

Freedom First

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A Liberal Quarterly

Divide to Rule

In Free India:

Only Politicians no Statesmen.

Only Netas no Leaders.

The Reservations Perspective

Aung San Suu Kyi - The Courageous Lady of Myanmar

Best Bakery Case

The Ghatkoper Blast

M. R. Pai

"A very happy New Year. Congratulations on your '50 Years' special issue. It is a collector's item. Regards, Sincerely, M. R. Pai". This little note from a dear friend said it all. In a manner of speaking it epitomised our relationship. His and mine. His and *Freedom First*'s. I can say without fear of contradiction that *Freedom First* was among his favourite journals. Every once in a while he would phone me and say "Raju, How is *Freedom First* doing? I am going to (he would name some city outside Mumbai) ...Send me an appeal with the advertisement tariff and a specimen copy. I will see if I can get an advertisement" – an anxiety to ensure that *Freedom First* did not fold up – something that the journal comes very dangerously close to, every once in a while. 'We must not allow *Freedom First* to die' he would tell me. 'It's a worthwhile cause', he would add.

My mind goes back to the mid 'fifties when both of us took up employment in public organisations – he as Secretary of the Forum of Free Enterprise in 1956 and I, as Executive Secretary of the Swatantra Party at its Central Office, in 1959. Both dedicated to the cause of freedom – from different perspectives. Over the years our friendship evolved into an enduring one. He would occasionally ask for my help on this or that matter. More often I would ask for his help. We had our differences – minor ones, but differences nevertheless, which did not affect one little bit our friendship. I'll mention one of these which persisted to the end. I would ask him to become a member of the Swatantra Party so that he could hold office. 'Sorry', was his reply. I agree with the Party's philosophy and principles. I admire Rajaji, Masani, Munshi and the others but I do not wish to be identified with any political party. It will prevent others who do not belong to the Party from supporting the Forum. They will stop being open with me. When the Indian Liberal Group (ILG) was being revived and restructured, I again invited him to join the ILG. No, he said for the same reason. 'Why do you want me to be member? I can support your efforts without being a member.' True to his word, this he did to the very end.

It is a personal loss. It will be quite some time before I stop reaching for the phone, every time I am troubled by a problem or need something, or when someone asks me for a favour and I turn to Pai for help. It is still difficult for me to accept the fact that M. R. Pai is no more.

To Mrs. Pai, his son Shyam and other members of his family our deepest condolences. We share with them their sorrow and dedicate this poem by Rabindranath Tagore to his memory. Pai would have approved.



M. R. PAI

6/1/2003

Mr. S. V. Raju

A very happy New Year
Congratulations on your
'50 Years' special issue
It is a collector's item.

Regards

Sincerely
MR

Farewell my friend

*It was beautiful as long as it lasted
The journey of my life.
I have no regrets whatsoever
Save the pain I'll leave behind.
Those dear hearts who love and care...
And the strings pulling at the heart and soul...
The strong arms that held me up
When my own strength let me down.
At every turning of my life
I came across good friends,
Friends who stood by me,
Even when the time raced me by.
Farewell, farewell my friends
I smile and bid you goodbye.
No, shed no tears for I need them not
All I need is your smile.
If you feel sad do think of me
for that's what I'll like when
you live in the hearts
of those you love, remember then
you never die.*

(cited in *Mid day*, July 15)

Freedom First

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51ST YEAR OF PUBLICATION

Founder
Minoo Masani

Editor
S. V. Raju

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R. Srinivasan

Advisory Board
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Geeta Doctor
Nissim Ezekiel
Yogesh Kamdar
Jehangir Patel
S. A. A. Pinto
Nilin Raut
Abc Solomon
Ajay Varadachary

Cover
Vivek Raju
vraju@vsnl.com

Publishers
Indian Committee for Cultural Freedom*
3rd Floor, Army & Navy Building,
148, Mahatma Gandhi Road,
Mumbai 400 001.
Phone: +91 (22) 2284 34 16
E-mail: freedom@vsnl.com

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BETWEEN OURSELVES ...

In this, the third part of our 'serial' on why in Free India we have only politicians and no statesmen and only *netas*, no leaders, we view this puzzle from the perspective of Reservations. The original intention of the members of the Constituent Assembly was to provide for Reservations to sections of the population who were tribals and 'Untouchables' as they were then referred to, later known as 'Harijans' and now known as 'Dalits'. This was to ensure that they were no longer discriminated against in matters of education and employment and had a 'level playing field'. This original purpose has long since been forgotten and is being exploited by *netas* and politicians for their own selfish political ends.

Post-Gujarat terrorism is taking a serious toll of men and material particularly in Mumbai. The Best Bakery Case represents a blatant travesty of justice. While there are signs of an upturn in the economy, the law order situation and the security of citizens are taking a turn for the worse. We deal with these developments.

The series discussing the puzzle, why India has not produced a single leader or a statesman fifty years after independence will conclude with a discussion on "**What India Needs**". This will be the subject of the next issue. It will be less a post-mortem and more a normative one covering politics, the economy, issues of social justice and leadership.

In association with the INDIAN LIBERAL GROUP, *Freedom First* has organised a one-day seminar on Saturday September 27 in Mumbai. The subject: "**What India Needs**".

If you wish to participate in this seminar please write, email or phone us giving your name, postal and email addresses and phone numbers. We shall send you an invitation and programme details.

Editor

July-September 2003
No.458

Contents

<i>Many Voices</i>		2
<i>Of Cabbages and Kings</i>		4
<i>In Free India: Only Politicians No Statesman Only Netas No Leaders</i>		
Reservations and National Integration	Nagindas Sanghavi	5
<i>Terrorism:</i>		
Best Bakery Case	R. Srinivasan	11
The Ghatkopar Blast - Terrorism Revisited	Ashok Karnik	13
Who has the Moral Right to		
Speak against Terrorism	Shyam R. Kelkar	15
The Plight of Senior Citizens	M. S. Kilpady	18
A Fresh Approach to Population Control	V. G. Vaidya	19
Ecological Security - A Timely Approach	K. Shiva Shankar	21
<i>Rajagopalan's Parliament Watch</i>	R. Rajagopalan	23
Fifty Years of Popular Prakashan	V. C. Phadke	25
<i>Reflections Serious and Facetious</i>	Louella Lobo Prabhu	27
<i>Iran's Caveats</i>	C. R. Irani	31
Common Civil Code sans Coercion	Sharad Joshi	33
There Are No Fair Elections	S. D. Supanekar	35
<i>Book Reviews</i>		39

WITH MANY VOICES

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

For what must be the 20th time in the past decade, Mumbai has been reduced to a power-point presentation.

Shabnam Minwalla and Nina Martyris,
The Times of India, July 20

It is so embarrassing to have overseas clients visiting our office and experiencing about four power cuts during a one-hour meeting. Here we talk about world-class software and development centres and we cannot control the power situation.

WIPRO Chief Azim Premji, *The Times of India*, July 19

We may bend the laws and rules slightly to accommodate religious sensitivities (letting Sikhs off the obligation to wear motorcycle helmets for instance) but these will be exceptions rather than the rule. The essence of a secular state is one people under one set of laws.

Vir Sanghvi, *Mid day*, August 10

Telephones, real-time data links, and video conferencing have brought the world closer together but not quite eliminated the need to see things first hand. They cannot compensate for the chemistry of the personal contact.

Editorial commenting on the salutary impact of the meeting between Bush and Vajpayee in St. Petersburg in
The Times of India, June 12

The greatest thing about migrating is the feeling that I am finally part of a civilized, law abiding society and everybody is actually accountable.

Abdul Majid, a 36-year old architect who migrated to Canada, *Outlook*, January 20

The Congress has drawn wrong lessons from the BJP's victory in Gujarat.

Historian Mushirul Hasan, *The Week*, June 15

Bill Clinton joins Jimmy Carter as an ex-president who is forever with us.

William Buckley Jr., *National Review*, April 7

...the really private sector is the public sector and

it is private to every itinerant minister; every MP and everybody occupying any position in the state apparatus..

Disinvestment and Communications Minister
Arun Shourie, *Outlook*, May 26

My plus points: I am 5'10" tall and willing to try anything that hasn't been tried before. I believe in myself, I am vocal, extremely ambitious, never take no for an answer and I live for the moment

Model Tinu Verghis, *The Week*, August 3

We want an end to the one-party system in China and Mr. Wen (Wen Jiabao, Hong Kong's CEO) being a Chinese leader must listen to the voice of the people.

Mr. Leung Kwok Hung, Hong Kong based human rights activist, *The Statesman*, July 2

Perhaps we should thank the Taliban for finishing the task the Crusades began nine hundred years ago – proving beyond further dispute that Religion is incompatible with Civilization.

Arthur C. Clarke, *Free Inquiry*, Winter 2002/3

I used to play with paper boats in my childhood. As I grew up, I forgot about them. When you are finishing your journey, you are reminded of your childhood – and your paper boats.

Former Prime Minister V. P. Singh,
The Indian Express, August 3

We have no problem with the Congress making Sonia Gandhi or even Pervez Musharraf its president but projecting her as Prime Minister could raise questions among the people about national interest and security.

BJP Spokesman Mukhtar Abbas Naqvi,
The Indian Express, July 20

What administrative experience did Vajpayee have before he became the Prime Minister? Perhaps, Vajpayee with his advanced age and sinking health needs more time to rest... It is upto the BJP if it wants to project Vajpayee as the mascot. The BJP is a party with two mascots and three musketeers.

Congress(I) spokesman Jaipal Reddy,
The Indian Express, July 20

OF CABBAGES AND KINGS

BJP Yuvaks and Beauty Queens ?

The news is a little dated but interesting nevertheless. The BJP's youth wing the Janata Yuva Morcha held an international conference on 'Terrorism' in February. There were some 200 delegates from 60-odd countries and 300 participants from India – plus wonder of wonders, India's International beauty queens Sushmita Sen, Aishwarya Rai, Lara Dutta, Gul Panag, Priyanka Chopra and Yukta Mookhey. Who are we to criticise the BJP youth. Obviously this must have been cleared by the Bajarang Dal or the VHP or the ABVP, their students' wing – who are normally active creating mayhem during times like Valentine's Day or proscribe the wearing of jeans by girl students as in Lucknow. Beauty Contests, if I recall have been frowned upon by RSS outfits – or is it a case of what is sauce for the goose is not sauce for the gander.

*

The Comrades and Cult Worship

The atheism of our comrades (communist that is) is only skin deep. They have their own idols. Lenin's embalmed body in the Kremlin was a place of pilgrimage for comrades worldwide. Coming to think of it globalisation of politics was already being practiced by the comrades much before it came into current vogue in the arena of trade and commerce. But I am digressing.

According to Sabyaschi Bandopadhyay of *The Statesman* (July 20) our Bengali comrades produced a wax model of former Bengal Chief Minister Comrade Jyoti Basu to place it in a specially constructed museum that is planned for Kolkata. A replica of the wax model made at a cost of Rs.1 lakh was presented to Comrade Basu on his 90th birthday. Asked a CPI(M) politburo member "what is the harm if Basu becomes a permanent feature in the proposed museum." None at all comrades. Trust the money for this 'cult worship' does not come from the state treasury nor is extorted from the public through "voluntary" donations.

*

Corruption in Communist China

And while on the subject of comrades, here's one



that would give heart to the crooked and corrupt in our land. A Chinese millionaire has been sentenced to death for raping eight teenage girls and bribing police to call off their investigation. Despite one of the girls' fathers reporting him to the police, he served just two months in jail before being released without charges being pressed after paying police officers US \$ 92,770 according to 'Beijing Youth Daily'.

A Report in *The Times of India* comments that the case "reflects the extent to which the rich and powerful can buy their way out of trouble in present-day China and the severity of corruption in a country that has few checks on the authority of government officials."

*

Howard Fast

Howard Fast was a black American author. He was also a card-holding member of the Communist Party in the United States and Managing Editor of the Communist "Daily Worker". He was a great novelist and writer. He is best known for his best selling novels *Citizen Tom Paine* and *Spartacus*. His work for the Party was recognised by, among others, Josef Stalin, who awarded him the Stalin International Peace Prize the very year that Stalin died.

Mr. William Buckley Editor-at-large of the *National Review* relates an incident when he shared a dinner table with Howard Fast. This was after Khrushchev's famous 20th Congress speech in 1956. Fast's engrossing story was that when Khrushchev gave his famous 20th Congress speech in 1956, renouncing Stalin and his works, a copy of that speech reached the *Daily Worker*

immediately before the CIA got hold of it. It was released to the press, which would give this revolutionary speech, or perhaps better, this counterrevolutionary speech, front-page attention, even as the historians have done. "There was a dispute in the *Daily Worker* on whether we should publish a report of Khrushchev's speech," Fast said. "The editor complained that if the *Worker* went with it, the Communist Party of America would lose 10 percent of its membership. I corrected him. We'll lose 90 percent, I predicted. And I was right"

Howard Fast too left the Communist Party. He died on March 12, 2003.

SVR

In – Kalam and Vajpayee; Out – Shakespeare and Shaw

The University of Meerut's Board of Studies in English recently attempted to "replace the Shakespeare and Bernard Shaw items in their course by the works of A.P.J. Abdul Kalam and (in translation) Atal Behari Vajpayee"!

Both the Head of the Department of English and the Vice Chancellor to their credit vainly tried to prevent this. It remained for the Academic Council to throw the proposal out.

One expects the Board of Studies to be composed of experienced teachers and it is incredible that they

should consider both the eminences as worthy of replacing Shakespeare and Shaw. Imagine generations of students being brought up on the effusions of the poetic prime minister and being totally innocent of even stray lines of Shakespeare! The democratic temper of the University in a perverted sense, is indeed touching.

Over the decades, we have witnessed almost all academic institutions and Universities in the country being battered by sycophantic and populist forces. This instance must indeed take the cake.

*

Professor A. N. Murthy Rao (1900-2003)

With the passing of Professor A. N. Murthy Rao on Saturday, 23rd August, we have lost a titan of the old Mysore culture. He lived to a ripe old age and was in reasonably good health.

It is difficult to come to terms with his demise, for we came to regard him as a permanent, abiding monument as were the Nandi statue and Basavangudi, for we grew up in his shadow for more than half a century. His translations in Kannada of the Socratic dialogues of Plato opened up an alien ancient world which was given a local habitation and were made part of the intellectual baggage of educated Mysoreans. Again, his translations of some of the plays of Moliere brought to the Kannadiga the sunny humour of the great French playwright.

He also wrote a number of essays all of them light in texture but capturing the quintessence of Mysore's culture and life. A student of the Maharaja's College, he has written memorably of this unique institution of higher education and of unforgettable professors such as Dr. Radhakrishnan.

The ancient Kannada rendition and civilisation which was being transformed by the pervasive penetration of Western culture was unforgettably captured by this great master of Kannada prose. He wrote no poetry or fiction – the essay was his *forte*. Kannada which has a rich heritage of autobiographies was further enriched by his own *Vita Sua*.

Belonging to the noble generation of Masti, Gundappa, Rajaratnam and others, he has joined them and left us all the poorer.

RS



COURTESY: *National Review*, June 16, 2003.

In Free India

Only Politicians, No Statesmen

Only *Netas*, No Leaders

Reservations and National Integration

Nagindas Sanghavi

What the communal electorate did in the field of political unity is being repeated in the social field by the reservation policy and the results might be as dangerous as was witnessed in the 'thirties and the 'forties of twentieth century India. The strain has already started showing. The venomous debate and the furious riots between the castes echo the happenings during the pre-independence years because there is hardly any demarcating line between the communal and caste virus.

In spite of several conceptual and methodological differences, the Affirmative Action in the U.S. and the Reservation policy in India ought to be viewed in the perspective of the same framework because both are attempts to address basically the same problem that sooner or later crops up in every democracy. The rights and the representation of the deprived sections of the society – problems that no democracy has been able to solve with complete satisfaction to all groups concerned.

No society is entirely homogenous and totally egalitarian and the dominant group or groups strive to capture and retain political power and economic authority by various devices that are a denial of social, political and even legal justice. The U.S. is in a more fortunate position as it could delay dealing with the problems of the deprived and the disgruntled sections of society till it could attain economic, political and social maturity. The African-American, even after their emancipation from slavery were denied a due share in the political, educational and economic arena for

a century on the ground of their disabilities.

When the process of empowering them started, American democracy could build such empowerment on the basis of equality and careers were opened to all talents, irrespective of colour, sex and the country of origin. The U.S. still does not provide political representation to such sections and their voice as a group is still not heard in the corridors of power. We in India could not wait or deliberately chose not to wait. Even before we had enough, we wanted to share whatever little we had with the depressed sections of our society. Therefore, our reservation policy is a far more complex phenomenon than the Affirmative Action in the U.S.

Like many of our democratic institutions, reservations also predate our independence. Though the objective was different, reservations during the British regime are similar to those that exist now, with a difference that they were provided not to the deprived sections

but to the religious communities. Reservations in government jobs was a logical extension of the communal electorate introduced by the British regime in their efforts to seek a solution to the problems of minority representation when a homeopathic dose of democracy was introduced in 1908. There were fixed quotas of jobs for Muslims, Christians and Sikhs. This political device of communal electorates together with job reservations fostered and intensified the already existing fissures in the body politic. Indian leaders sought to replace communal electorates by providing reserved seats for the minorities in the Assemblies. Two such attempts (1917 and 1928) failed. But when British Prime Minister Ramsay Macdonald accepted the demand made by the Scheduled Castes for a separate communal electorate for themselves, Mahatma Gandhi staked his life against it and the Poona Pact provided reserved seats for them in the elected bodies.

A relic of this now distant past has survived in our Constitution. It is hardly ever noticed that the

In Free India - Only Politicians, No Statesmen. Only *Netas*, No Leaders

Constitution (Art.336) had provided reservation of government jobs and services for the most highly educated and prosperous community of Anglo Indians for ten years. This tiny and rapidly disappearing community still enjoys the right of representation in the federal as well as in the State assemblies. Since it cannot get elected, our elected houses are vitiated by the presence of the nominated members to represent that community in the Lok Sabha as also in the Vidhan Sabhas of the States concerned.

Affirmative Action is a single target policy of preventing discrimination against certain groups of citizens. The end purpose of the Reservation policy is in a way exactly opposite to that purpose and is a denial of the equal opportunity principle. We have sought to provide opportunities to those who, for no fault of theirs, were not in a position to compete on the basis of equality. Our Reservation policy is an antidote to an exploitative and unjust social structure known as the caste system.

The Reservation policy is often described as protective discrimination. The purpose is not to end the discrimination but to foster discrimination in order to protect and empower the deprived sections of our society. However noble the purpose may be, such discrimination is anti-democratic because it violates the notion of equality that is one of the cardinal principles of democracy. But it should have been noticed that we have made a special addition to the definition of democracy in the Preamble to our Constitution. To the 19th century concepts of liberty and equality, we have added the 20th century concept of social justice and given it first place in preference to both equality and liberty. For us in

India, social justice takes precedence over both equality and liberty, because of the unjust social structure we have inherited from our past and which all our reformers from the days of Dayanand Saraswati have been trying to eradicate. Such discrimination, however protective it may be, proves in the long run poisonous for the body politic and the Constitution fathers were aware of this danger and were quite uneasy about it. But poison sometimes has to be used as a life saving drug. The reservation of seats in the elective bodies was a temporary aberration and was to be discontinued after ten years.

Reservation is not an atonement of our past sins and should not be considered a compensation for the damage inflicted in the past. The exploitation and the deprivation of the Dalits is still very much a horrifying reality at the ground level actualities in the social scenario of modern India. Whatever the Constitution and the laws might be saying, there is no denial that we have as yet not reached our goal of an egalitarian society. Therefore the terminating date has to be periodically extended and now there is no sign and no hope of such reservation ever ending. There is also a totally different category of reservations that are not rooted either in logic or in expediency. They are the products of unjustified sentimentalism. Some portions of government jobs and patronage is reserved for the freedom fighters, for war widows, the handicapped or those affected by natural calamities.

The Reservation policy is rooted in the same belief that underlay the communal electorate that the interests and the aspirations

of a group can be presented and protected only by persons belonging to that group. Only a scheduled caste leader, only a tribal, only a woman can represent the group concerned. We are still not able to conceive of a Lincoln or a Gandhi, or a Karve as better spokespersons for the Blacks or the Dalits or women. There exists an all-pervading distrust of 'outsiders', a symptom of the disharmony prevailing in our society. That is the reason why more and more groups and communities are demanding reserved seats and quota of jobs for their own groups and communities commensurate with their numerical strength in society. There are vociferous complaints that there are not enough Muslims in the police force or enough Dalits in the judiciary and therefore they are discriminated against in the administrative and judicial decision making processes. The complaints are not entirely unjustified because all sections of Indian society are still affected by communal and caste considerations. But all such demands, are strictly speaking, a denial of democracy and a rejection of an integrated nation. The more such demands are complied with, the longer will segregation persist.

Political reservations create an anomaly. It is physically impossible to elect representatives who entirely and exclusively represent the groups concerned. The constituencies reserved for the scheduled castes and scheduled tribes contain a fairly large number of *savarnas* and non-tribals who are permanently excluded from the parliamentary arena and are thus deprived of their political rights.

Sociologically speaking, the term scheduled caste or tribe is a

legal myth. There is no such caste and no such tribe. There are a large number of castes and tribes that are listed in the government schedules and the lists keep on lengthening. There is neither homogeneity nor unity among these groups, except that nearly all of them have suffered at the hands of the upper castes. These castes and tribes are at various levels of educational or economic development and often intensely hostile to one another. The legislative seats reserved for all these castes have been monopolized by a few groups among them and has hardly contributed to the empowerment of all the socially oppressed castes among them. In fact, the higher castes among them have joined the *savarnas* in exploiting the underdogs.

But there is another and more important field of reservations that proved very effective in the empowerment of almost all sections of the Dalits and the *Adivasis*. While political reservations have benefited a few, the reserved quotas of jobs in government and semi-government corporations and institutions have helped a large number of them in securing employment as well as in improving their social status.

The reservation system works differently in India from the equal opportunity system in the U.S. It is not a question of equal opportunity. The scheduled caste or tribe candidate has the exclusive right to that job and has to compete only with other scheduled caste or tribe candidates. Similar reserved quotas are provided in the institutes of higher learning. Since there is a paucity of educational facilities, especially for medical and engineering professions, such a privilege becomes a decisive turning point in the careers of several young

and brilliant students and their families. Such reservations have produced a new class of mandarins and a privileged group of citizens because careers are open not to the talented but to accidental birth into certain castes and tribes. This has also intensified caste prejudices that cut both ways. Those who benefit would intensify caste consciousness and caste loyalties and are acutely aware of their caste identity. Those who lose the opportunity in spite of merit would hate them and would become painfully conscious of belonging to the new cluster of deprived caste groups. Political representation, coupled with an easier and an assured access to highly restricted educational facilities and a fixed quota of jobs are not the only privileges available to those who fall within the reservation categories. They are also entitled to a percentage of public housing allotments and are provided with softer loans by the banks and other financial institutions.

These are some of the most important factors in making reservations a volatile issue in political debates in India in two diametrically opposite directions. The benefits are so many and so palpable that the reservation policy has created a vested interest in backwardness. Several castes and their leaders constantly strive to prove their backwardness in order to sneak into one or the other reserved categories and intensely resent their exclusion. The upper sections of Indian society who up to now enjoyed a near monopoly of the cake resent these newcomers armed with reservation facilities. What the communal electorate did in the field of political unity is being repeated in the social field by the reservation policy and the results might be as

dangerous as was witnessed in the 'thirties and the 'forties of twentieth century India. The strain has already started showing. The venomous debate and the furious riots between the castes echo the happenings during the pre-independence years because there is hardly any demarcating line between the communal and caste virus.

The debate becomes all the more irascible because the area of reservation has been steadily expanding and newer groups and sections of Indian society are being recruited by political parties seeking more and support of the masses. In fact there are several political parties which claim to exclusively represent the various castes and caste groups of Indian society. Political reservations as also special quotas of jobs and educational facilities are prescribed only for the scheduled castes and tribes in relevant articles of the Constitution. But there are also blanket provisions in Art.15(4) and 16(4) which have enabled the government "to make special provisions for the advancement of the socially and educationally backward sections of citizens". A number of Backward Classes Commissions appointed by the governments of various States as also by the federal government have been responsible for providing reservations for the backward groups and the percentage of such reservations have already attained a level of absurdity. When the reservation quota for the 'Other Backward Classes' was steeply jacked up from 10% to 27% bringing the total of reservations to 49% (1988), there were furious riots against the government's move. The Supreme Court of India has tried to soften the blow. It ruled in several cases that since reservation is for the

minorities, the percentage ought to remain less than fifty. Secondly, reservations are meant for the deprived and hence 'the creamy layers' among the scheduled castes and tribes must not be given the benefits of reservations. Thirdly, the benefits of reservation must be available only once and there should not be any reservations for promotions in the services and for entering higher classes in educational institutions. But the attitude of the Court was attributed to the absence of any scheduled caste or tribe representative on the Bench and the Constitution has been amended twice (Amendments 77 and 78 in 1994 and 1995) to overrule these verdicts.

It must be emphasized even at the cost of repetition, that the reservation benefits are not for all the deprived and depressed sections of the Indians: they are strictly reserved for the Hindus, the operative word being 'socially backward'. All other religions which loudly proclaim about social equality amongst their adherents have emphatically rejected the caste system. This is a myth. The reality is that no religious community in India – neither Muslim, nor Christian, nor Sikh, nor Buddhist – has succeeded in freeing itself from the rigid grip of the caste system and the caste distinctions variously named exist in every one of them. In theory, these communities are homogenous; in reality, they are not. But in theory, the converts to these religions are not 'socially backward' and hence immediately lose all the benefits of reservations. The converts often do keep their conversions under wraps in order to get the best of both worlds. Christian leaders have time and again stressed that many converts to Christianity are as deprived as their Hindu

brothers and ought to get the benefits of the reservation policy. They have not succeeded so far. When Dr. Ambedkar and thousands of his followers rejected the caste system and got converted to Buddhism, they too should have lost such benefits. This did not happen because soon thereafter the then Chief Minister of Maharashtra interceded on their behalf and notified that they were still entitled to all the benefits of reservations.

There is one more complication that must be added here. In certain parts of India, mostly in South India, the reservation policy has become an instrument to give vent to intense anti-Brahminism that becomes more and more intense as one travels south in India.

The negativism involved in the reservation policy and the frustrated venom of the once-privileged castes fighting a losing battle has created several obstacles and aberrations in the smooth implementation of the reservation policy. The letter is observed but the spirit is violated. There is widespread allegation, often based on actual experiences that upper caste officers and academicians entrenched in the higher echelons use every excuse and device to block the further progress of those who have entered through the portals of the reservation system. They often sully the records about the administrative efficiency and the moral standards of such entrants and subject them to far more severe tests. In order to counter such tactics, a roster system has been introduced and the backlog has to be filled up on a priority basis in subsequent years. A silent but intense tug of war is continuously being fought out and vitiates the atmosphere in government offices and academic

institutions affecting performance everywhere.

But all such reservation controversies have been recently dwarfed by the furious debate about the 33% reserved seats for women in all the elected assemblies of India. So far there is no demand for reservation of jobs and educational seats for women. Since women do not form a caste and are neither socially or economically backward as a class, the demand for reservation cannot be considered till the Constitution is suitably amended. The bill for the purpose has been introduced regularly in the Lok Sabha but every time it has met with stubborn opposition on a number of grounds. There is no question of gender justice involved here. There is no denial that women are the worst sufferers in every respect and are the most deprived section of Indian society. But they form no social group and by no stretch of imagination can be described as a separate and distinct minority.

The greatest hurdle in granting reserved seats to women would be of an administrative nature. It is about the constituencies that will have to be demarcated for them since they are inseparable from their male counterparts. If certain constituencies are fixed for them, the males in those areas will be driven out of the political arena on a permanent basis and that obviously will be an unjust arrangement and women elsewhere i.e. in two-thirds of India will lose their voice in the political life of the country. A suggestion has been made of rotating one-third of the constituencies every five years. But this will ruin the career of every political leader, be it male or female, and will convert Indian politics into

a game of blind man's buff.

An absurd plea was made by the Election Commission and was supported by several political leaders that political parties must be compelled by law to choose women as candidates for one-third of the seats they contest. This will throw

women to the tender mercies of political bosses who can manipulate the arrangement so that the very purpose of the demand gets negated. There is one more complication which is very vociferously urged by opponents of the demand. Will the reservations demanded be in addition to the reservations granted

to the scheduled castes and tribes or will it include a similar quota of women from these categories. The demand has opened up a Pandora's box and one can hardly predict the final outcome of this controversy.

MR. NAGINDAS SANGHAVI is a well-known political commentator and columnist.

Reservations and Universal Adult Suffrage

H. M. Seervai

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

Dr. Ambedkar, who in his person, had suffered indignities and inhuman treatment as a student – he had to sit out on the steps of his school in Baroda – fortunately, had the good fortune to join the Elphinstone College, and a distinguished Professor wrote that in the free atmosphere of a Bombay College, he was accepted by his fellow students, "untouchable" or not. And what is more, he went to the University of London and obtained a Doctor's degree, thus showing that "untouchables", like anybody else, given opportunity, and assistance, can hold their own against any other citizen of India. Dr. Ambedkar thought, and said, that a longer period than 10 years was required, and it seems to me a matter of regret that his advice was not followed. He himself said that "since everybody now talks of 10 years, I don't want to stand in the way". But he added that if 10 years were found inadequate, well, ways and means would have to be found, to extend the period. But it would have been much better if 15 or 20 years had been provided for. Because I must confess that the Government of India was lackadaisical in the discharge of its duty to "untouchables". The Act which Parliament was meant to pass making the enforcing disabilities arising from "Untouchability" a criminal offence was not passed till 1955. It took five years to make a law which should have been made, and which, if the British Parliament was passing the law, would

have made within days of the Constitution coming into force. But never mind, the period of 10 years was extended to 20, to 30 and to 40.

Issue Politicised

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

This is not a matter for jest. Because, the President of the Constituent Assembly was forced to say that it does seem odd that for those who interpret the law a detailed and long apprenticeship in the law is required; whereas for those who make the law, no qualification at all is required. But he said our difficulty is this: what we want are men of vision, men of insight, who will take a broad national view. In short, who have character. And, unfortunately, there is no yardstick by which character can be measured, and so long as that remains, a part of it will remain as a defect in our Constitution. But let me tell you that he expressed his faith which subsequent events have justified. He said that he had confidence in the villager as opposed to the town-dweller. The villager is shrewd, is practical, and he will bring a shrewd practical judgement to bear on the problem. I think that the President was right. The elections of 1977 showed that the electors knew what was good for them, illiterate though they may be. The elections in Andhra Pradesh, in Karnataka and in Maharashtra in 1985 show that literate or illiterate, the electorate knows what it wants.

(An extract from his essay on Reservations published in *Freedom First*, July 1985)

**Freedom cannot be granted,
it must be taken.**

– Max Stirner



ESTD - 1910

**THE LAKSHMI MILLS COMPANY LIMITED
COIMBATORE**

Best Bakery Case

R. Srinivasan

A case in which all the witnesses turned hostile is unusual and without precedent and perhaps it needed careful examination.

Following Godhra, mob violence, destruction of property and killing of people was widespread in certain parts of Gujarat, and Baroda had its own share of these. One of the gruesome happenings was the killing of people in the Hanuman Tekri area on the outskirts of Baroda (March 1, 2002). Almost all of them were members of a family that ran a bakery, the Best Bakery. An armed mob besieged the bakery for the whole night, set fire to the structure, put to the sword those who tried to escape, tied their bodies with wire and ropes, chopped and burned them. This, if anything, was a sedulous attempt at homicide and burning of the killed.

The 'fast track' Court which tried the case delivered the first of the post-Godhra judgements. Zaheera, the daughter of the owner of the bakery, one of the injured, was undergoing treatment in a hospital and she later identified the bodies. Those who were injured revealed the names of the perpetrators of the crime; they were all rounded up. They were accused not only of master-minding the attack but also of setting fire to the bakery. Lal Mohammed, a neighbour of the bakery who identified 21 of the accused later was to assert that it was not they who attacked the bakery. Consequently, it was found that this was symptomatic of all the witnesses. It was felt that the prosecution presented a very poor show and that evidence was not properly mustered. Forty witnesses other than Mohammed turned hostile during the proceedings. Zaheera's sister affirmed that in the darkness, she could not remember anything except that the house was on fire. Zaheera herself

turned hostile and the case collapsed.

The judge acquitted all the 21, for the evidence was inadequate and also because no case was proved against them. The judgement invited a lot of criticism. Of the 73 witnesses that the Court examined, none was prepared to identify any of the accused as the perpetrators of the happenings. There were reports in the media of possible intimidation of the witnesses and that this should have alerted the Court and the police which was not done. A case in which all the witnesses turned hostile is unusual and without precedent and perhaps it needed careful examination. Normally, the prosecution should have asked for an adjournment of the case to enquire into the overwhelming hostile witnesses.

Several unfortunate issues have been raised on other matters too, relating to the case. The very police force which had a dubious role during the riots was entrusted with the investigation. It was alleged to be under a police officer "accused of gross misdemeanour against the Muslims during the violence"; the public prosecutor and his deputy, reputed to be biased against the community, were long time associates of the RSS, and were the very people who appeared to be disqualified by their very association.

The NHRC had collected evidence during its hearings in the city and had amassed information relevant to the case. These were not presented to the Court. There were contradictions in the findings of the Reports. The judgement did not take into consideration the depositions before the

NHRC and the Citizen's Tribunal which had eminent retired judges.

The People's Union for Civil Liberties, Baroda criticized the judgement on the ground that "the State had made up its mind to make nonsense of the process. The investigation was designed to make the State, which alone could file the case, lose the case". It was alleged that the State demonstrated how justice can be defeated. A serious allegation was made that the criminal justice system was communalized by weakening it, by appointing partisan members to conduct the case and ultimately intimidate the witnesses.

A few days later, two of the key witnesses, Zaheera and her mother, alleged that pressure and threats and fear had compelled her "not to recognize the accused" in the open court. Charging that she did not get justice, she wanted a re-opening of the trial. She had been threatened that if she testified, she would be killed on the way to court and her family too would meet the same fate; trembling with fear, she lied in Court.

The NHRC has filed a special leave petition in the Supreme Court for a retrial of the case. It also demanded that "all the key riot cases be taken out of the State's hands". The trial should be held by an independent agency and outside Gujarat.

In view of the statements made by the two key witnesses, Zaheera and Sehrunissa in the first week of July that they were intimidated and forced to lie in the fast track court, a team of the

NHRC visited Baroda and examined the case and studied the papers. In what has been described as its most activist role, the Commission decided to file a special leave petition to the Supreme Court to try the Bakery Case over again.

Postscript

India's Supreme Court heard the petition on August 8, 2003. The Court treated as public interest litigation, the National Human Rights Commission's plea that the Vadodara trial be held outside Gujarat. A three-Judge Bench, comprising the Chief Justice V. N. Khare, Justice S. B. Sinha and Justice Arun Kumar, issued notice to the Centre and the Gujarat Government

On June 27, the fast track court of H. U. Mahida acquitted all the 21 accused in the case on the ground that there was no evidence to prove their guilt. The court pulled up the prosecution for "shoddy investigation". Subsequently, the key witness, Zaheera Sheikh, approached the Commission seeking its intervention for re-opening the case.

The Bench directed the Gujarat Government, to furnish within two weeks,

- the statements of the witnesses given to police before the trial court;
- the memo of the grounds of appeal filed by the State in the High Court, and
- the names of the lawyers appearing for the State Government in the appeal.

It directed the Government

- to provide protection to the witnesses and their families,
- to inform the court of the steps it had taken to protect the victims and their family members, and
- the action taken against those who had allegedly threatened the witnesses,

Although the NHRC counsel said the Gujarat Government's appeal on the eve of the hearing of the NHRC

The NHRC argued that the entire case negated the rights of the victims to a fair trial and has sought to provide them with one. Since a surprisingly large number retracted the statements earlier, the only way to set right the miscarriage of justice is by a

petition was an "eyewash", the Supreme court said "We cannot undermine our courts and the high court in Gujarat" At the same time, Chief Justice Khare said the state government's appeal in the case would not be allowed to be an "eyewash"

Senior counsel for the Commission, P. P. Rao, drew the court's attention to the trial court's order, which had indicted the prosecution that people had been falsely accused and totally false evidence had been created against the accused.

He said in this case, in which 14 persons were killed, 37 witnesses had turned hostile resulting in the acquittal of the 21 accused, the trial had sent a wrong message to the nation and people abroad were aghast at the criminal justice system in the country. He said only the apex court could remove this blot on the system by ordering a fresh investigation and retrial of the case outside Gujarat.

Mr. Rao recalled the Commission's report last year in which the State was urged to transfer the critical cases to the Central Bureau of Investigation. But the State Government said the authority of the State police could not be undermined and refused to transfer the cases. He said: "what we had apprehended had come true. If the other cases are also allowed to be held in Gujarat they will see the same fate."

Another senior counsel, T. R. Andhyarujina, assisted by S. Muralidhar, explained the circumstances in which Ms. Zahira turned hostile as her life and the lives of her other family members were threatened.

He said the witnesses who had

re-trial. If the Supreme Court accepts the demand for a re-trial, the entire evidence will be open to a re-examination and the 21 acquitted will stand for trial again.

turned hostile should be allowed to narrate the bloodbath they saw during the riots and this could be done only if they were given protection as was done in other countries.

The Judges said: "It is alleged that the conviction rate in criminal cases in the country has gone down. Most of the sessions trial in sensitive cases do not start until all the witnesses are won over." It, therefore, directed the Centre and the State to submit within two weeks whether any scheme had been formulated by it pursuant to the recommendations of the Justice Malimath Committee on revamping the criminal justice system.

The Bench, however, did not pass any order on another petition by the Commission seeking transfer of four other serious cases relating to the Godhra, Chamanpura and Naroda Patiya incidents and the Sadarpura case in Mehsana district for their trial outside Gujarat. It said this transfer petition would be tagged on with the main petition.

(Based on reports in *The Hindu*, *The Times of India* and ANI News)

DR. R. SRINIVASAN, retired Professor of Political Science.

"The British started the judicial system based on circumstantial evidence where the court is just an umpire. So, conviction depends on the authenticity of the evidence, and even if 100 criminals go scot-free not a single innocent shall be punished. It is for the government to find out the actual culprits and not the court. The courts actually are the courts of evidence and not courts of justice"

Judge H. U. Mahida in the Best Bakery Case,

The Ghatkopar Blast

- Terrorism Revisited

Ashok Karnik

Our leaders have yet to show where politics ends and national interest begins.

Mumbai was shaken again on July 28, 2003. Bomb blasts are becoming so frequent in Mumbai that the mayhem is forgotten in a week or so, to be recalled when the next bomb explodes. The police go through the motions of "tightening" security, declaring 'red' alert and forming commando squads. Cynics would wonder whether there is any place left to 'tighten' security further after having tightened it for the last 10 years; when the last 'red' alert became 'green' and what happened to the earlier commandos! This is not the time for levity but in desperate times, people need to find scapegoats and the police offer themselves as the easiest target, due to lack of cohesion and absence of public relations savvy. In the confusion over the blame game, lessons are not drawn, the media's spotlight is on sensational, investigative reporting is conspicuous by its absence, and the regrettable consequence of all this is that the people are allowed to evade the stark reality. There is no attempt to inform the people that the worst is not yet over.

Background

The country has been facing uninterrupted terrorism for the last 20 years, first in the Punjab and now over the Kashmir issue. The Mumbai blasts are just a symptom of the larger malaise. It would be myopic to treat them in isolation. It is smart to throw an editorial phrase like 'the government sees a foreign hand in everything'. One needs to be blind not to see the foreign hand in the

terrorist attacks we have had to endure during the last few months in Mumbai.

The Plot

Bombay has been rocked five times in the last eight months. The first four cases were more or less 'solved' with the exposure of the banned SIMI (Students Islamic Movement of India) activists' training camp in Padgha Borivli village in Thane district. The fact that young men were being regularly trained in bomb-making and use of arms, without the villagers even leaking out information to the police is alarming. The press highlighted the fact of innocent villagers being harassed by the police but very few questioned the 'innocence' of those who chose to remain ignorant of what was happening in their village. Unfortunately, the credibility of the police is so low that even good policing is greeted with suspicion. The Padgha case was one such example. It would be prudent to see if Padgha was a one off 'accident' or are there more Padghas in Maharashtra and elsewhere.

The larger picture

The latest blast in Ghatkopar fits in well with the pattern of earlier blasts. There is little doubt that the earlier blasts were planned by 'fidayeens' who came across the border and were 'encountered' (a new verb, thanks to terrorism) in Goregaon, Mumbai, a few months back. The new 'action' in Ghatkopar points to possibly a new guiding hand, another set of 'fidayeens' or a

new 'module' in situ. *How many more modules are there?* It is difficult to guess. The fact that the Mumbai blasts were but an off-shoot of the daily depredations in Jammu & Kashmir should make one sit up and recognize the challenge facing this country.

Last year, L. K. Advani announced that some 160 plus 'modules' had been neutralized or eliminated by the security forces. The number of destroyed 'modules' must have gone up but new ones must have been formed through recruits from Padgha or centres like Padgha. Thus it is a battle of attrition between the Indian State and the terrorists. As long as the terrorist supply line within and without the country is in operation, the battle will have to

Mumbai has been rocked five times in the last eight months:

- (1) Ghatkopar: Bus blown up – 2 dead, 28 injured on December 4, 2002.
- (2) Bombay Central Railway Terminus – several injured on December 6, 2002.
- (3) Vile Parle – market blast, one killed, 25 injured on January 28, 2003.
- (4) Mulund – train compartment blown up, 12 dead, 71 injured on March 13, 2003.
- (5) Ghatkopar – bus blown up, 2 killed, 34 injured on July 28, 2003.

continue. The supply within the country would dry up once the motivation and inspiration from 'jehadis' across the border stops. The local recruits are merely cat's paws meant to inflict scratches. The bigger wounds are inflicted by 'fidayeens' who sacrifice themselves as during the attack on Parliament or 'Akshardham'. Delhi, Calcutta, Ahmedabad and Mumbai are incidental battlefields while the serious engagement continues in Jammu & Kashmir. That there is a greater and more sinister design behind the spread of terror beyond Jammu & Kashmir is another matter, to be dealt with separately.

People's Morale

The tactic behind these attacks is to weaken the will of the people to fight. Terrorists win no battle themselves but try to destroy the morale of the people so that their government loses its determination to do battle. The antidote to these tactics is to show increased determination to fight terrorism. 'Bandhs' and demands for resignation of Ministers are counter-

productive. It is necessary to stand up and be counted as one, forgetting political divisions and parochial interests. We, as a people, have yet to learn to display our unity. Our leaders have yet to show where politics ends and national interest begins.

Let no one be fooled by the thawing of 'Indo-Pak' relations. This is not to belittle the importance of the peace process initiated by Atal Behari Vajpayee. Two cheers for his efforts. Reserve the third cheer for the future. There are many hurdles to cross. There is no certainty how far Gen. Musharraf wants to go. There is no certainty that he wants to control the terrorists. There is no certainty that he can, even if he wants to. The possibility is that if relations with Pakistan improve, the intensity of terrorism could get reduced. Terrorism will not be eliminated completely in the near future, even in the best of scenarios. If the peace process falters, let us not be caught napping.

The people have to accept that

there will be more terrorist attacks, that buses and trains will be hit again despite the best efforts of the police. It will be a long battle. Americans are learning to change their lifestyles post 9/11 in the interests of security. India has suffered far more in over 20 years; thousands have lost their lives. The people cannot remain bystanders, leaving it to the security forces to deal with terrorism. People have to contribute their mite by standing firm, by at least not going into panic every time a bomb explodes somewhere. Terrorism on the scale this country has faced is nothing but an undeclared war. It will require sustained, people's effort to win this war. Notwithstanding the various definitions of the word 'jihad' furnished by Islamic scholars, the terrorist believes in the credo of 'kill and be killed' to achieve ultimate glory. That is his strength, our strength is our resolve. If the people remain unperturbed with the acts of terror, terrorism will lose its purpose.

MR. ASHOK KARNIK is a retired government servant and currently a freelance writer.

Hinduism and Hindutva

V. K. Sinha

Years ago Arthur Koestler made a rather startling and provocative remark on India: "Hinduism has to die, if India has to live!" Koestler was no evangelist nor a tub-thumping Imperialist. A highly gifted person; he was at home both in modern sciences and in literature. It would be of course easy to ignore the statement and yet one is compelled to reckon with it. What did Koestler find in Hinduism which he thought would destroy India?

If Hinduism means giving legitimacy to the *Chaturvarna* – the highly stratified and rigid caste system – if it means exploiting and humiliating the Dalits and denying them dignity and humanity, then that Hinduism does contain seeds of destruction which can prove fatal to India.

If Hinduism means assertion of majoritarian principle based upon which god or gods one worships, if people are divided on which places of worship they give allegiance to, if it means there are 'true' religions and there are 'alien' religions which can never live in harmony, then that Hinduism does pose a danger to the future of India. A country in which one out of every six citizens is held in suspicion or is distrusted cannot be stable.

If Hinduism means imposition of a superstition on others who do not share it – ban on cow-slaughter reflects this – and using the State to enforce it, then that Hinduism forfeits its claim to be tolerant. Gandhi was proud of being a Hindu and his paens on the cow are well known. Yet he was not only not in favour of ban on cow slaughter but said that he would oppose it. As a democrat, he believed that it is tyrannical for a 'majority' to impose its beliefs on others. The Togadias and Singhals, who claim to honour Savarkar, seem to be unaware that he never regarded cow as a sacred animal. As a rationalist, Savarkar would have hardly countenanced ban on cow slaughter.

If Hinduism means elevating "Sati Savitri" syndrome, which in reality demeans the status of women, if Hinduism means idealizing the self-effacing Sita of Valmiki's *Ramayana*, if it means denying empowerment of women, then that Hinduism cannot build a modern, liberal and humane India.

Hinduism has never been a religion. It is a motley of beliefs and practices and this has been its real strength. Hundreds of temples have been attacked or destroyed in the course of the last 2000 years – some of them by Hindus themselves. And yet Hinduism survived. It did so because it never fully invested its faith in one or few or several specific places of worship. Many Hindus would scorn at the idea that god can be housed in a place built by mere mortals. On the other hand, there are millions of Hindus who worship their gods in the little shrines they have built in their homes and villages. It is these latter which give them the sustenance to withstand all challenges. It is these little villages which have witnessed the rise and fall of empires, both alien and indigenous, without losing their faith or beliefs. The very strength of Hinduism has been its lack of assertiveness. It has been pervasive because it has not been militant. There have been sectarian conflicts in India but nothing comparable to the sanguinary battles which disfigure European history in the 16th and the 17th centuries.

We can now perhaps better understand what Koestler meant. Did he mean Hindutva? The new votaries of Hinduism – the Togadias and the Singhals – have given Hinduism a character which is totally alien to its spirit. One can only hope that they do not succeed. Else, we face a grim future!

Editorial by Professor V. K. Sinha in *The Secularist*, November-December 2002.

Who has the Moral Right to Speak against Terrorism?

Shyam R. Kelkar

Terrorism is an extreme form of violence. Only very few persons have the moral right to speak against terrorism and violence. Mahatma Gandhi was one of them.

During the non-cooperation movement in the Indian freedom struggle, agitators burned a police chowki alongwith policemen inside. Gandhi owned responsibility and immediately withdrew his agitation. He expressed his deep agony and sorrow over the incident and said that people were still not ready for a non-violent movement. Practically the entire Working Committee of the Indian National Congress was against him. But he stood by his decision.

Bhagatsingh, Rajguru and Chandrashekhar Azad were sentenced to death for their activities. Their activities were terrorist actions in the eyes of the British and were revolutionary and patriotic in the eyes of the Indian. There was tremendous public pressure on Gandhi at that time. People asked him to request the British government to forgive Bhagatsingh, Rajguru and Azad. However Gandhi refused to issue such a statement saying that it meant that he supported violent means to achieve freedom. He said that Bhagatsingh and others very well knew the consequences of their activities and they should be ready to face them.

Gandhiji felt that we must resort to fair means to achieve fair goals. We can never achieve a fair goal through foul means. Essentially, if we have to win the struggle against terrorism we have to understand Mahatma Gandhi.

Are We Honest in Our Views

However, we are not clear in our views when we talk about terrorism. When the Prime Minister and the Deputy Prime Minister say that terrorism is not acceptable for any

reason, are they as clear as Mahatma Gandhi was? Obviously, they are not.

What was the motive for the nuclear test on 11th May 1998? Obviously to create terror in the minds of Pakistan. Mr. Madanlal Khurana openly declared that now India is willing to go to war with Pakistan any time, anywhere and in any way.

They openly supported the violence in Gujarat. They go on supporting Narendra Modi. Mr. Haren Pandya, who was himself to be killed later by a terrorist, is dismissed for expressing dissent. They do not mind taking the support of Mr. Vaiko, an open supporter of the LTTE. They do not mind if he goes to the U.S.A. whereas they re-arrest Mr. Yasin Malik even though he has been granted bail by a court. Even an ordinary citizen is able to see through this doublespeak.

Why People Resort to Violence?

People resort to violence when they find that other means have failed. When people have to fight against mighty powers or governments they have to either follow Gandhian means or they have to take to guerilla tactics. Medha Patkar and Sundarlal Bahuguna are examples of such persons who are fighting for the rights of the tribals in the Gandhian way. Mr. Rajendra Singh who, last year, received the Magsaysay Award for his welfare work in Rajasthan, followed the Gandhian way when the state government tried to block his work. However there are very few persons now who respect Gandhi. The present leaders do not mind inciting people to resort to violence and stone throwing and burning buses.

Principle-Centered Policies

Mr. Stephen Covey, the famous author of '7 Habits of Highly Effective People' says that our life should be principle-centered. Normally our life is money centered, friend-centered, husband or wife-centered, enemy-centered, etc. However, we should base our life on principles. He has introduced an excellent concept. He says that just as there are principles that rule the physical world, there are principles that rule the human world. Principles are the same in the US, India, Pakistan, China or Afghanistan. They are the same for men and women. They cannot be bought or sold. Honesty, respect, gratitude and love are a few examples of such principles. If we stand by principles we excel in the long run and if we break them, we fail.

I feel what is true for individuals is true for families, institutions and nations too. Mr. Jawaharlal Nehru was our first Prime Minister. *His principle was that we would not produce nuclear weapons. Our nuclear energy was for peaceful and scientific purpose only. We have violated that principle.*

Our policies are no longer principle-centered since the demise of Jawaharlal Nehru.

Jammu and Kashmir problem

As Mr. Bill Clinton pointed out, the two most explosive areas in the world are Jammu-Kashmir and Palestine. The two problems have been with us for more than 50 years.

Mr. Covey in his book, *First Things First*, says that a problem cannot be solved by the same level of thinking that has created it. How true! A

majority of the Indian people regard Kashmir as their property. Gandhi visited Srinagar on 1st August 1947. Before leaving for Kashmir, he was asked whether he would ask Raja Harisingh, the then ruler of Kashmir, to accede to India. He explained, "The people (emphasis mine) of Kashmir should be asked whether they want to join India or Pakistan. The ruler is nothing. The people are everything". He was very clear in his principles. We always try to hide behind the so-called instrument of accession, forgetting the people of Jammu & Kashmir. We are united in opposing Colin Powell's proposal for international observers in Jammu & Kashmir elections. We continuously speak of transparency. However, when there is a real test of transparency, we shirk and talk of sovereignty. We are hypocrites. Unless we are ready to accept that Kashmir is an issue, how can it be solved?

We have observed that India and Pakistan cannot solve the problem on their own. Obviously there has to be mediation. But unfortunately we do not have pragmatic and principle-centered leaders. Unless there is a change in the level of thinking, there will be no solution.

Is Terrorism Justifiable?

The next step is to try to define terrorism. Really speaking, the meaning is obvious and there is no need to interpret it.

Once again I am tempted to cite Mahatma Gandhi. He had promised his mother that he would remain vegetarian even in England. He found that three different types of vegetarianism prevailed in England. In the first, fish was considered vegetarian. In the second, fish was excluded but eggs were vegetarian. In the third, fish as well as eggs were non-vegetarian items.

He was not a vegetarian by choice till that date. He became so later. At that time, he felt that every Indian should resort to non-vegetarianism to become strong and be able to fight the British. Still he did not try to interpret the definition of vegetarianism to suit him. He said that he knew what his

mother meant. She would have considered both fish and eggs as non-vegetarian items and obviously he could not eat eggs as well as fish.

Whenever an opposition party and people resort to violence, the practice of all governments is to declare that it will not talk with the agitators unless they stop violence. *Government will not tolerate violence for any reason.* It clearly means that the government does not justify violence for any reason. However the same ruling party forgets this and starts resorting to violent agitations when it is out of power.

Thus though it is accepted that violence is not acceptable, since no political party is principle-centered, violence continues.

Smaller and Smaller Groups Want Freedom Now

Even though the world is becoming economically one entity, politically smaller and smaller groups want freedom. Education is no longer the privilege of a few. The so-called lower sections of society are educated and want to share power. When they find they cannot get power, they want freedom. Freedom has no alternative except freedom. Unfortunately, this is not taken into consideration.

Real Power is Principle-centered

Persons holding power do not wish to part with their power. A majority of problems arise as in general people are in search of power. We have three types of power, viz. coercive power, utility power or principle-centered power. The main idea behind exploding atom bombs was to possess coercive power, which we have. But nobody wants to be coerced. They find suitable means to retaliate. When the paths of dialogue are closed and there is no other option left, people are ready even to die. The present practice of suicide bombers has arisen out of this frustration.

We Have to Think Win-Win

One of the seven habits explained by Stephen Covey is "Think Win-Win". We are living in a

competitive world. today. Right from childhood, we are taught that if one loses the other wins. Hence everybody thinks in the lose-win mentality. Really speaking, according to him, there are four possibilities, viz. lose-win, win-lose, lose-lose and win-win.

At present, both India, Pakistan, Israel and Palestine all think in terms of the win-lose mentality but what is happening is all are getting into the lose-lose category. All countries are spending enormous sums on arms, tanks, planes, etc. Our defence budget has reached Rs.700 billion. This works out to Rs.700/- per person. For drought relief, the central government has allotted Rs.7.14 billions, i.e. Rs.7/- per person. I am at a loss to understand these figures.

If we can establish our relations on the Canada/USA pattern, we can save Rs.350-400 billion per year. With this kind of money, we can have permanent water conservation schemes for atleast 20,000 villages, or Rs.20 million per village.

Who can bring this to the notice of the warring parties except mediators?

A Long Struggle

The struggle against terrorism is going to be a very long one. We have to educate our children in the right manner. Instead of giving them pistols as toys, we have to cultivate principles in them. What we learn in our childhood remains with us. If we spend more on children and invest more money in value education we can expect results in the long run.

MR. SHYAM R. KELKAR is an engineer and a freelance writer.

Our Intellectual Arrogance

"I have travelled extensively, and in my experience, have not come across another society where people are as contemptuous of better societies as we are, with as little progress as we have achieved."

"No other society has mastered this art as well as we have. Obviously this is an excuse to justify our incompetence, corruption and apathy."

Infosys Chairman N. R. Narayana Murthy



INDIAN LIBERAL GROUP

August 11, 2003

PRESS RELEASE

GOVERNMENT SERVANTS' RIGHT TO STRIKE

In a press statement, Mr. S. V. Raju, president of the Indian Liberal Group, has even while welcoming the Supreme Court's verdict that government servants cannot claim the right to strike, has disagreed with the statement made in the judgement that government employees have no "fundamental legal, more or equitable right" to go on strike even for a just cause.

The Indian Liberal Group accepts the workers' right to collective bargaining whether they are in the public or the private sector. However a sound policy of dealing with government servants needs to be evolved and should be based on the following considerations:

- (a) The drawing of a distinction between civil servants, those in essential services and those employed in industrial or other establishments managed by government with appropriate procedures applicable in each case;
- (b) The establishment of appropriate machinery for negotiation and conciliation in order to facilitate collective bargaining including the establishment of suitable Joint Councils.
- (c) The acceptance of the principle that, whenever civil servants and those employed in essential services are denied the right to strike, there should be an opportunity for the matter in dispute to be referred to arbitration, by a body, independent of the government and which is answerable only to parliament or the state assemblies and whose decision must be time bound. The decision of such a body should be final without further appeal to a court of law by both parties to the dispute; and
- (d) The recognition of Unions and Associations of government employees being made conditional on their office bearers and executives being drawn from the ranks of the employees and not from those of outsiders. This will reduce considerably the scope for political parties misusing or creating labour unrest for their own political purposes.

In the long run workers must be encouraged to build their own unions and not, as at present, when most unions are managed by outsiders and many of them are playthings in the hands of political parties. The Indian Liberal Group is keen that trade unions should grow as independent organisations of workers controlled and managed by themselves. This will reduce the scope for such strikes as both employers and employees know where the shoe pinches.



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The Plight of Senior Citizens

M. S. Kilpady

Freedom First has rightly commented that "In Free India: Only Politicians no Statesmen, Only Netas No Leaders". The para "Lack of concern for Pensioners and Senior Citizens" in *Freedom First* (April-June 2003) although correct, has not touched the bottom line. The NDA government has no concern for pensioners who are also senior citizens. This Government too is thinking of freezing Dearness Relief (DR). This will not improve the economy of the country. But the pensioners will surely be thrown to the winds.

Freezing of the DR is against the ruling given by the Central Administrative Tribunal (CAT), Chennai on 13/1/1992 (A.O>801 of 1991) which has stated in no uncertain terms that, "Dearness Relief (DR) is paid to restore the pension to its original value which gets eroded by the rise in the cost of living, i.e. consumer price index (CPI). If the DR is not paid, the person concerned gets a diminished pension in terms of real value. DR is meant to work as a stabiliser for compensating for the rise in cost of living, to offset the eroding value of the rupee and for preventing fall in the real value of the pension/family pension. Since the purpose of DR is to restore the pension/family pension to its original value, it cannot be treated as different from pension. Once pension/family pension is paid, DR cannot be denied". Thus it is more than clear that DR is inseparable from other pensions including family pension.

As for the Pension itself, the landmark judgement given on 17th December 1982 by the Constitution Bench of the Supreme Court of India headed by then Chief Justice Y. V. Chandrachud on the D. S. Nakra Case (5939-41/1980) on the evolution of the pension structure. It gave pensioners a new lease of life. That is why the 17th of December is celebrated all over India as "Pensioners' Day". The Supreme Court affirmed the "State's obligation to provide security in old age, as escape from undeserved want, is recognised. As a first step, pension is treated not only as a reward for past service, but with a view of helping the employee to avoid destitution in old age. The *quid pro quo* was that when the employee was physically and mentally alert, he rendered the best unto the master, expecting the master to look after him in the evening of his life.

The Fifth Central Pay Commission, respecting the Apex Court's judgement, had

commented that, "A pension scheme consistent with available resources must ensure that the pensioner should be able to live (i) free from want, with decency and self respect, and (ii) that, at a standard equivalent at the pre-retirement level. We owe it to the pensioners that they live and not merely exist. Pension is neither a bounty nor a matter of grace depending upon the sweet will of the employer. It is not an ex-gratia payment, but a payment for past services rendered. It is a social welfare measure, rendering socio-economic justice to those who in their heydays of their life, ceaselessly toiled for the employer on an assurance that in their old age, they would not be left in the lurch". The pensioners should be thankful and immensely grateful to the United Front government (and not the NDA government) for accepting the above recommendations and prevented the pensioners from being left in the lurch.

The NDA government of which the BJP is the largest component, claims that it is a party 'party with a difference'. Actually it is worse than the Congress party, because according to the Honourable Prime Minister, only our *Netas* and Politicians adorning the holy precincts of Parliament have got the right to live, the 'obstructionist tactics' of our *Netas* in stalling both Houses causing heavy loss to the National Exchequer, notwithstanding.

It will be interesting to note, that every minute of Parliament's proceedings cost the nation Rs. 17,000; Rs. 10 lakhs per hour, and Rs. 75 lakhs a day. In 2001 alone, as many as 336 hours and 12 minutes were lost as a result of the *Netas* getting overburdened with a spirit of one-upmanship, obstructing the proceedings, thereby costing the National Exchequer a cool sum of Rs. 336.12 x 10 lakhs. In the year 2002-03, it was reported that about 122 hours were lost, resulting in the loss of Rs. 122 x 10 lakhs. But when a proposal for increasing MPs salaries and perks came up for discussion, there is thundering silence and the proposal is passed unanimously.

It was the late Minoo Masani who said, that, MPs' salaries should be fixed at Rs. 25,000 per month without any perks. They should be made to pay taxes like all the others. Salaries should be fixed by Parliament and not by any particular Committee. 'Golden words indeed!' But the NDA government had enough funds to sanction the following salaries and perks for our Politicians and *Netas*.

Salaries - Up from Rs. 4,000 to Rs. 12,000 per month; daily allowance from Rs. 400 to Rs. 500; Constituency Allowance from Rs. 8,000 to Rs. 10,000; Office expenses from Rs. 9,000 to Rs. 14,000 per month; Travelling allowance per 1 kilometre from Rs. 6 to Rs. 8; Free Electricity Units from 25,000 to 55,000; Free water kilolitres from 2,000 to 14,000; Mobile phone calls from 1 lakh to 1,20,000 calls; and recently the Constituency Development Fund was increased from Rs. two crores to Rs. three crores per *Neta*, i.e. Rs. 3 crores x 795 *Netas* per year and the Government has lots of funds for these largesse. A total amount of Rs. 8 crores has been sanctioned for construction of residential quarters in the Capital for the retired *Netas*. The Insurance limit of each *Neta* Rs. 5 lakhs, because their lives are more important and our 'benevolent' Prime Minister has recently increased the Renovation Allowance of a Minister's quarters from Rs. 37,000 to Rs. 2.50 lakhs and that of a Dy. Minister from Rs. 37,000 to Rs. 2 lakhs.

The NDA government has enough money to grant exemption of Customs Duty worth Rs. 150 lakhs to Sachin Tendulkar, our cricketer and a billionaire, to enable him to bring a gift (not aprize won by him) of a Ferrari car back to India. The generous and big-hearted Finance Minister has enough money (as if from a Charitable Trust) to sanction 'tax exemption' to our rich cricketers. But neither the CAG nor the Government has the courage to demand arrears of pending phone bills of 320 *Netas* (LS 262 and RS58) a mind-boggling amount of Rs. 7,44,97,072 and the MTNL and the BSNL are tongue-tied.

But our poor Government managed by the 'party with a difference' in co-operation with its allies, has not thought it fit to implement two very important recommendations of the Fifth Central Pay Commission viz (1) Restoration of commuted pension, 12 years after the date of commutation, instead of 15 years as at present. Madhya Pradesh, Punjab and Orissa are restoring the commuted pension after 12 years, and Kerala after 11 years; and (2) in cases where the employees have put in more than 33 years of service, they should be granted 0.5% extra pension for every 6 months of service in excess of 33 years. And this is India, that is, Bharat ruled by the National Democratic Alliance.

MR. M. S. KILPADY is a freelance writer and a regular contributor to *Freedom First*.

A Fresh Approach to Population Control

V. G. Vaidya

The Supreme Court ruling does not forbid a Muslim from having four wives permitted under Muslim Personal Law. It only justifies a limit on the number of his children.

In a recent important judgement the Supreme Court has upheld the decision of the Haryana Government to disqualify people with more than two children from becoming the sarpanch of a village. The judgement has been welcomed by all except Muslim bodies who plead that it militates against the *Shariat*.

There is no doubt that the Haryana directive is well-meaning and aimed at marshalling support for the small family norm. The Supreme Court ruling also does not forbid a Muslim from having four wives permitted under Muslim Personal Law. It only justifies a limit on the number of his children. One may argue that this ruling therefore neither militates against his fundamental right under our Constitution nor does it infringe the *Shariat*. But one gets an uneasy feeling if it is viewed from the point of view of a Muslim woman's fundamental right to motherhood. The two children limit certainly deprives at least two of the four wives from motherhood. Does this not violate the fundamental right of not one but at least two women? In other words two Muslim women will have to sacrifice their rights and emotions to enable their husband avail himself of an elective post. *Prima facie*, this is not natural justice. It is not known whether the above line of argument was put forward during the Supreme Court hearings.

The Supreme Court's recent

obiter dicta on the desirability of a Common Civil Code has already provoked the resumption of an acrimonious communal debate. Can we afford yet another controversy at a time when the communal atmosphere is extremely vitiated? Will it not be counter productive *vis-à-vis* the population control programme? Do we want to resurrect the ghosts of the past?

This should naturally lead us to search for some other method through which people are motivated at the grassroots level to participate in family planning programmes. No one will grudge a certain degree of compulsion, even through legislation, provided it hurts none and looks well intentioned. A proper blend of compulsion and persuasion is called for.

Population control is a people's programme. It can succeed only with the people's cooperation. Naturally, therefore, total participation of the people's representatives (which is missing today) is essential. It should be noted that, so far, the population control campaign has, by and large, been left to the mercy of the bureaucracy. The political creature has remained culpably uninvolved and indifferent to its implementation. The Haryana decision is certainly a small step in that direction but it targets only an individual without exploiting his mass contact. The persuasive potential of politicians and political parties are left untapped. How could

this be remedied?

The following is a strategy, which might yield far better results provided the political class rises above selfish interests. Rather too much to expect but deserves a thought all the same.

Our parliament, state assemblies, local civic bodies down to the village level constitute the mainframe of our democratic polity. Membership of these elective bodies is through an election process. The electorate is actively involved in it and is enlightened, among various things, in the problems facing the country. Undoubtedly this is the most important, dynamic and potent platform to secure the active involvement and participation of people and those answerable to them. As a natural corollary, therefore, let the Representation of the People Act be amended to make it obligatory for those contesting for position in any such elective body to have contributed a given number of *effective* birth control cases during the *preceding* term of the elective body. The requisite number may be fixed relating to the size of the domain of the elected body. For example it may vary from 2 vasectomy, or tubectomy cases for a panchayat membership to 5 for an urban civic body, 10 for Assembly and 20 for Parliament. Secondly, to secure their sustained involvement the above qualifying quota shall be valid only for the term of the elective body concerned.

Those resistant to novel ideas, and the politicians will certainly point out to the enormity or non-workability of this measure (just as they objected to electronic voting machines) citing several imaginary fears but they have to be told that such is the price they must pay for the perks they enjoy from the elected post.

Anxiety about possible malpractices in the implementation of the scheme can be removed by the fact that all political parties while trying to meet the yardstick would monitor the rival's possible fudging with a hawk's eye. Our highly alert media can be depended upon to expose any mischief. This will be apart from the scrutiny by the election authorities who would ensure that the certificates to be issued only by the recognised surgeons/clinics are authentic and not repetitive of past already performed surgeries. The scheme will also not prevent elders from contesting elections as their party cadres may be allowed to secure the requisite cases on their behalf. In fact this will help harness not only the leaders but also the cadres of political parties in the implementation process.

Now look at the highly desirable fallout of this revolutionary

and novel step:

- 1) Only people serious about a meaningful role in elective bodies will contest elections. The number of candidates for any seat will be manageable and limited.
- 2) Superfluous candidature leading to horse trading for withdrawal of nuisance candidates will be eliminated.
- 3) The election process will cease to be a mockery as it often tends to be. Fragmentation of votes amongst numerous candidates will be avoided and contests will be more realistic.
- 4) The quality of our elected bodies will improve thereby reducing the nauseating sight of their *performance* in those august bodies.
- 5) Criminalisation of politics will be greatly reduced.
- 6) There will be fewer events like toppling of governments, mid-term polls etc. Thus governments, once elected will have a nuisance-free full term enabling them to devote their energies solely for good governance. Elections will be more economical unlike at present.
- 7) People's representatives will be *continuously* focussed on the population control campaign.

The central idea of the strategy is: persuade the people by compelling their representatives. This is how people's awareness and participation, which is the key to success, will increase the chances a success story.

MR. V. G. VAIDYA is former Director of the Intelligence Bureau, Government of India. He retired in 1994. He can be contacted on vgvaidya@hotmail.com.

A Question of Choice?

Mr. Vaidya offers a novel suggestion for population control. But I have a problem with one premise, that of the right of the Muslims to have four wives. It is not a right as much as it is a tolerance to be used under certain conditions. If a Muslim chooses to avail himself of this facility and simultaneously wants to protect all his wives' rights to have children, he should forego political office. He cannot have everything!

A. V. Karnik

Liberty's Source of Power – The Single Human Being

Wendy McElroy

Terry Fox was 18 years old when bone cancer forced him to have his right leg amputated six inches above the knee. Fitted with a prosthetic leg, he began a solo marathon to raise awareness of cancer, especially in children. With no fanfare, on April 12, 1980, he started from St. John's to run 26 miles a day across the width of Canada. He was forced to stop midway due to a recurrence of cancer that killed him.

Inspired by his bravery, Terry Fox marathons are held across Canada and around the world every year. More than \$300 millions has been raised for cancer research.

Individuals are powerful, not helpless in the face of events.

We live in the world at large and global questions cannot be ignored. But most of all we live in our backyards. Grassroots advocate Gina Jankovich offers some advice on how to start tackling the smaller problems:

Focus on your passion. Gravitate to the issues that speak to your heart: your children's education, the privacy of your medical records, over-taxation ...

Speak up. And not just in a political manner such as letters to an editor or statements read in front of your city council. Talk to neighbours, co-workers, family, friends.

Become a role model. If you advocate homeschooling, then practice homeschooling; to the best of your ability. Be part of the solution to the problem you have identified.

Whatever happens on the global scene everyday concerns are as important now as they were before September 11. Take back your power by fighting for freedom and common decency on a grassroots level. Just as God is in the details, freedom is in the individual. Liberty's ultimate source and extreme power is the single human being who stands up to be counted

MS. WENDY MCELROY is Research Fellow at The Independent Institute. Courtesy: *The Insider*, a publication of The Heritage Foundation.

Ecological Security – A Timely Approach

K. Shiva Shankar

The Foundation is working with 879 village-institutions involving 1,05,599 members and 95,273 households.

When the mountain has become bare, the valley has lost its greenery, the streams have dried and food, fodder and fuel are no more within the reach of the community, then we have brought about an ecological disaster in our surroundings speedily! With increase in population and a lack of understanding and rejuvenating of the fragile nature of our ecosystems whether be it in mountains or plains, in temperate or arid regions, for want of timely intervention to prevent the impending catastrophe by society or governments, man has been cutting the very base of the tree on which he is sitting. Fortunately, a few eye-openers and checkmates, though on a small scale have raised our hopes for restoration of degrading land and depleting water resources and to conserve not only our Eco-bio-diversity but also our rural and tribal capabilities to join hands for a desirable posterity for all. This is exactly what the "Foundation for Ecological Security" (FES) has been attempting" – to address the critical task of ecological restoration in the country by restoring the bio-mass productive capacity of the rural resource base of village commons". Local governance institutions are helped to restore the well-being and the integrity of our "living environment".

The approach of local governance through dialogues, inclusion of every resident in the habitation to represent his interests in decision making, sharing benefits with equal wages for men and women, and emphasizing conservation with local use rather than

commercialization of benefits, is akin to principles and practices of the Indian Liberal Group (ILG). The ILG is appreciative of this liberal approach of the FES.

FES started 16 years ago as a pilot project on Tree Growers Cooperatives at the request of the National Wastelands Development Board and supported by the National Dairy Development Board. The Swedish International Development Authority (SIDA) aided the NTGC Federation (1991- 2001) and the Canadian International Development Agency is assisting since 1993. Currently, the Project is active in 23 Districts in 7 States (A.P., Karnataka, Rajasthan, Gujrat, Orissa, M.P. and Uttaranchal).

The Foundation is working with 879 village-institutions involving 1,05,599 members and 95,273 households. Out of 63,462 hectares of common land made available, 21,772 hectares have been developed. 14.2 million trees have been planted.

Areas of Ecological Development are: Papagani River Uplands Project: Protection, regeneration, revegetation & watershed development - Chintamani, Karnataka & Madanapalle, A P.

Reclamation of Degraded Ravines & Saline Areas Project: Anand, Kheda, Panchmahals & Vadodara, Gujarat.

SAL Forest & Bio-diversity Enrichment Project: Angul & Dhenkanal, Orissa.

Project on Natural Resource

Base, Watershed & Wasteland Development, Livelihood Programmes for Locals & Tribals: Bhilwara, Ajmer & Udaipur, Rajasthan. The Gori River Valley Project.

Protection, Regeneration, & Bio-diversity Project – eastern & western Himalayas, Munsiri, Uttaranchal.

Drinking water for Animals & Water Harvesting Project: Agar, Malwa Plateau, Madhya Pradesh.

The Foundation for Ecological Security has thus been demonstrating the role of intervention through working with village institutions. It is an irony that a country which has the lowest Ecological Footprint of 0.93 as compared to over 4.0 ha of some Developed Nations (in terms of resources exploited & used by a single person per year), India, is witnessing a rampant destruction of forest and the rich bio-diversity of its flora and fauna. In a resolution adopted at its National Convention last December, the ILG has called for a halt to all such devastating processes through sensitising the governments, NGOs and people at large in a democratic and liberal, bottom-up approach to revitalize our natural resources and infuse fresh vigour into our Society which will include Tribals & Forest Dwellers.

We applaud the FES on its initiatives.

DR. K. SHIVA SHANKAR is a member of the Indian Liberal Group.

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.

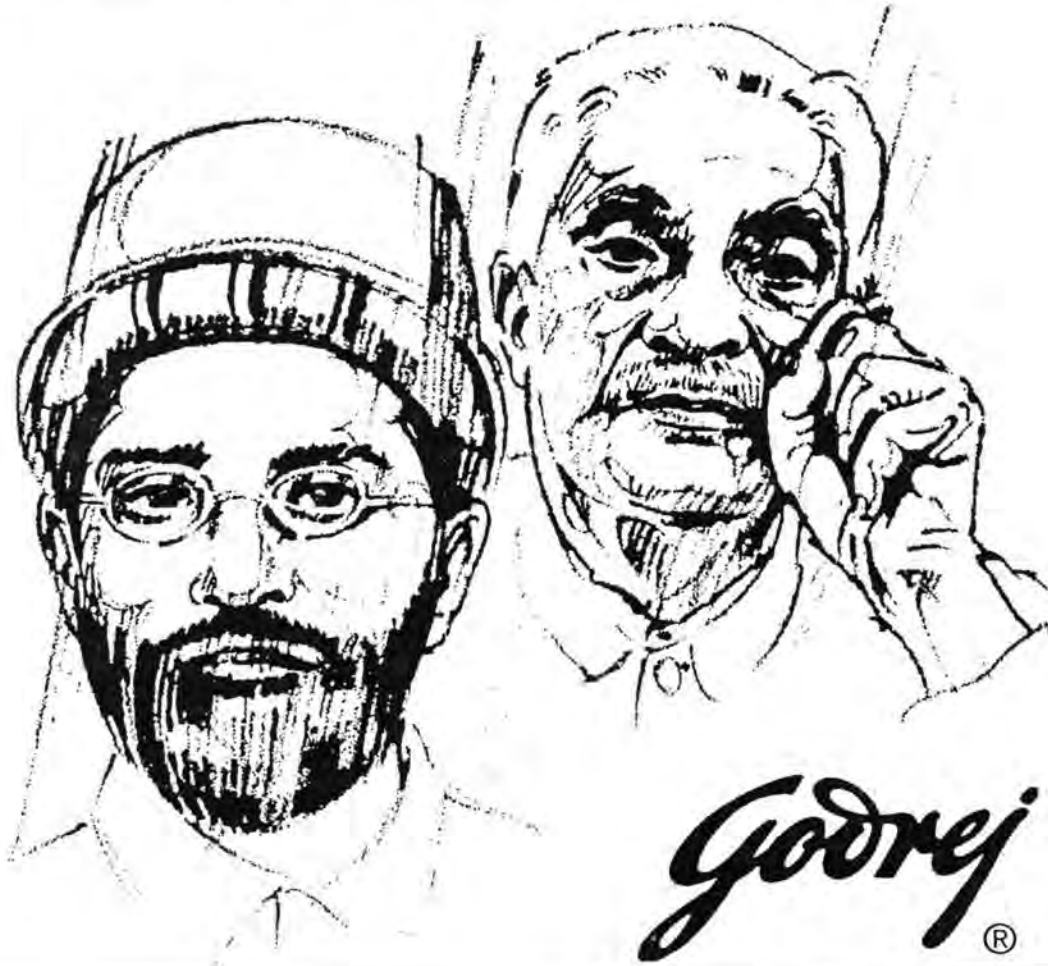
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The Godrej industrial garden township at Vikhroli-Pirojshanagar is an example of self-reliance and progress. For their worker Godrej have provided - in a unique environment - many social benefits : extensive housing, schools, and adult education, recreation,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

Self-reliance is both a means and an end.

For Godrej it is the essence of independence.



Rajagopalan's Parliament Watch



An MP's Salary: Rs.12,000 plus perks (Tax Free)

Section 3 of the Salary, Allowances and Pension of Members of Parliament Act, 1954 (as amended by Act No. 48 of 1993) relating to 'Salary and daily allowance' provides as follows:

3. Salary and Daily allowances - A member shall be entitled to receive a salary at the rate of twelve thousand rupees per mensem during the whole of his term of office and subject to any rules made under this Act and allowance at the rate of five hundred rupees for each day during any period of residence on duty.

Provided that no member shall be entitled to the aforesaid allowance unless he signs the register, maintained for this purpose by the Secretariat of the House of People or, as the case may

be, the Council of States, on all the days (except intervening holidays for which no such signing is required) of the session of the House for which the allowance is claimed.

2. For the convenience of the members, the Attendance Register, split into four parts, is kept on separate rostrums in the Inner Lobby for signature of members.
3. In view of the provisions of section 3 of the Salary, Allowances and Pension of Members of Parliament Act, 1954, quoted in Para 1 above, members are requested to sign in ink, in the space provided against their names in the Attendance Register and as per the specimen signatures furnished to the Lok Sabha Secretariat.

Indiscipline in the House

The Speaker of the Lok Sabha Dr Manohar Joshi was upset when RJD MP Dr Raghuvans Prasad Singh disturbed the proceedings by rushing to the well of the House. The Speaker said that Raghuvans was the "most undisciplined member of the Lok Sabha".

Raghuvans Prasad Singh is on the panel of House presiding officers! Many BJP MPs shouted that Speaker of Lok Sabha should remove Singh from the panel. Raghuvans Prasad Singh shouted at Ashok Pradhan Union Minister of State for Human Resources as 'loot maar-pocket maar kaise mantri bhangaya?' Minister Ashok Pradhan objected to this but the remarks were not expunged.

Vijay Kumar Malhotra said that Opposition parties had made a mockery of adjournment motions. Many Opposition members objected to this. Malhotra said that the Communist Party- Marxist should be renamed Communist Party - Mockery.

Interestingly only that morning, the Lok Sabha bulletin brought out a pamphlet entitled '*Parliamentary Conventions, Customs And Etiquette*'. The circulation of the book is not likely to make the slightest impact on our members of parliament.

The pamphlet says: "Attention of Members is invited to paragraphs 42 and 43 (pp. 89-98) of the *Handbook for Members* (13th edition) regarding Parliamentary customs and conventions and Parliamentary etiquette required to be observed by members. Particular attention is invited to the following:

42. Parliamentary Customs and Conventions:

- "(16) The decorum and the seriousness of the proceedings of the House required that no member should shout slogans of any kind or sit on dharna in the pit of the House or stand up on the seat.
- (19) Rulings given by the Chair should not be criticised directly or indirectly inside or outside the House.

- (23) Display of exhibits on the floor of the House is not in order."

43. Parliamentary Etiquette

- "(16) A member should keep to his usual seat while addressing the House.
- (11) A member should not sit or stand with his back towards the Chair.
- (12) A member should not approach the Chair personally in the House. He/She may send chits to the Officers at the Table, if necessary.
- (16) A member should not leave the House immediately after delivering his speech; courtesy to the House requires that after finishing their speeches members resume their seats and leave the House only afterwards, if necessary.
- (23) Members should not stand in the passage of the Chamber. They should either sit down or go out.
- (24) A member should not "cross the floor" when the House is sitting- that is, he/she should not pass between the chair and the member who is speaking.
- (31) Every member should resume his/her seat as soon as the Speaker rises to speak, or calls out "order" and also when any other member is in possession of the floor (i.e. speaking with the permission of the Chair) or has interposed in the course of the debate to raise a point of order.
- (37) It is not in order for members other than Ministers to consult officials in the Official Gallery from inside the House."

Kind co-operation of members is solicited.

G. C. Malhotra, Secretary-General,
Lok Sabha Secretariat.

MR. R. RAJAGOPALAN is a Delhi-based journalist.



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Ramdas Bhatkal,
Managing Director, Popular Prakashan

The march of civilisation and the heartbeats of culture are influenced by the all-round progress of the publication business which includes both book-selling and book-publishing activities. Popular Prakashan, a Mumbai-based publishing house owned by the Bhatkals has done much in this field during the last 78 years. Ganesh Ramchandra Bhatkal, a migrant from the North Kanara district of the Karnataka region of the then Bombay Presidency, worked for some time in the Oxford University Press and the Karnataka Printing and Publishing House and then started his own bookshop named Bombay Book Depot in 1924.

A man of ceaseless industry and acumen, Ganesh Bhatkal initially offered door service to the students of the Grant Medical College, established cordial relations with eminent doctors and then began publishing medical text-books and manuals written by them. The first book published by him in 1926 was on Biochemistry. His bookshop which stocked books from school primers to encyclopaedias, sold large numbers of books on subjects like

A distinguishing feature of this commercial organisation is its commitment to democratic values.

medicine, science, social sciences, humanities, etc. As he had excellent relations with the British publishers and their agents in India, he was able to import books in large quantities. His book depot was also selected as stockists for Western India by American publishers.

Sadanand, the eldest son of Ganesh Bhatkal who was a poet, editor and author of *'The Future of Indian Youth'* joined the family business in 1943. He published medical books meant for laymen, students and general practitioners. Some renowned foreign publishing houses like J. and A. Churchill and Williams and Wilkins became co-publishers of Popular Prakashan. Its books on Pharmacology written by Dr. Satoskar were translated even into Russian. Dr. Nadkarni's *'Indian Materia Medica'* remained a classic textbook for 50 years.

Popular started publishing books on social sciences in due course. Besides bringing out works of eminent sociologists like Ghurye, Desai and Kapadia, it undertook the task of publishing 60 theses emanating from research conducted in the University of Bombay. Such unremunerative work also included publication of some journals of philosophy, sociology and surgery. The internationally acclaimed scholar D. D. Kosambi's *'An Introduction to the Study of Indian History'* was a prize achievement of Popular.

Sadanand Bhatkal, a zealous and active supporter of the Federation of Publishers' Association of India, organised the first display of Indian books at the Frankfurt Book Fair in 1955. Eventually, Popular became the main supplier to prominent booksellers around the world. Even the Library of Congress in Washington relied on Popular for importing books from India.

In 1992, Bhatkals', who had full faith in expanding without sacrificing quality and integrity separated the publishing activity from that of selling, the latter reserved for the senior Bhatkal who considered selling books as his lifelong mission. The publishing division received national recognition when it was invited to publish *'Jawaharlal Nehru - A Memorial Album'*. Similarly, it had the unique privilege of publishing biographies of eminent Indians like Zakir Hussain, V. V. Giri, Lal Bahadur Shastri and Indira Gandhi.

A distinguishing feature of this commercial organisation is its commitment to democratic values. Naturally it published a large number of titles related to elections and other democratic processes. The reports on elections in different states edited by Professors S. V. Kogekar and Richard Park, a series of *'India Votes'* which compiled important data on the elections upto 1965 and two books, *'Political Alternatives in India'* and *'Snakes and Ladders'* edited

by Ramdas Bhatkal proved its earnest desire to promote democracy. Its current best-sellers include 'In the Wonderland of Investment' by R. H. Dastoor and A. N. Shanbhag, 'Discovery of God' by Rafique Zakaria and 'Spirit of Lagaan' by Satyajit Bhatkal.



The Marathi Division of Popular Prakashan which opened in 1952 recently celebrated its golden jubilee. More than half the great titles in Marathi literature are published by it. Its list of authors include Dnyanpeeth award winners like V. V. Shirwadkar, Sitakant Mahapatra, D. R. Bendre and Girish Karnad; Sahitya Academy award winners like Vishram Bedekar, G. A. Kulkarni, G. T. Deshpande and Dilip Chitre and also Vijay Tendulkar who was honoured with the Kalidas and Janasthan awards and Vinda Karandikar who received the Kabir

award. It has brought out excellent books by authors who deal with all forms of Marathi literature. Among them are Gadgil, Gokhale, Grace and Padgaokar.

The Bhatkals who believe in the principle of social commitment have sought to stimulate a comprehensive literary movement. So far they have co-sponsored with the *Maharashtra Times* and *Akashvani* (AIR), Mumbai, two schemes – the publication of economically priced Books and Books of the Decade. This year, they conducted with the help of the Yeshwantrao Chavan Maharashtra Open University, a 3-day workshop for the benefit of studious readers and would-be writers. A 13-episode Marathi T.V. serial 'Paulhuna' (Footprints) with a sociological and literary significance was produced by Popular and directed by Amol Palekar. It has brought out audio-cassettes of Tendulkar's plays and sponsored a one-woman show based on the classic biography of Laxmibai Tilak and stage by renowned actress Suhas Joshi.

Popular Prakashan has published a large number of books for children written by famous authors like Rege, Karandikar and Padgaokar. It has also brought out books on cookery penned by well-

known chefs like Sanjeev Kapoor, Tarla Dalal and Milind Sovani. It has received the 'Prakashan Bharati' award for the best translations in 1993; the Maharashtra Foundation award for publications in Marathi in 1994 and the Distinguished Publisher Award from the Federation of Indian Publishers in 1995.

The present Managing Director, Ramdas Bhatkal, a versatile personality, has a rare knack for seeking out promising authors and high class literature. An accomplished writer himself, he has written critical articles on plays in *The Times of India* and some highly readable columns in *Loksatta* and *Mahanagar*. His book 'Jigsaw - A Study in Friendship' was given a State award in 1997. He presided over the Marathi Prakashak Sammelan in 1986.

Ramdas Bhatkal is ably assisted by his scholarly son Harsha. He is mainly responsible for introducing mass market publishing and has innovated a multimedia approach to publishing. No doubt he has a promising and rewarding career and will continue the great traditions associated with Popular Prakashan.

MR. V. C. PHADKE, retired Professor of Political Science, is a freelance writer and a regular contributor to *Freedom First*.



H. G. Wells and George Bernard Shaw had helped me in my youth to become a socialist. But they were above all iconoclasts and had blasted away at the conventions, the morals and the manners of their time. I have always been a radical, never a conservative of either the 'Left' or the 'Right'.

Evidently, I have found the iconoclasm of Wells and Shaw of more permanent validity than their socialist dogma and that part of their teaching has remained a part of me. To that the privilege of knowing Gandhi, arguing and working with him have added a certain preoccupation with ends and means and a penchant for telling the truth as one sees it. Inconvenient, undoubtedly, to oneself and one's colleagues. But also great fun.

Minoo Masani
Against The Tide, (1981)

Reflections Serious and Facetious

Louella Lobo Prabhu

The Phenomenon of Women's Writing in the Best-Seller Category

After my mother's death, I could only get out of my bleak mood by reading through the old Sherlock Holmes and Agatha Christie novels, which held my attention, enough to concentrate. I am now into some fiction by Danielle Steele, and Barbara Taylor Bradford. The two authors symbolise a publishing phenomenon of the 70's and 80's: best selling fiction by women, about women – doing unconventional things. It would please the average woman, holding down an average job, to read about women in the Board Room, straddling the Atlantic by Concorde, and more "ballsy" than their husbands and lovers. Description of sex is quite explicit, while sex outside marriage is *de rigueur*. Also, the begetting of children outside marriage. In point of fact, the story line is simple. Reduced to the threadbare core, one plot is very like another; most characters have a family resemblance. Danielle Steele seems to have a massive hangup on her mother, as more than one of her heroines, seems to be reacting against a bad childhood relationship.

What keeps me reading, is the setting. Each book by these ladies, takes you to people and places you would not otherwise see. Barbara Taylor's first and best book was "A Woman of Substance" which chronicled the rise of a poor housemaid, into an international tycoon. Incredible as it sounds, the book was written, skillfully enough, to make the incredible credible. Other novels by the two, have been set in the world of high finance; a ranch for wealthy divorcees; the excitement of jewellery and art auctions. A recent *oeuvre* links a contemporary actress with the special world of the Bronte sisters: Charlotte, Emily and Anne, including the dashing characters they created, while they lived the repressed lives of spinsters on the Moors of Northern England. Danielle Steele also opens the curtains on the domain of ballet. At the end of the novels, I wonder why I read so avidly through a mass of trivia. There must be some hidden magic, as I am apt to pick up a new title, when I spot one on the shelves of new arrivals!

Katherine Hepburn Dies - End of an Era



Katherine Hepburn died at the full age of 96, in her own home, in the middle of her family. Her long film career, spanned dozens of films in every genre: tragedy, comedy, contemporary and historical. She excelled in them all, winning 12 Oscar nominations, and 4 Oscars - a record achieved only by Meryl Streep. Her best partner, was Spencer

Tracy, the love of her life, though her name was linked with other well known men, including the billionaire, the reclusive tycoon, Howard Hughes. She was not a glamorous actress, in the sense that say that Liz Taylor

was, and is. Her face was arresting, rather than beautiful – with its sharply angled planes – a photographer's delight. Her Oscar winning movies were "Morning Glory", "Guess Who is Coming to Dinner", "On Golden Pond", and "The Lion in Winter". The last two display her acting talents at their best. She was a freethinker, and radical - on feminine issues. Strangely, though she achieved so much, like Alexander, sighing for more world to conquer, she felt she could have achieved more. She will be remembered for the priceless histrionics she had, which gave delight to all those who viewed her movies.



We have released the spirit of criticism. We have hit and wounded, though we have not yet slain, the fear that held the people in its grasp ... We must get the people to shed the fear of immediate consequences and the dread of what may happen if they fall ... This is my message of hope to you on this (first) anniversary of the birth of our (Swatantra) Party.

C. Rajagopalachari
Swarajya, July 30, 1960

Loot in the Name of Social Welfare

Most people believe that a private sector job offers the most lucrative employment. This may be true of a Company like Infosys, where the management gives shares in the company, making millionaires even of their chauffeurs and cleaners.

However, judging from an "Express exclusive" story, the Food Corporation of India does even better by the employees. Loaders make anything between 2.50 lakhs and 4.50 lakhs per year, as their remuneration is based on an unique incentive scheme. Once on the rolls of the Corporation, someone averse to lifting bags, farms it out to a "Badli" for about 1/8th of his own wages.

These figures were checked in Haryana and Punjab, and found, with minor variations, to be correct. The system of wages, costs the country Rs.25,000 crores a year, without a question about the system, while every effort is made to cut the food subsidy for the poor. Other benefits include medicine and uniform allowance, *Bharat Darshan* once every year, and L.T.A. every 2 years. When questioned, the Minister of Food and Civil Supplies said that if a drastic change in the rolls was contemplated, the movement of foodgrains would be held up, causing untold hardship to consumers, especially the very poor. And so, the loot carries on, in the name of social welfare.

A President with a Heart

A grey pedigreed horse, named Tughlaq, was due to be euthanised because it was old. It had served the Military Academy for ten years, taking a high profile part in Passing Out parades. The report carried by word of mouth, angered animal lovers, who started a campaign to thwart the euthanasia proposed. Maneka Gandhi responded promptly, offering to move the Courts. Fortunately, President A.P.J. Kalam was touched to the heart by the horse's plight. He intervened, asking that the horse may be allowed to live. A resident of Dehradun, offered to pay for its maintenance, till its natural death. Hats off to the President, for intervening in a comparatively small matter. He has shown he has indeed a heart.

There is a more serious overtone in this incident.

It concerns our attitude to "Things great and small ... the Good Lord loves them all". The Christian ethic is particularly bad, as *Genesis* gives man the power to use animals. Not that all other religions are much better, except Jainism, which bars the taking of any life, including animal life. This example mentions that it is customary in the Military Academy to euthanise animals which are no longer of use. Nothing sounds so cynical. Institutions like the Military Academy can surely look after horses which have passed their prime. This is one incident with a happy ending. How many animals like Tughlaq have been put down, before, and how many more will be, is an open question. If a living creature is to be used and destroyed after use, can we call ourselves civilised?

A New Meaning for the Mona Lisa' Smile?

The Mona Lisa's smile has one thing in common with Princess Diana. People continue to speculate on them - after their death. In April this year, we saw the airing of a three-part serial on her life, put together by BBC Television, with Alan Yentob, Director-in-Charge, of BBC's song, dance and drama division. A new research on her life has also been done by a Professor of Surgery, Yale University.

He mentions that Mona Lisa's smile suggests that she was pregnant, and the smile was a celebration of the new life to come. He points out that her hands show no rings, which any other woman of her social status would have worn. He also says the face is somewhat chubby, a sign of the fluid-retention which is also a sign of pregnancy. The Municipal and Church registers indicate that Lisa La Giocondo gave birth to a child,

later that year. That appears to put a Q.E.D. on the mystery of who she was. It is mentioned that he kept a copy of the original, and in his later years, used to show his anatomical drawings - and this picture. Isabella D'Este, is another candidate for being the model. However, such introspection has not been put into service, to flush out a thesis on her. So, it would seem, that the silk merchant del Giocondo, got the privilege of being Leonardo's patron, and in the bargain, got a wonderful picture which has been admired, for centuries. It is a pity that the solo painting did not have a logical sequel, "Mother and Child"!



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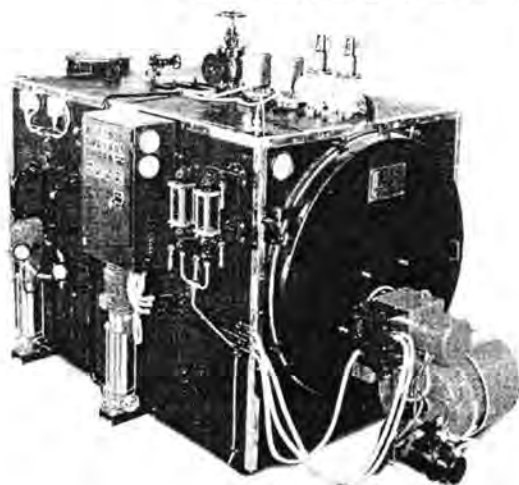
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Aung San Suu Kyi

– The Courageous Lady of Myanmar

C. R. Irani



It has been fifteen years since 8/8/1988 when the military junta broke up a movement for free institutions and democracy in the erstwhile Burma, now Myanmar, and over ten years since Aung San Suu Kyi was denied the mandate she won to lead her nation. She has been imprisoned, her movements restricted, brother encouraged to contest her title to their father's house to dispossess her and other manifestations of a caring and considerate bunch of colonels and generals; caring and considerate only to their own ambitions. Yet her experience has not embittered her as those few who have been able to visit her have testified. Not even when her husband died in Britain and she dared not leave her country to say her last goodbye for fear that the frightened men in uniform would not let her return to her people.

Very little is known in the past decade about her and her League for Democracy except that they function in a hostile environment but function they do, much to the chagrin of the junta who must hope that they would just fade away. Things have periodically

It is put out that Suu Kyi has been taken into protective custody; those who need protection are not Suu Kyi and her loyal band but the colonels who dare not speak their mind in public

come to a head but have cooled somewhat as the cowardly men who hold her in thrall hesitate to go too far. The events of 30th May have been worse than in the past and have set alarm bells ringing wherever democracy dwells and also in capitals where it is not as firmly rooted as it might be – such is the power of ideas and ideals. On that day the junta lost patience. Her convoy was set upon as she was travelling outside the capital to visit outposts of her party organisation. Goons acting for the junta pounced on her and her people – even the official version notes 4 dead and 50 injured. Informed sources place the toll at between 70 and 80 dead. It is put out that Suu Kyi has been taken into protective custody; those who need protection are not Suu Kyi and her loyal band but the colonels who dare not speak their mind in public and content themselves with official handouts. Offices of the League for Democracy have been shut down and opposition leaders detained. Nothing is known about the Vice-Chairman of the League who was travelling with her, Tin Oo, is he alive or dead?

The UN special envoy, Razali Ismail, on a five-day visit demanded that Suu Kyi be released forthwith; he had to threaten to cut short his visit if he could not see her. He was able to meet her for a few minutes at the last moment. Razali said Suu Kyi would be released perhaps in two weeks. This was on 10th June and we are now in August. Even ASEAN,

which makes such a fetish of not interfering in the internal affairs of member states, felt obliged to call for her release but took a lot away by adding the next day that the organisation does not pressure member states. The American Secretary of State, Colin Powell, took a separate press conference at the end of the Asian Regional Forum meeting to urge the international community to stand together. He said and his words cannot be bettered – *The brutal rulers of Myanmar need to understand that the only acceptable way forward is to release Aung San Suu Kyi and her supporters and resume dialogue with her and her party.* It is necessary to add that Colin Powell's words would have carried more conviction if President Bush and his administration had behaved less cynically and more responsibly in Iraq.

Nevertheless I must record with approval that America and Japan have imposed significant sanctions on Myanmar. Other countries must do the same. The Security Council might take a view making it easier for individual states. On 2nd July the Thai Prime Minister announced that Myanmar's special envoy had assured him that Suu Kyi was not being held in the notorious Insein prison but the jury is out on the question of what reliance can be placed on the word of a representative of the junta which has repeatedly broken same promises and forgotten to implement others.

Mahatma Gandhi used to say –

turn the searchlight inwards! When I do that on this issue, I am dismayed. Delhi has maintained a sphinx-like silence. The excuse is two-fold. One that Myanmar is sheltering assorted insurgent groups from the Manipuris and the Nagas to the ULFA and we do not want to antagonise them further. The other is that China has made inroads

into Myanmar by befriending the colonels and if we open our mouths it will be worse for us. The explanations are an exercise in appeasement and an example of cowardice. We ought to remember that one reason *why there is so much evil in the world is that enough good men do nothing*. I say that our weak-kneed attitude has encouraged

the junta to accommodate more insurgent groups and left the Chinese a free hand.

If we aspire to a permanent seat in the Security Council, we must do more to deserve it.

The Statesman, August 6, 2003.

Cow Slaughter

– An Absurd, Unenforceable Demand

It is obvious that the silly season is upon us. Close on the heels of kite flying over the timing of the polls for the assemblies and for the Lok Sabha, comes the fail-safe panacea of the Sangh Parivar, a total ban on cow slaughter, which leaves us with a strong sense of *deja vu*. The concrete proposal this time is to bring in central legislation under Entry 17 of the Concurrent List of the Seventh Schedule of the Constitution. The Entry needs to be quoted in full – *Prevention of cruelty to animals*. That is it!

Now consider the argument of the protagonists but before that, consider the cruelty that they seek to prevent. *Gwalas*, mostly Hindus, sell the milk but there comes a time when the cow is unable to perform. It is Hindus who sell the cow to whoever will pay a price for the barren animal. They know perfectly well that the only use for it is the meat and for this purpose the animals are transported to all corners of the country and large numbers are exported to Bangladesh. It must not be assumed that anyone in that country is going to look after them till natural death in *pinjrapoles*. Nor does anybody at all offer to perform the service in India. It bears repetition. Cows past their prime, are sold for meat knowingly and largely by their Hindu owners; let there be an end to the hypocrisy.

The other option seen in Gujarat and elsewhere where there is a zealously enforced ban on cow slaughter, is the sight of cows abandoned by their owners who can no longer afford to feed them and who

wander about, creating traffic hazards as they scour the city for anything they can eat, before laying themselves down to die of starvation.

There are three arguments to consider. First, in what manner are abandoned cows, starving and being a hazard and a nuisance to traffic a more humane way to death, assuming, for the purpose of argument, that death by starvation is preferable to slaughter? Two, hundreds of thousands if not millions of our countrymen eat beef and many more live by the trade. By what process of reasoning do we come to the conclusion that starving cows should match starving humans? And not all of them are Muslims in case the intention is to get after a particular community. Thirdly if slaughtering cows for meat in hygienic and humane conditions and for the benefit of mankind including Hindus is considered cruelty what shall we call the similar slaughter of sheep and goats and chickens? If the latter is acceptable and raises no cavil, then how can it possibly be urged that slaughter of cows must somehow be treated as distinct and separate. It can only be on the basis of religious prejudices of a section of the population, which let it be stressed, is willing to do nothing to put their money or their concern where their mouth is. If people do not wish to eat beef no one forces them to do so; except poor Vajpayee who is accused of eating it as though he were guilty of a heinous crime against humanity.

At the risk of repetition if slaughter of cows is cruelty, how do we argue that slaughter of sheep, goats,

chickens is somehow not cruelty? It is exactly the same. This leads to another danger. Is society to be divided into those who eat beef and those who do not? And how long will it be before we divide society against between those who eat any kind of meat and those who are vegetarians. Further, vegetarians guzzle litres of milk and milk come out of the cow, is it not a non-vegetarian source? What is the difference between rennet used to make cheese, which is shunned because it comes out of an animal and milk, which comes from a cow and incidentally is meant for her young? It is not my purpose to talk anyone out of their customs and habits and make them more rabid; it is enough to say that the proposed ban on cow slaughter is grounded in prejudice, feeds on hatred, increases the misery of the animal a hundred-fold and benefits no one except the bigoted, the blind and the deaf.

The Cabinet knows only too well that the ban is absurd, is unenforceable and the proposal has been aired before. If it is resurrected now, it is only because the elections are nigh; if we can't have Ayodhya, let us at least have a ban on cow slaughter! And if we cannot have a ban, let it be clear to all who matter, that we at least tried. So runs the argument. A poor substitute for the manifesto of a party that hopes to win on Advani's claim to good governance!

The Statesman, August 13, 2003.

Mr. C. R. Irani is the Editor-in-Chief of *The Statesman*, one of India's leading dailies

Common Civil Code *sans* Coercion

Sharad Joshi

The Directive Principles in the Constitution were adopted at a time when the State was viewed as the supreme arbiter and authority in all matters social, economic, cultural, educational *et al*.

The Supreme Court of India has come out in favour of a Uniform Civil Code for the country that is a law common to all communities in personal matters such as marriage, divorce, inheritance, and succession. This is the third time a bench of the Supreme Court has come out in favour of a Common Civil Code. Every time the Apex Court pronouncement has created political turmoil.

The Supreme Court's observation in the Shah Banu case had to be counteracted by passing a law in the Parliament to that effect and Rajiv Gandhi was forced to open the Ram temple in Ayodhya after being closed for 35 years with a view to placating Hindu opinion.

The second time, in the Sarala Mudgal case, Kuldip Singh, the Supreme Court judge had to promptly clarify that he had only made an observation and not issued a directive for the enforcement of the principle contained in Article 44 of the Constitution of India.

This third observation has gladdened the hearts of the BJP and VHP leaders and caused panic reactions amongst the Muslims. The judicial observation is particularly inopportune since it is public knowledge that the BJP was always strongly in favour of a Common Civil Code but that it was required to keep the matter on the back burner since it was unable to carry its National Democratic allies with it on the subject.

Article 44 of the Constitution of India enjoins upon the State 'to endeavour to secure for the citizens a Uniform Civil Code throughout the territory of India.' This article forms a part of Chapter IV on 'Directive Principles of State Policy' and has no judicial force. That is, the provisions contained in this part shall not be enforceable by any court. But, the principles laid down therein are, nevertheless, fundamental in the governance of the country and the State shall apply these principles in making laws.

It is common knowledge that successive governments have been endeavouring in the direction of evolving a Common Civil Code – codification of Hindu law and other religious laws have already advanced in great measure. Article 44 of the Constitution of India does not specify any time schedule for the enactment of a Common Civil Code and the judiciary, in its normal role, serves little judicial purpose by harping on it.

Come With Clean Hands

It cannot be gainsaid that laws relating to marriage, divorce, property rights, testamentary and intestate succession and a whole host of civil and personal rights must uniformly apply to all citizens in a secular democracy like ours. But the framers of the Constitution accepted that the time was not ripe then to introduce such a measure. That is why they included Article 44 in the Chapter on Directive Principles, which should guide policy, and not in Chapter V on Fundamental Rights.

Having said that it is also necessary to add that the demand for the Code as articulated now is political in inspiration, not social; it was first raised in the wake of the demolition of the Babri Masjid. Can we accept two things? One, that a Uniform Civil Code will not only prevent Muslims from having four wives, a spurious fear of the RSS and its extended family; it will, for instance, also banish from the statute book the tax dodge called the Hindu Undivided Family. If we are irked that Muslims block arterial roads for Id prayers we must also do something about puja mandals which block traffic for a week or more. And so it goes on. It is not my intention to argue against such a Code; on the contrary, it is eminently desirable. It is only that those advocating it must come with clean hands. Also, it is obvious that such a measure must be generally accepted before legislation is attempted. We must be mindful of the need for the consent of the governed. This means that there must be a climate for it. One thing is obvious. Such a climate cannot be treated as long as people who need not be named break down places of worship and demand two or more targets for their sport, or is it 3,000 more.

C. R. Irani, *The Statesman*, July 27, 2003.

Chandvad Resolution

The question of the Common Civil Code came for deliberation in the Women's Conference of the Shetkari Sanghatana at Chandvad in the Nashik district of Maharashtra in November 1986. The Conference raised serious doubts about the coercive element of the proposal as also about the justification for the government entering the field of moral and ethical authority. It had made a concrete proposal for an alternative 'National Civil Code' that would be consistent with principles of equity and justice but would give the conscientious objectors the right to continue in their respective religious systems.

A Liberal Prescription

The Swatantra Bharat Party, successor to the Swatantra Party founded by C. Rajgopalachari, adheres essentially to liberal principles and minimal and plural governance. It abhors the intervention of the State in all matters except Law & Order and Defense. It stands by the individual citizen's freedom of profession, practice and propagation of religion enshrined in Article 25 of the Constitution of India as a fundamental right. The Election Manifesto 2004 of the Swatantra Bharat Party contains a very clear analysis as also prescription for this problem. It is as follows.

National Civil Code

The proposed Common Civil Code has been, for some time, the subject of widespread national debate and that debate is being dominated largely by denominational dogmatists and by self-seeking politicians.

Article 44 of the Constitution contains a directive principle that the State shall endeavour to secure for the citizens a uniform civil code throughout the territory of India.

The Directive Principles in the Constitution were adopted at a time when the State was viewed as the supreme arbiter and authority in all matters social, economic, cultural, educational *et al.* The SBP on the other hand believes in minimal political government and a plurality of governing institutions and is, therefore, opposed to the idea of the State deciding matters moral or ethical.

Further, according to the Constitution, the Indian Republic is a secular State, which means, 'equally skeptical of all religious dogma' and not a State enclosing the dogma of all faiths. However, a uniform civil code would be a laudable objective in the long run and the best way of endeavoring to introduce it will be through the elaboration of an optional and norm-setting national civil code:

- 1) Elaboration of a National Civil Code connotes neither disputing the relative merits of various religious, civil systems, nor imposition of one religious code on all the people, nor a hotchpotch *mélange* of diverse religious stipulations;
- 2) The National Civil Code must represent a well integrated scheme based on equality, justice and reason;
- 3) Every citizen of the Republic should *a priori* be considered as being governed by the National

Civil Code; however any citizen or his guardian should have the possibility of opting for the civil system of any of the established systems of faith;

- 4) The State judicial system should not intervene in civil disputes between citizens opting for the same religious code;
- 5) Disputes between citizens for a single religious code be decided according to the National Civil Code, should any of the parties choose to take recourse to the official judicial system.
- 6) Disputes between citizens appertaining to different religious codes will be subject to the National Civil Code.

Some leaders oppose the idea of a Common Civil Code on the ground that the initiative should come from within the society and particularly from the minority communities.

The fact is that, since the BJP made the Common Civil Code an electoral plank, progressive Muslim men and women have come under great pressure not to support any civil reforms. The proposal of a Common Civil Code has thus become counter-productive in practice. The Swatantra Bharat Party's proposal of a National Civil Code is, in fact, a Common Civil Code since it applies equally to all the communities throughout the territory of India. The provision relating to 'conscientious objectors' applies equally to members of all the communities.

MR. SHARAD JOSHI is the founder of the Shetkari Sanghatana and the Swatantra Bharat Party.

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Electoral Reforms

There Are No Fair Elections

S. D. Supanekar

Arrow's Theorem deals with extracting the consensus of a group from the preferences of its individual members.

The purpose of this article is to bring to the notice of readers one very important result known as "Arrow's Theorem". Though it is around for more than 50 years, not many are aware of it. The theorem deals with extracting the consensus of a group from preferences of its individual members. As one can readily see, this has an immediate application to elections in a democratic set-up.

Kenneth Arrow, a mathematical economist at Stanford University, proved in 1948-49, that it is not possible to have fair elections if there are more than two candidates in the ring. This is not due to any depravity on the part of the voters or the candidates or the election authorities or lack of ingenuity on the part of designers of the election process. *But it is inherent in the process of determining the collective choice from individual preferences.* It is assumed here that a set of reasonable principles (mentioned below) guide the passage to consensus. The theorem is explained and illustrated, but not proved here. The proof, though it does not employ any profound mathematics, is tedious. A simple version of the proof is given in reference 2 at the end of this note.

For this and other contributions, Kenneth Arrow received the Nobel Prize for Economics in 1972.

In a democracy, the will of all

the individuals has to be ascertained - and their collective will must be respected. The main problem is how to deduce the collective will once the people have declared their individual preferences. What is commonly practised is the "Simple Majority" rule whereby the candidate receiving the maximum number of votes (i.e., individual preferences) is regarded as the choice of the entire electorate. This is not satisfactory.

There are other decision rules, but each one has some shortcoming or the other.

Suppose a group of six persons A, B, C, D, E and F is trying to elect their leader. Suppose further that the D among them gets two votes while A, B, C and E get one vote each.

In this situation, according to the "Simple Majority" rule, D will be declared elected though four out of the six are against his leadership. (In a political election D's supporters might glorify him as "The Ruler of the People's Hearts" or "Undisputed King of the Masses", their praise being circumscribed only by their vocabulary.)

This situation is unsatisfactory. We must therefore look for another "Decision Rule" in which the group's choice is better incorporated.

Arrow investigated this

phenomenon and established, with the help of rigorous mathematics, that no satisfactory decision rule exists.

Actually, Arrow considers a scheme of individual preferences more general than the one commonly followed.

In his scheme every voter must rank all the candidates on the ballot paper. He may decide that a particular group of candidates are equally good (or equally hopeless). For instance, the "Ballot Paper" of one of the voter in the above case may look like this:

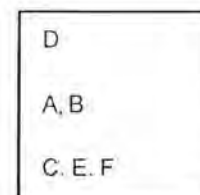
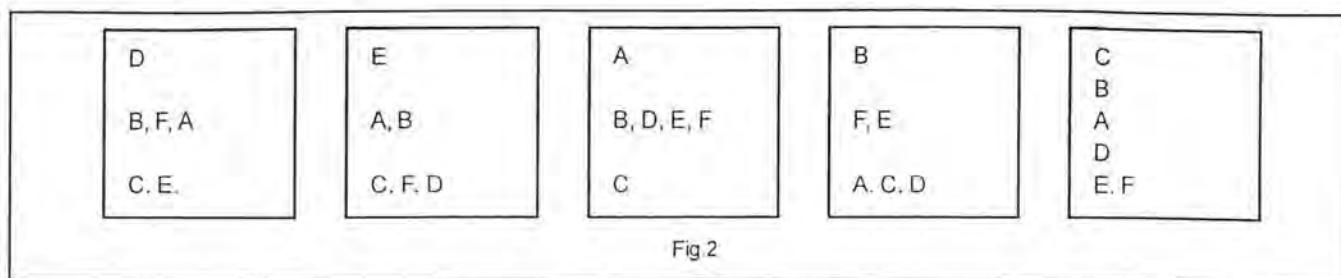


Fig.1

This implies that the voter in question considers candidates A, B to be equally good; he also considers C, E and F to be equally good but the first pair is regarded by him as better than the second triplet. According to him D is the most suitable candidate.

Other voters' ballot papers may look like as those in Fig.2.

The obligation of a voter is that in his ballot paper every



candidate's name must occur exactly once and there should be no gap between lines containing names, or else his vote will be regarded as invalid.

Suppose that according to Arrow's scheme, the ballot paper of the voter given in Fig.1 is replaced by

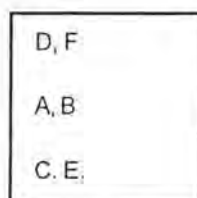


Fig.3

Then a natural extension of the simple majority rule will show that D will still be elected.

In Arrow's scheme our usual voting pattern (if a voter votes for A) will appear like this:



Fig.4

Suppose now that the voters' preferences are known from their ballot papers. Unless a decision rule is applied, their consensus cannot be ascertained. It is necessary therefore to devise a decision rule, which will faithfully reflect voters' preferences, ideally of all of them. But before this can be undertaken, the principles that the decision rule must

embody have to be explicitly stated. The following "Guiding Principles" (GP) capture our expectations:

(GP₁) The decision rule should depend on the choice of *all* the voters and not on that of some privileged individual or a group of individuals among the voters.

(GP₂) There is no privileged (or condemned) candidate that, whatever be the voters' choice, he gets elected (or fails to get elected). More generally,

(GP₃) According to the decision rule, every possible ranking of candidates should be possible from a suitable combination of ballot papers, and the decision rule should reveal it.

(No ranking is excluded as would happen if GP₂ were flouted.) Arrow calls this the principle of voters' sovereignty.

(GP₄) Suppose that in an election, A is ranked higher than B according to the decision rule. Suppose further that in a second election one of the voters elevates the rank of A in his ballot paper. He does not disturb the rank of any other candidate. None of the other voters makes any change in his preferences. (So the only change comes from a single voter in the rank of but one of the candidates.) Then the decision rule, which must be the same for both elections, should not rank B higher than A in the second election.

Generalising this argument, if

some (or even all) of the voters elevate their preference for only one of the candidates (say of A), leaving their other preferences intact, then the decision rule should not set B above A in the second election.

(This is called the monotonicity principle.)

(GP₅) Suppose in an election A is ranked above B. Now suppose another election is to be held and in this second election, some (or even all) voters change the ranks of only C, D, E and F leaving the ranks of A and B intact. Then according to the decision rule, A must still have a rank above B in the second election too.

(This is called independence of irrelevant alternatives.)

The decision rule to be invented must conform to these guiding principles.

(Some readers may feel that the ordinary requirements are pompously stated. But, in mathematics as in law, all requirements, except the most elementary ones, must be made explicit.)

Arrow then proves that *No* such decision rule (representing group's consensus from the preferences of the individuals in the group) conforming to all these (very desirable) principles exists. The exception, as already mentioned, is when only two candidates contest the election.

It should perhaps be clarified that in some situations some decision rule may conform all of the guiding principles. For instance, if four candidates vote for D in the above illustration, the simple majority rule would be unexceptionable. But this is fortuitous. We cannot depend upon such an occurrence. If there were an ideal decision rule embodying all the guiding principles, its application would have ensured compliance with the principles all the time.

So what is Arrow's achievement exactly? People have been long aware of the paradox that an elected person (or the party voted

to power) has received less than 50% of the votes cast. Well, Arrow has discovered the exact set of principles - not all of which are intuitively obvious (e.g., GP_3 - GP_5). But once they are stated, we appreciate their propriety. Further, he also proved rigorously, that there exists no decision rule enabling us to arrive at a consensus from individual preferences and conforming to the guiding principles.

Arrow's result is intriguing as well as depressing. We treasure democracy as the best system we possess for creating a government. Discovering that it has some serious intrinsic shortcomings is a frustrating

fact of life. Of course, it would be unwise to jettison democracy on account of this deficiency. At the same time the search for a better (though necessarily sub-optimal) decision rule must go on.

References:

- (1) K. J. Arrow, *Social Choice and Individual Values*, John Wiley & Sons N.Y. (2nd Edition), 1962
- (2) John Baylis, *The Mathematical Gazette*, London, Vol.69, No.448, June 1985, Pp.95-103.

MR. S. D. SUPANEKAR, who retired from The Bombay Textile Research Association, Mumbai, as Senior Scientist, writes on science related subjects.

Electoral Reforms

M. D. Kini

The articles by Jagdeep S. Chhokar and Sharad Joshi (*Freedom First*, July-September, 2002) give the two sides of the coin. While Chhokar has expounded on the voter's right to know, Joshi has highlighted the fact how this could be misused by politicians. No amount of disclosure is going to make much difference to the electorate who are under the spell of religion, caste and dynasty. As Joshi points out, good candidates who are not supported by lawyers and fans may be affected by the disclosures. Who does not know the antecedents of the Thakurs of Vasai or the Kalanis of Ulhasnagar. They are elected with great majority almost everytime.

Jayaprakash Narayan had said long ago that elections are the '*gangotri*' (root cause) of corruption as nobody with limited means can fight an election. Any meaningful reforms should address two issues: election expenses and accountability.

To bring down the election expenditure, posters and hoardings (which also deface the city), blaring slogans through loud speakers on jeeps (which also create noise pollution) should be banned. These do not educate voters. Meetings and street-corner meetings should be encouraged. Meetings could be organised by the Election Commission (this

will again reduce expenditure) where all candidates can put forward their points of view. The Election Commission should also publish the major points of the election manifestos of all contesting parties, and in the case of existing MPs, MLAs and Corporators, a brief account of their accomplishments during their tenure, for the information of the voters. These could be distributed to all households along with their voter's slip. This will take care of the major items of expenditure to the candidate. This will of course increase the work of the Election Commission. This is the price we have to pay for cleaner elections.

Then there is the question of accountability. All elected members should address public gatherings in their constituencies every six months or year under the auspices of the Election Commission or Voters' Council (for example, AGNI in Mumbai). The Voters' Council should be formed in each constituency consisting of interested non-party voters and professionals. These Councils could be the eyes and ears of the Election Commission. The relevant act could be amended to give them legal status. Eternal vigilance is the price we have to pay to ensure accountability.

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PROTRACTED CONTEST

Sino-Indian Rivalry in the Twentieth Century



JOHN W. GARVER

Having faced the People's Liberation Army (PLA) on the high altitude Sikkim Watershed during the 1965 War and a year thereafter, having met a Chinese Political Officer at Natu La in 1956 to return a Chinese Prisoner of War taken in Korea under the terms of the Neutral Nations Repatriation Commission, and interacting with nine Chinese Academics including a serving Major General of the National Defence University and a Colonel of the PLA at Manipal in Karnataka during a three-day seminar a few years ago, the reviewer can say in all truthfulness that the publication of this work could not have come a day sooner.

The very experienced author who has spent time in China, India, Pakistan and other South Asian countries (he knows Chinese) has done a great service to the serious China watcher on a subject we Indians tend to place on the back burner under the mistaken notion that there is no cause for alarm in our relations with China. This in-depth work has been meticulously researched not only from archival records but from documents, treaties *et al* that throw startling light on this very complex issue dating back many centuries and interviews with people who matter. Many may say that the author has an American slant but in all fairness to him, he has given both sides of the picture, leaving it to the reader to draw his own conclusions.

The thirteen chapters are exhaustive in their scope and a very wide canvas is covered, logically and

realistically. After the usual introduction to this work laying out the crux of this complex problem, the author rightly takes one of the major issues leading to this 'Protracted Contest' between the two claimants for the leadership of Asia and that is Tibet and its continuing effect on Indo-Chinese relations, from days of yore till today.

It is unfortunate that we tend to ignore this problem of a country that provided a shield to Indian security. As a nation we tend to forget that with Tibet as a sovereign nation many of our security problems with China would be reduced. The author rightly draws the readers' attention to the fact that it was Pandit Nehru who was the architect of this major political blunder by withdrawing meekly from Tibet without reaching some sort of agreement regarding what is now a major Chinese presence and possibly of the ethnic cleansing of Tibet. The author is right when he places on record the Herculean efforts of the Chinese to develop communications overland by road and now rail, conferring on it the ability to move large forces and so to compound our security problems.

It is rightly said that by the Han presence in Tibet, the Chinese are indirectly helping their ally Pakistan in that we are now compelled to deploy forces on the Indo-Tibet border in substantial numbers. There can be little doubt that since Independence, India has generally ignored our Asian neighbours to the East giving China a lead that we may find difficult to reach. It is only

now that we have realized this fact of life and have changed our focus of national interests to ASEAN and Myanmar. It is a revelation to the concerned in India, for instance, to gauge the progress, nay inroads, China has made into our strategic neighbour Myanmar on the plea that India tends to be overpowering with its smaller Asian neighbours. And the reasons given by the author are not figments of imagination but based very much on ground realities.

China has constructed two major roads from Yunnan to link up with the old Ledo Road leading into Eastern India, and the second that cuts right across the heart of Myanmar to Yangon (Rangoon) and the Chinese developed port of Kyaukpyu providing China with an overland outlet to the Bay of Bengal.

The author has done a major service to India by stressing the importance of an Indian naval/military presence in the Bay of Bengal and the southern Indian Ocean through which China's sea lanes cross get access to West Asian oil; the Suez Canal and Karachi, Pakistan's only major developed port which China sees as important for the security of Pakistan. Overland routes from mainland China through the Mintaka and Khunjerab Passes are uneconomical and of limited capacity.

Thus, the Indian Government's decision to develop the Andaman and Nicobar Islands into a full-fledged Tri-Service Command has not come a day

PROTRACTED CONTEST SINO-INDIAN RIVALRY IN THE 20TH CENTURY

by
John W. Garver

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New Delhi 110 001.

Year of Publication: 2001. No. of pages 447. Price Rs.595

Reviewed by

Major General (Retd.) E. D'Souza, PVSM, Defence analyst, China watcher
and a freelance writer.

too soon. Though in the comparative table on naval strengths India takes second position, the author sensibly points out that to enter this area of rivalry is difficult for China from its mainland ports whereas for India supply lines are much shorter. This is also one of the reasons why China is exerting its influence on Myanmar so that it can gain access to airfields in that country in the event of a conflict with its arch rival India. This will cut short tangibly, flying time into Indian air space without the need for air refueling.

The author examines Chinese efforts to undermine Indian influence in Nepal, Bhutan, Bangladesh and even Sri Lanka and Seychelles. By so doing we are reminded that we need to pay far greater importance to these countries by assiduously reducing that highly resented big brother attitude. John Garver covers in infinite detail and perspicacity a wide spectrum of issues relating to Sino Indian relations including *inter alia*: The Tibetan factor in the context of the Dalai Lama; the long standing territorial dispute a legacy of George MacMahon; the simmering rivalry between the two most populous nations in Asia, one a democracy and the other a communist State; The implications arising from interest in the border states of Nepal, Sikkim and Bhutan; the importance of Myanmar as

a backdoor to China; the nuclear equation; and the prospects of a *détente* between the two Asian giants.

Interestingly, there have been attempts to ease tensions between the two countries in the recent past but so long as Tibet remains a festering sore and the long border of over 3000 kms in the East remains, the chances of such a rapprochement are not very bright. In the light of our obsession with Pakistan there is a warning that emerges from this excellently documented book and that is we should not assume that we can ignore China, be it on land or sea. Whereas the Russians are floating the idea of a Russia-India-China axis ostensibly to prevent the economic and later military recolonization of Asia, the prospects of a qualitative change in the relations between the People's Republic of China and the Democratic Republic of India need careful study. Readers need to read the analysis made by Lieutenant General (Retd.) Vijay Shankar, a defence analyst, "Engage The Dragon" on the edit page of *Asian Age* (December 27) where he rightly warns that while a rapprochement is desirable we must never let our guard down. Be that as it may, China's aid to Pakistan should never be brushed aside as the author so pointedly brings out. In the larger power equation, China will continue to

support Pakistan in every way it can as a convenient pawn against a possibly resurgent India and the proof is in the eating as China makes attempts to establish a naval presence in Karachi and in the Bay of Bengal by befriending Myanmar. Garver covers this view in Figure 8.1 on Page 238 wherein he analyses Sino-Pakistani Military exchanges between 1985 and 1994. This is one reason why the Government's decision to establish a strong Tri-Service Command in the Andamans needs to be applauded.

To support his views on this 'Protracted Conflict', the reader is helped to understand this prickly problem between these Asian giants through ten tables covering *inter alia*: Nepal's foreign aid; the delinking of Sino-Pakistani relations and Sino-Indian relations; evolution of China's position on Kashmir; Sino-Myanmar military exchanges; comparison of the Indian and Chinese navies and rate of expansion; Sino-Bangladeshi military exchanges; and Sino-Sri Lankan military exchanges. One can unhesitatingly recommend without a shadow of doubt the value of this thoroughly well researched book to all concerned Indians interested in India's national security. What is more, the contents pertain to today and not only yesterday.



Memoirs can be dull or boring; they can also be pompous and self-absorbing. One seldom comes across memoirs which are interesting and yet not self-centered. The present book No

Trumpets or Bugles – Recollections of an Unrepentant Babu by J. B. D'Souza is an example. It does not blow trumpets or bugles for self or any one else, but voices concerns of a dutiful citizen and a

conscientious bureaucrat.

The book ably catches the essence of contemporary public life and political culture. It takes, and very

NO TRUMPETS OR BUGLES RECOLLECTION OF AN UNREPENTANT BABU

by
J. B. D'Souza

Published by
Allied Publishers Pvt. Ltd., 15 J. N. Heredia Marg, Ballard Estate,
Mumbai 400 001

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Reviewed by
Dr. Usha Thakkar, Honorary Director, Institute of Research on Gandhian Thought and Rural Development, Mani Bhavan Gandhi Sanghralaya, Mumbai, and former Professor and Head of Department of Political Science, S.N.D.T. Women's University, Mumbai

effortlessly, the reader from the leisurely atmosphere of Khotachiwadi, where "everyone minded everyone else's business" to the impersonal bureaucratic offices, where personal interest often takes precedence over public good. It acquaints the reader with the intricacies of political games and pressures on public office. There is also a painful realisation that the dreams of the people in our nation are very fragile, and can get easily shattered by those in powerful positions. Though D'Souza adopts the form of personal narration, the volume is not merely a personal record, but is also a realistic picture of changing political ethos and declining values of public life. It presents vivid and lively scenes of helplessness of people, waywardness of the seniors, interference of the politicians in the efficient working of the system and insensitivity and apathy of politicians as well as officers.

The author's experiences present an amazing sweep of situations, both in terms of location as well as issues. He has worked in many places in diverse positions – from a remote place like Chandrapur (a place of 'punishment' for officers) to Mumbai, the cosmopolitan commercial capital of

India. He had occasions to deal with issues like water, housing, settlement of refugees, communal harmony and development of a new city. He has bravely faced difficult situations, be it protecting the caravan of refugees during the violent days of the Partition, or be it confronting the agitated students of the Marathwada University, or challenging Thackarey's provocative words during the 1992-93 disturbances in Mumbai, his strategy of using the media to place the situation before the affected citizens, when, as BEST General Manager, he faced a strike led by George Fernandes, are just a few examples of the strength of a determined administrator. His stand on the issue of liquor permits is another example of his ability to catch the bull by the horns. Though he expresses a suspicion that he stole his way into the civil service, he in fact, emerges, by his work, as an efficient, meticulous, honest and impartial administrator with a strong sense of duty and values.

The question raised regarding the duties of a civil servant and his relations with his political bosses are of crucial importance. D'Souza muses: Is a senior civil servant right to invoke extra-mural support in an effort to protect the public

interest against venality? Where must his loyalty lie? Is his version of public interest to prevail over that of his political bosses?

The book makes delightful reading; hard realities are presented in a forthright and candid way. The lucidity of his style makes it more impressive and interesting. One encounters many situations, often unenviable, and gets clear glimpses of the corridors of power. One also meets celebrities, leaders, politicians, officers and professors too! The list includes Indira Gandhi, Morarji Desai, Sir Shah Nawaz Bhutto, S. G. Barve and Prof. Merle Fainsod. D'Souza has faced, with grit and courage, a number of critical situations, many leading to success and some ending in failure. For example, he candidly accepts that their vision of the New Bombay Project did not materialise. He takes both success and failures in his stride with equanimity and without fuss.

The book reflects the eventful life of the writer; straightforward in approach, transparent in dealings, rich in experience and essentially meaningful. It provides a delightful and enriching treat to all its readers.



Vasant Moon is a well-known name in the Dalit world. The Maharashtra Government's undertaking to bring out the writings and the speeches of Dr. Babasaheb Ambedkar was entrusted to a committee of twenty five persons of whom Shri Vasant Moon was the Officer on Special Duty. He and his team did a wonderful job on this project. "Growing Up Untouchable in India" is the autobiography of Shri Vasant Moon.

It was originally written in Marathi and has been translated into English by Dr. (Mrs) Gail Omvedt, a scholar, an American by birth, and married to a Maharashtrian social activist. Another famous scholar Eleanor Zelliot has written an introduction to the book. Both have made study of dalits their specialism.

The autobiography is based on the experience of Vasant Moon, an

untouchable, in the Hindu society. It is well-known that the untouchables suffered numerous traumas in pre-British times. The Peshwa rule of the Brahmins in Maharashtra cowed and intimidated Mahars and other untouchables by subjecting them to innumerable humiliations. During the time of Peshwa rule, the Mahars were allowed to enter Pune, the capital city of the Peshwas only at high noon when they cast no shadow. They were

GROWING UP UNTOUCHABLE IN INDIA A DALIT AUTOBIOGRAPHY

by

Vasant Moon,

(Translated from the Marathi by Gail Omvedt)

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Reviewed by

Dr. S. M. Michael, Department of Sociology, University of Mumbai

forbidden entry between 9 a.m. and 5 p.m. for fear that their shadow could fall on a high caste person and pollute him. They were not allowed to enter Hindu temples for the same reason. Numerous cases of similar ill treatment of untouchables in pre-British India have been extensively recorded by several scholars. The book by Vasant Moon gives us first-hand experience of an untouchable. Today many untouchables use the term Dalit with pride to denote a people liberated from the idea of pollution although they are still suppressed.

Vasant Moon lived most of his life in a *vasti*, (an "urban neighborhood" or "urban slum") known as Maharpur in Nagpur. He lived as a Dalit boy in the slum the dirt and poverty of which is a reality even today. Moon narrates how he begged, "Oh, madam, give us a piece of bread". Often the response was, "Hey, run or I'll whip your ass!" Moon knew hunger. He writes, "Once again we'll have to go to sleep hungry. I slurp cold water into my stomach to still the pangs of hunger and throw myself down on the veranda. My eyes close. Sleep doesn't come". Moon also gratefully remembers the generous hearts that used to give him fresh food whenever he came with an empty bowl. This food he shared with his mother and sister.

Dalit history in Maharashtra is very much shaped by Ambedkar's movement. In 1927, Ambedkar conducted the famous satyagraha at Mahad to establish the right of access of the depressed classes to public places. In 1929, he pioneered the satyagraha at Nasik for temple entry for untouchables. When all this failed,

Ambedkar painfully realized that within Hinduism the untouchables would never be able to obtain equal status and receive just treatment. He was also convinced that individual and group mobility was difficult for untouchables within the Hindu social system. In this context he saw two possibilities for social emancipation: political unity of untouchables and an *en masse* conversion. Hence, he declared in 1935 at the Yeola Conference: "Though I have been born a Hindu, I shall not die as a Hindu".

Vasant Moon, who grew up in this socio-political context, recalls how the above movement of Ambedkar influenced his life. He writes, "People gathered in the evenings, and one person would read the news aloud so that everyone could discuss it. People began to reflect on Ambedkar's call to leave Hinduism". Moon and other boys of his childhood went from house to house explaining to the Mahars Ambedkar's call for conversion and instructing them not to celebrate Hindu festivals.

On 14 October 1956, after long deliberation and conscious choice, Ambedkar took his *diksha* at Nagpur at 9.30 a.m. Assembled were about five lakh Mahars, who all converted to Buddhism on that day. Moon remembers well the event and relates his personal experiences of what took place on that memorable day.

Ambedkar rejected the position of Gandhi with regard to caste and its reform. Gandhi felt that the ancient Hindus had already achieved an ideal social system with *varna vyavastha*. According to Gandhi, "The law of *varna*

means that everyone will follow as a matter of *dharma* the hereditary calling of his forefathers ... he will earn his livelihood by following that calling". In contrast, Ambedkar believed that an ideal society had yet to be achieved in India. For him, the priority was not making "Hinduism" or Hindu society "shine forth" but building a new, equal, free, open, non-hierarchical, modern India.

The young Ambedkarite Dalits knew the ideological differences between Gandhi and Ambedkar. Moon, who was an ardent Ambedkarite, recalls an incident, which took place when Gandhi visited Nagpur. "Gandhiji went on the stage, everything was quiet. But when he rose to speak, some of the Ambedkarite students in the audience stood up and began to shout, "Long live Ambedkar! Bhim Raj is coming soon!"

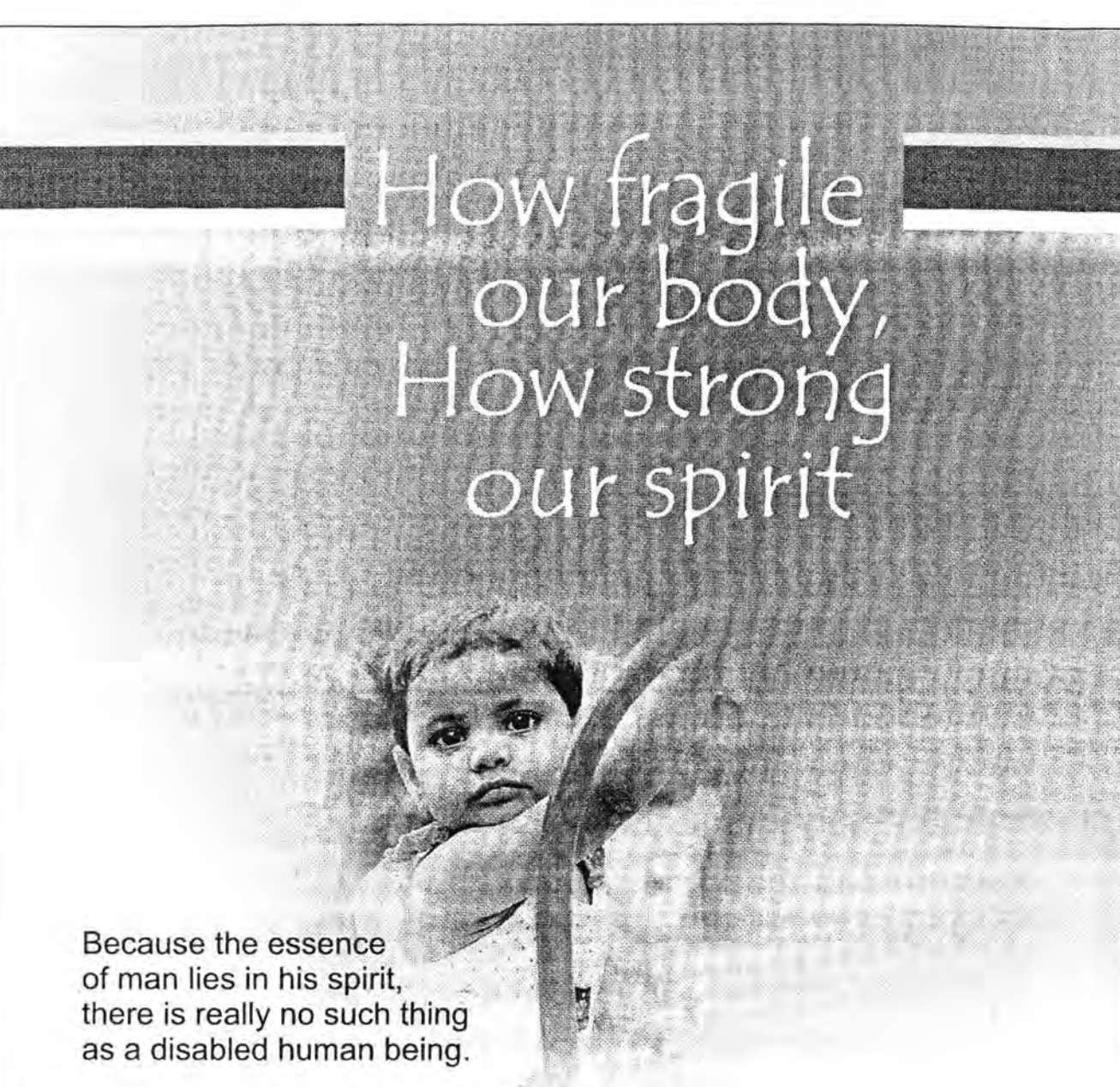
Thus in his autobiography Vasant Moon makes it possible for the reader to gain an insight into a life full of excitement and struggle for the Dalit cause. In the *Vasti* of Maharpur in Nagpur he spent his childhood and youth. Here he learnt his lessons of life as a Dalit, the public activities of the Mahar community fed him, enlarged his horizons and sharpened his social consciousness. He left Nagpur due to his job, yet he used to visit his *vasti* every one or two months to have a *darshan*. His uninterrupted contact with his native place helped him cultivate friendships and remain rooted in Dalit soil.

This book will be valued by all who are interested in the Dalit issue and the Ambedkarian movement.



In any democratic country, after such a monumental failure of administration as Patna witnessed on Monday last, the government would have resigned. But in this country we are past masters in covering up things and making alibis and scapegoats. But it is time we corrected direction.

Jayaprakash Narayan
Everyman, March 30, 1974



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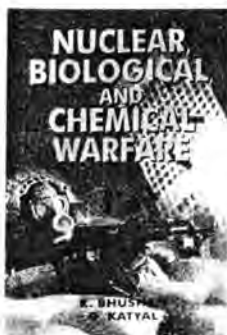
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NUCLEAR, BIOLOGICAL AND CHEMICAL WARFARE

by

K. Bhushan and G. Katyal

Published by

A.P.H. Publishing Corporation, 5 Ansari Road, Darya Ganj,
New Delhi 110 002.

Year of Publication: 2002. No. of pages: 496. Price: Rs.995

Reviewed by

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

K. Bhushan and G. Katyal claim, in the brief preface to this book, that it provides a thoughtful and comprehensive analysis of the historical motives for acquiring and possible use of these weapons of mass killing. They also claim to provide insight into the challenge these weapons pose and influence policy makers as regards the security of their countries.

They cite a number of historical facts to illustrate how even in ancient times, although in very rudimentary form, biological and chemical weapons were used to kill enemies. The nuclear phenomenon of atomic fission and fusion were not discovered in the ancient and historical periods. Nuclear weapons are the latest contribution of science and technology to the war industry of mass killing.

The authors discuss the three types of warfare in three separate parts. In part I they give a lucid account of the genesis of nuclear physics. They explain various theories and models of atomic structure to enable the common reader to understand the same including the famous equation $E = MC^2$. They have explained a number of facts and phenomena of nuclear physics. E.g. the phenomena of nuclear fission and fusion in nuclear weapons and nuclear reactors, the fusion that occurs in the sun and the possibility of using the reaction of fusion to produce clean unlimited energy on earth for human consumption.

The first part of the book enables the reader to understand the risks of nuclear proliferation and the threat of nuclear terrorism. Small nuclear devices can be fabricated by terrorist groups and placed in subways, government buildings and other public

places or even in nuclear power plants. There are other equally frightening problems like the physical protection of nuclear materials and retired warheads, prevention of nuclear theft and thwarting terrorists' efforts in making nuclear weapons. Thanks to the Internet, access to information is easy. Given the resources and materials, even college students can make crude atom bombs that can easily create panic. Non-proliferation laws restrain plutonium extraction in the US. But the extraction of plutonium from US supplied nuclear fuel merrily goes on in other countries in Europe and also in Japan. Instead of making concerted efforts to solve these problems, "the US has given political interests with allies clear precedence over its obvious security interest in making sure that its nuclear fuel exports do not end up as weapons-usable plutonium in world commerce."

Despite the obvious risks and dangers some people believe that it is necessary for a nation to possess nuclear weapons, euphemistically called nuclear deterrents. One cannot forget the euphoria displayed by Indians over the recent nuclear tests. Defense experts believe that possessing nuclear weapons, in fact, prevent wars, as neither side would dare take the risk of devastating nuclear strikes. But the fact remains that India and Pakistan did go to war immediately after they both demonstrated their nuclear capacity.

Chapters 18 to 27 of part I give the history and current status of nuclear arsenals possessed by Britain, China, France, India, Pakistan and South Africa. It is interesting to note that the authors give a blow-by-blow account of the development, triggering and explosion of nuclear devices by Pakistan in May 1998.

Many countries are involved in the research and manufacture of biological and chemical weapons. Some have invented group specific bacteria and viruses that will attack 'them' and will be ineffective against 'us.' Israelite specific, White farmer specific pathogens can wipe out Israel and the white farmers of Zimbabwe. No need of suicide bombings or attacking white farmers! Biological warfare and bio-terrorism are here! We have to take notice of this alarming menace, create awareness and alertness among our people and educate them as to how to react to occurrences of bio-terrorists' attacks. This is what the authors attempt to do in part II of the book, 'Biological Warfare.'

Like the nuclear race, the biological weapons race too is widening and sharpening. Nations accuse each other of producing and stock-piling biological weapons and covertly continue their own research and production programmes. However sometimes sane voices seem to prevail. Nations take notice of this impending danger and the need to put a stop to the research and manufacturing of these weapons. In 1969 President Nixon stopped all offensive biological and toxin weapons research and production by an executive order. Later, all stock piles of biological agents and munitions were destroyed. In 1972, many countries including US, USSR and Iraq signed the Biological Weapons Convention.

After this preliminary discussion of bio-terrorism, the authors give detailed information regarding 28 agents and their weapons, which the organisms used in the agents that cause wide spread illness, mode of spread, the dosage that can prove lethal, clinical

features of the illness caused, diagnostic findings and medical management. The last one includes information regarding whether an effective vaccine is available as also prophylactic treatment. All this information is difficult to remember for a non-medical person but is certainly very important for health service providers who ought to gear themselves up for the eventuality of a bio-terrorist attack.

One perplexing fact that came to my notice is that this whole part II of the book is printed as another book written by L.R.Reddy and published by the same publishers in the same year. Nowhere is a mention made of this fact in either of the books.

The purpose of part III of the book, in the words of the authors is, 'to provide a small and concise handbook for the attendees at the Medical Management of Chemical Casualties Course, (but) not a definitive text.' It certainly is just a manual for health service providers!

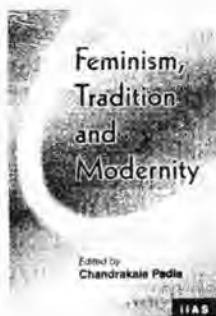
Here one finds a short history of chemical warfare and earlier attempts like the Brussels Convention of 1874, the Hague Convention of 1899 and 1907 to curb it. Significantly both these

conventions were not signed by the US. Chemicals were used as weapons since the beginning of history. Germany started research and fabrication of chemical weapons because it suspected France was doing so. When the weapons are made, one has got to test them. The first and second world wars and the subsequent localized wars provided ample opportunity to do so. Five types of chemical agents, viz., nerve agents, vesicants, cyanide, lung damaging agents and riot controlling agents, are described in detail. Germany used chemical agents against the enemy and at times even against friendly troops in order to study their effects. Many German commanders refused to use chemical weapons in their theatres. So the German High Command chose Ypres for testing. During the First World War, in their second attack on the Russian front on June 12, 1915 they used chemical weapons. But unfortunately for them, the wind changed direction and the German soldiers panicked, as their High Commands had not provided them with gas masks! Three subsequent chemical attacks caused an unknown number of Russian casualties and Germany itself lost 3000 soldiers!

Both the authors seem to be American Indians and write from the

American point of view, although this 'breakthrough book' (as claimed by the authors in their preface) is published in India.

Since September 11, sane voices in the USA, have started rethinking. They are trying to understand why they suddenly find themselves 'facing an uncertain fate at the hands of a mysterious and wrathful entity' and where did they go wrong. Chris Colin, in his article, "Poison of the Mind", October 3, 2001 reproduced in L. R. Reddy's book on Bio-terrorism, asks, 'one of which sins couldn't we be forgiven? Was it McDonald? All those terrible movies? Greed? Was it the way we sometimes lose sight of what's meaningful?' It is much more than this. It is the American domination of the world through the IMF, WTO, Intellectual property rights and Patent Regime (remember *Basmati* rice and *Haldi*?), Globalization, not signing International Treaties regarding nuclear and chemical weapons - all in the name of American interest, above the interest of the rest of humanity. Instead of going into a shell and protecting only American lives, in the way shown by the authors, Americans would be safer if they give a thought to what they are doing to the world.



This volume puts together the papers presented at a seminar at the Indian Institute of Advance Studies in Shimla. The objective of the workshop was to elucidate an indigenous theory of feminism by attempting a more holistic inter-pretation of tradition, and a more Indian understanding of modernity. The radical feminism of the West with its individual personhood, and consumerism is rejected as a basis for such a venture, while at the same time the positive aspects of tradition are

stressed. However, the various contributors do not use the terms "feminism, tradition, modernity" in the same sense or in the same historical context. Hence what finally emerges is a wide spectrum of perspectives, from some quite conservative, and even perhaps somewhat chauvinistic ones, to others much more progressive and challenging. Unfortunately, we do not see these varied perspectives inter-acting with each other, for the discussion that might have taken place, as would have

happened at workshop, is not recorded here and so the kind of conclusions that might have come from such an encounter are missing.

Terms like feminism, tradition and modernity represent multi-valiant concepts, multi-dimensional perspectives and multi-vocal words. There is no essential feminism or modernity or tradition, either in the western or the Indic context, whether this be ancient or contemporary. Any

FEMINISM, TRADITION AND MODERNITY

Edited by
Chandrakala Padia

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Reviewed by
Dr. Rudolf Heredia SJ, well-known sociologist and commentator.
He is the Rector of St. Xavier's College in Mumbai.

essentialism with regard to such complex understandings, loses the context, and becomes completely ahistorical. This readily leads to absolutising either the text or the tradition which then readily falls into fundamentalisms and extremisms of various kinds, whether radical feminist or cultural nationalist, depending on the political agenda that is being pushed, though here there is a certain distancing from the first and an inclination to the second.

The volume is divided into four sections. The first deals with the "Obsession with the West: Retrieving the Indian". The next section, "A Journey through the Literature", is by far the best in the volume, perhaps because seven out of the eight essays are by women, who seem to have a greater sensitivity to contextualising issues regarding feminism. The third section is devoted to the "Dharma-sastra's: Fetters or Freedom?" The last section is about "Braving the Challenges" that confront gender issues today.

The difficulty with interpreting or rather reinterpreting any tradition is that whether textual or otherwise, tradition is never static, especially when it is seen in its context, which must include not just the author, the reader and both their respective situations, but also the continuing interpretations and comments through the inventing time, which together make up the totality of a 'tradition'. The most critical thing, however, once such a context of the text is thus enlarged, is for the interpreter and/or the reader to be quite clear about where they position themselves because this will define their context and the way the tradition is read. Thus the very same tradition, textual or otherwise, can be interpreted in multiple ways from different standpoints. Obviously a feminist perspective on tradition must locate itself within a gender sensitivity that will privilege the concerns of women, and it is precisely the most disadvantaged women that one must express solidarity with, since these are the ones that have suffered more from patriarchal traditions. Indeed, if this is to be reinterpreted in

a more liberative and gender just way, it is precisely these women, who suffer a double or a triple jeopardy of caste, class and gender, whose position and situation needs to be taken seriously.

In this context Gandhi's talisman of 'the last Indian' is relevant. If this in fact was our perspective on interpreting our tradition, whether with regard to gender or modernity, or with regard to our national development and the various issues and problems it raises, perhaps we would have a much more viable sense of not just continuity with the past, but hope for the future, and the sense of genuine freedom and autonomy in regard to both in the present.

It is precisely here that the volume under review seems to waffle. And one gets the impression that it is tradition that is being salvaged, rather than women who are being liberated. But if this is not the intension of the contributors or of the editor, then, given the ambiguities and the anomalies involved, a clear affirmation on this would have stood the volume in good stead. For if you want to affirm the human then we must admit that "the Sabbath is for man and not man for the Sabbath".

Among of the ambiguities that need to be clarified is the apparent identification of modernity with westernisation. If tradition is plural, then certainly modernity is multiple, and westernisation might represent just one of the many modernities that are evolving. In the western world itself the way Latin America is coping with modernity is certainly very different from the way North America is, or in the third world, the way the two Koreas are, or the two Chinas once did, is quite distinct from each other, as also the way the various countries in south or south-east Asia have done.

At times they seems to be a misreading of western history, when for instance permissiveness is traced back all the way to Sodom and Gomorrah (p.32), which were actually part of a pre-Judaic mid-eastern civilisation! On the contrary all the way from the

ancient Manicheans right to the medieval Puritans and into the modern Victorian age, the sexual suppression, especially of women, was more the rule than the exception in the west as is most pre-modern patriarchal societies. In fact one can see the present permissiveness in western society as precisely a reaction to this. Are we perhaps not seeing the beginnings of such a reaction in our own society? And do we not have a complex history of sexuality in our own Indic civilisation, from the renunciation of our ancient rishis and sadhus to the exuberance of the Kamsutra and Khajurao, from the strict asceticism of Jaina and Buddhist monks and nuns to the moderation of the sufis and bhaktis, not to mention the multitude of godman of all kinds with a multiplicity of orientations in our own day?

A critical understanding of our history and tradition will certainly open to a fulfilling destiny, while an uncritical or chauvinist one will only condemn us to a wretched fate. That is why history must be open to prophesy and vice versa; the present must be sensitive to both the past and future. So too must the universal be concretised in the particular and the particular open to the universal, just as globalisation must be complemented by localisation and vice versa. Exclusive dichotomies truncate and negate, inclusive dialogues synthesise and enrich. In conclusion then an indigenous theory of feminism cannot isolate itself from women's movements in other places and at other times, even as it grounds and contextualises itself in a particular situation. For in the final analysis gender justice must not negate universal fundamental human rights, even as these cannot be effective unless they are contextualised and rooted in particular situations. This precisely underlines the need for indigenous theories and localised movements, in which both global and the local come together in synergies and are not dichotomised into contradictions.

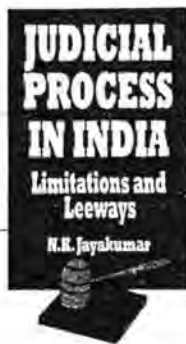
In pointing to tradition and modernity as the context for an indigenous feminism this volume has taken a step forward. And herein lies

the importance of the book. However it still remains a somewhat faltering step, since it seems to be looking backward while moving forward, using rear view mirror to drive a vehicle forward, as Marshall McLuhan once said about coping with the rapid social change that the media revolution has brought! Any creative effort towards an indigenous theory of feminism would require an incisive critique of modernisation in its present avatar in

this country. But to do this one must not idealise or romanticise the past, one must be critical of both modernity and tradition. Only this will lead to a new creativity that is both grounded in the past and open to the future, one that neither escapes into the past or into the future, but engages with the present constructively. Not surprisingly it is mostly the women contributors in the volume who are more sure footed with regard to affirming a contemporary

gender justice, than the men here seem to be with regard to distancing themselves from traditional patriarchy.

This volume is certainly recommended to those concerned with indigenous feminism, especially to those who would want to take the second step on the long journey still ahead to gender equity in our country.



JUDICIAL LAW PROCESS IN INDIA LIMITATIONS AND LEEWAYS

by

N. K. Jayakumar

Published By

APH Publishing Corporation, 5, Ansari Road, Daryaganj, New Delhi 110002
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Reviewed By

Brig. S. C. Sharma (Retd.), currently working in industry as an advisor is a freelance writer and a regular contributor to *Freedom First*.

In a federal system, the judiciary has to perform the task of interpreting the constitution, adjudication and judicial review of administrative actions. In some cases, the judiciary appears to have taken the role of law maker. The book examines whether

- The judiciary has confined itself within the limitations imposed by the legal system, and
- it has adopted a consistent and wise policy with regard to auto-limitations.

The essential principles of separation of legislative, administrative and judicial functions are incorporated in our Constitution. The earliest case of conflict between the legislature and courts occurred on the issue of agrarian reforms. The courts held that adequacy of compensation was subject to the Court's intervention and were accused of being right wing. The Supreme Court stated that compensation should not be arbitrary or illusory. The laws regarding agrarian reforms and land ceiling provide examples of both judicial restraint and judicial activism. Justice Bhagwati observed:

A constitutional amendment is liable to be declared invalid to the extent

to which it damages or destroys the basic structure of the constitution by according protection against violation of any particular fundamental right.

The Courts have not been keen in asserting jurisdiction in the acts of the President and Governors. In the case of Privy Purses, the majority judges tried to enforce morality but attempted to give it a legal garb. The Supreme Court upheld the action of the President of India in retiring Justice Mitter who allegedly gave a wrong date of birth. The remedy for misuse of Article 356 lies in introducing constitutional safeguards rather than burdening the judiciary with checking it.

The constitution excludes judicial review of electoral process and legislative process. By far, the Courts have been observing due restraint in the former case. With regard to the legislative process, cases have arisen where the Court had to intervene like the case of Speaker of Haryana Assembly adjourning the Assembly and the Governor recommending it. The Speaker again adjourned it. The court held the summoning of the Assembly as legal but bills passed as illegal since the Speaker had adjourned it. The Court

could have ignored what happened inside the Assembly and saved the situation of stalemate.

By citing various cases, the author has brought out the conflict between Parliament's powers to amend the Constitution and the Court's authority for judicial review. The power to amend the Constitution is best left to the legislature.

Certain legislations have conferred on the Tribunals the final authority to decide cases. The judiciary is unwilling to arrogate the jurisdiction to re-decide the issue which has been committed for decision. At the same time the Court has made it clear that it will review administrative decisions on grounds of jurisdictional errors and violations of the principles of natural justice.

The author examines with lucidity the issues of self restraint by the Courts, an area where the courts have not been consistent. There seems to be no plausible explanation for the enthusiastic assertion of jurisdiction in some cases.

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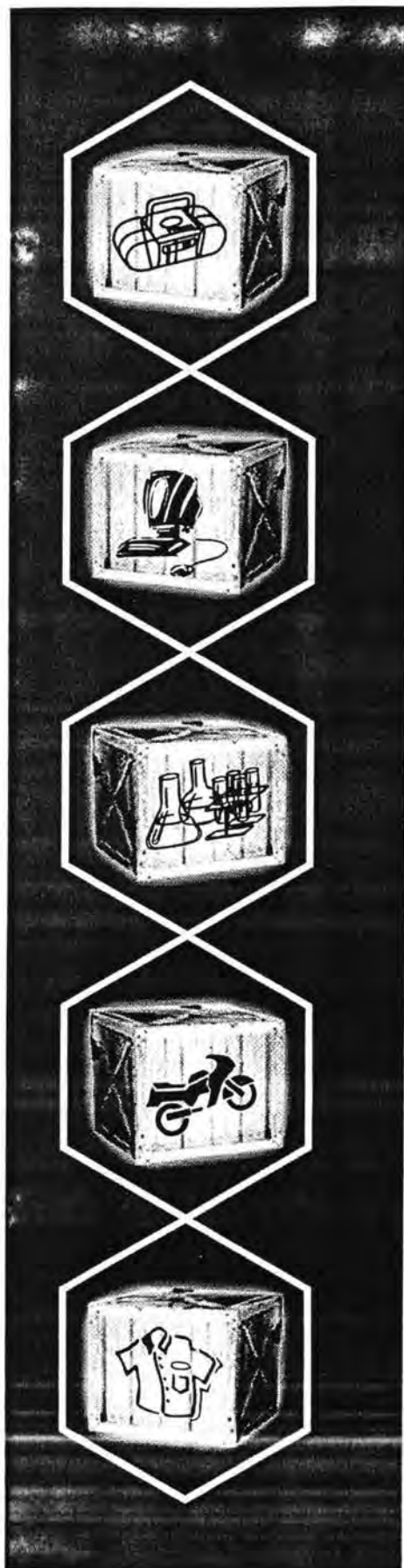
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