights of the individual? After all, democracy is "government of, by and for the people." Chief Justice Rehnquist made this very point in his dissent: "Surely one of the high purposes of a democratic society is to legislate against conduct that is regarded as evil and profoundly offensive to the majority of people - whether it be murder, embezzlement, pollution, or flag burning."

But democracy as it developed in England and the United States, developed concomitantly with liberalism. Both are rooted in the 17th. century. Liberalism arose at the time of the Renaissance and the Reformation. The disintegration of the feudal economy, the collapse of the universal Christian church, and the rise of the nation-state based on the concept of nationalism, led ultimately to the demand for individual freedom from all arbitrary authority.

Liberal Democracy

Initially it was the commercial classes that challenged the dictates of political absolutism. It was the class, especially in England in the 17th. century, that led the rebellion against absolute monarchy and political absolutism. But this demand for economic freedom led to a demand for individual freedom in

every area of life - social, political, religious, and intellectual. Out of this demand emerged the fundamental idea of individual and civil liberties, often enshrined in Bills of Rights. Rights and liberties that could not be violated even by "majority rule" and democratic governments. True democratic government, therefore, had to be constitutional government, government that was limited, that had to recognize a sphere of individual autonomy. Liberal democracy had to balance the voice of the majority against the rights of the individual.

Opinion polls in the U.S. have consistently shown that when asked in the abstract whether they believe in freedom of speech and expression, an overwhelming number of the U.S. population say they do. But often, when confronted with specific controversial questions, such as the right of communists to espouse their doctrines, a majority argue against it. Such is the case with the right to burn the flag as an expression of political protest.

It is easy, in the cut and thrust of debate and argument on the subject, to lose sight of the most significant argument in defense of the right to burn the flag as a symbol of protest. Why, it should be asked, is the flag venerated? If it symbolizes the nation, what does the nation stand for? Justice Stevens, whose dissent we have already quoted, acknowledged that the flag symbolizes the power of the ideas of liberty and equality, and therefore it, the flag is "worthy of protection from unnecessary desecration." Isn't it ironic to claim that the flag symbolizes "liberty" but cannot be used as a symbol of the liberty of political protest. This was the very point made by the great Justice William Brennan who delivered the majority opinion:

"We do not consecrate the flag by punishing its desecration, for in doing so we dilute the freedom that this cherished emblem represents."

MINOO ADENWALLA is Professor of Government & the Mary Mortimer Professor of Liberal Studies, Lawrence University Appleton Wisconsin.

Prevention of Insults to National Honour Act, 1971

On December 22, 1998, Chief Metropolitan Magistrate, Mr. R. K. Gauba, issued summons to two government officials for showing disrespect to the national flag. They had used 36 national flags for wrapping waste paper meant for disposal.

Actually the incident had occurred 7 years earlier at the Tis Hazari Court building on 20 January 1992.

An FIR (First Information Report) under section 2 of the Prevention of Insults to National Honour Act, 1971, was registered. The Metropolitan Magistrate concerned transferred the investigation to the Central Bureau of Investigation (CBI).

The CBI submitted its report on 27 September 1993 in which the investigating officer of the case stated that it was being closed as the investigation had brought out that the government personnel concerned were negligent in handling the old national flags, but disrespect for them was not intended. But the complainant (an advocate) was not satisfied. Hence the summons to the two officials for what they had done almost 7 years earlier!

(Based on a report in *The Statesman*, 25 November 1998)

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PROFILES OF INDIAN LIBERALS

A. D. Shroff

Vigorous Advocate of Free Enterprise

Minoo Shroff



A. D. Shroff (1899 - 1965)

The 4th of June marks the birth centenary of A. D. Shroff. It is worth recounting the very significant contribution he made to the economic life of the country, not only in the realms of industry, banking and insurance, but as an eloquent and fearless spokesman of issues of public importance.

On graduation, he caught the eye of eminent men in business like R. D. Tata, F. E. Dinshaw and Sir Dinshaw Vatcha. At their encouragement, he proceeded to London to join the London School of Economics, and with their introduction was accepted as apprentice by the Chase Bank, London.

On his return, R. D. Tata advised him to join the Tata Industrial Bank (now Central Bank of India). This did not appeal to him and he instead joined the firm of stock brokers, Batliwalla & Karani. As a partner of this firm, he gained increasing recognition in corporate circles and came in close contact with several senior Tata Directors, particularly the Chairman, Sir Nowroji Saklatwala. He was ap-

pointed Managing Director of Investment Corporation of India Ltd. in 1936. In 1940, he joined the Board of Tatas and became their Financial Advisor.

In the early 1930s, he became a name to reckon with among bankers. He was considered for the post of the first Indian Deputy Governor of the Reserve Bank of India in 1935, but was rejected because he had aroused the animosity of Sir James Griggs, the then Finance Minister of the Viceroy's Executive Council, for being too close to Sir Osborne Smith who was felt to be dangerously sympathetic to Indian business.

An event which had considerable bearing on Shroff's vigorous advocacy of free enterprise in later years took place in 1936, when he was the Vice-President of the Indian Merchants' Chamber, Mumbai. He was considerably exercised by Jawaharlal Nehru's marxist leanings which were reinforced by the socialist content of Nehru's presidential address to the Lucknow Congress in April 1936. As IMC Vice-President, he wrote a perceptive article in *The Times of India* drawing the pointed attention of the business community to Nehru's view that "private property was immoral" and his advocacy of socialism which Nehru defined as "the ending of private property and profit system". Nehru went on to describe events in the Soviet Union as the inauguration of a "new civilisation" and called for the "total destruction of the existing social

and economic structure". Immediately thereafter, twenty-one leading businessmen and industrialists published a manifesto criticising Nehru in leading newspapers. Many believed it was Shroff's brainchild.

The article obviously generated quite a stir and strong pressures were brought on IMC elders to field a candidate against Mr. Shroff at the ensuing presidential election to prevent him from being elected President, which otherwise was a formality. Shroff contested but was defeated, paying the price for the courage of his conviction. Later events proved him right, as twenty years later, the Congress passed a resolution adopting the socialist pattern of society as its guiding ideology for India.

Bombay Plan

Despite Shroff's open opposition to the Congress's expressed economic policy, he was appointed by the Congress President, Netaji Subhas Chandra Bose as a Member of the National Planning Committee set up in 1938, under the Chairmanship of Nehru. Later in 1944, he, along with seven other leading industrialists like J. R. D. Tata and G. D. Birla, authored what came to be known as the "Bombay Plan".

He was selected as one of the two non-official delegates to the Bretton Woods Conference in 1944 which led to the formation of the World Bank and International Monetary Fund. Mr. Shroff ardently

put forth the case for the status of India's sterling balances. Lord Keynes, a leading protagonist of the Conference, who initially described Shroff "as a highly articulate maverick - a snake in the grass trying to catch us (Britain) out and filled with suppressed malice" later expressed appreciation of his moderate, friendly and realistic statement of India's problems.

He was the Chairman and Director of numerous companies during his career. However, the recital of his directorships hardly gives an inkling of his sense of active involvement in their management. He used his enormous mental capabilities and contacts to assist their growth.

Mr. Shroff headed a number of important government committees. One which is particularly noteworthy was the Committee on Finance for the Private Sector appointed by the Reserve Bank of India in 1953. The far-reaching recommendations of this Committee led to the formation of the ICICI Ltd. and a number of State Developmental Financial and Industrial Corporations. His contribution was recognised by Mr. George Woods, past President of the World Bank. "In 1954, I had his invaluable help

Respect the Law

"It is absolutely imperative that thinking people in the private sector should make an organised endeavour to establish amongst all sections the highest standards of integrity and efficiency. However much as we may disagree with government in their policies and action, everybody engaged in the private sector must recognise it as their elementary duty to respect the laws of the country and to pay their dues promptly without any attempt to avoid their obligations".

A. D. Shroff

in the work preparatory to the establishment of the ICICI. Mr. Shroff deserved as much credit as any man for bringing that effective organisation into being".

In 1960, Mr. Woods invited Mr. Shroff to tour the USA. He observed: "It was my great pleasure and privilege to be able to act as his host in a tour which took him the length and breadth of the United States. Everywhere he went, he spoke of India with the love and understanding of a great patriot, and everywhere he went, he left behind him new friends of India, and a better understanding of her problems." Mr. Woods in a rare tribute, made a reference to his personal qualities. "His prodigious command on facts and figures would have made him a leader among bankers and businessmen in any society." What is pertinent is that Mr. Woods chose for his mission an individual who was one of the strongest critics of the then government's economic policies.

Vindicated

A. D. Shroff was greatly exercised by the growing socialist ideology of the Indian government in the early 1950s, culminating in the nationalisation of the Imperial Bank of India, airlines and life insurance. To educate public opinion on the serious implications of these measures and to project the great contribution private enterprise could make to a speedy development of the economy, he promoted the Forum of Free Enterprise in 1956. Having been connected with national planning earlier, he believed in planning but not to the extent that it stifled individual initiative and enterprise. He was against Soviet style comprehensive centralised planning as adopted in India which encompassed all aspects of life. Events proved Shroff right. The liberalisation of the

economy in 1991 was a vindication of A. D. Shroff's vision and economic philosophy.

While he propagated the message of the role of free enterprise in the development of India with fervour, he constantly urged the business community to exercise great discipline and circumspection in their conduct. He helped to evolve a code of conduct for businessmen.

His personal quality was his capacity to hold opinions strongly and defending them vigorously. He was a staunch nationalist at heart and had the strength of mind and moral courage to express his viewpoint without fear and irrespective of the consequences. He respected those who had a mind of their own and who did not grovel at anybody's feet.

More than anything else, he was a warm hearted and generous person, ever willing to help deserving individuals and worthy causes not only with his time but also his own resources. He actively helped a large number of talented entrepreneurs to set up and develop their enterprises, and established traders to go into industries.

A. D. Shroff, a powerful speaker, reckoned as a financial wizard, and what Sir M. Visvesvaraiya would have described as a "practising industrialist", can be truly described as one of the builders of the modern Indian economy.

Mr. A. D. Shroff played a crucial role in the founding of the Swatantra Party in 1959. He was for a while a member of the Executive Committee of the Swatantra Party, Bombay, and later, a member of the General Council at the national level - ed.

MR. MINOO SHROFF is an economist and Trustee of the A. D. Shroff Memorial Trust.

Aung San Su Kyi : Country Vs. Love



Nobel winner Aung San Su Kyi, is the symbol of the fight for a free society in Burma, now called Myanmar. She lives out her life in Myanmar virtually under house arrest. Myanmar itself is almost closed to the outside world. Thus,

hers seems to be a double-arrest, needing great fortitude, of which she seems to have an inexhaustible supply. It was cruel on the part of the military junta to deny a visa to her dying husband. If she had wished to go, the price was that she could not enter Myanmar again. Riddled with metastasis, his original cancer having invaded every organ, his entry posed no threat to anyone, and would have given him, the moral support of her love in his dying days. Michael Arris her husband was a scholar of Oriental history and religions. Which was probably the secret of their compatibility. The couple remained true to each other, despite their long-dis-

tance marriage. Aung San Su Kyi, is herself a sick person. It was love of country which brought her back to Myanmar, and love of country which kept her there when she had to make the painful choice between husband and her country. Many women will feel that she had a primary duty by her chosen spouse. Others will feel that she chose the greater loyalty, her country, with a broken heart, and a conscience which will always be haunted, by the shadow of her decision. In denying her husband a visa on humanitarian grounds, the military junta is guilty of a human rights violation, which is no less grave, because only one person was involved.

The Other Side of Jayalalitha

On the very day that Jayalalitha was doing her worst to fracture the Indian polity, she appeared on Simi Garewal's 'talk-show'. Her face, though slightly bloated, is still very comely. Her figure, (I can sympathise with this!) seems to have overblown, either due to illness or medication. Probably a thyroid problem, which is cruel to those who have it. Her accent is rather like Queen Elizabeth's - clear, precise and "fluty".

An Abandoned Child

It would seem that she grew up in an ambience of luxury, which proved to be somewhat hollow - as she discovered later. Her mother kept the family going, doing char-

acter roles, at a time when the profession of an actress was fraught with negative implications. The young Jayalalitha missed her tremendously, and on one occasion tied the last part of her mother's saree *pallu* to her hand. Her mother had to undo the knot, and leave the sleeping child, to take the night train to Madras. Her mother died young, and till then Jaya, had no knowledge of housekeeping or money. She had to learn the hard way.

M.G.R.

She was evasive, and the interviewee did not press her about her relationship either with M.G.R. or Shashikala Natarajan. She claimed, that M.G.R. was all things

to her: father, mother, guide and mentor. The word 'lover' was not uttered by Jayalalitha, nor pressed on her by Simi.

Her childhood, dominated by an absent mother who died too soon, turned a vulnerable young girl, into a battle axe. In her mother's passing away, so much before her time, it seems as though her little girl's heart turned to stone, blocking all the tender feelings one expects in a woman. She became a survivor, looking first and foremost to protect and advance herself. That she has done with tremendous aplomb. The teenage Jaya would have been a nicer person to know - but she is lost, in the triumphant advance of the harridan, the little girl became.

Self-reliance: the keynote of our independence

Long before we won our freedom, self-reliance was the goal of those of our people who could think for themselves and shed the shackles of dependence : 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 and Nehru who practised self-reliance.

In Godrej, self-reliance has been considered indispensable to progress, the aim being not just self-sufficiency for

the organisation but for the whole country. Progress can only be achieved in a milieu of progress.

Based on our country's needs, and exploiting the country's own resources, Godrej have diversified.

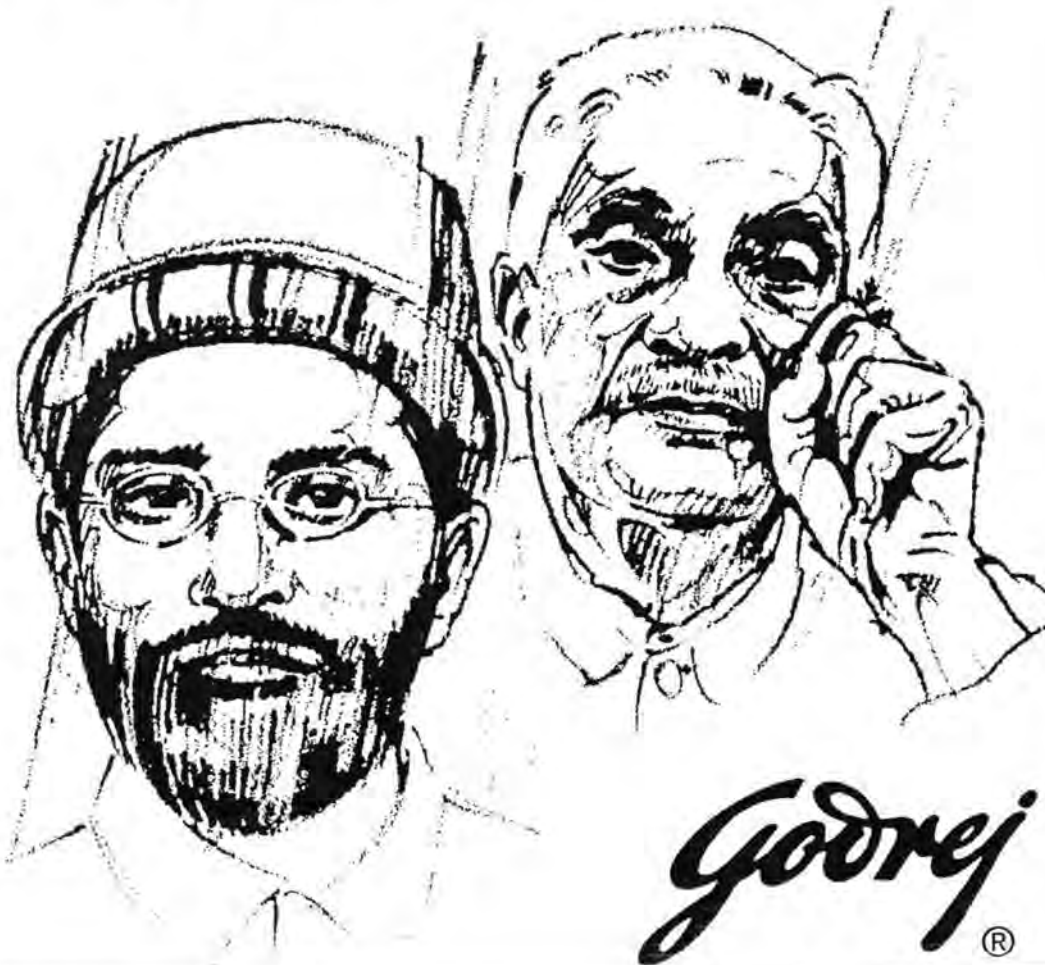
Made to international standards and backed by continuous technical innovation, their products range from locks and security equipment, machine tools, forklift trucks, architecture and steel castings to furniture, typewriters, refrigerators, computers and electronic

business systems as well as soaps, detergents, toiletries, chemicals, animal feeds, agro-products and edible oils.

The Godrej industrial garden township at Vikhroli-Pirojshanagar is an example of self-reliance and progress. For their worker Godrej have provided in a unique environment - many social benefits : extensive housing, schools, and adult education, recreation, medical and family-planning benefits..

Self-reliance is both a means and an end.

For Godrej it is the essence of independence.



Malthus : The Continuing Relevance

J. S. Apte

The current decade, the present century and the millenium will come to an end in less than a year. The 20th century will go down in history as a century of two world wars; of the rise and collapse of the Soviet Union, the emergence of new independent countries and of major developments in the field of science, technology and medicine. The two most distinguishing events of the present century were the explosions: one nuclear and the other, the population. The current century witnessed an exploding world population – 2 billion in 1930, 3 billion in 1960, 4 billion in 1974, 5 billion in 1987 and it will be 6 billion by December 31, 1999. Almost all international conferences, seminars and symposia held during the last 50 years referred to Malthus' Thesis of Population and its relevance to the problems of the world in general and those of the developing countries in particular.

Malthus' Thesis on population is now 200 years old. Son of a professor and priest, Prof. Thomas Robert Malthus, a renowned English scholar, wrote his essays on the principles of population at the age of 32. The book first published in 1798 under the title "An Essay on the Principle of Population as it Affects the Future Improvement of Society with remarks on the speculation of Mr. Godwin, Mr. Condercet and other Writers", did not have his name as the author.

Born on 14th February 1766, Malthus had six sisters and a brother. This was not considered a

"I think I may fairly make two postulates: First, that food is necessary to the existence of man. Second, that the passion between the sexes is necessary and will remain nearly in its present state. Assuming then my postulate as granted, I say, that the power of population is infinitely greater than the power in the earth to produce subsistence for man. Population when unchecked increases in a geometrical ratio, subsistence increases only in arithmetical ratio".

— Thomas Robert Malthus,
An Essay on the Principle of Population, Dent Vol. I, p.8.

large family in England in those days. At the age of 22, he graduated in Mathematics, passing the examination as the 9th Wrangler. In 1791, he took his Master's degree.

Intellectual Discussions

Malthus was not an ivory tower intellectual. He was an active political pamphleteer. Before his book was published, Dr. John Brooknerin (1767) and Robert Wallace (1761) had written about the future of mankind. They had suggested abundance as a measure, but the major impediment was of population increase. Nobody had ever given thought to man's instinctive desire to get married and beget children, till they were better fed. Malthus was the first who thought of the dire consequences of population growth in relation to the increase in food production. It followed from Malthus' major proposition that, if the population explosion was not

restricted, the world would soon get overcrowded and there would be no standing room. The disparity between the rates of increase in population and food supply and the inevitable decreasing food output itself acts as a deterrent or a positive check on overpopulation. Malthus' approach and focus changed in the later editions of his controversial essay. Malthus was not in favour of deliberate birth control but in the rewritten and enlarged second edition of his essay, the English clergyman turned economist advocated 'preventive checks' such as prolonged celibacy and late marriage.

Anti-Poor Stance

Malthus's approach was anti-poor. He strongly opposed the Poor Laws, the system of welfare measures provided by the state in England during his time. He warned the richer classes against showing sympathy for the poor. He argued that nature must be allowed to take its toll and let the poor die. In spite of these views against the poor, Malthus was not entirely oblivious to the effects of the industrial capitalist economy and wasteful consumption patterns of the rich resulting in natural resources depletion. Malthus changed his position in the 1817 edition of the essay. In this edition, Malthus did not advocate prudential control of fertility (that is a later age of marriage) as an exogenous factor to be achieved by one or another type of education. He thought that with a rise in the standard of living

would come a taste for more and better goods, and thus a desire to acquire them by reducing family responsibilities.

Neo-Malthusianism

Malthus's essay has received various types of responses from different sections of the academic and activist world. A feminist historian of science, Barbara Duden has noted that over time, the concept of 'population' came to represent an inanimate 'totality of objects' instead of real live human beings ("Population" in Wolfgang Sachs edited volume *The Development Dictionary*). With the expansion of the field of demography, census, survey, distribution rates were added; people and their lives came to be viewed as dependant variables to be managed and controlled by a class of scientific and bureaucratic professionals.

During the last 100 or 150 years, Malthusianism and the population problem have become topics of serious discussion and discourse. Socialism, feminism, third world nationalism and other socio-political movements committed to social justice, equity and women's empowerment are being considered and discussed in relation to Malthusianism and population growth. Since the first world conference on Environment in June 1975 at Stockholm, there have been a series of regional level meetings and conventions on the environment, population and development. There cannot be one solution, one formula and one remedy to the problems of overpopulation, environmental degradation and development failures. There has to be an integrated policy and programme in the three areas - population, environment and development. A joint statement issued by the U.S. National Academy of Sciences and the Royal Society

of London in 1992 warned the world of dangers of uncontrolled population growth and also recognises that conservation of resources and energy in the developed world are necessary for environmental protection.

India was the first country in the world to start family planning as a government programme way back in 1951. 1952 saw the founding of the International Planned Parenthood Federation in Bombay with 8 country organisations as founding members, including the Family Planning Association of India. The Federation now has over 130 country organisations as its members including the Chinese Association. The United Nations Fund for population activities has, since 1969, been assisting and guiding population and family planning programmes in the world in general and in the developing world in particular. During the last 25 years,

three world conferences on population were held in 1974 (Bucharest), 1984 (Nairobi) and 1994 (Cairo). The Cairo Conference in its final recommendation emphasised girls' education, reproductive rights and child health and male involvement in family planning. The Cairo Conference had as its theme 'Population and Development'. The message is the integration of population and development.

The founding of the International Planned Parenthood Federation and the implementation of family planning and population stabilisation programmes in the developing and the developed worlds is a testimony to the continuing recognition of the relevance of Malthus's Thesis of Population.

MR. J. S. APTE is a freelance writer, was Director, Training & Administration, with the Family Planning Association of India.

A Depressing Scene

Soil erosion takes an annual toll of about 4 million hectares of railfed crop land

140 species of plant or animal are condemned to extinction every day because of the destruction of the habitat of the tropical forests

Nearly one billion of the 5.8 billion or so people in the world go hungry every day

Nearly 1.3 billion in the south live in absolute poverty, lacking access to essentials of life such as basic health care, sanitation and safe water.

Thirty five thousand children under 5 years of age die every day due mostly to poverty-related causes in the third world

According to the ILO, 30% of the global labour force, that is about 820 million people were unemployed before the beginning of 1994

More than 20% of the children in the United States currently live below the official poverty line

As much as 70% of the world's poor and almost 600 million of the world's one billion illiterate adults are estimated to be women

Over \$1.8 trillion has been allocated for military spending by the United States for the 1996-2002 period.

BOOK REVIEWS

HIS HOLINESS THE DALAI LAMA: SPEECHES, STATEMENTS, ARTICLES INTERVIEWS, 1987 TO JUNE 1996; A Department of Information and International Relations Publication; Central Tibetan Administration, Gangchen Kyishong, Dharmasala; 1996; pp.256; price not stated.



**Reviewed by
Dr. B. Ramesh Babu**

On 28th April 1998, Thupten Ngodup, an elderly Tibetan suddenly set himself ablaze when police were forcibly removing his fasting compatriots from the Jantar Mantar area in New Delhi. The 'fast unto death' by some members of the Tibetan Youth Congress entered the forty-ninth day. They were protesting against the Chinese atrocities in Tibet and were demanding the sending of a UN team to investigate human rights abuses in their motherland. His Holiness the Dalai Lama called on the protestors earlier. He declared that fasting unto death was an act of violence and he was against all forms of violence. However, he said that he understood the deep seated feelings of resentment, agony and frustration underlying such acts of desperation. It is noteworthy that he did not urge the protestors to stop such acts. In fact, he thought that such happenings

indicate a "new beginning of life" for the Tibetans. He went on to add that his efforts for the last twenty years "failed miserably" and that he was thinking of a new idea. But, he did not elaborate.

These protests and tatoos in blood on the chests of some Tibetan youths certainly mark a new departure in the Tibetan struggle for freeing their motherland from Chinese occupation. The frustration and despair of the new generation of Tibetans in India can no longer be contained. The Dalai Lama did not want to suppress the accumulated and pent up anger and agony of his youthful followers. The wise leader chose not to oppose. The Tibetans were getting disenchanted with the two decade long non-violent movement of the Dalai Lama. At the same time, he utilised the opportunity to reiterate a thousandth time that he never demanded "separation of Tibet from China". His goal has always been a "mutually agreeable solution" for genuine "Self-rule" in Tibet. But, there is no response from China till now, the Dalai Lama added.

Throughout history, relations between Tibet and China were never smooth. At times, China exercised sovereignty over Tibet and at other times, Tibet was completely independent and was a fully recognised sovereign state. Over the centuries, the period of Tibetan sovereignty was equal to the period of being under Chinese rule. For example, when the Simla Agreement with British India was initialled in 1914, Tibet participated in the diplomatic negotiations as an independent sovereign state. Such facts of history must be asserted and reiterated again and again so

that the Chinese do not get away with their propagation of the falsehood that Tibet was always an integral part of their country.

The contemporary tragedy by Tibet began with the ruthless crackdown on the defenceless people by Communist China in 1959. That was when the outside world heard of the recurrent and simmering fire on the roof of the world! The dramatic escape of the Dalai Lama and his followers across the treacherous terrain of the snow filled Himalayan valleys and peaks is in itself a saga of courage, endurance and commitment. Since then, smouldering discontent, its recurrent eruption, ruthless suppression and violent reprisals by China, forcible and continuing migration and settlement of ethnic Chinese in Tibet on an extensive scale, beating up (and worse) of the rebelling monks and ordinary people, destruction of their places of worship has been a permanent feature of China's rule in Tibet. Communist China has consistently disregarded the incessant and ever-growing demands by the Tibetans at home and in exile in India and all over the world for freedom and dignity. They insist on China respecting the basic human rights of Tibetans and are convinced that this requires an end of the Chinese occupation of their motherland.

Tenzin Gyasto, the fourteenth Dalai Lama, is an apostle of peace and a living embodiment of all that is noble and humane in mankind. In his exile in India, he symbolizes and personifies man's epic struggler against oppression and enslavement. Man belongs to the most advanced of species in the evolution of life on earth. But, ironi-



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cally man is the only animal that kills, maims and tortures fellowmen in the name of race, religion, ideology, colour of the skin and shape of the nose! Even predatory animals kill only to quench hunger, and for their own survival. Throughout history (including the present), pretenders, dictators, rulers, kings and governments indulged in mass killings and an array of despicable acts beyond belief to frighten others into submission and silence. Yet, the human spirit refuses to die or be subdued for long. It rises again and again and triumphs again and again. Many saints and angels among men led these relentless struggles against oppressors of all hues and ranges of power. Mahatma Gandhi is one such noble spirit, the *Yugapurush* of our times. Nelson Mandela is another, a living example of the spirit of freedom prevailing over the long haul. The historic rebellions in Czechoslovakia and Hungary, Poland and East Germany are an integral part of humanity's common heritage of freedom and contemporary consciousness. We remember and celebrate them because they finally succeeded. But, there are many such struggles that are less fortunate. Behind every such rebellion (successful or otherwise) against oppression, there is a long and seemingly endless saga of sacrifice, suffering and rare brand of leadership. The Dalai Lama certainly is one such noble spirit living in our midst. For the Tibetan people, he is the living God. For the rest of mankind, the Dalai Lama is an embodiment of the human spirit at its defying best and the civilisation of man at its noblest.

The people and the Government of India have done a great deal to help the Tibetan people settle in our country. They live in our midst, share our limited resources and have rehabilitated

themselves with remarkable courage and endurance. Under the Dalai Lama's leadership, the Tibetans in India are doing everything possible to preserve their culture and distinct identity. Dharmasala in the hills of Himachal Pradesh is a microcosm of Tibet and its people in exile.

In the four decade long relentless struggle of the Tibetan people, there have been many ups and downs. There were times when gloom and despair overtook them because the rest of the world did not bother much about their plight. At other times, 'world opinion' responded with some passion. Since 1987, the Tibetan struggle for human rights seems to have struck a sympathetic cord in the consciousness of some opinion leaders and a few governments in the West. One such high watermark was the address of His Holiness, the Dalai Lama, before the United States Congress on 21st September 1987. He offered a "Five Point Peace Plan for Tibet":

1. Tibet should be a 'Zone of Peace'.
2. China should abandon its population transfer policy.
3. The fundamental human rights and democratic freedoms of Tibetans should be respected.
4. Tibet's natural environment should be restored and protected. Nuclear weapons should not be produced, nor radioactive wastes dumped on Tibetan soil.
5. Earnest negotiations between Tibetan and Chinese people should be held on the future status of Tibet.

As always, there was no public response from China. The repression in Tibet continues un-

abated. On 7th October 1987, when the world's press gathered at Dharmasala, the Dalai Lama patiently and passionately responded to numerous queries. The whole thrust of his dialogue with the media was how can anyone ask us to "sacrifice" our rights? Then came the annual March 10 statement for 1988; the Strasbourg Proposal and its withdrawal; and his Noble Peace Prize acceptance speech. The Dalai Lama saw hope for his people when Lithuania became an independent republic on 1st October 1991. He reiterated again and again that "India's support is our key to freedom". However, India has its own compulsions and priorities. India is anxious not to jeopardize the ongoing dialogue and relaxation in her relations with China. India did not do and is not doing as much as is possible even after taking into consideration her priorities and constraints, I firmly believe.

It is very difficult to be optimistic about Tibet. Yet, the Dalai Lama continues to be optimistic and hopeful. One possible source of optimism could be that as and when (not if) China becomes democratic at home, self-rule could come to Tibet also. Of late, the Dalai Lama is insisting that democratic reforms must come to China. It stands to reason that China cannot go on with economic liberalisation and restore private property etc., without political democracy and individual freedom gathering strength and pace in the country. Unless something gets unstuck in China suddenly like in the former Soviet Union, one could only project a long, long wait for the hapless people of Tibet.

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DECENTRALISED GOVERNANCE IN ASIAN COUNTRIES
 edited by Abdul Aziz and David D. Arnold; Sage Publications, New Delhi 1996; pp. 301; price Rs. 375.



**Reviewed by
 Professor S. Ambirajan**

It has been the lot of social scientists since time immemorial to despair at what man makes of his society. "How to bring order in social arrangements?" is the question of questions that has puzzled philosophers, law-givers, administrators and social scientists ever since they noticed the way things were going around them. Unlike the physical universe where the basic building blocks are amenable to logical analysis, human beings who make up the social universe are unpredictable, and hence cannot easily be understood, much less suggest unique solutions for social problems. But social scientists do not give up that easily. From time to time, they come up with persuasive ideas that grip the imagination of powers that be until they are replaced by other ideas.

In the last few decades "Decentralisation" has become the normative prescription that has acquired considerable popularity among social scientists. What is even more important is that it has gained universal acceptance, and many countries are seriously com-

mitted to introduce local self governance in their governmental structures.

One main reason for encouraging local level structures is the uncertainty that exists in the flow of benefits from macroeconomic developments towards peripheral regions and needy individuals. By empowering people working within small groups, decentralisation is expected to make them self reliant and escape poverty. There are some votaries of decentralisation like the Indian political scientist, Rajani Kothari who see it as a cure for all the ills of modern times such as "processes of homogenisation, globalisation, modernisation, liberalisation and privatisation".

Ultimately of course, it is a matter of faith. There are powerful theoretical and empirical arguments which suggest that mindless decentralisation may not be all that beneficial. Thus theorists like Professor Remy Prud'homme of the University of Paris and empirical researchers like Tao Zhang and Heng-fu-Zou have demonstrated that the negative effect of fiscal decentralisation could be considerable. Even such a strong supporter of decentralised polity like Rajani Kothari admits that "monolithic states and progressive socialist states, where power is vested in a central government, are more enlightened than local governments as far as protecting the larger interests of the poor and minorities are concerned. Also centralized government structures are successful to a large extent in removing disparities". Whatever be the immediate reasons that prompted them, many Asian nations have gone about decentralising their government structures though the extent and level of such devolution of local empowerment has not been the

same. This book is a record of the experience of six Asian countries (Bangladesh, China, India, Sri Lanka, Nepal and Philippines) in decentralised governance as presented at a seminar sponsored by the Ford Foundation and the Institute for Social and Economic Change, conducted during March 1993. The organisers had invited two papers on each of the six countries studied here. The first of the pair was to "provide an overview of the system" that would include the "historical background, legal status, fiscal arrangements, current political context and future outlook". The companion paper was to assess how the system has operated in a particular local context. The first could be termed as "theory" and the second "practice" as the editors of the volume say. Apart from the twelve commissioned papers on the six countries, there are three chapters, Introduction, Overview of conclusions and a special paper by Rajani Kothari who takes a wide-angle look at the problem of decentralisation.

Taking the general essays first, they all say how their respective countries have gone far in erecting local self governing structures in order to empower the people of the regions. However not everyone seems to have followed the guidelines provided by the editors when the papers were commissioned. Thus taking the "historical background", Mohabbat Khan of Bangladesh and Wang Zhenyao of China go back far into the history of their countries to trace the roots of local self governance. Thus Khan says that the two institutions - "of the head man and the panchayat - seem to have been in existence since ancient times" and proceeds to trace the vicissitudes through Mughal, British, Pakistan, Mujib(1972-75), Zia(1975-81) and

Ershad(1982-90) periods. Similarly Zhenyao begins his story from the Qin dynasty (221-206 BC) and takes us through the Republican period (1912-49) before concentrating on the post-1949 period when the People's Republic of China was founded. Compared to this all, the other authors give short shrift to periods that preceded the last few decades although an occasional reference was proffered. George Mathew writing on India, is quite content to dismiss the "village republics" idealized by British bureaucrats of the nineteenth century with the Ambedkarian dictum of the village as a "sink of localism", and goes on to examine what happened in India after 1947. While Suriyakumaran of Sri Lanka refers to local societies dating back to "2300 years ago", Brillantes, Jr. of the Philippines is happy to start his story from "as early as 1898".

As for the structure of local self government institutions, and their operations, there is considerable variation except the rhetoric of empowering people to achieve democracy and development endlessly repeated by all participants. It is clear that that neither power, nor functions and certainly not resources are similarly devolved in all these countries. In general, there is not much optimism either about how they are functioning or about what could be expected in the future although everyone agrees that decentralised governance is a worthy ideal. In Bangladesh, we are told that there "are serious problems which have undermined the development of local self-governing institutions" and Generals Zia and Ershad used these institutions solely to "mobilise public support for their regimes".

The success "has been at best marginal". The "many real contra-

dictions" seems to have stood in the way of their success in China. The Indian case is no better. "Without land reforms and universal education," says Mathew, "Panchayati raj in India will end up becoming an instrument of oppression". Amatyia, writing about Nepal bluntly states: "the scheme has not been successful" and that the "erosion of people's confidence in the sincerity and capability of the district and local governments in the past" is the main culprit. In the Philippines the main problems have been the "politico-administrative shocks and stresses upon the local government system". The author on Sri Lanka knowing full well that conditions are not bright, yet says: "one must declare oneself to be clearly optimistic" because without decentralised governance "the trend could be reactionary".

But what about the verdict of the authors of case studies that look at regions where decentralised governance is actually being practiced? We do not know how the sample region was chosen. It would appear that at least in some countries, for example China, the more successful region was selected for in depth investigation. Hence the results should be encouraging, but even so the achievements are few and far between. Zarina Khan investigating the Dighi Union Parishad states in no uncertain terms that it has failed as a people's organisation as they "neither represent nor serve the interests of the general public" and goes on to claim that its functions and processes prove that it merely serves as a local branch of the national government with "nominally elected representative who tend to reap benefits for themselves and their own class". The authors on China are a bit more circumspect but they give sufficient indications in their essay that the achievements

are limited. While agreeing that it has done some good, nevertheless they say that most of the members of the village committee in Lishu county (their study area) were nominated, and hence not truly representative. The silver lining in China is that the new system - notwithstanding its many problems - was a great improvement over the "system of the people's communes" which had been implemented two decades earlier. The failure of decentralised governance varied from country to country. In Nepal, it was the lack of political commitment, in the Philippines the cause was financial instability and in Sri Lanka, bureaucratic obstacles. Even the much touted successes of the Karnataka experiment seems to be full of difficulties as Aziz, Nelson and Babu point out in their study of a few Mandal Panchayats. Not only was the degree of awareness about the Mandal Panchayat system very low, but instead of local initiative in collecting funds, "the people have got used to getting financial and other help from government and non-government bodies, so much that they found the idea of making contributions to these bodies quite alien"!

The very fact that every author - both of the macro papers and of the micro investigations - lists out what is required to make decentralised governance successful shows that it has not as yet succeeded anywhere. Rajani Kothari advocates that decentralised governments should "be seen as instruments of social and economic transformation". Noble thought indeed, but if we go by what is found in this excellent volume, and the inferences that could be drawn, the outlook is hardly promising.

PROFESSOR S. AMBIRAJAN is Professor Emeritus, Madras School of Economics.

STHRIPURUSH TULANA by Tarabai Shinde, edited by Vilas Khole; Pratima Prakashan, 1362, Audumbar Apartments, Sadashiv Peth, Pune 411030; pp.200; 1997; Rs.125.



**Reviewed by
Dr. R. Srinivasan**

Since the 1850s, we find women in different parts of India, asserting themselves and protesting publicly against the humiliations heaped upon them, revolting against these and questioning the rightness of it all. We witness this at several levels and sections of society, whether it be an awakened Savitribai Phule writing to her husband about the continued degradation of women in lower middle class homes (1956) or a young Mang girl writing essays on the subjection of the sex - fortunately preserved for posterity. (One of the valuable things in this book is the reproduction of the two essays by the Mang girls). Pandita Ramabai Saraswathi could write a book on the status of Hindu women in 1888 and make this pay for her passage to England (The government bought 500 copies of the book).

Not only in western India, but in Bengal too, women were beginning to be restive about their status and were expressing their

views. Between 1856 and 1910, in Bengal, there were nearly 400 books written by women, reflecting upon their social position and protesting against this. Journals exclusively for women were popular considering the then prevailing female literacy. Not only were women protesting but were asserting their rights as did a Brahmin widow who had her brother taken to penal task by the local Collector for daring to get her tresses cut and her crown shaved. Beginning from the 1870s, women were penning their autobiographies as did Rashsundari Devi, a conventional housewife living in obscurity - whose account of her heroic efforts to learn the alphabet and to read in secrecy and fear is one of the testaments to the defiant spirit that was flickering in unknown corners.

A significant account protesting and narrating the lowly status accorded to women was published in 1863 in Bengali - *Hindu Mahilaganer Heena Avastha* written by Kailashbahini Devi long before Ranade's endeavour to educate his wife. Kailashbahini Devi's husband had taught her to read and write, but in the strictest privacy. When she wrote the tract, the husband in the preface, confesses his pleasant surprise at the command of her language. A very strongly polemical text, it has been compared with Vidaysagar's tract against infant marriage. Its condemnation of the inequitable treatment of boys and girls whether immersing the girls in illiteracy and superstitious meaningless rituals or the unbearable degradation of kulin polygamy transforming many a middle class home into a prison, sometimes a golden cage for the imprisoned.

A painful development of the last century was that as castes became exposed to modern ways, they wanted to elevate themselves

high in the social ladder and this they could do only by imitating the high castes. They could have aped them by taking to Western education, by pursuing modern professions. However, their method of elevation was by imitating the most obnoxious customs of the upper castes - by restricting the free movement of their women. They who had moved about freely in the open with no restrictions were now forbidden to do so. In an earlier age, widows could have re-married. But now, in imitation of the Brahmin widow, they were prevented from being re-married. No education for them. Neither was the state of the married woman any better. In marriage, they were totally subservient to their husbands who would lord it over them.

It is in this context that the remarkable pamphlet of Tarabai Shinde was published. It went unnoticed except for a hostile review which got a justified rebuke from Jotiba Phule. The family of Tarabai was influenced by the ideology of the Satyashodhak Samaj. She seems to have been familiar with contemporary Marathi writings and discusses some of the popular fiction published during her lifetime which were antagonistic to women in general. For nearly a century, the book remained unnoticed until in 1975, it was lighted upon by Professor Malshe and edited by him. The patriarchy in command of literary sensibilities had effectively smothered the book. A few copies of the book buried in a few libraries had remained unread.

Tarabai Shinde's books sums up a defiant attitude and since it expresses a mood of indignation of women born out of a situation that looked almost hopeless hemmed on all sides by corsetting social habits, double standards to the extreme

disadvantage of women; of familial cruelty and indignities. It is not a book that argues the case for women though the latter part examines some of the familiar charges made against women as a group and has no difficulty in brushing them away. She has nothing but contempt for the well-meaning but namby-pamby social reformers, long on words but not only short on execution but developing cold feet when confronted with embarrassing realities. Their courage is in passing resolutions only to buckle down against the ukase of caste or family groupings. She finds little of support in the staple mental pabulum for the people – the stories, the *puranas* and the epics which are a rag-bag of narratives from which one can choose any position to uphold or to shout down. One thing was evident that within the memory of one's family, one discovered that the status and position of women had steeply declined. She sees a glimmer of hope in the colonial situation where opportunities were available for women, not only to educate themselves, but to appeal to the authorities for justice. But the self-righteous defenders of the vaunted Hindu tradition were busy churning out salacious novels which of course painted women of the towns as the temptresses of innocent youth and tarred entire generations of the female sex. Against these self-proclaimed novelists, the author aims her critical shafts. Towards the closing pages she examines the different allegations made against women, that they are temptresses and lay seige upon men's virtues, that they are fickle, that they are less endowed with a moral sense, and are full of whims, are abodes of debauchery, are thoughtless, ignorant storehouses of all guilt etc. A formidable list. But she knocks all these nine pins effortlessly. These should not

be regarded as the tilting at windmills, for did not her contemporary, the great Ramakrishna himself, time and again, allude to the temptress that the woman was wiling him away from the strait and narrow path?

The present edition by Professor Vilas Khole (Head of the Department of Marathi, SNDT University, Pune) is a valuable publication. He has reproduced the original text in its facsimile edition; we have the impression of reading the text as it was originally printed, recalling the print culture of a past century. An extremely perceptive introduction places the text in the original context, relating it to the issues of the times, commenting on the attempts and futilities of social reform, the record of widow marriages and the general inhospitable climate for issues relating to women. Of course, any such engagement cannot escape the influence of Jotiba Phule and the editor not only indicates the filiations of the family of Tarabai to the ideology of the reformers, but draws attention to both the parallels and the differences between the style of the reformer and of Tarabai and her departures from his aversions – she was not an uncritical worshipper at the shrine of the master. The notes are useful drawing attention to contemporary works now only a memory and to other references in the texts.

Why did she remain the author of a single book? Could she be silenced by a mere hostile review? A person who had definitely a position of her own to expound, she should have raised her voice on several other issues, but she did not do so. None of the enlightened women of the period were referred to her at all. Why this conspiracy of silence? The introduction raises a number of interesting issues.

The book itself was written in response to the rather severe judgement regarding the punishment awarded to a Brahmin widow, Vijayalakshmi for committing infanticide of her own female infant to escape infamy. A number of newspapers came with their own opinion and these are made available in an appendix. Valuable extracts from *The Times of India* reporting the case, the harsh judgement, the appeal made, the editorial in the paper for clemency to the accused and most importantly, the dignified representation made by the Poona Sarvajanic Sabha for reducing the terms of punishment and for an amendment of the severity of the law are all reproduced in appendices, enhancing the value of the book.

DR. R. SRINIVASAN is Associate Editor, *Freedom First*.

Elephants and the Election Code

We were all shocked to be told on Star News on July 21 that a pregnant elephant which is very seriously ill in the Dudhwa National Park in UP is likely to be the first victim of our Election Code now in operation.

This elephant needs to be shifted immediately to Lucknow Zoo for medical treatment but the authorities concerned don't want to take any risk as it would be in violation of the Election Code!

According to U.P.'s Chief Wildlife Warden: "The laws applicable to government employees are applicable to animals too. As government employees the elephants in the National Parks are supposed to perform 8 hours duty daily, including routine patrolling and carrying tourists on safaris."

The Law may be an ass, but is our Election Code so asinine that no discrimination is made between a candidate contesting the elections and an elephant? Is it contesting the forthcoming elections to the Lok Sabha or Assembly elections?

Will the Chief Election Commissioner intervene and save this poor sick elephant before it is too late?

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Smita Chandaver, Savita Karnad,
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PEOPLE'S RIGHTS. SOCIAL MOVEMENTS AND THE STATE IN THE THIRD WORLD edited by M. Mohanty, P. N. Mukherjee with Tornquist Olle; Sage publications (India) Pvt. Ltd.; New Delhi; 1998; pp.436; Rs.495.



**Reviewed by
Dr. Parvathi Vasudevan**

As the twentieth century draws to a close, there is much debate and discussion about the appropriate role that the state and the nation could play in conjunction with civil society. *People's Rights* is one such attempt. Set against the almost irreversible globalism of the present times, most contributors to this edited volume maintain that the democratic spirit if nurtured and sustained can ensure the honest application of people's rights and heighten the socio-economic conditions of self development. Civil liberties constitute the hub around which revolve the several facets of political liberty and economic freedom. For that matter all the writers are agreed that no political history of developing nations can be complete if it is divorced from social history.

Broadly viewed, most contributors to this book view the state with intense trepidation if not outright suspicion. Most argue that at its worst the State in developing

countries is coercive, unresponsive and tyrannical, and, at its best, an impersonal vehicle of social change. Civil society in either case has specific roles to play. To an extent, it is one's own ideological blinkers that makes for civil society to be always viewed as a helpless victim of a coercive state just as it could be wrong to deposit total faith in civil society.

It is easy too, to constantly castigate the State in Africa as rentier, patrimonial, kleptocratic, prebendal or predatory, which undoubtedly most African states are sometimes, but not all the states and not all the time. Similarly, it is not difficult to 'accusingly point one's finger at the international financial institutions (IFIs) for all the ills that afflict the socio-politic and economic landscape of Africa. But that the IFIs have been quick to adjust, adapt and have shown remarkable sensitivity to the evolving needs of the highly indebted poor countries of Africa is often overlooked. Bjorn Beckman however does a neat job of reconciling the wide differences over Africa by categorically arguing that the State in Africa despite all its faults continues to be an instrument capable of activating national aspirations and nurturing a civil society.

That there can hardly be one universal model of public participation and political pluralism applicable to all countries is highlighted by Mahmood Mamdani. Making Africa the crucible of his observations Mamdani argues that the Western mix of pluralism and rights do not always help understand the ground realities of the 'Dark Continent'. According to him the approach that is needed to understand Africa's compulsions is to adopt a more liberal theory that recognises the

imperatives of both State and market.

From the general to the specific – two other papers look at one of the most populous state of Africa – Nigeria. Endowed with abundant hydrocarbon, resources, and a leading African member of OPEC, Nigeria has done little to enhance the economic wherewithal of its people. Worse, according to A. R. Mustapha, the military rulers have emaciated the Nigerian peasantry who have always participated actively in the political process. Mustapha's presentation is based on extensive field work.

The other paper that focuses on the operationalization of the civil liberties movement in Nigeria is by A. O. Olukushi. The author argues that the several civil liberties groups have functioned well as watchdogs. But, the drawbacks are that almost all of them are urban based and their credibility is suspect as most of them often derive massive support, both in kind and cash from western donors and international human rights organizations. Democracy and its institutionalization is a far cry in Nigeria as in several of the other 54 countries that people the continent. Africa has indeed a long way to go.

On the social movements that criss-cross the Indian landscape, the book has papers covering a variety of themes. Looking through the prisms of language, caste, class, religion, gender and tribal identities, Prof. P. N. Mukherjee argues very convincingly that so long as the numerous primordial attachments and structural contradictions wax rather than wane and that too in the face of a proactive judicial set-up, it is doubtful whether the Indian State will ever crystallize into a nation state. The saving grace, according to Prof. Mukherjee, is that the State in India is a democratic State.

That there are dangers to Indian democracy is the simple message contained in S. S. Gill's paper. The author argues that the increasing number of autonomy movements based on elements of orthodoxy, inequality and repression could in the long-run pose threats to India's democracy.

Gail Omvedt, moves the focus on to the peasants, dalits and women. Omvedt cites them primarily as single issue movements, with specific agendas defining exploitation within specific parameters. These social movements constitute a new and alternative path to development. In doing so they increase the 'liberatory' trends inherent in Indian society. Swedish Prof. Staffan Lundberg examines more specifically the farmers movements in the context of their impact on Indian politics. Elucidating the experiences of Sharad Joshi, the international techno-pol who has spearheaded the farmers movement in Maharashtra, Lundberg argues that the basic questions pertaining to Indian agriculture are the same as those in all developing economies. Issues such as the declining role of agriculture vis-à-vis industry, economic remuneration for farmers the question of subsidies, land distribution etc. constitute the core of their queries. Nripen Bandyopadhyaya relates the different experience of the agrarian struggles in Marxist dominated West Bengal. The absence of appropriate technology has denied West Bengal an opportunity to keep pace with the successful agrarian States. This despite the fact that West Bengal is first amongst all Indian States to attempt comprehensive land reform programmes. The trade union movement is yet another aspect of the peoples movement. Sharit Bhowmick argues that the constant involvement of the government in India's industrial relations often in

favour of the employers have made it difficult for the trade union movement to attain the desired objectives. The piece however does not attempt to judge the likes of the maverick Dr. Datta Samant who caused immense damage to the very working class movement he was said to represent. This is apart from the fact that such leaders also spelt the death knell of India's cotton textile industry, and killed Bombay's goose that laid the golden egg.

The Human Rights movements in India are covered in section three of the book. In an extremely perceptive presentation Prof. Upendra Baxi differentiates between 'civil' and 'democratic rights'. The author delineates the Indian Constitution in detail and argues that this precious document is a careful construct of the basic rights of all Indians including the deprived, the dispossessed and the disadvantaged class as also of the linguistic, the cultural and the religious minorities. In such a situation, questions of empowerment and human rights require extra careful handling even when juxtaposed against the canvas of a civil society. Baxi argues that human rights in India as elsewhere need constant reiteration and close monitoring. Similar sentiments are also echoed by Hargopal and Balgopal who say extra care is needed in India where human rights have acquired a complex multidimensionality. Harsh Sethi's piece examines the decline of institutional politics in India. Part of the reason according to this author lies in the nebulous character of the various NGOs that play a role in focussing the attention of the people on the various controversial issues that constitute the growth agenda.

In a rambling piece, Ishtiaq Ahmed examines the nature of ethnic conflicts as they occur in South

Asia. The author candidly admits that the nation state project as undertaken by the countries of the region – viz. Pakistan, India, Sri Lanka and Bangladesh has failed. The reason for this failure is to be located in the separatist syndrome posed by the divisive factors of caste, culture and the post colonial South Asian state. Arief Budiman examines Suharto's attempt at turning the Indonesian State into a corporatist state and an economic power of some standing in the region. Budiman argues that that tendency to elevate praetorianism was heightened by the highly divided nature of Indonesian society. Co-editor Olle Tornquist, a Swedish social scientist, examines the people's movement and the politics of democratization with reference to the Philippines.

Overall, most authors in this edited volume sound more cautious than positive about the status of the social movements and the role of the State in the developing world. In such a situation, abundant care and constant vigil are the only viable solutions in the long term. In the short term M. Mohanty – also a co-editor says the imperative need is the authoring of a 'creative' (rather than a mere civil) society. Mohanty argues that in this age of massive globalization and an all pervasive capitalism a 'creative society' would be better equipped to deal with the variety of demands made by the several autonomous yet inter-connected social movements. Sounds fine, but in what time-frame and at what and whose cost is not clear.

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AN APPRECIATION

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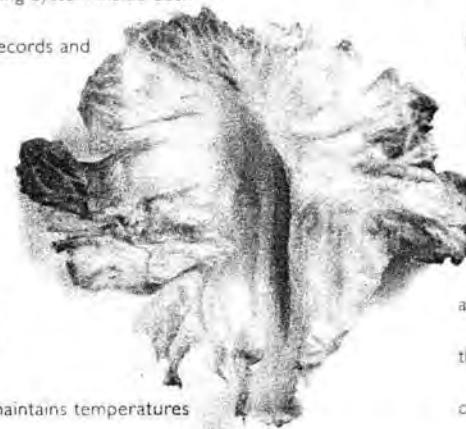
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