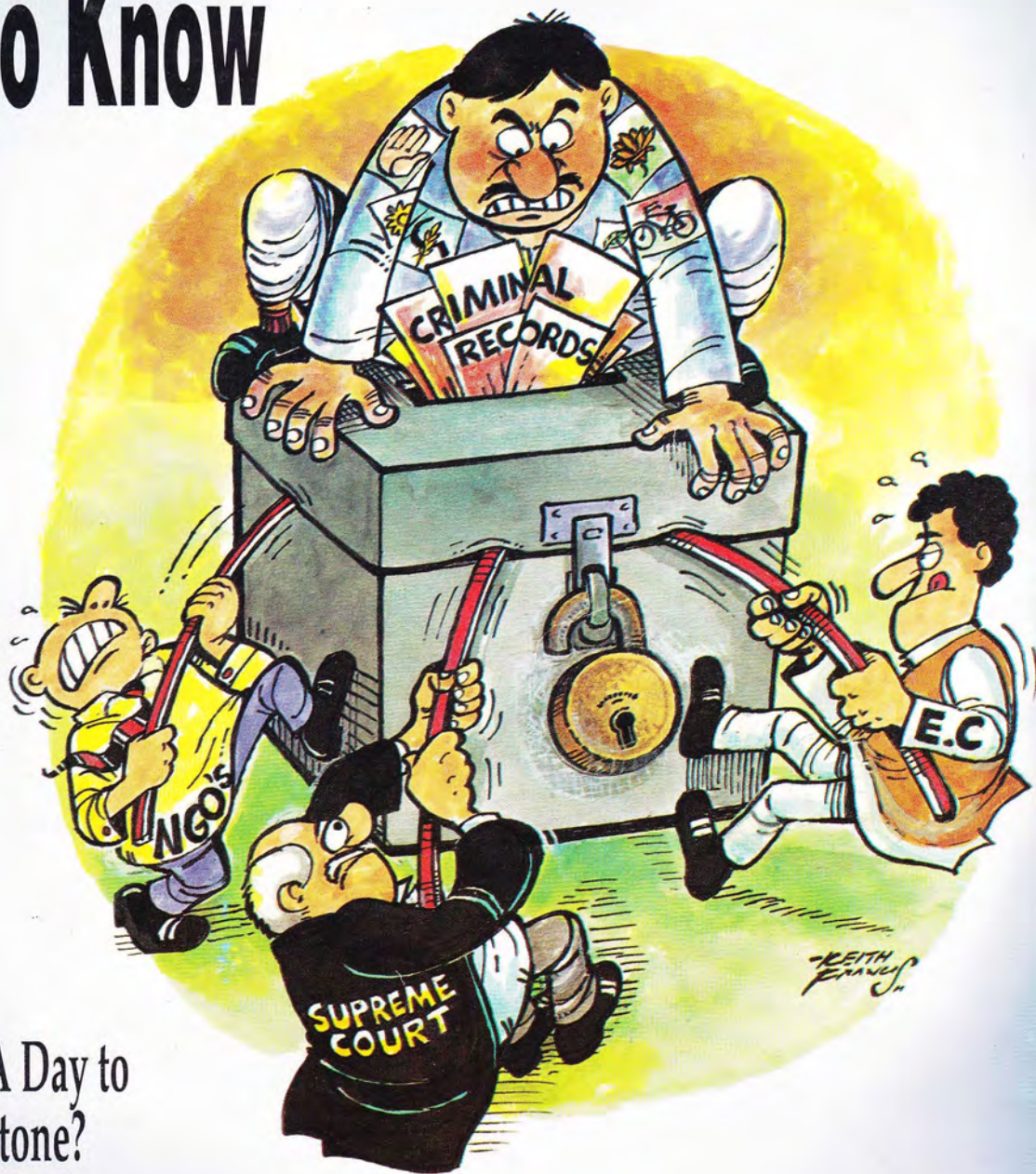


# Freedom First

A LIBERAL QUARTERLY • 50TH YEAR OF PUBLICATION • JULY-SEPTEMBER 2002 NO.454 • Rs 25 ONLY

## The Citizen's Right to Know



- 15th August - A Day to Rejoice or to Atone?
- India's New President



## PROFESSOR P. G. MAVALANKAR

(3.8.1928-14.3.2002)

I first met Professor P.G.Mavalankar when I was the Executive Secretary of the Swatantra Party at its National Headquarters in Mumbai. I was on a visit to Ahmedabad in and he was contesting the Lok Sabha seat to Parliament from the Gandhinagar constituency as an Independent candidate. I was convinced after that first meeting that he would make an excellent parliamentarian. He won.

His speeches in the Lok Sabha were clear, forthright and studied, for he was among those handful of MPs who did their homework and took their membership of the Lok Sabha very seriously.

In the 'eighties I was actively associated with Mr. Minoo Masani in the Project for Economic Education. It was during this assignment that I had a number of opportunities to interact with Purshottambhai. He took these seminars very seriously and often chaired several sessions. He was a stern chairman even as he ensured that all participants got the opportunity to express their views. But he did this with a smile. As his illness enveloped him, his presence at these programmes became rare.

One day in November 1997 I received a letter from Purshottambhai that he had decided to wind up the Harold Laski Institute of Political Science which he had founded in 1954 and nurtured so well. It had, over the years, made a name for itself as an outstanding institution in Ahmedabad. In his letter he explained why:

"...From its very inception, the Institute has, as a matter of policy not taken any government grants nor sought donations. All along our various activities have been sustained mainly by life membership support. ...

"Unfortunately my health no longer permits me to conduct and lead the Institute's work efficiently and energetically as before. I have therefore been compelled to put a stop to its work with effect from today, 27th November 1997, the 110th Birth Anniversary of my revered father Dadasaheb Mavalankar".

And with the letter he enclosed a cheque for Rs.700/- a full refund of my membership fee! I wondered then and continue to wonder how many would have done what he did?

The letter and the return of the life subscription revealed the character and integrity of Purshottambhai. Indeed he belonged to the fastest disappearing species in India - the honest public person.

S. V. Raju



## S. R. MOHAN DAS

(24.9.1923 - 7.3.2001)

The passing away of Mr. S. R. Mohan Das has deprived the labour movement of an honest friend and critic, who sought tirelessly to promote an independent trade union movement free of political and outsider control.

There can be no doubt that Mr. S. R. Mohan Das was an unquestioned authority on Industrial Relations in India. Someone will have to carry out an assessment of his enormous and invaluable contribution in this field. His speeches, articles and papers presented at seminars, conferences and research studies conducted by him will reveal his wide knowledge of the subject. He was associated with a number of industries, such as banking, chemicals, engineering shipping, railways, etc.

He was also a pioneer in labour journalism, which I think is dead now, probably because subsequent writers lack originality. For example, when the *cliché*, "Workers' Participation in Management" was being bandied about as the panacea for all ills of Industrial Relations in India, Mohan fearlessly shredded it to pieces by calling it a fetish and a fallacy. Instead, he emphasised the need for workers' participation in their own Unions in the decision-making process, not merely in marches and demonstrations. Unfortunately, there were no takers for this suggestion, including the Trade Union leaders!

It was on account of his originality and fresh approach to labour questions that Mohan was one of the few individuals who were called to depose before the National Commission on Labour and its Chairman, Dr. P. B. Gajendragadkar was duly impressed. Further, Mohan was Member-Secretary of the Study Group on Industrial Relations (Western Region) of which Dr. K. S. Basu was the Chairman. Their report was found to be comprehensive by the Commission. All this requires to be recorded for posterity.

*If you are interested in knowing more about this eminent personality, please write to me at, Laxmi Mahal, 109-8th Road, Doulat Nagar, Borivali (East) Mumbai 400 066, for a copy of my booklet on him.*

Kashinath A. Divecha

# Freedom First

A LIBERAL QUARTERLY  
50TH YEAR OF PUBLICATION

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## BETWEEN OURSELVES ...

The criminalisation of politics, the presence in parliament and the state legislatures of crooks and felons and the frightful cost of electioneering have discouraged men and women of integrity and competence from offering themselves as candidates. These have undoubtedly contributed to the subversion of the quality of Indian democracy.

When a handful of concerned individuals took the initiative and decided to do something about it and filed a writ petition, the Delhi High Court, and later the Supreme Court, upheld the right of the voter to know the antecedents of candidates they were asked to vote for.

When this happened the political parties, generally at each other's throats, ganged up to protect their fiefdoms.

Ironically it has become a struggle between the citizens and the political parties. This struggle has now come out into the open and it is crucial for the people to rally and to let India's political parties know who are their masters.

*Freedom First* will participate in this process of educating our masters. Hence this cover feature 'The Citizen's Right to Know' to begin with. We are glad to carry the lead article by Prof. Jagdeep Chhokar, one of the concerned men who filed the writ petition.

### Our Next Cover Feature

The next issue will feature **Bollywood**. Readers might recall that this was to have been the topic last October when the September 11 tragedy forced us to deal with the US war against terror instead.

We invite your comments and your perceptions on the phenomenon called **Bollywood**. You can send your contribution by email (preferred) at freedom@vsnl.com or on a floppy disk (Word 95) or by fax 022 2843416. And if none of this is possible, by ordinary post. **Deadline: September 25, 2002.**

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*

The BSP is not just a party for Dalits...We want to honour the upper castes also if they have merit.

U.P.Chief Minister Mayavati, *The Telegraph*, May 26

The Chinese are waiting for me to die.

The Dalai Lama, *The Times of India*, October 10, 2001

The record of the BJP is that of a supplicant before the RSS, the Master.

Columnist Kuldip Nayar, *The Radical Humanist*, October 2000

Every time I put myself in the place of a person residing in Gujarat, I begin to shudder. It reflects very poorly on a government when they cannot guarantee a basic premise like security of life.

World Bank vice president (South Asia region)  
Mieko Nishimizu, *The Times of India*, May 10

Dhyan Chand and Milkha Singh have excelled in their respective sports. They have something more in common. Both served in the Army.

Aloke Tikku in *The Statesman*, July 18

Nobel Laureate Amartya Sen may think that health and education are the reasons why India has lagged behind in development in the past 50 years, but I think it is because of defence.

Union Home Minister L. K. Advani,  
*India Today*, June 17

Mulayam Singh Yadav had a word of advice for the next President A.P.J. Abdul Kalam: Learn Hindi.

Sachidananda Murthy *The Week*, June 30

Political parties have become so insensitive to the issues of the common man that the murder of someone who worked for the poor means nothing to them.

Jaya Menon of the Justice and Peace Commission,  
a human rights organisation in Mumbai,  
*The Times of India*, July 20

When a crook gets elected as the MLA, he controls the entire district administration

Mr. Vivek Pandit, *The Times of India*, July 4

Probably the best thing that ever happened to India is that so many of the corrupt and incompetent are busy in Parliament.

Madhu Trehan, *Outlook*, July 29

The passing of the Marxist illusion has led to its adherents claiming like the ancient Hindus that the world is an illusion - *Maya*

Deepak Lal, *Business Standard*, July 4.

What's wrong with the kids today? They don't even want to touch animals. They should fear Hindi films instead.

Cyrus Broacha, *Outlook*, August 5.

The laws of production are laws of nature and hence unalterable. Food production, or any other production, depends on labour, intelligence and investment by those who have a strong personal interest in good management. If the harmonious blending of these elements are wanting, production suffers. The 'State' cannot produce, it can tax or hinder or encourage but not produce. Efficiency and integrity in a public sector enterprise can be expected when you can have 'boiling ice cream' or a 'vegetarian tiger'

C. Rajagopalachari  
Quoted in '*Rajaji As I Saw Him*'  
by G. Narayanaswamy

# OF CABBAGES AND KINGS

## V. B. Karnik Birth Centenary Year

Readers of *Freedom First* will be glad to know that a V. B. Karnik Birth Centenary Celebrations Committee has been set up to commemorate Mr. Karnik's birth centenary year between 20th May 2002 and 20th May 2003 in a manner befitting his erudite scholarship and unswerving commitment to the cause of individual liberty, equality and justice.

Seminars, group discussions, lectures and publication of articles on educational, social and political issues of significance in leading newspapers and periodicals, are being planned during the centenary year. A number of organisations, among them the Western Railway Employees Union, Hind Mazdoor Sabha, the Indian Renaissance Institute, MHADA Employees Union, Indian Committee for Cultural Freedom and the Leslie Sawhny Programme of Training for Democracy are participating in the celebrations.

For *Freedom First* the occasion is of special significance because the late V. B. Karnik was a pillar of strength to this journal which he edited for a number of years.

Readers who would like to be associated with the programmes that are being organised may please get in touch with the V. B. Karnik Birth Centenary Celebrations Committee, c/o *Freedom First*, 3rd floor, Army & Navy Building, 148 Mahatma Gandhi Road, Mumbai 400001. Phone: 2843416.

\*\*

## Sensitive, Aren't We !

I don't think the Prime Minister would have been as concerned as his cohorts were, over Alex Perry's write up on the Prime Minister's health in *Time Magazine*. Admitting it was in poor taste, was all that *hoo ha* necessary? No one is fooled by the denial of the Foreigners Regional Registration Office (FRRO) officials that Perry being called and grilled for two hours was because it was discovered that he had two British Passports. If he had, then it was for the British government to deal with, after the FRRO had sought that government's clarification.

According to a *Hindu* report the article was 'rubbished by the Government as completely biased and baseless.' That should have been good enough.

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



Perhaps our mandarins can learn to be a little more mature in their reactions, leaving the politicians in the party of the Prime Minister to demonstrate their loyalty.

\*\*

## Tibetan Group Barred from UN Summit

According to a PTI report, in February this year a UN Committee, in which all 189 members of the UN are represented, decided to exclude a Washington-based Tibetan NGO from attending a Summit for Sustainable Development in Johannesburg, voting in favour of a Chinese motion. The voting was 93 votes to 44 with 16 abstentions. Apart from the political factor, the Chinese would have been most embarrassed if the Tibetan NGO had drawn the Committee's attention to the fact that the Tibetan plateau was being commercially exploited by the Chinese as a dumping ground for the nuclear waste of Western nations, enriching Chinese coffers.

The report does not say how India voted? It would be interesting to know.

\*\*

## An Indian in an Iraqi Jail

According to *Kuwait News* (Vol.8, No.6, June 2002) one Indian is still in an Iraqi jail (a Prisoner of War). Wonder what efforts our embassy in Kuwait and the Ministry of External Affairs have made to get the poor man (we presume he is male) released. Actually judging by then Prime (Foreign?) Minister Mr. I. K. Gujral's public embrace of Saddam Hussein no less, viewed by millions including this writer, there should not have been any Indian POW - after all we were not part of 'Operation Desertstorm'!

SVR

Have you visited [www.liberalsindia.com](http://www.liberalsindia.com)

If not, do so today. This is the website of the Indian Liberal Group

**A TRIBUTE TO SMT. DURGA BHAGWAT**  
(10.2.1910 - 7.5.2002)



The passing away of Durga Bhagwat on May 7, 2002, the doyen among Marathi litterateurs, is a most profound loss. She was past ninety and yet, everyone prayed and thought that she would continue to live.

Hers was a multi-dimensional personality of terrifying virtuosity and she might go down in our cultural history as one of the brightest authors. She was not only an anthropologist, but a scholar of Buddhism, nature lover and an authority on

folklore. Her book on the Legendary Characters in Mahabharat will be read over and over again because of its sheer brilliance and deep insight into human nature. She was a Gandhian liberal, if one can call her that. Durgabai, as she was known to most of us, was a person of outstanding courage and integrity. Her finest hour came during the Emergency (1975-77), when she as President of the Marathi Sahitya Sammelan, defied all persuasion and pressure and electrified the whole country by opposing Emergency and upholding freedom of expression. I had the privilege of being with her at quite a few seminars and camps organised by the Leslie Sawhny Programme, and spending time with her. Having conversations with her, enriched us. It is difficult to think of filling the stunning void created by her passing away. She was the kind of person by which an era can measure itself.

Arvind A. Deshpande

***ILG Press Release***

## Repeal POTA

Post 9/11, the US government has armed itself with such arbitrary powers that it was hardly surprising when the US became the first nation to welcome the enactment of POTA. In a world where nations are anxious to seek US approval even if such approval is implied, it is hardly surprising that any nation following the US example of short circuiting the due process of law to achieve seemingly effective measures against the complex and difficult problem of terrorism, gets its stamp of approval. Thus nations round the world, India included are encouraged to take recourse to lawless laws.

When the Chief Minister of Tamil Nadu labels Vaiko a terrorist and puts Vaiko behind bars with the help of POTA, Delhi's National Democratic Alliance government makes a feeble protest by passing a resolution that they are "gravely concerned."

Prabhakaran is wanted for the assassination of Rajiv Gandhi and his outfit, the LTTE, is banned in India and is now labelled internationally as a terrorist organisation. So when Vaiko spoke in support of the LTTE and its leader Prabhakaran, he was inviting prosecution. It is one thing to ask for justice for the Tamil minority and another to speak in support of a terrorist organisation. The Tamil Nadu chief minister saw the opportunity and was quick to act against her political ally turned rival.

Of course Vaiko could have been prosecuted just as well under the Indian Penal Code. But who cares about the IPC when you have the facility of arbitrary laws like POTA which can be misused with impunity and, in the process, dilute the basic constitutional rights of the people. An added advantage for the chief minister is the fact that POTA arrests are non-bailable and, best of all, the review committee,

provided for under POTA, is not yet in place in Tamil Nadu. So Vaiko has been put away for as long as the lady wishes!

Earlier in the week, three people were arrested in West Bengal (by a sort of a "people's government", if you please!) on alleged suspicion of being part of the People's War Group. No charges were filed nor warrants issued. Tragically one of the three arrested, Mr. Abhijit Sinha a Central Excise Inspector committed suicide by throwing himself under a local train after the police had released him unable to find any tangible evidence. In the first week of July, a Chemistry Lecturer of Calcutta University Mr. Kaushik Ganguly, a college student Mr. Tinku Ghosh and Mr. Parashar Bhattacharya were arrested under the IPC, beaten up and tortured in custody for "PWG activities". In Andhra a farmer reportedly committed suicide because he was taken into custody by the police on suspicion of belonging to the People's War Group. The Indian Liberal Group has been a staunch opponent of communism and its variants and therefore has no sympathy for the PWG's credo and activities. But the ILG defends their right to a fair trial under the law.

All these are examples of the State's propensity to disregard the rights of the individual with impunity given the right kind of legal backing such as POTA. Politicians in power can now use POTA to crush opposition. Democracy and the rule of law have been and will again be at the mercy of those who control the levers of power.

The Indian Liberal Group appeals to all those who voted for POTA to realise the Frankenstein they have created and take steps to repeal this Act at the earliest.

*Issued on July 16, 2002.*

# The Citizen's Right to Know

## Electoral Reforms : Key to Effective Democracy

Jagdeep S. Chhokar

**It needs to be reiterated that the judgement is not about disqualifying people from contesting elections, it is about disclosure of the criminal background of the candidates, if any.**

India is often referred to it as a vibrant and vigorous democracy. This might well be justified compared to a large number of other countries that gained independence from colonial rule around the same time. There is however reason to be concerned about the health of our democracy and its future. Just because we have elections regularly, some might even say far too often, does not necessarily mean that we have an effective democracy. One view is that the kind of elections we have are the very anti-thesis of democracy. Following excerpts from a letter written to the editor of one of the newspapers in Ahmedabad on September 9, 1999 soon after the elections, testifies to this.

"Thank God! The vulgar cacophony, throwing of abuses and trading of charges by political parties with each other is over.

"All political parties have made narrow-minded, extremely bigoted ... statements against each other as if they were in the race to prove who was more conservative and backward and who would be the first to destroy this nation by such ideologies, as Taliban has done for Afghanistan!

"No wonder people showed fatigue and displayed lack of enthusiasm in the type of democratic exercise now repeatedly held

to elect the begging candidates so that on being elected they can sit in power and loot us, and amass wealth and power for their dynasties.

"Their slogan seems to be, 'Cast your vote in favour of one whom you want should amass wealth!'

"Are our aspirations being fulfilled, even minimum security of life and basic services like food, water, shelter being met by the system created?

"What democratic values these bunch of self-appointed leaders will propagate with such narrow-minded approaches. Our democracy ends the day we cast our vote."

### The Election Process

If democracy has anything to do with freedom – and freedom with responsibility – then the electoral system might well be the very heart of democracy. If this sounds like an over statement let me try and sketch briefly what all does the electoral system include. It determines who can or should be allowed to vote. When should electoral rolls be prepared, revised, and how? The formation, functioning including funding, etc. of political parties is also an integral

part of the electoral system. Included also is the basic question, who can contest an election. Then comes the actual conduct of the election which is what is most associated with the electoral system. On what basis is the winner of the election decided is another key element of the electoral system. These are some of the pre-election and during election activities. There is a whole range of post election activities during which the outcome of the electoral process are managed, such as post election disputes, election petitions, formation of the government, and subsequent functioning of the government including issues such as defections. This illustrative list indicates the critical role of the electoral system in ensuring an effectively functioning democracy.

### The Current Situation

The widespread and increasing disenchantment with politics and politicians is much too widely known to require any substantiation. The way our legislatures, Lok Sabha, Rajya Sabha, and State assemblies, function does not make us proud. One of the major causes for the unruly and unproductive functioning of the legislatures is the quality of people who find their way into the legislatures. For example it was reported in the media that more

# The Citizen's Right to Know

than half of the MLAs elected to the current state assembly of Uttar Pradesh had significant criminal records. When the recognised political parties were not able to form a government because no single party or coalition had more than half of the MLAs supporting it, one of the newspapers went to the extent of saying that if all the MLAs with criminal background decided to get together, they could comfortably form a government of their own!

It is quite common to put almost the entire blame for the current state of affairs on the so-called political class in the country. But all those who would have us believe that all that is wrong has been caused by the political class seem to overlook the fact that the political class does not exist or develop in isolation or in a vacuum, but that it emerges and evolves out of the society at large. Therefore the society at large, of which all of us are a part, cannot escape responsibility for the existing state of affairs. While the so-called political class cannot be assigned the complete responsibility for the current state of affairs, they cannot be entirely absolved of it either. As a student of human behaviour, I believe that a substantial portion of the behaviour of the political class can be explained as a logical response to the broader social system within which they have to operate. And the electoral system is a major and immediate part of that broader social system. Consequently, one way to change the behaviour of the political class would be to change the system in which they have to operate and to which they have to respond. This is where electoral reforms become important.

While token attempts at reforming the electoral system have been made from time to time over the last many years particularly whenever it suited the party in power, there has been hardly any attempt at making any significant and substantial changes in the electoral system. There have been any number of reports and recommendations on what needs to be done. Some of the significant examples are the Indrajit Gupta Report, the Dinesh Goswami Report, the 170th Report of the Law Commission of India on Electoral Reforms, and the Recommendations of the National Commission to Review the Working of the Constitution (NCRWC) submitted earlier this year. The remarkable fact however is that almost none of the recommendations of these learned and painstakingly prepared reports have been implemented.

## The Dilemma

Not only have there been no serious attempts to reform the electoral system, some of the actions that have been taken seem to be in the opposite direction. A prime example relates to election expenditure. It has been more than 25 years since Explanation 1 was inserted in Sub Section (1) of Section 77 of the Representation of People Act which enabled unaccounted money to be brought into the election system by maintaining that expenditure incurred or authorised by any one other than candidate, including the political party, and friends and supporters of candidates, will not be counted as the election expenditure of the candidate. There has been widespread comment on this issue for more than 25 years now but Parliament has not found time to

delete Explanation 1. Why? Possibly because it is convenient and comfortable for the politicians to have a system which can be manipulated. Big money is brought into the elections under the garb of Explanation 1 (which in the opinion of the Supreme Court has removed even the "fig leaf to hide the reality" of the impact of big money on the outcome of elections). Big money is contributed by those elements who look for favours and paybacks in kind from the politicians after they get elected. And the politicians are an active and willing party to the arrangement. This is why it seems clear that left to the politicians, significant reforms of the electoral system are unlikely. Given this stalemate what does one do?

## Citizens' Action

There is no option but for concerned citizens and civil society groups to create conditions where politicians will have no choice but to make changes. Examples of a few such initiatives exist, such as the work of the Mazdoor Kisan Sangharsh Sangathan (MKSS) led by Aruna Roy resulting in the passage of the Right to Information Act in Rajasthan. Another initiative which has been in the news recently is by the Association of Democratic Reforms. This group filed a Public Interest Litigation in the Delhi High Court in December 1999 requesting the Court to direct the Election Commission to:

1. Amend the nomination form which a candidate has to fill for contesting an election, so that it asks the candidate whether there are any criminal cases pending against him/her at the time of filing the nomination; and if there are, to provide

# The Citizen's Right to Know

details of such cases. It was believed that this could be done under the Conduct of Election Rules without the need to amend any laws and therefore Parliament need not come into the picture.

2. Collate the above information provided by the candidates and make it available to the public on request, and to the print and electronic media for wide dissemination.

The petition was guided by the following:

1. A voter interested in finding out whether there are any criminal cases pending against any of the candidates in her/his constituency, should be able to get this information without much difficulty.
2. There was, and still is, a firm belief in a voter's right to choose whichever candidate s/he wants to vote for. After finding out the above information, in case one wants to find it out, if a voter still wants to vote for a particular candidate who may have several criminal cases pending against him/her, that choice of the voter must be respected.

The Delhi High Court announced the judgement in November 2, 2000 and directed the Election Commission to make even more information available to the voters than was requested in the original petition.

The Union of India appealed against the High Court judgement in the Supreme Court although the High Court had issued directives only to the Election Commission

and not to the Government of India. Several political parties such as the Indian National Congress and the Samata Party became "intervenor" to the appeal and also presented their views, generally against the High Court judgement. The Supreme Court pronounced its judgment on May 2, 2002 directing the Election Commission to call for the following information from candidates in exercise of its power under Article 324 of the Constitution of India by way of an affidavit to be filed by the candidate along with his/her nomination form.

- "(1) Whether the candidate is convicted / acquitted / discharged of any criminal offence in the past, if any, whether he is punished with imprisonment or fine?
- (2) Prior to six months of filing of nomination, whether the candidate is accused in any pending case, of any offence punishable with imprisonment for two years or more, and in which charge is framed or cognizance is taken by the court of law. If so, the details thereof.
- (3) The assets (immovable, movable, bank balances etc) of a candidate and of his/her spouse and that of dependants.
- (4) Liabilities, if any, particularly whether there are any over dues of any public financial institution or government dues.
- (5) The educational qualifications of the candidate."

The Supreme Court gave the Election Commission two months to implement the judgement. Considering that "the most efficacious manner of implementing the judgement and the order of the

honourable Supreme Court" was through the amendment of the nomination forms. The Election Commission wrote to the government on May 14, 2002, for amending these forms. The government responded on June 19, 2002 saying that the amendment of forms could be done only after developing consensus amongst political parties and for that an all party meeting had been convened on July 8, 2002. The government also requested the Election Commission to approach the Supreme Court to seek further two months time for implementation of the judgement. The Election Commission responded to the government on June 21, 2002, saying that if the government thought it necessary to seek an extension from the Supreme Court, it should approach the court directly!

Since there was no extension of time by the Supreme Court, the Election Commission issued an order on June 28, 2002, implementing the Supreme Court judgement.

This seemed to create a flutter in the entire political establishment. In the all party meeting on July 8, 2002, twenty-one political parties representing the entire political spectrum, in a rare show of complete unanimity, decided that the Supreme Court judgement and the Election Commission's order could not be allowed to be implemented. The all party meeting unanimously decided to introduce a Bill in the monsoon session of parliament to appropriately amend the Representation of People Act, to prevent implementation of the Supreme Court judgement and Election Commission's order.

With remarkable and almost

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unprecedented alacrity, the Law Ministry drafted a Bill for amending the Representation of People Act and circulated it amongst political parties on July 15, 2002 asking for their comments with the specific intention of introducing and getting the Bill passed in the monsoon session of parliament.

### The Draft Bill

Several provisions of the Bill create doubts about whether the Bill is really intended to reform the electoral system or to prevent any improvement of the system.

The Bill proposes that "a person against whom charges has been framed in two separate criminal proceedings concerning heinous offences, at least six months prior" to the filing of the nomination paper, will be disqualified. Heinous offences specified in the draft Bill include murder, rape, kidnapping or abducting in order to murder or for ransom, dacoity and dacoity with murder, waging war against government of India. One wonders why is it that a person with one heinous crime is suitable to become a law maker, and committing a murder or rape three or five months before filing the nomination is not serious enough.

Another issue worth considering is: Shouldn't the voters know if candidates seeking their votes have been involved in white-collar, financial crimes such as embezzlement of crores of public funds?

Arguably the most significant provision in the draft Bill is one which maintains that "no candidate shall be liable to disclose or furnish any information which is not required to be disclosed [under the

proposed bill]. Notwithstanding anything contained in any judgement, decree or order of any court or any direction, order or any other instruction issued by the Election Commission." It is clear from this that while talking about disqualification, the draft bill appears to be against disclosure. The reason for this apparent aversion to disclosure is not hard to seek. It finds mention at two places in the draft Bill which is that the amendments to the Representation of the People Act proposed in the draft Bill "shall be deemed to have come into force on the 2nd day of May, 2002". It is not a mere coincidence that the "2nd day of May, 2002" also happens to be the day when the Supreme Court judgment was delivered.

While the alacrity shown by political parties and the government to deal with what has been projected as judicial interference in legislative matters is commendable, what seems to have been lost sight of is that Supreme Court had no intention whatsoever to interfere in legislative matters. This is clear from a reading of the Supreme Court judgment in which the Court has explicitly accepted that only the legislature can make laws. The Court however has also said that "if the field meant for legislature and executive is left unoccupied detrimental to public interest, this Court [has] ample jurisdiction under Article 32 read with Articles 141 and 142 of the Constitution to issue necessary directions to the Executive to subserve public interest [italics added]." The Supreme Court also said that what it was doing was "to fill the void, in the absence of suitable legislation" pending action by the legislature. The court has held that it is a "constitutional obli-

gation" of the Supreme Court as well as the Election Commission "to provide a solution till such time the legislature acts to perform its role by enacting proper legislation to cover the field". The Supreme Court has also acted in accordance with the voters' right to information, observing that "the voters are required to be well informed and educated about contesting candidates so that they can elect proper candidates by their own assessment".

It needs to be reiterated that the judgement is not about disqualifying people from contesting elections, it is about disclosure of the criminal background of the candidates, if any. The Supreme Court judgment and the order of the Election Commission require that the candidates wanting to contest elections for Parliament and State Assemblies declare, by way of an affidavit to be filed along with the nomination paper, details of criminal cases pending against them, if any; their assets and liabilities including those of their dependents; and their educational qualifications. This information is to be made available to voters to enable them to make an informed choice while casting their votes. Neither the Supreme Court judgement nor the Election Commission's order say that any candidate will be disqualified just on the basis of the information provided on the affidavit so long as the information provided is correct. Voters will have the freedom to vote for a candidate with a criminal record if they decide to do so.

It is evident from the above that changing the electoral system is not going to be easy but it must be done if democracy has to be preserved and strengthened.

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## The Citizen's Right to Know

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Concerned citizens and civil society groups will have to work really hard and in a sustained manner to achieve anything worthwhile. Being committed to freedom with

responsibility, all Liberals need to contribute to this.

MR. JAGDEEP S. CHHOKAR is a life member of the Indian Liberal Group and a founder member of the Asso-

ciation for Democratic Reforms. He is a professor, and currently Dean and Director In-charge, at the Indian Institute of Management, Ahmedabad. He can be contacted at [chhokar@iimahd.ernet.in](mailto:chhokar@iimahd.ernet.in).

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## Seeking Surrender of Criminal Politicians

Sharad Joshi

**Markets and elections are good examples of multitudes of free individuals interacting amongst themselves in order to bring out the best solutions.**

Their motives might be wrong; but their instincts are sound and conclusions are right. Political parties across the ideological spectrum of all hues and colours have decided to counter the Supreme Court judgment on the revision in the election procedure with new legislation in the forthcoming monsoon session of Parliament.

The Supreme Court judgment of May 2, 2002 mandated that candidates disclose their criminal antecedents, if any, as also their financial and educational background. The Election Commission had proposed amendment of statutory rules and the format of nomination papers, to give effect to this judgment of the Supreme Court.

An all-party meeting was called originally to discuss the Election Commission's proposals. The meeting was actually held a whole week after the expiry of the deadline set by the Supreme Court. Consequently, the agenda of the meeting shifted to an order issued by the Election Commission, on 28th June, prescribing fresh affidavits to be filed by candidates and, what is even more radical, empowering Returning Officers to

reject the nominations of those candidates who do not make the required disclosures or give false or incomplete information. The reaction of the political parties was unanimous and vehement.

### 'Confessional' Nominations

The BJP spokesman Mr. V. K. Malhotra opened the salvo and the other parties joined in. All of them had serious apprehensions both about the practicalities as also the consequences of the Supreme Court directive. Most of their candidates would have had practical difficulties even in putting together the nomination form in the new format. If they do manage to do that, they would not have been proud of the outcome. Moreover this kind of a 'confessional' nomination would be rejected if it were not wholly true. If it were anywhere close to reality it would provide a soft target for the opposing candidates and, irrespective of the outcome of the polls, the affidavits could be used against them as clues or evidence for further criminal and civil investigations and/or proceedings. The information contained in the nomination papers about the spouse or an acquaintance could also help

inculpate persons who are not even distantly involved in the polls. Nomination papers could well become fecund archives for Big Brother and a major instrument for the Police State.

Under the the US Constitution's Fifth Amendment, a citizen cannot be forced to give testimony against himself. Of course, candidates submitting nominations for elections are not ordinary citizens and cannot claim the privileges of an ordinary citizen. 'Special privileges; special obligations', goes the dictum. The Catholic Church has institutionalized confessions; but there is a strict assurance that its contents will not be divulged under any circumstances. The system of confessions proposed by the Election Commission provides neither for secrecy nor for reprieve.

It is understandable that our political parties have strong reservations about the procedure proposed by the Supreme Court and by the Election Commission to deal with the criminalisation of politics, the politicization of crime and corruption. It would be unfair to conclude that all political parties and all those in politics have

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skeletons in their cupboards. Not all of them are involved in illegal activities in equal measure. Not all of them are qualified for sainthood either.

## Lame Duck MPs?

Some of the parties would be able to draw advantage from the Supreme Court order because they have had less opportunity to indulge in crime and corruption. They would have a greater chance of watching candidates of other parties squirm and suffer in agony. Some others might be happy because they already have efficient watchdog systems and batteries of lawyers in place that would permit them to file counter-affidavits and challenge nominations of opposing candidates within hours of their being filed. The Returning Officers would have difficulty disposing of all objections in good conscience within the 24 hours given to them for the purpose. Every candidate whose nomination is rejected is likely to go in appeal. This will give rise to a plethora of legal suits and a category of *lame duck* MPs with the sword of eventual disqualification hanging over their heads. This might also give birth to a new category of candidates who are allowed to contest polls subject to their clearance by a more competent authority at greater leisure. It cannot be ruled out that a large number of such *grey* candidates might find favour with the electorate and we may even end by having *grey* MPs, *grey* ministers, and who knows, even *grey* Prime ministers! A house containing a sizeable number of *lame duck* and *grey* members is a frightening prospect.

That is not all. A party that does not have the means required

for checking on the affidavits filed by candidates of other parties and raising contentious issues in prolonged battles of appeals and counter appeals in order to get their nominations or election scratched will be at a disadvantage. Money will play an even more predominant role in the system proposed by the Election Commission.

If the political parties had the wrong reasons for arriving at the right conclusion, the Supreme Court and the Election Commission, on the other hand have come to wrong conclusions for the right reasons. There is no doubt that politics in India is getting criminalised and crime is getting politicised. The question is, can this trend be checked or reversed by demanding that the intending candidates submit a general confession of their crimes, finances and academic performance.

Let us examine the new stipulations one by one.

## 'Criminal' Record

Firstly, the statement on criminal record. According to the notification of the Election Commission, candidates will have to file an affidavit disclosing all the criminal cases in which they have been charged, discharged, convicted or acquitted. This makes little sense in a country where most influential criminals get the cases against them scuttled at the FIR (First information Report) stage or do not permit even an FIR to be filed. It is only the relatively smaller fry who get charges framed against them at all.

The opposition parties, especially those in mass movements, have members of their cadres, every

now and then, charged, arrested, put into custody and sentenced in a large number of cases concerning agitations, demonstrations, *Hartals*, *Rasta-roko*, *Rail-roko*, *Dharnas*, *morchas* and other forms of civil disobedience. In India, those arrested for *Satyagraha* are charged under criminal sections that do not distinguish between political motive and motive for personal benefit.

## Difficult Affidavits

I have no intention of contesting any election in the near future. But were I to decide to do so, I would need to file an affidavit with a long annexure containing a list of over 700 cases that were filed against me over the last 22 years, in the states of Maharashtra, Karnataka, Gujarat, Punjab and Haryana. In one case, I was charged under section 302 of the Indian Penal code relating to manslaughter. The case was committed to sessions but I was acquitted in the sessions court on the ground that when the incident, resulting in the death of a policeman, occurred in the course of the sugarcane agitation in Nashik district on 12th November 1980, I was already in the custody of the police and was sitting as a detainee in the office of the police Commissioner!

## All Detenues are not Criminals

I've been acquitted in every case that was filed against me. The Nagpur Bench of the Bombay High Court, ordered in 1986, that I be released from detention under NSA (National Security Act) - equivalent to today's POTA - because it refused to believe that I could be a threat to the Nation's security. However, on record, I have been arrested by the police on 27 separate occasions. As

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of today, I would require a whole team to compile the data on each of these cases. Several speakers at the Delhi meeting pointed out the anomalies arising out of the fact that political detainees are treated on par with common criminals in India.

A way out will be for the Election Commission to treat the case of criminal charges filed in social-political agitation as not constituting criminal cases. But that could open up a gaping hole through which could pass even history-sheeters and 'Blais' of the mafia who, with their political contacts, could make each case against them look like a political one. The criminals have got so mixed up with some of the political parties that it would be impossible to distinguish between charges filed for cases involving civil disobedience and other cases of sheer crime.

## Property Declaration

Next comes the requirement to declare one's movable and immovable property. Such declarations have been filed by all government servants since decades. Thanks to the enormous parallel economy and the large proportion of *benami* transactions, these returns have not been *instrumental* in unearthing any cases of corruption. Is it really necessary for each and every candidate to submit a detailed statement of his property even before the election takes place? Will it not suffice if the winning candidate is required to submit a statement of his movable and immovable property to the presiding officer of the House to which he is elected? The returning officer, in any case, will be in no position to scrutinize, even cursorily, these

statements from the candidates within a period of just 24 hours that is given to him for the purpose. As a consequence, there will arise new categories of 'lame duck' and 'grey' MPs and ministers.

## Educational Background

Candidates can give details of their academic background with relative ease, along with the originals or photocopies of Degree and Diploma certificates. But, that does not make the Returning Officers' job of scrutiny any easier. There exist fake universities, fake certificates, fake mark lists and false Degrees galore. The poor Returning Officer has no alternative but to accept them at face value. The list of MPs published by the Parliamentary Secretariat contains quite a few questionable claims of academic accomplishments.

The spokesmen of the political parties who opposed the proposals of the Election Commission at the Delhi meeting had motives that were probably suspect. But with the uncanny sense of shrewd politicians they came, nevertheless, to the right conclusion that the remedy was worse than the malady.

By contrast, the Election Commission and the Supreme Court were guilty of the inverse. They certainly had good motives but came to typically bureaucratic conclusions that are impractical and potentially harmful. The proposals intend to attempt against the criminal-political axis, what Jayaprakash Narayan attempted with the dacoits of Chambal valley minus the promise of amnesty and minus the assurance of secrecy of a catholic confession. The combination of naiveness and

wooden-headed bureaucracy is so bad that it might actually further the criminalization of politics and the politicisation of crime and put in jeopardy the hitherto impeccable reputation of the electoral system in India.

## Bureaucratization

Whenever a bureaucrat faces a problem he decides to appoint a committee, to introduce some reforms, or to appoint a commissar to look after the problem. Your bureaucrat is *per se* an interventionist. He is implicitly convinced of his superior wisdom and is, therefore, convinced that his intervention is necessary and useful for setting the things right. That is typically what happens in a monarchy or an autocracy.

This kind of intervention has no place in an open democratic system. In a democracy, people are the final arbiters because it is founded on healthy skepticism of all authority and not presumption of superior wisdom in any person or institution. The democratic systems leave it to the people with all their shortcomings, faults and foibles, to interact, monitoring each other and bring about a system based on checks and counter-checks that works without the need for any outside intervention. Markets and elections are good examples of multitudes of free individuals interacting amongst themselves in order to bring out the best solutions.

## Why Criminals Want Power

If politics gets invaded by criminals, there must be some reason why it is happening. 'Power corrupts and absolute corrupts absolutely', as Lord Acton's

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immortal truism goes. There is no way corruption and criminalization of politics can be contained in a License-Permit-Inspector Raj. The license-permit system allows smugglers, black-marketers and criminals to flourish. The mafia tries to manipulate the reigns of power for sometime and then ultimately, tries to take over the reins of power itself. That is why they fight elections making full use of their ill-gotten wealth in the hope that power will open doors to further wealth. The power-wealth-power vicious cycle rolls on till the whole polity is corrupted and democratic structures start crumbling. An economic State is incompatible with openness and democracy and genuine democracy is incompatible with the license-

permit-inspector Raj.

### Some Simple Solutions

The long-term solution would of course lie in making the political State keep itself strictly away from all economic functions so that politicians have no possibility of offering free lunches and patronage to the people who wield the ballot. But, that is for tomorrow. In the meanwhile, the electoral system can certainly be reformed by neutralizing money power. This cannot be achieved by State subventions to election expenditure. That will make the problem even more acute.

Here are some very elegant and simple solutions that I would

like to suggest to deal with the problem:

- 1) Polling should take place within a week of the last date of withdrawal;
- 2) No propaganda should be allowed except by word of mouth on the analogy of what happens under the present system in the last 36 hours before the polling.

Simple and effective. No red tape, no arrogation of power. That is why it would not be accepted either by the bureaucrats or by the political parties.

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# Lord Peter Bauer (1915-2002)

Thomas Sowell

**For decades on end, Peter Bauer stood virtually alone in opposing the prevailing dogmas of development economists.**

The death of Peter Bauer cannot pass unmarked. He was one of those people to whom we all owe a great debt, whether we realize it or not. He insisted on talking sense, even when dangerous nonsense was at the height of its popularity.

In the last two decades of his life, he was Lord Peter Bauer, courtesy of British Prime Minister Margaret Thatcher. For most of his career, however, he was Professor Peter Bauer of the London School of Economics. His specialty was the economics of under-developed countries.

The dominant orthodoxy in development economics was that Third World countries were trapped in a vicious cycle of poverty that could be broken only by massive foreign aid from the more prosperous industrial nations of the world. This was in keeping with a more general vision on the left that people were essentially divided into three categories – the heartless, the helpless, and wonderful people like themselves, who would rescue the helpless by playing Lady Bountiful with the taxpayers' money.

Peter Bauer never bought any part of that vision. He had too much respect for people in the Third World, where he had lived for years, to think of them as helpless. "Before 1886," he pointed out, "there was not one cocoa tree in British West Africa. By the 1930s, there were millions of acres under cocoa there, all owned and operated by Africans." He rejected "condescension toward the ordinary people" of the Third World and "the classification of groups as helpless."

Third World people were just as capable of responding to the incentives of a market economy as anyone else, according to Professor Bauer, despite development economists like Gunnar Myrdal who depicted them as needing government planning imposed on them to get ahead. Development economists' hostility to the market and "contempt for ordinary people" were to Bauer "only two sides of the same coin."

If poverty was a trap from which there was no escape, Bauer declared, we would all still be living in the Stone Age, since all countries were once as poor as Third World nations are today. Peter Bauer considered it arbitrary and self-serving to call international transfers of money to Third World governments "foreign aid." Whether it was an aid or a hindrance was an empirical question. Sometimes it could turn out to be simply "transferring money from poor people in rich countries to rich people in poor countries."

Bauer likewise rejected "overpopulation" as a cause of Third World poverty, even though that was also one of the key dogmas of development economics. Like so much else that derived from the liberal-left vision of the world, "overpopulation" theories served as justifications for running other people's lives.

Peter Bauer pointed out that many Third World countries were much more thinly populated than such prosperous industrial nations as Japan, which had 10 times the population density of sub-Saharan

Africa. Moreover, some Third World countries had ample fertile land, much of it lying unused, and often also had valuable natural resources, such as were lacking in Japan.

The later research of Hernando de Soto, published in his book "The Mystery of Capital," added still more evidence that supported Peter Bauer's thesis that Third World people were capable of creating wealth, even if their governments followed economically counterproductive policies that held them back.

For decades on end, Peter Bauer stood virtually alone in opposing the prevailing dogmas of development economists. They in turn dismissed him as someone far outside the mainstream. But, with the passing years and the repeated and catastrophic failures of policies and programs based on the theories of development economics, the orthodoxy began to erode and finally to collapse.

At the end of his life, Peter Bauer was in the mainstream – not because he had moved but because the mainstream now moved over to where he had been all along. It is a painful reflection on those who award Nobel prizes that Gunnar Myrdal received one and Peter Bauer did not. Yet, on the eve of his death, Lord Bauer was awarded the Milton Friedman prize, worth half a million dollars, for his work.

Peter Bauer's career should be an inspiration to all those who fight an uphill battle against prevailing orthodoxies.

COURTESY: TownHall.com

**In a poorly governed country,  
the place for a just man  
is also a prison.**



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# 15th August – A Day to Rejoice or to Atone?

Prem Vaidya

**Celebrating 15th August as 'Independence Day' is trying to twist historical facts. Certainly, it was not Independence Day. It was a Day of the Partition of the Indian sub-continent. And so, certainly not a day for celebration.**

15th AUGUST 1947. Do you remember that Day? Year after year, we are asked to celebrate this day as 'Independence Day'. A Day of horrors and dismay ... a Day of incalculable human losses...an emotionally charged atmosphere Day throughout the Indian sub-continent ... a Day exposing the political bankruptcy of our people... a Day when India was Partitioned accompanied by a communal holocaust the like of which this country had never witnessed before?

After the Second World War, India's independence was inevitable; it was just a matter of time. But certainly not its division! There was 'rebellion' in the air. The treason trials at the Red Fort, of the officers of the 'Indian National Army' (INA), of Netaji Subash Chandra Bose. The mutiny by the Royal Indian Navy personnel in Mumbai, Karachi, Cochin, Vishakapatnam and Calcutta and the defiance by the Royal Indian Air Force. All these compelled British Prime Minister Clement Attlee to announce: 'Britain is transferring power due to the fact that the Indian mercenary army is no longer loyal to Britain and Britain cannot afford to have a large British Army to hold on to India.'

Instead of June 1948, Lord Mountbatten advanced the date for the 'Transfer of Power' to August 15, 1947. Please note the glittering act of divine providence - The 'Jewel

on the British Crown' the Indian Empire, was liquidated by Lord Mountbatten the great-grandson of Queen Victoria who ruled over an Empire where the sun never sets. The right to freedom of 400 million Indians was acknowledged, setting the stage for the dissolution of the largest Empire in history.

Six thousand miles away from Indian soil, the fate of India was decided on the last day of May 1947 by His Majesty's Government on the basis of the 'Mountbatten Plan' for the 'Partition of India' and the 'Transfer of Power' to the dominion of India and the creation of the dominion of Pakistan. British Premier Attlee described the Act as 'Not the abdication but the fulfillment of Britain's Mission in India, a sign of the strength and stability of the British Commonwealth.'

The then leaders of the biggest political party in India, the Indian National Congress, asked our countrymen to accept this Partition. In the west, the fertile land from where the Aryan culture spread throughout the country, became a 'foreign land' for us. To the east, 'Sonar Bangla' re-christened 'East-Pakistan' became hostile to us.

From the dawn of history, the Indian sub-continent had shown a remarkable quality of assimilation. Dadabhai Naoroji, belonging to the microscopic Parsi community in

India and elected president of the Indian National Congress thrice (1886, 1893 and 1906) had appealed to the people of this country in 1885 in the following terms:

"My dear countrymen, be united; preserve and achieve self-government so that India may once more occupy its place among the greatest and among most civilised nations of the world."

Alas, 62 years later, the leaders of the same Indian National Congress agreed to the vivisection of the country!

Ironically, in British terminology; it was described as 'Transfer of Power' and not Indian Independence - the 'Transfer of Power' of just eleven British-administered provinces to India and Pakistan!

"Keep a part of India" was Winston Churchill's parting advice to General Ismay who was proceeding to India as military aide to Lord Mountbatten. The British design was to balkanize India! The 562 Indian princely states - symbols of the British Raj - who had been guaranteed their sovereignty, subject to (British) Paramountcy, were told by Britain's last Viceroy in India Lord Mountbatten that that paramountcy would lapse on August 15, 1947 and the princes would be free to decide whether to join India or Pakistan or remain independent sovereign kingdoms! This led some princes to cherish the

hope of maintaining their sovereignty even after the departure of the British!

On June 3, 1947, Jawaharlal Nehru and Mohammad Ali Jinnah accepted the 'Mountbatten Plan' - the Partition of India into two Dominions - India and Pakistan. The Dominion of Pakistan would consist of Muslim-majority provinces in the districts of Bengal and Punjab.

The sovereignty of India was negotiated by the leaders of the then two main political parties in India: The Indian National Congress and the Muslim League! The All India Congress Committee (AICC) finally accepted the Partition Plan supported by Nehru. On June 4, Gandhiji in his prayer meeting regretfully announced the decision, Maulana Azad the author of *India Wins Freedom* wrote in his book:

"The AICC met on 14th June 1947... Congress was now considering an official resolution for dividing the country. Pandit Govind Ballabh Pant moved the resolution and after Sardar Patel and Jawaharlal spoke on it, Gandhiji had to intervene... It was impossible for me to tolerate this abject surrender on the part of the

Congress. In my speech I clearly said that the decision which the Working Committee had reached was the result of a most unfortunate development... After the first days' debate, there was very strong feeling against the Working Committee's resolution. Neither Pandit Pant's persuasiveness nor Sardar Patel's eloquence had been able to persuade the people to accept this resolution... It therefore, became necessary for Gandhiji to intervene in the debate... When the resolution was put to the vote, 29 voted for it and 15 against. Even Gandhiji's appeal could not persuade more members to vote for the partition of the country."

Vinoba Bhave, a staunch disciple of Gandhiji, who never indulged in politics, gave vent to his feelings when he said: "This was a Himalayan blunder. Even the weak support lent by Gandhi to the Congress Working Committee's resolution was not proper" (*Vinoba Life and Mission* by Suresh Ram, published by the Sarva Seva Sangh).

In reality, the Partition was not agreed to by the vast majority of Hindus and Sikhs or even by a majority of Muslims. Despite the fact that Pakistan was created on the basis of a homeland for Muslims in the Indian Sub-continent. India and not Pakistan is home to the second largest Muslim population in the world, the first being Indonesia.

In Punjab it was considered an occasion for mourning.

Even Gandhiji who had earlier vowed that partition would be over his dead body, yielded with a sense of helplessness.

On August 14, 1947 in Karachi, now in Pakistan, in the newly formed Constitution Assembly, amidst thunderous applause, Mohammed Ali Jinnah announced that a green flag with the crescent and star and band of white would be the national flag of Pakistan. And then, pointing towards the white band, he said that it represented the minorities who would be safe in Pakistan!

Alas, within a month, by the end of September most of the Hindus from Sind and Sikhs from the Punjab were pushed out of Pakistan and their land and property grabbed! What followed has been described as the biggest mass migration in history.

Delivering his famous 'Tryst with Destiny' speech a few minutes before the stroke of midnight on August 15, 1947, in the Constituent Assembly in New Delhi, Nehru said:

"Long years ago, we had made a tryst with destiny, and now the time comes when we shall redeem our pledge, not wholly or in full measure, but substantially..."

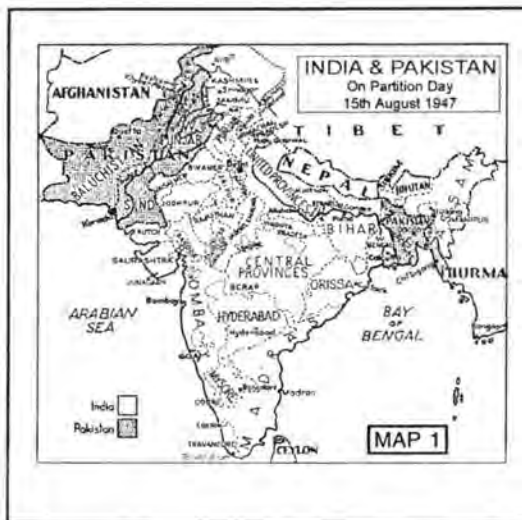
A flashback worth remembering here. On the stroke of midnight on December 31, 1929, as the new year dawned, 40-year-old Jawaharlal Nehru, as president of the Indian National Congress, had unfurled the flag of 'Independent India' on the banks of the Ravi river at Lahore, taking a pledge for '*Poorna SWARAJ*' - complete independence - for the whole Indian sub-continent. Alas, that very place, from August 15, 1947 became a 'foreign land', to us!



June 1947. The Congress Working Committee accepts the 'Mountbatten Plan' for the Partition of India. Jawaharlal Nehru, G. P. Pant, Rajendra Prasad seen raising their hands

Please remember that August 15, 1947 was the day when the British granted dominion status to 'partitioned' India by Lord Mountbatten as the last Viceroy who owed allegiance to the British Crown. Therefore, certainly it was not Independence Day. We were still a British Dominion.

People in general, attribute Indian freedom to Gandhiji, but he felt no sense of victory at all. He was a completely isolated man. Feeling miserable, he left Delhi to be far away from the official rejoicing on August 15, 1947. In fact, he observed fast on that day and was camping at Calcutta in the midst of horrible communal riots that had erupted like red-hot molten lava. Gandhiji was literally all alone trying his best to bring peace among the Hindu and Muslim communities.



On August 17, 1947, two days after 'Independence Day', the Radcliffe Award (Map 1) was announced for further chopping-off Muslim majority districts in Punjab and Bengal which went to Pakistan. With lightning speed communal riots erupted among Hindus and Muslims. Nearly 40 per cent of the Sikh population in West Punjab became homeless and had to leave their homes and flee to India as

refugees! The Congress leaders wanted freedom at any cost without preparing for the inevitable consequences of partition. While a handful of leaders were celebrating freedom countless suffered and perished on both sides. A 300-km. stretch of the India-Pakistan border, from Pathankot to Ferozepur was dangerously disturbed.

By September 13, the world's biggest convoy carrying eight lakh non-muslim refugees moved on foot to cross the newly and arbitrarily created frontiers of West Punjab in Pakistan and started pouring into Delhi.

Greatly disturbed Gandhiji, at his prayer meeting on September 15, lamented:

'I have heard that a convoy of Hindus and Sikhs fifty-seven miles long is pouring into the Indian Union from West Punjab. It makes my brain reel to think how this can be. Such a happening is unparalleled in the history of the world.'

Dr. Sarvapalli Radhakrishnan, speaking on October 2, in a nationwide broadcast on All India Radio, on Gandhiji's birthday said:

"The British Government had inflicted a grievous wrong on this country by imposing Partition and we had acquiesced by accepting it. No amount of regret would bring back a lost opportunity. Mistakes of an hour might have to be atoned for by the



sorrow of years."

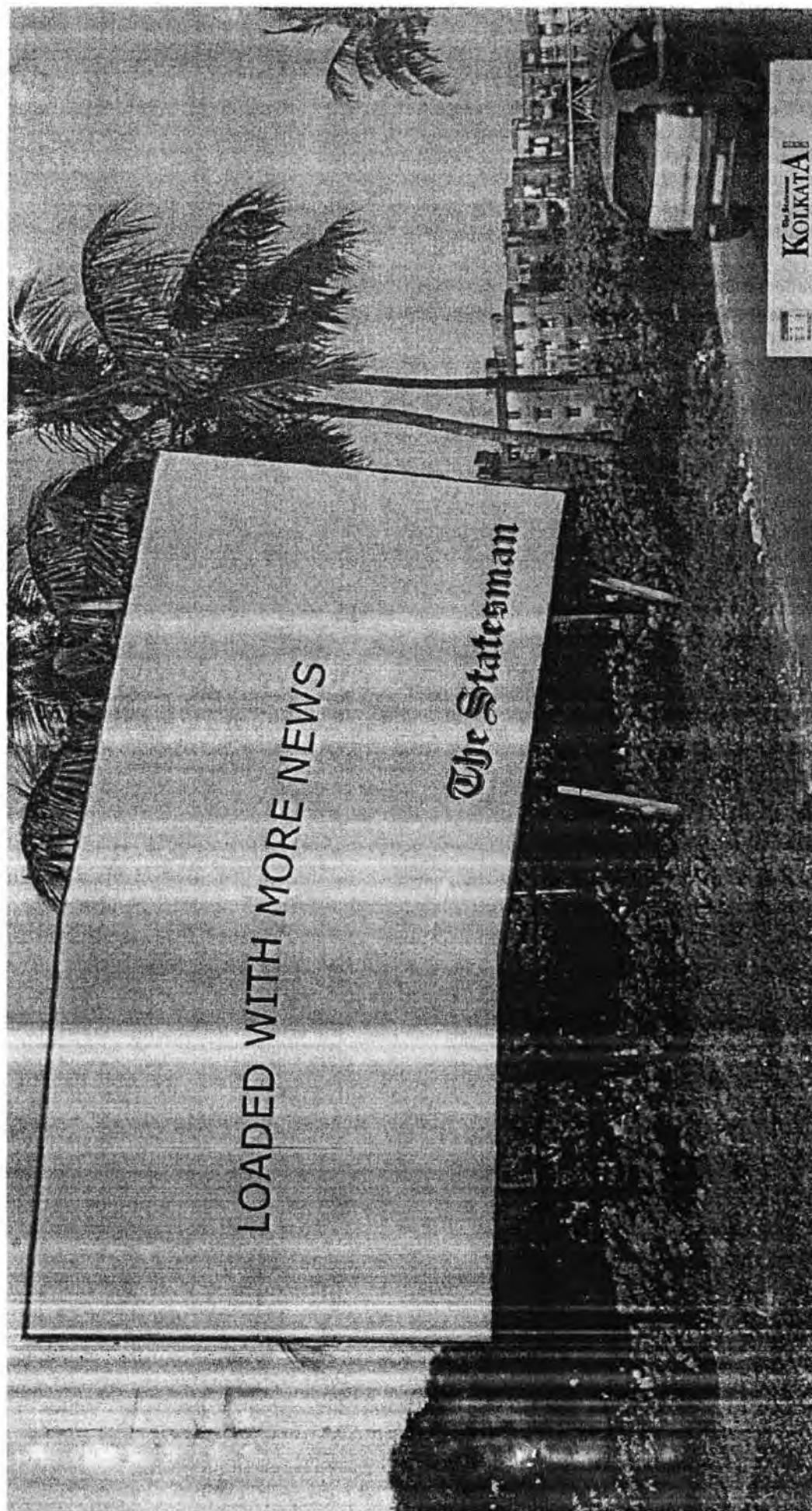
With remarkable foresight, Sardar Patel used his ingenuity and with the help of V. P. Menon, (Map 2) all the princely states were integrated into the Union of India with a stroke of the pen - wiping off all the grey patches (representing the prince-doms) from the map of India!

Time heals. People in general, have now accepted the Partition of India as a *fait accompli*. But year-after-year, celebrating the 15th August as 'Independence Day' is trying to twist historical facts. Certainly, it was not Independence Day. It was a Day of the Partition of the Indian sub-continent. And so, certainly not a day for celebrations but a Day to atone and take a pledge; not by a few from the ramparts of the Red Fort, Delhi - but by all the citizens of the country, from Kashmir to Kanyakumari and from the Andamans to Lakshadweep.

We should be alert in future so that past mistakes are not committed again.

NEVER AGAIN... NEVER AGAIN... NEVER AGAIN.

MR. PREM VAIDYA, a documentary film-maker, worked with the Films Division, Government of India till his retirement.



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# The President's Inaugural Speech

A. P. J. Abdul Kalam

**I wish to emphasize my unflinching commitment to the principle of secularism, which is the corner stone of our nationhood and which is the key feature of our civilisational strength.**

Indian civilizational heritage is built on universal spirit. India always stood for friendship and extends warm hands to the whole world.

We have made significant achievements in the last fifty years in food production, health sector, higher education, media and mass communication, industrial infrastructure, information technology, science and technology and defence. Our nation is endowed with natural resources, vibrant people and traditional value system. In spite of these resources, a number of our people are below the poverty line, undernourished and lack primary education itself. Our aim is to empower them to be poverty free, healthy and literate. A country needs to have the characteristics as defined in Thirukkural, composed over 2000 years ago:

*'Pini inmai Selvam Vilaiyinbam Emam; Aniyenba Nattirkiv vainthu'*

That is, "the important elements that constitute a nation are: being disease free; wealth; high productivity; harmonious living and strong defence".

All our efforts should be focused towards building these five elements at various levels in a coherent and in an integrated manner. I am convinced that our nation with a strong, vibrant and billion plus population can contribute to realize these elements.

Today our country is facing challenges such as cross border terrorism, certain internal conflicts and unemployment. To face these challenges, there must be a vision to ensure focused action of one billion citizens of this great country with varied capabilities. What can be that vision? It can be none other than transforming India into a 'Developed Nation'. Can government alone achieve this Vision? Now we need a movement in the country. This is the time to ignite the minds of the people for this movement. We will work for it. We cannot emerge as a developed nation if we do not learn to transact with speed. I recall the saintly poet Kabir's wisdom to us:

*'Kaal Kare So Aaj Kar; Aaj Kare So Ab'*

That means, "What you want to do tomorrow do it today, and what you want to do today do it now".

This vision of developed nation needs to be achieved with Parliamentary democracy, which is the core of our governance system. The basic structure of our Constitution has stood the test of time. I am confident that it will continue to be responsive to the demands of changing situations. The first and foremost task is to respect and uphold the constitutional processes, in the best interest of our people and our nation, without fear or favour and with fairness and firmness. India is a Union of States based on the framework of cooperative federalism. Within the cooperative frame-work, there is also a requirement to develop competitive strengths for the States so that they can excel at the national level and the global level. Competitiveness helps in ensuring economic and managerial efficiency and to be creative to meet new challenges. These are essential to survive and prosper in a fast changing world of today. In addition, in order to strengthen democratic processes and institution, we should all truly strive for substantive decentralization.

I wish to emphasize my unflinching commitment to the principle of secularism, which is the corner stone of our nationhood and which is the key feature of our civilisational strength. During the last one year I met a number of spiritual leaders of all religions. They all echoed one message, that is, unity of minds and hearts of our people will happen and we will see the golden age of our country, very soon. I would like to endeavour to work for bringing about unity of minds among the divergent traditions of our country.

Along with speedy development aimed at elimination of poverty and unemployment, national security has to be recognized by every Indian as a national priority. Indeed, making India strong and self-reliant - economically, socially and militarily - is our foremost duty to our motherland and to ourselves and to our future generations.

When the child is empowered by the parents, at

various phases of growth, the child transforms into a responsible citizen. When the teacher is empowered with knowledge and experience, good young human beings with value systems take shape. When individual or a team is empowered with technology, transformation to higher potential for achievement is assured. When the leader of any institution empowers his or her people, leaders are born who can change the nation in multiple areas. When the women are empowered, society with

stability gets assured. When the political leaders of the nation empower the people through visionary policies, the prosperity of the nation is certain. The medium for transformation to developed India is the empowerment at various levels with power of knowledge.

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This is an abridged version of the Inaugural speech delivered by the President of India on July 27, 2002

## India's New President

Louella Lobo Prabhu

### The public is thrilled to see a non-political person as Head of the Republic of India.

*The Week* magazine with its cover story on the incoming President, and dark type boxes in the daily papers, when put together, form intriguing glimpses into the life of the new President of India, A.P.G. Abdul Kalam.

He was born poor, but, not destitute. His father was connected with the Rameshwaram ferry, and lost his only boat, saying "Insh-Allah" – It is the will of God. His sister's jewellery put him through higher studies, done at St. Joseph's College, Tiruchirapalli. Thus, though his "Hindu" side has been stressed, there was also an exposure to Christianity, in life. He has not acknowledged this debt.

There was a point in his life, when he wanted to be a pilot. Because of his height, he finished 9th out of 25, and just missed his entrance to the I.A.F., when 8 were selected in his year. Deeply dejected, for the first time in his life, he went on a Hindu religious pilgrimage, and met a seer, who consoled him, "I cannot tell you how high you will go, but take heart, you are at the beginning of a long journey". His failure to become a pilot, took him

to aeronautical engineering. After that, he did not look back.

The public is thrilled to see a non-political person as Head of the Republic of India. However, he has never been in government before, and does not know how it runs. His first press conference was a minor disaster. To claim that nuclear deterrence was the reason for no escalation into war, suggests that we should disband our army. His manner of handling it, was like that of a school master with dim-wits in the classroom.

I am glad that at least in one respect he is not frugal. His mop of greying locks, are handled by a hair stylist who charges Rs.500-850 for a session. He is known to ask for hair-conditioning tips. It was mentioned that when Indira Gandhi wanted to congratulate him, he had no suit to wear. He seems to have got over that lacunae. *The Week's* cover shows him in a smart blue suit. He must have travelled quite often, abroad, that too, in the best scientific circles. He is sure to have some formal wear now. If not, since there is a banquet for visiting dignitaries almost every day, he will have to put

wardrobe expenses on his bill, as he did with the Rs.15,000/- for his deposit. That was a nice touch, but with an overtone of what Catholics (like his ex-Professor, Fr. Sequeira) might term as "scrupulosity".

### The Swatantra Party – Victory in Defeat

By Col. H. R. Pasricha

This is the story of the Swatantra Party as told by the late Col. H. R. Pasricha, a senior member of the Party – A first person narrative interpreting the events as he understood them.

Published by  
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Copies available at the office of The Rajaji Foundation, 1st Floor, Sassoon Building, 143, Mahatma Gandhi Road, Mumbai 400 001. Phone : 2674453

In evaluating his candidature, lack of constitutional knowledge was listed as a weakness. The incoming President has made up for this, double-time and has done what no incoming President has done before him. He has sent a personal letter to his electorate. Has he meditated on his position as a Muslim, in a Party which has dealt with them, as was seen in Gujarat? There is also, before government, a set of recommendations on areas of the Constitution, in need of change. The Report asserted freedom of conscience, but the newspapers did not mention whether the Commission has pronounced its

amendments, if any, to the right of "propagation" (Article 25), and the right to educational autonomy in the running of minority institutions without loss of grant, by the State (Article 30). The Incoming President has stated that the Constitution is indestructible, and that its basic structure is sacrosanct. I wonder whether the leadership will get the message?

To balance the minority stance, he has condemned cross border terrorism by Pakistan, and stated that no effort will be spared, in putting it down. He once again stated that it was impossible not to

nuclearise India, in contending with such a hostile neighbour. He felt that the primacy of national security, was a fundamental proposition of governance.

He also had some remarks to make on secularism – part of the national character, and on harmonious Centre-State relations. In short, if the N.D.A. thought, as the "Syndicate" did, *vis-a-vis* Indira Gandhi, it does not have a *ghungi gudiya* on its hand, but a Rashtrapati who will decide issues on their merits, with the cold, clear, logic of a scientist.

## The President's Powers

Minoo Masani

*The general view of political parties and political scientists on the powers of India's President is that he is a titular Head of State without any real powers.*

*The late Mr. Minoo Masani, a member of the Constituent Assembly, did not subscribe to this view. According to him, the President is not a 'dummy'. He has certain real powers. The following article on his views on the President's powers was first published in The Statesman and reprinted in the Freedom First of July 1987.- Ed.*

The Times of India, published on 29th March 1987 an article by me entitled "The Roots of the President-Prime Minister Clash". I had quoted the relevant articles of the Constitution and established that the Constitution adopted by the Constituent Assembly, of which I was a member, had given the President of the Republic the role of being one of the checks and balances to the powers of the Prime Minister of the day. While I have received several letters and telephone calls saying how pleased those concerned were with my article, the columns of the Times of India have carried three or four articles and letters arguing that I was wrong and that the President of the Republic is a dummy and has no power at all to act on his own.

What puzzles me is how intelligent people can possible

argue, as they have done, that the President can do nothing at all except on the advice of the Prime Minister and the Cabinet of the day.

### Powers of the President

The Constitution as enacted in 1950 provides:

74(1) There shall be a Council of Ministers with the Prime Minister at the head to aid and advice the President in the exercise of his functions.

75(1) The Prime Minister shall be appointed by the President and the other Ministers shall be appointed by the President on the advice of the Prime Minister.

(2) The Ministers shall hold office during the pleasure of the

President.

111 When a Bill has been passed by the Houses of Parliament, it shall be presented to the President; and the President shall declare either that he assents to the Bill, or that he withholds assent therefrom;

Provided that the President may, as soon as possible after the presentation to him of a Bill for assent, return the Bill if it is not a Money Bill to the Houses with a message requesting that they will reconsider the Bill or any specified provisions thereof and, in particular, will consider the desirability of introducing any such amendments as he may recommend in his message, and when a

Bill is so returned, the Houses shall reconsider the Bill accordingly, and if the Bill is passed again by the Houses with or without amendment and presented to the President for assent, the President shall not withhold assent therefrom."

In the light of this clear language, I find it hard to understand the plea made to me except to assume that the Constituent Assembly was made up of nincompoops without any knowledge of the English language. While I do not object to this aspersion in so far as I am concerned, I cannot let it pass in relation to eminent men and women like Dr. Ambedkar, Dr. K. M. Munshi, Dr. Gopalaswami Iyengar, Pandit Jawaharlal Nehru, Dr. Alladi Krishnaswami Iyer, Mrs. Vijayalakshmi Pandit and Mrs. Hansa Mehta.

### Reflections on the Incoming President

*We knew you would be President,  
And now you really are.  
Of all the constellations,  
Yours was the lucky star.*

*You've travelled quite a long way,  
From a boatman's shanty small,  
To grace the noble edifice,  
Of Lutyen's Mansion tall.*

*Your gaze was on the starlite sky,  
But now, on earth it must be trained,  
For you have many things to learn,  
With office, you have gained.*

*You'll have to leave Missiles awhile,  
And then study the Constitution book,  
For this is now your major work,  
Needing more than cursory look.*

*Good luck, good health, good speed,  
May He be always with you,  
In every hour of need.*

Louella Lobo Prabhu

If my critics are right, the absurd situation follows that, when the Constitution says that the Prime Minister and Cabinet hold office "during the pleasure of the President" what we meant was that they would hold office at their own pleasure! Can we imagine any Prime Minister going to the President and saying: "Sir, I advice you to dismiss me and my cabinet"? Similarly, if the President cannot withhold his assent from a Bill and return it to Parliament on his own, he would have to call the Prime Minister, who has taken the trouble to pass the Bill through the two Houses of Parliament, and ask the Prime Minister to advice him to withhold assent from the same Bill!

The question that arises is why is it so difficult for many people in this country to accept the language of the Constitution? Obviously it goes against some basic prejudice of theirs. Having puzzled over this, I have come to the conclusion that there is considerable disagreement about the meaning of the word 'democracy'. My understanding is that democracy is the rule of the people by the people and that, where there is a difference of opinion, the views of the majority should normally prevail, provided it shows consideration for minorities and the individual citizen.

### Democracy is not Majority rule

In other words, democracy is not majority rule. The tyranny of a brute majority can be as undemocratic and oppressive as the tyranny of a minority or an individual. Hitler came to power on the strength of a "one man one vote" majority

and then proceeded to destroy every vestige of democracy in Germany. The Black African dictators claim to be elected by a majority. This has provoked an eminent anthropologist like Elspeth Huxley to observe dryly: "one man, one vote, once!"

What I am saying is fairly well understood on both sides of the Atlantic where it is known as the doctrine of 'countervailing power'. There are, however, in our part of the world too many people of the view that the rule of Sinhalese over Tamils is democratic, that the rule of Blacks over the Whites in South Africa would be democratic and, by the same token, Hindu rule over Muslims is democratic.

With all respect, I must disagree. In countries that are homogeneous and the majority shifts from election to election, majority rule becomes tolerable, but in polyglot countries like ours, where there is a permanent religious, linguistic or racial majority based on birth which can never shift, majority rule can be undemocratic. In such conditions, democracy calls for the sharing of power, checks and balances and a truly pluralistic society.

The Constitution of the Swiss Confederation which is made up of German speaking, French speaking and Italian speaking Swiss, is based on this principle by providing that the Cabinet or the Executive is elected from time to time by *proportional representation* so that all sizeable minorities form part of the Government along with the majority.

I know this is heresy for many people in India and the infamous Forty-second Amendment to the Constitution, which Mrs. Gandhi rushed through Parliament during the Emergency, supports this view. But this Amendment should be

struck down as *ultra vires* the Constitution. It is a crying shame that the Janata Government, which came to power in 1978 with this as part of its manifesto, failed to repeal that amendment in toto.

All this is not at all theoretical in today's situation. The Union Government of the day has lost its moral legitimacy and Parliament has

ceased to represent the people of India. In this situation, Dicey's wise words become relevant:

"There are certainly combinations of circumstances under which the Crown has the right to dismiss a Ministry who command a parliamentary majority and to dissolve the Parliament by which the Ministry are supported ... The reason

why the House can in accordance with the Constitution be deprived of power and of existence is that an occasion has arisen in which there is fair reason to suppose that the opinion of the House is not the opinion of the electors."

Courtesy: *The Statesman*.

First published in *Freedom First*, No.387, July 1987.

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## ***ILG Press Release***

### **More Governance with Less Government**

#### **The First Minoo Masani Memorial Lecture**

**Delivered by Mr. Digvijay Singh, Chief Minister, Madhya Pradesh**

Madhya Pradesh chief minister Mr. Digvijay Singh has called for "a radical redefining of governance". Speaking in Delhi at the first Minoo Masani Memorial lecture, organised by the Indian Liberal Group (ILG) on the occasion of the late Liberal's death anniversary on May 27, Mr. Singh lamented the fact that India is today suffering from overgovernance. "The first half century of our independence we spent on strengthening the apparatus of governance," he said and pointed out that not only did this push up government's salaries and pension bills but "the structure of governance cramps individual initiative and weakens accountability." To set right this distortion, he said the most obvious thing to do is "to make the juice of democracy flow again through decentralisation and involve the people directly in governance."

He drew attention to the fact that "a new architecture of governance" in the form of decentralisation through panchayati raj put in place by late Rajiv Gandhi had "led to the freeing of political space in rural India from its erstwhile controllers in an unprecedented manner". He said this has now "led to a million mutinies of freedom in every village in India".

Paying tribute to Masani, Mr. Singh said that reclaiming freedoms was a goal that Masani was "uncompromising about and he suspected every intrusion into the sphere of individual freedom irrespective of the proclaimed objectives of the intruder including the modern Indian state." That is why, he said, his government was concentrating on empowering the people and entrusting them with responsibility in such areas as education, health and water.

He said Madhya Pradesh had schools and colleges managed by local communities, hospitals supervised by *Rogi Kalyan Samitis*, water managed by *Pani Roko Samitis* and forests managed by forest protection *samitis*. Debunking the myth that people are not willing to pay taxes or user charges, he referred to examples from Madhya Pradesh to show that people are willing to pay if they know the money was going to be used for their welfare.

The ILG was started by Masani in 1964 to place before the country an alternative to socialist policies and promote the liberal point of view on issues of the day. It is now engaged in educating the public that liberalism is not only a method of economic engineering but also as a philosophy of governance that promotes a civil society.

Presiding over the function, Mr C.R. Irani, editor-in-chief of *The Statesman* and a close friend of Masani, said Masani would be delighted at how grassroots democracy, a cause dear to his heart, was being promoted in Madhya Pradesh.

Calling Mr. Singh "India's most unusual but sorely needed chief minister", ILG president S. V. Raju said Masani would be chuckling with delight that a Congressman was delivering the first memorial lecture in his honour because he had got his priorities right. Masani, he pointed out, wanted a strong state that enforces the rule of law but at the same time a minimal state which concentrates on physical and social infrastructure and on good governance. These are precisely the areas, he pointed out, that Mr. Singh is concentrating on and his experiments would have met with Masani's wholehearted approval.

Issued on May 27, 2002.

*For the full text of the speech, please visit our website [www.liberalsindia.com](http://www.liberalsindia.com) or write to the Indian Liberal Group, 1st Floor, Sassoon Building, 143, Mahatma Gandhi Road, Mumbai 400 001, for a copy. Please send Rs.5 in postage stamps.*

## 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.**



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# The J&K Massacres

## - Stretched to Breaking Point

Eustace D'Souza

**Conditions within the State must be made intolerable for terrorists to exist and operate and this means winning over the hearts and minds of the people of the State.**

There is a growing groundswell of concerned public opinion against the perceived inaction of the Government, both State and Central, of how to react to the senseless killing of innocent civilians including women and children as manifest in the recent ruthless mowing down of 28 deprived residents of the Qasimnagar, slum on the outskirts of Jammu City, by cross border terrorists, described in Pakistan as "freedom fighters".

Earlier, there was a similar cold blooded massacre of mainly men folk of migrant labour from Bihar who were lined up against a wall and shot dead in front of their families. These senseless killings apart, moderate Kashmiri leader Abdul Ghani Lone was shot dead near his home in Srinagar, and Chief Minister Farooq Abdullah subjected to a grenade attack that fortunately failed.

Interestingly, all these incidents were timed to coincide with the arrival of foreign dignitaries from the UK and USA. This sinister game plan is obvious: To disrupt at any cost the forthcoming State Assembly Elections in J&K scheduled for September.

The point at issue is what is our Government doing to stem these senseless outrages against mainly innocent underprivileged people? We are all aware of the 'pious' efforts

being made by the Coalition partners to stop cross border terrorism, make India exercise restraint despite this daily litany of casualties and to come to the negotiating table to solve the intractable Kashmir problem. In doing so these powers – the USA, UK, France, Russia and to a more muted level China, persist in equating the world's largest functioning and secular democratic republic, warts and all, with a fundamentalist military dictatorship. Equally, ignoring the fact that the accession of the State to the Indian Union was not done under duress, through force or arm-twisting.

Yet another important point tends to be sidelined, that it was India that approached the UN for a Cease-Fire and Plebiscite, and that Pakistan has resolutely refused to abide by the second clause to withdraw all its troops from POK. And thirdly, that a large chunk of the State, 98,000 square kms has been annexed by China with the connivance of Pakistan. So where do we go from here to stop this senseless killing and reach an acceptable solution?

With the influx of the *Taliban* and *Al Queda* militants into Pakistan, the growing opposition to Pervez Musharraf by the more fundamental elements in Pakistan and the avowed aim of the Muslimization of Jammu and

Kashmir, has only served to increase terrorist trans-border activities to carry out these senseless killings and by so doing to prevent to the extent possible, the disruption of the Assembly elections through fear. In its velvet glove treatment of Musharraf as a loyal and faithful ally and supporter of the coalition in its attempts to stamp out the *Al Queda*, and either capture or kill Osama Bin Laden, it would appear that the Americans are prepared to shut a blind eye to Musharraf's inability to stop cross border terrorism. This has resulted in constant appeals to India to exercise moderation ignoring the fact that we are losing innocent men, women and children and security forces daily.

And the reason for such softness has a touch of selfishness. The interests of the US come first in its attempts to stamp out terrorism and reduce the prospects of further terrorist attacks on itself. Also, the strategic need to control the large reserves of oil and gas in the Caspian Basin; and to ensure the minimum return of body bags to the US. Pakistan has willy nilly provided the wherewithal's to do so and this has angered a large section of Pakistanis. The almost daily killings of our people are described as "unfortunate".

Is it not time to put our foot down and say that enough is

enough? The point at issue is how do we go about it. Many responsible individuals who have the welfare of the country at heart feel that we should go in for 'hot pursuit' by hitting at the terrorist camps in POK. It is unfortunate that we are over 15 years too late. Had we done so then as advocated by this writer who is an old Kashmir hand we would have achieved success. Today, with the Pak Armed Forces fully mobilized and deployed, it would be foolhardy to do so as our casualties would be enormous given the mountainous terrain and the fact that we would not be able to deploy armour. Others feel that we should resort to air strikes on these camps. That would be an option if there were even a semblance of permanency of these camps to make such strikes effective. And unless supported by land forces, the camps would be re-established. Using land forces over the type of terrain that one knows of would require the use of paratroopers. This is a possibility but such an operation would be effective only if there was a land link-up, again a difficult proposition. Will the effort involved in the loss of men and material be compatible with the results? Will such killings end?

Permanent terrorist training camps by Islamic fundamentalists may have existed in Sudan and Afghanistan but they certainly do not exist in POK where they take the form of temporary shelters/infrastructure easy to dismantle, move or be destroyed. Would such action be commensurate with the effort involved? Assuming that we do decide to go into POK to destroy these nebulous terrorist camps. With the Pak Armed Forces deployed all along the LoC and International Border, what is there to stop Pakistan from opening a second front to divert our attention, as we did in 1965 after the massive infiltration into Kashmir –

Zia's Op Gibraltar – by opening a second front in the Punjab and reaching the suburbs of Lahore?

What would Pakistan's steadfast ally China do to relieve pressure on the Pakistanis as it did in 1965 along the Sikkim Watershed by moving its forces forward in a very daunting manner? And is an all out war the end losung? Would it be possible to do so with Coalition Forces deployed in Pakistan and both India and Pakistan members of that Coalition? Is the internal situation in both countries conducive to conducting a full-scale war? We have problems in Gujarat and in other parts of India, both man-made and natural, and so has Pakistan with its forthcoming elections and hostility by fundamentalist elements. Are we prepared to accept third party intervention? Would such intervention succeed?

Neither the US or the UK is prepared to take on the role of mediator and in fact Cristina Rocca has said in so many words that the Shimla Agreement is a good starting point but will Pakistan accept this solution? Then there is talk of India, with US assistance, setting up sensors along the border to counter infiltration. Given the type of terrain in the mountainous areas and the elephant (sarkhanda) grass in the plains area would such sensors be effective? Or for that matter the proposed helicopter patrols? Those of us who have served for extended periods on both sides of the Pir Panjal Range will understand how easy it is to conceal movement from the sky.

But all is not lost. For starters, the US must pressurize Musharraf to agree to a "NO FIRST USE" declaration in the use of nuclear weapons, as we have done. The second possible solution would be as suggested by India, that the LoC

be jointly patrolled by both sides to prevent cross border terrorism. This physical contact between the two Armies would also help reduce tensions. The question of using a neutral force to do so would be a mind-boggling problem of logistics to get 'outside' troops not used to such terrain to do so.

Yet another very worthwhile measure that we can adopt and this has been examined very perceptively by journalist R. K. Narayanan and recommended strongly by this writer earlier, is to sharpen our intelligence acquisition agencies to work in concert and to centrally collect, collate and disseminate all inputs to identify possible terrorist strikes so that they can be nipped in the bud. There is urgent need to improve our intelligence acquiring capability within and without as is done by the ISI and CIA. We missed the bus at Kargil. Let there not be a repeat. The web must be developed extensively not only in the State but in the rest of the country as well, and in Nepal, Sri Lanka and Bangladesh that have physical borders with India. With modern infotech means this should not be a Herculean task.

Conditions within the State must be made intolerable for terrorists to exist and operate and this means winning over the hearts and minds of the people of the State. That implies free and fair elections. During the coming months the security forces in the State must be on high alert while the political processes are set in motion. With the cooperation of the people of the State, Qasimnagar and Kaluchak types of incidents can be avoided.

The next three months are crucial provided we set our own house in order.

MAJ.GEN. EUSTACE D'SOUZA PVSM (Retd.) is a regular contributor to *Freedom First*.



## THE SOCIETY FOR THE RIGHT TO DIE WITH DIGNITY

Affiliated to the World Federation of the Right to Die Societies

Editor : Dr. Aparna Bagwe

NEWSLETTER - JULY 2002

### Preaching to the Unconverted

Dr. Aparna N. Bagwe

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In our continuing effort at giving the aims of the Society for the Right to Die with Dignity the exposure it deserves, there are certain basics that we take as given data. First among them is the need for the alleviation of suffering among those with no hope. But even this is based on a sense of deep and selfless compassion for those who go through such ordeals. Those among us who are members of the SRDD and those who are regular readers of *Freedom First*, most often agree with the aims of the SRDD and sympathise with what it plans to do. We would therefore like to be of as much help to the Society as possible. To that extent the aims of this pullout that goes with *Freedom First* are very well met. We have noticed that there is a continuing, if thin, trickle of those who express satisfaction about what the SRDD does. Our hope is that this pullout and its continued appearance, will give to those readers who have not even thought about the SRDD, and there are a huge number of them, the necessary exposure to what constitutes a problem in civilised society, and often of the availability of advanced medical facilities, rather than their lack.

Much of the work of the SRDD and of its exposure through these columns is therefore likely over time to begin fulfilling the aims for which it was started. Most of the readers of *Freedom First* are intellectuals at levels that would be the envy of any journal anywhere in the world. It is evident that when thinking men and women get together they often think alike if only because the vast storehouse of knowledge and wisdom that they bring to bear teaches them one thing: humility. There is so much more out there to learn and we all know

that we can learn very little of it in our lifetime. This almost Socratic understanding of the fact that we do not know enough is what is responsible for that humility. But it also teaches us that if we do not know enough there is always the possibility that something like the views of the SRDD have some merit in them. A first step towards an understanding of the issue. In other words we are addressing an audience that is already intellectually primed for and leaning towards the aims of the Society.

The difficulty arises with those who have radically different opinions. Whatever the Society might do, or, in the long run, succeed in doing, the fact remains that its aims should be disseminated among those who do not, at least at the moment agree. The expectation would be that there will be a gradual dawning of understanding among this new audience. Therefore while we should continue to look for support among those of us who sympathise with the aims of the SRDD and those readers of *Freedom First* who have not yet thought about the issue but who are willing to take a look, we need to spread our effort at disseminating our views rather more broadly, including possible audiences which do not share our views.

This will add perhaps a touch of controversy to these columns. But the fact is that the SRDD, much like *Freedom First* itself, depends upon reason, logic, sympathetic understanding and the need for freedom of decision. The aim, over time, should be to convince those who do not share our views of the need for these very simple first basics.

For more information and membership details on the SRDD,  
write to The Secretary,

The Society for the Right to Die with Dignity,  
1st Floor, Sassoon Building, 143, Mahatma Gandhi Road,  
Mumbai 400 001. Phone: 2670610

# The Right to Die with Dignity – The Indian Perspective

Sharad Bailur  
Chief - Corporate Communications,  
BSES Limited, Mumbai.

When most of us are confronted by the concept of dying with dignity in a manner of our choosing rather than being forced into a process of death with major consequences in terms of pain and torture, our reaction is often to put it aside and hope that it never happens to us. Those of us who think and act on the matter are invariably those who have had the misfortune of seeing death and the process of dying up close. Hence the recounting of personal experience, almost as a kind of catharsis.

The difficulty one faces in the Indian context in resolving the need for the right to die with dignity is manifold. First, extreme poverty often means the denial of proper medical treatment and the inevitable death that results. This is something rarely seen in developed countries. Second, the pressure of population on hospitals and the need for treatment to those who are treatable is so strong that hospitals often tell relations to take the patient home to die in peace. In other words they abandon the patient to a death by negligence. This is perhaps not such a bad thing in view of the heroic measures now possible, since they don't necessarily offer comfort to the artificially extended life of the patient. In other words death by deliberate negligence by doctors and hospitals is a common fact of life that most of us would rather not talk about.

Strictly speaking both these situations are unlawful, in that in the first case it is the duty of a state agency to save a life even if it is extreme poverty that is killing him. In the second case the reasons given by hospitals to deny help to patients who are past a treatable condition amounts to little more than triage. And triage is not sanctioned in law. The fact that the state lets it pass by looking the other way means that by implication, if not by assertion, it accepts the need for a law by which people can choose to die the way they wish in the sort of comfort they choose.

And yet we are stuck with vestiges of laws that make the voluntary choosing of death a matter of

abhorrence. Take the case of the law on suicide. An attempt was made recently to change the law on suicide and it appeared that human rights had slowly, if hesitantly, come of age. It was not to be. The new law making suicide legal was overturned. The law on suicide, quite apart from the manifest ridiculousness of a law that comes into effect only when the crime is unsuccessful, is against the basic principles of human rights. Both capital punishment and the law on suicide are vestiges of an absolutist past in which it is presumed that the citizen is an arm of the state to do with as the state chooses, not a contractual entity that decides how a state should run.

A person may own nothing. But no mechanistic contractual law of the state in which the state contracts to protect society has a right over human life, for the simple reason that it is that very human life that gives birth to the concept of the state itself. If it is accepted that citizens are contractual entities that comprise and create a state, their right to life is superior to anything that the state might make in terms of laws to protect citizens. Human life is thus anterior to, and therefore, by definition, supra-state. Strictly speaking a contractual state which is what a modern state running according to a laid down constitution is, cannot have the right to either kill a citizen for crimes committed or deny a citizen the right to kill himself if he so chooses.

These "peripheral" issues, of capital punishment and the law on suicide are in fact central to any hope for improvement regarding the right to die with dignity. Till such time as suicide remains illegal and the law on capital punishment stands there is little chance that any progress will be made on death with dignity.

There is no question that means should be found to make the voluntary ending of life possible subject to adequate safeguards. But till such time as lawmakers and constitutional experts do not look at human life with true compassion the chances for such a law seem to be remote.

## ***Have you Read***

**Reflections on Freedom to Choose • Dying with Dignity • Voluntary Euthanasia**

By Dr. B. N. Colabawalla

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## Freedom and the Right to Die

Peter Singer

The Netherlands' isolation as the only country in which voluntary euthanasia is legal is about to end. In October 2001 the Belgian senate voted by almost 2-1 to allow doctors to act on a patient's request for assistance in dying. The legislation is expected to pass the lower house shortly. That the Netherlands' closest neighbour is likely to be the next country to take this step should provide food for thought among those who have denounced voluntary euthanasia in the Netherlands as rife with abuses. If that were really the case, why would the country that is better placed than all others to know what goes on in the Netherlands – not only because of its geographical proximity, but because most of its people speak Dutch – be ready to copy the Dutch model?

The main source of opposition to legalising voluntary euthanasia in Belgium is the Christian Democrats, and if they fail to stop it that will be evidence of traditional Christianity's declining influence in that country. (Perhaps France, which also shares a common language with part of Belgium's population, and where church attendance has fallen precipitously, will be the next to follow suit). That Roman Catholics, Protestant conservatives, and others from traditional religious backgrounds should be against physician-assisted suicide and voluntary euthanasia is predictable. Such religions tend to be authoritarian and to discourage critical thinking in their followers. When they have the opportunity to dominate a society, they prove themselves no friend of freedom.

Starting from the position that God has put us here on earth for a purpose, they see suicide as something like desertion from the military, except that the suicide is disobeying orders from the Supreme Commander. They regard voluntary euthanasia as even worse than suicide, since it involves the intentional killing of an innocent human being. Because the rule against such killing is not to be questioned, the fact that the person killed is suffering from a terminal or incurable illness and *wants* to die is, in the eyes of the religious, irrelevant.

It is more surprising when those who are not religious, and who profess to support individual freedom, attack proposals to legalize physician-assisted suicide and voluntary euthanasia. Nat Hentoff's column in the Winter 2001/02 *Free Inquiry*, "Challenging Singer", is an example of such attacks and serves to show how full of holes they are. Hentoff objected to my views

regarding both voluntary and nonvoluntary euthanasia, but here I am concerned only with his opposition to voluntary euthanasia. How can a secular defender of human rights argue against the idea that when and how we die is primarily our own concern, and that, especially (though I would say, not only) when we are terminally or incurably ill, we have the right to choose the time and manner of our death?

Hentoff's first objection is that many physicians "are unable to recognize clinical depression, which, when treated successfully, removes the wish for death". Let's assume that this is true. It doesn't require much thought to see that it is not an argument against legalising voluntary euthanasia, but an argument for including in any voluntary euthanasia legislation a requirement that a psychiatrist or someone else trained in recognising clinical depression should examine any patient requesting voluntary euthanasia, and certify that the patient is not suffering from a treatable form of clinical depression. Such a proposal is perfectly practical. In fact when voluntary euthanasia was legalised in Australia's Northern Territory a few years ago, that law did require that someone with a psychiatric qualification must certify that the patient was mentally competent to make the decision. (That law was overruled by the Australian Federal Parliament in a movement led by a Roman Catholic politician).

Hentoff also thinks that many physicians are not good at treating pain and that sometimes good pain relief can remove the desire for euthanasia. That is also true, but most pain specialists admit that in a small number of cases pain can never be adequately relieved short of making the patient unconscious. Although some doctors do practice "terminal sedation", I find it hard to see why any dying patient would prefer to be unconscious for a few days and *then* die rather than die straight away. But in any case, if poor pain relief is the problem, there is again an obvious fix: ensure that candidates for euthanasia see a palliative care specialist. In addition, some patients who are not in pain at all still want euthanasia because they are weak, constantly tired, nauseous, breathless, or perhaps they just find the whole process of slowly wasting away undignified.

Does Mr. Hentoff think that a dying person shouldn't be able to make such a judgment, and act on it?

What I find most odd, in someone who has written a book called *Living the Bill of Rights*, is that, instead of advocating that we add strict safeguards to any law legalizing voluntary euthanasia, he instead takes the heavy-handed, illiberal route of saying that it must not be legalised. He thus aligns himself with Attorney General John Ashcroft, who, in November 2001, while the Bush administration was calling for political unity to fight terrorism, nevertheless found time to issue an executive order designed to deny people in Oregon the

right to physician-assisted suicide, although that state has twice voted in support of this right. Hentoff and Ashcroft agree, it seems, in wishing to deny the citizens of this country an important right now exercised by citizens of the Netherlands, and which citizens of Belgium will, in all probability, shortly be free to exercise.

Mr. Peter Singer is the Ira W. DeCamp Professor of Bioethics at Princeton University and author of *Writings on an Ethical Life*.

Courtesy: *Free Inquiry*, Spring 2002.

## Suicide Stand

Fiona Hudson

At least one terminally ill Melbourne person is planning to die publicly after the extraordinary suicide of Gold Coast woman Nancy Crick.

Mrs Crick, 69, overdosed on drugs watched by 21 family and friends, who now risk life jail sentences for their deliberate act of disobedience.

The crowd sipped tea and champagne and ate sandwiches arranged by Mrs. Crick as she took a fatal overdose of drugs ordered on the Internet. They clapped as the 27kg great-grandmother washed the barbiturates down with a Baileys liqueur to intensify the poison, and took three drags on a cigarette. Mrs Crick died about 20 minutes later, setting the scene for a test case on assisted suicide laws. Those present, including eight relatives and a woman in her 90s, now face possible charges and life in jail for their support. Assisting a suicide is against the law in all Australian states. Police, who were not called until 11 hours after her death, interviewed some witnesses and family members yesterday. Scientific officers and detectives also scoured Mrs Crick's home. The bowel cancer sufferer had published an internet diary revealing months of pain and misery. In a final video message, taped two days before her death, Mrs Crick said she could no longer bear to live. "I can't even hold my great-grandson," she said. "You want to love them and hug them or kiss them, or smack them on the bum — one of the two anyway — and I can't even do that." But she couldn't bear to die alone, either. "Surely people just sitting with me — people I love, my friends — don't have to risk jail just because they choose to be with me when I die," Mrs Crick said. Inviting friends to her death was a challenge to the law, she said. If anyone out there is asked to serve on a jury called upon to judge those who bravely chose to be with me when I died, I want you to acquit these people who have stood by me," she said. "It's my death, I'm doing it, no one else."

Euthanasia advocate Dr Philip Nitschke said Mrs Crick's death began a campaign of civil disobedience aimed at changing laws. At least two terminally ill people in southern states seemed set to follow her lead and wage public suicide campaigns, he said.

"They seem quite sure about it, but maybe they'll change their mind after reflecting on what happened to Nancy," he said.

Dr Nitschke said he wasn't present for the former barmaid's death, flying to Darwin hours before to avoid any link.

Euthanasia opponents accused him, and others, of exploiting Mrs Crick's death.

Right To Life Australia president Margaret Tighe described the public suicide as a circus and urged police to prosecute those involved.

"Nancy Crick was a sick, vulnerable woman who was used by Dr Nitschke and the voluntary euthanasia movement to further their cause," she said. In a diary entry, Mrs Crick took a final swipe at Minister for the Ageing Kevin Andrews for overturning Northern Territory voluntary euthanasia laws.

Mrs Crick said she invited Mr Andrews to share a cup of tea at her home to discuss the issue, but "he just ran away . . ."

"Might have known it," Mrs Crick wrote in the final diary entry. "Bye for now."

*Herald Sun* via the VE-Australia list.

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**Contact: [right\\_to\\_die@efn.org](mailto:right_to_die@efn.org)  
URL: <http://www.FinalExit.org>**

## The Double Face of Science

The drug 'Viagra' burst upon the world, as an aid to frustrated males, unable to consummate their physical desire. Now comes news that Viagra has been used for a much better purpose. It pulled three "blue" babies out of their oxygen-starved state. However, no one knows the long term effect of 'Viagra' either on adult males, or on babies. That is why the F.D.A. in the United States, insists on many safeguards, before a drug is tried on human beings. Yet, there was still the horror of Thalidomide, which was meant to be a sleeping pill, but caused many malformed babies to be born, brain damaged, and physically so grotesque, that they looked like seals, two legs merging into a tail.

An earlier newspaper mentioned that a white couple who had fertility treatments *in vitro*, found themselves the parents of two African babies. Perhaps this was a mistake, arising from incorrect labelling.

Doctors admitted that it is impossible, physically, to differentiate between one fertilized ovum from another.

The most dramatic example of Science in the role of kill or cure, is the splitting of the atom. It led to the discovery of atomic energy, and ultimately to the human tragedy of Nagasaki and Hiroshima. Today, the atom plays a front line role in the investigation and treatment of Cancer, prolonging more lives than were lost when the atom was split.

As in the controversy over cloning, which is opposed by the Church, the same controversial procedure which bred Dolly, the sheep, could mean a breakthrough in the treatment of Parkinson's and Alzheimer's diseases. I believe there should be no curbs on basic scientific research. Applied Science will have to move, hand in hand with laws, hopefully, of a liberal colouring.

## Black is Beautiful

It was a bonny sight, to see Serena Williams, holding aloft the Wimbledon Trophy, with her sister Venus, holding the smaller trophy that goes to the second finalist. Usually, it was Venus, who beats Serena. It is heartening to see, that whether it is Venus or Serena, two African-Americans dominate tennis, as numbers one and two. It is equally heartening to see that that do not try to 'pass' as Whites, but flaunt their African beauty, complete with conrow plaits.

It was Martin Luther King's struggle for race equality – and the achievement of it, that gave African-Americans a sense of their unique identity, which shows up most beautifully in the field of Entertainment and Sports. The tallest basket-ballers, and the most sought-

after model, Naomi Cambell, now the Williams' sisters, serve to proclaim that God was very much all there, when he created the Blacks. It has taken all this time, to recognise it!

In the field of Classical Western Music, we must remember Paul Robeson, who was the singing sensation of the 50's and 60's, hunted out of America for his alleged Communist sympathies, Marian Anderson, the first Black to sing from the steps of the Lincoln Memorial, and in movies, Sidney Poitier, who recently took a Lifetime Achievement Oscar. The Nobel Prize for Literature went to Tony Morrison. Here's to many more African-Americans, making it to the top of the Arts and Sports Worlds.

## What's in a Song?

A song by South African lyricist-cum-song writer, Mbgongeni Ngema, is an anti-Indian Phillipic, condemning the community in no uncertain terms. Tested in the Durban High Court, by an Indian, Dharamsee Jethal, the Court has not passed final orders on the offence committed, but has asked the song writer to answer, why it should not proceed against him. The

attorney claimed, that the song had the potential for race-riots. The writer claimed freedom of speech. In India, this freedom, under Article 19G, is restrained by many provisions, one of them, that of endangering relations with a friendly foreign power, and also, of arousing communal hatred. If South Africa's Constitution has a similar set of provisos, the song may be banned.

It is a pity that music, the most humane of all the Arts, should be used to arouse hatred. In recent times, Hitler used the music, and the characters of Wagner's popular music dramas, to propagate the Aryan myth. However, the French Revolution took off on the wings of the song "La Marseilles", by Roget de Lisle, which became the Anthem of the infant Republic, and the Anthem of France, for all time to come. Beethoven was a Republican in an age of monarchy. When Napoleon,

promoted himself to becoming Emperor of the French, after having been First Consul, Beethoven tore up the dedication of the Eroica Symphony, and re-wrote the slow movement, as a lament for the dead. He would have been happy to know, that the opening notes of his 3rd Symphony, would become three dots and a dash, the Morse Code of the advancing allied armies, in the Second World War.

## Musharaff – The Spreading Green Bay Tree

Musharaff's lust for power is insatiable. Having overthrown Nawaz Sharif and made himself President, he then set about getting a referendum giving him a popular mandate to continue. He has now brought about new constitutional amendments, which will give him the power to dismiss the elected Prime Minister and the elected Assembly. Thus, he will rule, as President, with a puppet Prime Minister and Assembly. He has further stated that no Prime Minister, shall have more than two terms. That effectively rules out Benazir Bhutto and Nawaz Sharif. It is a pity that both squandered their mandate – marked by people dancing in the streets – through their cronyism and corruption. It made the people first perceive Musharaff as a liberator. There was dancing in the streets, for him, too. By contrast, his 'referendum' was a very poor turnout, though

he boasted of it, as a great victory. The "Green Bay Tree" spreads its poisonous leaves and branches – unchecked.

Apart from the interregnum of the Emergency, Indian democracy as a pluralistic system, has survived. Though the forms of democracy remain, the substance is a great regression, from the days of the Constituent Assembly and the First Parliament – but all around, in the Afro-Asian world, even the forms of democracy have been shattered. The inherent strength of Indian democracy, is the fact that Mrs. Gandhi herself was forced to call an election in 1977, having imposed the Emergency in 1975. Long may Indian democracy continue to survive - preferably with form and substance, intact.

## 50 Years of Parliament

The advent of a new Speaker coincides with 50 years of Parliament, the first elections under the Constitution having been held in 1952. Since then, many more countries have emerged from the shadows of colonialism, in Afro-Asia, Oceania. However, few managed to preserve the parliamentary system. It is a big plus, that India's Parliamentary Democracy has survived. However, as it functions at the present moment:

1. There is little discipline in the Lok Sabha, with members rushing into the "well" of the House, at the earliest opportunity. The late Speaker, Mr. G.M.C. Balayogi, was trying to change this, by proscribing their attendance for a week.
2. Thus, little business is done during the week, and at the end of the session, many Bills are passed by

voice vote. This is particularly bad during the Budget session, when Demands for Grants worth crores of rupees is passed by voice vote. There is more heat than light during the debates.

3. Members do not seem to prepare adequately for debates in the House, and meetings of their Consultative Committees.
4. Interest in Parliament seems to wane after Question Hour and Zero hour, after which Bills and necessary amendments to them, play to an empty House.

The character of Parliament has changed, post-Emergency, Sanjay Gandhi, and Mandal. It is hard to think of the First Parliament being graced by the likes of Phoolan Devi, the Bandit Queen.

## Jaswant Singh makes the Right Start – As Finance Minister

Perhaps half-knowledge of a subject is bad: it makes the individual believe that he knows everything, when he does not know too much. Being in the IAS, did not make Yashwant Sinha a know-all on matters financial. Not being a grass-roots politician, he did not understand that his World Bank-related financial

policies alienated the core constituency of the BJP. He was like a policeman with a stick, wondering how he could catch some hapless class of people, and beat them with financial rods. Jaswant Singh, being an army man, with no pretensions of high knowledge of financial jargon, said simply and eloquently, that he did not wish

to act as a policeman, but to provide more food stocks for people, and to leave this with some financial surplus in their hands.

What a day and night difference - in approach!

One thing he urgently needs to do, is to look at bank interest rates. In order to provide cheap credit for the industrialist, bank rates have been alarmingly lowered. The number of industrialists is comparatively small. Bank depositors are many. Among them, most people have put their money in banks, as social security for the future. For the rate to be unilaterally cut, is a great hardship, especially as Yashwant Sinha, had threatened worse. For long term investors, 5 years and above, the rate should be at least 10% as the depositor is

committing his liquidity for a longer period of time.

2. The TDS at Rs.5,000 per annum is too low. Banks have a huge space of time tied to this requirement of the government.
3. In trying to discipline non-banking finance companies, many good Companies have been hit along with the bad ones. Since bank rates have gone down to 7.3/4% where is the small investor to go, for a livable return on savings?

I hope the new and compassionate Finance Minister, will address these three problems quickly, if he is serious that he wants people to have an economic surplus in their hands.

## The Marriage of Laloo's Second Daughter – and Related Matters

Laloo's first daughter was named after the MISA Act, but the name Misa sounds musical enough. She is a doctor by profession, and there is no need to guess, how she made First Class and First rank, in her year. Laloo's second daughter was wed to the son of Bombay's Income Tax Commissioner, a strange alliance indeed, when Laloo had not been cleared of the multi-crore fodder scam. A photograph of Rabri Devi, with the newly weds, is decidedly pleasant viewing. Rabri is quite comely in her looks, and seen in the gorgeous vestments of the bride's mother, appeared at her best. Her daughter, is also quite comely, and was dressed like a fashionplate, with manicured finger nails, and eye shadow. In the panoply, the groom looked rather sheepish.

This time, unlike Misa's wedding, the political

stars and the Bombay glitterati kept away. It is reported that Laloo's goons, forcibly took possession of new cars from their showrooms, and appropriated them for the Chief's use. Jewel and Saree shops were ransacked, for free clothes and jewels, while even sweet shops and milk depots were likewise commandeered.

This is bad, because some line has to be drawn between individual/party/government. In the case of most political bigwigs, the lines are obscured. An honest Income Tax establishment, should keep tabs on ostentatious marriages, as these are the occasions, when undisclosed assets, are vulgarly displayed. This holds good for Income Tax authorities, no less when they celebrate marriages. In this case, the Commissioner of Income Tax, Bombay has consented to an alliance with the buffoon, father of corruption, in Bihar.

## Aung San Suu Kyi

*Aung San Suu Kyi:  
Your long ordeal is done.  
Your house-arrest is lifted.  
A victory you have won.*

*When the Junta ruled Myanmar  
And all dissent was stilled.  
Your lone voice crying for freedom  
The void of silence filled.*

*The "Nobel" for Peace came your way  
But you paid a high cost.  
Not seeing dying husband,  
Your life's partner you lost.*

*Your door has opened,  
and you now you can be,  
An uncaged bird, singing of liberty.*

*Note:* It is probably redundant to put in a short note, on Aung San Suu Kyi. That is, for those who keep abreast of foreign affairs. I am afraid there are many who don't. For them, Aung San Suu Kyi, was the daughter of the first Burmese General who replaced the departed British. Her mother was the Ambassador to India. She schooled in Delhi University and Oxford, marrying an Englishman. The tragedy of her country, under military rule, brought her from London to Myanmar, where she won the elections. She was jailed by the Junta of Generals, at various times; and could not go out of Burma, to see her dying husband, as she feared she would not be allowed to come back. It was a painful human decision. I wonder, though, how long her freedom will last? If she speaks up, and enters active politics, her situation will be precarious.



# apocalypse now?

It's not as though we have anywhere else to go. She is our only home. If she dies, we die.

Already, we have stripped her of her forests. Polluted her air and water. Blasted a gaping hole in her delicate protective atmosphere.

If we continue to live the way we do now, then by the year 2025, about 75% of her rain forests will be wiped out. Over 50,000 species will be extinct. 40% of her fertile land will be barren. Her rivers and seas will turn toxic. Her weather patterns will spin out of control.

But if enough concerned, aware people act now, there is still hope. And what is called for is not heroic but rather very simple.

Check your equipment and your processes regularly. Recycle waste products. Use technology that's environmentally sustainable. On an even more basic level, don't leave a tap running when you're not using it. Don't leave lights on when there's no one in the room. Write on both sides of a sheet of paper. Check your vehicle regularly. Recycle old plastic bags. Pool your car.

Such simple things, we can all do them. We can all teach our children to do them.

Start today. Because tomorrow, we may not have a planet left to save.

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# An Open Letter to The Central Vigilance Commissioner

Suresh Bankeshwar

**Corruption is not all about bribe giving or bribe-taking as commonly understood. Corruption manifests itself in many ways and in many forms.**

I heartily compliment you for some of the steps you have initiated to invigorate the institution of CVC. I sincerely hope that you will pursue these steps to the logical end.

Given the porous nature of our system coupled with the ingenuity of the corrupt to counter-attack the system, it is highly unlikely that you will achieve much success in booking the actual culprits. I also have serious reservations about your much-touted strategy of splashing the names on the website of people against whom vigilance enquiries are on. By doing so, you are only helping them to use all the power at their command to manipulate the system and come out unscathed. Corruption, has systemic problems and, therefore, needs to be countered astutely through silent action without letting the suspects know what is going on behind the scene. Public debates and use of media to highlight the corruption syndrome in the country are also a waste of time, and hence an exercise in futility. If the objective of using the website is to let the people know what the CVC is doing to fight corruption, then that objective will be better served if you display on the website names of only those persons who are legally found guilty and punished. Public confidence will grow only if names belonging to this category are put on the website. People simply are not interested in knowing what investigation is going on against whom, because all along they have been hearing only about investigations and very little about the final action against the guilty.

Corruption is not all about bribe giving or bribe-taking as commonly

understood. Corruption manifests itself in many ways and in many forms. What do you call those globe trotting public servants who keep organising official foreign trips at the drop of a hat. Does the CVC have any idea of the magnitude of this foreign extravaganza? Government departments, and Public Sector Undertakings (PSUs) are systematically bled white by such wasteful foreign jaunts. There are innumerable instances of public servants and top executives of public sector banks organising such foreign trips on the eve of their retirement. The direct beneficiaries are the officials themselves and not the government or the PSUs who only end up paying their various allowances and expense bills! Do you have any idea of the magnitude of this open loot and how much of the tax payers' money is siphoned off in this fashion over the years? Why can't you consider splashing on the website, names of these globe-trotting public servants and top bank executives, giving details of the money spent on them, the purpose and duration of their visits, and more importantly how, and in what manner, the government or the PSBs, if at all, were benefited by such visits. The CVC should, therefore, evolve a system of calling for details of such expenditure incurred by government Depts. and PSUs every quarter in the manner suggested, to send a message across that public servants cannot fool around with tax payers' money.

Another type of fraud being continually perpetrated by public servants and top bank executives, is the padding of their expense account through inflated bills. This has assumed gigantic proportions in government

departments as well as in PSUs. A well-meaning and upright senior IAS officer of the Gujarat cadre, who had initiated the right steps to combat this growing menace, has become an enemy of his own colleagues, for obvious reasons. He has since been eased out. This is the price one pays for one's honesty and commitment to task in our wretched system!

These are some of the fraud-prone areas that are going unchecked, and hence they need to be addressed and probed with alacrity. These seemingly small frauds at various levels, when totaled up would add up to a staggering sum.

Sadly, the estimates committee and public accounts committee of parliament which were specially constituted for performing such watchdog functions, have virtually become defunct. I would like to know what steps the CVC has taken to revive these very important institutions. The likes of B.P.Verma get caught anyway, but even in this particular case you could achieve nothing beyond passing on information to the finance secretary about the doubtful integrity of Verma. Does the CVC's role begin and end by merely passing on information? On the other hand you could not stop him from becoming the Chairman of CBEC!

I have no hesitation in acknowledging the fact that you are one of the gems of the Gujarat IAS cadre. But, you are making two serious mistakes, (a) use of the media in the official discharge of your role as CVC, (b) use of technology to expose the corrupt. Both have dangerous portents of boomeranging. Corruption, as

I said before, can be effectively countered only through silent and concrete action of substance, and not by using the media or technology. My humble request to you, therefore, is to use the media only if you must, and that too after you have fully succeeded in taking action against people who are legally proved guilty of corruption.

There are whispers in Gujarat that you are going a bit too soft on bureaucrats of Gujarat because you are from the Gujarat cadre and also because your colleagues in Gujarat know a thing or two about you which could personally embarrass you. You must be aware of the tough stance taken by the Gujarat High Court bench of Justice B. C. Patel in the matter of misuse of government land for residential purposes. You too are one of the beneficiaries of this government

largesse, and it is a fact that you have constructed a bungalow on a plot of land allotted to you in Sector 8 in Gandhinagar. It is rumoured that you have rented this bungalow to one of the state corporations, for being used as a guest house, in violation of government directives. I only hope that what is rumoured is not true.

The use of technology for exposing the corrupt, is even more dangerous because you have displayed on website names of those persons against whom charges of corruption are alleged but not yet proved. You will agree that this action of yours would have done considerable damage to their personal image and reputation in the eyes of the public. Given the nature of our legal system there is no guarantee that these charges will ultimately stick. There is every possibility of some of

them, if not all, being found legally not guilty at a later date. In a future scenario such as this, have you not exposed yourself liable for legal action, rightly or wrongly, by the affected persons?

I chose to write this open letter not with any wrong intention, but to drive home the point that excessive use of media and technology in the discharge of one's official role responsibility, has its own hazards. I have otherwise great faith in your abilities, integrity and commitment to task.

Wishing you godspeed in your mission.

MR. SURESH S. BANKESHWAR is an Ahmedabad based Management Consultant. He can be contacted on Email:sureshbankeshwar@hotmail.com

## India Among the Most Corrupt Nations A Transparency International Survey

India is one of the most corrupt countries in the world, according to a 91-nation survey carried out by Berlin-based organisation Transparency International recently.

India ranks 72 in the survey, which has named Finland as the 'least corrupt' country and Bangladesh as the 'most corrupt' country in the world. These findings have been reproduced in a booklet titled 'The Citizens' Guide to Fighting Corruption', published recently by the Central Vigilance Commission (CVC).

The ranking of some of the other countries on the list are as follows: Singapore 5, Australia 11, Switzerland 12, the UK 13, Hong Kong 14, Israel 16, the U.S. 17, Germany 20, Japan 21, France 23, China 58, Thailand 62, the Phillippines 66, Pakistan 80, Russia 81 and Indonesia 88.

According to the CVC booklet, corruption is the only factor that has kept India "perpetually poor". Stating that people have to face corruption at every level, it said, "In the industry, inspector-raj has become the code word for regular bribes collected by public servants at the cutting edge of administration in various departments of the Central and state governments.

It is a testimony of the level of corruption in the country that about 31 per cent of the food grains and 36

per cent of the sugar meant for the public distribution system are diverted to the black market, the CVC booklet observed. Quoting the 1999 human development report for South Asia published by the Mahbub-ul-Huq Centre in Islamabad, it states that if India's corruption level dropped to the levels in the Scandinavian countries, the nation's gross domestic product would grow by 1.5 per cent.

At present, "India is like a snake whose head is in the 21st century and whose tail is in the 17th century," it said. "If we examine the roots of corruption, we will find that it arises, perhaps, from the extreme attachment of people to their families. Nepotism is natural in this situation."

According to the booklet, a person in office feels he should earn enough not only for himself and his lifetime, but also for his children, grandchildren and seven generations. "That is probably the basic motiv behind the enormous accumulation of wealth by the corrupt people in our country today," it pointed out.

"In certain communities being corrupt and amassing as much wealth as possible, is seen as a macho demonstration of competence. A vicious cycle of corruption is thus launched, in which a society tolerates amassing of wealth and does not question how that wealth is accumulated," it regretted.

Courtesy: *The Times of India*, November 7, 2001.

# Mera Bharat Mahan?

## Restoring Secularism's Credibility

Ashok Karnik

*Freedom First* gave an agonising account of what is stopping Bharat from being 'Mahan'. It is distressing to see that we are where we were in the days of the partition holocaust. It is easy to blame the Sangh Parivar for all that has gone wrong in the last 55 years.

It is intellectually satisfying to find somebody to blame as it saves us the trouble of finding if we ourselves could be wrong. It is convenient to have Narendra Modi to lash out at for the tragedy of Gujarat. But are we missing the wood for the trees?

It is time for introspection. How is it that the population of Gujarat approved or accepted or ignored what happened in the post-Godhra days? It is not in Gujarat alone but elsewhere in the country too that the Hindu majority has started talking of 'enough is enough' of Muslim appeasement. These are dangerous signals but we prefer not looking at them. Surely, the Sangh Parivar does not have such all pervasive influence in the country. The feeling is much deeper

and might have been aggravated by Kargil, December 13 and the continuing depredations in Jammu & Kashmir. Secular protestations have not made a dent into such communal sentiments.

The agonizing question is why all our secular ideas seem to have lost relevance for our people? Have we gone wrong somewhere, not in the pursuit of secularism, but in its practice? Should we try another track? To be effective, secularism may have to make a new beginning by adopting practices which have succeeded elsewhere. Instead of raising religion to supra-national status, we should restrict it to the home. Neither society nor the polity shall take cognizance of it. Secularists should stick to this single programme and not join politicians in apportioning blame to somebody or the other for every communal riot that takes place.

By playing judge, the secularists lose the chance to act as the pacifiers. This suggestion would invite the criticism of being neutral in the face of evil but by crying

ourselves hoarse, are we helping our cause? In fact, we lose half the audience straight away. This is not to suggest that this is the remedy. However, having seen the failure of the earlier attempts and witnessing the loss of credibility of well-meaning secularists, it is time something different was tried.

The suggested remedy is born out of tactical considerations. Morally, wrong is wrong and is to be denounced; retribution sought. However, in all communal riots both sides are guilty. For decades, evidence is being gathered as to who threw the first stone. This leads us nowhere but to greater hatred. Let the politicians indulge in this wild goose chase, let the police find the guilty. The liberal secularists should remain above the muck-raking and establish their credentials as mediators, negotiators, and get the warring communities together. By joining the war, we are losing sight of the important goal of establishing communal harmony.

## Our Human Commitment

Fali Kumana

I was most impressed with the April-June 2000 issue of *Freedom First* and especially with your editorial *Mera Bharat Mahan*?

The cover page showing the face of Qutubuddin Naseeruddin in a sheer state of extreme terror, is the most expressive of this condition

that I have ever seen in all my life. Rarely have I been so outraged by what is going on in Gujarat, and you dear sir, have done this Nation a great service by making us, all level headed and balanced readers of your great magazine, become aware of the presence of these anti-human elements and their dastardly deeds.

Our sincere thanks due also to all your magazine's contributors and especially to Mr. C. R. Irani, *The Statesman's* editor in chief. God bless you all.

Your editorial made me recollect the words attributed to Stephen Covey:

Between stimulus and response there is a space. In that space lies our freedom to choose and create our response.

In our response lies our growth, happiness and liberation.

It seems to me, that the greatness of a nation depends not upon its population, nor wealth. It depends not upon the strength of its power in the air, sea or land, but upon its commitment to be free from that sad self-righteousness, which is to react automatically to any stimulus, without volitional choice. It is in this volitional choice that its ability to shift from its orientation towards power and domination, to an orientation towards the pure spiritual values of love, co-operation and support to all humanity lies. This alone will raise its moral fibre, and its devotion to peace, justice and liberty for its entire people. This alone will result in its transformation from power to love; from selfishness to unselfishness. "Seek ye first the kingdom of heaven and all other things *shall* be given unto thee". So said Jesus.

Was it not Lord Krishna in Chapter 18 of the Bhagvad Gita, who extolled Arjuna on the virtues of Renunciation or *Tyaga* by saying that one should be free from the attachment to the fruits of ones actions? How can one be free from the fruits of one's actions if one is not free initially from the mental reaction that caused that action itself in the first place? True *Tyaga* only results if one is initially free from the mental entrapment of ones own beliefs. All beliefs are barriers to the ultimate freedom of the *Self* from the entrapment of the mind machine if they are not held within the context of one's ultimate intention *to make the world work for everyone and everything with no one and nothing left out.*

It is indeed a great pity and a shame, that in this noble land where Krishna and Gandhiji were born, we have abandoned their teachings of tolerance, compassion and non-reaction. We have thereby, initiated a process of creating a hell on earth. Is it not high time now that we reversed this process and who

is more suited to initiate this process of transformation in a greater degree than the body politic, the body religious, and above all, the body individual?

It is the responsibility of each one of us to practice this freedom from reaction for ourselves. Transformation of the world, begins with the transformation of our own individual selves.

Let us not forget what J. R. Lovell once bitterly condemned by stating:

"The traitor to humanity is the traitor most accursed.  
Man is more than constitutions,  
Better to rot beneath the sod,  
Than to be true to Church and State,  
While we are doubly false to God".

How sad that until most of us are transformed, and this heaven of freedom is reached, *Mera Bharat Mera Jaan, Mahan kabhi nahin hoga.*

Mr. Fali Kumana a businessman can be contacted on [fali1@vsnl.com](mailto:fali1@vsnl.com)

## Past Tense, Present Tense, Future Bright?

Abhisek Sarda

So, what's up? Fifty-eight Hindus burnt alive in a train near Godhra. Two thousand Muslims butchered all over Gujarat in a pre-planned "spontaneous reaction". Mobs wielding deadly weapons and armed with voters lists roamed the streets of Gujarat, systematically destroying the economic backbone of the Muslim community. Houses were burnt and so were men, women and children. Women were raped day in and day out. The stomach of a pregnant woman was ripped open and the unborn baby consigned to flames before the

mother's stomach was filled with burning rags. "So what's new? this has been happening for the past fifty years". This was George Fernandes speaking - the man who, not so long ago, ruled the hearts and mind of the youth of India.

What can we expect from the youth if the last person whom they could call their leader has been speaking the language of the butchers and toeing their line with practised ease and comfort? Do the youth of India have a leader to look up to? How can we expect the youth

of India to tread the right path when their leaders are neck-deep in malice?

But what is the true reason for the indifference that plagues a large section of India's youth? Is it the system to blame? May be it is.

What would it matter to the youth grappling with a do-or-die board examination, if a terrorist act is turned into a justification for attempting to wipe out an entire community? Does the youth even understand this? Will his concern

in anyway reflect upon his mark sheet? No? Then why should he bother? He has, time and again, been told by the ever-anxious parents and the school that his only goal is the board exam, nothing else matters. What do you expect from him?

The same holds true for a university student who has his own set of problems to deal with. Will his concern for the state of the nation change the state of his attendance sheet? Will his concern in any way increase his chances of getting a Rs.3000 job? No? Then why should he bother? What more can a nation expect from the youth for whom a "college degree" by hook or crook has become synonymous with success? Will the parents of this country find it within them to let their children see things for what they are? Will they let their children see black for black and white for white, instead of covering up their eyes with an ever-prejudiced veil of grey? Will the parents who queue up to donate their hard-earned income to ensure a bright future for their children, find it within them to give a part of their children to ensure a bright future for the nation?

If not, then we can stop counting on the youth to be any

different from the spineless and spiritless people who rule India. As things stand today, a small section of our youth have turned to ideologies, which promote faith over facts, religion over rationality, altruism over achievement and fundamentalism over freedom.

What we need today is a cause for the youth to identify with, a vision for the youth to look forward to, a rapture for the youth to long for, an ideal for the youth to stand for and an India for the youth to live(not die) for. The last time the youth really fought for a cause was to free India. The enemy was visible and the evils manifest. Today there is no dearth of evils : Poverty, Illiteracy and religious fundamentalism to name just a few. But there is no visible enemy. Whom do the youth fight if they want to rid India of poverty? Whom do the youth fight if they want to eradicate illiteracy? What does the youth do to punish the culprits of the Gujarat genocide? Where do the youth fight religious funda-mentalism? At what forum do the youth condemn it ? At what juncture do the youth confront it ?

While fighting for independence, the youth had organizations that they could join and plunge into

the cause they stood for. Where are these organizations now? They are mere political parties which paint the evil in different colours.

Today the youth are missiles without warheads or launchers. The launchers need to be put in place in the form of organizations and Institutions that can make a difference. The warheads need to be built and developed by the youth themselves in the form of new-world ideologies based on principles rather than religions. If not, then these missiles will run awry and cause havoc to a nation already so depraved and desperate.

Whenever I see pictures of youth wearing saffron head-bands rioting on the streets of Gujarat and hear stories about helpless Muslim women being gang-raped, I wonder whether these are the youths of India or some spineless products of the saffron experiment. The youth need to ask themselves whether they want India to be Bhagat Singh's *Sunhera Bharat* or some sub-Saharan banana republic.

MR. ABHISEK SARDA is in the advertising business. He is a young man of nineteen. He can be contacted at alblhlil@hotmail.com

## What Freedom? What Liberty?

Falguni Desai

A screening of two documentaries was organised on July 20 at a college in a Mumbai suburb at the behest of the Principal. The films were "*Jhunoon ke Badhte Kadam*" and "*In Dark Times*".

That morning, four contingents of police descended on the college to prevent the screening.

They seized the cassettes and demanded to know who had sent them. Apparently they had been informed by the Akhil Bharatiya Vidyarthi Parishad (an RSS outfit). The result is that the screening has been cancelled.

The police have no business preventing private screenings. No

advertisement of the screening was issued, no tickets sold. It was limited to the staff and students of the college. A strictly private showing.

So much for "Freedom" and "Liberty" that we are supposed to enjoy in this country.

Falguni Desai.

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# The Chaotic Growth of Engineering Education

N. S. Venkataraman

**The problem has been created mainly due to the unscientific expansion of engineering education, where supply has far exceeded demand.**

It is difficult to understand the logic of the All India Council of Technical Education (AICTE) allowing a large number of engineering colleges to be established in all the states in the country. Perhaps AICTE thinks that more engineers are needed in the country, to spur industrial and economic growth. At the same time, there is no indication that while sanctioning the many new engineering colleges, AICTE has taken into consideration the numerous imponderable factors influencing the requirement of engineers.

## **Multiplying Engineering Colleges**

In Tamil Nadu today, there are 219 engineering colleges. It is reported that AICTE is considering further applications for setting up more engineering colleges in the year 2002. As of now, the number of engineering seats in Tamil Nadu is around 65,000. The figure could well swell to around 75,000 if and when more colleges are permitted this year.

While government-owned, government-aided colleges and self financing colleges set up earlier have nearly 100% fill-up of seats, many of the newer colleges are reported to have as low as 50 to 60% of the seats filled up. The number of unfilled seats in Tamil Nadu is now reported to be over 10,000.

Engineering colleges in the rural areas are said to be having

particularly serious problems in filling up their seats. Further, around 20% of the seats are at present reportedly taken up by students from Kerala and Andhra Pradesh. With a number of self-financing colleges now being permitted in Kerala and Andhra Pradesh by the AICTE, the colleges in Tamil Nadu are likely to have greater problems filling up their seats in the coming years.

So far, in Tamil Nadu, as of 2001, around 30,000 engineers have graduated, with a number of them finding it extremely difficult to get jobs. The average waiting time for employment is reported to be around 6 to 9 months and even higher in the case of some courses like Chemical and Mechanical Engineering. As this is a four-year course and several colleges are new, the number of students passing out would increase in the next two to three years and the average waiting time for employment is bound to increase further.

## **Supply Exceeds Demand**

As the number of engineers have vastly multiplied, 80% of the engineering colleges in Tamil Nadu do not attract companies for campus interviews. The students are all left to fend for themselves without any guidance.

The plight of women engineering graduates is even worse as the companies generally take women engineers only for office

oriented consultancy and design functions and such jobs are not many in number.

During the last few years, most of the engineers have been securing jobs only in software functions in India or abroad, irrespective of the branches that they belong to. With the number of software jobs coming down, the unemployment situation among engineers is assuming serious proportions. The frustration among such engineers is very evident as over 80% of them come from self financing colleges where they have to pay exorbitant fees and donations in several cases. There are many boys and girls from the middle and lower income group whose families pledge their properties and jewels to take loans for paying the fees in self financing colleges and unemployed fresh engineers under such circumstances are forced to face serious financial problems.

Apart from the reduction of employment prospects due to recessionary trends, companies have been forced to reduce the intake of engineers due to very high salary levels these days. While salaries and wages have gone up by leaps and bounds in recent times due to whatever reasons, there have been no proportional increase in production, productivity or efficiency in most organizations. In such circumstances the companies concerned have no alternative than

drastically cutting down manpower strength. Where three people were employed earlier, the companies expect one person to do the job. This is often found to be possible.

#### Unscientific Expansion

The problem has been created mainly due to the unscientific expansion of engineering education, where supply has far exceeded demand. If supply of engineers had been gradually increased at the level of around 10% per annum in tune with the overall GDP growth rate in the country, this problem would not have arisen.

As the government has failed to come out with suitable guidelines for the benefit of students and their parents about the growth profile and emerging trends and pattern of the economy, students are confused about their career options. Attracted by massive advertisement cam-

paigns by engineering colleges and confronted by inadequate data and information, students through engineering colleges, perhaps thinking that the setting up of large number of engineering colleges is itself a justification for their seeking an engineering education.

Any knowledgeable economist or industrial consultant would know that the average growth of the economy, even if it be multi-directional, cannot be more than 6 to 7% per annum. A lot of thought has to go into creating capacity for education in the country in various branches and sectors. Now that so many engineering seats have been created in an unplanned way, what do we advise students?

#### Need for Value Added Studies

The only way to help such students is to incorporate further value added studies in engineering

education, which is not oriented towards any particular specialization now. This may make it necessary to increase the period of engineering education to 5 years. There are a number of sectors still crying for qualified engineers and talent in the country such as herbal, foundry and computer hardware to mention a few where the opportunities for specialized education have to be exploited.

This should be done quickly, so that engineering education would become more specific industry oriented and job prospects for students could improve. Further, the possibility of several engineering colleges all over India closing down like sick industrial units due to low capacity utilization can be avoided.

MR. N. S. VENKATARAMAN, a public spirited citizen is a Chemical Engineer by profession.

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## BOOK REVIEWS



### THE LEGEND OF NANI PALKHIVALA

By M. R. Pai

*Published by*

Popular Prakashan Pvt. Ltd., 35-C, Pt. Madan Mohan Malaviya Marg,  
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*Reviewed by*

Mr. S. V. Raju, editor, *Freedom First*

In the introduction to this volume, Mr. M. R. Pai, who, needs no introduction to *Freedom First* readers, writes "Nani Palkhivala never spoke about his own achievements. In fact he rarely spoke about himself. Yet I could gather some crucial information on a few very important occasions, such as the reason why he stopped his budget lectures, or the reason why he accepted Mrs. Gandhi's brief. Fortunately, I had also recorded the information immediately so that over a period of time it would not fade away from memory." He clarifies that this volume is not a biography and advises readers who wish to know more about Mr. Palkhivala to read a brief profile about this eminent Indian in *Nani Palkhivala: Selected Writings* which Pai co-authored with L. M. Singhvi and S. Ramakrishnan. (reviewed in *Freedom First*, Jan.-Mar.2002, No.452).

The result: A highly readable book. Moreover through this technique of anecdotes Pai has ensured that a much larger number of readers will get to know better more Nani Palkhivala, the man. A man who in the midst of all the corruption, the dishonesty, the chicanery and the continuing fall in values lives up to the Zoroastrian exhortation "Good Thoughts, Good Words and Good Deeds"

Already into its second edition, this brief review, we hope will serve as an appetizer to persuade readers to

purchase a copy and savour the actions of a man whom Rajaji described as "God's gift to India".

One of the chapters is entitled "Qualities of Head and Heart". Among the anecdotes narrated by Pai in this chapter is this one: "When Palkhivala passed his law examination, the examiner is said to have written on his paper 'Frankly, this candidate knows much more than I do'. This was verified by me, years ago by speaking to knowledgeable persons. Therefore in the brief profile of Palkhivala in the book *Nani Palkhivala - Selected Writings*, this was mentioned. The authors had a very tough time in finalising the profile because he insisted on deleting many of these references because it appeared to him that they glorified him. After the draft was approved and as we were about to send it to the press, he called me and said that the reference to his examiner's remarks should be deleted....After a good deal of argument, he asked: 'Can you prove this in a court of law?' While I pointed out that there would not be any occasion to prove in a court of law, what I had verified as true from knowledgeable sources, Palkhivala said: 'In that case it should be deleted.' This incident brings out his great sense of humility, and inherent desire to avoid praise even when deserved."

A major 'Palkhivala special' were his massive Union Budget meetings. Beginning in 1958 in a hall

at Green's Hotel (where now stands the multi-storey extension to the old Taj Mahal Hotel) with an audience of a few hundred, they went on to be held at the Brabourne Stadium with the number of those who came to hear him varying from 60,000 to 1,00,000. These Budget meetings, the last of which was held in 1994, were a major event in the Bombayman's annual calendar. The reason for these huge crowds was Palkhivala's "rare ability to simplify complex budgetary issues and economic policies and bring them to the level of the ordinary person. No longer was the Budget either a dry subject or a mystery. Palkhivala put budget education on the menu of public interest topics, and rendered Indian democracy meaningful in terms of public understanding of economic policies."

Even while launching a fusillade against some aspect of economic policy or budget provisions, Palkhivala showed he was different. As Pai records "... his budget as well as all other public speeches (were marked) by his utter lack of malice. He never referred to public officials or bureaucrats by name when he criticised, but praised them by name when appreciating any good point beneficial to public interest."

An extract from an interview given to the Bombay Chartered Accountants Journal published in their September 1982, is published as an

appendix to this volume and aptly titled "Nani Palkhivala's Guiding Principles in Life" Here's a selection:

"Courage, Integrity and Humility: I respect courage and integrity and humility. These three qualities, I think, are essential to make a likeable personality.

"Approach to Life: I believe in the profound truth - Pessimism

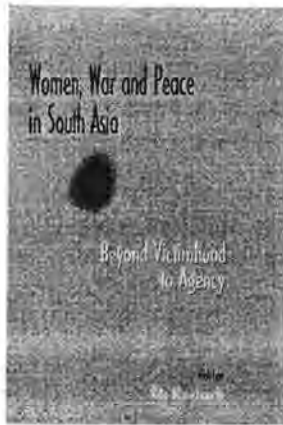
of the intelligence, optimism of the will!

"Take Life as it Comes: I just take life as it comes. I continue to do my work, and devoutly trust that I shall be guided to spend in the most useful way whatever few years remain for me."

Fittingly the author informs the reader that he does not wish to

get any monetary benefit from the book. The proceeds from the sale of this book will be donated to public causes dear to Nani Palkhivala.

Highly recommended reading, particularly for members of the younger generation, searching for a role model.



## WOMEN, WAR AND PEACE IN SOUTH ASIA BEYOND VICTIMHOOD TO AGENCY

*Edited by*  
Rita Manchanda

*Published by*  
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New Delhi 110 048

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*Reviewed by*  
Ms. Suman Oak, Lecturer in English(retired) and a freelance writer.

History has always been *His* Story, written by *Him*, without reference to any of *Her* lived experiences. Men's experience and theorization of conflicts through men's perspectives occupies a central position. It ignores the possibilities of alternative and non-violent ways of negotiating conflicts and women's perspectives with notions of a just peace. Women are depicted as victims of ethnic, regional, religious, political and socio-economic exploitation in all narratives but never as agents of transformation, or of non-violent ways of negotiating conflicts. Women's agency, i.e., how women face the impact of organized violence, how they forge survival strategies, resistance and peace building or even at times active participation in insurgencies as in the LTTE or the JKLF outfits is totally ignored.

At the international level feminist scholarship has combined with peace studies and research to challenge this exclusion and marginalisation of women's experiences, perspectives and agency. The present book is the result of such a study undertaken by the South

Asian Forum for Human Rights. The chronicles in this book cover conflict situations from Kashmir to Sri Lanka and from Pakistan to the Chittagong Hill Tracts in Bangladesh.

Women are used to promote the aims of these conflicts. This opens public spaces for women and a way to their empowerment. But even at these times, their agency and autonomy is restricted and pushed to the background and sacrificed at the nationalistic cause because the luxury of gender justice is ill afforded at that time. When, later, the conflict is over it is altogether forgotten and women once again become the sole guardians of the community's acceptable traditions and cultural identity which role leaves no public space or power to transform their social conditions. No imagination is required to see why the women's reservation bill cannot be passed in our legislative assemblies and in parliament. Isn't it surprising that few ask why such a bill is needed in the first place when over half a century has passed after the independence struggle in which women fought

shoulder to shoulder with men.

The book reveals many faces of women involved in or affected by the conflicts - from the *Armed Virgins* of the LTTE like Dhanu to the women of peace like the *Naga Mothers' Association* who undertake to cover the body of every victim with a shroud, irrespective of his affiliation which include citizens, combatants, heads of households, war munitions workers, prostitutes, producers of soldiers, war resisters and political leaders. These multiple narratives of women reveal alternative ways of negotiating conflict, creating neutral spaces and reaching across a hostile ethnic divide transcending politicization and communalization of the struggle. In Karachi, the Women's Action Forum (WAF), a women's secular group is forging solidarity with women trapped in the Muttahida Qaumi Movement (MQM) violence.

In the account *Guns and Burqa*, Rita Manchanda tells us how the Kashmir problem has developed as well as the Kashmiri women's diverse experiences of political violence in

three overlapping phases: (i) Popular upsurge and public demonstrations; (ii) Repression and armed struggle; and (iii) Politics of armed struggle leading to the politics of extremism and the sideshow of the Hurriyat and the revived democratic process.

When the tribesmen backed by Pakistan raided Kashmir, both the educated upper class women and the lower class uneducated women formed a women's militia to resist the aggression. Women were also active in the earlier Quit Kashmir movement led by Sheikh Abdullah. However not a single woman could come to prominence in active politics thereafter. Even the percentage of literate women has not improved since, being only 16%. Before the exodus of Kashmiri Pundits in 1990 there were protests and resistance to restrictions on women's autonomy. Sara Bano wrote in the daily *Al Safa* questioning the linking of *Burqa* and wearing *Tika* to the freedom struggle and refused to wear the *Burqa* even if she was killed. The *Burqa* was cast aside by many like Shyamala Mufti. But later her daughter, Asiah of *Dukhtarane Millat* launched a *Burka* war in 1992 punishing unveiled Muslim women by throwing green colour on their faces. Some Kashmiri Pundits like Neeraja Mattoo stayed behind to nurse their common Kashmiriyat - their common cultural roots. These Panditains and Sardarnis came out to save 'some mother's son' when he was being dragged into custody by the security forces. The men did not come out to do what was politically incorrect.

The gun culture that developed in Kashmir, as every where else, turns topsy turvy the structure of social values in a society where elders and women used to be held in esteem. In the gun culture however, rape becomes a weapon of war to humiliate, to punish, to intimidate, to coerce and to degrade adversaries, individuals as well as the community. As militancy became more and more corrupt and destroyed the social capital of Kashmir, women turned their back on militancy. They were disillusioned with the role of Pakistan. This led to women becoming direct targets of violence by the

militants. Women were used in propaganda battles but were never respected for their contribution to the freedom struggle, or even recognized beyond their traditional roles as self sacrificing mothers, wives, victims of rape. They were completely marginalized and dismissed by an armed patriarchy.

In the 'Ambivalent Empowerment: the Tragedy of Tamil Women in Conflict', Darini Rajasingham Senanayake finds that democratic politicians who are intent on building up vote banks and personal power at the cost of national peace foment virulent ethnic/religious chauvinism. The only bulwark against this can be multi-ethnic women's politics, because it has less stakes in ideological or political positions or personal power, the ingredients on which conflicts thrive because, as Virginia Woolf once said, they have no nation. Resolutions of conflict or peace is not just return to things the way they used to be, which includes in the case of the Tamil women, caste structure and gender *status quo*. But for those who have lived intimately with war, it cannot be so. For them the changes are too deep and fundamental.

The conflicts in the two North Eastern states of Assam and Nagaland are in the nature of State versus Community. Past history shows that to gain greater control over the peripheral areas, both these states were brought within the realm of the Armed Forces

After the passing of the Special Powers Act (amended in 1972) and the National Security Act (1980), the situation in both these areas became all the more violent thereafter. Paula Banergy, in her study, 'Between two armed Patriarchies: Women in Assam and Nagaland', discusses women's responses to these conflicts and explores two predominant images of the women involved - One: The victim and Two: The Amazon. She traces the historical and ethnic linkages of the numerous Assamese and Naga tribes with regions outside India.

This fact poses problems in the process of 'Nation making' for the State of India.

The North-Eastern region which was considered 'excluded area' by the British is beset with the interference of many outside powers hostile to India. Its history is so complicated and the tribes so numerous that even the British had the most shadowy control over the region that fell between Burma and the administered Indian territory. The hugely informative chronicles, in this book would have been easier to understand if detailed maps of this and other regions like the NEF agencies, Nepal, the Chittagong Hills, etc. had been provided.

Women in Nagaland have been a little more successful in forming peace groups because the *Watsu Mongdung* (an organization of Ao women) and the Naga Mothers' Association have defined 'Peace' differently. They associate peace with justice and development and this helped them rally diverse groups to their cause.

Anis Haroon tells similar stories in 'They Use Us and Others Abuse Us: Women in the MQM Conflict' - of women being used and abused by the insurgents as well as the state and finding themselves in constant opposition to groups led by men. The participants in this conflict are numerous: the state, the government and political parties and groups, mafias and also individuals who have their own agenda and axes to grind. The issues and the actors with their shifting loyalties confound the confusion.

In this conundrum the WAF takes the initiative of bringing women from different, even opposing communities together and build a multi-ethnic polity defined by women's politics and women's ways of doing things.

The MQM represents a very large population in Karachi. They are the Urdu speaking immigrants from India, seeking justice from the state and

political power in Pakistan, through armed conflict. The army dictatorships, the political parties whenever in power and the MQM insurgents have all been using and abusing women whenever needed and then dumping them eventually.

Anis Haroon gives a historical account of how Sindh became a multi-ethnic province, and how the conflicts of various hues, sectarian, communal, ethnic and class struggles like those between factory and construction workers and land owners, arose. She analyses how MQM mobilized women in large numbers and how despite women's increased visibility in violent demonstrations and *gheraos* and also increased mobility and utilization in the ongoing struggle, they were left with

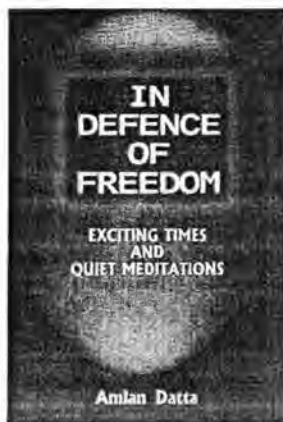
little room by the fascistic MQM for any political maneuver. All this she reveals through many a touching anecdote.

The last two essays: *Where There Are No Men: Women in the Maoist Insurgency in Nepal* and *Women's Narrative in the Chittagong Hill Tracts* too tell similar stories, i.e., poverty breeds extremism; the existing parliamentary politics, especially in the third world, gives no hope of change; the failure of democracies are driving the youth into people's war and the governments instead of removing structural injustice respond to people's insurgencies militarily.

There are a number of factors like the superpower rivalry,

globalization, structural adjustments imposed by the IMF and so on that have nurtured insurgencies and militancies all over the world. This aspect has not been handled in the book as its focus is on use and abuse of women in conflict situations and their journey beyond victimhood to agency. It is now dawning on the superpowers too that the politics of arms does not pay any long term dividends, and in fact eventually boomerangs.

Politicians are already deliberating, 'after Taliban what?' A solution can be found if the gender dimension in the ethnic conundrum that is Afghanistan is recognized and put to use in ways revealed in this book.



Amlan Datta does not require an introduction to readers. He is a veteran observer and analyst of contemporary society. The present volume is an anthology of essays written over half a century for publications, academic and popular, and even some hitherto unpublished ones. These have been put together at the request of the National Gandhi Museum. Datta's style is direct, simple and lucid, avoiding jargon and technicalities. It is highly recommended for the layman as well as the scholar.

What is the central theme of this collection of essays? In a short review it is better to focus our attention on this issue. Since the end of World War II, the world in general and India in particular have undergone tremendous changes, and still continue to do so. The

essays reflect this changing scenario. However, not all the transformations have been to the good. Progress there has undoubtedly been; but the accompanying evils or the portents of evil should not be lost sight of. In the welter of changes where is our anchor and what is our lodestar? These are issues that concerned Datta throughout the last half century and his quiet meditations may enlighten us in the exciting times of the new millennium.

At the beginning of our independence the world was the battleground for two competing ideologies - capitalism and Soviet Marxism. We in India chose the "middle path", but found it difficult to balance the act. At the end of the century Soviet socialism is vanquished and capitalism is globally ascendant. In

India too we have embraced globalisation, marketisation and privatization. Obviously, economic efficiency and the consequent creation of wealth are important. At the same time can we ignore the disparities of wealth, of disparities of distribution of income and of social justice? The humanist concerns of Marxism were buried in the Soviet system the demise of which one need not cry about. But the question of social justice is relevant not only in India, but also in the developed world.

Globalised market economy may result in increased prosperity for the peoples of the world. But the critics of capitalism from Marx to Gandhi have rightly pointed out its de-humanising effects. Developed countries in particular have been

## IN DEFENCE OF FREEDOM EXCITING TIMES AND QUIET MEDITATIONS

By Amlan Datta

*Published by*

National Gandhi Museum, Rajghat, New Delhi 110 092 in association  
with Radha Publications, 4378/4-B Ansari Road, Daryaganj,  
New Delhi 110 002.

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*Reviewed by*

Professor Antony J. Kunnath, Department of Political Science,  
Bhavan's College, Mumbai

experiencing these for a long time. Call it "alienation", "anomie", "loss of community" or whatever else, it has manifested itself in a variety of ways: break-up of the family, drug abuse, loneliness, growth of cults and irrationalism and many more. At the present time, Datta says, two extremes, both equally harmful, can be noticed. One is the unbridled pursuit of consumerism and the other the marked growth of exclusivist religious fundamentalism.

There are also many concurrent developments that have threatened peace, freedom and human existence. The spectre of atomic holocaust has been one of the most significant. Movements for nuclear disarmament have focused on this threat. Even in today's unipolar world this threat has not abated. This, however, also points to another reality of modern life—the concentration of power with the state and the ideology of nationalism, which nurtures this power. But the over-centralisation of power has left the citizens victims of the bureaucratic apparatus.

Technology and industrialization have undoubtedly brought about prosperity. But they have also left a trail of woe. The environmental degradation and the resultant threat to the existence of man and nature cannot be underestimated. The philosophy of human exploitation of nature needs to be reconsidered.

Yet another threat to freedom arises out of religious fundamentalism and the consequent intolerance as well as the cult of violence and terrorism. These, according to the author are consequences of the capitalist development that created intra-national and global disparities, resulting in a sense of injustice or resentment.

Thus there is a need to rethink the issues related to social, economic and political development. The trend towards globalised market economy may be irreversible. But the triumphs of capitalism also contains within it antagonisms and the possibilities of a new society. Modern technology and

industry have also created the ideas and means to realize the birth of a new society to which generations to come have to strive for. On presenting the broad parameters of present and future transformative action, Datta is truly influenced by Tagore and Gandhi.

These two great men had their own differences of opinion. But their debates were conducted with genuine mutual respect and decorum. Beyond that, they also acknowledged the identity of their basic premises and vision. Both realized the need to go beyond the narrow confines of national chauvinism, religious fundamentalism and all other barriers to the development of true human unity. But the genuine growth of human unity and solidarity also requires the critical development of identity and cultural rootedness. Thus Tagore and Gandhi emphasized the development of the rural community as necessary to the promotion of universal human solidarity.

As noted earlier, the modern state with power concentrated in it prevents the full blossoming of freedom. Tagore and Gandhi emphasized (like Marx) the primacy of civil society over the state. The genuine development of civil society, however, requires that the individual and the local communities (villages) must be empowered. Gandhi's constructive programmes and Tagore's original inspiration for Shantiniketan emphasized the development of self-reliant local communities not so much dependent on the government, but having the necessary freedom and power to achieve that objective. That is the real panacea for rural development, generation of employment and the baneful process of urban decay.

The final vision of course, as Datta puts it, is the development towards transcendental humanism. While some of the major ideologies have been discredited, 'humanism' stays as a reasonable name to describe some of our more respectable ideals. However there are varieties of humanism. Transcendental humanism

aims at going beyond human possessiveness, which no doubt plays an important role in material progress, to a society based on loving communion with fellowmen as well as nature. Egotism, all forms of narrow sectarianism, intolerance and violence will have to be transcended in the creation of an ethically just, egalitarian and humane society.

Isn't this yet another ideology? The fixity of ideological dogmas does more harm than good. However, a vision is important as guidepost. But the contours of this vision must be modified through constant human search and action.

Such a society as delineated above is already taking shape. The women's movement, the ecological movement, and likewise many such movements of the past and the present are striving to create a genuinely humane society. But the final outcome is not yet in sight and generations of effort would be required for its final realization.

Datta deals with the whole gamut of issues in contemporary social thinking, some rather cursorily while others in detail. Of course, he reflects and shares the ideas of many twentieth century social thinkers. What stands out as original in these varied essays is his creative interpretation of Tagore and Gandhi and a call to reassess and further develop their ideas as a necessary antidote to the prevailing social morass in contemporary Indian society.



"Oh you realize the size of the bureaucracy we'll need to enforce these?"

COURTESY: National Review / December 18, 2000.



**CIVIL SOCIETY IN SRI LANKA  
NEW CIRCLES OF POWER**  
by Dr. Nira Wickramasinghe

*Published by*  
Sage Publications India Pvt. Ltd., M-32 Market,  
Greater Kailash 1, New Delhi 110 048

Year of publication: 2001. No. of pages: 179. Price: 395

*Reviewed by*  
Mr. Avinash Kolhe, Lecturer in Political Science at the  
D. G. Ruparel College, Mumbai.

In April 2002, Mr. V. Prabhakaran, leader of the Liberation Tigers of Tamil Eelam (LTTE) addressed a press conference. It became an international event because the dreaded leader of the LTTE was facing the media after a long gap of twelve years. The news conference also brought back into focus the continuing internal turmoil in Sri Lanka. The ethnic war in the emerald country has already claimed too many lives and has destroyed too much wealth. And there is no end in sight the efforts at international level to help bring peace notwithstanding.

The Tamils in Sri Lanka have been staying in that country for a number of centuries. But in independent Sri Lanka they have been systematically reduced to the status of second class citizens. Like many countries of South Asia, Sri Lanka (formerly Ceylon) was also a colony of England. It gained independence in 1948, as part of the process of decolonisation, which gathered momentum after World War II. But right from the beginning the Sinhalese, who are in a majority, ill-treated the Tamils, who are in a minority. In terms of population complexion, the Sinhalese account for 70% while the Tamils are 20% of the total population of Sri Lanka. Despite such a sizeable presence the Tamils have had to face discriminatory policies. For instance in 1956 the then government of Sri Lanka passed the 'Sinhala Only Act' which made Sinhalese the official language of the country. Also the government introduced a quota system based on race and residence for

admission to universities. No wonder, that by the 1980s, civil war broke out in the island.

The newly independent countries of South Asia, including Sri Lanka, have had to face two basic challenges. On the one hand, the welfare of their citizens complicated by ethnic and religious issues and on the other hand, the challenge of globalisation, MNCs, foreign capital etc. And Sri Lanka is no exception to this phenomenon.

This unique situation has generated many studies on Sri Lankan society and its polity. The volume under review is by Dr. Nira Wickramasinghe who is eminently qualified as she has been studying these and related issues for quite some time. Her earlier work includes a study of "Ethnic Politics in Colonial Sri Lanka, 1927-47". Currently she is a senior lecturer in the Department of History and Political Science at the University of Colombo and a senior fellow at the International Centre for Ethnic Studies, Colombo.

Dr. Nira has divided the book into four major chapters, each describing the changes that are taking place in Sri Lankan society. She has detailed how the State's conception of security has changed over a period of time. She writes "for most of the countries in South Asia, security problems have to do with their relationship with India." From this external threat the focus shifts to internal disturbances. "For the Sri Lankan state, internal security still entails protecting the boundaries of the

state against secessionist movements" (page 27). This shows the profound change that has taken place in the security perception of that country.

To understand these 'new circles of power', one needs to understand the collapse of the USSR and the Red empire during the 1990s. With this collapsed the bi-polar world, which maintained some balance of power. Now everybody, and more so the developing countries of the third world, have to learn to live in a world dominated by the USA. When the USSR was around, many Less Developed Countries (LDCs) could look up to the USSR for their technological needs, military hardware and high-tech processing units. Now they all have to depend on the USA and other Western countries. Dr. Nira Wickramasinghe has devoted an entire chapter to bring to light the negative and positive linkages of the aid regime, which was a fact of life in the 1990s. She quotes statistics to drive her point home. "In the early 1950s, aid from all sources was less than \$11.8 million.

Supported by a United Nations (UN) campaign urging member states to give at least 0.7 per cent of gross national product (GNP) as aid, today's total disbursements amount to \$60 billion" (page 48). However this has also created two aspects of aid. On the negative side the US started creating a linkage between aid and foreign policy. Whoever was willing to serve Western interests as represented by the US got development funds; while others had to face punishment. On the positive side

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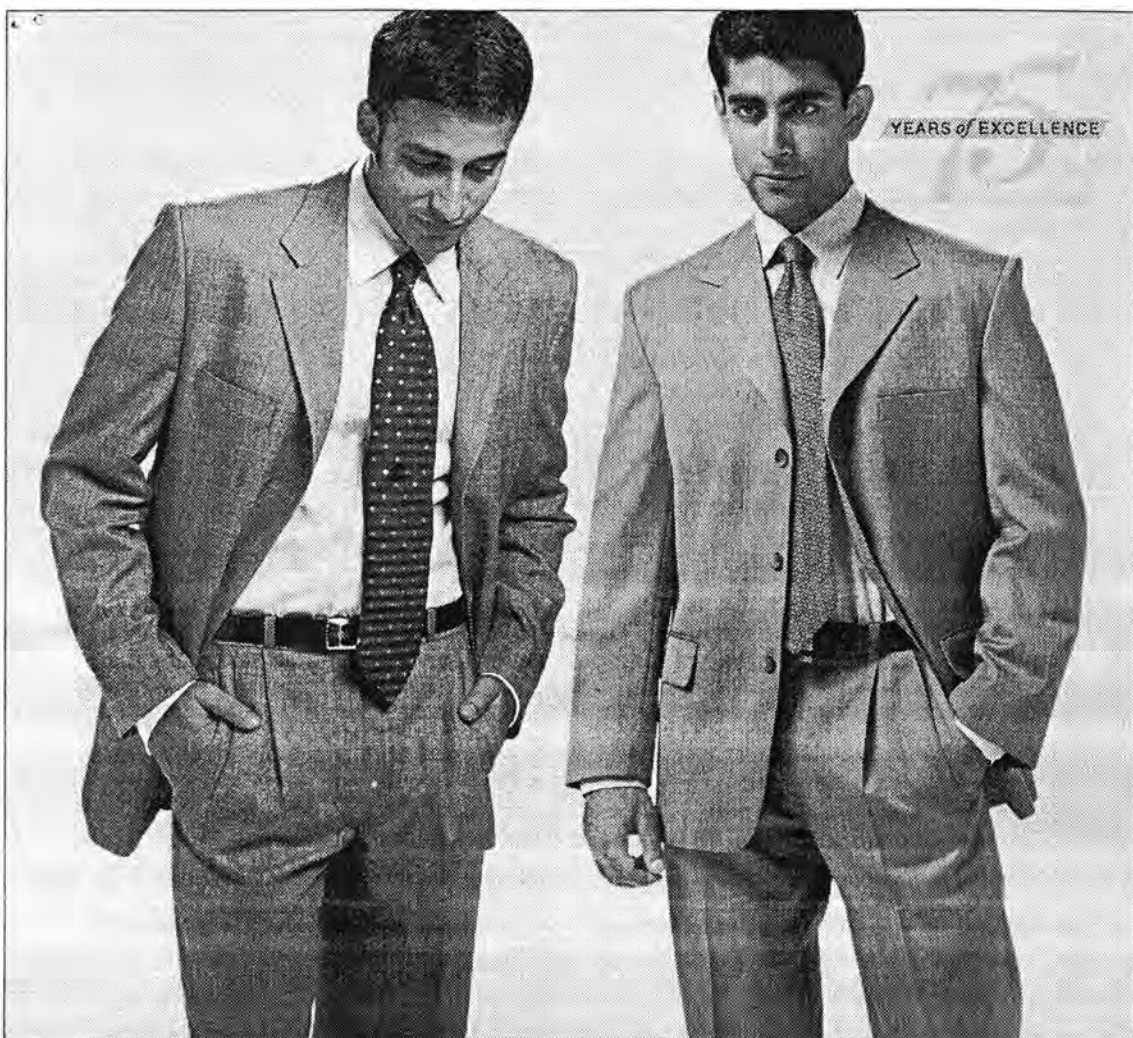
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when aid is used as an instrument to improve observance of human rights in the recipient country one speaks of positive linkages (page 56).

However Dr. Nira does not forget to remind readers that the insistence on 'good governance' also means bypassing the State and taking aid directly to the local NGOs. She convincingly argues that "the donor community is fast becoming a new circle of power in Sri Lanka." (page 73). She develops her argument by taking a historical perspective and informs the reader how the first NGO came into existence in 1831 in Sri Lanka; and how, over a period of time, the role of NGOs has undergone drastic changes. Today they act more as a mediator between the donor and the ultimate receiver.

With the growth of a market economy, the NGOs also grew. Their growth meant a corresponding reduction in the role and space of the State and its sovereignty. Of course this process began in 1945 and 1948 when the UNO was established and when the UN charter on Human rights was adopted. Dr. Nira has rightly brought out the fact that 'the two concepts of Human Rights and Sovereignty have been placed on a collision course.' (page 117). During the Cold War period the non-intervention principle was observed. After the collapse of the USSR, a new era began which was witnessed during the Gulf War of 1991.

Now comes the era of NGO intervention. To understand this phenomenon, Dr. Nira has studied the

history of three organizations - the International Conference of the Red Cross, the UNHRC and the Medecins sans Frontieres (MSF) and their involvement in Sri Lanka. She has highlighted the role of relief organisations as agents of globalisation. It is by now clear that the triumphant West is using aid as a tool to discipline the erring States of South Asia and forcing its agenda on them.

All societies of South Asia are facing these problems with varying degrees of intensity. Since these societies are backward in terms of technology and also lack financial muscle, they have to fall in line.

Dr. Nira Wickramasinghe's work is important in this context.



**STRUGGLE FOR EMPIRE  
ANGLO - MARATHA WARS 1679-1818  
By Colonel Anil Athale**

*Published by*

Reliance Publishing House, 3026/7H, Shiv Chowk,  
South Patel Nagar, New Delhi - 110008

Year of Publication: 2001. No. of pages: 263. Price Rs. 295.

*Reviewed by*

Brig. S. C. Sharma (Retired) currently working in industry  
as an adviser.

The author has given a brief summary of the characteristics of the land and people of Maharashtra for a better understanding of the Anglo-Maratha Wars. The Teachings of the Warkari saints had forged a spirit of nationalism by weakening the caste system amongst the hardy farm people. Shivaji had made two unique contributions. He raised a national army in place of the old Jagirdari system and realized that the purpose of war was political, not personal glory. Both these achievements were squandered away by his successors. Shivaji died in 1660. By 1687 Aurangzeb had consolidated his rule. After his death, his empire started declining and soon the Marathas were to become a formidable power.

Shivaji understood the

importance of naval power. The Maratha navy grew in strength under Kanoji Angrey. With a large number of ships and 58 forts on the Western coast, he could protect the sea-borne trade and collect rich revenue from ships carrying cargo. An attack by the British and Portuguese navies was routed by the Maratha navy in 1721. A great navy built up with vision and aggressive leadership was destroyed by internal feuds between the Peshwa and Tulaji Angrey (Son of Kanhoji Angrey). Another attack by the British and Peshwa forces in 1756 put an end to the Maratha Navy and in 1761 the defeat of the Marathas at Panipat by Abdali checked the growing Maratha power on land as well.

The first Anglo-Maratha War lasted for 9 years from 1774 to 1783.

Raghunath Rao, the pretender to the Peshwa's post had requested help from the British. The British advance to Poona was repulsed and the British were soundly beaten at Wadgaon on 12/13 January 1779. The Marathas did not press their advantage - had Nana Phadnavis been Napoleon or even Edward the First, there would have been no man left to tell the tale.

The British were allowed to retire after signing a treaty, which they soon repudiated on the arrival of reinforcements. Sashti had fallen to the British in December 1774. The valiant commander of Sashti was treated well, while the treacherous Bhuvan Rao was blown from the mouth of the gun. Another attempt to advance on Poona in 1781 also failed. The war ended with the return of Sashti to the Marathas

who in turn promised not to deal with the French.

During the 20 years of peace with the British from 1783 to 1803, the Marathas fought wars against Nizam, the Rajputs and Tipu Sultan. The brightest Maratha general Mahadaji Shinde died in 1794, followed by the death of the Peshwa in 1795. By now, all appointments had become hereditary.

The Second Anglo-Maratha War commenced in 1803. The author has covered well the manner in which the

Marathas lost the entire territory in the North due to the treacherous role of the French officers in the Maratha Army. The first major engagement occurred on 25th September 1803 at Assaye. The Fort of Ahmednagar had already fallen through treachery and bribes. At the end of the day, the Marathas suffered 2000 casualties against 1200 of the British. Holkar did join and Shinde withdrew according to the planned strategy of avoiding a set piece battle. His failure at Lassawari led him to sue for peace. Bhonsle did the same after the loss of Gawilgarh fort. The Duke of Wellington had described

Assaye and not Waterloo to be the toughest battle of his career.

After the Treaty of Assaye, the Marathas grew complacent while the British gained in strength. The Third Anglo-Maratha war was comparatively a tame affair. There was no unity amongst the Marathas and the British had overwhelming strength. Maratha power came to an end in 1818. The book is a commendable effort in sourcing material from original records of all the parties, including the Portuguese and the French.



## DEVELOPMENT THEORY DECONSTRUCTIONS/RECONSTRUCTIONS

By Jan Nederveen Pieterse

*Published by*

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New Delhi 110 048

**Year of Publication: 2001. No. of pages 195. Price: Rs.275**

*Reviewed by*

Dr. Marina Pinto, former Professor of Public Administration,  
University of Mumbai.

The book under review covers the entire gamut of development thought from status and trends in development theory, through cultural dimensions of development and alternative development to futures of development thinking. This work is not just trend-spotting in a contextualised frame or just a good mapping exercise but goes further to make sense and give shape to a field of study, which is largely in a state of flux. Such an endeavour could only be undertaken by one who has delved deep into the field of development studies and surveyed its length and breadth to be able to work out deconstructions and reconstructions. The masterful way in which this exercise is conducted establishes the credentials of Pieterse as an expert in critical analysis of development thought.

Pieterse takes a position that development thinking has a derivative status. It has been more of a follower

of frame-works developed in other social sciences rather than a trend-setter. It has not influenced social sciences as much as been influenced by them. To support his point, he indicates that Evolutionism, Marxism, NeoMarxism, Keynesianism, Structural Functionalism, New Classical Economics and Post-Structuralism are among the social science paradigms used by development theorists at different times.

The term development has acquired different meanings over time. This gets all the more complex when one takes note of different dimensions to 'development' at any given time. These dimensions could be historical, political, economic or any other. The author, whilst making a pointed mention that the core meaning of development has been economic growth has cogently argued that the concept has undergone much change and the last word in this debate cannot be written.

Development from being seen as pure economic growth soon encompassed modernization which was taken to mean Westernization. This gave way to the unified approach of the 1970s which merged economic and social aspects of development and upheld development as endogenous and self-reliant growth. In the 1980s, the global dimension gave development a new complexion. In our time and age, it is pretty clear that conventional paradigms of development have failed. This is because the missing link in all the theories and strategies of development is the people. True development has to be people-centred.

After development thinking moved from state-led, in that development efforts were initiated by the government, to market-led with neo-liberalism, it is now society-led in the form of alternative development. It is this discussion in the book on 'Alternative Development' that

deserves special mention, as it brings out the subtleties and nuances in the development debate.

Pieterse convincingly argues that Alternative Development that has also been labelled as participatory development, people-centred development and human scale development has now come on centre-stage. Alternative Development does not represent a paradigm break in development. There is no clear line of demarcation between mainstream development and alternative development. In fact, there can be overlap between the two. Forms of alternative development can become institutionalised as part of mainstream development and people-centred development is certainly becoming a mainstream position. This is reflected in the works of many like Amartya Sen, who emphasized capacitation, M. Nerfin who saw it as the terrain of citizen politics, David Korten who viewed development as a process by which the members of a society increase their personal and institutional capacities to better the quality of their lives and M. A. Rahman, who saw people as creative forces of development. Alternative development sees development in a holistic fashion and gives vital importance to the role of the people in the development process, in decision-making and networking thus enhancing their creativity and self-help capacity. The new perspective is that of state-in-society,

with partnerships viewed as 'instruments of governance'. The focus is on political re-structuring, vertically in terms of Centre-State-local government relations and horizontally in terms of state-civil society relations.

All this puts the spot-light on civil society which manifests itself in community-based organizations, non-governmental organizations and the like. Various action groups try to educate, conscientise and mobilise different sections in society, especially the oppressed poor. Pluralistic civil society actors make for social capital and new forms of synergy. In the context of Liberalization, Privatization and Globalisation, the nation state is undergoing a transformation. It is not so much a provider as an enabler or facilitator. At the same time there is the emphasis on the local with the contours of the local state changing with ongoing vertical and horizontal re-structuring. All this gives rise to New Localism characterised by local activism. It encompasses pro-active development strategies which are people-centred.

Considering futures of development, the author maintains that the whole phenomenon of development is too complex to think in terms of a single future trend. Reflexive development and politics, according to him, brings in options in relation to philosophies of change and politics of change. Therefore, deve-

lopment needs to be re-defined not as 'improvement' but as collective learning. It is not that there are many development theories but several perspectives which often are derived from other social sciences and applied to the development terrain. Hence, for each development perspective there are options and challenges in the future. To mention a few, modernization perspective has to contend with varied and plural modernities particularly in developing countries; dependency view calls for re-thinking in the context of neo-liberalism and uneven global development and Alternative Development has to contend with 'NGO-ization' and New Localism manifest in public-private partnerships and new political opportunity structures.

The book is an asset to scholars and students of development studies as Pieterse has done a commendable job in putting together diverse, confusing, yet significant strands of development thought in an intelligible way. He has gone a step further in that through critical analysis he has worked towards restructuring the field. The layout of the book, in terms of distinct sections under well-defined chapters and the wealth of data encapsulated therein, bears the stamp of the scholarship of the author. It provides good reading material for a social scientist in general and a ready reckoner or reference book for those who specialise in development studies.



## The Task of Nation Building

To make the people shed their fear and stand up to any tyrant or unjust ruler is one of the more important tasks of nation building. Unless we, as a people, acquire the capacity to stand up to injustice, oppression and corruption we would remain a weak nation.

Jayaprakash Narayan  
Towards Total Revolution Vol. 4  
Published by Popular Prakashan, Mumbai.



**INTELLIGENCE**  
**PAST, PRESENT & FUTURE**  
By B. Raman

*Published by*  
Lancer Publishers & Distributors, 56, Gautam Nagar,  
New Delhi 110 049

Year of Publication: 2002. No. of pages: 426. Price: Rs.595

*Reviewed by*  
Professor R. V. Chari, retired Professor of Commerce and  
Management and a freelance writer

This book deals with various aspects of intelligence – military, political, economic, financial, corporate, threats on account of new technologies, drugs and narcotics.

An overview of the entire situation of intelligence is given in the first Chapter. Chapter II discusses the military intelligence of four nations, viz., U.S.A., U.K., Pakistan and India. Despite the elaborate intelligence set-up and spending of billions of dollars, the disastrous, chilling incident of 9/11 did take place in the U.S., exposing the lacunae in their security system. The author also emphatically confirms, in the same chapter, that the Chief of the Army Staff wields more powers over the ISI than the Ministry of Defence.

Political intelligence consists in bending and twisting the various organs of the government, especially the intelligence agencies, for the party's ends. This aspect is discussed in Chapter III. Emphasis is laid on how the U.S. and India have been grossly abusing the powers vested in them. The author says that in the U.S., except for Dwight Eisenhower, all other Presidents have been consistently arm-twisting the CIA and FBI for selfish purposes. As regards India, during the regime of Indira Gandhi, there was widespread misuse of the intelligence agencies by her and her son, Sanjay Gandhi. When Morarji Desai came to power, he appointed a high-powered Committee under Shri L. P. Singh to review the functioning of the IB and the CBI. The moment Indira Gandhi came back to power in 1980, she immediately scrapped the entire report. Not only that, those who

were even remotely associated with the Committee were severely penalised. The public is, therefore, unaware of the report and its recommendations.

Economic, industrial, technological and corporate intelligence are dealt with elaborately in Chapter IV. In other words, he has discussed how information including formulae, secrets, plans, processes and other technical details are collected by the intelligence agencies, through stealth, bribes, and other means.

Chapter V is devoted to financial and narcotics intelligence. Money laundering is defined as "a process by which money acquired illegally through means such as bribery, tax evasion, extortion, manipulation of accounts, narcotics smuggling, terrorism, organised crime, etc. is inducted into the legitimate money circulation system ..." Pakistan and Myanmar are the two states actively encouraging money laundering in a big way. Brig. (Retd.) Imtiaz, the head of the Internal Political Division of the ISI of Pakistan, was re-arrested in October 1999, and prosecuted for owning disproportionate wealth. He had: 1) foreign exchange bearer certificates valued at U.S.\$ 20.08 million, 2) a bank account with the Union Bank for Rs.2.13 billion in Pakistani rupees, 3) U.S. dollar account in Deutsche Bank of 19.1 million, 4) 5 residential houses, 5) 5 commercial units, 6) 3 shops – all acquired through heroin smuggling. He was convicted on 31st July 2001, and jailed for 8 years.

After dealing with threats from new technologies in Chapter VI, the

author discusses in detail counter-terrorism in Chapter VII. In an interview to *Time* magazine in 1999, Osama bin Laden had expressed his interest in procuring chemical weapons. He said: "Acquiring weapons for the defence of muslims is a religious duty. If I have indeed acquired these weapons, then I thank God for enabling me to do so ... It would be a sin for muslims not to try to possess the weapons that would prevent the infidels from inflicting harm on muslims." The author has very ably discussed remedial steps to counter terrorism.

Nicely bound, printed on good paper, the book should be useful to the general reader as well as to the serious student. However, it suffers from errors - grammatical, constructional, syntax as well as factual. The English language is one of the richest in its vocabulary. Still the author coins his own words. For example, on p.5, "This civilianisation was carried out in different ways in different countries". On p.191, he refers to the "elaborate protective architecture set-up by the U.S." The meaning of the word "oversight" though includes superintendence, is not in common usage as far as India and U.K. are concerned. However, the author uses it for supervision which, to the unfamiliar, would cause confusion as it happens on p.265. P.196 furnishes a breakdown of the 7912 cases of hacking that had taken place since August 1995. It says that 5149 or 65.08% were in the U.S. However, the details, when totalled works to 5162!

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