

Freedom First

No: 470, July 2006
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A Liberal Quarterly

THE
?
RESERVATION
CONUNDRUM

Plus

Remembering Peter Benenson: Amnesty's Founder

Munmun Jha

Why are Jews so powerful?

Dr. Farrukh Saleem

PROFILES IN COURAGE OF THREE BRAVE WOMEN



Aung San Suu Kyi

AUNG SAN SUU KYI was two years old when her father General Aung San a national hero, and de-facto prime minister was assassinated in 1947 six months before Burma achieved independence. Suu Kyi did her schooling in Delhi and later at Oxford University. She married Michael Aris, a Tibetan scholar in 1972. They had two sons. Her husband died of cancer in 1991 in the U.K. She hasn't seen her sons for years.

She returned to Burma in 1989 to tend to her ailing mother. That same year she was appointed secretary-general of the National League for Democracy (NLD) which led a movement for the end of military rule and the restoration of democracy. The oppressive military Junta placed Suu Kyi under house arrest in July 1989. In the general elections of 1990, though Suu Kyi was barred from contesting the elections, her party won 392 of 495 parliamentary seats. The Military refused to accept the results. Instead the leaders of the victorious party were jailed.

For her campaign to restore democracy in her motherland, she won the Nobel Peace Prize in 1991. She was released after six years but this was to be an altogether brief period of personal liberty. She was however not allowed to leave Rangoon. In 2002 she was re-arrested and has been under house arrest where she spent her 61st birthday on June 19 this year.



Tasleema Nasreen

TASLIMA NASREEN was born in August 1962 to a Muslim family in Bangladesh. Though Taslima was fond of literature she studied medicine earning her medical degree in 1984 and worked in government hospitals.

Her first book of poetry was published in 1986. Her second *Lajja* (Shame) became a huge success in 1989, and she started writing about women's oppression. She had no hesitation in being critical of religion, traditions, and oppressive cultures and customs that discriminate against women.

In 1993, a fundamentalist organisation called Soldiers of Islam issued a *fatwa* against her, a price was set on her head because of her criticism of Islam. The government confiscated her passport and she was forced to quit her job.

According to Taslima, religious scriptures are out of time, out of place. Instead of religious laws, she maintains, what is needed is a uniform civil code that accords women equality and justice. This led to fourteen different political and non-political religious organizations in demanding her immediate execution by hanging. Two more *fatwas*, and hundreds of thousands of fundamentalists took to the streets, demanding her death.

She was forced to leave her country. Her applications to the Bangladesh government to be allowed to return have been denied. Taslima, now lives in exile, moving between three cities - Kolkata, Stockholm and New York.



Ayaan Hirsi Ali

AYAAN HIRSI ALI born 13 November 1969 in Mogadishu, Somalia, was, until very recently, a Dutch feminist and politician. She was a member of the People's Party for Freedom and Democracy (VVD) and elected to the Lower House of the Netherlands Parliament of which she was a member for three years. She resigned from Parliament when she was found guilty of providing false information in her application for refugee status in the Netherlands, and ordered to leave the Netherlands.

The following extracts from an interview say it all about this gutsy woman:

She's the feisty Somali who claimed asylum in Holland and took a degree in political science. She's the slight, beautiful Dutch MP who has publicly criticised Islam, on paper and on screen. She's the target of Muslim fundamentalists who shout abuse at her in the street and send death threats to her office.

"I got into it accidentally and I think it's important for some people to give it a meaning, you know, one woman fighting against Islam. It feels like really hard work."

By "hard work", she refers not to her 11-minute film 'Submission', which was broadcast on Dutch television nor her newspaper columns which criticise Islam; she means dealing with the reaction from the Islamic community in Holland and beyond. Since 'Submission' was broadcast, the threats have intensified rather than died down. That she tolerates this daily, while refusing to back down on what she lightheartedly calls her Islam Reformation Project (IRP), has earned her the title of 'brave'.

Freedom First

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BETWEEN OURSELVES

This quarter's cover story turns the spotlight on the vexed issue of Reservation thanks to Union Minister Arjun Singh who decided that it was time to broaden the base for OBCs by another 27%. We return to this subject after 21 years. On the last occasion *Freedom First* carried a summarised report and the recommendations made by a Committee appointed by that seminar. No record was kept of what said by Mr. Masani, Mr. Subramanian Swamy and several others. This is a pity. The Reservation issue is likely to be with us for a long time to come as it is in no party's interest to find a solution. Keeping the reservation pot boiling would be politically more rewarding than seeking a solution. 20 years hence when this matter comes up for discussion, what was said at the June 10, 2006 seminar would be of interest and perhaps even relevant! We therefore decided to cover the proceedings in greater detail. Hence the cover feature on Reservation has taken up half the pages of this issue. Even so we have not been able to accommodate the many observations made during the discussions as well as a few articles received from readers in response to our invitation to them to send in their views. We intend getting these into our forthcoming issues perhaps even publishing them in booklet form, thereafter.

The roadblocks placed by partners of the UPA coalition to stymie the Prime Minister's rather timid efforts to resume the disinvestment process has prompted Mr. Sharad Bailur to point out that his scepticism about the nature of coalition politics in India has been vindicated. (FF 469 January-March 2006). He writes: "the DMK threat to withdraw support to the UPA government, and the immediate backing down by Manmohan Singh & Co on the disinvestment issue... events are playing out exactly as I had predicted ... It is easier, cheaper and far more effective to be a small player with just enough clout to bring a government to its knees than to be a big player in politics. Hence the proliferation of splinter parties with names getting larger as the party gets smaller. Besides the reason for the DMK's action lay not with national interest but with its own and the votes it would lose. Precisely the point that I had made: 'Me and Mine'.

If you have any comments to offer on this or on any other issues of current relevance, including of course the work of the "Oversight Committee" headed by Veerappa Moily to unravel the Quota tangle, why not share it with readers of *Freedom First*?

S. V. Raju
Editor

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WITH MANY VOICES

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

...the biggest problem with the existing police system is that people who should be afraid of the police are not, and those who should trust them, do not.

Ved Marwah, retired Police Commissioner of Delhi,
Outlook, March 27.

The Amarnath Himalingam has melted. Mithi has shrivelled. Katrina threw one hell of a tantrum. Nature has served unequivocal notice. But is anyone listening?

Bittu Sahgal, noted environmentalist,
Sunday Times of India, June 25

PDS: Pathetic Distribution System

Headline in *Hindustan Times*, June 19

The Da Vinci Code sure hides a truth but its not in the book or the movie: it's in the way the movie is being used as a template to invent new truths all over the rapidly disintegrating "Christian world".

Ashok Row Kavi, *SundayHindustan Times*, June 18

Seeing Dan Brown's *Da Vinci Code* was thrilling because it gives the female perspective to the 'Gospels'

Ashok Row Kavi, *Sunday Hindustan Times*, June 18

I still find it funny that the film created so much hype and controversy. It certainly hasn't disturbed the foundations of my faith in any way.

Filmgoer Nelson D'Costa, *The Indian Express*, May 27

If the Cabinet proposal on reservation goes through, then history will only remember the rise of China. India, it will record, was too busy cutting itself up.

Gurcharan Das in his column 'Men and Ideas',
Sunday Times of India, June 18

Narottam Mishra, Madhya Pradesh's Minister for schools, has declared war on (nursery rhyme) Twinkle Twinkle Little Star and other relics of colonialism that captivate and distort the patriotic potential of our five-year olds.

Farrukh Dhondy, *Sunday Times of India*, June 18

(If) the government seems intent on protecting unauthorised constructions, we would not like to waste judicial time.

Justice R. M. Lodha while hearing a PIL in the Mumbai High Court, *Hindustan Times*, June 17.

You will be nearer to heaven playing football than studying the Bhagavad Gita.

Swami Vivekananda speaking to a young, sickly-looking lad who wanted to acquire spirituality.
Cited by O. P. Sharma in *The Indian Express*, June 17.

No major country in the world is as gerontocratic or as sclerotic in its politics as we are in India.

Editorial in *The Statesman*, June 15

The UPA government's problem in matters of constitutional morality is not that it does the wrong thing. It is far deeper; it has lost any sense of the distinction between the right and the wrong thing.

Pratap Bhanu Mehta, *The Indian Express*, June 1

The stern manner in which the leaders of the Left warned the Election Commission on Thursday (June 1) to desist from acting against any of its MPs facing action for holding office of profit was almost reminiscent of Musharraf gravely telling India to "lay-off" as he announced his policy about-turn on the Taliban after 9/11... Imagine if a similar warning had been made by (BJP's) Narendra Modi. All hell would have broken loose.

Shekhar Gupta, Editor, *The Indian Express*, June 3

An honest member of Parliament to a comon man, would seem like an amusing oxymoron...Strangely though there are some MPs in this country of cynics and self-proclaimed fatalists who are as financially strapped as their constituency...They catch buses, travel by trains and own less gold and property than a police constable.

In the column "Oddly Enough",
The Sunday Times of India, May 14

OF CABBAGES AND KINGS

Thank you Imamji

"Taslima Spared" says a Statesman News Service headline and goes on to report that the Imam of the Tipu Sultan mosque in Kolkata "has withdrawn his announcement of an award of Rs.50,000 for anyone who eliminates Taslima Nasreen following her stand on certain religious aspects of the Muslim community". For a moment I thought that Kolkata is in Iran! Remember the *fatwa* on Salman Rushdie? Remember that silly Muslim minister in the UP government who offered a reward for the head of a Danish Cartoonist?

Perhaps the Imam needs to be reminded at least by our courts that India is a secular and not a theocratic state and such 'rewards', 'Supari' in Mumbai gangster language, are unacceptable. It is time our judiciary takes *suo moto* notice of such statements of criminal intent and punishes offenders. Our politicians whose sole pursuit is power and when in power to stay there, are no longer capable of protecting India's secular democracy.

Resisting Religious Totalitarianism

Kolkata's *The Statesman* of March 2 reports a statement signed by Salman Rushdie, French philosopher Bernard Henri-Levy, Bangladesh writer Taslima Nasreen, Somali-born Ayaan Hirsi Ali, Iranian writer Chahla Chafiq among others, issued from Paris, and published in a French weekly calling for "resistance to religious totalitarianism", has not received the attention it deserves in the Indian press. The statement issued in the context of the violence surrounding the publication in the West of caricatures of Prophet Mohammad says *inter alia*, "We, writers, journalists, intellectuals call for resistance to religious totalitarianism and for the promotion of freedom, equal opportunity and secular values for all...It is not a clash of civilisations nor an antagonism of West and East that we are witnessing, but a global struggle that confronts democrats and theocrats." The clashes over the caricatures "revealed the necessity of the struggle for these universal values. The struggle will not be won by arms but in the ideological field".

Truly Spoken

In his column 'Swaminomics' (*Sunday Times of India* June 25), entitled West's Discovery of India

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



Swaminathan Aiyar spoke the truth, the whole truth when he wrote: "Yes, India does have a growing world class business community. But unless the state is transformed from a callous exploiter into one that actually serves citizens, unless we get a half-satisfactory police-judicial system, unless we create incentives that reward desirable behaviour of officials and politicians and penalise undesirable behaviour, I doubt if India can become an economic superpower." The rest of the column, which leads to this conclusion, is highly recommended reading for it put facts in their right perspective. !

Wheat Imports to Control Prices

According to press reports the government of India "alarmed by the spiralling prices of essentials across the country" has allowed the import of wheat and sugar at zero duty with no ceiling on the quantities that can be imported. I thought that the STC's warehouses are overflowing with wheat (even if not sugar) and the problem was one of storage. It may be recalled that wheat imported from Australia was found inedible. Why import when we have enough of the stuff. True, under the WTO regime movement of goods across boundaries is easy. Are we to understand that our warehouses are empty? If the prices of wheat, sugar and pulses are high and the decision to import is to bring prices down, aren't we depriving our farmers from benefiting from these high prices? On the other hand our farmers are committing suicide unable to repay loans. It's all very confusing. We have all heard that historically in post-independent India the terms of trade

have been loaded against agriculturists. All this is very confusing. Can someone explain this phenomenon?

*

Villagers Demand Quality Education

Come June/July of each year parents in urban India try their damndest to get their children into good schools. Snide remarks are often heard from press reporters, among others, influenced undoubtedly by 'leftist' propaganda that such parents only prefer 'elitist' education for their children. Parents are interested in quality education and they have a choice provided they can afford quality schools. In our villages there is no choice. It is a take it or leave it situation. It was therefore heartening to read a report (*The Indian Express*, June 23) that in the village Madsangri in Nasik district the villagers marched through the city of Nasik (the district headquarters) demanding quality education. The protest was directed against a High School for its poor quality education. Until the district education authorities rectified matters the villagers decided to run parallel classes for 400 children in their community Hall. Where there was no choice the villagers of Madsangri created one! That's what liberal democracy is all about!

*

Judiciary to the Rescue

We the people long deprived of good governance find the judiciary a godsend in doing miscellaneous jobs.

Readers of this column might recall my reporting that an angry Mumbai cardiologist wrote to the Bombay High Court drawing their attention to the pathetic condition of roads after the last monsoon and which had led to many accidents. He even enumerated the precise number of potholes that needed to be filled (8,143). As it happens, an avid reader of *Freedom First* informed me that the good citizen cardiologist was Dr. Sandeep Rane. After the first rains this month, many potholes reappeared and this time the good doctor with two other activists filed a PIL on the poor condition of the roads in Mumbai and Thane.

Acting on the PIL a Division bench, no less, of the Bombay High Court took serious note of the fact that the BMC had not utilised the Rs.490 crores provided in the 2005-06 Municipal budget for maintenance and construction of roads. The Hon. Judges directed the BMC to file a detailed affidavit by July 19 along with details of the amount of money spent on the maintenance of roads in the city. Speaking to a press reporter Dr. Rane

said that last year the BMC spent Rs.18 crores on filling potholes but it was of no use. Pointing out to the Pune Expressway, Dr. Rane said: "This road is in good condition because it is maintained by a private body. If the civic authorities can't maintain their roads they should outsource to reputed bodies". Good advice indeed.

The purport of this narration is to underline how much a single public-minded citizen can achieve, and the extent to which the judiciary is prepared to help citizens.

*

All's Well that Ends Well?

The Bombay Parsi Punchayet (BPP) is a highly respected body which, until recently, enjoyed an enviable reputation – or so we thought. I have had occasion to write about the sterling contribution to India's public life by this small community which, when it had the opportunity way back in the early fifties to be categorised as a minority and enjoy special facilities not only declined the 'honour' but went on to contribute to independent India's commerce and industry far beyond its numbers would warranted.

I have had the opportunity of watching from close quarters the well known businessman and philanthropist Mr. Jamshed Guzder a doyen of the Parsi community handle the affairs of the BPP when he was a trustee and later its Chairman. He commanded universal respect and had the reputation of not only being generous but also even-handed. He lives and breathes the BPP even today, though he retired some years ago.

The BPP is reputed to be the second biggest landlord in Mumbai after the Bombay Port Trust or BPT. I, for one, though I am not a Parsi, was shocked when I read a report that some trustees had taken an internal matter to, of all organisations, the office of the Charity Commissioner. Jimmy Guzder as he was popularly known would have done no such thing. He would have confronted the recalcitrant and sorted out a community matter within the organisation that served the community. Now the BPP has earned some notoriety and worse, comments that it's no better than trusts run by other communities. As I write this news is in that the trustees have withdrawn their resignations. While one hopes that 'all's well that ends well' one can't help observing that a cat is now among the pigeons.

SVR

The Reservation Conundrum ...

Report of a Seminar organised by *Freedom First* and the INDIAN LIBERAL GROUP
on June 10, 2006.

Twenty one years ago, on 18 May 1985, Freedom First Foundation and the INDIAN LIBERAL GROUP held a seminar in Mumbai to discuss 'Reservation and Affirmative Action'. Chaired by Minoo Masani, the founder of both these organisations, the 25 participants who represented a cross section of people from various professions and disciplines, set up a committee and charged it to prepare a report of the seminar. Along with the Report the Committee was asked to make its recommendations, based on the discussion. The Committee did this and submitted them to the then establishment the Seminar's Report and recommendations. These were in the nature of a set of alternative policies "which would better fulfil the intended objectives of the Reservation policy without detriment to society as a whole and to the efficient administration of the educational system." Fairly certain that the alternatives were not likely to be accepted by the establishment, for populist reasons, the Committee added a less 'revolutionary' 8-point recommendation intended to reform the then existing Reservation policy. The recommendations were sent to the then Prime Minister and others concerned. Not surprisingly there was not even the usual acknowledgement informing us that "the matter was receiving attention."

Mr. Rajiv Gandhi was then Prime Minister. His party the Indira Congress had a huge majority in the Lok Sabha. For this first time in India's electoral history his party received more than 50% of the votes polled. That was the opportune time to replace Reservation with an alternative set of policies that would, once and for all, put to rest this issue that was dividing the nation. They could have done this without any difficulty because they had the numbers to even amend the Constitution if it came to that. Pandit Jawaharlal Nehru, daughter Indira Gandhi and her son Rajiv Gandhi had all gone on record that reservation was not the ideal solution. But the opportunity was not taken. The Reservation conundrum, like the Kashmir issue has become intractable continuing to plague India's polity.

Mr. Arjun Singh whose political agenda did not include the word 'compromise' announced that his government had decided to increase the reservation quota for OBCs by another 26%. In a sharp and instant response medical and engineering students, interns and doctors in hospitals in India's

cities and towns took to the streets in protest. The Supreme Court, which has time and again shielded the common people from the depredations of politicians particularly those in the establishment, intervened. The Court asked the students to call off their agitation and go back to their hospitals and classrooms and promised that justice would be done.

It was in the midst of such a situation that *Freedom First* and the INDIAN LIBERAL GROUP convened a second seminar on the subject in Mumbai on June 10 as a follow up to the first one held in May 1985. Thirty-two participants took part. The level of participation was lively with almost everyone round the table having something to contribute to the discussion. We have covered the proceedings of this seminar extensively. In this report we carry the presentations by the Chairperson Dr. Usha Thakkar and discussion leaders Brig. S. C. Sharma, Mr. J. B. D'Souza, Mr. Sharad Bailur and Dr. R. K. Hebsur. We had invited readers of *Freedom First* to write in their views and are delighted with the response. Unfortunately space constraints prevented us from carrying all the articles that were received. We could not also carry details of the discussions. We intend to carry these in subsequent issues of this journal.

This second seminar generally felt that the recommendations made by the seminar referred to over 20 years earlier were, with a few minor modifications, equally relevant to today's situation. We have carried (on page 22) a summary of these recommendations as part of this cover feature.



... An Overview

Usha Thakkar

If birth identity takes precedence over other identities, the identity of an equal and responsible citizen takes a backseat.

The issue of reservations needs to be understood in its historical as well as contemporary contexts. Our democracy, though it may at times appear messy and unwieldy, has remained vibrant and functional. We, however, have a long way to travel before translating this participatory form of democracy into an emancipatory one.

The makers of the Constitution had provided for protective discrimination in the form of reservations for the SCs and STs, till such time as the necessary foundations of an egalitarian society were established firmly. Such reservations were meant to be 'enabling provisions' for a limited period only. But the politics of identity and opportunism have overshadowed the egalitarian dream. The political parties and leaders, ever in need of more and more of voter support, seek to expand the network of reservations; the various castes and groups, lured with the intention of reaping benefits, strive to be included into the charmed circle of beneficiaries. After the appointment of the Mandal Commission and the implementation of its report, caste has now emerged as both the most decisive and divisive factor in the political calculus.

The electoral system has played up the potential of caste, and particularly marginalized castes and sections in the political arena. The gain of mobility and power by the OBCs has added to the intricacies of the power game. The position differs from state to state and even within a particular state. In addition, the internal dynamics of our highly heterogeneous society are complex, giving rise to conflicts of all kinds – ethnic, communal, religious, casteist and regional – and at all levels, from local to national.

Real Goals of Education Ignored

The importance of education in this context cannot be overemphasized. Education is perceived as a tool to have access to power and position. India has over 250 universities, 15,000 colleges and around 10 million students. The growth, however, has not been well-planned. Recent growth is much greater in professional

colleges (especially engineering, management and medicine), as well as in private institutes professional/vocational courses. The education system however remains under constant stress. Over-regulation by the state co-exists with discretionary privatization. The fierce competition for seats in the institutions of excellence has also to contend with the reservation of seats. The number of colleges of liberal education increases with an decreasing capacity of the educated to secure jobs. India's education system suffers from the crisis of governance. Unimaginative policy makers, academic entrepreneurs and maneuvering persons who take education as a commodity, rule the sphere of education. The contours of higher education are shaped by many players in the arena like the University Grants Commission (UGC), the legislature, the executive and decision-making bodies in various institutions and the universities. There is hardly any coordination among them; instead of a comprehensive vision, they have different programmes and paths.

Education is a very important component of human development. But how do we understand the goals of higher education? To strengthen democratic norms? To prepare responsible citizens? To provide equal access to opportunities? To build a vibrant economy?

Instead of pursuing the goals with vision, well-formulated policies and political will, the state takes recourse to unimaginative steps like uniform pattern for all educational institutions and politically expedient short cuts like reservation. The latest announcements of the government regarding reservations prove this once again. The fact that there are deprived sections that need to be assimilated in the mainstream cannot be denied. The underlying principles of freedom, equality and justice enshrined in the Preamble of the Indian Constitution demand removal of discrimination, inequality and oppression in all spheres. This calls for innovative policies and firm commitments to the norms of freedom and equality. What happens, however, is that the rhetoric of social justice and equality attempts to silence different viewpoints and perspectives. Instead

of serious deliberation over the issues of discontent, the discussions on reservation end up in a blame game. The judiciary and the legislature often differ in their interpretations of social justice and equality resulting in important judgements being sought to be annulled through legislation including constitutional amendments.

The OBC Arithmetic

The recent decision of the government to increase the quota for the OBCs raises many issues.

To begin with, the data available is neither sufficient nor reliable enough to justify the declared percentage. Currently 22.5% seats in higher education institutes under the Central Government are reserved for the SCs and STs. Their combined share in the population is 24.4% (SCs 16.2% and STs 8.2%). Now the proposal to increase the quota to 49.50 % to include OBCs does not have the required data to arrive at this figure. Exact figures of the OBCs are not collected in the census. The last available caste-data is in the 1931 census; it was wisely decided that Republic India would not require such data. The Mandal Commission estimated around 52.4%. The National Sample Survey of 1999-2000 puts the OBCs between 36% and 32% excluding Muslims. Social Scientist Yogendra Yadav puts it at 40% to 44%, on the basis of the election data worked out by the Centre for the Study of Developing Societies (CSDS). The Minister for Human Resources himself was not sure of the figure. In addition, it is extremely difficult to decide the line of backwardness and delineate the OBCs. The economic, social and political parameters in identifying differ from state to state and even within the state.

Secondly, the number of the OBC castes keep increasing. Political wheeling-dealing is a major factor for such additions. In 1999, OBC status was conferred on the Jats in Rajasthan barring those from the districts of Bharatpur and Dhaulpur, ruled by the members of that caste before independence! Significant additions to the OBC list have been made on the recommendation of the National Commission for Backward Classes on the premise that 'identification of backwardness is an ever-continuing process of inclusion and exclusion.' However, we have so far seen only inclusion and expansion, not exclusions.

The Easy Way Out

It is difficult to put SC, ST and OBC on one footing

and in the same group. Instead of finding an alternative and encouraging fresh thinking on the issue, the government has adopted an unimaginative and populist approach. As pointed out by Pratap Bhanu Mehta (in his letter of resignation from the Knowledge Commission addressed to the Prime Minister), what we needed was space to design more effective mechanisms of targeting groups that need to be targeted for affirmative action. For instance, there are a couple of well-designed deprivation indexes that do a much better job of targeting the relevant social deprivations and picking out merit. The action of the government, however, has prematurely foreclosed these possibilities. Reservation is the way of avoiding the things that really create access. e.g. increasing good quality institutions at all levels, more robust scholarship and support programmes, combining economic reform with social justice. Not enough is being done to empower the marginalized groups. We are not doing enough to genuinely empower marginalized groups, but are offering condescending palliatives like quotas as substitute.

Such reservations encumber the autonomy and independence of academic institutions. They leave no space for the institutions to try protective policies suited to their environment. By putting all the institutions at the same level, the government has displayed its insensitivity and apathy.

Playgrounds of Politicians

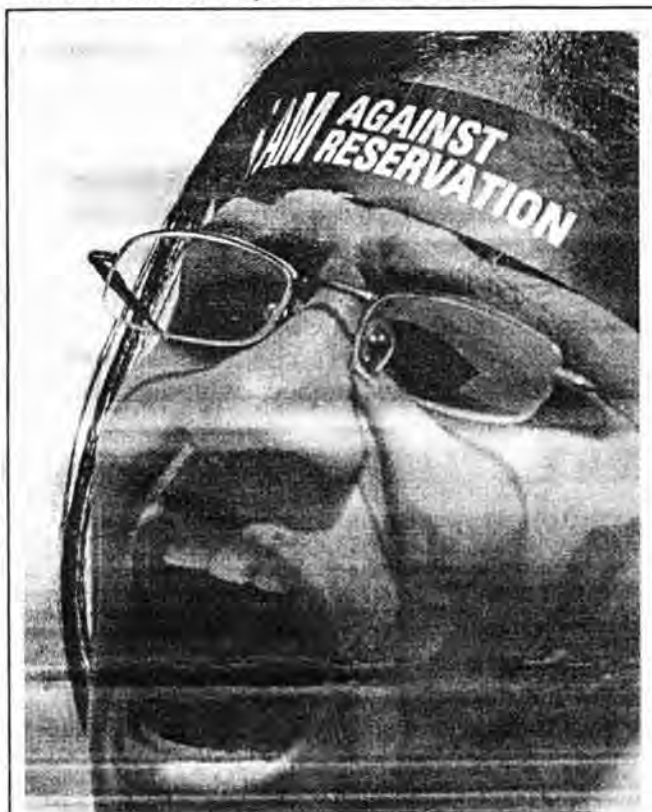
These provisions politicize the education system and convert academic institutions into a playground for politicians. Strong and independent educational institutions bring prestige and prepare the young generation for formidable challenges. Vitality of educational institutions is important for the strength of the nation.

It hardens caste consciousness and entraps the young and emerging generation into the whirlpools of caste identities.

Not Meant to be Permanent Crutches

The provisions have to be considered in the context of the Constitution. As H. M. Seervai has pointed out in his article 'Reservation: In Education and Public Service, *Freedom First*, July 1985, No.386, two provisions in our Constitution have produced a social revolution. One is the abolition of untouchability and the other is the acceptance of universal adult suffrage. Article 16(4) grants power to the state to reserve seats. According to

Article 15(4), the state can make special provisions for the advancement of any socially and educationally backward classes of citizens or for the SCs and STs. It is to be noted here that this discretionary power is an enabling provision which neither creates any obligation on the government nor confers any right on any citizen, backward or otherwise. What Articles 15 and 16 provide for is what has come to be known as 'discrimination in reverse.' It means that certain classes have been so handicapped by social conditions, by previous history, by the nature of their employment that some advantage should be conferred on them in order to bring them up to the level of others. Such discrimination must be for a reasonable and limited period, but cannot continue indefinitely. Again, the relaxations made in favour of Scheduled Castes and Scheduled Tribes have overlooked the injunction of Article 335 that the claims of the Scheduled Castes and Scheduled Tribes in public services shall be considered having regard to the efficiency of the administration. To quote Seervai, "just as we condemn the injustices of the past, we cannot cure one injustice by perpetuating another injustice. Reservations of seats and posts was meant to be a help and not meant to be permanent crutches".



A student shouts slogans in Bangalore.
Courtesy: *The Statesman*, Kolkata, 15th May 2006.

Identity Politics is Explosive

Identities of people are overlapping and multi-layered, which include class, caste, religion and gender, with each group having internal diversities. India is a nation of extreme diversities, hierarchies and economic disparities. Intersections of identities are complex, varied and at times unpredictable. Various political and economic forces bring to the surface different identities at different crucial moments. Caste is an identity, but not the only identity. Reservations form shifting alliances guided by emotional pulls and practical calculations for self-interest of such identity for immediate gains. They tie economic and political benefits to identity politics and result into explosive politics.

Stark realities are often camouflaged under the colorful slogans of social justice. Social inequality cannot be seen divorced from economic inequality. Social justice has to be considered with economic well-being. *The Economist* (June 1, 2006) has important comments on the Indian situation. "Higher rates of growth are essential, if India is to find jobs for the 70 m or so young people who will join the labour force in the next 5 years; if the 260 million who live on less than \$1 a day are to be lifted out of poverty; if the benefits of India's success are to be shared by the 70% who live in the countryside; and if India, in 15 years time, is to become something like China today".

If birth identity takes precedence over other identities, the identity of an equal and responsible citizen takes a backseat. Social justice cannot be converted into numerical calculations; neither can commitment to democratic norms be proclaimed by taking recourse to the blame game. Political correctness cannot stifle openness of ideas. The rational arguments based on democratic norms have to override narrow considerations. Society and especially the youth are under pressures not experienced earlier. Opportunities are abundant, but competition is fierce. A liberal economy, globalization and changing social relations have brought new challenges.

Innovative Solutions Needed

To talk about affirmative action only in terms of quota and numbers amounts to ignoring the challenges of the twenty-first century. Issues of excellence and access need not be seen as contradictory; just as castes and merit need not be perceived as connected. There cannot be two opinions that the deprived and marginalized sections have to be integrated into the mainstream. But quotas do not provide blanket solutions. Our democracy

nurtures plural voices and diverse opinions by its very nature; all of them do not result into irresolvable conflicts. In fact not listening to them will result in that. The bitter history of past inequalities cannot be erased by playing on the casteist paradigm. Realities of life are that there are conflicts in every identity group. The tensions between SCs/STs and OBCs and between various sub-castes amongst SCs cannot be sidelined. What is required is sensitive understanding of the issues at stake and far-reaching policies towards the goal and political will.

Inequalities must be removed in a democratic system, but they demand targeted and innovative policies of affirmative action, which facilitate a sense of shared interests rather than competition among groups resulting in zero-sum games. Contemporary challenges demand new discourse, new paradigm and new strategies to translate the ideals of equality and justice into reality.

DR. USHA THAKKAR is Honorary Director, Institute of Gandhian Thought and Rural Development.

... The Background: How it all Began

S. C. Sharma

The first amendment to the Constitution passed by Parliament in 1951 permitted special provision for socially and educationally backward classes of citizens under Article 15(4). The First Backward Classes Commission under Kakasaheb Kalelkar appointed in 1953 submitted its Report in 1955. Pandit Nehru thought that the socialist economy and Five Year Plans would solve the problems of poverty and there was no need for any reservations. The then Home Minister, Govind Ballabh Pant opined that recognition of backward classes would perpetuate existing distinctions and was undesirable. The Report was rejected.

The reservation for SC/ST categories originally meant for 10 years in the Constitution was renewed for another 10 years and is likely to continue forever since no effective steps have been taken to improve their conditions. The quota for SC/ST categories is 15 and 7.5 per cent respectively.

Actually Reservations is not a post-independence concept. It was introduced in Kolhapur in 1902, in the old State of Mysore in 1921 and in the Bombay Presidency in 1935. In Tamilnadu it was implemented partly through unwritten laws from the '50s onward as a result of a mass movement. In the State of Jammu and Kashmir, it was enforced by the British Resident.

Mandal Commission

The Janata Government under Morarji Desai appointed the Second Backward Classes Commission in 1978 under Mandal. The Mandal Commission considered 2052 castes and took the population of the OBCs to be 52 %. This has been challenged by an article in *Rediff.com* which puts it at 36%, based on the National

Sample Survey of 1999-2000. The Mandal Commission, according to this article, created a mythical figure by reducing the number of SC/ST and Muslims. The Commission listed OBCs based on the following 11 criteria of social, educational, economic backwardness and traditional social status:

Social

- classes and castes;
- dependence on manual labour;
- early marriage of women;
- participation by women in work.

Education

- lower number of children in school;
- higher drop out rate;
- lower percentage of matriculates.

Economic

- low assets;
- *kachcha* houses;
- no drinking water;
- more consumption loans.

Some of the OBCs are trade-based like tailors. Of these 52%, 8.4% are non-Hindus. (The *Milli Gazette* 16 to 31 Dec. 04). The categories are region-specific. For example, the Jats are OBC in Rajasthan but not elsewhere. The Commission accepted 15% disadvantage as the criteria for inclusion in the OBC category.

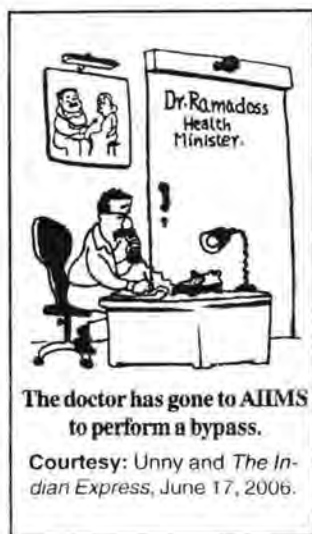
The Mandal Commission recommended reservation in jobs, changes in land tenure and production relations, special coaching and schools, vocational training, artisan co-operatives and easy bank loans for the OBCs. The Report was submitted to the then Home Minister, Zail Singh in 1980 but no action was taken for 10 years.

Why Students are in Revolt

For 10 years, no action was taken on the Report till V P Singh decided to enforce it in 1990. There were riots and immolation by some students. In 1963, the Supreme Court put a limit of 50% on quotas for the various categories and upheld the provision of 27% quota for the OBCs in 1992. In 2005, the Court ruled out any caste-based quotas in unaided private institutions. The Court further directed the exclusion of the 'creamy layer' from using the quotas and ruled out a 10% quota for the economically backward classes proposed by the V P Singh Government. The Government fixed an income of Rs 1 lac a year as the limit for the 'creamy layer'. It was later raised to Rs 2.5 lacs a year. In practice, the existing quota in the Southern states exceeds 50%.

The Constitutional Amendment to Article 15 passed in Dec 2005 allows reservation in private institutions other than minority institutions. The Government now wants to extend reservations to IITs, IIMs and Post Graduate Medical Courses. The present agitation by the medical students is sparked by this reservation in post-graduate courses.

The general public had not questioned the reservation for the SC/ST initially. There was some hostility to extension after the first 10 years. The application of the reservation principle to promotions has certainly caused resentment. The reservation in past graduate courses in Medical Colleges is opposed on two grounds. It is unfair to the other students. If 5 years of medical education has not brought the reserved categories to the required level, they do not deserve to be granted any concession. Secondly, in sensitive and critical areas of life saving professions, no chances should be taken. It may be recalled that the Nehru Government had excluded institutions like the Atomic Energy Commission and the Armed Forces from reservations.



Have Reservations Achieved their Objectives

The important issue is not the legal or constitutional validity of the proposal. We need to consider whether it is

desirable and likely to achieve its objectives. The renewal of the 10 year-reservation for the SC/ST categories is an admission of the failure of the system. The Mandal Commission recommendations of special schools and changes to the production relationships have not even been considered. Instead the easy route of reservations has been implemented. This is akin to the socialist approach of snatching the wealth of the citizens through high tax rates rather than increasing the pie to be shared by all. We had to reach the edge of bankruptcy before changing the track. The same approach is being taken for improving the lot of backward classes. The social uplift movement is not a zero-sum game. Whatever is taken away from the present well off classes does not necessarily result in good for the poor.

"Is it necessary to be unjust to some in order to be unjust to others? Is it necessary to take away from some to provide to others?" – Prem Shankar Jha *Hindustan Times* of 19 May 2006.

"50% of the reserved seats in IITs remained vacant. One IIM was able to fill only 10 to 15 % of the seats. The line dividing the OBCs and non-OBCs instead of blurring has deepened." Gill, Secretary to the Mandal Commission.

You cannot rectify it by a Government Order. There is paramount need for upgrading the standard of education in primary and secondary schools. To enforce quotas in post graduate courses without ensuring a feed-in of good quality graduates is like talking of appointing generals without having to go through the hard way from second lieutenant upwards. The quotas have benefited only a few people. It has not made any difference to the general community. Government jobs are a service and not a source of employment.

Reservations in private industry is another issue which needs to be examined in terms of its practicability, and likely ill effects or benefits to society. The leaders of industry have expressed strong opposition to it. Out of a working population of 28 million in the organised sector, 19 million are in the Public Sector. The total number of reserved jobs in the industry is less than 5 million. When the promotions are to be made on caste basis, the industry will be held to ransom. The industry has been asking for change in labour laws which has largely been accepted as reasonable. The Government has been dragging its feet on this issue due to political reasons. Reservations will result in harassment through inspections and identifying

OBCs.. Reservation in industry will be a retrograde step when the crying need is to make Indian industry more competitive.

The Group of Ministers (GOM) under the leadership of Sharad Pawar has advised against reservations in the industry as it requires amendment to the Constitution and will harm the health of the industry. They have, instead, recommended affirmative action.

Tackling the Real Problems

The real problems are lack of education, lack of drinking water, high incidence of manual labour and early marriages. Reservation in jobs will not bring relief in these matters. The Government is shy of tackling these issues and is taking recourse to populist measures. Poverty will continue to be rampant. Added to this will be the deepening divisions within the society.

The US Experience

The United States has been trying to remedy the harm done to the Blacks over centuries of discrimination. In 1954, a Supreme Court judgement started the process of desegregation in public schools. In 1961, President Kennedy issued an executive order prohibiting discrimination in employment. In 1965, Federal contractors were directed to take affirmative action to provide employment to under-represented minorities. The law has also mandated favourable response to industry owned by women and minorities. There are no fixed quotas. The affirmative action resulted in resentment and steps had to be taken against reverse discrimination.

It is not possible to build a just society by

penalizing children for wrongs committed by their forefathers. Some states offered scholarships to bright students in the best run universities. The growth of anti-discrimination laws came to a stand still.

Let us look at the results of these measures. The US Supreme Court had ruled against quotas in admission to colleges. Race should not be the primary factor for admissions, they ruled. Economic disadvantages could be considered. In 1978, the Blacks were 11.5 % of the population. Out of this, 1.2 % were lawyers and judges, 2% were physicians, 1.1 % were engineers and 2.6 % were faculty members in colleges. 25 years later, the Blacks formed 12% of the population. Out of this, 5.1 % were lawyers and judges, 5.6 % were physicians, 5.5 were engineers and 6.1 % were faculty members. Number of Blacks in prison was more than that in colleges. Anti-black feeling has not declined due to competitive self-interest during the melt down of economy. These indicators show that while the position of individuals has improved, that of the community has not improved. We have experienced the same development in India vis -vis the creamy layer.

The Need of the Hour

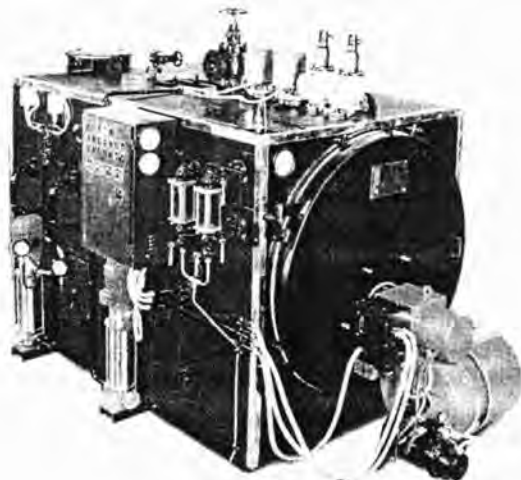
What are the steps that are now called for? The Mandal Commission had itself suggested change in production relations, special schools, bank loans and encouragement to business ventures. Mr. Hasham Premji, Chairman of WIPRO suggested the same measures. Allotment of waste land and preferential share in government contracts would be far more effective remedies than quotas

This background paper has been prepared by BRIG. (Retd.) S. C. SHARMA

Participants at the Seminar: The Reservation Conundrum held in Mumbai on June 10, 2006

Mr. Jagdish Ajmera, Trade Unionist • Dr. Amitabh, Social Worker • Mr. Sharad Bailur, Author • Mr. K. G. Balakrishnan, IT Professional • Mr. Pratap Bhogilal, Industrialist • Fr. Simon Borges, Parish Priest • Mr. R. V. Chari, retired commerce teacher • Mr. J. B. D'Souza, retired Civil Servant • Mr. Nadirshaw K. Dhondy, Advocate • Mr. Avince Dilbung, College Student • Dr. R.K. Hebsur, retired social sciences teacher • Mr. Firoze Hirjikaka, Retired Civil Engineer • Dr. Nagraj Huilgol, Cancer Specialist • Mr. C. A. Kallianpur, Social Worker • Mr. Yogesh Kamdar, Human Rights Activist • Ms. Vandana Mehta, retired Bank Manager • Mr. Aspi Mistry, Software Professional • Mr. Mandar Oak, Economics Student • Mr. Praful Oak, Chartered Accountant • Mr. Gaurav Parikh, Engineering Student • Ms. Motia Prakash, Adult Education activist • Dr. Rachana Parikh, Intern, Mumbai's Sim Hospital • Mr. S. V. Raju, Social Activist • Ms. Kashmira Rao, Executive • Mr. Satish Sahney, retired Police Commissioner of Police • Ms. Shruti R. Sardeshmukh, Software professional • Brig. S. C. Sharma, retired Army Officer • Col. S.K.Sharma, retired Army Officer • Prof. Howard Spodek, Professor of History • Dr. R. Srinivasan, Retired Professor of Political Science • Dr. Usha Thakkar, Teacher and Researcher • Brig. R. Thyagarajan, retired Army Officer.

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... In Education

J. B. D'Souza

What is this merit that we are supposed to favour before we reserve for anybody?

Before I get into this subject, I want to make a few preliminary remarks. First, there is some mistake, I believe, in most people's impression about the Mandal Commission report. The Mandal Commission did not emphasize just caste. It emphasized all kinds of economic and social backwardness and the OBC, which it eventually favoured, was 'other backward classes' and not other backward castes. But somehow it has got identified with 'caste', which it was not, and on that basis it was discredited and thrown away eventually. Mandal suggested a whole lot of other things besides reservation. All those were, however, forgotten.

What is this 'Merit', so-called

The other preliminary point that I want to make is that the principal opposition to reservation today seems to be based on claims of 'merit'. What is this merit that we are supposed to favour before we reserve for anybody? This so-called merit is produced really by schooling in expensive schools, by going to coaching classes, for which the fees are so high that the poor and under-privileged people cannot afford them. Those are the people who succeed in these examinations, which are competitive. What is the result of this great emphasis on 'merit' that we have had all these years? We have had, especially in government, projects that have failed, we have had bridges that have collapsed. You must see the picture, in the press the other day, of a bridge that has just collapsed, all designed by meritorious engineers. Some years ago, I was invited to sit on a panel for interviewing candidates for the IAS/IPS and other services as well. After the competitive examination, there is an interview for which the UPSC forms panels, and I was on one of these panels. My colleagues on the panel were a retired University Vice-Chancellor and some very distinguished people. How do they come to their assessment? The Vice-Chancellor asked a candidate, 'If you are flying from here, i.e. Delhi, to Los Angeles, how many stops are there? It was a question that baffled all of us on the panel, and of course baffled the poor candidate. Another of the panelists asked: If you are going for an interview, what tie will you wear? These are all actual events that take place during such interviews, and this is the basis on which merit is finally decided.

How this 'merit' is acquired

So do you really think that we have been basing our society, the government, on a reliance on merit? I just wanted to make these two preliminary remarks before I get into the subject. It is worthwhile my repeating what Praful Bidwai has written on this question of merit. "This very self-serving, avaricious and misanthropic class uses merit as a cover for privilege and hubris. The notion of merit is specious, indeed obnoxious. Merit makes little sense in a society based on the inheritance of private property and privilege related to birth." So much for merit. There has been a lot of press comment to suggest that Arjun Singh's impetuous suggestion about reservation for the OBCs is really an attempt to embarrass the Prime Minister and nothing much more than that. So he has suddenly developed a great liking for the OBCs. Then what happens after that?

Increase Seat - and Then ...?

There is a big controversy about merit being discarded because of reservation. So we increase the number of seats all over the IITs, IIMs and so forth; as if that is the solution. But will not the same thing apply to the new seats? There will be a struggle again, based on so-called 'merit'. So how are you solving the problem by increasing the number of seats in your educational institutions?

Government policies are increasingly being based on vote-catching slogans like Karunanidhi's in Chennai, where he is promising TV sets to everybody, or they are based on one-upmanship as in Arjun Singh's case; or they are based on a hasty fall back as in the case of increasing the number of seats. Can we increase the seats in an educational institution just by a government fiat? Can you suddenly in 2007 or 2008 increase the number of seats in the IITs and the IIMs? Consider the limits that there are on increasing classes that have to be held. Can you design programmes until you have recruited the faculty? If you don't get the faculty, how will you design the programmes? Can you set up the laboratories and libraries for these extra students suddenly? So increasing the number of seats by numbers

is by no means a solution. You will find that quality will suffer, or you will just not have the classes going.

Next, how do you expect students who come through reservations to keep up with the classes? Without the benefit of coaching classes, or whatever else that elite or other students get, how are these people going to keep up? Will you not have a large number of drop-outs among those reserved seats? It has already been pointed out by my predecessors here, isn't it better to try and develop the under-privileged classes by scholarships, by special classes and so on?

An Experiment in Bihar

I draw your attention to a news item which I saw just a few days ago about a State in which you never expect this to happen - the State of Bihar. A small experiment, 'Super 30 classroom', was carried out under which a number of under-privileged students were coached by, of all people, a serving police officer, and an academician. They have had tremendous success. They choose 30 students every year and coach them so that they can compete in JEE or whatever it is called. They had a success rate of 22 out of 30 in the first year, then it went up to 26, and this year they are expecting 100% success. This kind of thing you would least expect in a State like Bihar, but this is the kind of thing that should really be promoted all over the country instead of just reserving for young people who are not prepared by proper coaching. As has been pointed out earlier, Mandal suggested precisely this, but nobody paid any attention.

Illiteracy and the Knowledge Society

I suggest to you, then, that basically this top-down thrust of government policy on OBCs is all wrong. You have to start from the lowest level, you have to start from the really under-privileged and really uneducated and improve basic education right from the primary level. That is the answer to this, and not simply making a reservation scheme right at the top. Consider the enormous waste of talent that occurs in this country because a large number of illiterates are allowed to continue in illiteracy. When I talk of literacy, I don't merely refer to the official figure. The official figure, I believe, is somewhere near 70% or whatever, and it goes on rising. But, at the same time, there have been various surveys which show that this so-called literacy is largely a phony achievement. Most of the people who are considered literate can hardly do anything but sign their names. So it is necessary, then, to improve; to work on

our under-privileged people; to give them access to the knowledge society to which we all graduated without much effort. The Human Development Report says that about one-third of people above seven years of age in this country are illiterate. In fact, that number might be much larger.

Government's Indifference to Education

What is our government spending on education? How much are we spending? I believe it is somewhere near 6% of GDP and GSDP (gross domestic product and gross state domestic product) put together; which is one of the lowest figures among the developing countries. Should we not put more emphasis on greater spending on education? And not merely to spending more, but seeing that the education system works. In the last few years, can you remember an Education Minister who was politically important? The least politically important politician is given the education portfolio. It just shows how little education matters in this country.

And yet our enrolment figures exceed 100 per cent. I don't know how that is achieved. If you look at the figures in our human development reports, our figures are 108%, the last one that I saw. How do you achieve 108% enrolment? Even assuming that the rate is 100%, drop-outs in classes 1 to 10 was 67%; drop-outs in classes 1 to 5 was 40%. Aren't we wasting our money if we don't try to teach these people and retain them? We just enrol them and stay quite satisfied with that. You take a village school, or go to a municipal primary school here in Mumbai. Chances are that you won't find the teacher there at all. All that is done is to put one teacher for a whole range of classes. In a government primary school in Orissa that my son visited, the teacher came twice a month, and one of those two days was pay day. That is all. Is any attention being given to improving the supervision on our teachers, to see that they teach? Have you been to some of these village schools, where dalits are made to sit separately, if at all they are admitted? So there is a great deal of emphasis to be laid on supervising the education system and not just spending more on school buildings or inspectors who don't inspect. One could go on and on.

Needed: Real Policies, not Gimmicks

The nation's true prosperity, I suggest, and I think our previous speakers have also said this, really depends on the thrust and the emphasis we place on education at the lowest level and not suddenly come out with gimmicks at top levels, like reserving seats for OBCs for

which they are not properly qualified. Try and get them qualified.

The Chairperson said that it is important that, as a nation, our GDP must grow. Happily, she is right. I want to cite a couple of examples which I got from Amartya Sen's latest book. Ghana and South Korea were at similar economic levels in the 1960s. 30 years later, per capita income in Ghana is one-fifteenth that of South Korea, because of the much higher literacy rate in South Korea and a much expanded school system. There is another example from Sen's latest book: in Japan in 1872, they adopted a code of education, which has this one sentence: "There shall be no community with an illiterate family and no family with an illiterate person." That was Japan in 1872. In 1911, education got 43% of the budgets of the towns and villages in Japan. And look where Japan is today.

Montek Singh's Note of Caution

I want to end with a news item which I got from this morning's paper. Montek Singh Ahluwalia, Deputy Chairman, Planning Commission, has addressed the Prime Minister about this whole issue. And he has sounded a note of caution, urging attention be paid to school level education. Unless the access of all groups to high quality schooling is improved, those who benefit from the reservation policy will remain at a disadvantage even if they get access to higher education, because they will not be able to do well at later educational stages. And, he goes on to say, access to high quality institutions is extremely important for equality, since this provides opportunities for the poor and especially the socially disadvantaged to advance themselves. However the ability to benefit from higher education is effectively determined at the school level.

MR. J. B. D'SOUZA is a retired civil servant and an activist.

Employment and Reservations

Sharad Bailur

The entire debate is about Equality.

The entire debate is about Equality. Contrary to popular misconception, people are *not* equal. Some are smart. Some are stupid. Some are born with congenital eye problems like me, some are physically strong, others are not. We have laws to treat them equally because they are not equal to afford them equal opportunities. This is the crux of John Rawls' Theory of Justice and it is the cornerstone on which all democracies are built.

Let us first understand employment in general. I will split it into two broad categories:

- a) Unorganised employment: This includes:
 - i) Rural agricultural employment, all of which can be said to be in the private sector
 - ii) Rural service sector employment, also in the private sector. This constitutes more than 70% of all employment in the country.
- b) Organised employment:
 - i) Public sector: All of which follow policies favouring people from certain castes and tribes over the last fifty years; and now OBCs are sought to be added.
 - ii) Private sector:
At the moment there are no policies in favour of anyone. This sector is based on merit and is, *more*

importantly, market driven. Attempts are on to enforce a reservation policy in the private sector. It will inevitably fail.

The "Social Control" that Failed

The operative word is "private sector". Let us go back in history. How many of us remember "social control" of banks? This so-called policy is now lost in the mists of antiquity because it was overtaken by bank nationalization. Indira Gandhi wanted private sector banks to open branches in rural areas. The private banks refused. 'The Syndicate' backed them*. As a compromise, a policy of "social control" was supposed to be imposed by which banks would be persuaded to go into the rural areas. The policy sank like a stone. Why? The private sector felt that it would affect their bottom line and they were answerable to their shareholders – not to the Government of Indira Gandhi. It looked almost as though the flop was scripted by the Syndicate to discomfit Mrs. Gandhi.

Then during V. P. Singh's regime, he and Ram Vilas Paswan mooted the idea of making the Right to Work a Fundamental Right. I particularly enjoy telling this to all who will listen, but Soli Sorabji, then the Solicitor General, upheld the Soviet Constitution, the

WHAT MINOO MASANI SAID BEFORE
INDEPENDENCE WAS "FREEDOM FIRST".
AFTER INDEPENDENCE NOW WHAT WE
NEED IS THE "SAME FREEDOM" FROM OUR
OWN ELECTED RULERS



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original one, not what Gorbachev did to it, as a model in which the Right to Work was listed as a Fundamental right. He did not add, which he should have, if he was a true liberal, that under the Soviet system the Right to Work was all in the public sector, which was all that the Soviet Union had and that it merely amounted to the 'Duty to Slave' in view of the absence of a separation of powers. Then Mr. Rajmohan Gandhi, the grandson of two Great grandfathers wrote a major article in the *Sunday Indian Express* which, in effect, had the rather muddleheaded caption: "The Right to Work should be seen by the people as the Duty to Work"

I sent a stinging reply to *The Indian Express*. They did not print it. I don't have even one Great grandfather, let alone two.

Market Not Caste Considerates

More importantly the private sector politely ignored the whole issue. In other words the private sector's will for survival is at least as strong as that of Mr. Arjun Singh now and Mr. Paswan then. They would rather shut up shop than suffer the consequences of uneconomic policy. There can be no compromise on this because ignoring it ignores the iron rule of the market and of economics.

Let us get back to the 70% of the people who are employed in the unorganized sector. *Most of them are illiterate.*

My experience is that Economics is not ignored even here. Landless labour is employed and paid what the market will bear. It is not paid on caste considerations. I agree that landless labour is paid extremely low wages and it keeps them deprived. Add to that the caste stamp. But their wages are determined by the market not by caste considerations. Or else why would people from Karnataka and Andhra come and work in Dapoli in the Ratnagiri district of Maharashtra?

The Right Answers

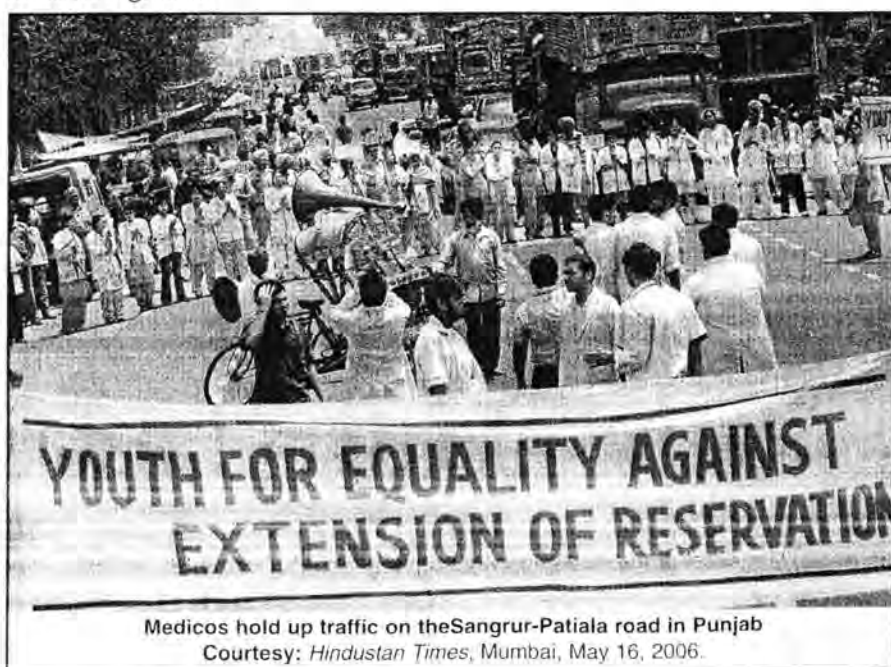
What is the answer? Is the answer to force their caste awareness further down their unwilling throats and then say, "We will give you jobs even if you

do not fully satisfy the criteria of merit in the normal market?" And do we do this in perpetuity? At this point, please recall what was the original provision for SCs/STs in the Constitution. It was for just fifteen years after 1951 that is till 1966.

Or is the answer in the following steps:

Offer free and compulsory education to all members of the scheduled castes and tribes, OBCs and the economically deprived. This will call for two steps:

- Increase the budget on education. Today it is about 7% of the national budget. It is revealing that after the Meiji Restoration in Japan in 1857 the Japanese Government allocated a full 25% of its annual budget to education. Wasn't Japanese society stratified 150 years ago? What did they do?
- Address the teacher shortage that will result by compulsorily adding a course in teaching for all students for their graduation and compel them to go into the villages to teach for a period of one year if they are to earn their degrees.
- School pass-outs who get above say 75% in their matriculation and who belong to the identified classes should get free college education in a field of their choice. The rest should get vocational training, not the rubbish doled out in our vocational training institutes that goes for tailoring, carpentry and pottery, but in a million other fields thrown up by the communications revolution. But do not compromise on merit by reserving seats in IITs and



IIIs for students for courses that are too rigorous for them to cope with.

- d) Having finally made them fit for the open competitive market, let them compete and win.

I can conclude with two observations:

An SC Success Story

Pyarelal Kureel was a classmate of mine in Lucknow. Coming from the sweeper caste, as his name denoted, he progressed slowly and steadily in the first two years and succeeded in getting through graduation with second division marks just slightly below mine. In our post graduation course in Economics, he raced away in front and scored a First Class First in the University. I got my usual second class. He had a mind like a razor and it absorbed knowledge like a sponge. He then sat for the IAS – in the open category – and got through. When he went up for the interview he was asked why he had not applied in the reserved category to which he was entitled. He told the Board that he had succeeded in making best use of the equal opportunities that the Constitution of India offered him and that he did not need the reservation crutch. He is today, I think, a Chief Secretary in one of the North Eastern states now. Incidentally he continues to be known by his surname

Kureel, which identifies him as belonging to the sweeper caste, but four years with the London School of Economics have given him a level of sophistication that I can never hope to acquire. How can you not admire such people?

The Urban Melting Pot

Then the melting pot: Cities are economic magnets that offer employment to everyone regardless of caste. Their “melting pottedness” comes out of education and economic pressure. There is surely a lesson to be learnt here. Our villages will very quickly become urban centres in their own right and the same economic and educational pressures will apply there. As will the process of melting pottedness.

The Kerala Model?

Lastly, Kerala: With 100% literacy and the legacy of a matrilineal society, its citizens have achieved unprecedented mobility, not merely throughout India, but abroad as well. It would be useful to find out what the reservation issue has done to Kerala from the point of view of employment.

MR. SHARAD BAILUR is an author and freelance journalist.

... The Alternative ...

R. K. Hebsur

Who are the Other Backward Classes (OBCs)?

Who the Scheduled Castes (SCs) and Scheduled Tribes (STs) are has been abundantly clear since 1935. The lists have been so thoroughly drawn that there has been a near total and time tested unanimity about them. The SCs were given 8.33 percent reservation in jobs in 1943, when Dr. Ambedkar was the Labour member of the then Viceroy's executive council. The post-Matric scholarship for SCs commenced in 1944. These reservations were continued in the Constitution. The purpose of the constitutional scheme of reservations in jobs and educational seats should be clearly understood. The purpose is not to bring about equality of status in the Indian society, reduce poverty of these groups, or raise their average standard of living. It is to help these historically disadvantaged groups to generate their own professional and administrative elite classes. The reservations in the Lok Sabha and Vidhan Sabha constituencies for the SC's and ST's are time bound, were

meant initially for the first ten years, and are now being renewed every ten years. But, unlike the reservation in the legislatures, those for the SCs and STs and OBCs are not time bound. They may be discontinued tomorrow, or they may continue till eternity, which is more likely. The Constitution did not seek to answer the question, “Who are the Other Backward Classes?” Also, the Union Government in the early fifties was not interested in clarifying this matter. It left it to a future commission to decide. Meanwhile, the state governments drew their own OBC lists. The state lists differed on many counts. Some of them were erratic, and reflected the non-Brahmin, or backward caste movements in their states. Even now, whether it is Mandal I or Mandal II, or the reservations of the state governments, *there is a double game going on*. The first game is played by the powerful and dominant castes. These are generally the non-Savarna dominant castes, owning land, having relative socio-religious prestige, numbers – translated into political representation – and considerable rural

clout. In peninsular India their game began in the second decade of the 20th century. For example the South Indian Liberal Federation (later known as the Justice Party) of the then composite Madras state, comprising powerful non-Brahmin landed gentry castes, demanded reservations in government jobs and educational seats in 1917. But, they called their manifesto what it simply was: *The non-Brahmin Manifesto*. They did not hide behind the label, "Backward classes". During my work for the Mandal Commission during 1979, I met in Madras Mr. Veeramani, the editor of *Viduthalai*, and the spiritual heir to the redoubtable social reformer Periyar Ramaswami Naicker, the founder of Dravida Kazhagam. Mr. Veeramani stated, "Even if a Brahmin is a cook in a Chettiar house, the Brahmin is forward, and the Chettiar is backward". In many states, castes were added to the lists of the backward classes, purely out of political (clout and vote bank) considerations, like the Lingayats of Karnataka in 1962 and the Gounders of Tamil Nadu in 1975. My answer to the question, at least at the level of the states, who are the OBC's? is this: Any caste which has enough clout to demand, and get the backward class status is an OBC. Curiously, there are some close resemblances between the Mandal list and the lists of the various states.

Thus after Independence, The landed, dominant and well off peasant proprietor/landed castes, – land which was undergoing capitalist transformation – dominating Agricultural Produce Marketing Committees, Zilla Parishads, sugar and other cooperatives, (these days educational institutions), etc., and having considerable strength in Lok Sabha and Vidhan Sabhas, pressed further, through the constitutional provisions for reservation, for their share in the cake of the of the urban professional jobs. They too wanted a son, who was in the civil service, and a son-in-law who was an MD or MS. In Mandal II the game has proceeded to the next level: Indian Institutes of Managements (IIM's) and Indian Institutes of Technology (IIT's).

The other game, a genuine one, was that of the artisan and similar castes, e.g., bamboo workers, tinsmiths, weavers, carpenters, blacksmiths, village musicians, shepherds, oil pressers, hunters, dyers, barbers, cotton carders, etc.

The confusion regarding the definition of the OBCs was to a great extent clarified by the judiciary. As the Supreme Court pointed out in *Balaji vs State of Mysore* (1963):

1. The Constitution speaks of the SC's , ST's and the Backward classes in the same breath in many articles. [In one article of the Constitution, the phrase "the Scheduled Castes and Scheduled Tribes and such other backward classes" has been used (*emphasis mine*)].
2. Whether a caste is backward or not should be decided not by contrasting it with the most forward caste, but by comparing it with the most backward castes.
3. Caste can be a unit and a criterion of classification of social and educational backwardness, but not the sole criterion, and
4. To be put in the backward category, the state average of a caste on a criterion, say literacy, should be below 50 per cent of the state average.

The formula of 50 per cent of the state average did not find favour with the Mandal Commission. The Commission argued that an application of formula would result in anomalies. *But, one of the examples given by the Commission is wrong and misleading.* The Commission points out that illiteracy in Bihar (1971 Census) is 80 percent. Fifty percent of this is 40 per cent. To be considered as backward on this criterion, a caste would have to have an illiteracy rate of 120 per cent (80%+40%). It concludes that this exceeds the 'maximum saturation point of 100%! This is pure arithmetical jugglery. This argument can be turned on its head. If Bihar had illiteracy of 80 per cent in 1971, its literacy was 20 per cent. Fifty percent of 20 per cent is 10 percent. If a caste has 10 percent literacy rate or less, it deserves to be put in the backward list. The Commission tried the various cut-off points and settled generally for a cut-off point of 25 per cent of a state's average. In the case of a few criteria, the cut-off percentages are different.

The Commission does not answer the question: To what extent the castes identified as the OBCs resemble the scheduled castes in the matter of social and educational backwardness? Volume V of the report gives only a list of tables. The data are not there. In the absence of such data, one cannot compare the different OBC's in a state, or test them against the data compiled by some of the states for their purposes. (Some states have collected data through a complete enumeration of all the households in the states, and not just sampled households. The Mandal Commission's data are based on sampled households.) The Tamil Nadu Backward Classes (A N Sattanathan) Commission of 1970 clearly showed that nine backward classes had cornered a

sizeable chunk of reserved jobs and educational seats. Tamil Nadu has had a long history of reservations. Still, most of these nine castes figure in the Mandal list. Sixty years of reservations may not be enough to make a backward caste forward. But, the relevant data are necessary for examination and comparison. In the case of the dominant caste of Vokkaligas of Karnataka, only the rural Vokkaligas were listed as backward by the Mandal commission. But, later on this was amended by the Backward Class Commission (chaired by Justice Ram Nandan Prasad) to include all Vokkaligas – urban and rural. One needs to study the statistical basis for these decisions, but this is not there in the report. It is necessary to re-examine the Mandal list of the OBC's and the background data and identify the genuinely "such other backward classes". Better still, a new survey regarding social and educational backward classes of all the households should be undertaken.

The Mandal Commission report wants the problem of backwardness 'tackled at its roots'. It rightly argues that many members of the rural artisan castes, landless labourers, the SCs and STs, etc. are under the control of the 'top peasantry'. But, it ignores the fact that many of the OBC castes the Commission has identified, viz., the Lingayats, Reddys and Vokkaligas of Karnataka, the Maravas and Gounders of Tamil Nadu, Yadavas, Kurmis and Koeris of Bihar and Uttar Pradesh also belong to the top peasantry.

In defence of its arguments for the reservation for the OBC's, the report of the Mandal Commission has resorted to one of the worn out tactics. It quotes a lot of age old *clichés*: "For the same offence, differential punishments are given, depending on the caste"; "the *shudras* are born from the feet of the Lord"; the story of Ekalavya; the old caste rigidities in Kerala, etc. It is very convenient to quote Manu and the above statements and whip the Brahmins. Things have changed tremendously due to the British rule, urbanization, democratization of the country and the growth of political consciousness among the backwards. The features of the Hindu caste system have undergone a sea change. The Commission should also have been aware of the tremendous ridicule the present day Brahmins in Tamil Nadu are subjected to, or the sacrilegious and offensive insults to the Hindu Gods perpetrated by the Dravid Kazhagam in the early seventies. The worst atrocities on the Scheduled Castes today are committed.

Affirmative Action (AA)

Affirmative action, positive discrimination,

reverse discrimination, compensatory discrimination, special efforts, preferential treatments, are related facets of state interventions, or state-enjoined interventions by the private employers. Most of these terms arose out of the United States' long drawn out, and often tortuous, efforts to undo the consequences of its treatment of the racial minorities and women. The purpose is to redress the historically inherited handicaps and cultural deprivations, in the sphere of employment – both public and private, and admissions to the state funded educational institutions. The meanings of these terms are sometimes almost synonymous, but sometimes take different connotations. For example, to some scholars the phrase 'compensatory discrimination' has a ring of result-oriented numerical quotas or reservations. At least, these terms have a couple of factors in common. A rigid and literal interpretation of the constitutional and legal provisions of equality before law, equality of opportunity (essentially the meritarian principle) and abolition of discrimination will aggravate historically inherited inequalities and handicaps. "Unequals should not be treated equally". This parallels the Indian thinking. The term AA was first mentioned in 1961 in the USA. But, it became a part of American jurisprudence in 1964. Since the American Supreme Court judgement in 1978, the AA programmes do not involve numerical quotas, but only goals. This is being repeated like a mantra. Still, they may loosely and in spirit be compared with Articles 15(4) and 16(4) of the Constitution of India.

In the United States, AA seeks to abolish overt and covert discrimination against the preferred groups – racial minorities and women. The employers – public or private – should actively demonstrate that they abide by the principles of Equal Employment Opportunity. They cannot fix arbitrary qualifications for jobs, just to debar the candidates belonging to racial minorities, and women. If required they shall provide necessary training to the applicants and employees of these categories. While recruiting, or admitting students, the employers or the educational authorities shall take into account race and gender, but these cannot be the sole factors. In addition to race and gender, other factors should be taken into account, like personal talent, community service, unique work, leadership potential, how a person will make use of his/her education or job. The employers and the educational institutions should demonstrate that they have reached out to the candidates of the preferred groups. The quantum of recruitment or admissions may vary from year to year. Also the weights given to the different groups and the criteria may vary from year to year. There is no rigidity about this. But, the employers,

and the educational administrators are required to, in consultation with the governmental agencies, negotiate and develop a programme of AA, and apply it in good faith.

Apart from the question of rigid numerical quota *vs* goals, there is another major difference between the Indian and the US systems of reservations/AA. In the US a candidate competes with all other candidates, and everybody is compared with everybody else. In India, the candidates of the reserved categories, – SCs, STs, and the OBCs – (some state lists contain subdivisions of the OBCs) – compete with everybody else – including the general category candidates. If a reserved category candidate performs better than a general category candidate, the former is counted in the unreserved pool, and not in his or her reserved quota. A reserved category candidate also competes with other reserved category candidates.

Will the AA work In India?

The first reality check is that the reservations for the SCs and STs are a part of the Poona Pact of 1932*. They are sacrosanct and cannot be tampered with. The OBC reservations, Central or the state – in some states going back to the early decades of the last century – are backed by powerful and dominant castes having tremendous social and political clout. They cannot be persuaded to accept the American principles, “only goals, but no numerical quotas”, “not only caste, but other factors, too” and the absence of rigidity.

Still, the AA can be adopted, where the OBC reservation system is not yet in place, like the IIMs and IITs. Again, the upwardly mobile and politically powerful OBC castes have to agree. In fact, the IIT in Bombay has a scheme of coaching in physics, chemistry and mathematics those promising SC candidates who attain a particular level in the entrance tests. There are many government schemes for coaching the SC/ST candidates for both IIMs and IITs. Many universities have been approached to conduct these programmes, but the latter plead their inability on the ground that they do not have enough staff to spare.

The Post-matric Scholarship Scheme for the SCs has been yielding fairly good results. The scholarship

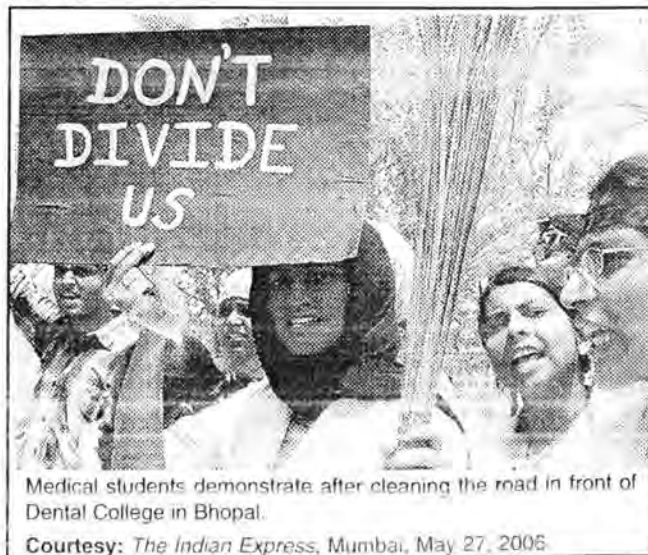
starts from the 11th standard. The evaluation studies show that the scheme has helped many SC engineering and medical graduates. Such schemes can be developed for the genuine OBCs.

The American system of AA can be adopted by the private sector in India. But, the private sector should be encouraged to come out with their own schemes. If there is overt discrimination against the backward classes, that has to be pointed out. But, the application of the scheme is subject to the overriding principle of the market forces.

There should be heavy investment in primary and the secondary education. The current qualitative differences between the urban and rural schools, municipal and private/aided schools have to be reduced. Unfortunately, the schools can now be typed by the caste/religious composition of the management, teachers and the students. Some schools have excellent teachers and students of high scholastic ability. Some schools are characterized by low quality of teachers, teaching and students. The former should be asked to reach out to promising backward class students – about 3 to 4 students per class.

The traditional occupations like carpentry, oil pressing, pottery, black smithy, etc. have to be technologically modernized, and organized into cooperatives. Appropriate markets will have to be found for their products.

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Medical students demonstrate after cleaning the road in front of Dental College in Bhopal.

Courtesy: The Indian Express, Mumbai, May 27, 2006

* The Poona Pact was between Dr. B. R. Ambedkar and Mahatma Gandhi. Gandhi was in prison at Agarkhan's Bungalow in Pune. The Pact promised Reservation for Scheduled Castes and Tribes and was made part of the Constitution of India.

Extract from Recommendations by the Seminar held on May 18, 1985

As far as reform is concerned, the following steps are recommended:

- (a) There should be a national policy and state level deviations should be strictly prohibited.
- (b) The term "Backward Classes" should be defined unambiguously based on criteria which are just and fair to the nation as a whole.
- (c) Reservations was intended to compensate for the social oppression inflicted on persons belonging to the lower castes amongst Hindus. Therefore, followers of other religions should be excluded from the benefits of Reservation.
- (d) Not more than fifty per cent of the seats in educational institutions or jobs in any cadre of the administration should be covered by Reservation.
- (e) Reservation should be restricted to entrance into an educational institution or the securing of a job, not to the subsequent progress in the educational institution or promotion of service.
- (f) There should be an income ceiling for eligibility for Reservation.
- (g) To prevent a cumulative effect, there should be a time limit up to which vacancies of jobs and seats in educational institutions should be kept open for reserved categories each year. Therefore, they should be filled by persons on the basis of merit, without regard to class or caste.
- (h) There should be an overall time limit beyond which Reservation will be discontinued for all purposes: seats in Parliament and the Legislatures, and job vacancies and seats in educational institutions. This time limit should be fixed well in advance and all preparations for the change-over should be made so as to forestall any subsequent pressure for postponement or relaxation.

Recommendations for Alternatives

In view of the many failings of Reservation, the Committee examined a number of possible alternatives. In doing so, it has to keep in mind the fact that the objective was to uplift the Scheduled Castes and Tribes, whereas this objective has almost been forgotten in practice and Reservation has come to be thought of as an end in itself.

Our recommendations are inspired by these considerations. At the same time, we are conscious of the fact that Reservation itself has become an emotive issue and has become embedded in the nation's psyche. It would be unrealistic to expect any government in India, however well intentioned, to be able to dislodge Reservation completely, certainly in the short term. We would, therefore, emphasise that a reform of the existing system of Reservation and the steps that we recommend

below should not be regarded as mutually exclusive. In many cases, they will run parallel to each other. In other cases, the reforms would be dovetailed to the phasing out of Reservation that we have recommended.

It is in this spirit that we recommend the following measures:

- (a) Side by side with the speeding up of the implementation of the policy of free, universal and compulsory education, the families of Scheduled Castes and Tribes should be provided with financial aid and incentives to enable them to send and to retain their children in schools.
- (b) To reduce the pressure on jobs (now mainly in the government services and the public sector) by increasing the capacity for self-employment and simultaneously minimising the clamour for seats in colleges and universities, it is essential that the educational system should be urgently revamped to guarantee concentrated vocational education and practical training for trades and vocations, to be imparted from a cut-off level of education, at which point, on the basis of performance and aptitude, the students concerned decide to opt out of college/university education. An indispensable prerequisite to this is that, while preparing the specifications for various categories of jobs, the emphasis on university degrees is ruthlessly removed, to make recruitment compatible with the newly oriented system of education proposed by us.
- (c) Financial institutions and banks should be directed to provide special financial assistance and incentives, guidance and encouragement to persons belonging to the Scheduled Castes and Tribes for setting up trades, businesses and industries.
- (d) A national man-power plan should be formulated and constantly reviewed and updated, setting out targets for the supply of persons for those key categories of man-power whose availability is of critical importance to the nation. Action should thereafter be taken to ensure that these targets are met by the education and training of persons of the right calibre. It is obvious that in doing so, it will have to be accepted that merit alone should be the criterion, but the plan should provide for special facilities for more intensive training to a specified number of persons belonging to the Scheduled Castes and Tribes.
- (e) Assuming that our recommendation for phasing out Reservation is accepted and implemented, the netire thrust of favoured treatment should be swung towards those who are economically backward, irrespective of caste or community.

The Politics of Social Backwardness

Amit Dholakia

The rhetoric of social justice and equality that accompanies the celebration of OBC reservation is based on an ambiguous and romantic vision of justice, rather than on comprehension of the complex social realities at the grassroots.

Caste is the prime focus of the social identity of Hindus. The influence of the carefully designed and intricate caste system is so profound that even the Muslims and Christians in India have got stratified into various castes. For thousands of years, this system has institutionalized and sanctified birth-based disparity of status, power and wealth. The policy of reservations was demanded by B. R. Ambedkar and others as a form of distributive justice to create economic and educational opportunities for the masses that had suffered centuries of structural exploitation at the bottom of an unjust and pyramid-like society. If the caste system distributed economic, social and political benefits on the basis of birth rather than merit, the reservation policy practices reverse discrimination to deprive those social segments that have enjoyed historical privileges. It is an attempt at forced social engineering through compensatory bias by the state.

Reservations before Independence

Reservations in India date back to the 1930s, when the British reserved seats in legislatures for the Dalit candidates, following a fervent plea by Ambedkar. After independence, the Constitution of India guaranteed reservations for Scheduled Castes (SCs) and Scheduled Tribes (STs) in legislatures, government employment and educational institutions. It further directed the government to appoint a commission to investigate the conditions of what it called the socially and educationally backward classes. Based on this directive, the Kaka Kalelkar Commission was appointed in 1953. The Commission's report, submitted in 1955, was shelved forever. To appease the growing assertion of leaders like Karpoori Thakur, who had launched an agitation in Bihar for reservation for the backward castes, Morarji Desai's Janata government appointed the second Backward Classes Commission under the chairmanship of the wealthy landlord and Bihar politician B. P. Mandal in December 1978. In its report, submitted in December 1980, the Commission recommended 27 per cent reservation for the members of the Other Backward Castes (OBCs) or the intermediate castes, who are neither

Dalits nor Adivasis, on the same lines as available for the SCs and the STs.

Weapons in Competitive Politics

Prime Minister Vishwanath Pratap Singh found a handy tool in this report to counter the challenge posed by L. K. Advani's *Ram Janmabhoomi Yatra* in 1990. He shocked the nation by his unexpected announcement of 27 per cent reservation for the 3743 backward castes in government jobs in addition to the existing 22.5 per cent for the SCs and the STs. This decision was opposed by the higher caste youth in a prolonged and violent nation-wide agitation. The Supreme Court later upheld the reservation for OBCs as legal and constitutional, but added the proviso that those constituting the so-called "creamy layer" of the OBCs, that is families having income above a certain level determined from time to time, should be barred from the benefits of reservation. Now, the Human Resources Development Minister Arjun Singh has carried out the unfinished agenda of V. P. Singh by announcing 27 per cent reservation for the OBCs in the educational institutions under the central government. His policy came late in this regard as most of the state governments have been implementing OBC reservations in government jobs and educational institutions for long.

Little Improvement in the Life of Dalits

It is irrefutable that five decades of independence have not offset the overwhelming power of the numerically small higher castes over bureaucracy, the corporate world, the agricultural sector, the media and higher education sectors. It is, therefore, imperative that this asymmetry of power is rectified in a peaceful and orderly manner for long-term social stability and progress. However, many questions arise consequent to the recognition of this imperative. Is reservation the right or the principal method of achieving radical social transformation? Has the policy achieved its original objectives? Have more than five decades of reservations for the SCs and the STs resulted into social, economic

or political empowerment of the most depressed sections of our society?

Creation of Neo-Brahminical Elites

Obviously, the answers to these questions are not in the affirmative. The highest incidence of poverty, illiteracy and exploitation is found among the *Adivasis* and the *Dalits* today. Moreover, instead of removing backwardness, reservation has only served to create entrenched, neo-Brahminical elites among these communities. These elites grab the political, social and economic benefits in the name of millions of their caste brethren, who continue to languish in sub-human conditions. After the celebrated Mandalization and mobilization of backward classes in the last one and half decades, what we have produced is self-serving and sectarian politics of the leaders of parties like Mayawati's Bahujan Samaj Party, Mulayam Singh's Samajwadi Party, Lalu Prasad Yadav's Rashtriya Janata Dal or Ram Vilas Paswan's Loktantrik Janshakti Party. Both Uttar Pradesh and Bihar, which have experienced a complete transfer of political power from the forward castes to the backward castes, have been mired in corruption and criminalization rather than any great forward movement for their dispossessed masses. Indeed, the incidence of crime against Dalits and other most backward castes is higher in Bihar and Uttar Pradesh than in many other states.

Vote-Catching Device

The fundamental reason behind strong pro- or anti-reservation sentiments is not concern for merit or interests of the youth. The real issue is capturing power through the vote bank of the backward castes. It is ironical that democracy in India has progressed on the crutches of an undemocratic caste system. Sharply contrasted with meritocracy, democracy is essentially about numbers. The arithmetical logic of democracy and the overwhelming demographic power of the SCs, STs, and OBCs perpetuates the reservation policy. It is doubtful if the announcement of OBC quotas would recapture the lost political space for the Congress Party or necessarily translate into votes and seats in parliament. However, no politician or party is willing to risk losing a piece of such a large electoral pie for the sake of satisfying a few thousand agitating, higher-caste students of medical and other professional branches. The lure of votes is so great that even the communist parties have discovered arguments to enter into alliances with rabid caste-based parties.

Counterproductive Results

Despite its political implications, the reservation for the SCs and the STs can be justified on historical and social grounds. However, the extension of such reservation to the amorphous and ill-defined category called OBCs is certainly unwarranted. Rather than weakening casteism, the reservation system has helped strengthen, legitimize and perpetuate primordial identities. Post-Mandal Indian politics has seen an unabashed and violent assertion of caste identities and caste-based rights in the name of social justice and equality. Isn't it time state policies stop encouraging further fragmentation of Indian society; and creating irreconcilable differences in the name of social welfare? The psychological and social distance between the members of the advanced castes and the backward castes have widened due to compensatory discrimination. The younger generation today begins to look at members of the other social groups with prejudice and grievance. This is a travesty of the secular spirit of the Constitution which aims at creating a forward-looking and integrated Indian society. Giving a go-by to the imperative of modernization, the various castes today are in the race to be recognized as backward and remain backward so as to reap the benefits of the reservation policy. There are instances where formerly 'forward' castes have happily embraced the status of a 'backward' caste. This is a reversal of the historic *Sanskritization* process that took place during the British colonial rule when the backward communities used to imbibe the culture, identity and traits of the Brahmins.

Social backwardness is a complex and ever-changing historical, economic, social and cultural process that cannot be defined conclusively. It is pertinent to ask in this context if it is the individuals and families or the entire castes that suffer from backwardness. Further, once the characteristics of backwardness are identified, prescribing right antidotes for them is a more problematical issue.

Mandal Commission Report

The Mandal Commission failed on both the counts. It neither defined backwardness in a cogent and scientific manner, nor did it prescribe remedies that are appropriate to remove backwardness from two thirds of India's population. The methodology of identifying entire castes as backward is suspect at best and politically motivated at worst. Kalelkar Commission had identified 2399 castes as socially and educationally backward while Mandal Commission added another

1344 castes to enlarge this list to 3743. There are a lot of regional variations in the conditions of backward castes across the states. The states have their own Commissions and lists to identify backward castes. This situation makes it impossible to prescribe a uniform reservation policy for all areas and all sectors. Besides, the Mandal Commission's recommendations were based on the caste-based census carried out in 1931. Major changes in social and educational level of different communities in the post-independence era were ignored by the Commission's report. Taking all backward castes as homogeneous, it did not recognize stratification and contradictions within the OBC category and the incompatibility between the interests of the OBCs and SCs in some of the states.

Reservation Ignores Social Realities

There are also some issues in the anti-reservation arguments that need critical scrutiny. First, attacking reservation in the name of merit ignores other social realities. Merit is a very marginal middle-class issue in this large power game. Not only is merit a non-quantifiable value, it cannot become the key determinant of organizing any social system. If all rewards in a society are distributed on the basis of merit as suggested by Plato, we will recede into social Darwinism. Anyway, with the mushrooming of donation-based private professional colleges, we have doctors, engineers and managers whose merit in terms of qualifying marks is at times lower than that for the reserved category candidates. Much of the higher management in the private sector is also based on family ties rather than merit.

Reservation and Poverty Removal

Similarly, the suggestion of adopting economic criteria, rather than caste, as the basis of reservation might not serve any substantive purpose. Reservations were not meant for removing poverty. Conceptual moorings of the policy of reservation are different from those of the national rural employment guarantee scheme or Indira Awas Yojna which aim at helping the poor. The Constitution also does not prescribe reservations for economic purposes. How can reserving a few hundred government jobs and a few hundred seats in the educational institutions help remove the misery of more than 30 crore people who live below

the poverty line?

The reservation policy translates into a palliative measure and mere symbolism. It cannot give rise to any meaningful social, educational or economic betterment of the backward communities. It is not through reservation but through other social, educational and economic strategies that this goal can be achieved. Governments are, of course, quite happy advertising mere tokenism like 27 per cent reservation as it frees them from the burden of crafting a multi-pronged, transparent and comprehensive policy package to improve literacy, education, health standards and employment opportunities for the lower strata of the society.

Needed Sensible Education Programmes

The backward castes face maximum problems at the level of primary education and in the unorganized and agricultural sectors where they are exploited and marginalized. By severely punishing crimes against Dalits and Adivasis, creating self-employment and livelihood opportunities in the villages, strengthening rural and micro-credit system, checking high drop-out rate of backward class students at the primary level, improving agriculture and agricultural infrastructure and giving generous scholarships at all levels of education, the government will contribute more to the interests of these communities than by reserving seats in central universities, IIMs and IITs. It is also essential to sensitize the privileged sections of the society to volunteer with assistance for the ameliorative activities and programmes for the exploited and deprived sections of the society.

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Doctors and students protest police brutality against agitating medics outside Raj Bhavan.
Courtesy: Hindustan Times, May 16, 2006.

Reservations – How Did It Come To This?

Firoze Hirjikaka

It suits the purpose of our political masters to keep the overwhelming majority of the population too busy struggling with mere survival to have the time or inclination for luxuries like political conscience or standing up for their constitutional rights.

What is this real estate we call India? Is it one nation, one monolithic entity or a conglomeration of tribes? While growing up, my perception of India was a country divided into three major groups: the rich; the poor; and people like me who belonged to neither, who possessed perhaps the trappings of gentility and good taste without the wealth that should accompany it. The "poor" were easily identifiable, of course: they cleaned your house, delivered the milk and sold you fish and vegetables. And that was it. It appeared to be a fairly contented equilibrium. Everyone knew his place and there was no revolutionary desire to trespass on the territory of another class.

When I travelled to London to study, I discovered that this broad grouping was to be found in developed countries too; although their "poor" appeared to be better dressed, but that could be due to the necessities of climate. Ironically, it was on the Air India flight to London that I had my first encounter with a member of the "scheduled caste". She was a perfectly amiable person but, with her dark complexion, she stood out among the other air-hostesses. My companion whispered to me that she was the result of the new government policy of reservations for these under-privileged folk.

Even to an unabashed admirer of the aristocracy like me, this seemed to be a fair and reasonable move. I vaguely remembered my history lessons about the four main castes in Hinduism and about Gandhiji's efforts to uplift the "untouchables". Noble intentions indeed. Later on, during the Mandal era, I discovered the existence of another bloc known as Other Backward Castes (OBC).

A Mathematical Absurdity

So, in the new India, apart from the traditional class divisions based on comparative wealth, we had SCs/STs, OBCs and everyone else. A little complicated, but well within the bounds of normal comprehension.

Or so I thought. Now it transpires that the SCs/STs themselves number a few hundred and the OBCs are subdivided into a staggering *Three Thousand and Seven Hundred*. Most of the world's countries have their minorities and ethnic groups, of course, but this was reaching ridiculous proportions. Do your maths. There is currently a hue and cry about proposed 27 percent reservation for OBCs in institutes of higher learning. If each sub-caste started demanding its share of the pie it would end up with 0.025 percent, or a fraction of a seat.

Look at it from another perspective. The Mandal Commission set out 11 criteria, based on social, educational and economic conditions, for identifying OBCs. On the face of it this seems reasonable, but when one considers the infinite number of permutations and combinations possible under these guidelines, the figures can reach astronomical proportions – with ridiculous results. For example, two of the listed criteria are (a) participation by women in work and (b) more consumption loans. These conditions would apply to many individuals of relative affluence and good social standing. So are they now eligible for OBC status? Where does it end?

The Vested Interest of 'Creamy Layers'

Our politicians, as is their wont, want to eat their cake and have it too. They are shamelessly and expectedly pandering to their vote bank by professing support for the "downtrodden". At the same time, they are vehemently opposed to any suggestion of excluding the economic "creamy" layer from the purview of reservations. Since they belong to the creamiest layer of them all and many have obtained their present positions by furnishing a caste certificate, such exclusion would not suit them at all.

A Different Kind of Exclusion

While on the reservation issue, the entire attention

of the media and the persons affected seems to be focused on its impact on students. However, there is a more insidious and sinister form of reservation being practiced almost unnoticed. In Gujarat, conscious efforts are being made to "reserve" the entire state for the majority community. Subtle and sometimes blatant attempts are going on to "convince" the minority community to leave the state. Bias against the minority community in settlement of court cases relating to the post-Godhra riots has been well documented. *The Indian Express* recently ran a series of reports on how Muslims are being almost totally excluded from the recently launched employment guarantee scheme. The chief minister touts himself as a "champion" of economic development, but it is becoming increasingly apparent that the fruits of this do not extend to those who do not share his religion.

After the demise of Indira Gandhi that the people of India started to recognize subsequent weak leaders for the paper tigers they really were. Moreover, freed from the dominance of the Nehru-Gandhi dynasty, petty "tribal chieftains" and self-proclaimed "champions" of the "lower" castes began to realize that they too could grab a piece of the political pie; with all its trappings of privileges and undreamed of wealth.

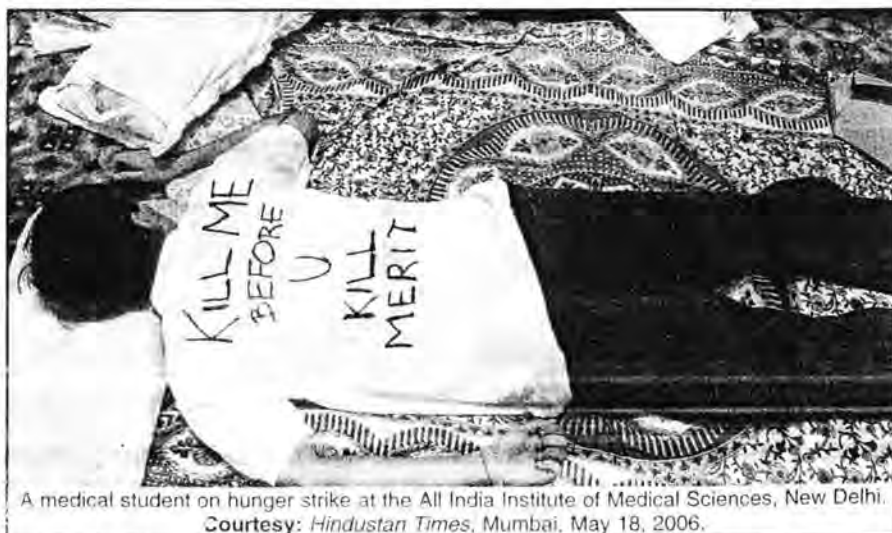
The era of "vote banks" had finally dawned. These simple folk – hitherto ignored or, at best, tolerated and who could be bought fairly cheaply by false promises and paltry handouts – suddenly became a source of immense power; a passport to the good life for the *netas* who manipulated them. The "lower" castes were cultivated and exploited. Communal tensions – not only on religious divides, but among castes and sub-sects – were engineered and turned into political grenades. The so-called backward castes were led to believe that they could trust no one save their own kind; that everyone else was out to get them; that their only salvation lay with the "leaders" who were "one of them". Elements of the "upper" castes, like the Ranbir Sena, strengthened the cause of these sons-of-the-soil by carrying out brutal reprisals.

Keeping the OBCs Happy

After having manipulated their constituents into believing that they were the "only" alternative, the

OBC *netas* set about consolidating their fiefdoms. Regional parties like the BSP, Samajwadi and the RJD discovered they could not only take part in national elections, but win sufficient seats to dictate terms to the all-India parties like the Congress and the BJP. The leaders of these parties found themselves in a position of immense power – and the wealth and privileges that come with it – their forefathers never dreamed of. Of course, this meant keeping their constituents happy so that they would continue to vote for them election after election. Giving them back door entry into public sector undertakings (PSU) seemed a relatively painless way to achieve this – and if the relative lack of merit of these individuals resulted in huge losses for these PSUs – well, that had become a tradition since independence. Besides, the money was not hemoerrhaging out of their own pockets. Growing fearful of the growing power of these regional satraps, the national parties decided not only to play the same game, but to raise the odds. Ergo, free electric power to farmers and reserved seats in educational institutions. It is a spiraling vicious circle that threatens to get out of hand.

It would do well to reflect for a few moments on this whole issue of "backwardness". Much is being made of the fact that even six decades after achieving independence this country's backward people remain backward. There are two reasons for this. The most obvious one is political. The votes of forward thinking and informed citizens cannot be bought with politically-motivated sops and false promises. They demand results; and they demand accountability. It suits the purpose of our political masters to keep the overwhelming majority of the population too busy struggling with mere



A medical student on hunger strike at the All India Institute of Medical Sciences, New Delhi.
Courtesy: Hindustan Times, Mumbai, May 18, 2006.

survival to have the time or inclination for luxuries like political conscience or standing up for their constitutional rights. It also explains why only a pathetic six percent of India's GDP is spent on education. It is much easier to deceive and browbeat the illiterate.

Limits to a Level Playing Field

Yes, the barriers are slowly crumbling, especially in the developed and affluent countries where there is enough national wealth and opportunity to spread around. But even these advanced nations do not forget that a level playing field can be achieved – and is desirable – only to a limited extent. Any attempt at universal equality would be self-defeating and snuff out competitiveness and the drive to excel. It is why, for example, these countries have free and compulsory education, but only up to secondary school level. After that, if a citizen wants to get ahead, he must do it on his own steam and initiative. As regards this retrograde step of imposing caste quotas in colleges and universities goes through, India has the dubious distinction of being the first country in the world to implement it.

Empty Promises

How have we come to this state of affairs? In the time honoured tradition of Indian politicians, they conceived and broadcast a proposal without thinking it through to its logical conclusion. The fact that it was engineered by an old warhorse eager to settle political scores is a side issue. After the burgeoning nation-wide protests, the ruling party has now realized that it has boxed itself into a corner; that it is in a no-win situation. Hence, being a past master at the quick fix solution, the government "clarified" that there was no reason for anyone to get agitated because, despite the quota for OBCs, the number of seats in the "general" category

would not be reduced. The sheer impracticality of this statement could perhaps be partially excused if it was made out of ignorance. But the government was well aware that this was one commitment they could not possibly meet. Proof, if any is needed, can be found in newspaper reports about the announcement last year for plans to set up two premier institutes of science education in Pune and Kolkotta. Eight months after the announcement, forget implementation, the projects are yet to be cleared by the Finance Ministry. And this same government expects us to believe that within the next year it is going to more than double the number of seats in IITs, IIMs and medical colleges? One does not know whether to laugh or cry.

The Supreme Court has its Uses

Serendipitously for the government, help was at hand. The Supreme Court stepped in on the issue of the striking doctors. They got the medicos back to work by threatening them with contempt of court. Now the government must be feverishly hoping that this august institution strikes down the whole quota legislation. That way, the ruling party can save face and dig itself out of the hole it finds itself in; and the opposition parties will be spared the dilemma of the usual "opposing for opposition sake" without appearing to be "anti-people". All in all, a victory for everyone except the purported "beneficiaries." That is the way politics have always been conducted in India. Why act surprised now?



The Case for Euthanasia

Adi H. Doctor

The most powerful argument in favour of euthanasia is that if we deem a human being to be a truly rational and morally autonomous being then he should be entitled to exercise the right to die, that is choose for himself the time and manner of his death.

The Society for the Right to Die with Dignity was founded in 1981 and since then has been agitating for changes in the legal sections that currently prohibit the right to die, especially the removal of section 309 of the IPC. Its founder-chairman was the late Mr. Minoo R. Masani who turned an ardent advocate of the right to die after coming to know of two touching incidents, one foreign, the other Indian. The first incident related to the well-known American social leader. Norman Thomas who had been paralyzed and wanted to end his life; but despite his wish he was kept forcibly alive for ten months; the second is the celebrated Indian case of Gopal Mandlik of Pune who too was made to suffer the agony of being forcibly kept alive despite his fervent requests to the then Prime Minister Indira Gandhi and to Morarji Desai, to be allowed to die. . Another noted crusader for the right to die is Mr. K. Chittilappily of the V-Guard Group of industries. Chittilappily turned an ardent advocate of euthanasia after being witness to his aunt's agonies. Chittilappily's aunt fell and broke her thigh bone at the ripe old age of eighty-six. The woman, who had never seen or been to a doctor before, was operated upon twice and she spent months on the hospital bed in profound agony. This incident left an indelible impression on Chittilappily, who thereafter began writing and advocating the right to die in dignity.

The Legal Zigzag in India:

In India the legal battle for the right to die with dignity has taken a zigzag path. To begin with the courts adopted a very understanding approach. In December 1985, the Delhi High Court ordered the withdrawal of all prosecutions under section 309 describing the section as a blot on the statute book. Next in 1987, the Bombay High Court, in *Maruti Sripati vs State of Maharashtra* pronounced that this section was "barbaric" and was therefore *ultra vires* of the Constitution of India. Subsequently in 1994, the Supreme Court, in *P. Rathinam vs India* held that the section was unconstitutional and void. It concurred with the Bombay High Court that the right to live included the right not to live. However, in

1996, a five-judge bench of the Supreme Court, in *Gian Kaur vs Punjab*, revised its earlier decision and ruled that the right to live did not include the right to die. The five-judge bench laid down that the right to life guaranteed by article 21 does not include the right to die. Thus, in India today, the law distinguishes between euthanasia and suicide, both of which are punishable but with a difference. Suicide is self-destruction in which, if the person who tries to end his life fails, he or she is punished; euthanasia is viewed as an assisted death, and treated as homicide i.e. the doctor or anyone assisting/abetting mercy killing is punished.

The Legal Position in Other Countries

It is interesting to note the legal position in other countries regarding the right to death. In England & Wales the attempt to commit suicide is not deemed a crime.. However in England and Wales there is a provision of imprisonment upto 14 years for anyone assisting a suicide. In the USA some states like the state of Oregon have legalized euthanasia. Netherlands also legally permits mercy killing. In May 2003 an Australian court gave doctors permission to stop feeding a terminally ill woman, effectively legitimizing euthanasia. In Switzerland, the legal system permits the act of assisting people to kill themselves. Dignitas (formerly known as the Voluntary Euthanasia Society) was set up in Switzerland in 1998 and has assisted several people to kill themselves. Most Dignitas members have been terminally ill, but some have been chronic Alzheimer patients. Ludwig Minelli, founder of the Dignitas Clinic in Zurich, says, "Even those suffering from Alzheimer's will have lucid moments in which they may choose to die once a certain point has been reached, such as when they can no longer recognize their children." (Cited by Daniel Foggo, *The Times of India*, Mumbai, April 18, 2006).

The Case for Euthanasia

It may first be noted that in many parts of the world euthanasia enjoys unarticulated support. In 2000 a retired Norwegian physician, Christian Sandsdalen,

was found guilty of wilful murder. He admitted to giving an overdose of morphine to a woman chronically ill for 20 years and who entreated his help. It led to the cancellation of his medical licence but he was not imprisoned. He went to the Supreme Court and lost. In 2005 the doctor died, but significant to note is the fact that his funeral was attended by an overwhelming number of intellectuals including many of Norway's dignitaries.

One argument in favour of the right to die, made by Masani, is that every fundamental right implicitly implies its negative also to be a fundamental right. For example the right to freedom of speech includes the right to silence (not to be a witness against one's self); while the right to marry includes the right not to marry.

Secondly, as the a legal academic the late Prof. S. P. Sathe, had argued, liberties exist independently (as part of a natural Rule of Law) and hence the freedom or liberty to opt for death must be treated as a concomitant to the right to personal liberty. (Cited by Nalini J. Singh, *Navhind Times*, Panaji, April 9, 2006). In other words, Prof. Sathe is arguing that the right to die must be deemed a sacrosanct human right, as an integral part of the fundamental human right to personal liberty guaranteed in article 21 of our Constitution.

However the most powerful argument in favour of euthanasia is that if we deem a human being to be truly a rational and morally autonomous being then he should be entitled to exercise the right to die, that is choose for himself the time and manner of his death. I think a case does exist for euthanasia or the right to die in two unique situations: Firstly, when a human being is living in a state of incessant, agonizing pain as in terminal stage of a disease like cancer, I think he has a right to opt for requesting medical assistance to put an end to his incurable and unavoidable agony; secondly, if a person considers that after having lived a full life and having fulfilled all his responsibilities and obligations, he or she would now no longer like to suffer living a lonesome life, burdensome to himself or herself and to others, then in such cases the person may be conceded the right to end his life and be allowed to choose the time and manner of his death. A noted advocate of euthanasia, Mr. K. Chittilappily, of the V-Guard Group, considers seventy to be an age after which a person should have such a right "to a neat legitimate dispatch" (Cited in *The Times of India*, February 26, 2006)

In India we have a borderline situation between suicide and euthanasia in the *ashramadharma* tradition. The tradition speaks of four stages of life, the last stage

comes after having lived the life as a student, householder, etc., and is one in which one is entitled to live a life devoted to prayers and meditation (*japa*), observing silence (*maun*), and in general preparing for the *atma* (individual soul within) to be released to unite with the *paramatma* (the universal soul). During this stage it is well within the person's rights to be left alone in peace by near and dear ones and not be subjected to any kind of forcible medical treatment. Vinoba Bhave, Gandhi's famous disciple, in his last days (age in his eighties) is reported to have told his disciples to leave him in peace on his "*kuttiya*" or rustic village bed made of coir, and not pester him with requests to call in any doctors. Having lived a full life, he just wanted to be left alone to reunite with his creator. Is this suicide? Partly, yes. Is this euthanasia? The answer is again, partly yes, since faithful disciples co-operated in hastening his death by not calling in doctors and thus not subjecting him to forcible medical treatment.

The Indian ethos, in this sense, is conducive to a favourable debate on euthanasia. However, if we do concede the right to die in the above mentioned unique situations, it should be fully in accordance with the individual's wish and free volition.

DR. ADI DOCTOR, retired Professor of Political Science, Goa University.

A Tribute to Dr. S. P. Sathe from a former Colleague



I was extremely sad to read in the January-March issue of *Freedom First* that Satyaranjan Sathe is no more. I would like to condole joining with the obituaries of Professor Baxi and you. He was an erstwhile colleague and we met at the Law Faculty Meetings of the Bombay University. More

recently I had joined Mrs. Feroza Homi Seervai to visit him at his home here.

He was an expert both at Constitutional Law and Administrative Law. He introduced Advanced Law in India, starting the Institute of Advanced Legal Studies. His many books are his "mental off-springs" and he has left an enviable harvest for us. He had the capacity for investigation taking it to the "nth" degree and worked to the end with zeal and a pioneering spirit.

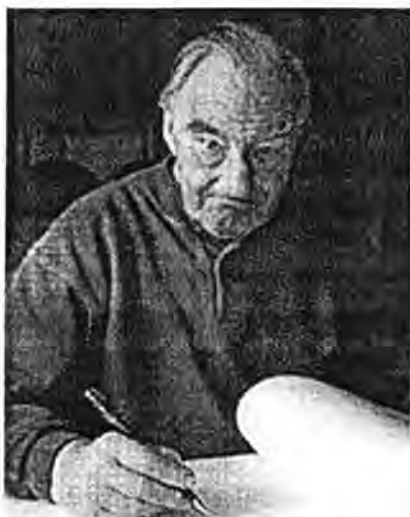
Many thanks for sending us "Parliament versus the Supreme Court his last writing. Like Minoo Masani, S. P. Sathe will be a well-loved son of India.

Pune, May 9, 2006

Khairu Mecklai

Remembering Peter Benenson: Amnesty's Founder

Munmun Jha



Benenson was born in London on 31 July 1921. At 16, the young Benenson organised support for the Spanish Relief Committee that helped children orphaned in the civil war in Spain. He himself "adopted" a child by agreeing to pay for him to be looked after. He also helped Jews who were trying to flee the anti-Semitic terror of Hitler in Nazi Germany, and brought two young German Jews to stay and study in Britain. As soon as the war was declared, he volunteered for the Royal Navy, but was refused as his mother had been born in Russia. But he was fortunate enough to avail of an opportunity to serve his country in the military intelligence unit, where he helped in the war efforts by cracking German codes.

Acting as an official observer for the British Trade Union Congress at the trials of the small underground movement in fascist Spain, Benenson learnt how his presence could help the defendants, even if in a very limited manner. Always, standing up for fair treatment, he never surrendered to authority acting illegally. Once he boldly confronted a judge who was shocked and obliged to set the defendant free!

Amnesty International, now in its forty-fifth year, is a well-known international non-governmental organisation at the forefront of the struggle for human rights, seeking to influence worldwide public opinion. Its founder, Peter Benenson, passed away on 25 February 2005 at the age of 83.

As a leading member of the Society of Labour lawyers, he assisted political and religious prisoners in different parts of the world, and attended political trials as an observer. He was successful in getting the three main political parties in Britain to work together on issues of civil liberties, and in 1959 founded Justice, an independent, all-party organisation of lawyers, which later became the British section of the International Commission of Jurists. Though he was a private and a modest man, shunning personal praise and publicity, he never hesitated in using his charisma to bring people together. These qualities stood him in good stead when he launched Amnesty.

Travelling in a London underground in November 1960, Benenson read a newspaper report about two Portuguese students in Lisbon who had been awarded seven years' imprisonment for raising a toast to liberty in public. He was appalled, and responded by creating the largest human rights movement in the world. He got together with Eric Baker, a prominent Quaker, and Louis Bloom-Cooper, an internationally known lawyer to launch the widely publicised campaign, Appeal for Amnesty 1961. The aims of the campaign were limited but

clear cut: to work impartially for the release of those imprisoned for their opinion. It was meant to be a one-year straightforward campaign: to get the facts, motivate public opinion, and organise pressure to help the victims and their families.

The Appeal began with the publication of an article, "The Forgotten Prisoners" in *The Observer Weekend Review* on 28 May 1961. In this article Benenson said that "the important thing is to mobilise public opinion quickly, and widely, before a government is caught up in the vicious spiral caused by its own repression." It was subsequently "reprinted in hundreds of newspapers across the world, and broadcast from radio stations in every continent." Twenty-five years later, he emphasised the importance of this article and the role of *The Observer*: "Not only did *The Observer* give over the whole of the front page of its Review Section to my article, 'The Forgotten Prisoners'...but it also arranged for it to be printed in whole or in part in many of the world's most influential papers." The article was a manifesto calling all to unite to end indignity and injustice. Benenson also wrote a book, *Persecution 1961* to coincide with the opening of the campaign. The speakers at first press conference

All that glistens is not Sold.

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included members of parliament from the three main political parties in Britain.

The Appeal found immediate response, and the reaction was overwhelming. A flood of letters and donations poured in, together with a great amount of information on thousands of other prisoners of conscience. In all, people from more than thirty countries responded almost immediately. Two months later, at a meeting in Luxemburg, representatives from five countries decided to turn the one-year campaign into a permanent "international movement" to organise practical help for prisoners. Benenson persuaded many several prominent persons, including the philosopher Bertrand Russell, to join the campaign. Sean MacBride, the only person to have won both the Lenin Peace Prize and the Nobel Peace Prize, helped Amnesty establish many high level contacts and offered his services to Amnesty and became the first chairperson of its International Executive Committee.

Amnesty's logo has a candle encircled by a barbed wire. When Benenson first lit the Amnesty candle, he had in mind the old Chinese proverb: "Better light a candle than curse the darkness." At a candle-lighting ceremony in London in 1981, to mark Amnesty's twentieth anniversary, Benenson observed, "The candle burns not for us but for all those whom we failed to rescue from prisons, who were shot on the way to the prison, who were tortured and who were kidnapped, who 'disappeared'."

In the early days, Benenson was able to accomplish a great deal on his own initiative, often through personal contacts. Missions and initiatives were often undertaken on

his say so. There was little in the way of organisation or administration, and budgets were small. Everything hinged on Benenson's own personality. Since his departure in March 1967, partly due to an illness that was diagnosed as celiac disease, the organisation began working in a more formal way. In later years, he continued to work for Amnesty, not always agreeing with the organisation he had founded.

Amnesty's membership has grown steadily. Today it has more than 1.8 million members, subscribers, and regular donors in over 160 countries. Amnesty's objectives, as defined in its statutes are: (1) To work for the immediate and unconditional release of "prisoners of conscience." These are persons imprisoned or detained by reason of the political, religious or other conscientiously held beliefs or by reason of their ethnic origin, colour or language, provided they have not used or advocated violence. (2) To ensure that prisoners of conscience and political prisoners are not detained either without trial or on the basis of an unfair trial, i.e., trials that do not conform to recognised norms. Amnesty demands fair and prompt trials for them. (3) To seek the abolition of the death penalty and the elimination of the use of torture and inhuman, degrading punishments on all prisoners. And (4) to oppose extra-judicial execution and "disappearances," whether or not the persons affected have used or advocated violence. The mandate has changed very little over the years.

An important feature of Amnesty is that it is fiercely independent. It does not support or oppose any government, political system, or the views of the prisoners whose rights it seeks to defend. It

addresses the rights issue involved in each case, regardless of the ideology of the government or the beliefs of the victims.

To ensure accuracy, the credibility of all sources of information is carefully assessed before a prisoner is "adopted." The adoption is by local groups which are the central cog in the machinery. Each group works on three cases selected and allocated on a basis of political and geographical balance. "Groups of three" was an early conceptualisation that has stayed with Amnesty. It demonstrates its political and ideological neutrality. However, when "urgent actions" are initiated for rapid intervention, the only priority is the well-being or safety of the prisoner or the victim. In such situations, it becomes irrelevant if the action is balanced in terms of geo-politics.

Letter writing by adoption groups is a basic activity. Letters are sent to governments, embassies, leading newspapers, the prisoner's family and friends, and anyone who might be able to help get the prisoners released. Amnesty does not claim credit for the release of a single prisoner. However, the following story demonstrates its influence. Julio de Penez Valdar, a trade union leader, imprisoned in a dungeon in the Dominican Republic narrates this story: "When the first two hundred letters came, the guards gave me back my clothes. The next two hundred letters came and the prison director came to see me.... The letters kept coming and coming and coming.... The President was informed. The letters came arriving and the President called the prison to let me go."

Amnesty's work on India has been tangible, and has brought visible results. One of the first

prisoners of conscience in India for whose release Amnesty campaigned was Sheikh Muhammad Abdullah, the former prime minister of Kashmir, detained almost continuously between 1953 and 1968 for advocating Kashmir's right to determine its own future. Its major involvement began with the publication of its report on jail conditions in West Bengal, first published in 1974. Since then, it has published many reports dealing with specific aspects of rights concerns. These are detention without charge or trial, the systematic use of torture, and "disappearances" of political activists in "encounters" with the

police, and on the continued use of the death penalty.

With the imposition of a state of Emergency in India (June 1975-March 1977), Amnesty's work grew rapidly. It mounted a worldwide campaign to urge the release of thousands of prisoners, and set up action groups with especial responsibility for India. For its role during the Emergency, it was not allowed into the country for almost 14 years. In 1992, Amnesty published a report, *India: Torture, Rape and Deaths in Custody*, which received widespread media coverage – and did much to make the demand for

human rights a public discourse.

In 1977, Amnesty received the Nobel Peace Prize for its contribution to "securing the ground for freedoms, for justice, and liberty, and thereby also for peace in the world," and in 1978, on the occasion of the thirtieth anniversary of the Universal Declaration of Human Rights, it was given an award for "outstanding achievement in the field of human rights." Its founder, Peter Benenson, steadfastly refused to accept any awards.

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TERRORISM by Mr. V. Balachandran, Former Special Secretary, Cabinet Secretariat with a foreword by Mr. A. V. Karnik, retired Deputy Director, Intelligence Bureau.

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How Two Countries Treat their Farmers

Sharad Joshi

The Canadian nation as a whole was more sensitive to the recent blockade by 200 farmers than India has been to suicides by over 20,000 farmers since 1995.

Throughout Easter, for Indian farmers it was a harvest of innumerable hardships. Farmer suicides increased after the Hyderabad conclave of the Ministers of Agriculture and their Secretaries, organised by the Union Minister for Agriculture, Mr. Sharad Pawar, with the express objective of addressing the problem. The conclave ended with the decision to study the problems of lack of credit and the high risk of crop losses.

The fact that over 20,000 farmers have committed suicide in India since 1995 came up before the meeting of the Board of Advisors of the World Agricultural Forum held in Washington D.C., on April 24 and 25. The Board could see no link between the suicides and the WTO agreements signed at Marrakesh in 1995. It did, however, recognise the gravity of the situation of availability of water and fuel and decided to make these issues the core of its discussions at the 2007 World Agricultural Congress. The long-term effects of greenhouse gases on world climate and the environment, as also systems for disaster management, will figure on the Agenda of the Congress.

Ottawa blockade

Not far from Washington, in Ottawa, the capital of Canada, farmers from Ontario and Quebec rallied to blockade, on April 22, the petrol depots of Shell Canada, Esso and Petro-Canada, lining up in tractors. The demonstration was not massive by Indian standards. Some

200 men, women and children came in a hundred tractors and other transport vehicles. The blockade was not too harsh either; it started on the afternoon of April 22 and continued through the cold spring night.

The bulk delivery trucks were allowed to enter the depots empty but were blocked for an hour or two on their way out after filling up. The leader of the blockade, one Dwight Foster, who grows corn, soybean and wheat had announced that "the siege will be lifted early in the morning of the 23rd and move on to the Prime Minister's residence at 24, Sussex Drive, to get the Prime Minister, Mr. Stephen Harper, out of bed, nice and early, because he has a lot of work to do."

The police did not intervene at any stage of the proceedings. They did not arrest anybody nor did they seize any of the vehicles for illegal transport. They did not attempt a cane charge, or use tear-gas or open fire, though the blockade caused serious traffic disruption in the Capital city and threatened a gherao of the Prime Minister's residence.

Anger against US subsidies

The wrath of the farmers was directed against the Canadian Government's phlegmatic response to the US subsidies that upset the level playing field in the US-Canada trade.

The US spends \$50-60 billion annually on agricultural subsidies, 90 per cent of which goes to the

foodgrains and oilseeds sectors. This allows American farmers to export their produce at a price below the cost of production.

Last December, a countervailing duty was levied against US imports to counteract the dumping through government subsidies, estimated by the Canadian government at \$75 a tonne. Last week, the Canadian International Trade Tribunal ruled that corn imports from the US did not constitute a threat to the Canadian corn industry and that the countervailing duty was uncalled for.

The farmers rejected outright the Government's offer of annual assistance of \$500 million for five years as "little band-aid on an amputation". They are demanding \$6 billion a year in a multi-year programme that will level the playing field for Canadian producers competing with US farmers. The actual dispensation may be much less if the produce prices rise, but a large safety net is necessary as an indication from the Government that it wants the farmers to continue production.

Canadian farmers' demands

The planting decisions will soon be complete and unless Ottawa makes a positive announcement that will assure profit to agriculturists, the farmers will be forced to stop their operations. The farmers are asking the government to support a Risk Management and Production Insurance Programme with imme-

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 or-

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

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

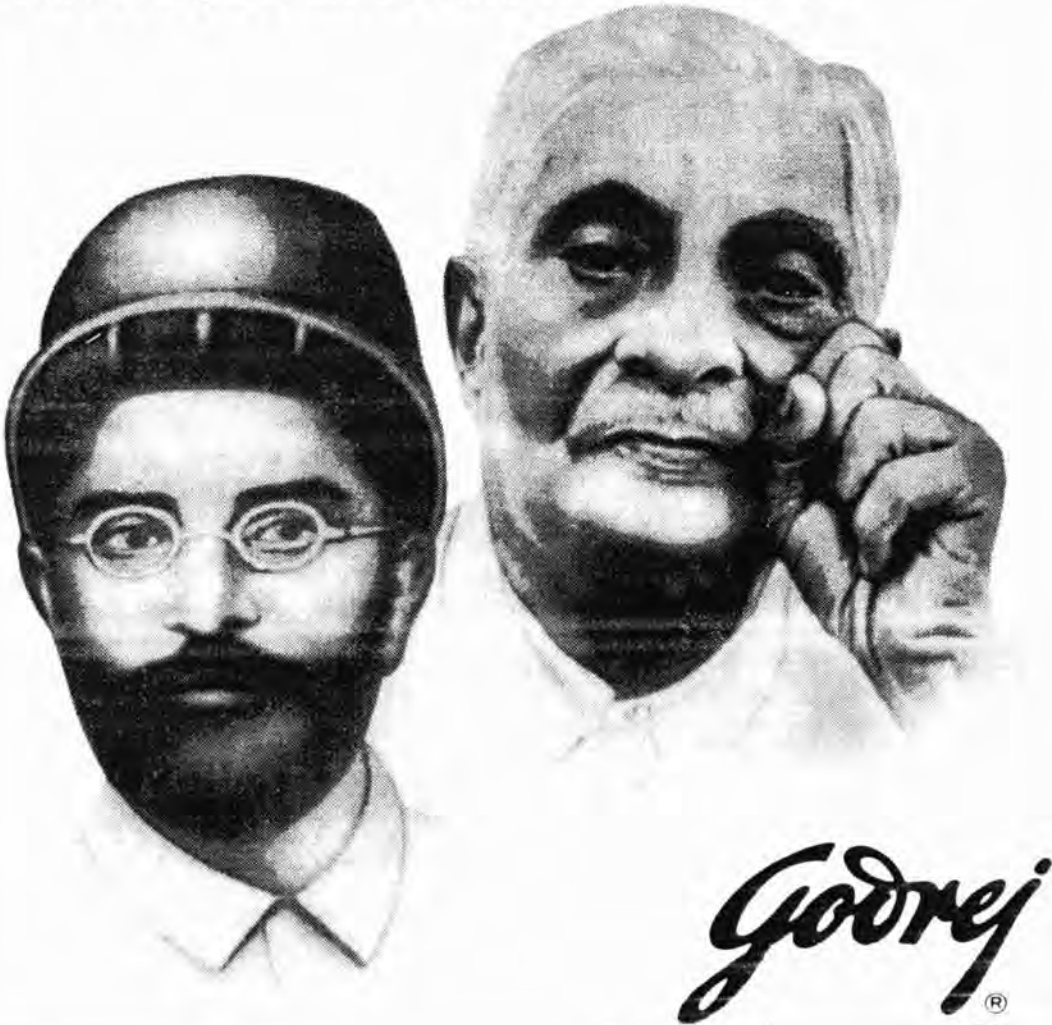
Made to international standards and backed by continuous technical innovation, their products range from locks and security equipment, machine tools, forklift trucks, architecture and steel castings to furniture, typewriters, refrigerators, computers and elec-

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

The Godrej industrial garden township at Vikhroli-Pirojshanagar is an example of self-reliance and progress. For their workers 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.



diate bridge financing to keep farmers in production.

The farmers' threat is entirely unveiled. The current situation threatens the continuation of Canadian food supply. There are farmers who are already six months behind in mortgage payments; and the banks are calling in the loans of many others.

The relatively modest demon-

strations by the farmers provoked a massive public reaction. Apart from editorials and articles, a large number of letters to the editor poured in.

"Farms support the business network and the latter will sink if agriculture is affected," said one reader.

"Farms must compete like other firms," advised another.

The editor of Ottawa Citizen

described the farmers as extortionists on tractors.

Though some were for and some against, the Canadian nation as a whole was more sensitive to 200 farmers' *rasta roko* than India has been to the suicides by over 20,000 farmers since 1995.

(Article published in *Business Line* dated 3rd May 2006).

COURTESY: Sharad Joshi and the *Shetkari Sanghat*.

Friends of Tibet Now a Global Movement To keep alive Tibet's Struggle for Independence

Friends of Tibet (India) completed seven years as an organisation. It has about 3,900 members in 19 regional chapters around India and growing steadily. The following is an emailed letter issued by this organisation on March 9 this year. *Freedom First* congratulates Sethu Das and Tenzin Tsundue on their achievement and reiterates its support to them and their organisation for their splendid work campaigning for the freedom of Tibet:

"Today we are happy to announce the launch of our international chapters - Uruguay, Spain and Sri Lanka. We expect chapters under Friends of Tibet: International. This new global movement to keep alive the issue of Tibet through direct action will consist of organisations directly supporting the Tibetan struggle for independence.

"Ms. Virginia Balseiro (virginia@friendsoftibet.org) from Mercedes, Uruguay will lead Friends of Tibet (Uruguay), Ms. Carolina Montesinos (carolina@friendsoftibet.org) from Barcelona, Spain will lead Friends of Tibet (Spain) and Sethu Das (sethudas@friendsoftibet.org) will be in charge of Friends of Tibet (Sri Lanka) for the first one year.

"The mind and soul of Friends of Tibet remain the same even as we continue to grow and change. We had great opportunities working with various organisations, institutions and individuals. We thank you for your help and cooperation and for the trust you put in us.

"We believe a free and independent Tibet is crucial to secure long-term peace and stability in the region because the end of China's occupation and militarisation of Tibet will also mean an end to the un-winnable arms race in the region. But most of all we work for Tibetan independence because the clear wish of the people inside Tibet, who continue to suffer and to die for freedom, is for independence."

Sethu Das
(President)

Tenzin Tsundue
(General Secretary)

- * Friends of Tibet (International): Email: support@friendsoftibet.org Web: www.friendsoftibet.org
- * Friends of Tibet (India): Email: friendsoftibet.india@gmail.com / Web: www.friendsoftibet.org/INDIA
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Why are Jews so Powerful?

Dr. Farrukh Saleem

For every single Jew in the world there are 100 Muslims. Yet, Jews are more than a hundred times more powerful than all the Muslims put together. Ever wondered why?

There are only 14 million Jews in the world; seven million in the Americas, five million in Asia, two million in Europe and 100,000 in Africa. For every single Jew in the world there are 100 Muslims. Yet, Jews are more than a hundred times more powerful than all the Muslims put together. Ever wondered why?

Jesus of Nazareth was Jewish. Albert Einstein, the most influential scientist of all time and TIME magazine's 'Person of the Century', was a Jew. Sigmund Freud – id, ego, superego – the father of psychoanalysis was a Jew. So were Karl Marx, Paul Samuelson and Milton Friedman.

Here are a few other Jews whose intellectual output has enriched the whole humanity: Benjamin Rubin gave humanity the vaccinating needle. Jonas Salk developed the first polio vaccine. Albert Sabin developed the improved live polio vaccine. Gertrude Elion gave us a leukaemia fighting drug. Baruch Blumberg developed the vaccination for Hepatitis B. Paul Ehrlich discovered a treatment for syphilis (a sexually transmitted disease). Elie Metchnikoff won a Nobel Prize in infectious diseases.

Bernard Katz won a Nobel Prize in neuromuscular transmission. Andrew Schally won a Nobel in endocrinology (disorders of the endocrine system; diabetes, hyperthyroidism). Aaron Beck founded Cognitive Therapy (psychotherapy

to treat mental disorders, depression and phobias). Gregory Pincus developed the first oral contraceptive pill. George Wald won a Nobel for furthering our understanding of the human eye. Stanley Cohen won a Nobel in embryology (study of embryos and their development). Willem Kolff came up with the kidney dialysis machine.

Over the past 105 years, 14 million Jews have won 15-dozen Nobel Prizes while only three Nobel Prizes have been won by 1.4 billion Muslims (other than Peace Prizes).

Why are Jews so powerful? Stanley Mezor invented the first micro-processing chip. Leo Szilard developed the first nuclear chain reactor. Peter Schultz, optical fibre cable; Charles Adler, traffic lights; Benno Strauss, Stainless steel; Isador Kisee, sound movies; Emile Berliner, telephone microphone and Charles Ginsburg, videotape recorder.

Famous financiers in the business world who belong to Jewish faith include Ralph Lauren (Polo), Levis Strauss (Levi's Jeans), Howard Schultz (Starbucks), Sergey Brin (Google), Michael Dell (Dell Computers), Larry Ellison (Oracle), Donna Karan (DKNY), Irv Robbins (Baskins & Robbins) and Bill Rosenberg (Dunkin Donuts).

Richard Levin, President of Yale University, is a Jew. So are Henry Kissinger (American secretary of state), Alan Greenspan (fed chair-

man under Reagan, Bush, Clinton and Bush), Joseph Lieberman, Madeleine Albright (American secretary of state), Casper Weinberger (American secretary of defence), Maxim Litvinov (USSR foreign Minister), David Marshall (Singapore's first chief minister), Isaac Isaacs (governor-general of Australia), Benjamin Disraeli (British statesman and author), Yevgeny Primakov (Russian PM), Barry Goldwater, Jorge Sampaio (president of Portugal), John Deutsch (CIA director), Herb Gray (Canadian deputy PM), Pierre Mendes (French PM), Michael Howard (British home secretary), Bruno Kreisky (chancellor of Austria) and Robert Rubin (American secretary of treasury).

In the media, famous Jews include Wolf Blitzer (CNN), Barbara Walters (ABC News), Eugene Meyer (Washington Post), Henry Grunwald (editor-in-chief Time), Katherine Graham (publisher of The Washington Post), Joseph Lelyeld (Executive editor, The New York Times), and Max Frankel (New York Times).

Can you name the most beneficent philanthropist in the history of the world? The name is George Soros, a Jew, who has so far donated a colossal \$4 billion most of which has gone as aid to scientists and universities around the world. Second to George Soros is Walter Annenberg, another Jew, who has built a hundred libraries by donating an estimated \$2 billion.

At the Olympics, Mark Spitz set a record of sorts by winning seven gold medals. Lenny Krayzelburg is a three-time Olympic gold medalist. Spitz, Krayzelburg and Boris Becker are all Jewish.

Did you know that Harrison Ford, George Burns, Tony Curtis, Charles Bronson, Sandra Bullock, Billy Crystal, Woody Allen, Paul Newman, Peter Sellers, Dustin Hoffman, Michael Douglas, Ben Kingsley, Kirk Douglas, Goldie Hawn, Cary Grant, William Shatner, Jerry Lewis and Peter Falk are all Jewish? As a matter of fact, Hollywood itself was founded by a Jew.

Among directors and producers, Steven Spielberg, Mel Brooks, Oliver Stone, Aaron Spelling (Beverly Hills 90210), Neil Simon (The Odd Couple), Andrew Vaina (Rambo 1/2/3), Michael Man (Starsky and Hutch), Milos Forman (One flew over the Cuckoo's Nest), Douglas Fairbanks (The Thief of Baghdad) and Ivan Reitman (Ghostbusters) are all Jewish.

To be certain, Washington is the capital that matters and in Washington the lobby that matters is The American Israel Public Affairs Committee, or AIPAC. Washington knows that if PM Ehud Olmert were

to discover that the earth is flat, AIPAC will make the 109th Congress pass a resolution congratulating Olmert on his discovery.

William James Sidis, with an IQ of 250-300, is the brightest human who ever existed. Guess what faith did he belong to?

So, why are Jews so powerful? Answer: Education.

DR. FARRUKH SALEEM is an Islamabad-based freelance columnist.

COURTESY: *The News*, Pakistan, Sunday April 2, 2006.

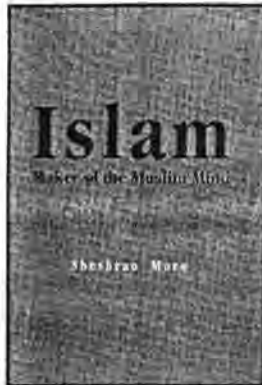


I am asking the educated man or woman who reads this: Do you love the common folk of our land, the men and women who swarm in town and village? Do you love the languages they speak? Do you love their ways and manners? Do you love the religion they believe in, not looking upon it as ignorance but as better wisdom than your own? All this love sums up to patriotism. You can see now I am a "reactionary" but not a hopeless one: because I see the defects among our people as well as I see their admirable qualities. Their general apathy I deplore. I would have them show more energy in many matters more than they do now, more tolerance and love towards one another, more capacity to work together for common purposes. I love, I intensely love the bullock cart, but I do

not wish to give up the railway train steaming from one end of the country to the other. I intensely love the beautiful languages our people speak, but would not give up the great English language that links us all together in stronger and stronger bonds as the days pass. I love the great religion of the mass of our people and all its splendid variations that make no differences but form a beautiful and wise whole. But I do not want the search of material truth called science to be neglected. I want the elite to go to the shrines and the temples as the common folk do and daily renew and strengthen their resolve to be truthful and helpful to those around them. Otherwise the elite would be alienating themselves from the people, and serving neither themselves nor the people.

C. Rajagopalachari
Swarajya, September 5, 1971

BOOK REVIEWS



ISLAM : MAKER OF THE MUSLIM MIND

by
Sheshrao More

Published by
Rojhans Prakashan, 1025 Sadashiv Peth, Nagnath Par, Pune 411 030
Year of Publication: 2004 No. of Pages: 664 Price: Rs.800

Reviewed by
Justice S. M. Daud (Retd.), of the Mumbai High Court

Professor Sheshrao More's (of Nanded) Marathi work, 'Muslim Manacha Shodh' is said to have attained the status of a Classic. This needed to be translated into English and that has been attended to by a band of scholars, Bhalchandra Patwardhan, A. P. Joshi, S. H. Deshpande and Bal Gadgil, with S. H. Deshpande acting as the final coordinator and editor with assistance from Bhalchandra Patwardhan, Arvind Bal, Arun Kirloskar and S. K. Balasubramaniam. The result is an eminently readable book titled "Islam : Maker of the Muslim Mind".

The work narrates at length the Life of the Prophet Muhammad (PBUH), relevant extracts from the Quran and the Hadis. The Bibliography, the Ayat Index, the Subject Index and other appendices show a precision rare amongst writers appraising Islam, its Founder or the Hadis. And this includes Islamic scholars. For that reason, Professor More and the translators in English deserve plaudits from all of us.

The work is not a lifeless narrative – a mere repetition or summary of what the author had learnt from the different books referred to by him. It is replete with interpretations and comments by Muslim scholars of repute like Maulana Mawdudi, Maulana Azad, Justice Amir Ali,

Asghar Ali Engineer, M. Wahiduddin Khan and a host of others. These interpretations and comments have been tested in the light of material from primary sources and that speaks of a scholar who has not gone by mere *ipse dixit*. Only one who has drunk deep at many and diverse founts could have essayed so difficult a task. The book is a genuine attempt to understand a religion which from a humble beginning is today the faith of billions of people to be found in all continents and countries of the world. Professor More has gone further and looked into the lives of the Prophets preceding Muhammad who are revered by Muslims along with others, viz. Jews and Christians.

Where the author falters is in his treatment of the Hadis. The primacy that he has bestowed upon the Hadis vis-à-vis the Quran – taken according to him from unimpeachable sources, is difficult to understand. Every Muslim knows that the Quran is the work of God proclaimed through the Prophet. To then say that the Hadis' importance is almost equal to that of the Quran is not correct. In fact the author realizes that Hadis are recollections of diverse folks not all of whom lived during the times of the Prophet and also that a large number of collectors and compliers have contributed

to this corpus. Not all of them are regarded as being of equal veracity or status. Fierce differences divide the adherents of those owing allegiance to different compliers. In fact the Ahle Hadis (Believers True) have chosen in recent times to separate themselves from the other sects allegedly because of the latter's apostasy vis-à-vis the basic tenets of Islam. What must be said to the credit of the author is his sincere effort to comprehend such Hadis.

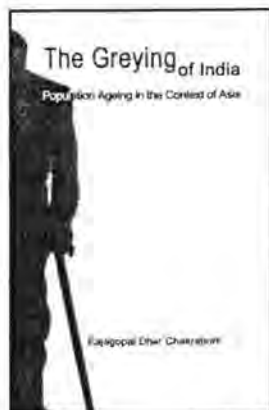
The author has chosen to avoid going into the details that have led to the emergence of diversities amongst those proclaiming allegiance to the One True God and His Last Prophet. True, he comments on the broad division between the Shias and Sunnis. That explains little to the outsider who has been conditioned to believe that Muslims constitute one monolith – the more mischievous attributing this to the incapacity of the Islamic mind to think variedly if, at all. Indeed the diversity among Muslims is on the Important Five – Prayers, Alms-tax, Jihad, Hajj & Fasting! – has not been able to establish an Ummah in the true sense. Divisions of language, clime, nationality have given rise to many creeds and many preceptors. And claiming descent from the Prophet did not prevent the emergence of the Umayyads, the Fatimides

and the Abbasides, each propounding the superiority of its claim. Even amongst these dynasties there were schisms and a large section of Muslims belong to diverse groups – each claiming to represent the One and Only Path to Redemption and each reviling the others as heretics, unbelievers and what not. If the author had cared to delve into this part of

Muslim history and the attendant beliefs, he could have with justification described his work as a mirror of the Muslim mind. Instead he has chosen to go by the Colonial – but mistaken – label of treating Islam and Muslims as a primitive code and people respectively.

What has been stated above

should not detract from the great effort that has gone into the writing and translating of the work. That a non-Muslim should have pored into so many books and sources to understand and expound a creed is an achievement in itself. The Epilogue and Foreword are both unconventional and deserve to be read in their entirety.



The 20th century saw dramatic increases in life expectancy in Asia and this trend continues to the present. From a dismal figure of 30 years in 1900, life expectancy increased to over 40 years by 1950 and is currently well above 65 years. This, however, is a mixed blessing, since the proportion of people aged 60 years and above has also been growing at an even faster rate. Inevitably, this increases the burden on support services for the elderly, both within the family and on the state. In India, particularly in urban centres, where the centuries-old tradition of looking after one's parents is being steadily eroded due to increasing adoption of Western values without the corresponding institutional support outside the family system as available in developed nations, this has the potential of becoming a 'time bomb' or 'agequake' in the near future.

Dhar Chakraborti, a senior Reader in the Department of South and Southeast Asian Studies at

Calcutta University and Visiting Faculty, United Nations International Institute of Ageing in Malta has produced a thought provoking volume. Although meticulously researched, it is not a dry, scholarly tome as one might expect, but of some interest to lay readers too. It raises important theories about how the elderly in this country are being compelled to adapt to the changing values of their offspring in post-liberalization India. Each of its six chapters, apart from containing accurate demographic statistics, provides an easy to understand interpretation of the displayed tables and furnishes a succinct conclusion.

The book reveals that, on a global scale, the number of persons, aged 60 and above, has tripled over the past 50 years and is expected to further triple in the next 50 years; and that the growth rate of the elderly is much faster than that of the total population. Moreover, more than half of the total world population of the aged is concentrated in

Asia. India had 75 million persons over 60 in 1999; this figure is expected to shoot up to almost 325 million by 2050. Since most of the aged do not work, depending instead "on their families, religious or communal institutions, or the state, they are perceived to be a burden on society. The elderly have fewer job opportunities as they are perceived to have low physical and mental alertness and are generally considered unfit for occupations requiring modern skills." India is somewhat cushioned from this trend, since a majority of its population is still engaged in agriculture, which is able to absorb greater numbers of the aged.

So what causes population ageing? Advances in medicine and the resulting reduction in human mortality has been a significant factor. Hence, as Dhar points out, towards the end of the last century the speed of ageing was much higher in the developed countries of the world than in the rest of Asia. How-

THE GREYING OF INDIA

by
Rajagopal Dhar Chakraborti

Published by
Sage Publications, B-42, Panchsheel Enclave,
New Delhi 110 017.
Second Volume: 2006 No. of Pages: 261 Price: Rs.320

Reviewed by
Firoze Hirjikaka, a freelance writer and retired civil engineer.

ever, this whole pattern is expected to change dramatically over the next 50 years. For example, it is expected to take India only 25 years to double its current aged population as against 70 years for the USA.

The third chapter of Dhar's book seeks to define ageing in greater depth. According to the ancient Hindu texts, ageing is considered to start during *Vanaprastha*, when an individual gradually withdraws from the world, without reducing his responsibilities. However, the most common definition of ageing refers to persons aged 60 or 65 years and above. A population is said to be ageing when the proportion of people aged 65 plus starts rising. For those more statistically inclined, this chapter furnishes various indices for measuring ageing.

Chapter four explores the link between ageing and development. As Dhar writes "Ageing brings with it age-related changes in production, consumption and distribution. Productivity falls with the rise in age of the workers. There is a tremendous shift towards unproductive consumption in the form of health care and finally a massive reallocation of resources from the young to the old

in the form of old age social security benefits." Ironically, in India, social security is still in its infancy and this compels people to "retire later in order to gain enough guaranteed lifetime income..." The chapter goes on to illustrate the impact of ageing on various factors such as consumption, housing, health care costs, intergenerational tensions and even politics.

The next chapter defines the status of the elderly in India. It throws up interesting facts like the movement of the elderly from urban to rural areas; and that the elderly are much less literate and educated than the general population. Households and undivided families continue to be vital institutions for the well being of the elderly. As the old acquire physical ailments and disabilities, they become increasingly dependant on their families for financial, physical and emotional support.

The last chapter is entitled "Graceful Ageing" and defines the importance of ageing persons in human life and recognition of the "authority, wisdom, dignity and self-control that comes with a lifetime of experience." Dhar explains that if India's senior citizens desire to age

gracefully, they themselves need to ease the process along by indulging in moderate physical activity and participating in household chores and community functions. They should also attempt to be as small a burden as they can on the younger member of the family, by looking after their health, eating healthy, foregoing unnecessary medication and taking appropriate self-protection measures.

For the more scholarly-minded and research students, Dhar's book also contains useful Appendices on topics such as "Statutory Retirement Age", "Policies and Programmes on the Aged in India" and "Recommendations at the World Assemblies on Ageing".

To conclude, then, *The Greying of India* is essentially a work of reference for students and also for organizations dealing with the aged. What sets it apart from the usual dry government tomes, however, is Dhar's avoidance of pompous language and easy writing style. Even the lay reader, particularly one of advancing years – if he is willing to suffer through or simply ignore the plethora of statistical tables – would find this volume interesting and enlightening.

The Congress Attitude to the Communists



Prime Minister Nehru once said about the Communists: "Their ideology is good; that is my aim also, but they function in a destructive way". Their aim is his aim, but why are they being so destructive? Again, he said a little later: "As far as the Communist ideas are concerned, they are good ones but the method of violence which they sometimes adopt is wrong." This is moral confusion – that you can get the communist result without having communist methods. Actually, let me say that the communists' objective is even more immoral, even more pernicious, than the method of violence which they adopt, because that objective is of a mechanised, regimented, Godless society where man becomes a robot and where the collective will of the Government is imposed on every individual in the country. In the view of some of us, a collectivised economy of the communist

kind and parliamentary democracy cannot coexist for long. If we want our Constitution to survive, then there are very obvious limits to the role that the State can play in economic affairs. That should not be very difficult to understand.

Minoo Masani



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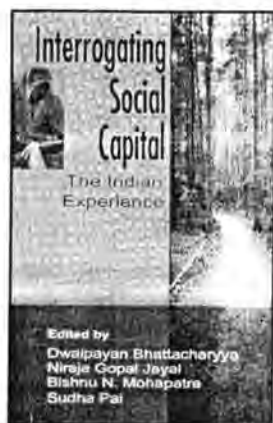
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INTERROGATING SOCIAL CAPITAL The Indian Experience

Edited by

Dwaipayana Bhattacharya; Niraja Gopal Jayal; Bishnu N. Mohapatra;
Sudha Pai

Publishers

Sage Publications, B-42, Panchsheel Enclave, New Delhi 110017
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Reviewed by

Mr. P. K. Doraiswamy IAS (Retd.) Formerly Chief Secretary,
Government of Andhra Pradesh.

Labels are powerful influencers of the human mind. A traditional cohesion that exists in a community which enables it to survive as an integrated entity and which had always been taken for granted becomes a sophisticated, sought-after concept once it is called 'social capital' and blessed by agencies like the World Bank (WB), different disciplines such as economics, sociology and management lay claim to it as their own original insight! Social capital, according to the WB, refers to the internal social and cultural coherence of a society ... is the glue which hold societies together and without which there can be no economic growth or human well-being. In its Social Capital Initiative, WB says, "Ways need to be found to create an environment supportive of the emergence of social capital as well as to invest it directly.

This book, instead of simply falling in line with the euphoric outpourings of the WB on social capital, seeks to question the assumption of the latter on the usefulness, creatability or universality of the concept irrespective of historical and cultural context as well as the wider political and policy environment in creating which the State plays a major role.

The introduction gives a comprehensive survey of the literature on social capital and the latter's clas-

sification into bonding, bridging and linking. It also explores the extent to which the idea of social capital enlivens our understanding of democracy in India. It lists out three important differences between democracy in India and the west which, in turn, make the operation of social capital in India also different from that in the west.

First, while the civic community in the west covers almost the entire expanse of the public sphere, the bulk of India's public sphere falls outside the reach of the civic community.

Secondly, while the democratic norms that govern western public institutions have historically been produced in response to the interests and needs of the society at large, the popular society in India – the bulk of the poorer and neglected sections – tends to view the State as alienating and unrepresentative.

Thirdly, while the State and the civic community in the west can afford to operate as autonomous entities, in India politically charged communities seek to turn the State into an instrument to buttress their specific sectional interests. Moreover, the introduction of formal governance structures has often weakened, even destroyed, traditional social capital. In fact, political parties try to deftly navigate between traditional

bonds and the modern structures in order to protect and strengthen their political interests.

The individual case studies illustrate the following important insights :

- Narrow group identities in rural communities often have the potential to create a bonding type of social capital which does not facilitate, in fact can inhibit, more broad-based bridging type of constructive social capital which alone can ensure responsive democratic governance.
- Panchayats, while not infrequently depleting traditional social capital, are often seen as introduced 'from above' and unrepresentative of the whole community.
- Creation of social capital is not easy, much less automatic, in countries like India which is undergoing rapid socio-economic change.
- Democracy and social capital are not necessarily positively associated, nor is the formation of social capital always linear and progressive. It often follows a zigzag, up-and-down path.
- In the school system, traditionally teachers were regarded as the natural village leaders, impartial and credible, and reliable guardians of the childrens' future. Their

credibility has now eroded due to their involvement in local and State politics and they are now regarded as partisan and undependable if not corrupt.

- The progressive withdrawal of the State from the education sector and the proliferation of private schools has created a sort of 'apartheid' with rich children attending good private schools and the poor children attending poorly managed government schools, a factor which deters the formation of true social capital.
- Attempts to evolve indicators of the development performance of States (Index of Institutional Performance) and levels of civic engagement (Civic Community Index) in those States show that these have a positive relationship with the States' Human Develop-

ment Index. States with low institutional performance and low civic engagement were also those at the bottom of the HDI ranking.

- The above finding has triggered the thinking that perhaps it is the human capital that creates social capital. The significance of education as the builder of human capital has been grossly neglected in India and has consequently prevented social capital from emerging as widely and strongly as it might have. Education could very well be the key variable which could take Indian society out of the vicious circle of distrust, defection and exploitation which are the very antithesis of social capital.
- Protest movements have a role in promoting democracy and formation of social capital. But in India, for want of focus and good lead-

ership, these have not resulted in building lasting bridging social capital. This area needs to be researched more.

Unlike in the past when the State was assuming a dominant role in development, with the regression of the State, between the public and the private sectors, there is a middle role for civil society to play. Placing the concept of social capital in a specifically Indian context, the various articles in the book highlight the fact that civil society can play this role effectively and productively only if it has high quality, enduring social capital of the bridging type, and that mechanisms and conditions which will facilitate this in Indian conditions need to be researched more. The book will be of interest to students and scholars in the field of Indian socio-economic development.

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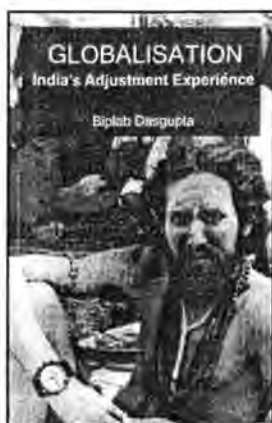


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GLOBALISATION INDIA'S ADJUSTMENT EXPERIENCE

by
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This book is a sequel to the author's study of the structural adjustment undertaken at the global level in 1998. It narrates India's experience with the structural adjustment programme called Liberalisation, Globalisation and Privatisation (LPG) introduced in 1991. According to the author, this reform programme was formulated with scant regard for the experiences of other countries especially the East Asian countries which had adopted the same model of import-substitution as we did.

The first round of structural reforms covered the period 1991-1996 when the Congress Party was in power. In 1996 it was defeated at the polls. A BJP-led coalition took its place. Planning was shelved and the finance department became more important. Both the United Front Government and the BJP-led NDA government supported the reforms process. Good credit ratings helped mobilize resources and the World Bank became a valuable source of borrowing.

Three international agencies: the World Bank, the IMF and the WTO actively participated in the Globalisation process. While the World Bank was entrusted with the job of 'project lending' to the government, the IMF's role was to develop global capital markets, for the developing countries.

The genesis of the WTO born out of the principles of GATT has

been traced in some detail. Apart from describing the process of operation of the WTO, lucid references have been made to the TRIPs, TRIMs and the patents issues. The issue of 'process' and 'product' patents working against the interests of the developing countries especially the pharmaceutical industry in India offer interesting insights. The author points out that high economic rent on patented technology could rule out indigenous development of technology by developing countries.

The WTO is here to stay and India has to see how best it can use it to its advantage. Unfortunately India clearly lacks the expertise of qualified negotiators to carefully examine the legal documents. India also needs to form powerful lobbies with the help of other countries. The South Asian Association of Regional Cooperation (SAARC) the South Asian Free Trade Agreement (SAFTA) were a move towards this direction, but they are yet to take off.

The sweeping changes under the regime of the MNCs posed a formidable threat to domestic companies. The distortions that can be caused by MNCs in terms of transfer pricing, the formation of cartels and their tendency to produce regardless of concern for the environment are seen as visible exploitation by MNCs. The innate advantages of MNCs in terms of absorption of risk, provision of capital and technology, export

promotion and access to global credit markets put them in an enviable position.

The author makes an interesting reference to companies in the field of agriculture which have developed the 'terminator technology'. This technology makes seeds sterile and incapable of use for the second time. This, in turn, makes the developing countries dependent on the MNCs for sustained supplies. The controversy over one of the largest MNC in the agri-business Monsanto with an average annual sales of US \$7.5 billion has been extensively discussed in the book

The issue of environment has been dealt with very dispassionately. Rich countries charge high prices while making claims of producing environment friendly products. Poor countries on the other hand are making cheap products at the cost of their own environment leading to unfair trade advantage and international dumping. Eco-dumping amounts to a subsidy given away by the erosion of natural wealth and therefore should be regulated by the WTO like other kinds of subsidies. Poor countries are not taken into consideration for setting standards for Eco labelling. The author also argues that the so-called export orientation strongly advocated by the global trinity does irreversible harm to the global environment.

Industrial reforms in India

were ushered in by the Industrial Policy of 1991. It made no distinction between large and small enterprises and public and private sector units. Ultimately the private sector performed better than the public sector. But the pace of industrialisation was slow when compared to economies like Japan which followed the 'reverse engineering' model and became the 'flying geese' model for countries like South Korea, Taiwan, Singapore and Hong Kong. By early 2001 all quantitative restrictions had been withdrawn in India under pressure from the WTO.

The author points out that the background to the monetary and banking reforms was the low savings-investment ratio and the need for liquidity of commercial banks. There was blurring of distinctions between public and private banks and banks and Non Banking Financial institutions. The Narasimham Committee brought about a sea change in the operational environment of these financial institutions. Subsidization of rates of interest was ruled out as also intermediation. The IInd Narasimham Committee (1998) brought out a level playing field for all the intermediaries in the financial markets.

The nature of fiscal issues has changed from just making the two ends meet to reducing fiscal deficit and increasing the tax/GDP ratio. The author attempts to address the issue of the need to devote a larger portion of the government's expen-

ses to output increasing activities. Looking at the high non-plan expenditure which comprises interest payments, subsidies and defence expenses, the only item of expenditure that can be axed is subsidies. The government wanted to increase the number of tax payers from 30 million in 2001-02 to 50 million by 2004-05 which it sought to do by implementing the Permanent Account Number (PAN), widening the TDS and effective implementation of the one-by-six scheme and these are discussed. In the structural adjustment phase the changes brought in by the Raja Chelliah Committee who argued for an efficient, simple and transparent system have been referred to. Measures such as reduction of income tax to increase compliance, Bearer Bonds, Voluntary Disclosure Schemes (VDS), the introduction of service taxes have been discussed at length.

An extensive analysis of trade reforms in the structural adjustment process gives deep insights into this sector of the economy which has contributed most in terms of returns from the globalisation process. The ultimate test of globalisation judged in terms of the full convertibility of all currencies after allowing for some variations in exchange rates have been examined from the point of view of the Feldstein-Horioka hypotheses.

The genesis of the public sector in India and the changes brought in by the reforms brings out

a clear case for a market-oriented approach under private sector ownership and delineation of strategic areas to the public sector. The nature and process of disinvestment in some public sector companies like Modern Food Industries, VSNL, Maruti Udyog, NALCO and the BALCO make interesting reading.

Referring to the labour market, the author draws attention to the World Bank which views labour market regulations as impediments to a successful reform process. This is because minimum wage and job security legislation restrict the employers from hiring and firing which contribute to increasing costs. The writings of Mancur Olson providing the philosophical basis for the structural adjustment programme, in terms of looking for a platform for labour market reforms are dealt with lucidity.

The book makes excellent reading of the structural reforms arising from the globalisation of the 1990s. The clarity of thought, simple and lucid writing makes reading and comprehension simple for the lay reader. Though the writer is a leftist commentator, his approach has been objective while raising questions and answering them without any bias. This book is certainly a 'must read' from the point of view of all stakeholders in the development process viz., the student, the researcher, the academician and the policy maker.



The Criminal-Naxalite Nexus

It should be borne in mind that all that passes under the cloak of Naxalism is not genuine. There is quite a mix-up of motivations behind the so-called Naxalite violence, ranging from outright criminality to personal and family feuds and enmities. It is becoming common for unmitigated criminals to embellish their crimes with shouts like, "Mao zindabad"; and not all the threatening letters that purport to issue from Naxalite sources are genuine. At the same time, it does seem that there is, to some extent a collaboration between criminals such as dacoits and Naxalite revolutionaries

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