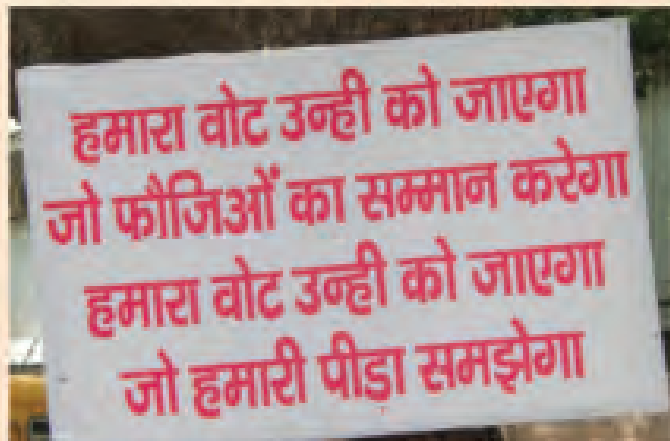


Freedom First

The Liberal Position

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The Battle at Jantar Mantar is not for money alone

The Big Fight is for 'Izzat'

Surjit Singh

“If the leash on military leaders gets too tight, they will neither be able to bite nor even bark, when the balloon goes up”

A Dark Chapter in Indian Military History

The *only* thing common between 16th December 1971 and 16th December 2008 is the date and the month on the calendar. For the rest, these two days are poles apart. On the first of these historical dates, the Indian soldier was on cloud nine. He was the cynosure of all eyes. But on the 37th anniversary of *Vijay Diwas* the same soldiers who had done the nation proud, were biting dust; breathing polluted Delhi air and reduced to begging for equitable pensions. A brave heart, who was once a 3-star general, slept on a bug infected mattress to *fight for justice*. This demonstration was initially planned for six days, because no one believed that they could muster enough volunteers for a period longer than that. Events tell a different story today:

- On 19 December, one old soldier decided to go on 'fast unto death' He was soon joined by a few more. They had to be cajoled to break their fasts.
- Similar rallies were held in many other cities, including Mumbai.
- More than 10,000 medals including gallantry awards have since been surrendered to the President of India in three instalments.

Why are Old Soldiers Seething with Anger?

The immediate trigger for these unprecedented demonstrations of anger is the denial of "One Rank One Pension" which has been the battle cry of veterans for the last 25 years. This hurts more, this time, because the Congress party had made a specific promise in October 2003 to rationalize pensions if voted to power. The figures finally promulgated tell the following bizarre tale:

- A Havildar with 24 years service who retired in December 2005 has been granted Rs 5,239 while a Sepoy who had rendered only 17 years of service but went home a month later, in February 2006 gets Rs 6,800
- A Lt.Gen. with 40 years service who had commanded a Corps, with more than 50,000 troops under his command, but retired in December 2005 gets Rs 27,700

while a post-2006 retiree Col (TS) who had put in only 26 years service and led nothing more than a company with less than 100 soldiers gets Rs 30,375 merely because he retired a month later.

- The past pensioners find it hard to digest that while most of them have been only granted a multiplicand of 2.26 over their 'base' pensions, the improvement factor is 3.07 for several apex posts. That this is because those fortunate ranks are on 'fixed' salaries or are covered by the 'protection clause' does not convince them, since it is not a sufficiently cogent justification.

Root Cause Analysis of the Current Stir

Make no mistake. While these devastatingly vile pension disparities hurt the rank and file, the loss of *izzat* and *élan* is an equally disturbing factor. Over the years, the status of soldiers has been eroded in a systematic manner.

- Despite a very earnest request by the service chiefs, the government refused to appoint a soldier, serving or retired, as a member of the 6th Pay Panel.
- The report left the services seething with anger. An Anomalies Commission comprising eleven Secretaries was constituted, to remedy the situation. Once again no service member was considered either necessary or desirable. The report of this committee has not been made public, but the government issued implementation instructions based on its recommendations. The service chiefs then identified four core issues in their dissent to the revised dispensation: (i) status of Lt Gen; (ii) Grade Pay of middle piece officers (iii) Pay Band of Lt Col and (iv) Pension of PBOR. Of these four, the financial effect of the first two was virtually nix while the latter two entailed substantial burden on the exchequer. Ironically, the government accepted the latter two demands, but only offered to constitute a 'high level committee' to examine the first two. *Obviously, money is not a consideration.*
- After the 5th CPC, the pension of the pre-1996 Maj.

Gens. was fixed at a level lower than that of Brigs on the pretext that they were 'functionally equal to Joint Secretaries'. They contested this in the courts of law. After a ten year long legal battle, the soldiers won the case in the Supreme Court in September 2008. The government is still dragging its feet on payment of a mere Rs 900 per month to less than 500 retired Maj. Gens.!

Fear of a Coup?

Do you notice a pattern in the above decisions? The polity of our nation has an obsessive fear that the military will take over this country, the way it has in our neighbouring countries. From that unfounded fear, they are willing to go to any length to keep the soldiers out of the decision making chains. And so, they are willing to grant money, but deny them the status which they deserve. It is because of this fixation that the military officers have been lowered in the table of precedence in a systematic manner over the years, slowly but surely. A Corps Commander who commands more than 50,000 troops has been placed lower than a DG Police, of whom there are dozens in all large states. A similar situation obtains at all other levels. In the South Block, a Maj. Gen. with 34 years service is equated with a Joint Secretary who may have just 20 years service and no 'hands on' experience of soldiering. The slogan which guides the civil servants is, "*Put the Generals in their Place; and Keep Them There*"

Ministry of Defense or Ministry of 'Delays' (MoD)?

During my 13 years service in the South Block, I observed that the "MoD" never returned or '*rejected*' a case. They always found a 'committee' to 'resolve' the issue, and kept referring them to different officers until they were able to identify a pliable officer who toed their line. Having put the service officers on a tight leash, the civil servants rule the roost. The pay case is just one manifestation of this mess, with the MoD having to issue so many amendments. Equipment procurement and logistics are even worse. It is generally believed that *you can sell junk to the military at fancy prices*. The industry looks upon the military as its worst customer, and only those entrepreneurs choose to deal with the South Block who know how to wade through the antiquated procedures and vested interests. The root cause of the present stir is that the soldiers want to regain the position as it obtained fifty years ago, and the civil servants are unwilling to give up their powers. They have managed to convince the political bosses that the *status quo* must not be disturbed. The overwhelming response which this movement has received for the present stir actually derives from the anger which has accumulated in the sinew of veterans who have been

slighted by bureaucrats, and prevented from doing the job that was assigned to them. One of my esteemed friends once observed,

"Serving in the South Block is like having to fight with the hands tied behind your back. You can save your nose by ducking, but can never hit back"

The Danger of Letting the Pot Boil Over

It is evident this problem is not going to blow over in a hurry. Those who are trying to brush it under the carpet are leading the nation to grave risk. At the moment, the situation is confined to an untidy looking tent in New Delhi's Jantar Mantar, but if the splinters of this fire fly out, any of the following can happen:

- Attractiveness of military service may plummet from its already abysmally low level. *Who would like to become an officer or strive to rise in the system where generals and colonels are treated in this shabby manner?*
- If, the sympathy wave travels to South Block, the civil-military relations may reach a flash point, and the consequences can be disastrous.
- And indeed, if a few hot heads boil over, the nation may have to pay a very heavy price. Soldiers are trained to handle weapons and destroy infrastructure. I shudder to think beyond this point.

A Moot Question, "Do the Rulers of India Trust the Soldiers?"

If the answer is yes, then there is only one way, *involve their leaders; empower them, mobilize them and let them co-create a resurgent nation with you*. The generals and the colonels have stood behind the people of this land like a rock in war and peace. Do not treat them like pariahs and distrust their loyalties. Take it from me, they neither have the desire nor the gumption to rule this country. If you tighten the leash of your pet beyond a point, there is danger that it may choke and not be able to bark and bite when you need its help. Similarly, if you over rule the considered advice of a service chief, you lower his moral authority. When the day of reckoning arrives, their legitimate command may be treated as frivolously by his soldiers as the contempt with which his recommendations were dismissed by the rulers of the land. *Would a soldier like to be prepared to make the supreme sacrifice for a general who could not fight for his rights?*

Tail Piece

To improve the lot of veterans, a 'Department for Ex-servicemen's Welfare' was established by the
(*cont'd. on page 22*)

Pakistan's Pet Abomination

Sharad Bailur

When the idea of Pakistan was first mooted, it was to give to the Muslims of the subcontinent a home where their own religion was practised. Accordingly they got their state based on the religion followed by the majority in certain areas. These happened to be the whole of the north-western portion of undivided India and an enclave in the east in Bengal.

For a whole decade after the creation of Pakistan, its newspapers carried serious articles about why India should not call itself "India". The term owed its origin to the river Indus, most of which flowed through Pakistan. The Indus Valley Civilisation which was the first truly documented archeological find about India was in Sind - in Pakistan. If any country had a right to the name "India", it was Pakistan. The Indians could call their country by any other name - perhaps Bharat.

A New Mythology ...

From then on Pakistan defined itself in relation to India. It would do anything to match Indian aspirations and best them. It would prove that this new "land of the pure" ("Pak" is the 'Urdu' word for pure) was in fact a land superior to that which the Muslims of the subcontinent had left behind. A single Pakistani soldier was better than ten Indian soldiers. This myth was sedulously fostered and taught to children in Pakistani schools. And it was believed. After all, Pakistan had "got back" a large part of "Azad Kashmir" from those crafty Hindus in 1948 and never given it back. When the 1965 war took place Pakistan had fought to a stand-still or even won against (depending on the interpretation) the enemy to the east that was far superior in numbers. The Pakistanis had proved themselves. In fact Pakistan's celebrations of victory over India in hockey or cricket are a part of this entire exercise. They are celebrated with much greater fervour in Pakistan than in India. Those of us who celebrate when India wins are merely falling into a Pakistani trap of 'famous rivalry' equivalence". Would we celebrate victories over Bangladesh or Sri Lanka with the same fervour?

... Bangladesh Breaks Away

The first reality check came in 1971. After the carnage by the Pakistan Army in East Pakistan, courtesy Lt. Gen. Tikka Khan, India faced the problem of feeding and looking after more than 1.2 million refugees who had poured across the border into India. In twelve days beginning 17 December, the Indians decimated the Pakistani

forces in East Pakistan, destroyed its Air Force on the ground and won their way to Dacca with textbook precision. They simultaneously fought Pakistan to a standstill on their western front. Capturing 93,000 prisoners of war, they forced on Pakistan an unconditional surrender, the instruments of which were signed by Lt. Gen. A.A.K. Niazi on behalf of Pakistan and Lt. Gen. J. S. Arora on behalf of India, on the Polo Grounds of Dacca. Its Prime Minister, Zulfikar Ali Bhutto, then signed an agreement in Simla to give up hostilities with India.

Not that it was meant to be taken seriously.

The Chinese Threat

Unlike Pakistan, however, India looked at its concerns as being of a much larger nature. It had faced an implacable enemy cross the Himalayas and lost a war with it in 1962. In the long run Pakistan would merely be an irritant, not a threat. The real worry would be China.

After it failed in repeated attempts to secure a nuclear umbrella from the west, something that it had suspected for long would happen, India decided to build its own bomb. It could have done so by the end of 1964, but in the summer of that year the architect of India's nuclear weapons policy, Jawaharlal Nehru died. And as bad luck would have it, so did Homi Bhabha, the scientist, in an air crash on Mont Blanc in Switzerland.

Pokharan 1

Lal Bahadur Shastri, his successor, going by Nehru's public pronouncements of peace, did not do anything to speed up the bomb. It therefore took till 1974 for India to conduct its first nuclear explosion at Pokharan. The Chinese made the expected disapproving noises and went with the Americans and the British to place an embargo on nuclear trade with India at the London Suppliers Group.

Pakistan's Saudi Connection

The Pakistanis, however, sat up and took notice.

Bhutto vowed before his audiences in Pakistan that they would “eat grass if necessary, but Pakistan would make its own ‘Islamic’ bomb”. The Americans fearing that the Pakistanis would contribute to nuclear proliferation as well, (they were firmly convinced that India would), offered them a rather large carrot valued at some millions of dollars to persuade them against making the bomb.

Unfortunately the Americans had never understood the Pakistani mind. Robert Kaplan wrote in the *Atlantic Monthly* some years ago about his interviews of Pakistani citizens: Pakistan would never have given up its right to make its own atomic bomb, even if the US offered it a lot of money to do so. They would have made it, irrespective of the cost. The Indians had done it. The Pakistanis had to do it. “We have always defined ourselves in relation to India. We have never defined ourselves as a nation in our own right. That is our tragedy.” said a Pakistani interviewee to Kaplan quoted by him in the interview.

Lifting of the Nuclear Embargo

Last year the Nuclear Suppliers Group of 45 countries finally lifted the embargo on nuclear trade with India (the same embargo that had been imposed in 1974 after Pokharan I by the five original members of the London Suppliers Group). This came about after a much publicised treaty signed between the US and India in which, in return for the lifting of the embargo, India would separate its civilian nuclear facilities from its military ones, and subject the civilian facilities to inspections by the International Atomic Energy Agency.

Pakistan once again sat up and took notice. It wanted a similar deal for itself, it said. If the Indians could get a nuclear deal, so should the Pakistanis. The Pakistanis in the meanwhile had acquired a rather dubious reputation for nuclear proliferation through its A. Q. Khan nuclear ‘Walmart’. They had offered nuclear technology to North Korea in exchange for their rockets. They got the Chinese to test one of their bombs at Lop Nor. They gave away nuclear secrets to Iran and Libya all of course with a nod and a wink from China. The United States therefore dismissed any ideas about a deal similar to the ones the Indians had got, rather contemptuously.

“Pakistan De-hyphenated”

Now Shahzad Chaudhry, a retired Air Vice Marshal (AVM of the Pakistan Air Force) and a former ambassador, writing in the *Daily Times* of Lahore on 23 February 2009 complains about the de-hyphenation of Pakistan from India with a recent reference to the region being called AfPak, rather than Indo-Pakistan in his article titled “Pakistan De-hyphenated”. He begins by saying that India would like the subcontinent all to itself, as though this, somehow,

makes the fact of Pakistan in the neighbourhood vanish into thin air; and, incidentally, what about all those other countries in the neighbourhood - Nepal, Bangladesh, Sri Lanka etc? (see box next page)

He makes much of SAARC saying that it was, in fact, an Indian idea. Pakistan lobbied for the inclusion of Afghanistan, Iran and Maldives, in the expectation of getting support from what went on to become a majority of Muslim nations in SAARC. The idea was to use this forum to seek the support of the other members to gang up against India. That it did not succeed, goes without saying. That Pakistan tried, also goes without saying.

AVM Shahzad Chaudhry does not like the thought of a resurgent India riding an economic boom, making a success of itself. Here is a quote from his article: “Socio-economic development has altered perceptions to some extent, but the hate for Pakistan lies far from buried. The recent Mumbai experience and surprisingly thoughtless diplomacy lay bare the dynamics of the Indian mind.”

The Mumbai Terrorist Raid and After

After the revelations of how the plot was hatched in Pakistan and how the terrorists came by boat from Pakistan and killed nearly 200 people in India, all accepted by Pakistan’s own authorities, India is supposed to have the kindest feelings towards Pakistan. Indian defence analyst K. Subramanyam writing in *The Times of India* on 26 February 2009 says, “There is general agreement in India and the US that the 26/11 Mumbai terrorist attack was carried out by people with the intention of provoking New Delhi to react militarily. This in turn would have resulted in Pakistan shifting forces from its western to its eastern borders and arguing that it was unable to effectively support the US-NATO strategy in Afghanistan. India however, did not walk into the trap.” The diplomacy was anything but “thoughtless”. He adds: “Rejoicing in the de-hyphenation of Pakistan is yet another symptom of this malady. What may have only been a latent desire of the contemporary Indian leadership has found unwitting currency with the US coining a new geo-political description – ‘AfPak’ – hyphenating Afghanistan with Pakistan with an implicit effect to erode Pakistan’s natural alliance with her region of birth.”

There is “no natural alliance with her region of birth.” Pakistan unilaterally repudiated that claim in 1947.

Pakistan’s Middle East Crutch

Further: “The core of Pakistan’s existential interests lies in South Asia and not with West Asia.” And yet it has been Pakistan that has all along wanted to establish

The article alongside is largely based on Sharad Bailur's comments on reading Air Vice Marshal (Retd.) Shazad Choudhry's column in Lahore's Daily News of February 27. Mr. Bailur's decision to publish this article in Freedom First was preceded by an exchange of emails with the AVM, extensive excerpts of which are reproduced herewith.

Air Vice Marshal (Retd.) Shahzad Choudhry

I reply to your rather long mail for reason of acknowledging your detailed work on my article in the *Daily Times*. That you chose to spend the time that you did in deciphering every word of what I wrote in itself is an implicit reason for my gratitude.

Sir, you tend to read too much into what I have stated. For a moment, step back, take a deep breath, and look at every word the way it is written - just the face value. If it makes another sense from how you perceive it to be, consider that may really be the purpose of the author. Just one thing needs correction; my reference to unconventional threat is not about nuclear - I hate to talk about it - it actually is about the transnational threat of terrorism that knows no borders even though they be of the LeT type.

Trust me, Mr. Bailur, the ordinary Pakistani, like any ordinary Indian continues to be driven and nurtured through the tradition and psychology of animosity and hatred. Some of us, on both sides believe genuinely in endeavouring to change perceptions through a gradual process of opinion making. Simply, because we believe earnestly in the fact that in the modern world regionalism will be the main surviving entity against globalised trends and inimical forces that will endanger interests such as environment, food security, water management etc.

I hope people like you will have a more positive role in drastically changing the way that we think in our respective countries. We already have entire populations grown on hate.

I do not know how old you are, but if I may, when the euphoria based on reading too much into my writing is all over, give simple thinking a chance. You may view things differently.

Normally I do not respond to every mail because one cannot really tell who is on the other side, but for the time you took, I consider this to be a genuine attempt at analysing my analysis - howsoever I might disagree with your rather over-stretched meaning of my style.

Regards.

Shahzad Choudhry

Sharad Bailur

Thank you sir. I would not have even known about your article (we don't normally read Pakistani newspapers; the ones we hear about are *Dawn* and perhaps *Pakistan Times*, both from our English TV channels). It was brought to my notice by a Google group that I involve myself with called India Security Watch. We saw your article on the website of the newspaper. The reply was written as fast as I can type; which is fairly fast. We at India Security Watch then decided that the issue was too trivial to merit a full discussion.

So I offered it to *Freedom First*, a small but influential monthly coming out of Mumbai, that was started in 1952 by one of India's Constitution makers, Minoo Masani.

Yesterday I was google-chatting with a close friend and former college-mate of mine from Lucknow who is also a journalist - Lakkan Hasnain Naqvi, who is presently in Delhi. Lakkan suggested that I should send a copy to you since you had given your e-mail address at the end of your article - something that I had overlooked. This was how the article finally reached you.

I was both surprised and gratified that you thought it fit to reply at all. I would only be too happy to have the article withdrawn, if you wish. Also my regrets for any discomfort I may have caused you.

Incidentally I am 62, a retired former banker who dabbles in journalism as a hobby. I am not a regular writer for any newspaper or magazine, though I have written for a number of publications in India and the US.

Cordial good wishes,

Sharad Bailur

AVM Shazad Choudhry

First up, you are older than me; and therefore reserve the right to say what you feel; and I in our true tradition must accept any criticism without a whimper.

Next, I don't think you should let a good write-up be wasted; share it with your readers. Yes, if you wish to alter your thrust a bit, that is entirely your choice.

If you so wish you may read me every Monday on www.dailytimes.com.pk. It has been a pleasure communicating with you.

Regards.

Shahzad Choudhry

an identity of interests with the Middle East and the nations of Arabia. To this day it offers to the Saudi Royal Family a contingent of its troops for their personal protection. Pakistani Prime Ministers, kicked out of office by its military at the point of a gun, are sent to Saudi Arabia to contemplate their sins, and to repent at leisure. In return Pakistan receives vast quantities of aid, the nature of which remains carefully under wraps, because much of it goes to arm Pakistan to fight the good fight against a non-Muslim neighbour. And he says: "the hate for Pakistan lies far from buried." Quite.

And what about the Muslim *Ummah*? Would Pakistan rather embrace a Kaffir India merely because of an accident of geography? Has a commonality of religion, with all those West Asian countries, no significance?

The Swat Surrender

Afghanistan has absolutely nothing to offer Pakistan except a bunch of religious roughnecks with automatic rifles and anti-tank shoulder fired rockets. Sending them off to fight Pakistan's war in Kashmir has not resulted in much success. Those horrible wild men have come to realise that they are being used as cannon fodder. So they forced Pakistan to accept their terms in Swat. Why would Pakistan want to be clubbed with Afghanistan?

Or is it a case of economic determinism? After all even the Taliban accepted a huge bribe to sign the indefinite ceasefire. The West Asians sit on a sea of oil, and they have offered their largesse over the years in return for religious hostility towards India. But that oil will dry up in the next three decades; so will the largesse.

Pakistan is totally incapable of thinking of itself as a nation without having India by its side, as a kind of psychological prop. It is an illustration of their extraordinary inferiority complex. And their angst.

Was Pakistan a Poor 'Bargain'

Here was a magnificent experiment in cross-cultural living with a huge common market to boost their prosperity in, and they gave it all up in 1947, to form a nation based on a religious ideology which now threatens to gobble them up. If they had remained in India they could have perhaps threatened, cajoled, out-populated the Hindus and by sheer weight of numbers, taken over this entire sub-continent. Instead, because of Jinnah's insistence, they are left with "a moth-eaten Pakistan" very likely to face extinction-by-hyphenation with those wild men of the northwest.

For a long time the "kaffirs" made an economic mess

of their country and did not even know on which side their Cold War bread was buttered. It then invited mere resentment, contempt, and even dismissal. But now this "home" that the Pakistanis left behind, is beginning to prosper at a world level. And that hurts. To put it in today's management language it is like giving up an excellent potential high paying job in IT with Infosys to start working for, say, the neighbourhood grocer. What a terrible bargain.

Unfortunately any regret, which is probably very deep down in the Pakistani psyche, has congealed over the decades into a burning resentment complicated by the Islamic mythology of inherent superiority. How is it possible for a Kaffir nation to be superior to one that calls itself the "Land of the Pure" and follows the tenets of the One True God? After all His followers did rule this nation over a thousand years - four times longer than the British did.

There is a lot to what someone once told me: "If Pakistan were by some miracle to be wiped off the map (not that India wants that to happen), India would still survive. If India were to be wiped off the map, Pakistan would collapse."

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Why Afghanistan is the Wrong War!

Multiple sources, including Lawrence Wright's book *The Looming Tower*, make clear that the Taliban was a reluctant host to *al Qaeda* in the 1990s and felt betrayed when the terrorist group repeatedly violated agreements to refrain from issuing inflammatory statements and fomenting violence abroad. Then the *al Qaeda*-sponsored 9/11 attacks – which the Taliban had nothing to do with – led to the toppling of the Taliban's regime. Given the Taliban's limited interest in issues outside the "AfPak" region, if they came to power again now, they would be highly unlikely to host provocative terrorist groups whose actions could lead to another outside intervention. And even if *al Qaeda* were able to relocate to Afghanistan after a Taliban victory there, it would still have to operate under the same siege situation it presently enjoys in what Obama calls its "safe haven" in Pakistan

John Mueller, *Foreign Affairs* (published by the US Council on Foreign Relations), April 15 2009

Democracy's Frenetic Dance

Firoze Hirjikaka

Ashok Karnik's excellent article "Devaluation of Institutions", (*Freedom First*, April 2009), lays out in broad terms what ails India's democratic institutions – and why, kicking and screaming, we still cling on to them like an impossibly annoying friend we long to discard, but cannot bring ourselves to.

I am not yet a total convert to the theory of reincarnation but, if I was, I would lay odds that that cunning old fox Machiavelli has taken rebirth in the form of Narendra Modi! In 2006, the latest illustration of his political savvy was the appointment of P C Pande – of Godhra infamy – as the new Gujarat DCP. Modi was too shrewd not to have anticipated the inevitable backlash from human rights groups and political activists. In fact, he was counting on it. Now the good DCP could be portrayed as a God-fearing Hindu martyr being pilloried by those minority-loving do-gooders; while Modi rallied his troops who, incidentally, would also be voting this month, while setting himself up as a Defender of the Faith.

A Draconian Bill

Again in 2006, the Broadcast Content (Regulation) Bill was proposed to be introduced in parliament, ostensibly as legislation designed to take action against television channels showing news items that could endanger India's internal security and communal harmony. This is just a smokescreen for the government's true intent. With the plethora of sting operations being carried out recently by television news channels, it was only a matter of time before the hammer of government retribution fell on them. While this draconian act of parliament was deplorable and a direct infringement of the rights granted to our citizens under the Constitution of India, it should not have come as too much of a surprise. The string of exposes, dating back to "Tehelka" has had our political leaders squirming in their seats for quite some time. More dangerously, from the latter's point of view, is the fact that the revelations have woken the voting public out of their customary lethargy and indifference. Suddenly, words like "transparency" and "accountability" – anathema to our politicians – are being bandied about. It must have scared them out of their wits.

Police Reforms Imperative

In 2006, a Home Ministry committee, headed by Soli Sorabjee, formulated proposals to make the police more professional and insulate them from political influence. The

reason why India has never realized its full potential is that, despite having the economic clout, technical expertise and natural resources of many 'First World' countries, the quasi-colonial mindset of its politicians keeps it firmly mired in the 'Third World'. One of the biggest drawbacks of our successive governments has been their almost psychotic need to control everything. This is particularly evident in the case of the nation's police force, where the right to interfere in, even dictate, transfers and promotions of our men in khaki is jealously guarded.

Of Two Wrongs and One Right

If all our political parties have one favorite mantra, it has to be this one: two wrongs **do** make a right. Whenever one party is caught on the wrong foot, it invariably attempts to justify its reprehensible behaviour by sanctimoniously pointing out that another had done something similar in the past. Case closed. In 2007, the BJP definitely did not cover itself in glory with its handling of the controversy over the release of the offensive CD making derogatory statements about Muslims. The party's sole defence was that the Congress party had used similar propaganda against the Sikhs in 1984. In other words, a disgraceful action, once taken, became an acceptable precedent for similar transgressions in the future. What was sauce for the goose was sauce for the gander.

Truly it is said, in politics, that the only constant principle is the grabbing, or retention, of power. Thus it should not really come as a surprise to learn that, in 2007, the Shiv Sena was contemplating joining hands with Indian Muslim Congress party in Malegaon, to share the mayoral spoils in the upcoming elections. Remember, this is the same Shiv Sena that, at one time, wanted to send Indian Muslims back to Pakistan: the same Shiv Sena that threatened to dig up cricket pitches if a Pakistani team dared to show its face in *aamchi* Mumbai: the same Shiv Sena that purports to be the main standard bearer for an aggressive Hindutva.

In 2008, the verdict in the Bilkis Bano case elicited

an understandable sense of satisfaction, even elation, in right thinking members of society. The fact that the guilty verdict took so long was a minor irritant. Justice delayed has become a fact of life in India. The elation, though, needs to be tempered with a reality check. Bilkis Bano may have finally got justice, but will it change anything in her life, or that of her family? And what of her coreligionists in Gujarat? Justice remains as distant a dream for them today as it was in 2002.

Mayawati's Megalomania

In 2008, a news report described how Mayawati suspended four IAS officers for praising Rahul Gandhi in a book. This particular incident may seem rather trivial, but if allowed to go unchecked, it will only encourage someone who is exhibiting all the signs of megalomania. It is painfully obvious that power has gone to Mayawati's head – absolutely. As it is, the brazen effrontery with which she is enhancing her personal wealth, in the name of 'donations', already proves that she considers herself above the conventions of checks and balances that are the cornerstones of a democracy.

The Baksheesh Syndrome

We are all accustomed to government and municipal workers turning up in droves at our door for *baksheesh* and, in truth, we don't grudge it to them. What is unconscionable, however, is the prevailing practice of highly paid ministers and bureaucrats demanding bribes in the form of expensive gifts from corporates and high worth individuals, complimentary hotel rooms and holidays; and other freebies. It is not as if these parasites need the money: apart from more than adequate salaries, they already have lucrative sources of "other income". It is nothing but naked, unvarnished greed. These people just get a thrill of getting something without paying for it. Even more abhorrent is their attitude that this fructuous largesse is almost their birthright.

Terrorism Knows No Religion

In 2008, the BJP went to town promoting Sadhvir Pragma as their new poster girl. For the BJP to portray the Sadhvi as some sort of Hindu martyr was the height of opportunism. Granted that her involvement in terrorist activities has not yet been proved, but neither has it been disproved. Yet the BJP has rushed to judgment and to declare her a wronged innocent, merely to reap political dividends. What if it is proved that her actions led to the killing or maiming of dozens of innocent men, women and children? Will the BJP continue to defend her, or will they do a *volte face* and trot out lame excuses, as they are wont to do? Perhaps they will fall back on the Biblical

injunction of an eye for an eye. The Muslims started it, so the Hindus are entitled to retaliate. The real point here is that terrorism is a crime against humanity, no matter who the perpetrators are. It is not exclusive to any religion - nor can it be justified under any circumstances. To exploit it in the name of political expediency is despicable.

Using Film Stars in Political Wars

The news that the Congress party intends to field actors Raj Babbar and/or Ravi Kishan as their candidates in the forthcoming Lok Sabha elections, comes on the heels of similar notifications by the Samajwadi Party for Sanjay Dutt and Aishwarya Rai. This business of fielding film stars is becoming an increasing and disturbing trend in this country. It is nothing but a cheap ploy by political parties to cash in on a star's popularity. It would be almost humorous, if it did not directly affect the lives of common citizens. These celebrities have no experience and zero aptitude for politics. In addition, they have such extremely busy schedules that it would be unrealistic to expect them to spare any time for their parliamentary duties - even if they have the inclination. If any proof is needed, the disgraceful example of the sheer ineptitude and indifference of the outgoing Lok Sabha Member Govinda should serve as a cautionary tale.

Encouraging Signs

Amidst the feeling of helplessness and despair, however, there have been a few shining moments. After decades of watching helplessly as our government officials get away with their misdeeds – sometimes, literally, with murder – time after time – things may be about to change. In a heartening sign that India's democracy may finally be maturing, the public may at last get their hands on the one weapon that has eluded its grasp since Independence: accountability. The first salvo was fired by the Right to Information (RTI) Act Commissioner, Sudhir Joshi. That government "servants" are reluctant to divulge information is hardly news. It goes against the very core of their being; not to mention decades of tradition. Now a couple of them have been fined for not fulfilling their obligations. More importantly, *the money is to be recovered from their pockets; not from their departments*'. This is the first measure that is likely to act as a real deterrent.

The second encouraging development has been the conviction and sentencing of Santosh Singh in the Priyadarshini Mattoo murder case. For far too long, the rich and powerful in this country have used their clout to commit crimes with impunity. In most cases, the "law enforcers" are reluctant to even register an FIR – unless

(cont'd. on page 22)

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.

Impending Auction

1. Election time is akin to the bull rush in the stock market. All the wheeler dealers are busy making deals to be on the side of the possible winners. It is open season for all, with no limitations of morality, ethics or plain decency; winner gets it all. It is an opportunity that comes once in 5 years, not a time for squeamishness. The entire country is witness to the grand auction of loyalty. It is time to rejoice in the success of democracy and time for sadness at what we have reduced our democracy to. As this gets printed before election results are out, it may sound pessimistic but it is time to face the truth too.

The Congress has topped the list of parties fielding 'crorepatis' in the first phase of the Lok Sabha elections, with nearly 50 per cent of its candidates in the electoral fray having assets in crores. At least 193 millionaires are in the race to enter the 15th Lok Sabha in the first phase according to the Association of Democratic Rights (ADR). While 45 of the 93 candidates fielded by the Congress in 11 states are 'crorepatis', the BJP has fielded 30 super-rich contestants out of its total kitty of 79, according to a PTI report.

1. No party is likely to get a majority. The biggest party would attract all the floaters and ideological acrobats. They can explain any action, howsoever illogical or unethical, by offering the excuse that all the chicanery is necessitated by national interests. We the people, being gullible, are supposed to applaud this selfless service. This is going on and on particularly since 1996 when just anybody could claim to be nation's saviour. We have watched this spectacle with dismay and disgust without being able to do anything about it. It is likely to happen again in May 2009. Will the so called national political parties take control for once and form a national government or at least support each other's government on the basis of a common programme? There is no great divide between the Congress and the BJP, except that of verbiage and bogus ideological obfuscations. Let us have a strong, stable government that cannot be blackmailed by this small group or that. Can the two parties see where the national interest lies? It is time to end the unholy rule of miniscule groups, be they regional parties, communists or assorted socialists. The tyranny of those without mandate has to end.

Varun's Martyrdom (?)

2. Varun Gandhi's speech in Philibhit made him a national figure; such is the influence of the electronic media. Whether he deserved this importance is a question not to be asked. The process of martyr-making was unwittingly helped by the Election Commission who took its role of national saviour too seriously. Instead of leaving the matter of his 'communal' speech to normal legal process, it sought to punish him summarily. The embarrassment of being labelled as a communalist was promptly converted into a heroic act by Varun Gandhi's poll managers. The compulsions of reacting to the media barrage drove both the EC and the Government into hasty responses. If Varun Gandhi is guilty of spreading hatred, he should be judged to be so by competent authority, not through public trial. The CD showing him making the virulent statements needs to be put to test for its authenticity. The usual police short-hand reporters were presumably not on hand.

2. Given our criminal judicial system, it would take years to convict or acquit Varun Gandhi, by which time what he said would be irrelevant and be best forgotten; its memory would only rekindle passions that need to be put to rest. The whole exercise becomes meaningless. Either the EC needs to be given summary powers or the police made so effective as to stop people from making such statements. Can the forensic tests of the CDs not be expedited? Varun Gandhi's educational and cultural background militates against the idea of his making such violent pronouncements. However, guilty of this offence or not, invocation of NSA against him for the rioting that followed his court appearance was plain misuse of the Act. The tendency of the Government to get at its opponents through such subversion of law is dangerous. The Supreme Court is looking into the matter and before this is published, justice might have been done.

"Politics is the art of preventing people from taking part in affairs which properly concern them." Paul Valery

The Lahore Attack

3. The audacious attack on the Police Training Centre at Lahore on March 30 again proved the ability of the terrorists to strike at will in Pakistan. Their greatest strength is the availability of *fidayeen* who are prepared to die; once the fear of death is removed, nothing can stop a person from achieving his objective, however bizarre. The worst i.e. death is already included in the equation while calculating the chance of success. The question a sane man asks is what do they achieve through this kind of self destruction? They do destroy other lives along with theirs but can it be called an achievement? They do not capture territory nor do they capture any office. They create fear and the perception that the government is powerless. It is a battle for the minds of the people. In Pakistan, the fanatics want to topple the Government and capture power in order to Talibanise the whole country. In India, since they cannot hope to capture power, they would only like to weaken the government and create chaos through breakdown of law and order.

3. Are the Pakistani people united or motivated enough to thwart Talibanisation of the country? Will they back their Government through this crisis? Or are they enamoured of the idea of religious upsurge and jihad? Can the civilian government or even the army motivate the people to back a legal government or has the fanatic appeal of the fundamentalists spread too deep? Or does the Pakistan Government really want to destroy the Taliban? Therein lies the rub. We in India have a lesson to learn. As long as we keep faith in our system of governance (irrespective of the ruling political dispensation), terrorists cannot achieve their objective; they may attack again and again but nothing will budge us. The rising tide of fanaticism is a matter of concern. However, there is very little India can do to help Pakistan; anything we do would be viewed with suspicion. We have to leave Pakistan to help itself. Even the US can only provide material aid but cannot force Pakistan to fight the monster that is its own creation. The US entertains the idea of forming a grand ACPAK strategy. This would involve, at some stage, the demand for India to ease pressure on Pakistan, which would be unacceptable to India.

Readers are invited to send in their points of view on serious issues of the day to avkay@mtnl.net.in

Intelligentsia Must Rewrite National Agenda

As the world's largest free electorate prepares to vote in India's 15th general election scheduled to roll out countrywide between April 16-May 13, a striking feature of the election rhetoric is the deafening silence of national and regional political parties on the most important issue confronting 21st century India which owes a deep duty of care to the world's largest (450 million) child population: public health and education.

The pre-election public discourse in India is in sharp contrast with the recently concluded combative presidential elections fought in the US ... in which these issues were high on the debate and development agenda. In Britain too, education gets top political billing during general elections. In 2001 Labour Party leader and former prime minister Tony Blair famously remarked that the top three priorities of Labour were "education, education, education", and swept the British election that year.

Against this backdrop of growing global awareness that development of a nation's human capital is the vital precondition of national development, the indifference of India's political class as a whole to public health and education reforms is testimony to how out of touch they are with the aspirations of the people. In all of contemporary India's 200 million households – as in America's 80 million households – there is a deeply felt, even if unarticulated, need for quality public health services and education.

education has never crossed 4 percent of GDP even though the Kothari Commission recommended 6 percent way back in 1966. Worse, provision for public health services has never exceeded 1.2 percent of GDP, forcing millions of children and youth, who are expected to deliver 21st century India's 'demographic dividend', to live half lives.

But even as India's much trumpeted demographic dividend shows signs of mutating into a demographic disaster, leaders and strategists of India's major political parties seem unaware of the public yearning for a meaningful health and education infrastructure, which can aid and enable generation next to break out of the vicious cycle of ignorance and poverty....

As election fever rises and the debate on national development priorities intensifies, it's upto the teachers' community in the country's 1.24 million schools, 431 universities, 21,000 colleges and not least the media, to highlight the critical importance of education and healthcare. The blame for the shameful neglect of these urgent issues cannot be laid solely at the doors of politicians – the intelligentsia is also complicit. It's still not too late for them to awake, arise and discharge their mandatory role within the social order.

Editorial in *Education World*, April 2009. Published from Bangalore, the journal is edited by Dilip Thakore, the well-known founding editor of *Business India* and later the *Business World*. Visit www.educationworldonline.net

Despite this, the annual outlay (Centre plus states) for

Political Hypocrisy

H. R. Bapu Satyanarayana

Her remark conjures up a vision of vicious and barbaric religious punishment and has the grave potential of creating disharmony in society.

The union minister for Women Child Welfare Smt Renuka Chowdhury has been embroiled in a non-bailable case under various sections of the Indian Penal Code filed by Mangalore's Mayor and 14 others in a Magistrate Court. for her remark that Mangalore has been 'Talibanised'. Her remark conjures up a vision of vicious and barbaric religious punishment and has the grave potential of creating disharmony in society. In fact TV channels were equally guilty of repeating this for weeks with visuals followed by commentary which only served to inflame passions. There are several words in this *genre* used freely and but not challenged so far

For example, the Congress party taking the lead has started calling BJP non-secular as though it alone has the copyright for secularism. The other political parties, the mainstream media and TV use it freely. In any political discussion the word non-secular attributing to BJP is used as though everybody takes it for granted. Now it has metamorphosed into being described as an 'untouchable party' Everybody has caught the contagion, even respected journalists and political analysts. This is a powerful way to condition the mind, and its electoral advantage for the parties who use it, is obvious.

I believe this is due to the fact that at the time of independence the Congress party had high visibility. It was under the leadership of Mahatma Gandhi who was the political and spiritual mentor for the whole of India. We must remember that at his call the whole of India responded though he never belonged to any party much less to the Congress. This is further validated by the fact that Gandhi desired that soon after independence the Congress party should be dissolved. As this would mean loss of power his advice was not heeded.

Unfortunately, an impression has been sedulously built up that it was the Congress which secured for India its independence. The hangover of this impression is firmly etched in the psyche of the media and has paid rich electoral dividends to the Congress party which has arrogated to itself the position of being the real heir to Mahatma Gandhi's lineage. We now know how this has

helped perpetuate dynastic rule because in the minds of the *aam admi*, the name of Gandhi evokes a sense of awe and reverence. In reality it has been usurped by pretenders to the throne. The story would have been different if Sardar Vallabhbhai Patel in whose favour a consensus existed was chosen as Prime Minister. It was obvious that Nehru was peeved but even Mahatma Gandhi, great as he was, succumbed to his weakness; for, in his overwhelming love, he thought that Nehru would carry on his legacy. And when he scribbled a note to Patel during the meeting, the Sardar, out of deep regard and reverence, quietly withdrew in favour of Nehru. Thereafter the baton passed on to Smt. Indira Gandhi and thus the hold of the Gandhi-Nehru cult started.

Meanwhile the BJP gradually turned into a strong party and posed a challenge to the Congress, which saw the ground slipping away and the prospect of losing power after an uninterrupted hold for four decades, unsettling. When the BJP began talking of restoring lost values and its intention of creating an Indian identity which it called as *Hindutva*, the Congress started this campaign of calling the BJP as non-secular. It raised the bogey that *Hindutva* would lead to Brahminical and upper caste tyranny with all its historical baggage. It tried to paint *Hindutva* in lurid light even when the Supreme Court has held that the use of *Hindutva* has no negative connotation.

I hold no brief for Hindus or Muslims; they are part and parcel of our great Nation, and have equal rights; but that does not mean one thrives at the cost of the other. The tragedy is that if only the rights and responsibilities mandated by the Constitution had been implemented from the beginning, no discrimination nor polarization of society based on caste, sub-caste, or religion would have taken place. There would have been no necessity for the Mandalisation of the country which released the evil genie of reservation and is balkanizing the country. All disharmony and evils in our system can be directly traced to the thirst for power and not for service.

(cont'd. on page 22)

Come On, Liberals: Let's Change India!

Equal Opportunity in the Free Society

Sanjeev Sabhlok

Everyone must be equally free. On that everyone is agreed. But the fact that this equality of freedom translates to equal opportunity (EO), a major plank of the liberal platform, is an area of considerable contention and calls for careful consideration.

The erstwhile Swatantra Party committed, as the first of its 21 principles¹, to “equality of opportunity for all people without distinction of religion, caste, occupation or political affiliation”. Similarly, the Liberal Party of Australia believes “in equal opportunity for all Australians”. But wherefrom do these conceptions about EO arise, and what exactly do they mean?

Meaning of Equal Opportunity

The most important connotation of EO, on which there is general agreement, has to do with political equality – things like equal citizenship, universal franchise, the uniform application of laws, and absence of discriminatory obstacles to achieving higher (public) office. But as Friedrich Hayek noted, this conception does not mean “that ... the chances of the different individuals [will] be made the same.”² EO does not imply equal prospects, leave alone equal outcomes. It is an enabling provision, with prospects and outcomes squarely determined by the efforts and demonstrated ability of each citizen.

The second part of EO is the social minimum – a connotation not at all agreed to by all people who advocate liberty. I side with Hayek and most classical liberals on this matter. Thus, Hayek noted in *The Road to Serfdom* that the (free) society assures everybody of “some minimum of food, shelter and clothing, sufficient to preserve health and capacity for work”. It must be noted that providing for a social minimum must be considered by a government only after adequately providing for defence, police, and justice. In my terminology, EO is a second order function.

It is worth mentioning that the social minimum outlined above has nothing in common with John Rawls's difference principle which asks “social and economic inequalities are to be arranged ... so that ... they are to be of the greatest benefit to the least-advantaged members

of society”. Rawls's principle leads to illiberal outcomes and severely distorts property rights. In my view, his is a step towards socialism.

The Equal Opportunity Social Contract

But you could ask: Why is the conception of social minimum above not merely another socialist ruse for cross-subsidising the poor? Surely we are not responsible for others (for we didn't bring them into the world). So why are we being asked to take on responsibility for their existence, even if it is set at a frugal level?

In response, note that equal freedom is meaningless to a sick and starving person or illiterate tribal. If our body and brain doesn't function or we can't think critically, we can't be free. Everyone in the free society must therefore be minimally healthy and possess some basic knowledge.

But consider now the imperatives of our strategic (enlightened) self-interest. A moment's reflection will show that EO is in our long term interest because it leads to a stable and aspirational society.

We know that our life energy springs from Nature. Therefore, at some point the laws of the jungle could well apply to us. The poor man who steals bread to feed his starving family, or kills a rich man who has denied him even a menial job, thus taking him to the brink of existence, is governed at that moment *only* by the brutal laws of nature. To construct a moral society we must get away from this precarious 'state of nature'. We must create incentives to prevent amoral behaviour.

The problem is that Thomas Hobbes's whimsical *Leviathan* allowed the rich to gain enormously at the expense of the poor. But this supercilious sovereign soon bit the dust with the beheading of Charles I. Out of this defeat (and the subsequent Glorious Revolution) arose the *Equal Opportunity Leviathan* where equal political freedom was assured more widely, and individual powers better balanced. Indeed, Kaldor and Hicks show us clearly that if we want stability then those who gain from the

¹ [<http://tinyurl.com/cw8npm>]

² In his essay, *Liberalism* (1973). [<http://tinyurl.com/d29c wd>]

³ [<http://www.indiapolicy.org/debate/Notes/NIT-paper.PDF>]

social contract must compensate those who lose. Buchanan and Tullock (*Calculus of Consent*, 1962) and other theorists have also thrown useful light on this matter. Robert Axelrod, in *The Evolution of Cooperation*, showed us how a tit-for-tat rule (balance of powers) leads to stability and cooperation.

The EO society with a social minimum thus acts as a strategic balance-of-powers society in which petty criminals, Naxalite revolts, and beggars sprawled on footpaths are absent because all of them have been empowered to make an honest living. It is important to emphasise that this contract is not motivated solely by the fear of the rich being attacked by the poor. There are untold benefits for everyone from having a healthy, well-educated citizenry. And, of course, we all gain deeply by ridding society of poverty. EO is really good for our soul.

This (EO) society is particularly stable (and optimal). The rich can reap the rewards of their efforts without the state confiscating their wealth. The poor prefer it because merit and hard work are rewarded, thus enabling their upward mobility, even as they can take shelter, if the need so arises, under the social minimum. The EO society thus motivates everyone to work hard (and ethically) to achieve their highest potential.

An Equal Opportunity Package

The EO package has to start with an EO law to eliminate discrimination in opportunities for public office on grounds of religion, caste, sex, physical handicap, economic status, domicile, and the like. This law must necessarily abolish affirmative action and subsidies for religious groups, as both these things violate EO principles by discriminating on the basis of religion and caste, and by going well beyond the requirements of the social minimum (which is applicable to the basic physical and

education needs of the poor, not to their desire for religious pilgrimage).

The social minimum (insurance) package includes universal school education delivered through private channels funded by the state in the form of top-up vouchers determined by parental income and assets. Health insurance vouchers as appropriate (*not* direct health care provided by government!), and emergency care entitlements, come next. Finally, the incomes of the poor are topped up through a negative income tax scheme³ (NIT) to eliminate poverty without distorting work incentives.

This social minimum has to be paid through an actuarially fair premium raised through taxes, with all calculations made public. My preliminary calculations show that NIT would eliminate poverty in India by redirecting existing (and ineffective) subsidies *directly* to the poor. For good quality school education some supplementation will be needed through borrowings, but these can be recovered through higher taxes from the well-educated citizens of the future.

In closing, it is important to note that delivering EO will need the resolution of numerous public choice, moral hazard, and public administration problems, some of which I will discuss in the coming months.

Freedom Team of India (FTI)

The FTI (<http://freedomteam.in>) has now started developing many policies to make India a free country. These will be released for public comment in late 2009. In the meanwhile I look forward to your continuing support of this nascent liberal effort.

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“Magna Carta: The Essence of Democracy.”

A nearly 800-year-old document is on display till June 10, 2009 in the archives at the Reagan Library in Simi Valley. It's the Magna Carta of 1215 brought from its usual home at the Lincoln Cathedral in England.

The charter dates back to 13th-century England, under the rule of King John, who angered the barons with his high taxes, harsh fines and costly unsuccessful wars. Fuelled by their grievances and backed by their armies, the 25 barons demanded that John reinstate the civil liberties and rights previously granted to them under the Charter of Liberties of Henry I.

Facing an armed revolt, King John met with the barons on June 15, 1215, on the fields of Runnymede near Windsor Castle. There, he conceded to all the requests of the barons and affixed his seal to a formal grant that later became the Magna Carta. The rights set forth in the great charter evolved into English Common Law...Of its 65 clauses, two stand out as key democratic principles: “No free man shall be arrested, or imprisoned, or deprived of his property...unless by legal judgment of his peers, or by the law of the land” and “To no one will we sell, to no one will we refuse or delay, right or justice.”

For more information, visit www.reaganfoundation.org



Cornucopia

Firoze Hirjikaka

The More Things Change ...

Abraham Lincoln's vision of a democracy being for the people seems a figment of the great man's imagination.

Does anyone remember the candlelight marches and vigils that spontaneously took place in Mumbai and other cities in the immediate aftermath of the Mumbai terror attacks on 26/11 – when the citizens of this country expressed their outrage and disgust at the incompetence and lethargy of their government – when they shouted with one voice that enough was enough; and things had to change?

But has anything really changed? The political parties are abandoning old alliances and forming new ones – not based on a shared ideology, but merely on grounds of perceived winnability – with gay abandon. There is supposed to be honour among thieves, but this year even the thieves are merrily ditching each other on the altar of expediency. Old criminals are seeking re-election and new ones are eager to enter the fray – with the full backing of political parties, who pepper their utopian manifestos with meaningless promises of “good governance,”

One would have imagined that, at the very least, the Mumbai attacks would have jolted our somnolent authorities awake to beef up the security apparatus. But that too has turned out to be wishful thinking. A report in *The Times of India* indicates that a major proportion of Rs.127 crores sanctioned by the Maharashtra state government to equip the police forces with adequate weapons and equipment to handle terrorists will probably lapse by the end of the current financial year, since action on procurement is tied up in the customary red tape. A

survey by the Government Railway Police reveals that, even four months after 26/11, Mumbai's main CST station – the scene of deadly carnage – has no doctor on hand, no ambulance or first aid box and only two stretchers.

I could give examples galore, but I think the point has been made. *Plus ça change, plus la meme chose* (the more things change, the more they remain the same). The point is that our politicians and bureaucrats care a fig for the people's demand for prompt and effective corrective measures. Abraham Lincoln's vision of a democracy being for the people seems a figment of the great man's imagination. The only thing that matters to them is grabbing and retaining power and positions of authority. If anything will shake them out of their indifference and contempt of the common man, it will be the fear of losing these perquisites.

And that is where we, the people, come in. We are the only ones who can force a change – and we can do it by voting intelligently. Voting intelligently implies not being taken in by populist gimmicks like rice at Rs.3 a kg – a promise that will promptly be forgotten soon after the results are in. It means not voting for known criminals. Above all, it means voting for a particular candidate based on his potential to work for the benefit of the common man – and not merely because he happens to belong to the same caste. Is that too much to hope for? Perhaps it is; but really, what other choice do we have?

What Was Varun Gandhi Thinking?

Varun Gandhi is no intellectual giant, but he is not a moron either.

On the face of it, Varun Gandhi's hate speech in Pilibhit makes no sense. It is akin to committing political suicide. This begs the question, why did he do it? Varun Gandhi is no intellectual giant, but he is not a moron either. His only possible motive for making a speech like that is for electoral gains.

So did Gandhi badly miscalculate? I'm not so sure. For sure, the speech has been roundly condemned by the media and those who write letters to the editor. But we have to remember that that is not the constituency he was

addressing in his speech. The immediate parallel can be drawn to post-Godhra Gujarat. Narendra Modi's indifference to the atrocities being perpetrated on Muslims – indeed his thinly veiled encouragement to the perpetrators – evoked revulsion on most right thinking Indians. Even the leader of his own Party, Vajpayee, initially expressed his abhorrence, before being silenced by his party members. In the end though, Narendra Modi had the last laugh. He was re-elected with a thumping majority.

The point I wish to reiterate is that it is not easy

Profiles of Indian Liberals

Rustom Masani

B. K. Karanjia



It was a happy occurrence that, returning to India after the abortive Round Table Conference, Mahatma Gandhi and Rustom Masani travelled by the same ship S.S.Pilsana. In the course of several interviews on board ship he ascertained that although the

recently passed Bengal Ordinance had made Gandhi's position extremely difficult, he was still trying hard to avoid a breakdown in the negotiations. Masani suggested that instead of asking for a withdrawal of the Ordinance which Government might consider too humiliating a price for co-operation, the Congress might satisfy itself with an assurance that the most obnoxious clauses of the Ordinance would not be put into effect as long it co-operated with the Government. "I am not going to impose any humiliating conditions", Gandhi assured him. "I am trying to find an honourable solution". On arrival in Bombay even as the Indian leader was walking down the gangway, Masani told his son Minoo who had come to receive him: "Minoo, now I hope you hotheads will not urge him to break off negotiations with Government".

"What are you talking!" Minoo exclaimed. "The war is already declared. Have you not heard that Jawaharlal has been arrested? There can be no peace in the country now."

"We had no news about Jawaharlal's arrest", Masani said, "but it is nonsense to talk about war. Let Gandhiji have time to consider what can yet be done for a peaceful settlement".

The situation was critical. Gandhi expressed the

For Freedom's Sake

wish to meet the Viceroy, the autocratic Lord Willingdon, but the request was not granted. A few members of the Welfare of India League of which Sir Purshottamdas Thakurdas was President and Masani the Secretary, went in deputation to the Governor Sir Frederick to intervene. No purpose was served. Instead, Gandhi was arrested and the country was plunged again into civil disobedience. The rule of law was replaced by rule of the Ordinance. Visibly upset, Masani enquired of the Home Ministry whether if he were writing the history of the period, how would he justify the hasty and arrogant gesture of the Viceroy. Another British member of the ICS, put the same question, frankly replied, placing his hand on Masani's shoulders, "Don't worry. The arrest of Gandhi had to be done some day. Before the prisoners are released, the Government itself will announce reforms in the Constitution." Masani could only conclude, sadly, that in hoping to put down the Congress and then to reconcile its members in due course to the policy of reforms, the British rulers seemed to have read history to little purpose.

The condition precedent to freedom was unity. When the Award for special representation of the Scheduled Classes in the legislatures was introduced, Gandhi undertook a fast unto death. His object was to awaken his countrymen to the enormity of the disaster that seemed to threaten Hinduism and nationalism alike. However, there were people who regarded the fast as political blackmail. In a spirited rejoinder in the *Free Press Journal* (September 22, 1932), Masani wrote: "None knows the weight of another's burden. None at any rate would hazard an estimate of the burden of the man who, Atlas-like, carries the weight of a vast sub-continent on his feeble shoulders." The article was accompanied by a cartoon by Mala showing the Indian leader lifting a continent on his shoulders!

When Gandhi was convalescing in Lady Thackersey's house in Pune, it fell to Masani to acquaint him with the general feeling in the Congress circles about the futility of the Civil Disobedience Movement. Gandhi accepted the criticism and at the same time expressed the desire to declare individual civil disobedience. Masani,

however, persisted in his advocacy of a different strategy, Council entry in full force, with Gandhi himself as the leader of the opposition. Gandhi smiled, but stuck to his opinion that once such a movement as Civil Disobedience was withdrawn, the spirit of revolt stimulated thereby would be dampened and it would not be easy to revive it.

In the mean time a letter by Gandhi to his influential friend Mr. Polak that he would accept Dominion Status, if given the right to secede, was taken by Masani as the basis for further negotiations which, explored, led at long last, and for the first time, to Congress accepting office in 1937. Unfortunately, World War II broke out in 1939 and the Viceregal declaration that India too was at war with Germany went counter to the policy of the Congress to resist the use of India's men and materials in Britain's wars. After twenty seven months in power, the Congress ministries resigned. Efforts continued to be made to end the deadlock, notably by Sir Tej Bahadur Sapru and Sir Jagdish Prasad, but they failed. Masani, however, was firm in his belief that the two parties should get together and that with goodwill on both sides, the impasse might be ended.

This happened at the Simla Conference a year later. Masani was anxious for an opportunity to inform Gandhi of his humble opinion that elections should be contested not necessarily to demonstrate the Congress strength but to capture office. The opportunity came quite unexpectedly when Gandhi happened to be on the same train in which Masani was traveling to Bombay. Unfortunately it was his day of silence. But he listened patiently and from the way he nodded Masani got the impression that he did not disagree. Sardar Vallabhbhai Patel who was also on the train confirmed that on this occasion there was no idea of refusing or relinquishing office. Masani was provoked to write in an article entitled "Interviews with Gandhi": "I do not know what would be the next occasion that will take me to Gandhi". I hope and pray it may be to give my felicitations to him for his success in at last bringing about a settlement with the Muslim League and securing for India the freedom he has fought for as the Nestor of Indian politics for the last three decades."

But now a new problem reared its ugly head, casting a lengthening shadow across India's freedom struggle. Its seeds were sown by the unfortunate concession of separate electorates to Muslims in the Indian Councils Act of 1909. Convinced that independence was now only a matter of time and negotiation, he deplored the withdrawal of the Congress Ministries from the provincial governments in 1939. This created a political vacuum of which the astute Mohammed Ali Jinnah took full advantage. The Muslim League's retort to "Quit India" was "Divide And Quit".

A Committee of Action was appointed by the League to organize Muslim opposition all over India with a view to resisting the imposition of a unitary constitution and preparing for hardening the struggle for the achievement of Pakistan. The movement gathered such momentum that Gandhi was provoked to declare "I dare not contemplate the actuality. I should not like to be its living witness".

Unfortunately for India and even for Pakistan, the British Prime Minister played into Jinnah's hands. He dismissed Lord Wavell, then Viceroy, whose goal it was to bring the two parties together and avoid at all costs the division of the country into India and Pakistan. Impatient at the delay thus caused, Attlee dismissed Wavell and appointed Mountbatten to carry out the transfer of power. But, argued Masani, "the question that arises is whether the consequences of further delay would have been more disastrous than the partition of the country and its terrible aftermath – the slaughter, ruination and exile of thousands upon thousands of people. Today, six decades after freedom was won, we are still suffering from the aftermath as witness the Pakistan-inspired terrorist attack on Mumbai in the year 2009, not to mention two wars and several terrorist attacks. The tragedy is not that one nation was divided into two peoples, but that the two peoples continue shedding each other's blood. There's an irony too – the blood is the same and, there are more Muslims in India today than in Pakistan.

Gandhi was of course heart-broken. He did not attend the Independence Day Celebrations in Delhi on August 15, 1947. He considered his duty lay in Naokhali where Hindus were endangered by rampaging Muslims. There is a touching reference to this in the lecture Gandhi's devout follower Madhu Dandavate gave in the first of the Godrej Memorial Lectures. Pandit Nehru and Sardar Patel sent a messenger to Gandhi bearing his invitation to the Delhi function. In Dandavate's words: "When the messenger was about to leave, Gandhiji came out with him. He was standing below a tree. A dry leaf fell from the tree. Gandhiji picked it up, held it in the palm of his hand and told the messenger 'On 15th August 1947 what gift can Gandhi give to Pandit Nehru and Sardar Patel? A man like me, a man without power, a man without anything, offers this dry leaf for you to take to Nehru and Patel.' As he heard these words, tears rolled down the messenger's eyes. They fell on the dry leaf and Gandhiji, with his great sense of humour, said 'How great is God! He does not want that dry leaf to be given as an independence gift and therefore He has moistened it with your tears. It is glistening with laughter. Give this shining gift from me to Pandit Nehru and Sardar Patel on the first day of our Independence.'"

Many, many other Indians felt then, and the feeling has increased with the passing years, that freedom came to India at too heavy a price. Masani gave eloquent expression to his own feelings in his book "Britain in India" which I consider the finest, most moving of his several books. "Britain in India" spans a vast stretch of history – from 1879 when Father Thomas Stevens sailed for India, filled with dreams of the East from reading the works of St. Francis Xavier, to 1947 when Lord Mountbatten at the request of the Congress leaders continued in office as the Governor-General of India. The first thing Masani does in his book is to get his facts straight. He rejects the fallacy perpetrated by historians that the Company of Merchants of London to whom Queen Elizabeth granted a charter of incorporation wanted merely "to trade, to turn an honest penny, not to conquer." Masani makes it abundantly clear that Gandhi never advocated a total break from the British Empire, he meant no harm to Englishmen or to any legitimate British interest in the country. Like Maulana Azad in his memoirs *India Wins Freedom* Masani too bears eloquent testimony to Lord Wavell's sincerity and persistence in efforts to keep India whole.

Small wonder the book was well received in both countries. Jawaharlal regarded it as "a valuable addition to our literature on the subject." C. Rajagopalachari said

"It was an excellent book written as a historian should." A singularly perceptive review appeared in *The Times Literary Supplement*: "It is difficult to imagine a clearer, more comprehensive and fair minded survey of the British power and influence. The author describes himself as neither an historian nor an active politician, but he has an historian's sense of continuity and a politician's eye for relevant detail – perhaps one should say a statesman's eye. He also has an instinct for separating a good intention from a disagreeable effect – a first requirement when the subject under consideration is the British Raj – and a feeling for the differences which must always exist between the men who formulate a policy and the men who try to interpret it or tend to ignore it in the provinces, districts, courts and clubs of an oriental empire."

Unable, however, to shed his dream of unity, Masani dwelt despairingly on "the wounds of what is, for us, today, a broken household, and a broken world."

MR. B. K. KARANJIA after passing the ICS examination did not take up the job offered to him but preferred instead to be Rusom Masani's Literary Assistant. He was editor of Filmfare for 18 years and of Screen for 10 years and the author of 12 books. He was the first journalist to have been appointed Chairman of the Film Finance Corporation.

(To be continued)

Liberty and Death

Derek Humphry

A manifesto concerning an individual's right to choose to die.

In a spirit of compassion for all, this manifesto proclaims that every competent adult has the incontestable right to humankind's ultimate civil and personal liberty - the right to die in a manner and at a time of their own choosing.

Whereas modern medicine has brought great benefits to humanity, it cannot entirely solve the pain and distress of the dying process.

Each person deals with death in their individual way. Which way is determined by their health, their ethics, and personal living conditions.

The degree to which physical pain and psychological distress can be tolerated is different in all humans. Quality of life judgments are private and personal, thus only the sufferer can make relevant decisions.

Persuasion or provocation to the act of self-killing are deplorable and should be punished according to relevant laws. 'Suicide no longer being a crime, it is unacceptable to prosecute well-meaning people

for assisted suicide'.

Medically hastened death by request should be made lawful as it is now in the Netherlands, Belgium, Luxembourg, Switzerland and the American states of Oregon and Washington (each has different rules).

Choosing to hasten death by self-starvation and dehydration should be accompanied by palliative care. Electing to die by terminal sedation is also a choice provided it is freely made by the patient.

Advance Directives (Living Wills) and Durable Powers of Attorney for Health Care must be respectfully considered by medical professionals at all times.

Views on the dying process contrary to those expressed in this manifesto are respected, but must not trump the autonomy of the dying person's own decisions.

MR. DEREK HUMPHRY is principal founder in 1980 of the Hemlock Society USA and past president of the World Federation of Right to Die Societies. His famous book *Final Exit* published in 1991 has sold more than one million copies in twelve languages.

Israel at 60 : Brimming With Confidence

Nitin G. Raut

**At 60, Israel is a modern industrial and democratic state,
an oasis of democracy and freedom in West Asia.**

At the First Zionist Congress held on August 29-31, 1897, Theodore Herzl, the Founder of the World Zionist Organisation prophetically stated: "At Basle founded the Jewish State". It was an expression of the intense yearning of every Jew in the Diaspora for their State. 'Next year in Jerusalem' was symptomatic of a heart rending urge to return to Eretz Israel.

The 2000 year long arduous wait in the Diaspora ended when the UN Partition Plan of 1948 split the British Mandated Territory of Palestine into the Jewish State of Israel while the West Bank and the Gaza Strip were allotted to the Palestinian Arab State. But for Israel, the birth of its State left no time to rejoice. The announcement of the U.N. Partition Plan triggered immediate Arab aggression against the fledgling State and since then there have been four wars and, even after the historic Israel-Egypt Peace Agreement in 1978, real peace has still eluded West Asia – but with a difference: While the Arab States and most of them endowed with oil bounty continue to be dictatorships or despotic monarchies, it is Israel, in the midst of the tumult of wars, adversities and insurmountable odds that not only survives as a free democratic society with a vibrant multiparty democratic system but has also achieved economic progress and living standards which are the envy of many a country.

At 60, Israel is a modern industrial and democratic State, is an oasis of democracy and freedom in West Asia with a periodically elected Parliament (Knesset), a robust and independent judiciary, a free press and the rule of law. Not even in the worst crises of wars and terrorist attacks were these values compromised. In spite of Arab hostility there has been no state or vigilante type attacks on its Arab population.

A Melting Pot

Israel is also a classic example of the melting pot of Jewish communities the World over. With 2000 years in Diaspora, the Jewish communities that converged in Israel after independence on 14th May, 1948 were varied in their levels of education; diversified ethnic backgrounds; and with social customs, ranging from Western ethos to Indian sarees. The process was neither easy nor smooth.

But Israel achieved social integration, which many countries have failed. In this context the role of the Kibbutzim and Moshav have played a stellar role. Kibbutzim is a collective settlement in land commonly owned. The agricultural and industrial produce is sold by the Kibbutzim council and benefits in terms of food, clothing, education and social and cultural activities are enjoyed by all. Everything is owned by Kibbutzim except personal belongings. On the other hand 'Moshavs' are based on principles of co-operative settlement. Here each member owns his own farm and house but the produce is sold collectively. Today, only about 3% of the Israeli population lives in Kibbutzims. This unique social system has helped Israel utilize its manpower for production and optimum utilization of its scarce resources.

Compulsory Military Training

As a small State with a population of six million and under siege, Israel cannot afford a large standing army and its spectacular victories are attributed to the people who treasure their hard fought freedom. In Israel a boy or a girl after the age of 18 has to undergo compulsory military training without which there is no admission to the university. Thereafter every Israeli is on reserve duty till the age of 45 and has to undergo periodic military training. It is a nation of soldiers who are mobilized in times of crises. One such was the October 1973 Yom Kippur Arab attack. 6th October is the Day of Atonement the holiest day in the Jewish calendar and because of religious prayers, the Israeli borders were thinly manned. Egypt and Syria made a surprise attack across the Suez Canal and from the Golan Heights on 6th October 1973 forcing the small regular Israeli army to make a tactical retreat. However within 48 to 72 hours the reserves mobilized and the Israeli forces reversed the tide and were within 35 kms of the Syrian capital of Damascus, even crossing the Suez trapping the Egyptian Army on the western bank of Suez.

In Israel any Jew outside Israel has a right to acquire citizenship and that is the fundamental principle on which the Jewish State of Israel is founded. The Law of Return, 1950 ensures that every Jew who sets his foot on Eretz Israel acquires Israeli citizenship. But this does not render other minorities like the Christians, Druze and the Arabs,

second class citizenship for they enjoy equality in law. Among the Druze many have risen to high posts in civil and military services. There are even independent Arabs elected to the Knesset apart from some elected on the lists of the Labour and Likud alliances.

Self Sufficient in Food

In Israel 80% of the land is arid but the nation is self sufficient in food production. The average rainfall is merely 6 inches per year and that too in the northern part of Israel. But judicious conservation and harvesting of water ensures that there is 24 hours running tap water in every household. A national water grid connects north-south for continuous water supply. Necessity is the mother of invention. Given the scarce water resources Israel has invented the drip irrigation system whereby only the required quantity of water is allowed to drip at the roots, and this is done at night so that the loss of water by evaporation is prevented. Israel today not only grows fruits and vegetables in the desert but also exports flowers to Europe.

Multicultural Society

Israel though a Jewish State is a multicultural and multiracial society where all Jews and non-Jews have equal rights. The minorities are allowed to participate in the political process. Israeli law reflects equity and justice in terms of common law. In fact with the horrendous experience of the Holocaust and Nazi genocide the Jewish people understand the value of liberty and civil society more than any other people. When Ben Gurion, the first Prime Minister of Israel retired from politics he went back to his kibbutz in the Negev Desert where he was assigned the job of tending and grazing the kibbutz sheep. He accepted the job in all humility - egalitarianism in practice and in spirit.

Strong Economy

Israel's gross Domestic Product today is US.\$ 160 billion and the per capita income is US \$ 22,500/- in a nation

of little over six million with scarce resources and encircled by hostile powers. Unemployment is remarkably low at 7% . The current global financial crisis has not spared Israel. But given the strong fundamentals of its economy it has been able to absorb the impact to an extent continuing to grow at about 6% p.a.

Friendly Relations with India

Today India and Israel have strong friendly and fruitful ties. But this was not always so. India, for political reasons, had rejected ambassadorial level; diplomatic relations with Israel were managed by through Israel's Consulate in Mumbai kept alive a tenuous link through a difficult period. At one time it was Israel's only diplomatic outpost between Jerusalem and Singapore other than an Embassy in Nepal's capital Kathmandu. It was only in 1992 after the establishment of full diplomatic relations with Israel that the potentialities of India-Israel relations blossomed not only in trade and commerce but also in the supply of defence equipment and modern armaments.

Today bilateral trade between the two countries has crossed U.S.\$3.5 billion. India's exports comprise diamonds (60%), chemicals and textiles, while Israel's exports constitute diamonds (56%) machinery, chemicals, foodstuffs like dates and olives among other items. India has increasingly become an attractive tourist destination for Israel and so is the case for many Indians for whom packaged tours to Jerusalem are becoming increasingly popular.

But trade and commerce is not the only link. In Israel there are about 60,000 Marathi speaking Bene Israeli Jews who, even while integrating fully into Israeli society, have preserved their Indian way of life and celebrate India's Independence Day and Maharashtra Day. Many Indian Jews have died fighting for Israel's freedom. They form a vital social and cultural link between Israel and India.

MR. NITIN G. RAUT, a member of the Advisory Board of *Freedom First*, is a practising advocate based in Mumbai.

The Recent Conflict in Gaza

Palestinians were granted a chance with the (Israeli) withdrawal from Gaza, a chance they squandered. Gaza could have become a focus for reconstruction, the building of infrastructure, education, a free trade zone, a place for Palestinians and those who govern them to build an enclave of success. Somewhere to say to Israel – "Look we can look after ourselves peacefully, now let us have the West Bank too." Did they take that chance? No.

Palestinians voted for Hamas. Hamas chose to use Gaza to launch attacks on Israel proper. Palestinian Arabs chose politicians who are vowed to destroy Israel. Who is surprised that Israel won't concede anything to these people?

Liberty Scott

Excerpted from his Guest Editorial in *The Open Society*, Volume 81 No.2, Winter 2008.(This journal is published by the New Zealand Association of Rationalists and Humanists).

From Our Readers

T. N. Shanbhag, R I P

Having read in *Freedom First*, April 209 the tributes to Mr. T. N. Shanbhag and identifying myself with what is said there about him, I would like to remind your readers and all book-lovers that there used to be, during my student years and long after, another bookshop, The Popular Book Depot on the then Lamington Road, which also, for some time, had a small branch at Nana's Chowk.

This excellent bookshop catered to academically-minded readers, and books of a high scholarly standard were easily and usually available there - books like Bowra's *Oxford Lectures on Poetry*, Bosanquet's *A History of Aesthetic*, Blanshard's *The Nature of Thought* and even Aquinas's *Summa Contra Gentiles*. People don't seem to want to read such stuff today. The man getting such books and tempting us to buy them was one Mr. Rao. Let us salute his memory too.

S. K. Ookerjee Ph.D, Professor of Philosophy (Retd.), Mumbai

Freedom First joins Prof. Ookerjee in saluting the memory of Mr. Rao. Prof. Ookerjee remembers that he used to address him as Mr. Rao. Wonder if any reader can recall Mr. Rao's full name or his initials.

*

Terrorists-R-Us

I am thankful to Gen. D'Souza for his comments. However, the comments are somewhat off the mark.

It is not my belief today that Muslims are dangerous and Christians are unreliable. In fact it is my knowledge today that Christians are at least as good as anybody else in view of my experience with Christians including Gen. D'Souza whom I have met at a few Seminars. What I have described was a prejudice given to me when I was 4 years old - obviously I was not a "Management Guru" at that time.

I reiterate that my present belief is Christians as well as other minorities are very much a part of the mainstream. Even now some people are spreading misunderstandings about them as evidenced in the riots in Orissa, Goa etc.

Sharu S. Rangnekar, rangnekar@vsnl.com

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Penalty on the Secretary of a Cooperative Housing Society

This refers to a report in the press about the penalty of Rs.7,000 levied by the Central Mumbai District Consumer Disputes Redressal Forum on the Secretary of a Co-operative Housing Society for deficiency of service.

The Kolkata High Court has ruled that where every member is a shareholder and every shareholder is a member, there is no existence of two sides/entities for having transaction. This judgment has also been successfully used by the Delhi Gymkhana Club Limited, for setting aside demand for service tax.

The same basis would then establish that there is no

transaction of service between office bearers of a Co-operative Housing Society and its members. In fact, the office bearers contribute their own talent, energy and money for the welfare of members. In most societies, they are persuaded to accept the post and duties. They then have to face members who are unwilling to serve for their own welfare, who contribute nothing, and who will obstruct every decision of the managing committee. Further, every member of the managing committee has to execute an indemnity bond for actions taken by the society.

In case any member is not satisfied with the committee, there is provision to replace the entire committee through a special general body meeting. If the decision of the Consumer Court is not successfully challenged, it will be one more disincentive for people to come forward and contribute to smooth running of co-operative housing societies.

M. B. Damania, permin@vsnl.com

*

Varun Gandhi's Communal Outburst

There is nothing to be surprised or shocked at Varun Gandhi's communal outburst. He is the product of the RSS into whose embrace he was thrown by his mother when he was in his teens. It is universally known that the RSS has its inspiration from the fascism of Mussolini and the national socialism of Hitler. Dr. Hedgewar chose the black cap for RSS volunteers to wean them away from the white Gandhi Cap which swept the minds and hearts of the young and the old, of every boy or girl in the Gandhian era of the Indian freedom struggle. The young teenagers of the RSS were also weaned away from the national mantra of *Vande Mataram*. Instead they were taught to sing *Sada Vatsale Matru Bhume*, though the RSS today is posing itself as the champion of *Vande Mataram* and using it to arouse the Hindu psyche against the Muslims. The RSS and its offsprings the BJP, the VHP, the Bajrang Dal etc. want to channelize the energy of the people's mind in general and of the young in particular to hate all the other faiths and cultures and thus distort the role of India as the melting pot of many cultures. The RSS wants to hypnotize the people's minds to fantasise some kind of Hindu Rashtra in which all other cultures and thoughts and faiths play only a subservient role.

So the choice before the people of India today is either to dream of a nation with peace and prosperity for all or the kind of position that faces Pakistan today which is in the grip of the Talibanists.

V. N. Torgal, Bijapur (Karnataka)

*

The Law's Delays

With reference to Justice Puttaswamy's article, "The Law's Delays" the issue of *Freedom First* April 2009 I have a half-baked suggestion to make to expedite the criminal justice system: When an election is announced to the parliament/Assembly, all the criminal cases pending against the prospective candidates in the election should be entrusted to specially established fast-track courts. They should be directed to dispose them off in one month (i.e. before the election date). If the

The Big Fight is for 'Izzat' (cont'd. from pg.3)

Government of India in 2004. Logically, this outfit should have been headed by a soldier, serving or retired. But the privilege of leading this outfit has gone to a civil servant, who has never worn a uniform. Among other things, our pensions are a part of his responsibility. What veterans can expect from this new creation is portrayed by an Urdu couplet,

"Mera qatil hi mera munsif hai. Kya mere haq mein faisla dega?"

Democracy's Frenetic Dance (cont'd. from pg.9)

pressurized by media attention. And even if the case does reach the trial court, they use their muscle and money power to bribe witnesses, tamper with forensic evidence and, if need be, even bribe the judges. Now, at last, they have something to think about.

The third development is the proposed strengthening of the Consumer Protection Act. By bringing the municipal authorities into its ambit, the act will finally empower citizens to sue municipal corporations for acts of dereliction. Of course, it is too early to tell if this will actually work. After all, our municipal corporation is notorious for playing the blame game and wriggling its

(My tormenter is the judge. Can I expect him to give a verdict in my favour?)

MAJOR GENERAL SURJIT SINGH (Retd.) AVSM VSM was member of the Army's Pay Cell constituted for the Fourth Pay Commission during 1983-87. Later he was the Chairman of the Cell for the 5th Pay Commission in 1996-97. He has published a book "Wages Down the Ages" on the subject. Email: surjiteme@gmail.com

way out of awkward situations; but, at least, there is hope.

As these examples illustrate, the great unwashed Indian public is at last being shaken awake from its customary lethargy. They are beginning to realize that they **do** have rights; and the *chalta-hai* attitude displayed by their public "servants" is not a given – it can be changed. Arise, fellow citizens, you have nothing to lose but your complacency and a whole new responsive democracy to gain.

MR. FIROZE HIRJIKAKA is a freelance journalist familiar to *Freedom First* readers for his popular column 'Cornucopia'.

Political Hypocrisy (cont'd. from pg.12)

It is time all political parties rise above these crudities and if there are differences, they are articulated in a more civilized manner and refrain from using expressions that have the potential to create disharmony and polarize a society which is already stressed. Hopefully, the judgment when delivered in the case of Renuka Chowdhury will

serve to inject sanity to a political atmosphere which is currently vitiated and replete with name calling of the worst kind.

MR. BAPU SATYANARAYANA is a freelance writer. Email: what_option@yahoo.co.in

Cornucopia (cont'd. from pg.15)

to fathom what really goes on in the mind of a particular section of society. As the Gujarat election results showed, the alienation of Gujarat's Hindus from the Muslims was deep rooted, even though, before Godhra, it had not been openly expressed. If Varun Gandhi is not disqualified from

contesting the election in Pilibhit, he may actually win. The only thing one can predict about politics is that it is unpredictable.

MR. FIROZE HIRJIKAKA can be contacted at leonardo8_99@yahoo.com

From Our Readers (cont'd. from pg.21)

candidate is convicted, he would be debarred from the election according to the law. The expenses of the proceeding could be considered part of the election expenses of the candidate. This would help solve a number of problems:

1. By becoming a candidate, he/she would be submitting voluntarily to fast track justice. So he/she cannot complain of discriminatory treatment.
2. This would cleanse the public domain at one stroke.
3. Since most candidates are crorepatists (in fact having multiplied their wealth many times in the last four years) the expense involved should be tolerable to them. May be, the sponsoring parties are allowed to subsidise the bill.

4. It would focus attention on the character of the candidate.
5. Many criminals would think twice before contesting elections.
6. No candidate will have a criminal case pending against him/her; and
7. Incidentally, it would provide employment (though temporary) to legal pundits and journalists.

This suggestion, if thought worthwhile, can be refined by legal experts.

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Book Review



MINOO MASANI by S. V. Raju ● Published by National Book Trust, India, A5 Green Park, New Delhi 110016 ● 2007 ● Pages 100 ● Price Rs.200 (hard cover); Rs.60 (paperback).

Reviewed by Bhal Patankar, Chief Consultant and Founder, Institute of Strategic Management, a Mumbai based consultancy firm established in 1991 for support services coordination. Earlier he was associated with various business organisations for over 25 years ● Email: gr8warrior@yahoo.com

Minoo Masani was a principled politician is the first sentence that made me pause for the last so many weeks compelling me to read and re-read this biography by S. V. Raju, since I believe that, in the Indian context, these two words [principled politician] are poles apart.

To me he was a statesman; readers may recall a statement by former US ambassador to India Prof. John Galbraith that in India there are many politicians but scarcely a person who could be called a statesman. For Masani, the work for the country was his duty and also his right and he believed in carrying it out with the perfection in his mind as his self-perception demanded.

I recall that in the early 1700s, the story was told that a British doctor treated a Begum of the Nabob of Calcutta for which the Nabob was pleased to offer gifts in addition to his fees but the British doctor refused to accept the gift as he believed that the fees were reasonable compensation for the services rendered by him. However the Nabob was determined to shower a gift and, at his insistence, the British doctor thought again and sought trading rights for the East Indian Company. That was the beginning of Britain's empire building! Masani, to my mind, was like this British doctor.

I felt that Masani had a "heart with soul & mind" that is normally missing among the politicians who have that organ for the physical function of their body. His heart and brain were interacting in the interest of the country as he saw it and as such he was ready to retrace his beliefs once he realised their futility in the real world, where there are merchants who can turn a good opportunity for their country into something that suits their own selfish interests in preference to that for their country. Incidentally they remember the country on 26th January or 15th August only! No wonder they need a Sanjay Dutt to remind them of Gandhi!

For Masani, work for his country was a Mission and as such he could not go against the call of his heart. Both these faculties were well trained as he was well educated and had an inbuilt culture to match his thinking process. He was a man for crisis-handling and he did this

meticulously for the persons or causes that he valued.

He was a lawyer, author, educationist, parliamentarian and an intellectual to boot who could not [and did not] compromise his basic passion for the freedom of India and its people; had he not, he could have adorned many a State assignments. As the editor rightly observes, in India success is measured by offices held in government.

As a person with a well-trained mind, he wanted to study the Man /situation, analyse his own thoughts, sincerely, attempt to see the other person's perspective and then arrive at his own thought process, as he didn't hanker for acceptability through cheap compromises.

He had the courage of his conviction and was ready to stand firm in his belief that the means are as important as the ends. He was convinced that the country needed to nurture its children with basic values and the culture of the land as these are the foundation of good citizenship.

Masani had a knack of keeping issues and personalities apart, isolating the issues from the persona; he was therefore able to cross swords with those with whom he disagreed without hurting their personality - a rare virtue among present-day politicians.

He was an extraordinarily capable administrator which was why JRD Tata had no hesitation in taking advantage of Masani's talent for the Tata companies which he served for a number of years.

Masani failed to stop the growing breed of *Netas* with their double talk capabilities in the political parties he was associated, not having the personality of Jawaharlal Nehru who could push his thoughts on a person with his charismatic personality. Masani was a person who was frank and open and not deceptively dangerous and hence was not feared! Perhaps his adversaries knew well this trait in him and took advantage of this fact! For, Masani considered those who differed with him not as enemies, but as opponents.

In other words, Minoo Masani was not a man of the present era but of an earlier one - the *Satya Yuga*.

Between Ourselves ...

The lead article this time is on the grievances of our retired soldiers. It is sad that, after exhausting all other avenues in their fight for justice, our war veterans have had to resort to an agitation to place their tales of woe before the “*aam admi*” the current Hindi buzzword for the common man. It is even more sad to hear them say that their “big fight is for *Izzat* or honour. Maj. Gen. Surjit Singh, has laid bare their many reasons for dissatisfaction, and warns that if not attended to, it could lead to disastrous consequences. This, at a time when our country is facing serious problems – both external and internal – when the morale of our Armed Forces has to be at its peak.

Sharad Bailur is convinced that it is time to recall the reasons that led to the partition of India and why India is Pakistan’s pet abomination. He writes frankly of matters that some, particularly those in the establishment, would

rather brush under the carpet. *Freedom First* has in all these 56 years never hesitated to discuss openly matters that threaten the freedom and integrity of India and its democratic innards. It is in this spirit that we present these two articles to our readers.

The July issue of *Freedom First* will be an analysis of the General Elections of 2009. As usual this will be based on a one-day seminar on the subject that will be held in Mumbai on Saturday May 30. **If you are interested in participating then let us know immediately.** We shall let you have details of the time and place. You can email S. V. Raju at freedom@vsnl.com/jurasv@gmail.com or phone him on 9820016392 / 022 22843416 / 022 6639 6366

Editor

Cover pictures: (Top) Slogan linked to the ongoing General Elections; (Centre) Retired Lt. Gen.Kad yan confabulating with war veterans; (Bottom) Soldiers returning their medals to the President of India.

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