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Number 552 – June 2013

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Between Ourselves ...

Twenty years ago we carried two cover features in the January and April issues of 1993 bemoaning the collapse of secular values on the one hand and the entry of the cult of violence in a city hitherto noted for peaceful coexistence of different communities on the other. 1993 was a particularly sad year for us Indians. In January that year we witnessed a horrendous communal holocaust ("Have We Gone Mad?" *Freedom First* No.416 January-March 1993) followed by the Bomb blasts in March ("The Descent of India – from Dadabhai Naoroji to Dawood Ibrahim" *Freedom First*, No.417 April-June 1993). While the first was a fallout of the destruction of the Babri Masjid in Ayodhya, the second was clearly orchestrated, managed and executed by Dawood and his gang from the safety of their hideout in Karachi to ostensibly avenge the destruction of the masjid. And now we are being told by the media that Dawood is back in action – this time presiding over the destruction of the moral fibre particularly of India's GenNext.

For over ten days prior to this issue of *Freedom First* going to the press, the front page of every newspaper was "adorned" with lurid details of gambling on an astronomical scale involving some of our cricketers, spot fixing, or match fixing of cricket matches and sex in 5-star hotels. The TV channels have not been far behind cashing in on TRPs arising from the scandals and pandering to the prurient curiosity of the viewer.

When we wrote on the happenings in 1993 we 'hoped' rather naively, that the descent from that Grand Old Man of India Dadabhai Naoroji who was the father of our movement for independence to scum like Dawood had reached rock bottom. Obviously not, for what we have been witness to in the last few years is an acceleration of the descent aided no doubt by the rot at the top (eg. the Commonwealth Games) to a bottomless pit of dirt, muck and a total absence of a sense of shame.

So we have observed in our cover rather sadly that the "descent continues....."

The question: Where do we, who love our country, go from here...?

Editor

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From Our Readers

In Freedom First May 2013

Iron Lady - Mrs. Margaret Thatcher

Here are a few additional points to supplement the cover page article on Margaret Thatcher:

When Margaret Thatcher, a grocer's daughter from Lincolnshire, won the seat and became the new Prime Minister of England in 1979, it was considered by many in her own party as a mere fluke. Emerging from far outside the ranks of the Tory Establishment and claiming only a few years' experience in a minor cabinet post [as Education Secretary in the early 1970s], Thatcher was virtually untutored in the art of governing and untested under fire. But in four years' time, she earned the nickname "Iron Lady" as a tough, gritty leader. Her personality, in a sense, became a part of government policy. By the time she called new elections in 1983, Thatcher dominated the national stage as no other Prime Minister had done since Winston Churchill. That she would again win was a foregone conclusion. She became the first woman to become Prime Minister of Britain and the first to lead a major Western power in modern times. Hard-driving and hard-headed, she led her Conservative party to three straight election victories and held office for nearly 12 years from May 1979 to November 1990 - longer than any other politician in the 20th century.

Thatcher was an old student of the Oxford University. Among the lady alumni of Oxford University, none was as prominent as Thatcher. It has been a tradition at the conservative University to grant an honorary doctorate to any former student who becomes head of a government. But in 1985, two years into her second term, Oxford cut one of its most female graduates, Mrs. Thatcher, to size. By a vote of 738 to 319, the University does rejected a motion to make Thatcher an Honorary Doctor of Laws. Thatcher was rejected on the ground that in that year the Prime Minister had cut the budget allocation in the government's education budget. Thatcher bore the rejection with aplomb, insisting that if Oxford "does not wish to confer an honour on her, she is the last person to receive it". However, public opinion was clearly on the Prime Minister's side.

On her death, the Prime Minister of Britain, David Cameron called her "A great leader, a great prime minister and a great Briton

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*

"These Young Hands"

Thanks very much. Great graphics! Best personal regards. All going well here; daffodils are blooming.

Gosh! "These Young Hands" by Sana Karnik is very fine.

Dan Driscoll, Canada. Driscoll.law@gmail.com

*

"India vs. England – A New Paradigm Shift"

What has got into Nagesh Kini? He has dragged up every bit of dirt he can find about England rather as Katherine Mayo did about India. Some of it is sheer nonsense. Cameron is not looking for British Indian votes. The British Indians' success is not resented and their children are British full stop. Cameron has not apologised for the Amritsar Massacre because it was not authorised by the British government. Dyer was acting without orders and contrary to policy and was Irish not English. Dyer did not use English jawans in the massacre because they would probably have refused to shoot. Ironically Kini has chosen to write in English and for a journal upholding liberal principles first formulated in England!

Christie Davies, United Kingdom.
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*

Point Counter Point

As usual 100% reflects the minds of cultured citizens with a small exception. Police in danger. Law and order would collapse if this situation continues. Bombay police were known to be efficient; interference by politicians led to the deterioration.

Ulhas Wagh, Pune

*

Proscribed Literature: Report of a Seminar

In the report published on page 36 an unintended omission has been noticed. It needs to be mentioned that Ms. Jaswandi Wamburkar, is Assistant Professor, Department of History, S.N.D.T. Women's University. She made a good presentation at the Seminar on D. V. Newalkar's Sangeet Dandadhari. The editor regrets this error.

*

From Our Readers (Cont'd.)

A Code of Conduct for Politicians

With reference to the recent spate of comments by politicians and their disregard for norms, an editorial in the DNA daily (25/4/13) has called for a Code of Conduct for Politicians. It is high time that Indian constitutional experts draw up a list of duties and responsibilities for politicians, especially those who are in power. Our politicians behave more like rulers than as representatives of the people. They rarely keep in touch with the people as elections are won more on the basis of caste or creed than on the basis of social work in the area. That is why most of the funds allotted for social welfare measures are not even spent. That is why most of the public works are shoddy. That is why they can disparage voters with impunity. In any other country elected members of the parliament or assemblies would not go scot-free as in our country.

Curiously, the Forty Second Constitution Amendment Act, 1976, has incorporated 11 Fundamental Duties which include respecting the National flag and the National Anthem to safeguarding public property and abjuring violence. This was done during the Emergency regime of Indira Gandhi (1975-77). However, she never thought of any duties for the representatives of the people. The most important duty of a representative is to keep in touch with their constituents. They should present a report of what they have done for the people who have voted them to the legislature and the state/country, twice a year. Mumbai citizens remember this exercise was done regularly by former Central Minister Ram Naik when he was in the Maharashtra Assembly, and later, when he was elected to the parliament.

It should be the duty of a representative to see that all budgeted amounts for the constituency are spent without time over-run and cost over-run. Every constituency should have a voters' council consisting of teachers, professors, accountants, lawyers, workers selected by the Election Commission which should make them accountable. Number of questions asked by them, attendance of the legislature and other activities should be collected and presented to the people at a meeting organised by the Election Commission. Good governance norms and good conduct norms should be mandated by law and implemented by the Election Commission.

People should be able to contact the representatives whenever they need his assistance, He should be provided with an office and office assistants for this purpose. His

phone number and e-mail address should be made available to the people to convey their views on various issues. Constant dialogue between the elected representatives and the voters is imperative to make our democracy people-centric.

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*

Human Rights for War-Waging Soldiers

No sooner than the deaths of some Maoists at the hands of security forces are announced, than the above-ground unarmed Maoists (professional revolutionary writers, human rights and civil rights agitators) come out with statements that the dead Maoists were not engaged in any armed fight but that they were caught alive and killed in cold blood by a staged armed encounter. It appears that the above-ground Maoists are in incessant touch with the armed underground bands. Otherwise, how could they come out with a statement about the "fake" encounter in real time?

Be that as it may; why should these deaths be the subject of human or other rights? The persons involved are armed soldiers of the publicly declared Maoist Guerilla Army (MGA). The MGA is at war with India. A war consists of several battles in different places, at different times and in the battles soldiers of both armies die. When the armed men of India's security force die, in these battles no one in talking of human and other rights for them. Why should there be human rights for one set of armed men and not for others? The Maoist Guerilla Army is waging war; in war and love, anything is said to be admissible. Did not Aswathama put to sword sleeping enemy warriors in a night attack?

The war undertaken by the Maoist Guerilla Army will come to an end only when the India's armed forces are wiped out or the MGA is routed like the LTTE in Sri Lanka. In this cruel war, talk of human and civic rights for only one set of combatants is irrational, mere propagandist and should be taken as partisan cacophony. It is best that wars are avoided and ideological contests are settled through the ballot boxes and not bullets.

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(Cont'd. on page 17)

Twelfth Plan and Industry

– Issues and Challenges (4)

Sunil S. Bhandare

The question is: where is the required healthy, honest and ethical business ambience for investors and industrialists to promote and conduct their future expansion of economic and business activities?

“.... the Manufacturing sector’s contribution to the GDP has stagnated at 16 per cent, raising questions about India’s development strategy, especially implications for generating adequate employment. Employment in manufacturing declined in absolute terms from 55 mn to 50 mn between 2004-05 and 2009-10, after having grown by 25 per cent between 1999-2000 (44 mn) and 2004-05 (55 mn). Manufacturing must provide a large portion of additional employment opportunities required for India’s increasing number of job seekers. Unless manufacturing becomes an engine of growth, providing at least 70 million additional jobs, it will be difficult for India’s growth to be inclusive”. Excerpted from the Twelfth Plan Document (TPD) [Expectations of additional jobs indicated herein are presumably over a span of the next 15 years].

All such serious concerns about India’s manufacturing progress (or indeed, the lack of it!) in recent years find their reflections in the TPD’s comprehensive Chapter 13 on Industry. Consequently, its authors seek to enshrine what may be considered as a professional technocrat’s approach to strategy formulation as well as a well-defined framework for its implementation. But this is only one aspect of a complex web of challenges confronting India’s future of industrialization; and the devil is obviously in the detail! Witness numerous policy recommendations both at the macro and industry-specific levels – and there are almost twenty separate industry segments that have been analyzed in the TPD. More importantly, even a cursory glance over a vast spread of policy issues covered in this Chapter would make it evident that, if the governments (both at the Center and States) were to implement effectively just about half of what is proposed in a time-bound manner, then it would deservedly receive acclaim from all the main stakeholders, and bring in its wake the resurgence of Indian industry!

Strategizing Policy Implementation

Just to put this crucial issue in a proper perspective,

let us recognize the fact that after over two decades of economic reforms (1992-2012), India has come a long way in reaffirming the importance of the manufacturing sector in its economic development. The erstwhile industrial policy was deeply entrenched in the licence-quota-permit raj through its extensive and frustrating system of industrial and import licensing, monopoly controls, pricing and distribution controls, high tariffs structure, burdensome and cascading indirect taxes (excise and sales tax) and the dominance of public sector enterprises. These have since then been progressively reformed and rationalized. As a consequence, the country’s industrial landscape has witnessed significant transformational shifts, releasing new energy, enterprise, investments and growth largely through private sector initiatives and efforts.

In quantitative terms, India’s over-all industrial growth rate accelerated from about 6.2% in the first decade of reforms (1991-2001) to about 8% in the second decade (2001-11), although this does not fully reflect the true potential of this sector. Also, there have been two or three major phases of industrial recession/slowdown during this period. Even today, the industrial sector is going through a phase of sharp slowing down in its growth performance. The pace of industrial investment is flagging and investment confidence is waning. But from a longer-term perspective, what is even more glaringly dismaying is that India’s industrial performance pales into insignificance in comparison to China’s consistently much higher annual manufacturing growth rate of well over 16% over a similar time span (1990-2010). Consequently, the share of manufacturing in India’s GDP has virtually remained unchanged at 15% for the past many years; and it continues to be substantially lower than the share of many other major Asian economies like Malaysia, South Korea, China and Thailand, wherein this percentage share ranges between 23% to 36%. TPD has done well to assess objectively the relevance of industrial policies pursued by these countries. The industrial landscapes of these countries were transformed through “close coordination between producers and government policymakers”, and in particular, the active role by the latter in “providing

incentives for domestic industrial growth and in relieving constraints on industrial competitiveness”.

Incidentally, the recent report of Asian Development Bank (ADB) entitled “Beyond Factory Asia” brings out how Asia’s phenomenal growth over the past few decades has been driven by the rise of Factory Asia. But it then goes on to suggest how “the global financial crisis and uncertain growth prospects in the United States and the euro-zone have dampened demand for Asian exports. At the same time, rising wages threaten to erode the cost advantage that the region once had, managing supply chains has become more complex, and new technologies are transforming manufacturing”. Having so said, it goes on to reflect at great length on the crucial question how can regional economies move beyond Factory Asia? What strategies can Asian economies pursue to meet these challenges? The report sets out a range of “policy, institutional, legal, and regulatory issues relating to reforms that will drive Asia’s economic and social transformation in its quest for a “new Factory Asia model”.

In this contextual framework, there is a huge opportunity area awaiting India. Surely, our planners and policy makers now need to evaluate the relevance of the proposed policy reforms in this report of the ADB, while strategizing the implementation of the Twelfth Plan’s objectives for the manufacturing sector. Among other things, this report suggests that while global markets (especially of USA & Europe) would continue to be important sources of growth for the Asia region, it is imperative that “the new Factory Asia will have to evolve towards serving customers within the region – without appearing to become Fortress Asia”. Further, it suggests that (a) part of production networks should use the skills and experience acquired to move up the value chain and produce higher value-added products; (b) special mechanisms – and not necessarily subsidies – are needed to boost Small Medium Enterprises access to regional production networks; (c) greater inter-regional (South-South) cooperation could help countries learn from others’ experience in production networking; (d) the future should be guided by the goal of achieving growth that is inclusive as well as environmentally sustainable; and (e) continuous learning and intense competition are essential to increase as well as sustain Asia’s growth in the future.

Manufacturing Objectives

Keeping this backdrop, let us examine the TPD’s five-fold manufacturing objectives: first, to increase manufacturing growth to 12-14% per annum over the medium-term to make it an engine of growth for the economy; second, to create 100 million additional

manufacturing jobs by 2025; third, to increase “depth” in manufacturing, with focus on domestic value addition; fourth, enhance global competitiveness; and last, to ensure sustainability of growth, particularly with regard to the environment. Having set these objectives, the authors of this chapter have done well to point out that “industrial policy will not produce a competitive manufacturing ecosystem if the orientation of the Government and its functionaries is to control and micro-manage”. It, thus, makes a sound case for a change in the mindset of the Government functionaries from being “controllers” to “facilitators”; from “resource allocators” to “knowledge-managers”; and from “scheme managers” to “continuous learners”. So very well said, but how to bring about such transformational shifts, especially when one finds the present government increasingly embroiled in mis-governance!

TPD’s proposed new industrial policy paradigm is broadly in conformity with what has been earlier unveiled in the National Manufacturing Policy sometime in November 2011. The rationale for the TPD’s audaciously ambitious objectives seems to be driven by the fact that the future sustainability of India’s growth model is now inextricably linked with faster growth of the manufacturing sector than has been the case so far in the post-reforms period. There is a growing conviction (or belief!) that only such rapid manufacturing expansion would have the potential of generating massive employment, thereby facilitating realization of India’s perceived/potential demographic dividend.

But there are several obvious fault-lines in this rationale. First, there is a persistent huge credibility deficit about the present government’s capacity to carry out the necessary reforms – relating to land acquisition; pricing of natural resources; environmental clearances; etc. More importantly, series of scams, corruption and bribery episodes have completely undermined the confidence of the common citizens in general, and of business and industry in particular. It is not merely the case of ease of doing business or pursuing one’s simple occupation or professional career. The question is: where is the required healthy, honest and ethical business ambience for investors and industrialists to promote and conduct their future expansion of economic and business activities?

Secondly, there are issues about coordination and collaboration between/among the Central and State Governments. In the ultimate analysis, many of the substantive aspects of industrial promotion remain with the States. With divergent complexion of political governance at different federal layers, the unity of action is found wanting, often leading to huge delays in project

clearances and implementation, and in the process causing substantial cost overruns.

Third, even granting that some of these issues can be dealt with effectively, the question whether the manufacturing sector has the potential to generate the required job opportunities is extremely suspect. The employment intensity of the manufacturing sector is also found to be much less than the similar growth situation of the services sector. Besides, the manufacturing sector, by its very nature, is invariably found to be far more capital-intensive, infrastructure-intensive and natural resources consumption-intensive. Last, but not the least important, is good physical infrastructure and smoothly functioning administrative infrastructure are threshold requirements for the twenty-first century manufacturing enterprises to compete in the international arena.

Concluding Observations

In summing up, we must compliment the authors of the Chapter on Industry for their comprehensive and holistic assessment of issues and challenges confronting Indian industry. Accelerating the pace of industrial growth to 12% -14% per annum – that is almost at double the pace than what has been achieved in recent years – is, doubtless, a desirable but audaciously ambitious proposition in the current milieu of our political economy.

But can it be considered beyond the potential capacity of Indian entrepreneurs, the competence of its professionals and the supporting financial infrastructure? No, certainly not. Have the authors of this chapter been oblivious of the attendant policy reforms needed for achieving such ambitious goal. No, surely not. Indeed, the TPD has sought to cover a vast ground of policy changes – it is replete with a set of policy measures covering macro level as well as micro-level issues, industry specific areas, including those required for MSME sector, reforming the role of PSEs management, the green technology and many others.

The moot point is about the credentials and credibility of the present government to make these implementable and effective. This requires unity of purpose and harmony of collaborative efforts across different wings of the government. It is imperative for the policy makers to create a stable, promising and investment-friendly business environment. All such pre-conditions are unlikely to be met in the foreseeable future. In the meantime, we have already lost the very first year of the Twelfth Plan with one of the lowest industrial growth performance; and the second year is unlikely to be any better. For all practical purposes, the quantitative growth targets and qualitative improvements in the industrial sector will have to be compressed in the last three years of the Plan. In all probability, we are heading for a major rollover of industrial goals beyond the Twelfth Plan period.

Lastly, since the scripting of this Chapter on Industry about a couple of years ago, much water has flown both under domestic as well as global economic scenarios. As brought out earlier, our planners and policy makers now need to take relevant clues from ADB's Asia Factory report and revisit our position and strategy going forward.

Finally, while reflecting on a new policy paradigm, the Planning Commission itself points out that “the persistent failure of India's manufacturing sector to meet expectations suggests that a radical change in the policy approach towards it is needed. We cannot continue the way we have done. The ‘coordination’ challenge in growing the manufacturing is complex. The challenges to developing and implementing a cohesive manufacturing strategy in democratic India are many ” Can we really envisage any magic wand to wield such policy challenges for ushering in India's industrial resurgence? Perhaps only God knows!

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Secularism has Not taken Roots

I really believed, like the Congress leaders Abul Kalam Azad and Khan Abdul Gaffar Khan, that communalism was the creation of the British and it would go after they had quit. But I have been proved wrong. The same type of madness which I saw before partition is just below the surface even now. The political parties bring that frenzy to the fore when they find it advantageous to them in elections or some other occasions. Even after 65 years of independence, secularism has not taken roots. What it boils down to is that the spirit of accommodation is drying up

I have an uncomfortable feeling that communalism is getting legitimacy. More and more people are turning fanatics. Even the police or the other security forces have not escaped contamination. Little do they realise that democracy has no meaning if pluralism is not there.

Kuldip Nayar, *Between the Lines*, Janata, January 13, 2013

Why We Must Boycott Chinese Goods?

Sharad Joshi

While an ordinary Indian may not be able to go to the Ladakh frontier for repulsing Chinese incursion, he can certainly mark his protest by participating in the economic boycott of Chinese goods.

We Indians have many reasons to be wary of China. The more important amongst them are:

1. China did, in 1962, practically invade India and decided unilaterally to withdraw for reasons that were obscure to Indians;
2. China has always made territorial claims on Indian regions which belong indisputably to India;
3. China has always taken a pro-Pakistan stance and Pakistan is, since independence, India's enemy number one;
4. China effectively controls the region of the Kailas mountain which is unacceptable to any Indian;
5. China is a military dictatorship and is able to move its forces quickly without letting the world know about its intentions;
6. The claim of China on Tibet is basically unacceptable to the Indian ethos;
7. China is not only a political but also an economical rival of India; and last but not the least,
8. China has a leadership which is well trained in the martial Arts and military tactics. As against this, Indian leadership is totally devoid of any field experience of battle movements.

It is for this reason that Chakravarti Rajgopalachari warned Pandit Jawaharlal Nehru against possible Chinese incursion. Unfortunately, Nehru did not pay heed to his advice with disastrous consequence that are known to all.

Coming to the present, the so-called 'inclusiveness' in the policies of the UPA governments comes out of Sonia Gandhi's need to stick to power at all costs. The UPA, therefore, uses a motley crowd of minority groups to get its candidates first pass the posts in all electoral battles. This fraternalization has nothing to do with Mahatma Gandhi's noble philosophical tenets. UPA's 'inclusiveness' is only a manifestation of its desire to remain in power at all costs.

It is remarkable to note that the Swatantra Bharat Paksha, in its 2009 manifesto, had clearly analyzed the

rationale of the UPA's fraternalization and termed it 'bahi-bhai'sm'. It had also warned the electorate that if the UPA came to power in 2009 North-West India will be gobbled up by Pakistan and North-East India will be devoured by China.

In 1962, the Chinese incursion was abruptly and unilaterally halted because, as the then editor of *The Times of India*, Mr. Nanporia had stated, their Generals warned China that China would be very badly placed if it landed its forces South of Himalayas as these forces would be caught between the Himalayan wall and the Indian Army. Since 1962, China has been trying to get a foothold south of the Himalayas which it succeeded in doing because of the pernicious anti-Hinduism of the UPA governments against Nepal, the only Hindu kingdom in the world.

Since 1962, China has also succeeded in establishing substantial pro-China Naxalite bases in over 240 districts of India. The reasons why China had to withdraw in 1962 prevail no more. That is the reason why Beijing signaled the Leftist to withdraw their support from the UPA government in 2008 as the mission of their alliance with UPA was accomplished.

The Chinese intentions in 2013 can only be more serious than they were 50 years back. If an impression prevails in the Chinese rulers' mind that China has to step into Indian territory to a hearty welcome from Indians at large, that impression needs to be demolished with full force.

That is the reason why the Swatantra Bharat Paksha, which is now carrying the mantle of Chakravarti Rajgopalachari's Swatantra Party, has appealed to the Indian people at large not to extend their patronage to any goods imported from China.

While an ordinary Indian may not be able to go to the Ladakh frontier for repulsing Chinese incursion, he can certainly mark his protest by participating in the economic boycott of Chinese goods.

SHARAD JOSHI, National President, Swatantra Bharat Paksha and founder of the the powerful farmers' movement the 'Shetkari Sanghatana'.

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China Does it Again:

Retreat After Accomplishing the Mission

B. Ramesh Babu

Tibet, Taiwan, and terrorism in Xinxiang are thorns in China's back. We should stop reassuring China on Tibet and keep our options open on the other two, if that is the only way to make China see reason. It is not India's business to assuage China over its anxieties.

After camping 19 kilometres inside Indian Territory in Northern Ladakh for three weeks the Chinese troops agreed to fold the tents and pull back their soldiers. The protracted confrontation in the high Himalayas eased for the present. But, I do not see anything much to celebrate in what appears to be an agreement for “mutual withdrawal” to the pre-April 15 (2013) status quo. It is puzzling because the Indian side did not advance into the other side and it is not clear as to what is being withdrawn by India and to what place in the region. Till date (8 May 2013), the Indian side refuses to clarify and the Chinese are cleverly silent on the issue.

In dealing with China on the happenings on the border, India has always been diffident and down-played the incidents regularly. Same sequence of confusion and under playing the intrusion happened this time around as well. Initially it was stated that these things happen on the LAC because the border is not demarcated; at those heights the terrain is rugged and isolated; and interpretations and perspectives vary, so on and so forth. This was followed by the usual confusion of different top leaders saying different things about what actually happened at Daulat Beg Oldie and what India should or should not do. There were “inspired” and uninspiring explanations of what the Chinese did and how these should not be exaggerated. As always, pleas for giving the benefit of doubt to the Chinese came to the fore. Some experts of this kind ridiculed those demanding strong and measured response to the unprovoked incursions of hostile neighbour by dubbing them as ‘chicken hawks’.

Some clarity on what could be done on the ground to put pressure on the Chinese forces crept into our response only after the Army Chief was called in to deliberate on the alternatives available and the risks involved. Thanks to our print and electronic media, it can be stated that some options came up for scrutiny: a) patrolling at a distance from the camps; b) interdicting the supplies to the camps; and c) setting up our military

camps at a ‘safe’ distance from their camps. It seems that patrolling of the Chinese camps from a distance of 300 metres was finally chosen as the least provocative of the military options. This is also intended as a signal of the toughening of our response to the Chinese intransigence even after three flag meetings between the field commandants from both sides failed to resolve the standoff. In the meanwhile the diplomatic pressure, India's main instrument to reason with China, was to be continued and scaled up.

Throughout the three weeks of diplomatic interaction, the Chinese side indulged in the usual platitudes even as the PLA refused to budge at Daulat Beg Oldie. In fact they added to the existing camps and supplies continued to come in by land and by air (by helicopters). Even though the protracted confrontation eased for the present, the Chinese gained a crucial victory. Instead of confining themselves to the routine patrolling, which was the transient practice over the years by both sides, by pitching in their tents and staying put for three weeks in “our territory”, the Chinese have succeeded in their long term strategy of cartographic aggression by instalments. They have pushed the LAC a bit southward and will do so again and again at opportune moments of their choosing! This has been the creeping threat since long and we failed to confront effectively.

What is most disheartening in all this is the anxiety and ingrained habit of successive Governments of India to keep the people of India in the dark as far as China's hostile incursions on the border are concerned. In a democracy, Governments should tell the people the complex and uncomfortable facts and win their support in order to strengthen their hand in bargaining with the Chinese and other such hostile foreign countries. The sad and unpalatable truth is that the weak, inept, and scandal ridden government preoccupied with its survival failed to face the Chinese bravely. The initial response was confused, incoherent, and totally inadequate to the challenge posed

by China.

If our strategy was to exert heavy diplomatic pressure on the Chinese as claimed, we missed a God sent opportunity in the very first round. It so happened that our military delegation was in Beijing at the time to discuss the modalities of a future joint military exercise on terrorism to be conducted in China. Instead of immediately recalling our military delegation in protest, the deliberations proceeded as though nothing was amiss. Then, a leisurely announcement was made saying that the joint military exercise would be held in October 2013 and the exact dates were to be decided later. This was truly absurd and beyond comprehension. The only charitable explanation that could be offered is that in New Delhi the right hand did not know what the left hand was doing, as always! There was no coordination between the military and the civilian wings of the Government. Manmohan Singh and Sonia Gandhi were too busy to brazen out the latest scandal (and the next one in the wings) and how to outflank the opposition in Parliament. The best possible opportunity to raise diplomatic pressure on China was missed because of ineptitude at the top, the disease of bending backward in dealing with China on the border issue, and preoccupation with survival on a daily basis.

Then for over a week the nation went through the ignominy of the External Affairs Minister Salman Kurshid insisting on going to Beijing as scheduled to work out the modalities of Li Keqiang's forthcoming visit to India later this month (May 2013). It seemed as though Kurshid was going there to plead with the Chinese top brass. Of course, the visit could also be used to convey a tough message to the other side. But, the Chinese did not rush to confirm Kurshid's visit in advance. This was explained away by saying that the Chinese never confirm such visits till the last minute. It seemed as though our side was more concerned about the new Chinese Premier's desire to visit India first than the other side. It would have been far more effective if the Government of India made it clear to the Chinese that Li is not welcome unless the camps at Daulat Beg Oldie are closed and the troops are called back.

Now that the confrontation had eased, our side is claiming that our tough diplomatic posture had yielded fruit. It was claimed that our growing firmness might even go to the extent of calling off Premier Li's trip was what did the trick! Only passage of time might unravel what really went on behind the scene on the diplomatic front. However, the Indian diviners of Chinese intentions are busy once again with their stories of what may have made the Chinese fold their tents and retreat from the Deshang plains. One of the wilder ones in circulation is that this may be the Chinese way of bringing the border issue to

the front burner! Another explanation was that since the dragon is already caught in turf wars with Japan in the East China Sea and a few others in the South China Sea, China may want to have a quiet border in the Himalayas! This view conveniently overlooks the fact that these hitherto dormant turf wars erupted into the open because of the aggressive posture of China and have been on the front burner in recent years. The new leadership's "grand strategy" is to avoid troubled relations with its neighbours, avers an expert on the Chinese side. Another Chinese spokesperson said that they did not want Li's visit to be derailed. It is interesting that none of them claimed lack of coordination between the PLA and the top leadership in Beijing for the setting up of the camps at Daulat Beg Oldie.

Not to be outdone by the other side, it is now (May 10) claimed that Indian security forces responded by setting up tents opposite the Chinese camps within six hours. India also reactivated over a dozen airfields next to the Chinese border. If all this is true, we should be happy over our alertness and enhanced capabilities in the border region. While still in Beijing Foreign Minister Kurshid saw "a tremendous sense of satisfaction that the confrontation was resolved in the manner it was resolved."

He did not see it fit to seek explanation to what had happened and the Chinese were offering none.

It is good that this confrontation initiated by China did not go out of hand and both sides acted in time to end the standoff. This particular provocation and our experience of the past few decades tells us that only tit for tat works with the Chinese as far as the border issue is concerned. We should continue to enhance our defence capabilities in the border region on a sustained basis because we do not want another war with China on the issue. It should be made clear to China that India has effective counter pressures to make China see reason. It is said that China is most concerned with our growing proximity with the US. If that is so, we should do nothing to decrease China's anxieties on this score. We should build further on our strategic cooperation with the US. Furthermore, India should work more closely with Japan and the other victims of China's aggressive designs over the disputed islands in the China Sea. We should also continue joint naval exercises with the US, Japan, and Australia. Tibet, Taiwan, and terrorism in Xinxiang are thorns in China's back. We should stop reassuring China on Tibet and keep our options open on the other two, if that is the only way to make China see reason. It is not India's business to assuage China over its anxieties.

(Cont'd. on page 17)

Point Counter Point

Ashok Karnik

Every issue has at least two sides. A wise man examines all sides before coming to a conclusion. This is an attempt to present various sides of an issue so that a considered opinion can be formed.

Grand Perfidy

1. We have to hang our heads in shame as the Government we have elected not only subverted the CBI and demeaned the high offices of the Attorney General of India, the Additional Solicitor General of India (ASG) and the Law Minister (Ashwani Kumar) but also allowed them to lie to the Supreme Court without an iota of regret. The highest law officers of the land had no hesitation in misleading the Supreme Court. Individuals may slip up and make mistakes but when institutions get corrupted, the country's foundations are weakened. The Supreme Court had to come down heavily (May 8) on the CBI, the Law Minister, Joint Secretaries in the Coal Ministry and PMO for interfering in the CBI's status report on the Coal scam and questioned the Attorney General's feeble attempts to justify his conduct. The CBI's excuses and Government's justification for meddling with CBI's investigation were bluntly rejected. Never in the history of this country has a court castigated the Government so harshly. It described the CBI as a caged parrot with many masters and asked the Government to legislate to make the CBI independent of political control. It showed that the Supreme Court no longer trusts the Government or the CBI to act according to the law. Neither the CBI which was supposed to be a tiger nor its multiple masters who turned it into a parrot appear to be shamed by the court's whip lashes.

1. After a false affidavit was filed by the Additional Solicitor General, did the CBI Director, the AG, the Law Minister, the Joint Secretaries in the PMO and Coal Ministry, who were all party to scrutiny of the report in the Law Minister's office, not feel the need to protest and declare that a wrong had been done to deceive the Supreme Court? The fact that a Joint Secretary in his own office was party to the meeting, made it clear that the PM knew about the shenanigans but did not bother to inform the Court that a lie was placed on its record. The PM who started as a man of integrity has now been reduced to being suspected of complicity in a case of perjury and deceit. Every time UPA II is caught in the wrong, it points to alleged misdeeds of the NDA. The latter's possible culpability cannot be an alibi for UPA's scams. UPA II chose to be brazen and trotted the usual excuses like the 'matter is under investigation', 'it is sub judice' etc. The same defiance of propriety was shown when Railway Minister (Pawan Kumar Bansal) came under a cloud. It realized too late that the excuses were not helping and decided to dump the Law and Railway Ministers. It was as hard as pulling out teeth to get the PM to drop the Ministers. Can the Government not see that mere survival is not governance and its duplicitous behaviour can shatter the people's respect for the law?

We and The Chinese

2. The Chinese are difficult to handle diplomatically; they remain adamant about their claims and follow the policy of "what is mine is mine and what is yours is also mine." The Chinese entered our territory in Ladakh and withdrew after asking India to stop building infrastructure like roads and bridges in Ladakh and getting us to vacate the Chumar post from our own area. Details of the agreement are not yet clear but it may not be as favourable as India made out. Our misfortune is that such areas remain unmarked on ground and the Chinese keep shifting the goal posts. The Chinese are experts at disarming the opponents by blowing hot and cold. India has already described the Chinese incursion as a localized dispute and is happy that diplomacy succeeded in ending it. The Chinese Communist Party's 18th National Congress (November 2012) brought about changes in its leadership. The new leadership is more conservative, with greater weightage given to the

2 Jingoism is not a solution to any international dispute. While war is out, diplomatic steps need to be carried forward as China will continue to raise border tensions from time to time. It has started claiming that there is no border with India in the Western sector (Ladakh). It claims that its border with India is only 2000 kms long and not 4000 kms as India believes. It has thus changed the parameters of the debate. Since India does not want to disturb the 'bonhomie' on other fronts with China, it deliberately ignores such sleight of hand by the Chinese. Foreign Minister Salman Khurshid visited Beijing without getting the Chinese to commit to anything. India will have to devise its own hard-headed foreign policy, forgetting the emotional arguments for peace and friendship. In effect, China has planted its flag in the Ladakh area to underline its claim. It is the usual Chinese tactic to lay a claim, withdraw and keep quiet till another opportune moment. China keeps on pushing and waits

PLA. It is expected to be more aggressive about its territorial claims. Witness its dispute with Japan and Vietnam, and warning to India over the South China Sea. The intrusion in Ladakh and the damming of Bramhaputra are evidence of Chinese offensive designs. China's withdrawal from the recent incursion is not the end of the matter.

till the adversary surrenders through weakness. It will even withdraw as it did in NEFA but not give up its claim. China has territorial (sea) disputes with Japan, Vietnam and the Philippines also. India should mount a diplomatic offensive to get all these countries together, instead of twiddling its thumbs helplessly.

The Boston Bombers

3. The explosions which rocked Boston (April 15) did more than shake the US. The US had prevented numerous terrorist attempts after 9/11 and we believed that the US had found the answer to terrorism while we were always found wanting. It is true that we need to improve our capabilities but let us not assume that there is a key to anti-terrorism and we have failed to find it. We happen to be located very close to the epicenter of terrorism and also its major target and, therefore, suffer the most. We are in the direct line of fire, so to say and get hit more often than the rest of the world. Boston saw two bombs explode, killing 3 and injuring over 175. The fact is that nobody is beyond the reach of jihadis or terrorists of other persuasions. The US was very efficient in tracing the perpetrators within a few days and its mobilization of local, state and federal resources was admirable. However, in hindsight, a lot of errors can be cited in its intelligence collation. The elder brother, Tamerlan was showing signs of radicalism and Russia had warned the US after his trip to Dagestan. (Russia). The FBI failed to detect any aberration or his self-radicalization; he believed that Islam was under attack and converted his younger brother, Dzhokhar, to this belief.

3. The lesson for us is that the best preventive arrangements can also fail. The two Chechen bombers were detected systematically, traced diligently and killed/captured without any advice from the media. There was a sense of order in the chaos. The failures of the FBI/Police/CIA etc would be examined later but did not become the main issue while the terrorists were being traced. The two attackers were possibly self-radicalized young men who it was claimed wanted to avenge US attack on Afghanistan and Iraq. Despite the hospitality the Chechens were offered as refugees, they turned against the country that helped them. There is no knowing the human mind, whatever explanations social scientists trot out to explain the bombers' behaviour. Other sporting events all over the world remained unaffected. That is the way to show to the terrorists that their attacks cannot derail normal life; it is a victory against terrorism in a way. India has done it time and again after suffering attacks. The latest was the Bangalore blast (April 17). Terrorists should be made to realize that their success is ephemeral. Post 9/11, the US built an elaborate security architecture to prevent more 9/11s and succeeded for almost 12 years. However, the attacker has to succeed only once to shake the architecture. Wisdom lies in remaining steadfast in one's chosen path.

Delhi Rape – Again!

4. After Nirbhaya (December 2012), this time it was a 5-year old girl, equally brutalized and left to die (April 15). The police failed to respond to the complaint that she was kidnapped and later offered a bribe to the parents to keep quiet. The Government initiated an enquiry as usual to shut up the protesters. All over the civilized world Indians are asked questions and are ashamed to admit that these things are happening in this country. Every day, new rape cases are reported. There is no answer why such self-anointed cultured people (Indians) are rearing such monsters and, worse, are unable to control the acts of horror. There are mad men in all societies but they are brought to justice quickly; we are different – the police procrastinate over accepting complaints, insult and deride the complainants, do not initiate any action and are generally unpleasant just out of habit. When questioned, they claim great efficiency if they ever catch the criminals

4. The PM is anguished, and as usual wrings his hands in helplessness. Tough laws are passed and everybody is happy with a good job done. Till the next rape! Nothing has changed. There are two different problems confronting us: a) There is a section of society that is sexually repressed and comes in contact with a different world of women going about freely. Their animal instincts are to pounce on the innocent prey. The other category which is increasingly seen is the pervert who attacks children. These are sick men who need to be eliminated like mad dogs. In both cases, humanitarian instincts have to be sheathed – no mercy and no pardon. b) The second side is the reaction of our law enforcing agencies to such events. It is governed by callousness and the desire to avoid blame for the high crime rate. The idea is to show that a police station has

(Cont'd. on page 17)



Cornucopia

Firoze Hirjika

Secularism Vs. Communalism: Throw Both in the Dustbin

As mature democracies in the West discovered a long time ago, if a country is to prosper economically and politically, religion must be kept totally separate from politics.

“India is a secular, socialist republic.” The Congress party takes great pride in having introduced these “noble” concepts in the Preamble to India’s Constitution. In last month’s column, I had discussed how the great god of Nehruvian socialism had nearly bankrupted the country. As for secularism being noble: balderdash. It is no more noble than the bogey of communalism that it constantly derides. The fact is that both secularism and communalism are medieval concepts that deserve to be thrown into the dustbin of history.

Secularism is based on the concept that all religions are considered equal in a nation’s polity. It sounds grand, but the reality is that many of the problems and outrages our country is constantly prone to, have their roots in religion. Mobs are ready to commit mayhem at the drop of a hat because their ‘religious sentiments’ have been hurt. Religion has become a convenient weapon in the hands of unscrupulous politicians. Self styled and opportunistic ‘secular champions’ use the bogey of religion to further their own venal agenda.

Champions of secularism among India’s political class are the biggest hypocrites going. Mayawati and Mulayam Singh spring instantly to mind in this respect. They shamelessly exploit caste differences to score political brownie points and cajole potential voters. Technically, they can still claim to be secularists since the castes belong to the same religion, but they aren’t fooling anybody. Sometimes, they carry this to absurd lengths and open themselves to ridicule. Very recently, Mayawati was pulled up by the Election Commission for violating the code of conduct when she was found to be carrying Rupees One lakh in cash to an election rally. She brazenly claimed that she was being singled out because she was a Dalit. Heaven help us!

Communalism is equally obnoxious, if not more so. It posits that one religion is somehow superior to another. Part of communalism’s popularity in many parts of India has to do with the nation’s history. For over a thousand years, our country has suffered conquests by people’s of an alien race and religion. The Mughals sought to impose their Islamic faith over large parts of the territory they ruled. It was made apparent to their Hindu subjects that

their prospects of advancement in any sphere depended on their willingness to convert. The imposed and implied superiority of Islam meant that the concepts of religions being equal was never given an opportunity to take birth. The British imposed another type of segregation, not based on religion but on the colour of one’s skin. With the best intentions in the world, the Congress party’s intent to declare India as a secular nation found itself butting heads with a thousand years of history.

While some of our leaders cling to the concept of secularism, other savvy politicians used communalism to devastating advantage. Take Narendra Modi for example. Some may consider the post-Godhra riots as a blot on Modi’s career, but in reality it was a stepping stone to his rapid political advancement. Before Godhra, Modi was a local leader virtually unknown outside his home state. After Godhra, he instantly became a household name all over India and abroad too. Modi accurately tapped into centuries of resentment bottled up inside Gujarat’s Hindus against the “other” community. During decades of Congress rule, they had deemed it prudent to toe the secularist line. Now they had a leader who proudly echoed their sentiment that theirs was a Hindu Rashtra and it was time the Muslims were put in their place. Modi may rightly credit his successive electoral victories to good governance, but the whole hearted support of Gujarat’s Hindus played a significant part too.

The literati and intelligentsia keep bemoaning the lack of good, or even adequate, governance in most parts of India. Of course, apart from lip service, editorials and endless television debates they have hardly any workable solutions to offer; but that is a topic for another essay. One of the most obvious and sensible paths to governance would be to disassociate religion from politics to the maximum extent possible. Advanced nations in the West realized this truism a century ago; and it is a major factor in their prosperity. In America, in fact, a lunatic fringe sometimes goes to absurd lengths to separate church and state, but fortunately it is a minority. The bottom line is that it works. It is easier to make calm and rational decisions when the minds of the rulers, as well as the populace, are not inflamed by religious dogma or extremism.

It is not as if Indian politicians are ignorant of this fact. They know it very well; and take great pains to suppress it. They realized long ago that good governance is actually at variance with their *raison d'être* of joining politics; which is to amass huge amounts of personal wealth and set themselves up as unquestioned overlords. A population that can be periodically riled up on religious or caste issues will be less inclined to ask uncomfortable questions and demand accountability from their rulers.

As mature democracies in the West discovered a long time ago, if a country is to prosper economically and politically, religion must be kept totally separate from politics. The separation of church and state is sometimes taken to fanciful lengths in America, but it is nonetheless a sound policy. More importantly, it works. If adopted in India, it would engineer a political revolution. For one thing, it would rob opportunistic politicians of their weapon of choice; namely reservations based on caste and religion. Robbed of the opportunity of playing one group against

another; and compelled to compete in elections based solely on performance and good administration, many of the current lot of charlatans would be cast into the cesspool of oblivion where they belong. Abolition of reservations would also exculpate the obnoxious suppression of merit that it encourages. If today we are cursed with the unedifying prospect of a preponderance of incompetent politicians and bureaucrats controlling our destiny, the blame to a large extent can be laid at the door of the government's misguided reservation policy.

Is there even a glimmer of light at the end of the tunnel of our despair. I would like to believe there is, although there is no real justification for my optimism. In the present system, the charlatans in parliament make the laws and pass the bills. You can be sure they won't make any reforms that curb their power and their greed. They will continue to flaunt their power and privileges in the face of the common people: and there is damn all we can do about. Weep my country.

Tackling Terror: A Study in Contrasts

***The misfortune of this country is that we are never all Indians, not even in times of crisis.
And far from reassuring the nation, our Prime Minister remained invisible as usual.***

The recent bombing incident at the Boston Marathon and the subsequent apprehension of the prime suspects afford a case study in how to tackle a terrorist event. It also illustrates how, in similar circumstances, we in India manage to do everything wrong. First the bare facts.

Two Improvised Explosive Devices (IED) were detonated close to the finish line. Although of low intensity, the IEDs were packed with nails and ball bearings and managed to kill three bystanders and seriously injure many more. Almost immediately after the blast, the spectators who were unhurt, as well as paramedics on the scene, lifted up the severely injured, put them in ambulances and rushed them to nearby hospitals. Almost immediately, the Boston police department cordoned off the crime scene so that no forensic evidence would be lost or tampered with. Federal law enforcement agencies went to work scanning hours of closed-circuit television (CCTV) footage from the scene; and enlisted the public's help when they identified two possible suspects. Within days, one of the suspects was apprehended and the other shot and killed. Case closed.

Equally impressive and commendable were the actions and reactions of the American political establishment. Very soon after the incident, the governor

of the state visited the scene and in a matter of fact style informed the American people of the steps that were being taken to go after the perpetrators and advised them of the precautions to be taken to safeguard themselves. President Obama appeared on national television to address the nation. Very fittingly, he informed the people that in this time of tragedy, there were no Republicans or Democrats, only Americans. After the perpetrators were apprehended, the governor again made an address, not to claim credit, but to express his congratulations and gratitude to the law enforcers who had brought this tragic episode to a satisfactory conclusion.

So what happens in the aftermath of a similar incident in India? The simple answer is; none of the above. In fact, our keystone cops and bumbling, narcissistic politicians are adept at messing it up. It is not even a case of ignorance being bliss. Every time a terrorist commits mayhem, there are articles from professionals pointing out the lapses committed and what preventive and corrective measures need to be adopted. And yet, after every bomb blast or attack, the same mistakes are repeated again and again. Either our lawmakers and law enforcers are mentally deficient, or they choose to be deliberately obtuse.

Let us examine the contrasts. In this country apparently, the fundamental responsibility of securing a

crime scene never occurs to our cops. It is bad enough that excited bystanders in their zeal to help the injured, trample all over the crime scene. In all fairness, they cannot be blamed for this, since the cops and emergency services take significant time to arrive at the scene. And when they do arrive, the flat footed police plod all over the place, not only contaminating the crime scene but being rather clueless about what to look for. There have even been instances where over enthusiastic cops have hosed down the spot, washing away blood that could provide vital DNA evidence. CCTVs, even when they are present, are usually found to be non-functioning. Granted that our forensic laboratories are hopelessly antiquated and ill-equipped as compared to those in America, but surely our constables could be made aware of basic, common sense procedures?

What is really shameful though, is the response of the ruling class. Coincidentally, the Boston bombing was followed very soon by a blast in Bangalore. The

contradictions could not have been more glaring and ludicrous. As is their wont, the political parties used the calamity to take pot shots at each other. The misfortune of this country is that we are never all Indians, not even in times of crisis. And far from reassuring the nation, our Prime Minister remained invisible as usual.

Lower level ministers and politicians, on the other hand, are anything but shy. They grab every opportunity to give inane sound bites on television. Unlike their US counterparts, however, you never hear a word of appreciation about the efforts of law enforcement agencies, even when they solve the case. Doling out impersonal cash awards, paid for by tax payers, is no substitute, believe me.

There you have it then: professionalism versus amateur bungling; genuine concern against insincere crocodile tears. And still we wonder why most of the international community regards us with contempt.

Harvard Hilarity

***We are used to our politicians being self-serving, corrupt and incompetent.
Add egotistical morons to the list. God save this country***

The public perception of Indian politicians is that of a bunch of far-from-honourable 'gentlemen' who have their heads in the clouds and common sense in the seats of their pants. True to form and with unfailing regularity, these worthies behave in a nonsensical manner that only reinforces that opinion.

The latest round of idiocy commenced with an invitation to UP Chief Minister Akhilesh Yadav and his minister Azam Khan by a group of students at Harvard University, to address them on the management of the recently concluded Kumbh Mela. It may be mentioned here that our politicians and other VIPs tom-tom an invitation to speak at one of the world's top colleges as an accolade of the highest order and proof of the high international esteem they are held in. They fail to mention that most of these seminars are organized by associations of students of Indian origin or domicile. It is a safe bet to assume that the average Harvard student - or the average American, for that matter - has never heard of these two personages.

The problem started with their unfortunate timing. They arrived in Boston just few days after that city had experienced the worst terrorist attack on US soil in a decade. The already strict security at Logan airport was even more stringent. The 'honourable' Azam Khan was horrified and outraged when a lowly airport security official

had the effrontery to grill him about the purpose of his visit. Of course, the TSA guys question all arriving passengers, but a high-born Minister? Come on. In a fit of pique, Akhilesh and Khan cancelled their talks and returned home.

What Indians - and VIPs in particular - cannot grasp is the fact that in a genuine democracy like America, the obsequious culture prevalent in our country does not exist. The TSA is autonomous and cannot be dictated to even by the President of USA. These officials are sublimely unimpressed with status or position. They have a job to do and they are going to do it. Even US Senators are routinely questioned. I do not deny that they pay extra attention to Muslims. However, when you consider that an overwhelming majority of successful and aborted terrorist attacks since 9/11 have been orchestrated by radicalized Muslims, one can understand their logic.

The real comedy started after the ministers returned home. Predictably, Samajwadi party (SP) chamchas went ballistic at this unpardonable insult to their great leaders. They demanded that the Indian government escalate this to a major diplomatic incident and lodge an official complaint to the US. Maybe we should expel the US Ambassador while we are at it. But wait: it gets even better. Lord Azam accused India's Foreign Minister Salman Khurshid of orchestrating a conspiracy against him...lol.

What fantasy land do these guys inhabit? Don't they realize how farcical and childishly petulant they sound? Incidentally, if Khurshid has time to spare for such a nonsensical triviality, I would say our foreign policy is proceeding very smoothly. My compliments to him. I collapsed into laughter once more when an SP functionary, with a smug smile on his face, announced on television that the premature return of his party's ministers was "a slap on the face of the US". Yeah, right. The State Department must be burning with remorse. These chaps

have missed their calling. They should get a spot on Comedy Central.

So this is what we have to put up with. We are used to our politicians being self-serving, corrupt and incompetent. Add egotistical morons to the list. God save this country.

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From Our Readers (Cont'd. from page 5)

"Z" Category for Mukesh Ambani

The Ambanis propose, and the government disposes. Z category security for Mukesh Ambani, while the security of crores of the lesser ones is virtually neglected. Is it because his life is more precious for our politicians and bureaucrats? Perhaps, his existence is essential for the very existence of the government. Or, is it that of the Indian economy itself? Whatever be the reason, the powers that be are always more than willing to genuflect before the power of pelf. After all, is it not a symbiotic existence? And what about the cost of security for Ambani? Will it be borne by him? In my opinion, he

should not. Because his security is, of course, in the interest of the public, and that of the nation as a whole. Long live Ambani and the others of his ilk. My foot. Why should the layman be deprived of minimal security, when Ambani can afford to have better security at his own cost? In fact, even the politicians out of power, and the family members of politicians should not be provided security at government's cost. They are rich enough to have their own security. If not, their political parties should provide it at their cost. They do not deserve it at public cost.

V. V. Vijayan, Mumbai. modesty1950@gmail.com

China Does It Again: (Cont'd. from page 11)

As long as China is willing to play ball, we should continue to expand bilateral cooperation in the realms of trade and economic relations. We should continue to work with China on the North-South issues. But, the Chinese should have no illusions that all bets are off as far as the border is concerned. Only then there would be an amicable and mutually acceptable settlement of the border in the next three/four decades. The bottom line is that as a hostile, powerful, and proximate neighbour China is the most

dangerous threat to our integrity and security. Its collusion with Pakistan makes it all the more untrustworthy.

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Point Counter Point (Cont'd. from page 5)

and offer the sop of enquiry against those who might have defaulted. We will never know what happens to the enquiry; the Home Minister has the gall to defend the Delhi police by claiming that such things happen all over the country. Very assuring!

very few serious offences in its jurisdiction. This malady needs tough supervision and tougher punishment of Station House Officers (SHOs). Senior officers should be willing to accept moral responsibility for the failure of their juniors. Do we see anybody owning responsibility for what has happened in Delhi?

Readers are invited to email their points of view on serious issues of the day to ashokkarnik2001@yahoo.co.in.

Readers who do not have the facility of a computer can also post (mail) their points of view on serious issues of the day to "Point Counter Point", c/o *Freedom First*, 3rd floor, Army & Navy Building, 148, Mahatma Gandhi Road, Mumbai 400001.

Reflections

An Opportunity Lost

- When a Victorious India Was Taken for a Ride by the Vanquished Pakistanis

Brig. Suresh C. Sharma

India lost on the negotiating table what India had gained on the battlefield.

Bhutto was sworn in as President of a shattered Pakistan on 20 December 1971. He warned India not to gloat over a temporary victory. Pakistan was an implacable enemy. He was trying to put up a brave face in spite of Pakistan having been reduced to half its size and 94000 Pakistani soldiers, one of the largest in military history, surrendering. Even West Pakistan had been saved as a result of a warning from the USA.

At the end of the war in 1971, Indira Gandhi sent a message to the Secretary General, United Nations that India was willing for bilateral talks with Pakistan to establish lasting peace. Pakistan sent a message through a third party for the release of prisoners. India made it clear that talks would be held in India and Pakistan would have to recognize Bangladesh. India was prepared to discuss a range of substantive issues. After the visit of D. P. Dhar to Islamabad in April, it was agreed to hold talks in Shimla on 12 May 1972. Initially, Pakistan was of the view that the time was not ripe for talks on Kashmir. Its priorities were for the return of POWs and territory. D. P. Dhar finally secured Bhutto's agreement to discuss Kashmir and any other issues that the two leaders wanted to. India wanted that the Shimla conference should not turn into a replica of the Tashkent conference which only solved the immediate problem of war without solving the problems that gave rise to that war. Bhutto agreed to negotiate provided that the solution was implemented in a piecemeal manner in step with improvement in Indo-Pak relations. Before his departure for Shimla, in a broadcast, Bhutto assured his people that he would not let them down and self determination for Jammu and Kashmir (J&K) was not negotiable. As it turned out, the Indian team did not take note of these outbursts.

There was no progress during the first two days of discussions amongst the bureaucrats when Bhutto requested a meeting with Indira Gandhi to break the deadlock. The meeting was arranged at 6 p. m. at her residence. He told Haksar and P. N. Dhar that they gave up too readily. Bhutto tried his personal charm and said that only a strong leader like Indira Gandhi could take a generous step. Indira Gandhi trusted him and the

Government of India issued a statement that "Bhutto had reciprocated Mrs Gandhi's desire for a durable peace and it will not be right to doubt his bonfides." In his preliminary conversation, Bhutto said that he was convinced by the events of the 1971 War that Pakistan could not acquire Kashmir through military action. He had explained to a group of Indian journalists a month earlier that the solution to Kashmir would emerge on the basis of a line of peace. The right of self-determination could not be exported from outside. He had constraints of opposition by the military and other political elements.

Due to illness of D. P. Dhar, the leadership of the Indian delegation was taken over by Haksar. He briefed his colleagues of the consequences of the treaty of Versailles which had laid the seeds of the next war. For India the core issue was acceptance of the Cease Fire Line [CFL] as the permanent border. After an hour's meeting, Indira Gandhi briefed Haksar and P. N. Dhar about the discussions. She had expressed sympathy for Bhutto's concerns and told him that she would hate to be dictating terms to a defeated adversary. Compare it to Bhutto's outburst in 1963 when he justified unreasonable demands by a remark that "You are a defeated nation." She agreed to the withdrawal of troops from the occupied territory for which India did not need the concurrence of Bangladesh as was necessary for the return of POWs. Changes to CFL were accepted. She believed it to be the only possible solution. The Kashmiri community was left undivided on the Indian side. The Line of Actual Control [LAC] was in a way an ideological frontier as it represented the limit of political influence of Sheikh Abdullah. This remark supports the belief that Nehru's decision to refer the Kashmir issue to the UN and halt operations when the Indian Army was set to liberate the remaining part of the State was based on Sheikh Abdullah's advice. He did not want areas where he did not have political support. Bhutto responded with feeling and assured Mrs Gandhi of implementation over time. He could not agree to incorporation of this clause in the written agreement due to opposition from the military and other political parties. Indira Gandhi was also herself worried that withdrawal of claim for POK may cause political trouble for her. It was agreed that insertion of a secret

clause was inconsistent with the spirit of ushering in durable peace. Bhutto talked of converting the LAC to a Line of Peace. He agreed that gradually, the Line of Peace would be endowed with “the characteristics of an international border.” He assured Mrs. Gandhi “Trust me.” The Agreement was signed on 3 July 1972.

India considered it to be a great victory. The important part of the Agreement reads, “In Jammu and Kashmir, the line of control resulting from the cease fire of 17 December 1971 shall be respected by both sides without prejudice to the recognized position of either side. Neither side shall seek to alter it unilaterally, irrespective of mutual differences and legal interpretations. Both sides further undertake to refrain from threat or use of force in violation of this line.’ The last sentence was inserted to save Bhutto from any criticism at home. Bhutto knew that the Government of India was conducting negotiations with Sheikh Abdullah who was likely to join Indian mainstream politics. Bhutto is reported to have told Sheikh Abdullah that he was in no position to help in the liberation of Kashmir. When the ban on Sheikh’s entry into Kashmir was removed, he told his audience that the events of 1971 have proved that Kashmiris wisely rejected the union with theocratic Pakistan. Sheikh’s withdrawal of demand for plebiscite would help Bhutto to face any domestic criticism.

Pakistan’s objectives were the return of POWs and territories and delay recognition of Bangladesh till it suited them. India’s major objective was to solve the Kashmir issue. Pakistan did manage to achieve its objectives of return of territory and after some delay POWs. It joined China and other Muslim countries to delay the recognition of Bangladesh to suit them. Foreign Secretary Aziz Ahmed was vehemently opposed to the repatriation of Bihari Muslims to Pakistan. Mujib agreed to the release of POWs in exchange for the return of Bangladeshi citizens from Pakistan. Bhutto presented the picture of a patriot who had forgotten the talk of a thousand year war and wanted to build peace. Aziz showed defiance and could not hide the hostile glint in his eyes. He was belligerent and rigid. The two played the role of “good cop and bad cop.”

On his return to Pakistan Bhutto would make public statements in violation of the Agreement and privately attribute it to compulsions of domestic politics. Even before the Indian Army had vacated the occupied area, he made a statement about Kashmir and Bangladesh and then sent his personal assistant, Rafi Raja, to explain them away. He had instructions to ensure that the discussions were not recorded.

P. N. Dhar and Aziz Ahmed happened to be traveling on the same flight from Paris in 1975. Dhar complimented

him for his diplomatic skills displayed at the Shimla Conference. On hearing the word Shimla, his face got distorted with a sneer. He mentioned that it was not his diplomatic skill but India’s strong desire for positive results which led to his success. Haksar gave the soft approach an intellectual justification by reference to European history. G Parthasarathy told Dhar that he had picked it up from Nehru. He failed to note that harsher terms after World War II did not plant seeds of another war. Another reason for a soft approach was to reassure Nepal and Sri Lanka that India did not seek hegemony in Asia. The idea was too far fetched and Haksar’s approach did not impress his colleagues who recollected that on the Good Morning programme of ABC TV Bhutto had described his feeling for India as “implacable hatred.”

Jaggiwan Ram commented that the delay in repatriation of POWs would deny Pakistan the service of three divisions. Mrs Gandhi flew into a rage when Dhar recommended not returning the occupied territory. The Political Affairs Committee agreed with the proposal. Perhaps they thought that she had already made up her mind. The Indian team had failed to appreciate the importance of two clauses in the Agreement. It read that “the principles and purposes of the UN will govern the relations between the two countries.” The concluding paragraph reads “The representatives of the two sides will meet to discuss further the modalities and arrangements for the establishment of peace.” Pakistan has made use of this clause to adopt measures other than peaceful talks if bilateral negotiations fail. It has claimed right to support succession.

In view of disregard for the commitments made by Bhutto, P. N. Dhar published the essential points of Shimla conference in *The Times of India*. The reaction from Pakistani leaders, bureaucrats and journalists was praise for Bhutto’s diplomatic artistry. Gauhar wrote-

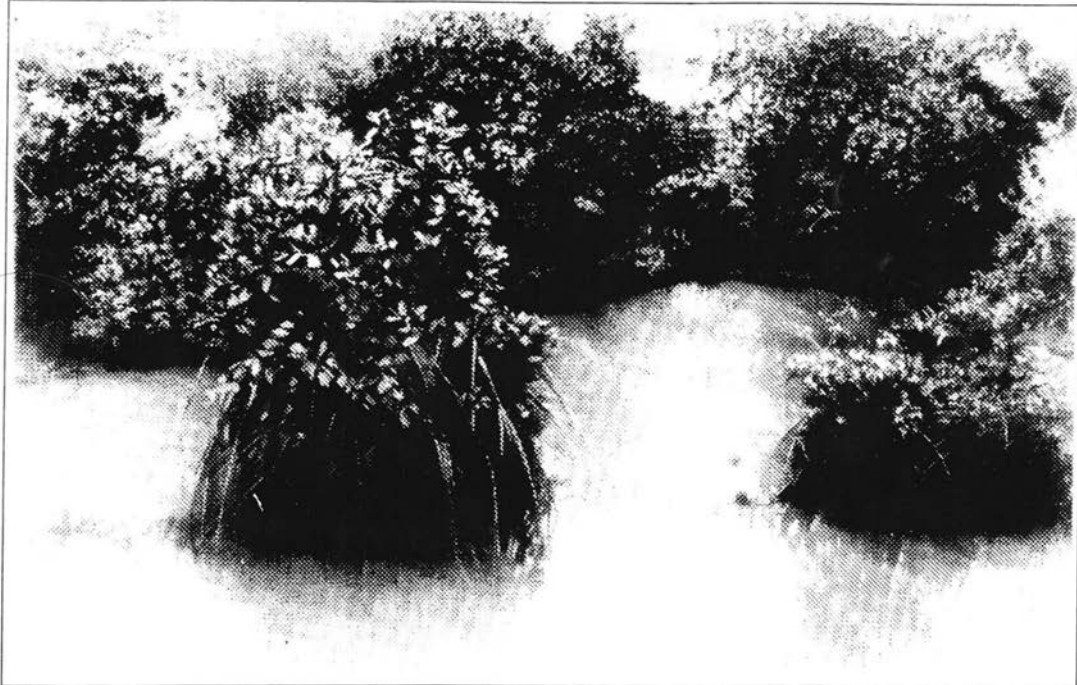
Face it Mr. Dhar, even if we accept what you say, Mr. Bhutto fooled your prime minister.

BRIG. SURESH C. SHARMA (Retd.) is adviser to the telecom industry, freelance writer, and member of the Advisory Board of *Freedom First*. Email: brigscs@gmail.com.

“India has become a joke in the Maldives, a foe in Sri Lanka, a doubt in Bangladesh, a shrug in Nepal, a snigger in Pakistan and a taunt in China. Every neighbour has tested Delhi and discovered that this government walks on its knees. India has never seemed as helplessly weak as now.”

M. J. Akbar, *The Times of India*, 5 May

CONCERN FOR THE ENVIRONMENT



A unique feature of the Industrial Garden Township, Pirojshanagar, is a large expanse of swamp, one of the very few such areas existing in the city under original mangrove forests.

At a time when mangroves are being destroyed at an alarming rate in the process of excessive and damaging reclamation..., Godrej has taken steps, at considerable care and expense.

to preserve and protect this Nature's gift in the awareness that mangrove destruction leads generally to loss of food, breeding grounds and shelter for numerous forms of life.

It is almost unbelievable that, like the Sanjay Gandhi National Park in Borivli, such a mangrove still exists in the excessively congested and polluted megapolis that Mumbai is

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WELFARE : ENVIRONMENT / POPULATION NEXUS...

Constitutional Status for the CBI?

V. Balachandran

The CBI cannot be like the Election Commission or the CAG. It has the power to arrest, which can be misused.

Two retired police chiefs have recommended that the CBI should be given constitutional status like the Election Commission (EC) or Controller & Auditor General (CAG) to insulate it from political pressure. In a democracy, this is an extremely dangerous step. The EC and the CAG do not have the powers to search and arrest. The CBI has. Without checks and balances this power can be misused. The Supreme Court too said on 8 May: "The CBI cannot be given unbridled power as an unruly horse is a dangerous thing." The notion that the CBI should be responsible only to "Law" is vague. It is not anybody's claim that the CBI's investigations and conduct since its inception were blemish free. An RTI website quoting a leading weekly reported (2008) that 31 CBI officials were booked for corruption since 1998. The word "autonomy" is misleading. The Criminal Procedure Code confers sufficient "autonomy" for unfettered investigations to the CBI and the police. That the CBI and the police did not utilise them by kowtowing to politicians, is not the system's fault.

A retired senior CBI official, who had investigated several sensational cases, told me that they did not have any institutional or legal problems in conducting impartial investigations if the top CBI managers did not succumb to political pressures. He told me of an interesting incident in which the then Special Secretary, Ministry of Home Affairs had written a classified letter to his organisation conveying his ministry's "decision" that the CBI should not investigate a senior politician any more. This was turned down by the CBI and the Special Secretary was asked to take back his letter. Fortunately, this illegal and unwanted interference did not reach the media at the time. He suggested that just one provision in the proposed new CBI law or government regulations preventing CBI directors from holding government jobs like Governors or Members of Commissions after their term of office would prevent the organisation from succumbing to political pressure.

The FBI is always quoted as a "model" of independent functioning. In 1993, it made waves by resisting an "inappropriate" Clinton White House demand to give "Opinion in 15 minutes" on how to deal with its "Travel Office" personnel who were to be dismissed. In

the ensuing controversy, the White House officials were rebuked for attempting to utilise the FBI for partisan ends. But the FBI, which has vast investigating powers in federal and even state crimes, counter-intelligence and anti-corruption areas, besides working as a national intelligence agency, has in-built checks and balances to prevent its misuse.

First, it works under the supervision of the Attorney General (like our Law Minister), created under the Judiciary Act 1789, codified two years after the US Constitution was passed. In 1870, the Justice Department was created with US attorneys, US marshals, etc. Second, the FBI's website clearly says that the Bureau does not have the power to decide whether a charge sheet is to be presented. That power is with federal prosecutors or US attorneys. Third, it has to obtain court orders for the electronic surveillance of suspects. The court has the power of monitoring the wire tap to prevent misuse. Fourth, its budget and operations are tightly supervised by Congressional Committees who can hold special hearings. Fifth, its intelligence activities are supervised by the Director of National Intelligence. Sixth, it has to obtain state concurrence for investigating state crimes. Seventh, its anti-terror investigations are carried out by joint teams comprising even non-police officials. Last, it has an "inspector general" under the 1978 Act, independent of that organisation, who works as a "whistle blower" and "auditor" to keep a tight check on that organisation.

It would be useful to read what the "Kerala Police Performance & Accountability Commission" under Justice K. T. Thomas had said in 2005 on "autonomy". They were asked to evaluate police performance during the informal "autonomy" (2002-03) conferred on them against political interference: "The autonomy had rendered most of the police officers at the high echelons with a spirit of greater responsibility of commitment while it gave a feeling to a good number of policemen at the lower echelons a relief from discharging their duties including shirking of their responsibilities... The police is not in fact an 'autonomous' body nor are they so under any law."

COURTESY: *The Sunday Guardian* May 13, 2013. and **V. BALACHANDRAN** is a former Special Secretary, Cabinet Secretariat.

History

Newspapers in India

- Their Origin, Growth and Some Interesting Sidelights

B. M. N. Murthy

This year, 2013, India's Fourth Estate will be 233 years of age. With many ups and downs in its journey through these two centuries, Indian journalism today is rightly recognized the world over as one that enjoys press freedom comparable with the best in the West.

This article briefly outlines the story of the Indian Press.

Dissemination of news to readers through a medium, other than oral transmission, probably started during the Roman regime at the time of Julius Caesar. He started issuing handwritten public announcements called the Acta Diurna which means 'Daily Events'

And in 59 B.C. he started the Acta Senatus which was a summary of the debates in the Roman Senate. These were posted on walls at vantage locations to enable people to read. But soon some government officials objected to this procedure on the plea that the public came to know too much about government administration. The news bulletins were discontinued.

A revolution was created in the transmission of knowledge in Europe in the 15th century when the printing press was invented. The printed word now became one of the most important means of communication. News-sheets could now be produced much quicker and more easily. In fact, this became a turning point for the newspaper industry in the world to take deep roots. The first newspaper in the world made its appearance sometime in the 16th century and contained mostly financial and commercial news. Later, they included political events since the decisions of the government had a direct impact on trade and commerce. In course of time, the scope of newspapers expanded to include social and current affairs too. Finally, the first newspaper of general interest was produced in Germany in the German language in 1609 under the name Avisa Relation oder Zeitung.

Ancient India had a system of communication, other than the spoken word, in an entirely different manner. The seals of Mohenjodaro, the Rock Edicts of Emperor Ashoka were some of the methods adopted by ancient India to convey news. India never developed anything like printing for carrying news, even though printing with blocks on cloth was known to ancient Indians. Somehow the link between printing and communication remained unexplored

for quite sometime. Urgent news was conveyed by relays of runners [called 'Sandesha dutas' in Sanskrit] while roving minstrels spread ideas over a greater area. Under the Mughal rule, news writers who were considered important government officials, kept the emperor informed of the conditions of the territory in different parts.

Printing technology came to India sometime in the middle of the 16th century when the Portugese Jesuit priests imported the first printing press to India in 1550, a little more than a century after its discovery in Europe. They used the printing press to publish religious literature to help the spread of Christianity. However, the first news sheets came out much later when the British had set up their Presidency administration in Calcutta and Madras. These news sheets were meant to keep the two distant outposts informed of news and events.

The advent of the East India Company heralded the days of adventure. Some Britishers came to India in search of a fortune. One of them was James Augustus Hickey who was the first person to bring out the first newspaper in India called 'The Bengal Gazette' [also called the 'Calcutta General Advertiser'] in 1780 from Calcutta which described itself as "a weekly political and commercial paper, open to all parties but influenced by none". But Hickey's mixture of advertisements, commercial news and government or party news did not go down too well with the British government. Two years later Hickey was arrested for some of his writings and imprisoned. Other newspapers sprang up but they were carefully watched and often censored by the government. All this, when the newspapers were run only by Europeans and for Europeans only. If the 'Bengal Gazette' which brought out its first issue on 29th January 1780 is considered the beginning of the Indian newspaper industry, the Indian press is more than two centuries old.

However, researchers give the credit of calling the 'Vangal Gazette' published from Calcutta in 1861 as the

first Indian newspaper. It was started by one Bengali by name Gangadhar Bhattacharjee. He was influenced by the ideals of Raja Ram Mohan Roy. Bhattacharjee was soon followed by Raja Ram Mohan Roy himself who used his Persian and English publications to spread the ideal of social change, to appeal against evil practices like Sati, to criticize the government and also to bring to the people of Bengal the cultural and political ideas of the West.

It was only in 1857 when the First War of Independence [called the 'sepoy mutiny' by British historians] started that modern Indian journalism took concrete purposeful shape. Strict laws about the press were passed by the government as a result of some nationalists' taking part actively in spreading the ideas of independence for India. Many of the patriotic Indians felt that unless they found out a medium through which they could vent their feelings about the oppressive British administration, there was no salvation for the country. The only practical solution was a free and independent press. It was this urge that made Lokamanya Tilak to start the newspaper 'Kesari' in Marathi in 1881. It was much later that Mahatma Gandhi started a weekly called 'Young India' in 1919 as he understood the power of the press to voice nationalistic views. In 'Young India' he used to write hundreds of articles to spread the Gandhian ideals of ahimsa and non-cooperation till he was jailed in 1922.

Sometime in the 1860s an English newspaper was started by one Robert Knight. However, this along with three more newspapers merged and formed 'The Times of India' which hit the newsstands in 1861. This was managed by Thomas Bennett who continued the tradition of Robert Knight. 'The Times of India' soon established itself as a comprehensive newspaper. This was followed by the popular Bengali newspaper 'Amrita Bazaar Patrika' founded in 1868. It is said that its first editor Sisir Kumar Ghose bought a second hand printing press for Rs. 32 in Calcutta and set up a Bengali newspaper in his village 'Amrita Bazaar' in Jessore District [now in Bangladesh] and hence the name 'Amrita Bazaar Patrika' stuck to it. In course of time, the newspaper switched to English.

In 1867 an English newspaper by name 'The Madras Mail' was started in Madras by an Englishman which absorbed an earlier newspaper by name 'Madras Times' which had been started a few years earlier. These newspapers were intended to protect and further the interests of the European community. There was no newspaper in the South to represent Indian opinion which was agitating the minds of some intellectuals in Madras. This feeling spread to many others when 'The Madras Mail' criticized the appointment of Mr. T.Muthuswamy Iyer [who was later knighted] as the first Indian Judge of the

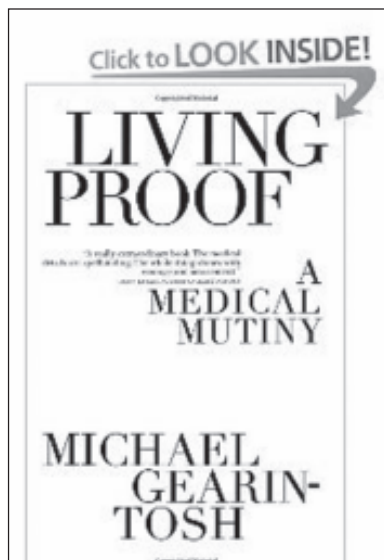
Madras High Court in unfair and unflattering terms. When the intellectuals read this comment by The Madras Mail, they were furious but could not give vent to their feelings in any newspaper. Unable to withstand this gross injustice to India, six intellectuals, fresh from the University and in their twenties founded "The Hindu" on 20th September 1878. Since they had no money, they borrowed one rupee and twelve annas and printed 80 copies of the newspaper. They wrote in 'The Hindu' that the appointment of Mr. Iyer was absolutely right and a correct decision. Thereafter 'The Hindu' became a success story and today it has become a byword for Indian journalism. As on today 'The Hindu' completes 135 years and has a circulation of more than a million copies and is an Rs.400 crore enterprise.

No write-up on the story of Indian newspapers would be complete without remembering Sri Ramnath Goenka whose name is almost synonymous with the newspaper 'The Indian Express'. Goenka stood like a colossus for more than six decades guarding the freedom of the press and the freedom of expression till he passed away in 1991. The Indian Express was founded in Madras on 5th September 1932 by one P.Varadarajulu Naidu and was subsequently taken over by Ramanath Goenka in 1936 who expanded The Indian Express by founding other newspapers and formed the Indian Express Group of Newspapers. He was a dedicated citizen who used the enormous power of the press for what he believed to be the good of the country. He believed that a courageous and independent press is the noblest servant of the society. During the Emergency imposed by Prime Minister Indira Gandhi in 1975 when most papers and journals capitulated, Goenka asserted his sturdy independence at tremendous personal cost. He was one of those rare, select band of men of whom it can be said that they have the courage never to submit or yield to authority. Till the end he remained untamed and unbroken.

This story would be in complete if I were not to record the fact that there is a daily newspaper in Sanskrit published from Mysore for the last 43 years. Named "Sudharma", it was founded by Sri. K. N. Varadaraja Iyengar on 14th July 1970. It is of 2 pages and each edition is priced at Rs.1.50 per copy and the annual subscription Rs. 250. Like any other newspaper, it contains news pertaining to political, social and other events of general interest, but all in Sanskrit.

B. M. N. MURTHY is a retired chief engineer with the Life Insurance Corporation of India. After retirement Mr.Murthy has devoted his time to inform "the younger generation of the spiritual wisdom of India, reminding them of the great traditional lineage to which we all belong" Email: bmmurthy@gmail.com

BOOK REVIEW



LIVING PROOF - A MEDICAL MUTINY by Michael Gearin-Tosh • Published by Simon Schuster • 2010 • Pages 327 • US\$ 19.75

Reviewed by V. Krishna Moorthy, CEO - Parivartan, Mysore; a freelancer and formerly Deputy General Manager, State Bank of Mysore,

Battling Cancer and surviving the dreaded disease has been documented time and again by the survivors. Champion cyclist Lance Armstrong's *It is Not About the Bike* a written and interesting story of

medicines affordable. Besides, CIPLA another Indian firm will be making an even cheaper version of the drug for Rs.6,840/- for a month's dosage. This certainly is good news!

A global agreement known as TRIPS (Trade-Related Aspects of Intellectual Property Rights) to which India is a signatory allowed countries to bypass patent protection and issue compulsory licences for certain drugs that are deemed unaffordable to large sections of their populations. Accordingly, last year, the government revoked patents granted to Pfizer's cancer drug Sutent on the ground that included lack of any innovation.

his successful battle with cancer is quite well known. Recently our own Yuvraj Singh, who at the height of his cricketing career was afflicted with lung cancer has successfully fought back the dreaded disease and come back to the centre-stage of Indian cricket. His story *The Test of My Life* is the latest addition to our own cancer survival literature. While the book has been on the stands for a while, it appears to have not evoked the expected response and pathos of readers from such a lively personality on the field and in the dressing room.

Cancer, besides being a killer-disease and a humiliating one too, involves costly treatment, though the outcome is uncertain. German drug maker Bayer AG's Nexavar—a liver and kidney cancer drug, costs Rs.2.8 lakhs for a month's treatment. No ordinary Indian can afford this unless covered under healthcare which is still a distant dream for us. There is however good news for those affected, with a recent landmark ruling by the Intellectual Property Appellate Board (IPAB) which upheld the Indian government's compulsory licence granted to Hyderabad-based NATCO Pharma to produce and sell Nexavar—a generic, low-cost version of Bayer's anti-cancer drug which will retail its version, Sorafenib, at Rs.8,800/- for a month's dosage. Other anti-cancer drugs Trastuzumab (Roche's), Ixabepilone and Dasatinib (of Bristol-Myers Squibb) cost over Rs.1 lakh for a month's dose. The Department of Industrial Policy and Promotion (DIPP) is actively considering the grant of compulsory licences for the above three drugs of Roche and Myers. If allowed, this would be a major step of the government towards encouraging compulsory licensing in India for making essential

Swiss drug giant Novartis AG produces a cancer drug Imatinib Mesylate, marketed as Glivec, a blockbuster anti-cancer drug which many oncologists view as a major advance in treating chronic myeloid leukaemia, which kills 80-90 per cent of sufferers, and some gastrointestinal cancers. Novartis's case seeking to overturn a clause in Indian Patents Law that restricts patent protection for newer forms of existing molecules has been pending with Supreme Court for some time. On 1st April, 2013 the Supreme Court has given a landmark verdict. Dismissing Novartis's plea with costs in the long pending patent case the court said that its drug Imatinib Mesylate does not qualify the test of 'invention' as laid down in Sec.2(1)(j) and Sec.2(1)(ja) of the Patents Act, 1970. Besides, the court said that the product failed the test of Sec.3(d) thus making clear about the definition of patented medicine and the extent of innovation required to retain patents in India. The court has also given the green signal for generic drugs in India.

During a visit to Delhi this February to be with my son's family, I was lucky enough to visit the New Delhi World Book Fair held at Pragati Maidan during the last two days and I had picked up a dozen books. Of these, three were personal memoirs, each one covering an altogether different field. Each one of these books, surprisingly, was in its own way an adventure in itself to the respective author – and the reader too.

While the first one dealt with the exhausting travel

adventure, suffering and ultimately deriving full satisfaction of visiting the God's abode, Mt. Kailas and Manasarovar on a fortnight's trip, the second one covers the adventure of getting selected for the first time for one of its major characters for acting in a major film in one of the most successful Hollywood films of the last century: *The Sound of Music*. The last one, the subject of the present article is again an adventure of a literary person and an Oxford don diagnosed for Multiple Myeloma, the dreaded and incurable form of bone marrow cancer with inevitable death looming large on the face.

In June 1994 Michael Gearin-Tosh (MGT) presented with a chest infection with his principal symptom of prolonged night-sweating which is a classic symptom of cancer and leukaemias. He also experienced fatigue and some dehydration and was diagnosed for Multiple Myeloma, still the most elusive in terms of cure, though understanding of its molecular and genetic basis, pathogenesis and management has vastly increased in the previous decade. He was given just six months to live and was advised immediate chemotherapy treatment.

Chemotherapy is a procedure by which poison is put in the blood. The more chemo intake, the more havoc it wreaks. The 'havoc' includes the dreaded side effects: vomiting, 'aching veins', hair and eyelashes falling out, saliva not being produced, nails falling out, green moss growing on the tongue, neck swelling, lips puffing, mouth ulcers etc. It has been so well documented both experimentally and clinically that anti-cancer agents do not destroy all cancer cells following each dose of chemo. So, more doses are given, usually at intervals of two to three weeks, and with this cancer cells may 'acquire resistance.'

On the other hand, bone marrow transplant allows doctors to give an essentially lethal treatment. It involves taking out some of the patient's own marrow, freeze it in liquid nitrogen, and give it back. The whole concept behind bone marrow transplantation is to allow the administration of much greater dose intensity in order to kill more cancer cells and thereby decrease the tumor burden down to the level where perhaps the immune system can cope with. Knowing full well the implications and consequences of Chemo and bone marrow transplant, by dint of will and intuition, the author refuses chemotherapy and other modern treatments and successfully survives, depending exclusively on alternative therapy of traditional methods. Though sadly, the author died about 11 years later, interestingly it was from infection and not from the dreaded cancer. That is the brilliantly told adventurous story of Michael Gearin-Tosh's *LIVING PROOF: A Medical Mutiny*.

CANCER – no other word conjures up as much emotion or such fervent reaction as this one. Cancer is currently the illness onto which, more than any other, we project our fears of suffering and death. In one way, we believe that cancer is a death sentence and will end in terrible wasting and dehumanizing agony. Scientists once thought that there were just 200 or so different cancers based on where they appear in the body: lymphoma in the lymph etc. But when cancers are categorized by their genetic abnormalities, the number is over 2000. According to a very interesting survey of cancer statistics, cancers that originate in the skin or the lymphatic glands, some lung cancers and nearly all malignant tumors of the trachea, bronchus, stomach, colon, rectum, oesophagus, breast, bladder, pancreas, ovary, cervix, head, neck and liver are epithelial. And, epithelial cancers are responsible for more than 80% of cancer mortality in the world.

Cancer research provides necessary springboards for moving forward with hope. The US federal government budgets annually about \$10 billion on cancer while pharmaceutical companies spend about \$25 billion on research. But, the National Institute of Health (US) puts the cost of cancer in the US at over \$250 billion covering medical costs, lost productivity through illness and due to premature deaths. Cancer Research now is one of the world's largest employers, yet, ignorance about the dreaded disease in its various forms has not subsided, instead, it has gone up even amongst the so-called educated. However, because of the media, patients are now better informed about cancer than earlier, though it is doubtful whether they are less confused! The world of orthodox cancer research shows huge promise, creativity and brilliance which may bear fruit, in novel, more targeted approaches. However, we cannot ignore the observation made by Richard Horton, the editor of *The Lancet*, the top journal for the world's medical profession, in the 2nd November, 2000 issue of *New York Review of Books*: 'Medicine is as unpredictable, baffling, ambiguous, fallible, and absurd as it ever was.' But there is real hope that research will win!

There is also the much talked about Human Genome Project whose aim is to analyze our genetic structure, and to catalogue and map all the individual genes in the body. The completion of the Genome, on which billions of dollars are spent is a new era of hope. The monumental advances in molecular oncology and in understanding the human Genome are leading to an explosion of new and novel therapeutic agents. However, according to Axel Ullrich, Director of the Department of Molecular Biology, at the Max Plank Institute, 'results that hold promise of new cancer treatments are very, very rare.' Such is the complexity of the dreaded disease, cancer! There is yet



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another alarming discovery that like the human species, Cancer has been a survivor over millions of years! Writing in *Cancer: The Evolutionary Legacy*, Mel Greaves notes that cancer has been identified in dinosaur bones from the Jurassic period, which is more than 150 million years ago!!

Richael Gearin-Tosh of Scotland was a fellow of St. Catherine's College, Oxford University, where he was teaching English literature for over 30 years. Besides being closely associated with the Oxford School of Drama, he was also a visiting Professor in the Overseas Department of Stanford University. MGT was diagnosed with Multiple Myeloma in 1994 when he was 54. The advice of the first consultant was chemotherapy. Other doctors whom he consulted urged immediate treatment. Yet another doctor advised: 'Touch Chemo, and you are a goner.' In this confused situation, he refused the treatment, not on the basis of any reason, but intuitively and by instinct. As the days pass, he falls back on his habits as a scholar of literature—reading, teaching and lectures, as if cancer did not exist. MGT found pleasure in visiting libraries and referring to dictionary often to ascertain the exact meaning of the words used by the doctors while consulting or in any reports he gets from friends on the subject.

MGT carefully listens to much advice from friends, especially that of three women friends, one of them a doctor, each with a different point of view, who challenge him, challenge the medical advice and challenge one another. He studies various options before him, knowing full well the dreaded consequences, and finally decides that his cancer should be treated not with chemotherapy but with the crazy approach of gentle alternative therapy: Gerson Therapy, with a strict diet, good nutrition covering vegetable juices, vitamin supplements (B12), injection of liver juice, acupuncture, ancient Chinese bone breathing exercises which is a combination of stretching and relaxation with imaginative visualization, coffee enemas and last but not the least, meditation. The enemas work by relaxing muscles in the ducts that lead from the liver to the gall bladder and on to the small intestine. This helps the liver to get rid of toxins. It is like allowing a dump truck to dump its waste.

MGT puts himself under a rigorous discipline in fighting the disease in an 'unorthodox' fashion to the utter dismay and anxiety of doctors and close friends. Through his discussions with doctors, he learns one hard lesson: 'Human beings are unbelievably complex organisms about which we understand very little,' as clearly spelt out by Prof. Sir David Weatherall, FRS, Regius Professor of Medicine, University of Oxford, who is both a scientist and a clinician. Another bitter truth that Sir David spells

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out is: 'regardless of what a patient is suffering from, their reaction to their situation, and their state of mind, is of critical importance and to ignore it in the face of high technology and medical practice is to court disaster.' Other doctors Prof. Souhami and Dr. Tobias also observed: 'Above everything else, treating patients with cancer involves an awareness of how patients think and feel.'

As days pass by, MGT becomes anaemic and his mother from Scotland gets worried that he is not in hospital. Even in such a situation he notes that 'anaemia is a medical enemy, but a psychological friend since it prevents one from doing almost all that one wants to do, but it is a new way to shortening phone calls! He finds little time for melancholy, with the mental energy fully engaged with one or the other routine of alternative therapy to fight cancer. In support of 'ancient' methods of treatment, MGT quotes Hippocrates who had to stand up for the importance of observing patients and for the fact that thought was involved in observing them. Writing in the fifth century BC, he urged his fellow doctors: 'Do not despise the ancient art of observation because its method of thought falls short. We ought to admire the discoveries made by observation, and to realize, that observation has made progress not by chance but because its own enquiries have been conducted correctly.'

Living Proof which contains spellbinding details on Cancer, the author deals with the most important concepts on the subject. His presentation on the role of 'unorthodox' therapies by his own experience and Carmen Wheatley's Case Report on his malady is marvelous. LP is a proof of how a man by personal experience learns to steer in his own way between the medicine he rejects and the doctors he honours. The author argues that each patient should explore their own way with their physician as what works for one may not work for the other. *Living Proof* is the starting of a journey towards making an immense decision under the cloud of a serious disease, when death is lurking at his face, under enormous amount

of stresses and strains, and the choices before him about which treatment to choose, told in such an entertaining way.

The author's presentation on the dreaded subject of Cancer is concise, highly informative, learned and at the same time thrilling. Given the nature of the subject and the challenges it presented to the author, the work is as unbiased as it is possible. *Living Proof* is a brilliantly written memoir, presenting the author's experience of facing the most dreaded malady in his own body, one of the worst forms of the incurable disease, Cancer. After successfully surviving with alternative therapy, MGT lived for eight years productively later coming out with this interesting book. Though the author died three years after the book was first published in 2002, interestingly it was from infection, and not of Cancer.

Forming part of the book is a detailed 45-page case history of Michael duly peer-reviewed by eminent doctors-researchers titled: The Case of the 0.005% Survivor prepared by Carmen Wheatly, a former student of Michael, and a scholar in her own right. It is essentially meant for those interested like Physicians, Oncologists and Myeloma researchers and well-informed lay readers. It covers Michael's case history, principal problems, difficult treatments, including Gerson Therapy, Orthomolecular Oncology, Bisphosphonates, acupuncture, Enzymes, Metabolic typing, Mind over matter, visualization and Chinese Breathing exercises with a fairly long bibliography including over 110 references. The case history adds considerable value to the excellent work of Michael Gearin-Tosh.

Editor's Note: This is more a review article which covers a wide ground including other books by Cancer survivors and the Supreme Court Judgement which we had covered extensively in the May issue of our journal in the article "Patenting in India". Your editor read through this article and felt he ought to share it with readers. So, recommended reading!

Dr. Rose Govindarajulu

Dr. Rose Govindarajulu (1865-1921) is the first lady doctor to join Mysore's medical fraternity. After passing out from Madras Medical College, she qualified herself for LRCP and LRCS (Edin), LFPS (Glasgow) and LM (Dublin) in 1895 and took her MD in 1894-95 with distinction. She rejoined Mysore Medical Service in 1902 and retired in October 1920 after 33 years of devoted service.

She organised maternity hospitals both in Mysore and Bangalore. She was associated with St John's ambulance service. She was awarded the MBE in 1919 for her social work. After her death, her oil portrait was put up in the Government Maternity hospital, Bangalore in 1922.

Information Courtesy Mr. C. A. Reddi, Chennai

Educating Adults

The Right to Education Act (12)

This is the twelfth in a series, examining the various aspects of the Right to Education Act (RTE) Act

Parental Choice

Suresh C. Sharma

Noted pavement vendors and house maids say with pride that their wards are studying in English medium schools.

Under the RTE Act, admission and attendance to recognized schools is compulsory. There is no mechanism to ensure that children do attend school classes regularly. It is left to parents to keep a check and the good sense of management committees and teachers. They do not have any punitive authority to compel students or parents to enforce admission and attendance. Objections have been raised in UK and USA about compulsory admissions as a restriction on individual freedom. Teaching at home is becoming more popular in UK and USA. In USA, the arrangements at home are subject to inspection by Government inspectors. In UK, an approved syllabus has to be followed. The parents need not be qualified teachers. Some parents who want to give better education to their children consider compulsory schooling to be the worst injustice. Parents can cater for the unique merits and capabilities of their children. They are in the best position to understand them. Those who are not qualified may engage private tutors. This approach is even more suited to children of artisans who desire to hand over their business units to the kids. They are aware that schooling may turn the kids against working by hands. The prevalent unemployment situation for not so bright students encourages them to train a child in family business. I asked a boy helping in his family business of selling fruits why he did not go to the school instead of helping in the family business. His uncle replied that he had studied upto seventh class and any further schooling will turn him away from this work. Jobs not being available easily, he is better off working here than going to school. Same is true for artisans established in small enterprises.

Parents have the option to admit a child to a school of their choice, subject to availability of seats and their willingness to pay the fees. Schools are forced to raise fees to meet increased costs or additional facilities. Not all parents are able to meet such commitments and lodge protests. The RTE Act does not lay down any guidelines on structure of fees but in practice the Government does intervene in aided schools. As for students from Economically Weak Sections [EWS], the courts have ruled that distance is no criteria. The students will first be offered admission in school within one km, subject to availability of quota seats. Good schools are unlikely to be located within one km of their residences. This may cause dissatisfaction as all parents would like to avail schooling in the best institutions, particularly so when they do not have to pay. It is difficult for parents to check availability of seats and social activists and parents of EWS are constantly voicing their concerns. To be fair to the school authorities, they have to devise some criteria for admissions if number of applicants is more than the number of seats.

Schools have the option to choose the medium of instruction and parents can select a school as per their choice. Local and regional politicians do try to interfere with the freedom to select the medium of instruction. In spite of the efforts and compulsions of the Government, the trend is to favour English medium schools as is evident from the following table of population of students:



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	2009-10	2010-11
Marathi Schools	1.09 crore	1.22 crore
English Schools	18.9 lacs	22.5 lacs
Hindi Schools	4.7 lacs	5.42 lacs

We have noted pavement vendors and house maids say with pride that their wards are studying in English medium schools. There is a craze for English medium

schools in rural areas too. A chain of schools run by an NGO is imparting good pre-school education in spoken English in villages. Parents are well aware of the advantages of education in the English language and have welcomed this effort of the NGO. There is no provision for reservation for EWS in nursery classes. It has been observed in UK too that pre-school education improves children's performance.

BRIG. SURESH C. SHARMA (Retd.) is adviser to the telecom industry, freelance writer, and member of the Advisory Board of *Freedom First*. Email: brigscs@gmail.com.

Dare We Dream of Sanitising Our Legislatures?

Recently the Chennai based NGO Nandini Voice for the Depressed organised a debate on the subject "Does the Election Commission have the powers to bar persons from contesting elections to the legislatures, who are facing charges of corruption or criminal acts, in Courts of Law.

Such a debate is not something new. Several debates and efforts have been made by well-meaning individuals and organisations over the years but little progress has been made. Our Legislatures are getting dirtier by the day and the quality of our law-makers are getting murkier.

The Chennai debate should interest readers of *Freedom First* as the participants are senior law students from the School of Excellence in Law the Tamil Nadu Dr. Ambedkar Law University. They are: R. Bhargavi, P. Arun Sugavaneshwar, J. Ponni, K. M. Gowrinath, R. Dhiraj, S. Mithun, R. Gayathri with the following as observers: P. K. N. Panicker, Educationist, Syed Ali Mujtaba, Senior journalist, S. M. Arasu, Anti corruption activist, C. Elaiyaraja, Asst. Professor, Dr. Ambedkar Law University. Mr. N. S. Venkataraman, Trustee, Nandini Voice for The Deprived conducted the proceedings.

National Concern About Corruption

- There is widespread concern about the prevalence of corruption in the country. Such corruption is happening mainly due to the fact that many corrupt persons and criminal elements contest the elections to assemblies and parliament and quite a number of them get elected due to their money power and muscle power. It is an imperative national need to de-criminalise politics, which can happen only by preventing corrupt persons and criminals from entering parliament and assemblies.
- Different views were expressed during the debate as to whether the Election Commission has the powers to bar those from contesting, against whom charges of corruption and criminal acts have been admitted in the court.

Arguments suggesting Election Commission has such powers

The Election Commission has the power under Article

324 of the Constitution.

Article 324

- The phraseology "superintendence, direction and control"..." conduct of all elections" (under Article 324 of the Constitution) and its essentials are not comprehensively laid down. The terms are of wide amplitude and empower the Election Commission to take recourse to address the issue of de-criminalization of politics. Importantly, in the absence of *Causes Omission* (case of Omission in Law), though the Judiciary cannot amend by formal means, it can interpret and provide the necessary details to fill the lacuna or *non-liquet* (law is not clear), wherein the jurisprudence can be evolved and empower the Election Commission.
- Obviously, the constitution makers have left Article 324 in this way, to pave the way for the Election Commission to use its powers to conduct elections in a fair and free manner, based on the exigency of the situation and the ground realities.

Operation of Election Commission is part of special law:

- The Election Commission and its operation form a part of *lex specialis* (special law) and it is significant to understand that by way of its functioning in times of exigency, it is not in contravention of the constitutional laws but it is well equipped and constitutes an appropriate organ.

Unique Institution

- The Election Commission is an unique institution and the directives of the Election Commission even if they are not laws has the force of law, when it comes from the Election Commission.

Inherent Powers

- The Election Commission has the inherent power to bar those persons from contesting election, against whom corruption and criminal charges have been admitted in the court. The notion of inherent powers (*ex debito justitiae*) is basically a principle of natural law (*jus naturalae*) that it remains unchangeable. It is also a virtue of human value. Therefore, it need not be seen as a residual power but a thesis of Values on Justice, (in the present context Electoral Justice). The Election Commission with its mandate firstly can ensure that de-criminalization of politics falls under the category of exigent situation; secondly by way of a directive clearly frame the relevant proposals into the subject (developed by the Election Commission).

Election Commission Needs to Assert Itself

- Election Commission should clearly declare that those accused of criminal acts and of corruption contesting, the elections conducted in the country are no more free and fair and therefore, there is urgent need to bar those persons from contesting election, against whom corruption and criminal charges have been admitted in the court. Such a stand of the Election Commission would virtually amount to questioning the present conditions of Indian electoral democracy and neither parliament nor judiciary can ignore such stand of the Election Commission.
- If and when the Election Commission asserts itself and takes a firm stand that those persons against whom corruption and criminal charges have been admitted in the court cannot contest elections, parliament certainly cannot ignore such a view. This is particularly so in the present conditions, where public concern and anger about corruption in national

life is widespread.

Peaceful Elections No Substitute for Fair Elections

- These days, Election Commission appears to give an impression that it would be satisfied if the elections are conducted in a peaceful manner, irrespective of the fact, whether it would be conducted in free and fair manner. There are number of cases of money power and muscle power being used in the elections and in most of such cases, Election Commission has remained conspicuous by its silence. Several such instances in the recent past have been cited during the debate. This weak approach of the Election Commission has really contributed to emboldening the criminals and corrupt persons.

Human Rights Aspect

- The Election Commission should act, taking the view that fair elections is a part of Human Rights. The concept of “free and fair, genuine election/right to vote through the means established in the Constitution (free will of the electors)” is also basically a Human Right according to the International Human Rights Law. The International Covenant on Civil and Political Rights, 1966 under Article 2 Paragraph 2 read with Article 25 envisages such an ideal. India is a Contracting Party to it and is having a mandate to comply with the norms by way of the available constitutional schemes (in this case, the Election Commission).
- Further, the definition of the term “Human Rights” under the Protection of Human Rights Act also incorporates the application of International Human Rights Conventions for its effective enforcement. The question of de-criminalization of politics by its very nature attracts the inter application of Human Rights, Public Law (Constitutional Law, Justice Administrative Law and the International Law), Criminal Justice System. Therefore, an Institutional framework has to be established, for the effective addressal of the subject.

Criminalisation of Politics is a Matter of Crime

- The concept of criminalization of politics itself constitutes a crime. The existence of criminals in politics per se will affect the achievement of the objectives of the Constitution, wherein the victims are the people. Therefore, the subject of criminalization of politics as a matter of crime has to be examined,

apart from the offences relating to election and its extended form mentioned in the relevant statutes.

Election Commission Should Exercise its Powers

Considering the above facts and legal justification, Election Commission has to exercise its powers to bar those persons from contesting, against whom charges of corruption and criminal acts have been admitted in the court.

Arguments Suggesting Election Commission Has No Such Powers:

- Election Commission can act on its own only in a situation where the law is silent. It cannot issue orders without the backing of the law.
- Election Commission simply barring those persons against whom corruption and criminal charges have been admitted in the court from contesting, would be a violation of the principle of natural justice. There are many cases, where charges have been admitted against a person but which have been dismissed later.
- In today's conditions where people's awareness and disgust about corruption is widespread, we should depend upon people's verdict to defeat the corrupt and criminal persons in the elections. This will be the most democratic way of ensuring free and fair poll.
- The Election Commission should ask for setting up a fast track court to hear the cases of those who seek to contest election against whom charges have been admitted in the court. In the case of such persons, the election results can be withheld, until the fast track court would give its verdict. A fixed time limit should be given to the fast track court for giving its decision.
- Election Commission may ask the government to give judicial powers to Election Commission though this may be resisted, as it will amount to intruding into the territory of the judiciary and the judiciary may object to it.

Likely Approach of the Judiciary

- In the case of the Election Commission using its powers and barring the persons from contesting against whom criminal and corruption charges have been admitted in the court, how will the judiciary react?
- The Constitution is an Organic/Living document. Therefore, it should be liberally interpreted, wherein it will also address the needs of the future societies.
- In India, the judiciary is also evolving just as

democracy is evolving.

- It has been recognised several times that the Constitution enacted several decades back needs to be amended in tune with the changing times and aspiration of the people. In such circumstances, no judgement can be conclusive. Whatever judgement the Supreme Court has given earlier with regard to powers of the Election Commission need not be considered as sacrosanct, since the judiciary itself has revised several of its verdicts in the past.
- In the case of the judgement against Mr. P. J. Thomas, who was Chief Vigilance Commissioner, the Supreme Court observed that persons holding such positions need personal integrity though, in this case, Mr. P. J. Thomas's case has been pending in the court. Mr. P. J. Thomas subsequently resigned. If Supreme Court would hold such a view on Mr. P. J. Thomas case, it should hold similar views in the case of legislators and parliamentarians too, who are the law makers. How can a law maker be of doubtful integrity, which is so when corrupt and criminal cases are pending against them in the court?
- In such circumstances, any move of the Election Commission to bar those persons from contesting against whom corruption and criminal charges have been admitted in the court, need not be considered as disobedience of the Supreme Court directives, particularly when such directives have been given by the Supreme Court in some other context at some other time in the past, when conditions were different.
- The Supreme Court may be approached by the Election Commission to give its decision in the matter of the powers of Election Commission, if it thinks that it would be necessary.
- However, this is not necessary, since the Constitution has to be interpreted in a liberal manner duly considering its original objectives and intentions and not in a restrictive manner. The Election Commission, a constitutional body, is entitled to take its view based on its conscience and wisdom, particularly since it is the conscience keeper of the nation similar to the judiciary.

The Ball is now in the court of the Election Commission:

- Today, it is unrealistic to expect that parliament will enact laws, barring those persons from contesting, against whom corruption and criminal charges have been admitted in the court.

- In the past, Election Commission has sent number of recommendations for electoral reforms to the government and almost all of them have been ignored. Election Commission should not be satisfied simply by sending recommendations and thinking that it has done its duty. It does not complete its duty simply by sending recommendations and proposals. It should move beyond this to fulfil its duty and responsibility.
 - When elections are not conducted in a free and fair manner, what is the use of electoral law and what is the use of Election Commission? If Election Commission would simply remain as an observer, then what is the way out ?
 - Some agency has to step in to protect the free and fair electoral process and Election Commission is the most appropriate agency to do so as it is directly responsible. If it would not act, it would clearly give an impression to our countrymen that it has no commitment to the cause of fair and free poll.
 - The fact that the people's strong sentiments to bar those persons from contesting against whom corruption and criminal charges have been admitted in the court should enthuse the Election Commission to act, all the more realising its duties and responsibilities to the Constitution and people of India should spur it to act.
 - If the Election Commission does not do so, it would amount to a grave letdown of the country's electoral democratic process by the Election Commission.
- A Report by: N. S. Venkataraman, Nandini Voice for The Deprived, Chennai, Email: nsvenkatchennai@gmail.com, Website: www.nandinivoice.org. Tel: 044-24916037**
-

Allow FDI in Mining

Public sector monopoly in coal mining has proved to be a drag on the growth of coal production and consequently, thermal generation in the country. The government has been toying with the proposal to allow FDI in mining but has stopped short of implementing it. The time has now come to open up coal mining to private sector participation including from foreign companies. This is one way of ensuring that coal output keeps pace with the demands of the power sector.

Given the controversies surrounding the coal mine allotments now, this probably sounds like a fancy idea. Yet, it has to be pointed out that such controversies should not be allowed to paralyse policymaking. Such a paralysis, if it occurs, is a sure-fire prescription to stunt economic growth. Incidentally, opaque policy and controls are prime factors that drive scams and it is time that these controls are loosened and transparency ushered in. Hopefully, a new government in power after the next elections will start on a clean slate and exercise the necessary political will to liberalise the mining sector.

A Ministry of Energy?

I offer this as a solution to harmonise the policies and actions of the different ministries that now administer the energy sector — Petroleum and Natural Gas, Power, Coal and New & Renewable Energy sources. Nowhere in the world, certainly not in an economy the size of India's, do we have so many compartments in a prime sector such as energy. There is a single Ministry of Energy which lords over all these sectors. The advantage is that the

top policymaker or minister there can frame holistic policies that take into account all the pluses and minuses of the different segments. Today, we see these segments pulling in different directions and fighting silly turf wars that help nobody but end up causing immense damage to the national cause.

But this will also mean the loss of at least three ministerial jobs and several secretary, additional secretary and under-secretary jobs not to talk of clerks and chai-wallahs down the line. In an era of coalition governments and jumbo cabinets this idea will obviously not fly. So no prizes for guessing where this idea will end up!

I will leave you with a quote from an interview that I did back in June 2000 with the then CMD of NTPC, Rajendra Singh, who alas is no more. The situation in the energy sector was exactly the same as it is now except that the numbers were smaller in keeping with the size of the economy then. Answering a question from me on what was needed to clean up the mess in the power sector that prevailed even then, he said: "It's simple. What is needed must be installed, what is installed must be generated, what is generated must be transmitted and distributed, what is distributed must be billed and what is billed must be paid for." Simple logic but we have managed to complicate it in practice.

**Raghuvir Srinivasan, Business Editor, *The Hindu*.
Excerpted from his 12th Ambirajan Memorial Lecture,
delivered in Chennai on 4 May 2013.**

N O T E S

The Right to Strike

SOME strange words were heard at the recent conference of the Indian National Trade Union Congress held in Surat. The conference threw out by an overwhelming majority an amendment insisting upon the reiteration of the workers' right to strike. During the discussion there were a number of speeches by leaders, including the Labour Minister of the Government of India, advising the workers to give up their right to strike.

The argument appeared to be that, as the State has accepted the establishment of socialism as its objective and as the nation is embarking on the Second Five Year Plan, workers should give up their right to strike. The argument is very similar to the one that is heard so often in Soviet Russia and other communist countries.

There is no dispute that strikes and lockouts should be avoided. But they can be avoided best by encouraging the processes of collective bargaining. Enlightened employers as well as strong and responsible trade unions never allow disputes to reach the stage of lockouts and strikes. The INTUC should work towards that end rather than think of giving up the right to strike. The right to strike is one of the sacred rights that a democracy guarantees to workers.

Writers And Bhoodan

Acharya Vinoba Bhave has called upon writers and journalists to devote at least one-sixth of their knowledge and talents to the service of the Bhoodan movement. The Acharya has been collecting land and wealth from others, but from literary men, who he knows have hardly any land or wealth, he expects only a little use of their talents for the propagation of the great movement initiated by him.

This is indeed a very modest demand and it is to be hoped that literary men will respond to it. In this connection, it is gratifying to note that the Indian Committee for Cultural Freedom has already decided to make its modest contribution. It persuaded Sir Rustom Masani to write an authoritative book on the Bhoodan movement. The book, it is understood is already in the press and will be published by Collins in London in the autumn of this year. This is a very commendable effort which should set an example to others, both individual writers as well as literary and cultural organisations.

Ban on Films

The recent order of the Government of India banning the public exhibition of eight foreign films with an African background cannot be justified on any ground. The films are banned it is stated because "they fail to portray the people of Africa in proper perspective".

The order would have had some justification if the complaint had been that the films had portrayed the people in

an offensive or derogatory manner. The Indian people would not like to see a film which holds the African people to contempt or ridicule.

But the complaints against the films were that they did not portray the people of Africa in the proper perspective. This is too vague a charge which can be easily made against any film with respect to one community or the other. On that score, many an Indian film will have to be banned because it does not portray the people of a particular province, community, trade or profession in the proper perspective.

If the Government and the Board of Film Censors are allowed to ban films on such flimsy grounds, a stage will be reached when no films will be safe. This is indeed a serious encroachment on the rights of the film industry and the liberties of the people. In this particular instance, the Government may have acted thoughtlessly and out of their mistaken zeal to placate some unduly sensitive African students. If there is no protest against the action, one cannot be sure, however, that this arbitrary power arrogated by the Government will not be used in a more flagrant manner and for more selfish purposes another time.

I.C.C.F. NEWS

Mr. James T. Farrel, the celebrated American novelist and Chairman of the American Committee for Cultural Freedom arrived in Bombay, on Saturday, June 2. Mr. Farrel will deliver a public lecture on the American Novel under the joint auspices of P.E.N. All India Centre and the Indian Committee for Cultural Freedom at the Town Hall on Monday June 4.

*

A dance and music recital was arranged by the Committee and Quest on April 27, 1956 in honour of a Japanese Cultural delegation. Mr. Nissim Ezekiel, Editor, *Quest*, welcomed the delegation on behalf of the Committee and *Quest*. Prof. Tetsuzo Tanigawa, leader of the delegation, made a suitable reply. The performance was highly appreciated by the Japanese delegation consisting of writers, sculptors, dancers, painters and art critics.

*

The Patna Group organised on April 30 a lecture by Mr. G. Pavey on "Appreciation of Western Music." The lecture was accompanied by the playing of records. The programme was arranged with the kind co-operation of Mr. Van Rhijn, Managing Director, Philips Electrical Co., Ltd. Calcutta.

*

Mr. Irving Brown, a member of the International Executive of the Congress for Cultural Freedom and the representative of the AFL - CIO, delivered a lecture under the auspices of the Committee on May 8 on "What is Happening in Soviet Russia?" Mr. V. B. Karnik presided.

What you have just read are excerpts from Notes and I.C.C.F. News in Freedom First in its issue No.49 of June 1956. You will find the full text of this article and more in our archives – www.freedomfirst.in

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