

Freedom First

The Liberal Magazine

*'You get a society which is responsible
when you get people who are responsible.'*

IRON LADY

MARGARET THATCHER
(1925 - 2013)

Freedom First believes in an open society based on minimum government and maximum freedom tempered by a sense of individual responsibility, in which the people's genius has a fair opportunity to develop and grow; we reject any ideology, movement or policy that sets one group of citizens against another be it based on class, caste, religion or envy.



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Freedom First

The Liberal Magazine

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Between Ourselves...

It's been an eventful month mostly sad – as usual. Another girl a child of 5 years of age has been raped and, at the time of writing in a serious condition in hospital. Delhi will soon enter the Guinness book for the largest number of rapes in a year, perhaps in a month or even a week. Nothing can be more telling than this horror. Our women – child, mother, sister who knows even grandmother are no longer safe. What do we do One of the things we can do is to get many many more women into our legislatures – Panchayats to Parliament.

Just read an outstanding article by Kuldip Nayar in the *Janata* (April 14) on Margaret Thatcher. Thought the highly respected journalist is pulling his punches. We propose to reproduce his article in our June issue. We are honoured to carry in the pages of this edition of our journal our tribute to the Iron Lady. Thatcher had qualities that Britain needed in the late seventies and through the eighties to pull the UK away from the cliff. Her qualities were natural – clarity of thinking and simple thinking at that – and all guts, plenty of that to carry through her policies. Maybe power got into her head. May be the “I” became the imperial “We” yet the people voted her a third time – why because she offered strong governance. This is the quality we are missing in our governance. Brought up on a rich menu while perching on the “commanding heights of the economy” our politicians got used to viewing the common people as ants to be brushed aside or crushed!

Editor

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From Our Readers

On *Freedom First*

Calling a Spade a Spade

The corrections or erratum inserted in magazines and dailies is usually prefaced with the wording such as ...‘the error is regretted.’ The use of the passive is to lessen the owning up of mistakes, I think.

But in the issue of *Freedom First* No.545 (November 2012) on page 5, the correction regarding the misspelt name of Dr. Verghese Kurien the following sentence is found: “The editor regrets the misspelling and apologises for being careless.”

That brings to my mind the remark by Dr. Johnson, the great lexicographer, when questioned by a lady as to the appropriateness of the meaning given by him to a word. He said, “Pure ignorance, Madam, pure ignorance.”

K. Vaithinathasamy, Retired Headmaster,
Kumbakonam, Tamil Nadu.

*

Editorial Discretion and Slipshod Editing

Many thanks for publishing my thoughts on “Freedom” in your September (rather late) issue of *Freedom First*. Having said that I would like to draw your attention to certain parts of my “thoughts” which have been inadvertently (?) left out.

1. First you have dropped an entire section of my work with ref. to Mr. Noshir Grant Brigadier (Retd.). WHY?
2. in “Top 5 Reasons....in 2014” you have, I think, purposely deleted my ref. to the qualifications of the top leaders of the ruling Congress Party...Why? Are you not fearless in our policy re. freedom of speech?”
3. Third you have published my area (PIN) Code and my mobile no. after my name, at the end of the article. Why? I do not find any mobile/tel. nos published of the other contributors to your magazine. This I consider an infringement of my privacy. I want an apology in writing in your next issue.
4. A. V. Gopalakrishnan’s and Kashinath Divecha’s area (PIN) codes, mobile/tel. nos. have not been mentioned. Why. This I think is slipshod editing, sorry to say.
5. If Mr. Hirjikaka, Mr. Karnik can get space in your issues of *FF* consistently, why can’t someone like me? Otherwise, why do you ask for contributions from your readers – if you aren’t willing to publish them all in

time? Please acknowledge?

Adi F. Merchant, Mumbai

Editor’s reply: 1. Brigadier Noshir Grant died some years ago and we have with the permission of his widow been publishing excerpts. Hence we dropped from your letter the “entire section that referred to the Late Noshir Grant. 2. We avoid making personal references on such matters as the level of education etc. This is part of our policy. 3. We apologise for the infringement of your privacy by publishing your mobile No. and Area pin code. This was, we assure you inadvertent. 4. This was indeed due to slipshod editing as you say. We are sorry. 5. The two gentlemen whose names you mention were invited to write a monthly column. A general request for contributions from our readers does not imply we are bound to publish them. This is entirely a matter of editorial discretion.

*

Aadhaar

I have nothing against or in favour of Aadhaar (*Freedom First*, March 2013). However, the issue is that so much money has been spent on this venture and quite a substantial number of people in the country have the Aadhaar Cards, but it is of no use as of today. Nowhere is it being accepted as a proof of Identity or Address. I have tried it at Banks and other places. They simply refuse to accept the Number or the Card as a valid document.

What is the logic of wasting so much money and so much time of each citizen who enrolled for the Card?

Dr. M. A. Haque, Gurgaon,
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*

Big Hearted Indian Judiciary

Fortunate Bollywood Actor Sanjay Dutt. Such a generous act calls for calling our present day Judiciary as Big Hearted! In contrast to this the pre-independence judiciary should be labeled as Heartless for jailing national leaders like Mahatma Gandhi, Jawaharlal Nehru, Lokamanya Tilak, Vallabhbhai Patel *et al.* for minor offences like civil disobedience!! Jai Ho India!!!

Dharmendra Nagda, Mumbai.
dharmendranagda@yahoo.in

*

Is India a banana republic?

There has been a clamour for clemency for Sanjay

Dutt by the in the country which exposes the democratic and republican pretensions of the elite in India. Some politicians and some film folk have put forward the excuse that Sanjay Dutt suffered a lot during the last two decades. They have not told us who has not suffered from among the accused and the convicted. They forget that innocent people have suffered – some have lost their lives, some have lost their limb and all of them and their families have lost their livelihood. A retired judge has said that Dutt has revived the memory of Gandhiji. Dutt's character in the film was that of a charlatan with a good heart. In what way that revives the Gandhiji's ideals of truth, non-violence and simple life is not clear to any common man.

Then we have the case of elected representatives of Maharashtra Assembly beating up a police officer for doing his duty. They have set a good example for others to follow. Maharashtra government is yet to explain why irrigation facilities have not increased even by one percent in spite of spending Rs.70,000 crore in the last one decade. Then there is the curious case of Italian marines arrested for killing fishermen in Indian waters being sent twice to their countries for Christmas and for casting their vote in their country. At the same time there was another case of commission on chopper purchase from an Italian company. While Italian court knows who was given commission or bribe, Indians have yet to find their Indian counterparts. One gets a feeling that the governments in India are for the elite, by the elite and of the elite. There is one rule for the elite and one for the amm admi. Is this not the nature of a banana republic?

M. D. Kini, Mumbai.
Email: mdkini@kini.org

*

Varun Gandhi acquitted in hate speech case

Once again, a politician charged with hate speech has gone unpunished, thanks to an investigation which was botched up from day one, or perhaps deliberately so, to ensure his exoneration. The CD containing his hate speech, which was sent to the Forensic Science Laboratory, had some cuts; all 24 witnesses turned hostile; and the voice sample of the accused was not collected!

We all saw and heard with shock and horror, his vitriolic speech on TV channels. But alas, that is not legal evidence in our archaic justice delivery system, which is still calls for documentary evidence and conservative approach for proving the contents. Our Courts may be blind to the TV coverage of this politician's outrageous remarks, but millions of people who have witnessed his vitriolic speech are not.

Only because the investigating agency has made

some technical errors, should a politician who spewed venom in full view of the nation watching him on TV channels go scot-free? Is it not a fit case which ought to be reinvestigated as it was done in some cases of the Gujarat carnage?

The Chief Justice of Allahabad High Court or the Supreme Court should take *suo motu* cognizance of this case and order fresh investigation by collecting the video footage from the TV channels; else, it would again send the message that one can always get away with such crimes in this country. It is time deterrent justice got precedence over technicalities in matters relating to hate crimes. They should be akin to the provisions of the Atrocities Act.

Many democracies like the U.K., France and Germany have different standards of proof in hate crimes and crimes against humanity. Media coverage is admissible evidence, unless proved otherwise. The onus of proof is on the accused. Our system also requires a paradigm shift in such cases.

Kaiser Ansary, Advocate, Thane, Maharashtra
kaiseransary@yahoo.co.in

These Young Hands

These young hands are soft And Silky Even though they may be Bloody and filthy	They built a Castle and a fort They have fought Until they were taught
---	---

They have been loved And caressed They have been kissed And pressed	They have sat an Exam and a test Visited many a Without a rest
--	---

They have been slapped A person and the floor They have slammed A picture and a door	Now it is time to to let these hands grow Even though I wish I could say so
---	--

They have been scribbled On paper and on wall Even though they are Tiny and Small	The World is in These young hands Let them lead the Way to distant lands
--	---

They have pulled on
Skin and air
They have crawled
Many a stair

**By 11 year old Sana
Karnik, great-
granddaughter of the
late V. B. Karnik
(Hon.Secretary - ICCF
& Editor, Freedom First)**

In Memoriam

Major General Eustace D'Souza PVSM: R.I.P.

Distinguished Soldier – Exemplary Citizen

It is with much sadness that we report the passing away of Major General Eustace D'Souza in Mumbai on 29 March 2013. He was 92.

Passing out of Bombay's St. Xavier College in 1941, young Eustace opted for Army service and joined the Indian Military Academy, Dehra Dun and commissioned as an officer in the 1 Maratha Light Infantry [MLI] in June 1943. The Second World War was raging and Eustace D'Souza was assigned to combat duty with his unit in Italy. He was wounded in Serchio Valley near Pisa in June 1945. It was during his military duties in Italy that he was privileged to be spoken to by Pope Pius XII during a general audience. From Italy it was Japan with his unit as part of the British Commonwealth Occupation Force. He was selected to command the Indian contingent for the (British) Empire Day in April 1947 in Tokyo and returned to India soon thereafter.

He took part in the 1947-48 war in Kashmir and was Mentioned-in-Despatches for action in the Uri Sector. While in Kashmir he was entrusted with the task of raising a J&K Militia Battalion comprising recruits from Kashmir. He graduated from the Defence Services Staff College, Wellington (in the Nilgiris) in 1951 and the National Defence College New Delhi in 1967 and thereafter posted to the Indian High Commission in UK. He was promoted Lieutenant Colonel in 1960. After a tenure as instructor in the Infantry School, Mhow, he raised and commanded the 17 Maratha Light Infantry (MLI) in Sikkim and Poonch. In the 1965 War with Pakistan, he commanded a brigade at Nathula and stood firm against the Chinese. After the war he went for a spell of training to the National Defence Academy (NDA) on the completion of which he was posted as Deputy Military Secretary at Army HQ where he introduced an EDP system for officers' management which is still in use. There is a road named after him in Delhi Cantonment "General D'Souza Marg" and another in



29 November, 1921 - 29 March, 2013

Belgaum "General D'Souza Lines"

In 1969, he took over command of the 19 Infantry Division responsible for the defence of critical areas in Kashmir. His division captured Lipa Valley and Kaiyan Bowl in the Tithwal and Uri sectors and was awarded the Param Vishisht Sewa Medal (PVSM) for meritorious service. He was posted as the General Officer Commanding (GOC) Delhi Area. When he was GOC 19 Division, a border incident occurred while he was on leave, it was characteristic of him to take responsibility for it. He retired on 30 November 1975 in the rank of Major General.

He was an outstanding sportsman and played for the Army hockey team in India and abroad. He led the Army cricket team to victory in 1969. He was a member of the National Hockey Selection Committee and a member of the Durand football tournament organizing committee. The Maratha Light Infantry hockey team won the Aga Khan tournament under his stewardship.. His regiment had three players in the Indian Olympic team. His retirement did not draw him away from his Army. He was an open house and he greatly enjoyed guiding retired and serving soldiers. The Army was an integral part of his life till the very end.

He kept in touch with the people of Kashmir after retirement. When he visited Srinagar several years after his posting in Baramulla, some of the villagers came to pay their respects to him from far and near. He was happy to receive and talk to groups of children from Kashmir. So completely committed was he to his regiment, he turned military historian and wrote the Regiment's history.

After retirement his life continued to bloom :

(Cont'd. on page 33)

Remembering Margaret Thatcher - The Iron Lady



Way back in 1979 we welcomed the triumph of Margaret Thatcher in the British General Elections, the first of three successive victories at the polls. She was not able to complete her third term in office because a caucus in her party (the Conservative Party) was able to muster enough support to dislodge her from the leadership. She accepted defeat and returned to private life. She came in when her country was in deep trouble with a weak but bloated government and a socialist system that took the country to the brink of economic disaster with trade unions among others holding the country and the people to ransom. She went about putting things in order proving in the process that strong leadership and freedom go hand in hand. Our weak sisters and brothers ruling in Delhi can learn from her experience, on how she led the country to “Prosperity through Freedom”.

The following was the lead article in *Freedom First* No.319, 1979.

Swatantra Wins in U.K.

S. V. Raju

India's rejection of Mrs. Gandhi in March 1977 appears to have triggered off an international movement away from the *status quo*. Ceylon, Finland and Sweden, for instance, have all witnessed what is loosely described as a “swing to the right”. The latest is the election of a C.D.U. President in West Germany who defeated his Socialist opponent. But the Conservative return to power in Britain is perhaps the most significant indication of what appears to be a growing disenchantment with socialism the world over.

Former *Freedom First* editor Minoo Masani's comment on Mrs. Thatcher's victory was “Swatantra has won in the U.K.” And so it has. Years ago, in the course of a debate in the Lok Sabha, when Mr. Jawaharlal Nehru described the Swatantra Party as outdated, Mr. Masani shot back pointing towards the Treasury Benches: “We are the party of change. You represent the *status quo*”. In the U.K. elections, Conservative Thatcher was the radical, while Socialist Callaghan was the conservative. So much for labels.

Minoo Masani on Margaret Thatcher 's return as Prime Minister in 1983

Mrs. Margaret Thatcher's remaining as Prime Minister means that Britain will continue with the effort to cut its coat according to its cloth. The trade unions, who have been holding the country to ransom, will now be cut down to size. Public Enterprises, which, as in India, have become ‘white elephants’, will be privatised. Then again, in alliance with President Ronald Reagan,

Prime Minister Thatcher can be counted on to contain the Soviet threat to world peace and freedom and to put Mr. Andropov in his place, as they have been doing so effectively in the last few months. “Better red than dead” is not part of the philosophy of either leader.

Britain has been undergoing a big social change. under the surface. The working class has now merged largely in the middle class and become bourgeois in its values. A large number of workers have voted Conservative. So have women. So have youth. Labour tried to make unemployment the issue but failed. What became the issues were Mrs. Thatcher's guts and her adherence to non-material values and Victorian morality. Solzhenitsyn has proved right. No great nation cares for bread alone. That is why over 70 per cent of the electorate rejected Labour with its crass Marxist materialism and Mrs. Thatcher has been able to “break the mould” of “Butskellism” which has dominated the scene for three decades. The new House of Commons is young, with an average age of only 37. Youth is taking over.

Minoo Masani, *Freedom First*, July 1983

Mrs. Margaret Thatcher did not mince words when diagnosing what ails Britain and the remedies she has in mind to pull her country out of the socialist quagmire. Housewife that she is, she indicated that her primary concern was the size of the take home pay. She therefore pledged a reduction in income tax. "The whole strategy", she told a press conference on April 11, "is that we must create extra wealth, produce more goods and services and maximise the size of the cake before we can decide how that extra shall be sliced up". She must have touched a responsive chord when she remarked: "No one who has lived in this country for five years can fail to be aware of how the balance of our society has been increasingly tilted in favour of the State at the expense of individual freedom". Vowing to reverse this trend Mrs. Thatcher remarked: "You get a society which is responsible when you get people who are responsible".

Writing in *Opinion* (April 10) Taya Zinkin has this to say on Margaret Thatcher. "... she has none of Heath's ambivalences, Wilson's deviousness or Benn's cunning The iron maiden stands for time proved virtues: hard work, thrift, self-reliance, just reward .. and caring for those who deserve, as distinct from those who demand, help For her, she has the silent majority which is at last

beginning to realise that 'silence is golden' was coined by the enemies of the masses, the world over."

Mrs. Thatcher has a convincing overall majority of 43 in the Commons. She has the will and like all those who know their mind possesses a sense of purpose and direction. She does not lack political enemies who would rather see her fail than see their dogma disproved. We have many of that tribe in our own country whose comments on Mrs. Thatcher's victory betray the colour of their ideological blinkers. True, the Asian immigrant in Britain is apprehensive since Mrs. Thatcher has made it clear that she will tighten up the immigration laws. Liberals who stand for free movement of people between nations cannot approve of such restrictions. But here again she does not cover her mailed fist with a velvet glove as her socialist predecessors did, e.g. the virginity tests. Also she has an immigration problem which from her country's point of view is a grave one.

The fact is the British people have voted for change – a change away from Statism towards individual freedom; away from the tiresome tyranny of a trade union movement bloated with power; a change as the Swatantra Party put it, to prosperity through freedom.

The New Approach that Proved a Game Changer

There is nothing particularly moral about big government. Nor is there, in my judgement, any moral value in an egalitarianism founded on envy and implemented by coercion. But for far too long, we were content to ridicule Socialism in practice, but to allow its moral under-pinnings and pretensions to go virtually unchallenged.

There are two key errors which Conservatives are particularly prone to make. The first is to undervalue the importance of ideas in political life. The second is to underestimate the importance of the moral initiative. Nevertheless, as time went on, government's increasing inability to deliver on its commitments and to fulfil its promises became clear on all sides. Not least to the man in the street, who saw governments trying to do more and more, and succeeding in less and less. In particular, he saw governments become steadily less able to assert the national interest over that of powerful pressure groups, thus losing the very authority of government itself. It was this sea change that swept Thatcher and the Conservatives into office.

The new approach was encapsulated in two short paragraphs of our 1979 Manifesto:

"We want to work with the grain of human nature, helping people to help themselves – and others. This

is the way to restore that self-reliance and self-confidence which are the basis of personal responsibility and national success. Attempting to do too much, politicians have failed to do those things which should be done. This has damaged the country and the authority of the government. We should concentrate on what should be priorities of any government"

These principles, and the policies which have flowered from the represent a radical departure from those of Atlee and the post-war consensus.

The New Approach

- Instead of big government, we believed that progress and prosperity are best secured through choice and the market.
- Instead of egalitarianism, we believed there should be incentive and opportunity.

These were the principles on which the new Britain was to be built

**Nigel Lawson, Chancellor of the Exchequer
in Margaret Thatcher's government**

Excerpted from *Freedom First*, July 1988

Perspective

Boston Bombing:

Is it the End of USA's Long Peace at Home?

V. Balachandran

The biggest achievement of the DHS is the nationwide alignment of anti-terrorist methodology

It is not that the US mainland did not experience terrorism after 9/11 and before the Boston Marathon Bombing (April 15) which killed 3 and injured 183. US citizens, especially the armed personnel have been hit severely by terrorist incidents overseas. What is apparent is that the US mainland has been relatively free of terrorism since 9/11 despite US being projected as enemy No.1 of the Jihadists. Since September 9, 2001 a total of 25 incidents including the Boston bombing have taken place on the mainland which were terrorist attacks. Of these only 6 were committed by Jihadists, the most important being the Fort Hood killing by Major Nidal Malik Hasan who killed 13 of his army colleagues on November 4, 2009. The rest were by miscellaneous groups like anti-abortionists, animal rights activists, White Supremacists and "Earth Liberation Front". The killing in Wisconsin Gurudwara on August 5, 2012 involving 6 deaths was by a white Supremacist.

None should underestimate the importance of achieving this on a huge land mass which was possible only through hard work and bipartisan political consensus after 9/11. The US mainland with 10 million Sq.kilometers area (India -3 million Sq.KMs) and 314 million population (India -1241 million) has a land border of 12,034 Kms (India - 15,106 Kms) and a sea border including the Great Lakes of 151,475 kms (India - 7,517 Kms). 12 major US airports handled 627 million passengers in 2012 (double their population) compared to 998 million by 19 major airports in the rest of the world. The need for airline vigilance cannot be overemphasized since all the 9/11 terrorists had entered the US through air. In April 2008 the Department of Homeland Security (DHS) took a survey of small boats around their coastline and counted 17 million which could potentially cause serious threats to the mainland. They have been able to prevent attacks on the mainland only through a host of codified measures like intelligence integration through NCTC, and transmission of federal intelligence to 78 "Fusion Centers" under the DHS located in the States where it is digested by local officials who are mostly "First Responders". These "leads" are further investigated by 106 teams of Joint Terrorism Task forces (JTTF) with about 4,400 officers who make preventive arrests or launch prosecutions. Each JTTF has

representatives from federal agencies, local police and other departments. They are coordinated by the National Joint Terrorism Task Force (NJTTF). Such joint operations are beneficial in compensating for others' laxity.

The biggest achievement of the DHS is the nationwide alignment of anti-terrorist methodology through constant dialogue among the "Homeland Security State and Local Community" [HSSLIC] with about 1,000 key members from the states, national capital and six federal departments who collaborate through secure conference calls. This is very important. Such coordination is sadly lacking in India where terrorism is handled by 28 different states.

Another very important step taken in the US is public-private cooperation where members of public are made "Stake holders" in prevention. After the Boston incidents this point is being further elucidated since there was no prior intelligence. It is significant that the anti-terrorist agencies had "swept" the Marathon route twice on April 15, yet they could not detect the bombs. This is also borne out by research data. Studies by the Institute of Homeland Security Solutions (USA), a private research body on the terrorist incidents in USA between 1999 and 2009 found that 86 attacks occurred during this period. Of these 18 took place including 9/11 while 68 were foiled. 20 were prevented by public vigilance and another 20 through the alertness of Federal agencies. Only 13 were prevented by advance intelligence. The local police and local authorities prevented 15 incidents.

Another research by The Heritage Foundation (USA), in May 2011 revealed that at least 39 terror plots were foiled in America since 9/11 due to domestic and international cooperation, as well as efforts in tracking down terror leads among local communities. This also included the Dhiren Barot group detected in 2004 for plotting an attack on New York Stock Exchange. Later they were also found to have been involved in plots in England. In 35 cases advance intelligence, international cooperation

(Cont'd. on page 24)

Patenting in India: Understanding the Issues involved in the Novartis Case

Rca Godbole

The legal framework for patenting in India is not an esoteric doctrine, but is in broad consonance with the international norm.

Glivec/ Glivec is a drug marketed by Novartis AG, and is derived from a chemical compound called Imatinib Mesylate, capable of inhibiting certain protein kinases¹, which makes it an effective anti-tumour agent for chronic myeloid leukemia² (CML) gastrointestinal stromal tumors³ (GISTs) and a number of other malignancies.

In the aftermath of the decision of the Supreme Court of India, that the patent product beta crystalline form⁴ of Imatinib Mesylate fails in both the tests of invention and patentability as provided under clauses (j),(ja) of section 2(1) and section 3(d) of the Indian Patent Act, and that the appeals filed by Novartis AG in support therefore fail, there have been conflicting reactions nationally and internationally on this important issue. The controversy and debate it has created has prompted ideologues, interest groups, and experts to have their say.

There are reportedly five patents related to the Glivec, all set to expire latest by 2015. Novartis' Glivec is set to face generic competition in Europe even sooner, as European Medicines Agency's Committee for Medicinal Products for Human Use (CHMP) announced on 18 October 2012 that the agency had approved a generic version of imatinib.

In the patent application 1602/MAS/1998 (along with the separate divisional application no. 799/CHE/04) filed by Novartis AG states that beta crystal form of Imatinib Mesylate, "stores better and is easier to process"; has "better processability of the methanesulfonic acid addition salt of a compound of formula I", and has a "further advantage for processing and storing".

Novartis subsequently made submissions that the active ingredient in Glivec (beta crystalline form/ polymorph of imatinib mesylate) is more effective than the imatinib free base, since it displays better bioavailability. But according to the Court's Ruling, the patent specification does not bring out any sizable improvement in the efficacy of the beta crystal form over the known substances – rather

it states that the base can be used equally in the treatment of diseases of in the preparation of pharmacological agents wherever the beta polymorph is used.

A polymorph^v is a solid crystalline phase of a given compound resulting from the possibility of at least two crystalline arrangements of the molecules of that compound in the solid state. In a recent decision by the Technical Board of appeal of the European Patent Office (EPO), it was held that i) polymorphism is commonplace in molecules of pharmaceutical interest; (ii) early screening for polymorphs is advisable in a drug development process; and (iii) crystallization from different solvents under different conditions is a routine method for screening for polymorphs. Several disadvantages can generally be expected for the amorphous form, namely, with respect to their chemical and physical instability. Hence, when starting from the amorphous form of a pharmaceutically active compound as closest prior art, the skilled person would have a clear expectation that a crystalline form thereof would provide a solution to the problem of providing a product having improved filterability and drying characteristics. The arbitrary selection of a specific polymorph from a group of equally suitable candidates cannot be viewed as involving an inventive step. In the Board's view, the provision of crystalline polymorphs that do not achieve anything more than the obvious advantages of crystalline materials over amorphous ones is not based on an inventive step. An inventive step of a novel polymorph form of a pharmaceutically active compound will only be acknowledged if the novel polymorph form is associated with an unexpected pharmaceutical activity, while improved physical and/or physicochemical properties would not be sufficient.

Echoing much the same logic as the EPO above, Section 3(d) of the Indian Patents Act denies the patentability of polymorphs, since they tend to be so very similar to each other, so long as they do not display significantly enhanced efficacy. *Patent applications for drugs like Sutent (Pfizer), and Pegasys (Roche) have been rejected based on the provisions of the section 3(d) amidst*

similar controversy at the Indian Patent Office.

Novartis made further submissions to the effect that 16,000 patients receive Glivec free of charge in India through its full donation program, while its normal cost per month would be 130,000 INR (\$2400). There are over 300,000 patients of CML in India according to newspaper sources. But it is worth reiterating, that the Supreme court rejected the Novartis patent on the basis of the prevalent legal framework in this country, which in turn finds parallels in other jurisdictions, and *not* because it's pricing made it inaccessible to poor people.

It might be instructive to have another perspective to observe this and similar patent litigations being fought based on chemical polymorphs and the candidate drugs or molecules that these drugs are based on, owned by Pharma companies all over the world. There has been a reported loss of exclusivity on more than \$80 billion of blockbuster medicines (drugs with annual sales in excess of 1 B USD) since 2009, making this the "lost decade" with declining drug molecule pipeline productivity. Looking at the statistics for new-drug approvals, it's clear that the industry is not getting any better at bringing compounds to the market. Another hint comes from the fact that the drug development now targets better match between development priorities and areas of real unmet medical need, which translates as moving out of a narrow crowded space due to the lack of viable candidates. There also is the emergence of biologics as the dominant area of focus for the Pharma business, which again points to a dwindling pipeline of New Chemical Entities or NCEs, which hitherto ruled the roost. The whole strategy of patenting polymorphs without unexpected properties might be equated with living off family silver in tight circumstances. Patent is a business decision for profit, of a limited monopoly, accepted or rejected by any government looking after its national interest. There is no moral position attached either to patenting or in granting a patent, and there ought not to be.

Another perspective suggests itself here, wherein we look at other countries pit their larger interests against granting this limited monopoly to pharmaceutical products. It's not only about patents; it also includes various price control mechanisms. After all, companies file patents in order to maximize their profits in a monopoly situation, and the larger interest wants better healthcare at cheaper costs for maximum numbers.

Beijing is moving to change the prices the government pays on about 100 drugs that had differential (or what the industry calls "preferential") pricing, which were all manufactured by Western and European

multinationals. The drugs covered under this preferential pricing scheme were protected by the Chinese government almost 20 years ago in an attempt to address concerns pharmaceutical companies had about intellectual property (IP) theft. This was a deliberate adjustment that more than likely had a specific portfolio of drugs in mind. Beijing now could find that it has gained the upper hand in negotiations with its pharmaceutical suppliers, simply by tweaking the list.

A recently enacted law in Germany, "Act on the reorganization of the pharmaceutical market" or AMNOG, to give it a snappy acronym, it provides a scheme for evaluating the 'additional benefit' provided by a new drug. Crucially, this law is instrumental in deciding the price on the Statutory Health insurance for the new drugs, which was hitherto left to the inventor its companies in Germany. The additional benefit of a drug is decided, based on a dossier, which demonstrates any specific, additional benefits of a drug. Other European countries are likely to emulate Germany in this, UK already has a draft scheme on these lines ready.

This begins a cost based pricing for innovative drugs in Germany with price negotiations, circumventing the patenting activity altogether. There, however, are two further points to consider here and the way the inventor companies have approached this new legislation in Germany is worth a good look.

To quote Juergen Windeler, who heads a Government outfit for Examination and rating the drugs, "Manufacturers will now be forced to focus on "real innovation."

Some comments on the Glivec/Gleevec decision suggest darkly that this would stop all future investment in R&D from the side of Pharma giants in India. Scanning the new patent applications originating from the Indian R&D facilities of the big pharmaceuticals companies reveals precious few of them over the last 5 years. Admittedly the number of patent applications correlates only indirectly with the R&D spend, but given the confidentiality in the whole drug discovery process, that's the only objective criteria available publicly. So any reduction in the R&D would have a pretty small base to begin with.

Also, this is worth a thought: a really profitable new drug is introduced outside India, avoiding India. Manufacturers from which country are most likely to 'reverse engineer' it, with and without regulatory processes? And where are the customers who pay for unregulated drugs over the net likely to be sitting?

Ultimately who is likely to make or lose money on the precious invention?

In sum, patents are business tools, moral homilies from either the patentees or their opponents are out of place in discussing their validity, if you are not going to change the larger context in which they operate. The legal framework for the patenting in India is not an esoteric doctrine, but is in broad consonance with the international norm. The Supreme Court of India had delivered a judgement based on the prevalent framework of law and the merits of the case, and thus done exactly the job it is supposed to do. Every National government has its domestic interest in mind while honouring any contract, be it Switzerland, USA or India.

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(Endnotes)

- ¹ *Protein kinase: This is a type of enzyme that chemically modifies other proteins in the body. Kinases have a role in cell signalling, much like turning an electric switch on and off. This switch affects the behaviour of the cell.*
- ² *Myeloid leukaemia: An abnormal growth in the blood-forming tissue within the bone marrow.*
- ³ *Gastrointestinal stromal tumor (GIST): Uncommon tumours occurring in the gastrointestinal (GI) tract. Not all types of GISTs are cancerous. GISTs are different from common GI cancers and need different treatments depending on its type.*
- ⁴ *Beta crystalline form: a form of a substance (in this case chemical) that can be in different forms (different from the parent compound, a polymorph). The alpha form of Glivec is the parent. The beta form is a structural variant.*
- ⁵ *Polymorph: a different structural form of a parent compound (See above).*

If Novartis's "improved" version of Glivec is not more therapeutically efficacious, why is the Novartis decision such a big deal?

By Adriana Benedict

I'd like to attempt to provide some clarity to a question that seems to have created a lot of confusion surrounding the impact of the *Novartis* decision: If the older alpha crystalline form of imatinib mesylate (generic Glivec) is already available in India, and the newer beta crystalline form is not more therapeutically efficacious, then why does it matter whether or not Novartis can get a patent on the newer version of Glivec? The simple answer is that for the most part, it doesn't really, in terms of the availability of generic Glivec. At most, it may make a difference for some Indian patients who will do better with the beta crystalline form. And it will make some difference for Novartis, which will now forego a potential market of these Indian patients who would prefer to take (and can afford to pay for) the beta crystalline version. But the alpha crystalline form of imatinib mesylate was already available in generic form in India, and it would have continued to be available in generic form in India regardless of the outcome of this case. So why all the commotion?

First, the *Novartis* decision means that Indian generic manufacturers can now produce the beta crystalline form of imatinib mesylate with impunity. This means that Novartis is likely to face competition in its production of the beta crystalline form, over which it would otherwise have held a global monopoly. Indian generic manufacturers may now produce and export the beta crystalline form to other countries, which means that many more cancer patients in developing countries will have access to it. Novartis's markets in these countries may be disrupted through parallel importation of cheaper generics.

Second, the Supreme Court's ruling ensures that Novartis can't resort to a number of tactics commonly associated with the term "evergreening" to regain some of the market share for imatinib mesylate. These strategies might include, for instance, marketing the beta crystalline form to prescribing physicians as if it were actually more effective than the alpha crystalline form. A study published by BMC Medicine found that this kind of evergreening – which is common particularly in switching from a racemic form to a single enantiomer form, with little to no proven increased efficacy – can reduce reliance on generics, at huge costs to society without commensurate therapeutic benefit.

Third, even though the Supreme Court of India was clear that its decision did not rule out the possibility of patenting "incremental innovation" in India, the decision serves as precedent for decisions made by the Indian Patent Office concerning other instances of minor improvements on existing medical compounds which do not rise to the level of increased therapeutic efficacy. The Indian Patent Office is now bound by the Supreme Court's interpretation of increased efficacy as increased *therapeutic* efficacy. This is particularly important as applied to anti-retrovirals, TB drugs and other medicines for infectious diseases that require second- and third-line combinations and adherence-increasing treatment options to deal with drug resistance, adverse side effects, and other patient-specific dosing requirements and courses of treatment. For instance, a new oral form of a drug that is not more therapeutically efficacious than an older injectable form would still be a better option for patients who require daily doses. After *Novartis*, the Indian Patent Office is not obliged to grant patents on minor changes to existing chemical compounds unless the inventor can demonstrate increased therapeutic efficacy, which is not always the case with the aforementioned therapies. In this way, the *Novartis* decision is not only a victory for cancer patients, but for countless other patients in developing countries who may benefit from newer drugs whether or not those drugs are more therapeutically efficacious in the broader population.

In sum, the gains for patients in developing countries have been both over- and under-stated. While cancer patients in India were never at risk of losing access to generic Glivec, many patients around the world who rely on Indian generics are now assured that their access to these drugs will not be affected by applications for patents on slightly altered drugs that can't show increased therapeutic efficacy.

*This entry was posted on April 11, 2013 by **abenedict** in Harvard Law a blog by the petrie-flom Cente and friends. Global Health, HIV/AIDS, Intellectual Property, International, Judicial Opinions, Public Health by abenedict.*

Contributed by Kumar Ramachandran

New Line of Enquiry: FDI in India

Arvind Ilamaram

“The common people pray for rain, healthy children and a summer that never ends. It is no matter to them if the high lords play their game of thrones, so long as they are left in peace”

- George RR Martin in A Game of Thrones

Alas, so is the narrative of Foreign Direct Investment (FDI) in India to the point that Nietzsche would have been appalled to find that both the master and their subjects act by the slave-morality of weighing actions based on good and bad intentions rather than the master-morality of good and bad consequences. Ever since foreign investment was opened up in 1991 through the liberalization policies and more so after replacing FERA with FEMA in 1998, FDI controversies in India have achieved global fame for the volatile position of various agents and political maneuvering often required to get them off the House floors. The usual doohickey involves opposition from left parties and from interest groups that will face competition from the new foreign entrants and welfare economists who have their own ammunition of theory and data to weave the required narrative.

In this entire ruckus, the public stands as a mute spectator drawn into the vortex of political mind games not knowing whom to trust. Given that fear of colonialism still lies imbibed in the social psyche, especially more so in the ideological psyche of the left wing, a reflexive negativity towards foreign entrants into protected sectors is to be expected. And if one is to hope for India's rise into the ranks of global superpowers, we need to remember that the path is wrought with menacing foes and dubious allies. The victor shall be the brazen and the audacious, not the ones who seek the warmth in their own cocoon. It is hence inevitable that India and Indians have to encounter, excel and exceed international competition. FDI and overall trade liberalization are inevitable phases we have to pass through en route to global superiority through sustainable development.

Oppugning Of FDI

The left wing damns FDI in the name of public interest which they seem to represent as portrayed by the excerpt below from a Politburo Communique of the Communist Party of India (Marxist) dated Dec 6-7, 2012,

The decision of the UPA government to allow foreign supermarket chains in the multi-brand

retail trade has met with widespread opposition from all sections of the people throughout the country. In Parliament, after refusing to accept a debate and vote on the issue, the government had to finally accede to the demand. The debate in both Houses of Parliament revealed that an overwhelming number of political parties representing a clear majority of the MPs are not in favor of allowing FDI in retail trade. This reflects the views of the majority of the people of the country.

The typical oppugning of FDI would then begin from blaming the ruling government of bequeathing the nation to foreign powers to destruction of livelihood through increased competition. What is resoundingly clear is the fact that information asymmetry has put the Indian public behind the veil of ignorance with respect to most governance issues let alone foreign affairs. While even ardent researchers find it herculean to mine data out of government sources, how can the casual Indian, trying hard to keep up with the pace of life, form well-informed opinions of such issues? To be able to express it in public fora and hence let that be represented at the Houses by the respected Members of Parliament is even more remote.

Over the years FDI has been gradually opened up in almost all sectors to various degrees save a few that includes agriculture, tobacco and related products, atomic energy. While every new change in FDI policy elicits a pre-determined set of responses from various political actors influenced only by the relative vote-bank significance, the consequences of a prior policy action is not adequately scrutinized to assess its merits, de-merits of unintended consequences. The opposition to FDI is based squarely on Murphy's Law that, 'anything that can go wrong, will go wrong'. However, the reality is far from that and it is essential to also understand the dynamics of error to avoid similar mistakes in the future.

Line of Enquiry

Famed sociologist Dr. Robert K. Merton identified

five possible causes of unanticipated consequences: ignorance, error, immediate interest, basic values and self-defeating prophecy. It needs to be remembered that the above errors leads to unanticipated consequences but not unpleasant ones. The unanticipated consequences of FDI or the 'spill-over effects' are still sparsely researched in India. Neither official government data nor academic literature provides a comprehensive analysis of how opening up sectors to FDI has rippled through the economy on the whole. Much research is done with respect to locational determinants of FDI, effect of various factors on inflow, spill-over oppugning of (positive and negative) FDI over intra-industry and inter-industry domains in the host country economy, growth vs. FDI dynamics in the host country economy etc. Answering the above questions are paramount to optimizing the FDI policy in India, especially when we are on a fast-track to globalization and any impediment to our pace will be debilitating to the whole economy.

Some of the factors that would help us to better understand the dynamics or spill-over effects of FDI are:

- productivity (Labor and Capital)
- factor costs (purchasing power parity)
- output
- growth in employment
- profits to value-added ratio
- technological improvements in production process
- average real wages (in PPP)
- wage differentials, exports base diversification

In the spirit of the above factors, a preferable line of enquiry for all agents whose stand spans the entire spectrum of the FDI issue would be to ask the bigger questions first before being gobbled up in a speculative tirade.

- What is the contribution of previous FDI policy

actions on the economy?

- How to quantify the spill-over effects of FDI into the larger economy?
- What is the differential on cases where FDI hasn't brought expected level of investment or growth in a sector? E.g. Food processing industry
- What are the institutional bottlenecks impeding flow of FDI into sectors already open to it? E.g. labor laws, land acquisition, environmental laws etc.
- What has been the labor migration pattern in sectors with significant FDI inflows? E.g. pharmaceuticals, IT, real estate etc.

These are just a sample of questions, the answers to which could provide a constructive discourse. No research has ever shown that FDI in all cases would lead to growth and positive spillovers nor has there been a unanimous position that FDI in a sector that has failed under one set of conditions cannot succeed under another. For example, there is a strong correlation between FDI in extractive industries such as ore mining and corruption in countries where the sector is highly regulated by government and transparency is only wishful such as the African nations, whereas in countries with efficient government procurement mechanisms and transparent governance such correlations aren't found such as Australia, USA etc.

Hence, it is high time that we adopt a more objective line of enquiry to the whole FDI issue. Other than helping us get back on the growth track, this could also set a precedent for further public policy discussions of which the country is going to witness more as the people become more informed and demand, not just performance, but also responsibility and accountability from the governing class.

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Mountbatten on The Sardar and his Deputy V. P. Menon

Mountbatten, the last Viceroy of British India and first Governor General of free India, was relieved when Vallabhbhai Patel took charge of the newly formed Ministry of States. He wrote:

"I am glad to say that Nehru has not been put in charge of the new States Department which would have wrecked everything. Patel, who is essentially a realist and very sensible, is going to take it over...Even better news is that V. P. Menon is going to be the Secretary".

Cited from the book *Kashmir Behind the Vale* by M. J. Akbar. Contributed by Suresh C. Sharma.

Beyond Budgets

Ranga Kota

As the scope for revenue raising measures in a budget gets reduced in view of the generally accepted principle of stable tax rates, the government has to get higher revenue through heightened economic growth, which requires implementation of reforms and measures that mostly lie outside the scope of union budgets

The Union Budget 2013 did not raise any kind of hysteria on either side of the economic divide. It focused mostly on fiscal consolidation which was essential to avoid a possible downgrade by the international rating agencies. It broadly kept tax rates unchanged. It did not announce measures upfront that could raise the hackles of left of the centre political and social outfits.

There are a few actions this government took in the last six months which made the union budget a less important pillar of economic policy. Government seems to have realized that grandstanding in the budget might score some brownie points and improve TRPs, but it could lead to a severe backlash from the *status quo* oriented political outfits in parliament. It may have to backtrack on some key measures to have the budget passed. It seems to have decided this time to keep the budgets, both railway and union less controversial.

In a far reaching move, the railways raised the passenger fares a couple of months away from budget. While the railway budget did not touch passenger fares, it left the door open for another rise during the course of the year to neutralize the fuel cost increase. The budget also laid the foundation for a Railway Tariff Regulatory Authority which might force railways, in due course, to be more rational than political in fixing railway tariffs.

Avoiding Political Polarisation

The sensible decision, before the budget, to keep raising the diesel prices at the retail level ensured that the Indian polity would in due course get reconciled to market driven prices for petrol and diesel. So was the measure of capping the number of subsidized LPG cylinders, a touchy issue with the middle class

The near fatal gamble the government took before the budget in permitting FDI up to 51% in multi brand retail also underscores its resolve to keep the budget free from political polarization. Budgets with sensational stuff are the ones the media loves, but are of little economic

value if the Government is forced to backtrack on key measures as it happened with the 2012 railway budget. The new approach of government to economic policy requires it to be nimble footed in dealing with challenges and calls for calibration of policies on a continuous basis.

As the scope for revenue raising measures in budget gets reduced in view of generally accepted principle of stable tax rates, the government has to get higher revenue through heightened economic growth, which requires implementation of reforms and measures that mostly lie outside the scope of union budgets. More transparency, less regulation, consistency in economic policy, and stable and easy to comply with tax policies would lead to higher investments, growth and employment. All of them require political will and a sense of urgency. Besides, the state has to deal with new actors, apart from politicians of populist hues in crafting future economic policies. The constitutional body like CAG has broadened its scope of audit and looking at the propriety of government decisions like granting 2G licenses and award of coal blocks for mining.

There are determined public interest litigation groups that seem to believe that every government economic policy is arbitrary and detrimental to national interests. They are determined to take the State to courts and create new challenges to its economic policies and programmers. Courts are becoming more aggressive, rapping the government on economic policies and taking decisions to set back some of its decisions, like cancellation of one hundred and twenty-two 2G licenses awarded by the present government on a first come first served basis. If these are not enough, there is the TRP oriented media which is closely looking for a scam in every government policy and going to town in the 'first one to do so' mould.

These are the new actors that economic policy makers have to contend with. In this scenario, the state has to formulate economically viable, socially inclusive and legally sustainable policies. This is not easy to accomplish and requires governance of a much higher

order with greater transparency and accountability. How the present political dispensations measure up to the new challenge is anybody's guess. Since budgets are a constitutional requirement, they do not vanish from the economic scene altogether. They continue to deal with allocation of funds to various sectors, schemes, programs and transfers to states. They are mundane and of little interest to people in general.

As the scope for big bang changes in taxes is limited, the budget will lose its appeal for the middle class whose

interest is only in personal income tax. For the business community corporate and indirect taxes are of concern. The budget becoming a non-event in due course will not affect the middle class and the business class as much. The only loser is the media which generates unwarranted hype about the union budget. They have to find new wares to sell.

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An Icon is not an Idol

On the eve of his first Easter Sunday celebration as the Bishop of Rome, Pope Francis sprang another of his teasing little surprises. As the Shroud of Turin which is probably the Christian world's most hotly contested holy relic, was given a rare showing on television, he not only issued a *statement* that urged people, in rather passionate terms, to contemplate the object with awe; but he also stopped firmly short of asserting its authenticity.

In a carefully worded message, he asked and answered a rhetorical question: "How is it that the faithful, like you, pause before this icon of a man scourged and crucified? It is because the Man of the Shroud invites us to contemplate Jesus of Nazareth."

An icon, in Christian terminology, is very different from an idol. In theology, as in computer-speak, an icon is a sort of window that can lead the user into a different reality. But people can miss the point of an icon, so the theory goes, if they focus too much on the object itself (its age, its construction, its history) and forget to gaze beyond it.

Excerpted from *The Economist*, March 31, 2013.



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Reflections:

“I Love My Country ...”

Bapu Satyanarayana

There is no dearth of farce being played in our country and hypocrisy abounds.

Act 1, Scene 1

There is no dearth of farce being played in our country and hypocrisy abounds. It is rather sad that Dr. Manmohan Singh with an enviable academic record has failed to live up to the expectations of the people of the country as a prime minister. Whenever a terrorist attack takes place, he is quick to come up with the brave assertion that the perpetrators of the attack would be caught. There is no clue as yet to the identity of the culprits of the recent terror strike in Hyderabad where nine lives were lost and hundreds injured. Of course normally Manmohan Singh, who is happy to remain silent is known to, now and again, grow surprisingly sentimental saying his heart bleeds at the suffering of the victims if it helps to gain electoral sympathy for his party.

In 2004, when the UPA 1 came to power, Manmohan Singh was anointed the prime minister by the Congress president Sonia Gandhi. Despite the fact that an impression prevailed that Manmohan Singh was not free to take decisions on his own because of his loyalty to Mrs. Sonia Gandhi, there was a general mood of sympathy for him and his weaknesses overlooked as he was a man of integrity and honesty as also the fact that as finance minister in P. V. Narasimha Rao's government he was credited to be the architect in rescuing the economic health of the country in 1991 when it was in the economic doldrums. The general perception was that the economy did fairly well during the period of UPA 1 and that the rot set in during UPA's second regime from 2009. As events have proved, during this period everything soured with the result that whatever development projects were taken up or policy issues enunciated or agreements entered into for purchase with foreign countries or land deals nationally to exploit resources, the politicians, bureaucrats and even defence personnel helped themselves to the thick creamy layer freely floating on the surface. The miasma of corruption surfaced when the opposition, with generous help from the media, exposed the 2G spectrum allocation and the corruption *vis a vis* the Commonwealth Games.

It was for the first time that the Achilles heels of the prime minister were exposed when he defended the

Telecom Minister A. Raja and Chairman of CWG Suresh Kalmadi both of whom were allegedly involved in massive corruption as subsequent events revealed and had to be arrested. From that time onwards several scams have been tumbling out. The Radia tapes clearly established the ugly face of crony capitalism showing how they pulled strings in the government with even some TV anchors involved. From then onwards the fall from grace has been steep and sudden for the prime minister. Now he has earned a rather unflattering reputation of presiding over a section of the parliamentarians who are allegedly dishonest and involved in heinous criminal acts.

It can be speculated that all this happened because Manmohan Singh exhibited a fatal flaw – to keep in mind his first priority to see what pleased his leader Sonia Gandhi over the larger good of the country in every decision. That, in brief, is the story of 2G and CWG scam. It is another matter that what ultimately cost him his credibility was his underestimation of the power of the media, opposition and judiciary and forgot that by virtue of the position he occupied, he was accountable to the people of the country. Having tasted power for nearly ten years, weathering all challenges with aplomb with his trade mark silence, it would be no surprise if it has probably rubbed on him. Seeing that Rahul Gandhi is shying away from becoming the prime minister, it appears that he is not averse to becoming the prime minister for the third time guessing from what Dr Manmohan Singh replied to a query from a journalist on board the plane on 28/03/2013 and subsequent statements by the Congress spokesperson. He probably suffers from an illusion that he can reverse the slide in the economy by his magic wand of economic development as an answer to all ills that the country suffers.

In this connection it is revealing to read what Ramachandra Guha says in *The Hindu* of March 27 2013. He characterizes India as an environmental basket-case and attributes the major contributing factor to the process of degradation to apathy and corruption of the political class. Guha avers that of all the Prime Ministers, past and present, Dr. Manmohan Singh has been the most actively hostile to environmental issues which could be due to his being an economist who are “trained to think that

markets can conquer all forms of scarcity.” He further adds, “...the prime victim of economic liberalisation has been environmental sustainability”. This situation has been aided and abetted by the bureaucrat- political nexus and Dr. Singh seems powerless to overcome its hold.

The syndrome he suffers from can be judged from what Chankya says, ‘Kings are ignorant not because prime ministers do not give them the right answers but because they do not ask their prime ministers the right question’. Maybe Dr. Singh is now wiser and has learned his lessons and that is the reason he wants to become the prime minister again because he can say ‘*I love the country*’. It is a case of the meek inhering the earth with some difference. He is exhibiting the classical symptoms like all dictators, who suffer from such an illusion, that he is historically destined to do good for the country. What’s wrong anyway if governance is sacrificed for enjoying power which is the ultimate aphrodisiac – a common enough human frailty.

Act 1, Scene2

This concerns the verdict of the Supreme Court in the Sanjay Dutt case holding him guilty under the Arms Act and awarding him a five-year jail term from the maximum of six years under this Act. Since he has already spent 18 months in jail, it means that he has to spend another three years and six months in jail. This has sent shock waves amongst his admirers, especially among his Bollywood friends. The Who’s Who of the Bollywood was stunned and there was virtually a flood of support pleading for remission of jail term. The reasons advanced were bizarre saying that he is basically a good man and is innocent, that he has already gone through harrowing times for the past twenty years, that he is doing good to the country with his Gandhigiri image, that he secured the guns for self protection, that he has two children etc.

However let us examine the facts of the case. The terrorist attack happened on March 12, 1993 and Sanjay Dutt was arrested under TADA on April 19, 1993. Though he had license for three guns for self defence in his house when he was caught he also had deadly AK-56 guns, hand grenades etc. Transcripts of Sanjay Dutt’s conversation show that he was in contact with Dawood Ibrahim, Anees Ibrahim and Abu Saleem. If only he had given the information to the police earlier, probably the mayhem which resulted in 257 people perishing in explosions could have been avoided. What is the use of breaking down and crying now while addressing the journalists on 28th March saying, “*I love my country*” and I love the citizens of this country. As to the suffering he has undergone the following facts are revealing.

During twenty years let us see how much suffering he must have gone through. The public prosecutor Ujwal Nikam deposing about the explosion in Mumbai before the special court on July 26 2002 disclosed the voice transcript of telephone conversation of SanjayDutt. It revealed that Sanjay Dutt had contact with Chhota Shakeel, Harish Sugandh, and Sanjay Gupta on March 14, 2000; full seven years after the explosion had taken place! What does it indicate? He has never even once expressed remorse about keeping contact with Dawood Ibrahim and his *chelas* who are accused of terrorist activities. It is interesting to follow his life style. In 1983 he married Richa Sharma and as soon as he learned that she had cancer, he reportedly turned his attention to Madhuri Dixit who distanced herself from him after learning about his involvement in 1993 bomb blast. Then he married twice, first Riya Pillai and after divorcing her, he married Manyata and had two children. During this period he acted in several films and earned crores of rupees. (Source: *Kannada Prabha* dated March 30, 2013)

Sanjay Dutt has got off lightly for reasons unknown: he is only charged under the Arms Act while Zaibunnisa who also falls in the same category is charged under TADA under which the punishment is very severe. It is not difficult to surmise that this has happened because he is highly connected as his father Sunil Dutt was a respected figure both as an actor and also as an MP from the Congress Party. The basic reason why the hearts of Bollywood personalities bleed is that more than Rs.200 crore is riding on Dutt on his unfinished films. So it is possible that all these factors weighed in charging him under the Arms Act instead of TADA. Can this be described as suffering? These issues are conveniently forgotten.

One redeeming factor is that during his press meet, he declared that he would surrender within the stipulated period and said, “I have not applied for pardon. There are others who deserve pardon. Since I am not going for pardon, there should not be any debate over this.” This is a silver lining to his otherwise chaotic and confused life and it is charitable to impute that his breaking down was genuine and a testimony that at last a sense of remorse has caught up with him for what he did. However, despite the above factors and Sanjay Dutt’s own confession, if he is pardoned for whatever reason, it would be a travesty of justice. It is hoped that this situation will not come to such pass.

H. R. BAPU SATYANARAYANA, freelance writer and political Commentator, Mysore<what_option@yahoo.co.in

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.

Fidayeen Attack in Srinagar

1. After a lull for over 3 years, fidayeen struck at a CRPF camp outside Srinagar (March 13) killing 5 CRPF jawans. Two fidayeen were also killed while two others escaped. It is suspected that the dead fidayeen were from Pakistan. Hizbul Mujahideen based in Pakistan claimed responsibility for the attack. The Union Home Minister declared the need to improve intelligence gathering efforts. Tragically, CRPF jawans alleged that they were armed only with lathies as only a few of them were supposed to carry arms. It is a shame that a police force could be so disarmed and made to face armed terrorists. The attack fortuitously dampened the enthusiasm for withdrawal of AFSPA since the army cannot be similarly disarmed while danger lurks around the corner. Despite our best intentions to normalize the situation in J&K, all decisions on Kashmir will have to be weighed against their long-term fall out.

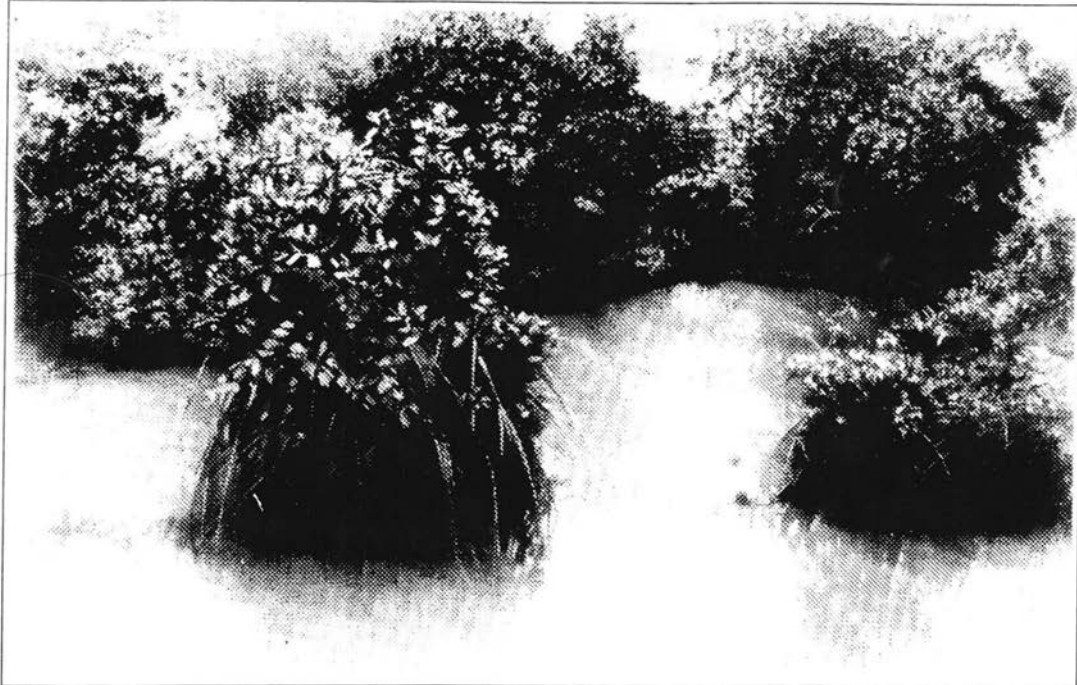
1. The immediate reaction was to link the attack to the hanging of Afzal Guru. Pak inspired terrorism is always waiting for an opportunity to strike. If not Afzal Guru, they would have found some other cause. India cannot stop exercising its sovereign rights because somebody might take offence. For once there was unanimity in Parliament and a resolution was passed against Pak National Assembly's temerity in condemning the hanging of Afzal Guru. Kashmir will remain a problem for years to come but that is no reason to shy away from legitimate duty. It is clear that Pakistan would always fish in troubled waters. India needed to go slow on the Confidence Building Measures (CBMs) so that Pakistan would understand that India would not turn the other cheek. However, visa facilities which were suspended earlier have now been granted, belying a tough response from India.

Italian Marines

2. Two Italian Marines posted on an Italian cargo ship to guard against piracy fired on Indian fishermen suspecting them of being pirates and killed them in February 2012. The incident occurred off the coast of Kerala in what is called a 'contiguous' zone. Because of the hue and cry raised by Kerala, the Marines were charged with murder and put in jail pending trial. The Italians argued that the Marines were doing their duty and the fishermen were mistaken for Somali pirates. They made a mistake but that did not amount to murder. In any case, the incident occurred in international waters and India had no jurisdiction. India argued that India indeed had jurisdiction. The Supreme Court ordered formation of a Special Court to decide the issue as also the murder case. As usual India did not form a Special Court quickly enough and the issue kept festering. The Italians were hamstrung as the Marines remained in Indian custody. They played a trick on the Indian judicial system. They first obtained bail for the Marines to go for X'mas and then for casting votes in the elections in Italy. The Italian Ambassador gave a personal sovereign guarantee to the Supreme Court that the Marines would return and later reneged on it. The Supreme Court reacted strongly and ordered that the Ambassador had forfeited his immunity and he should not be allowed to leave the country. The threat worked and the Marines were sent back although it created a lot of resentment in Italy. Its Foreign Minister resigned in protest over sending of the Marines.

2. The issue has created a piquant situation. It is claimed that India has 'clarified' (not promised) that the Marines would not get capital punishment. It is further assumed that the Marines would undergo their jail term, if any, in Italy. Italy still insists that they should be tried in Italy. The immediate crisis has been averted by bringing the Marines back but a lot of issues are yet to be resolved. Italy insists that the cargo ship was never in Indian waters and it was lured into it only after the shooting. Now the case is handed over to NIA which will investigate it *de novo*. India was forced to take action against the Marines because of the pressure from Kerala. Earlier, Mamata Banerjee came in the way of an agreement with Bangladesh. In another case, India was forced to vote against Sri Lanka in the UNHRC because of the protests in TN over treatment of Tamilians in SL. The TN Assembly passed a resolution demanding that Sri Lanka should not be treated as a friendly country. This militates against India's friendly relations with SL and India's foreign policy of non-interference in the internal affairs of any country. States cannot be allowed to dictate the foreign policy which is in the realm of the Centre. India could also be hit by a tit for tat response from its neighbours when it faces allegations of human rights abuse. International relations should not be hostage to narrow local interests.

CONCERN FOR THE ENVIRONMENT



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

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

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

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

HELP BRING OUR INDIA UP - QUICKLY!

Godrej INDUSTRIES

WELFARE : ENVIRONMENT / POPULATION NEXUS...

Pardon for Munnabhai

3. Sanjay Dutt's sentence ratified by the Supreme Court shocked many film personalities. The producers' anguish can be understood as they stand to lose over Rs. 250 crore. Other film personalities being friends and relatives have sympathy for him which is also natural. However, the demand for pardon by Justice (ret'd) Katju, Chairman of the Press Council of India, was surprising because of his reasoning which was naïve for a person of his eminence. Justice Katju is known to express his opinion on everything under the sun. In this case, his judicial mind found 6 reasons why Sanjay should be pardoned: the most important are that he is not declared a terrorist, he has passed Gandhiji's message through his film, he is working for various charities, he is married and has small children and he has suffered enough in the last 20 years. The fact that compared to others he has led a life of luxury on bail is another matter. The number of Sanjay's sympathizers is growing by the day. Digvijay Singh of the Congress found him to be innocent but foolish; Mamata Banerjee felt that he had suffered enough. All and sundry were eager to climb this bandwagon as if Sanjay is a freedom fighter who needs to be saved. They forget that the Supreme Court rejected Sanjay's plea for probation after considering all the grounds.

3. Everybody who gets caught has the same story of being innocent, a victim of conspiracy, a person of impeccable character otherwise etc. Has Sanjay Dutt expressed remorse? In fact, he retracted his confession. He claimed to have obtained a weapon for self-defence. An AK 56 rifle is a weapon of war. He also helped unload and hide an arsenal of weapons and grenades. Would any honest citizen not wonder what his friends were doing with such arsenal? Had he alerted the police, over 250 deaths could have been averted? What about all other convicts who are contrite and remorseful? Should all of them be pardoned? Justice Katju's reasoning that Munnabhai spread the message of Gandhiji through his movie is laughable. Justice Katju is also going to appeal for pardon for Zaibunisa Kazi who did exactly what Sanjay did i.e. stored weapons for the terrorists. Katju should form a national committee to examine all prisoners and make out a list of those deserving pardon. Our prisons would be empty soon. Then what about the talk of zero tolerance for terrorism? As it is, most criminals get away because investigating agencies are ill-trained; of the few who get caught, 90 % are acquitted because our criminal justice system is still mired in the 19th century. Of the very few who are convicted, some are out on parole and some would be pardoned if the new trend is followed. India would be afloat with escaped criminals, acquitted criminals, juvenile delinquents and pardoned criminals!

Police in Danger

4. The police are normally in danger on the borders or terrorist domains like J&K, North East and the Naxalite infested areas of Central India. They are regularly attacked in such areas, which in itself is sad; they do their duty in very inhospitable environment without gratitude from the rest of the country. In rest of the country, the police are generally disliked for being rude and offensive to the common citizen. It is also believed that police are corrupt and act at the behest of politicians and the underworld. The media, both electronic and print, strengthen this belief in pointing out almost daily the failures of the police. This has created the belief that the police need to be reined in, viewed with suspicion and condemned whenever possible. Distrust of the police is the norm. The culmination of this prejudice is the reduced respect and awe for the police. Before Independence, the police were disliked but also feared. Now only dislike remains. As a consequence there are increasing attacks on the police. The police are not the most likeable species but they do a thankless job for us. As the cutting edge of governance, they need to be respected, in spite of their dubious record.

4. The police are a necessary evil. We need them and need them to be effective. Unfortunately, the effectiveness of the police is getting eroded. There are frequent reports of police officers being attacked which was unheard of in the past. A Dy.S.P. was shot dead in UP, a traffic police officer was shot dead in Ludhiana, PSI Suryavanshi was thrashed by MLAs in the Vidhan Bhavan in Mumbai, an officer was beaten up in Dhule and a police station was gheraoed in Allahabad because an SP leader was brought in for questioning. In the past, a man in uniform could not be touched as there was fear that the might of the entire Government would be ranged against the offender. Now it is not so; Suryavanshi and the MLAs who attacked him are held equally accountable, with the Assembly on the side of the MLAs. Suryavanshi is isolated and suspended because he used abusive language against an MLA. A good administrator would have first ensured that the offending MLAs were punished to show that the Government was fully behind its officers and later examined Suryavanshi's conduct out of public view. The entire Government has lost the people's trust; from CBI

(Cont'd. on page 31)



Cornucopia

Firoze Hirjika

Blame It On Nehru

The reality of India is that the country is an unholy mess. The tragedy is that it need not have been.

We have some of the best engineers, doctors and scientists in the world. Our industrialists have proved that not only can they compete with the best of the West; they can also acquire some of the First World's iconic companies. How then did we come to this pass?

One attribute India has been sorely lacking in is good governance. It seems that our political class keeps getting progressively more venal, avaricious and downright incompetent with each passing decade. From the heights of the true patriots we inherited during and immediately after Independence, we have descended to 'governance' by avaricious oligarchs worthy of the Russian Mafia and their mobs, whose primary purpose is the accumulation of obscene wealth and the perpetuation of their rule by means of muscle power and self-serving political machinations. By some act of divine intervention, India remains a sort of functioning democracy, so these charlatans need to get elected at regular intervals. They are assisted in this endeavour by the country's crushing poverty and illiteracy. The helplessness and struggle for basic existence of a large proportion of India's population results in a pliable electorate who can be easily influenced and whose votes can be cheaply bought. Hence it is in their self interest to perpetuate the poverty and ensure that India's relatively impressive economic growth is restricted to a minority thinking elite, who are so ensconced in their personal cocoon of well-being that they are indifferent to the political chicanery all around them and rarely even bother to vote.

Winston Churchill had predicted that Indians would never be able to govern themselves efficiently; and there is probably a smug smile on his face from his perch up in heaven. India's descent into a political morass was not inevitable however. There was a brief Camelot period immediately after Independence when the country could have been steered towards the right path; and might well have been on its way to First World status by now. Let me elaborate.

India has never lacked in highly intelligent individuals and abundant natural resources. It is true that the British exploited these attributes for their own selfish ends, but they did not disappear after our former rulers departed. Properly utilized, they could have lifted a majority

of the population to literacy and to relative prosperity. However, the opportunity was squandered; and not because of bad governance or greedy and incompetent politicians. The irony is that India's economic growth was stunted by the noblest of motives and a genuine love of its peoples. Which brings us to our first Prime Minister, Jawaharlal Nehru.

For the first decade after Independence, Nehru was blessed with a cabinet of exceptional calibre and probity. It was an era when corruption in public office was the exception, rather than the rule it is today. Putting India on the road to prosperity - and enabling its population - was eminently achievable then. If a mediocre and bureaucratic Manmohan Singh could achieve an economic revival in the early 1990s, it was well within the grasp and ability of a visionary like Nehru. The country is still paying the price for his unwillingness to exercise that vision.

Nehru's blind spot was his fascination for socialism. It is deeply ironical that a leader with an abiding faith in democratic principles should have modelled his vision for the future of India on a totalitarian and economically bankrupt regime like the Soviet Union. He was deluded by the ideal of socialism and turned a blind eye to the hard reality of it. His desire for India to become self sufficient was well intentioned, but clumsy and impractical. It was frankly idiotic to expect a nation that had been exploited and kept deliberately backward for 300 years, to be suddenly capable of executing massive infrastructure projects without outside assistance and expertise. He compounded the foolishness by seeking advice from a notoriously inefficient and indifferent work force like the Soviets. Nehru's national "temples" turned out to be shoddy and unproductive. His near total ban on consumer imports and pig headed insistence that Indians should produce everything they needed by themselves, was another fiasco. Shorn of any competition; and encouraged by the traditional *chalta-hai* mindset of the natives, the consumer market was flooded with products of such inferior quality that their purchase became a matter of desperation. I remember a time when even possessing something as innocuous as foreign Kit-Kat chocolate became a status symbol. It entailed months of waiting to acquire a dowdy Ambassador car or a telephone land line.

Probably Nehru's biggest folly, that precipitated India's economic stagnation, was the imposition of the licence-permit raj - again inspired by the Soviet model. This regressive measure stifled private enterprise and entrepreneurship at every turn. Even worse, it placed enormous power in the hands of petty bureaucrats and politicians. It gave rise to the VIP culture that to this day is preventing India from realizing its true potential. It also ensured that a majority of the population remained economically backward, subservient and grateful for small handouts of government largesse.

Just think what a different India we would be now living in if Nehru - ably assisted by a team who had the interests of the nation (rather than their own) at heart - had adopted the free enterprise model; if the near 10%

growth we achieved in the 1990s had started in the 1950s. We would have been almost at par with countries like Japan and China. Even more importantly, a people lifted out of poverty and ignorance and free to indulge in independent thought, would have significantly cleansed the political system. Common citizens are basically good; and freed of the struggle for mere existence; there would not have been the present preponderance of crooks and the dregs of society that exists in our government polity today.

If only Nehru, mindful of Shakespeare's advice, had taken the potential of India at the flood, the country could well have been on the path to greatness. Of all the words of tongue and pen; the saddest are these; it might have been.

Can We Sink Any Lower?

It is now official. India is a certified banana republic.

For the uninitiated, a banana republic is defined as a regime in which there is one set of rules - or no rules at all - for those in power; and a different set for the governed. Not surprisingly, the dice are loaded to always favour the former. Normally banana republics exist in a dictatorial regime, but we Indians are a class apart. We have made one work in a democracy.

Very recently, all sense of decency, decorum and the rule of law were abandoned in, of all places, the State Assembly of Maharashtra. A gang of 'honourable' Members of the Legislative Assembly (MLA) reverted to their base upbringing and launched a vicious assault on an off-duty policeman sitting in the visitors' gallery. It was an act of *goondagiri*, plain and simple. The fact that it was carried out in full view of the audience and closed-circuit cameras, illustrated the total disdain these MLAs have for the people who elected them. They must be aware of the public outrage at their unpardonable attack; but they simply do not care. They expect respect as their due, without realizing it has to be earned.

The policeman in question had stopped two of the involved MLAs for speeding on the Worli sea-link; and that too in a car with banned tinted film on the windows and windshield - a clearly illegal act. That was not the real provocation, however. When the duo threw their weight around in their customary fashion, the cop refused to be intimidated and replied in kind. This was what they couldn't stomach; a lowly cop talking back to the high and mighty - different set of rules, remember. They are now whining that the dignity of their office has been demeaned. Dignity? seriously? Can anything be more absurd? Believe me, in this country it can.

Initially, the nefarious gang of assaulters was suspended from attending the Assembly for a year. At least the legislators are not totally lost to shame, we thought. We should have known better. Our lawmakers will always make every effort to escape the law - and they are inevitably aided in this endeavour by their brethren. Right and wrong does not enter into it. Punishing the thugs would set an intolerable precedent. They were all birds of a feather, after all. By their convoluted logic, the victim became the perpetrator. The policeman was suspended - for rude behaviour. Rather rich from a coterie from whose mouths expletives stream forth as a matter of course.

Normally, our policemen mollicoddle politicians since they know which side their bread is buttered. This, however, was the straw that broke the camel's back. The top cops were appalled at this reversal of justice and insisted that the hooligans be arrested - and they were, for a while. After a token incarceration, they were released on bail - surprise! surprise! As was their right, the police asked for closed-circuit camera footage of the incident to strengthen their case. After hemming and hawing, the state home minister pontificated that the footage was inconclusive and hence would not be released. In short, our politicians are immune from punishment. Our country may not have a Great Leader, but we have a plethora of petty 'leaders' who have the same privileges.

The outcome of this fracas, shorn of all rhetoric, is that the politicians have won - again. After the initial bravado, the police have decided to let sleeping dogs lie. Perhaps they have realized that he who pays the piper chooses the tune: and that it is not in their self interest to escalate the confrontation. Don't forget that any notion

of principles in public service became extinct decades ago in this country.

The real tragedy is that the above shameful perversion of justice is not exceptional; it is routine. In a democracy supposedly for the people, the people are

virtually powerless. We may writhe in shame; we may boil with righteous indignation; we may tear our hair out in frustration, but we cannot change the system. Like any tin-pot dictator, our tin-pot politicians will do whatever it takes to safeguard their privileges and perpetuate their hegemony. Be resigned to eat a lot of bananas.

The Fairy Prince

Rahul Gandhi is an anachronism in the politics of modern India.

He exudes sincerity: an attribute that has been absent from the national polity for half a century. He speaks from the heart, regardless of the effect on his political future. He leaves his peers and detractors - and that includes members of his own party - bemused and bewildered. They cannot decide whether to commiserate with him or collapse into incredulous laughter. The opposition parties find themselves in a particularly piquant position. It seems almost churlish to make derogatory remarks about such a sweet boy; and yet their political imperatives compel them to.

There is a general consensus among political stalwarts that Rahul Gandhi seems to exist in some la-la land where idealism and good intentions are the primary ingredients for ameliorating India's myriad problems. He seems oblivious to the realities of Indian politics, where wheeling-dealing, back-stabbing and rank opportunism are mandatory for acquiring power and retaining it. Fancy words like principles, welfare and good governance are mere palliatives meant for a gullible public. If any politician was foolish enough to believe in them, he would soon find himself back among the ranks of fruit sellers and petty criminals he emerged from.

Rahul Gandhi apparently does believe in them, however. Of course, he has the cushion of the First Family should he fall flat on his face. Nonetheless, his idealism and naiveté is a refreshing change from the hypocrisy and false promises that pour forth effortlessly from his political brethren. Given the track record of our politicians, he is

almost guaranteed to be disillusioned in quick time, but I applaud him for at least trying. Rahul-baba may be difficult to admire, but he is equally difficult to hate. Consider the following.

Recently, Rahul Gandhi addressed the Indian industry for the first time since being appointed vice-president of the Congress. His speech was flowery and devoid of any real substance. He spoke of India's economic woes without offering any solutions. Even so, hard boiled titans of industry present in the audience lapped it up. They nodded indulgently as this green boy poured out his naive and totally unrealistic vision of India. They realized that he would soon have to confront the brutal reality of Indian politics, but they were allowing him to enjoy his spring.

Rahul Gandhi deserves to be put on a pedestal, if only for the novelty he represents. Here is a politician who does not crave power, or wealth or publicity; perhaps because the family firm has always had these trappings and he is content with that. He does not indulge in sanctimonious drivel like 'paying his debt to Mother India'. He is aware of his shortcomings and makes no effort to disguise them. My take is that if he becomes Prime Minister, he will muddle through somehow making a lot of mistakes along the way; but I would still prefer him over the dictatorial alternative.

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Boston Bombing (Cont'd. from page 9)

and "Sting Operations" were able to unearth the plots before the public were exposed to the danger. The report said that 11 conspiracies were against New York City, 5 against Washington DC and 5 plots were against airport targets. The research also revealed that terrorism, if treated as "Standard law enforcement concern", would result in "underestimating the threat". This should be a good lesson for India where the States are agitating against

Central organizations doing terrorism related investigations.

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As we go to press comes the news that two brothers, both Chechen emigrants were identified as the terrorists and one was killed in a shootout, and the other was caught in a mighty manhunt. - Ed.

Maharashtra State Upsurge in Child Sex Ratio

J. S. Apte

On 1 May 2013 Maharashtra State reached the age of 53. It was the first State in the country to legislate the Pre- Conception and Pre- Natal Determination Test the (the PCPNDT Act).

According to a study by Pune's Gokhale Institute of Politics and Economics in 2003-04, 88 Talukas in 19 districts of State showed a tragic decline child sex ratio - less than 900 girls for 1000 boys. Ahmednagar tops the list – 13 talukas followed by Jalgaon, Aurangabad, Solapur, Satara, Beed, Osmanabad, Sangli, Jalna, Nashik, Buldhana, Washim, Dhule, Latur, Hingoli and Chandrapur and Thane. Nearly 50% of the talukas are represented from 5 progressive districts of the state viz., Pune, Ahmednagar, Sangli, Satara, Kolhapur and Jalgaon. According to Vikas Kharge, NRHT Mission Director the improvement in child sex ratio was made possible because of awareness drives, stringent enforcement of initiation if technology like mother and child tracking system and raids on sonography centres. It seems strong will and firm actions have paid off.

Beed District ranked lowest with a child sex ratio in 2011 of 796 girls to 1000 boys. Now with the strict implementation of PCPNDT Act, the child sex ratio has risen to 955 to 1000. The ideal sex ratio at birth is 951 girls to 1000 boys.

Encouraging Scenario

Data and information were collected on 34 districts of the State excluding suburban Mumbai. Barring Dhule and Gondia, 32 districts showed improvement in child sex ratio: Beed (159), Ahmednagar (158), Hingoli (125) and Parbhani (116) – three districts from Marathwada and one from Western Maharashtra. 14 districts have shown very satisfactory increase in child sex ratio. Washim (91), Jalna (87), Osmanabad (88), Akola (85), Buldhana (82), Sindhudurg (80), Aurnagabad (64), Jalgaon (57), Nanded (50), Kolhapur (47), Satara (45), Wardha (44), Nashik (44) & Pune (43). Four from Vidharbha, four Marathwada and six from Central Western Maharashtra. Bhandara & Ratnagiri have shown marginal increase by five points. 11 districts have shown an increase of less than 30 points in child sex ratio. Nagpur (29), Yavatmal (27), Sangli (28), Raigad (25), ILatur (25), Nandurbar (25), Chandrapur (24), Amravati (24), Gadchiroli (8), Thane (7) and Mumbai (6).

Strict enforcement of the PCPNDT Act and imprisonment of 34 doctors have acted as deterrent to medical practitioners in general and obstetricians/ gynaecologists in particular. Awareness campaigns have gone a long way in enhancing information about the law among the medical and para medical staff and in creating proper attitudes about the importance of daughters in a family.

Encouraged by the upsurge in the sex ratio figures, the state is now planning to further strengthening the PCPNDT implementation. Consultant to the State, Asaram Khode said, "We have started further strengthening the enforcement of PCPNDT Act to ensure strict action against sonography centres operations in the districts along Maharashtra's border. The state government has decided to check sex selective abortions in states and districts bordering Maharashtra – Karnataka, Andhra Pradesh, Madhya Pradesh, Chattisgarh, Gujarat, Goa. A Coordination Committee of all the states has been formed that will meet every six months to exchange data and information on various aspects of the Act.

Since a change in the mindset and attitudes is most essential to stop female foeticide, awareness drives, orientation programmes will be organised with the help of panchayats, local bodies and elected representatives of the people.

According to the 2011 census, Maharashtra's child sex ratio was 833 girls for 1000 boys and Pune's was 873 girls for 1000 boys. One only hopes this upward trend continues in the coming years and other districts will further enhance their child sex ratios. There is still a long way to go.

J. S. APTE, Pune. Formerly Director, Family Planning Association of India, Mumbai and commentator on development issues.

India Vs. England – A New Paradigm Shift*

Nagesh Kini

“The equations between nations alters even faster than it did in the 20th century, the past is now up for the grabs along with the present.”

The veteran author-columnist M. V. Kamath in his weekly column *Odd Man In* makes certain extremely apt observations when he writes on *India: The great white beacon of hope*.

I'd like to begin with what the current British Prime Minister, David Cameron said during his recent visit to India leading the largest ever delegation – “India's rise is going to be one of the great phenomena of the century and it is incredibly impressive to see the vibrancy of your democracy, the great strength of your diversity and the enormous power of your economy that is going to be one of the top three economies by 2030.”

Mr. Kamath goes back into history to quote Sir Winston Churchill's statement in June 1947 in the British Parliament when the Prime Minister Clement Atlee introduced the Indian Independence Act – “Power will go into the hands of rogues, rascals, free-booters; all Indian leaders will be of low calibre and men of straw... They will fight among themselves for power and India will be lost in political squabbles... I hate Indians. They are beastly people with a beastly religion.” While Churchill did not give us a chance to survive more than a few months, now years later another PM, Cameron considers India “to be one of the top three economies by 2030”! If not a paradigm shift what can it better be?

The British, who came to pursue trade and commerce, stayed on to rob, steal and forcibly convert, later in a brutal action hanged from trees thousands of patriots in what we consider the First War of independence, the British term it the “1857 Sepoy Mutiny”; during the Bengal famine resulting in starvation deaths of over three million innocent Indians, they shipped out of India food grains against the advice of their own military to feed their soldiers fighting elsewhere. They also confiscated and burnt to ashes boats belonging to fishermen all along the Bengal, Orissa and Madras coasts and stole the Kohinoor diamond to adorn their royal crown. The British shipped cotton to Manchester starving the Indian textile industry in the western presidency of Bombay.

Prior to their arrival, India boasted of having over

25% of world trade. Today Indian merchandise exports to and imports from England are a measly 2.5% and 1.5%. PM Cameron and his Trade Delegation want to hike it up substantially citing old ties.

Currently *Great Britain* is no longer “Great” and *United Kingdom* is no longer “United” – North Ireland is a separate unit, Scotland seeks independence and it may not be long before Wales follows suit. The proud Brits who once boasted “Sun never sets on the mighty British Empire” have had to weather the rigours of two world wars. Aligning with the Americans got them embroiled in the Wall Street Crash, the Financial Meltdown and LIBOR expose. Currently, they are in the midst of the Euro-zone currency crises.

The British writer Patrick French, historian, biographer and author of ‘India: A portrait’, in his column ‘The Last word’ for *The Week*, writing an article titled ‘Envoys to the Indian court’ has some very candid observations. He says that for the “optimistic projections” in the 2013 budget to succeed, the GDP will need to grow faster than at present. PM “David Cameron and his entourage of business people, like latter-day envoys to the court of emperor Jehangir, all hoping to win a share of Indian trade...politicians in London have been wondering how to use the shared history of India and the UK to their advantage.” “One technique is to present Britons of Asian origin as a public face of the government, another to announce that chicken *tikka* masala cooked up in Midlands is now England's national dish and a third to tentatively express regrets for some excesses of the colonial era. None of this appears to have had any effect on Indian opinion-formers who are relishing the tilt in the balance of power...”

“In the end Cameron went to Amritsar and said the massacre was ‘a deeply shameful event in British history’, but avoided a formal apology. French thinks this is an attempt to woo Punjabi voters back home. The PM cited that Winston Churchill had condemned the outrage. “What he did not mention was that Churchill, of all the 20th century PMs was the least sympathetic to India.”

The “equations between nations alters even faster than it did in the 20th century, the past is now up for the

* Also turn to page 36

grabs along with the present. Even while the Indian business people feel frustrated by economic slow down and low rupee, to the rest of the world India still looks like a nation that must be wooed.”

The circle is now complete and their PM has now come back to seek forgiveness from the very people they sought to colonize and subjugate in vain. The beginning of the end of their dominion and colonization began with granting Independence to India. They separated India by instigating Pakistan which got paid in Bangladesh choosing to secede and now they have Scotland and Wales

trying to separate on their heels. There's no denying the fact that England owes a lot to India – their entire National Health system will collapse like a pack of cards if the Indian doctors, nurses and paramedics choose to pull out. The IT, ITeS, Banking has a lot of Indians heading their operations. Indians dominate their accounting, medical and legal professions. All this makes them highly vulnerable – it will end up as our 'ultimate sweet revenge' for all their wrong doings when they were ruling over us!

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The Desi Factor in U.S. – India Relations

For many decades most Americans were inclined to the views of President Harry S. Truman, who dismissed India at its birth as an independent state as “pretty jammed with poor people and cows wandering around streets, witch doctors and people sitting on hot coals and bathing in the Ganges.” His Secretary of State, Dean Acheson, had an even more incisive perspective: “by and large [Indians] and their country give me the creeps.” ..Public opinion kept close track with official attitudes in Washington. Harold Issacs's classic 1958 survey of U.S. elite opinion, *Scratches on Our Minds*, revealed that influential Americans held very negative perceptions of the country, associating it with “filth, dirt and disease,” along with debased religious beliefs. A State Department analysis prepared in the early 1970s found that U.S. public opinion identified India more than any other nation with such attributes as disease, death and illiteracy, and school textbooks throughout this period regularly portrayed it in a most negative light. This view was again underscored in a 1983 opinion poll, in which Americans ranked India at the bottom of a list of 22 countries on the basis of perceived importance to U.S. vital interests.

So, what accounts for the significant shift in perceptions? An obvious part of the answer lies in the dramatic turnaround in Indian prospects launched by the 1991 economic reforms. For all the attention lavished on China these days, Jim O'Neill, the progenitor of the BRICs acronym, contends that India still “has the largest potential for growth among the BRICs countries this decade.” A recent Citibank report concludes that India will likely be the world's largest economic power by 2050 and, according to International Monetary Fund data, India supplanted Japan as Asia's second-largest economy last year. President Obama routinely points to Bangalore as a threat to America's competitive advantage while Lawrence H. Summers, his former chief economic adviser, touts the virtues of the Indian development model. And the jugaad concept, once seen as a sign of backwardness, is now viewed as an innovative approach to business management.

Another prominent piece of the explanation lies in U.S. admiration for India's durable democratic traditions. The concept of democratic India had particular appeal to George W. Bush, who engineered a remarkable transformation in bilateral affairs. Robert D. Blackwill, who served as Bush's first ambassador to New Delhi, recalls asking Bush as he geared up his

presidential campaign in early 1999 about his special interest in India. Bush immediately responded, “a billion people in a functioning democracy. Isn't that something? Isn't that something?”

But a less obvious, though equally important, factor is also at work: The increasing stature of Indians in American society has changed how all Americans think about India. Consider the following examples:

- The election of Bobby Jindal and Nikki Haley to the governorships of Louisiana and South Carolina (respectively), states in the heart of the Old Confederacy.
- The entertaining television ad Intel ran a few years back lauding the rock star status of Ajay Bhatt, the co-inventor of the USB computer connection.
- The ubiquitous presence of Sanjay Gupta, CNN's chief medical correspondent. In 2003, he was named as one of the world's sexiest men by *People* magazine and a “pop culture icon” by *USA Today*. And in 2009 he was mentioned as President Obama's choice as Surgeon General of the United States, the country's top public health official.
- The winner and the two runners-up of last year's national spelling bee were Indian-American children. It was the fifth consecutive year, and the tenth time in the last 14 years, that an Indian American won. The top four positions in the 2012 National Geographic Bee were also Indian-American kids.

Last summer witnessed a high-profile Desi clash– the successful prosecution on insider trading charges of Rajat Gupta, McKinsey & Company's former chief executive and an iconic figure in the Indian diaspora, by Preet Bharara, the U.S. attorney responsible for Wall Street. Bharara was named last year to *TIME* magazine's roster of the world's 100 most influential people and Bloomberg Market's “50 Most Influential” list.

Excerpted from Chanakya's Notebook :

For the full text visit: <http://chanakyasnotebook.wordpress.com/2013/03/26/the-desi-factor-in-u-s-india-relations/> Posted on March 26, 2013 by davidjkarl. Contributed by Ram Narayanan <ramn_wins@roadrunner.com>

BRICS in Perspective: Towards A Multi-Polar World

B. Ramesh Babu

During the past two decades India has steadily moved from non-alignment to multi-alignment...There is a discernible diminution in America's primacy in world politics and its relative power.

The fifth Summit meeting of the BRICS leaders held in Durban received wide attention in India and elsewhere in Asia and Africa. Some of the hype dubbing it as a “game changer” in world politics is overdrawn and somewhat premature. However, if the group could act in concert by building on their convergences and containing their divergences, BRICS could eventually lead to a new balance of power in global politics. The role and reach of India in the important multilateral organization (along with a few other regional international bodies) are to be seen as key ingredients of the radical transformation taking place in India's foreign policy since the 1990s. During the past two decades India has steadily moved from non-alignment to multi-alignment. It is pertinent to add that India conducted joint military exercises with dozens of countries around the world, including China! Such a radical shift in India's foreign policy and its bilateral relations with the major powers of the world is in tune with the evolving changes in world politics since the end of the Cold War.

After the demise of the Soviet Union and the collapse of communism as a model of development, the global strategic security and ideological context had undergone a sea change. The ongoing transition is yet to attain stability and settle down into a new and more predictable web of relations among the major powers in the world. America continues to be the mightiest nation in history and the sole super power. China is a distant second as a global player. However, the recession of 2007-2008 and the continuing slow down of the American economy (and other western countries) eroded the nation's “will to power.” The triumphalism of the early phase of globalization has disappeared. Retreat from the Bush era over stretch, refocusing on core concerns at home, and “rebalancing” of global strategic security are the new watch words in Obama's Washington.

The actual “power” of the US (whatever be the chosen index) has not declined in quantity or quality. However, there is a discernible diminution in America's primacy in world politics and its relative power. Many other major powers have emerged on the world scene. Acting

in concert different combinations of these major powers have acquired the capacity to stymie America's global agenda on particular issues. The phenomenal and aggressive rise of China, the steady growth of India into a major economy in the world, the reassertion of Russia under Putin, the emergence of the European Union as a player in its own right, Japan's bid to overcome the Constitutional barriers to her rise as a military power, and the rise of a number of middle powers like Brazil, Australia, South Africa etc. *shifted the centre of gravity in world politics from the Atlantic to the Pacific.* In response to the altered and still evolving global reality, President Obama came out with the “pivot Asia” strategy and declared that a lion's share of America's naval capabilities will be redeployed to the Asia-Pacific region. The dramatic and the ongoing shift in the global balance of power naturally triggered a chain reaction in the strategies of all the major powers of the world. Accordingly all of them have reformulated their foreign policies and are rebuilding their bilateral equations with one another, be they allies or adversaries in the recent past.

Non-Alignment to Multi-Alignment

Naturally, India also responded to the radical and continuing transformation in the global strategic and ideological context by actively building linkages with all the major powers around the world irrespective of their historical postures or past ideological inclinations. The process began by India moving rightward on the economic front at home by falling in line with the American model of liberalization, privatization and globalization. The NDA Government led by Vajpayee moved very close to the United States in foreign relations as well. America under the leadership of President Bush responded positively. The UPA Government continued along the same lines, which culminated in the historic US-India Nuclear Deal symbolizing the paradigm shift in India-US relations. Today's India is closer to the US than ever before, which is a key concern for China.

At the same time India quickly undid the short lived neglect of our key partnership with Russia. Our relations with Russia expanded significantly on every front in recent

years. Similarly, India launched an active policy of seeking out all the major powers around the world and building strong bilateral relationships with all of them. We conducted and are conducting bilateral and multilateral military exercises with almost all of them. The then External affairs Minister Pranab Mukherjee described the new policy as an “upward spiral of improving ties with all major powers.” India’s shift from non-alignment to multi-alignment could be seen as an interim strategy of keeping its options open when all major powers were doing the same thing.

BRICS –A Potential Game Changer

The historic “Look East” policy launched by Prime Minister P V Narasimha Rao fits into India’s enduring goal of a multi-polar world, an international order devoid of the hegemony of one or more powers. He wanted the country to move away from the Nehruvian legacy of undue western orientation in foreign relations by building bridges to the emerging nations in Southeast Asia. Prime Minister I K Gujral and the successive Governments since then carried this wise policy forward. Today India is an active and important player in many regional international organizations like the ASEAN, ARF, Indian Ocean Rim States, etc.

This policy of multi-alignment is the rationale behind India conducting joint military exercises with a large number of countries irrespective of their past alliances or ideological orientations. Similarly India joined many other regional and “global” international organizations like Shanghai Cooperation Council (SCC), IBSA, etc. The recent fifth Summit of BRICS is an important milestone in the process of nurturing an ‘**intercontinental**’ counterforce to contain American hegemony. BRICS could play an important stabilising role in the troubled region of West Asia after the retreat of the US from Afghanistan. BRICS could rope in other stakeholders like Iran, and the Central Asian neighbours (Ukraine, Kazakhstan) in the process.

The Durban Summit acquired added salience because all the African countries were invited and most of their big leaders participated in the gathering. Naturally, the vital need for supporting the economic development of these countries figured prominently in the deliberations. Logically, launching a new development bank of their own, independent and different from the IMF and the World Bank, was welcomed very enthusiastically. Infrastructure development, the crying need of the developing countries, was the agreed focus of the proposed Bank. China was most enthusiastic about the timely initiative and proposed that each member should contribute 100 billion dollars to the fund. China went on to add that if there is a shortfall in any country’s contribution, it is ready to make it up.

Such a vast enterprise obviously needs a lot of ground work and ironing out agreed rules and regulations. It will take at least two years before the new Bank becomes operational. The idea was so powerful that the World Bank responded with alacrity and offered to cooperate in every possible way! A Fund to cushion fluctuations in foreign exchange was also discussed, it must be added.

At a time when the regional international order and global governance are in flux, BRICS provides India an appropriate platform to help developing nations around the world and also promote the multi-polarisation of the world. By acting in concert, India, China, and Russia – the three continental sized nations— can make a difference in global politics. Together with Brazil and South Africa – leading countries of South America and Africa - BRICS literally covers the whole world minus the West. Intra-BRICS trade and economic exchange will provide an immense opportunity to each one of them to exert their collective weight for individual advancement. By working together they can open a new chapter in alleviating poverty, malnutrition, and ill health stalking the Third World.

However, a word of caution is in order. Ideas need concerted and sustained effort to translate them into reality. Our track record on translating potentials into reality and implementing programmes is not something to write home about. As of now BRICS has the potential to grow into a **game changer** in world politics in about ten years. It is good to dream. But it takes courage, dedication, determination, hard work, and above all **integrity and dynamic leadership** to realize dreams! Such virtues are in short supply in our country these days.

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William Shakespeare Evaded Taxes, Hoarded Food!

London: William Shakespeare was repeatedly dragged before the courts and fined for illegally hoarding food during times of shortage and even threatened with jail for evading his taxes, a new study on the famous English playwright has claimed. Court and tax records show that over a 15-year period Shakespeare purchased grain, malt and barley to store and later resell at inflated prices according to a paper published by three University academics.

New Indian Express, Chennai/Bangalore
1 April 2013.

Contributed by B. M. N. Murthy, Bangalore

Nawaz Sharif's Kargil Misadventure

Suresh C. Sharma

Journalist Najam Sethi has clarified that Sharif was briefed on 29 January 1999 in Skardu about the general situation in J & K. and on 5 February in Kel.

In May 1999, Pakistani troops intruded into the Kargil sector. The Indian Army vacates these posts during winter due to extreme cold. The Pakistanis did not face any opposition. Initially, the plan was to occupy ten vacated posts. When they did not see any sign of Indian troops in the location, intrusion increased to 140 posts extending over 110 kms and to a depth of about ten kms. The Indian Army was unaware of the strength of hostels till 15 May. The logistics support required was far in excess of the planned figure due to increase in the number of troops and the extent of occupation. The Pakistan Army believed that by occupying the Kargil heights, India's supply lines to Leh and Siachin would be interrupted and the Kashmir issue would be internationalized.

They ruled out any counter-attack due to the difficult terrain and climatic conditions. They expected support from the locals due to Kargil being a Muslim majority district. Overall it was to be a revenge for having been outsmarted in Siachin in 1984. Pakistan did not want to take their people into confidence about Siachin. The Director Military Operations [DMO] had presented the Kargil plan to General Zia in 1984 immediately after Siachin operations. Zia ruled it out due to heavy involvement in Afghanistan and apprehension of escalation into a general war. Later Benazir Bhutto also disapproved it for similar reasons. In 1999, Musharraf went ahead with the Kargil operation. He believed that nuclear deterrent ruled out the likelihood of an all-out war and any reaction by India would be by troops in Jammu and Kashmir [J&K]. This would weaken those sectors and Pakistan could exploit the situation by infiltrating militants there.

Initially the Kargil operation was known only to Gen. Pervez Musharraf, Chief of General Staff Lt.Gen Mohammad Aziz, FCNA (Force Command Northern Areas) commander Lt.Gen Javed Hassan and 10 Corps commander Lt.Gen. Mahmud Ahmad. The majority of corps commanders and principal staff officers were kept in the dark. Even the then Director General Military Operations (DGMO) Lt.Gen Tauqir Zia came to know about it later, Lt.Gen. Aziz, then director general of the Analysis Wing of ISI, learnt of it through radio intercepts of transmissions

by the Indian Army. The Pakistan Air Force [PAF] made some queries and was told that it was for an exercise. They were later briefed only three days after the commencement of operations. There were two additional reasons for the operation in 1999. Firstly, none of the four general officers had distinguished themselves in the previous wars and were keen to win laurels to be considered as great commanders. Secondly, Sharif wanted to reach some rapprochement with India in order to deprive the Pakistan military a prominent role in the national affairs. Musharraf's plan for war was to sabotage the peace plan.

Pakistan had believed that it would not be possible for India to employ Indian Air Force [IAF] or medium artillery due to terrain conditions or move troops from outside Kashmir. All these assumptions by Pakistan turned out to be wrong due to the determination of the Indian Armed Forces. More than one hundred thousand troops were moved into the Kargil sector without any weakening on the Kashmir front. IAF carried out modifications with help from Israel for effective strafing and bombing at high altitude. Concentration of Bofor guns roared to shatter the morale of the Pakistani soldiers. Pakistan had claimed that the intruders were mujahdeens and the Pakistan Army had not participated in it. The PAF lie of 'only Mujahdeens' was exposed by prisoners taken by the Indian Army and confirmed by the intercept of telephone talks between Musharraf in China and the Chief of General Staff of Pakistan Army in Islamabad. It is not clear whether this intercept was given to India by China or by the USA. India informed the international community who were convinced that the freedom fighters were state sponsored terrorists.

International opinion went against Pakistan which was isolated. Even China, the all-weather friend of Pakistan, advised respect for the Line of Control [LOC]. Relations between India and USA became stronger. By late June, rations were scarce and the Pakistanis were retreating after having suffered large casualties. According to Sharif, Pakistan had suffered 4000 casualties while the Pakistan Army's official figure was 187. In order to give credibility to the operation being by the Mujahdeens, some militants were inducted in June. Six militants were killed in Mushkoh

valley while on a reconnaissance mission. They found it difficult to move due to artillery fire by India and conflict with the locals. There was extreme tension between local civilians and militants in Skardu where they had occupied the house of a civilian. A local politician is reported to have slapped an ISI captain for favouring the militants over the civilians.

Retreat came quickly and defeat was total. Sharif went to the USA and a ceasefire was reached with help of the USA. People who were fed with stories of victory were sore with the ceasefire and blamed the Mujahdeens for the poor show. Before the orders for retreat came, Army officers believed that the Indians were on the point of surrendering. They could not understand the orders for retreat. The Mujahdeens were unhappy that they were given a bad name for the retreat by the Army. A large number of soldiers who took part in the operation were from the Northern Area. They were unhappy that their contribution was ignored. They asked why they were burying the boys in secrecy at night.

Another sore point was that Pakistan did not take back all the bodies and they were buried in India. The post mortem of a soldier revealed malnutrition and some of them were surviving on grass. They had no proper food due to bad planning. On 24 June, Sharif tried to address the issue in Skardu Military Hospital. It was too late and too little. On 16 July, he announced a grant of Rs.50,000 and a house to families of those killed. Similar benefits were to be given to the wounded. Musharraf announced gallantry awards to satisfy the demand for recognition. Ten thousand houses were to be built at a cost of Rs.75 crores. The cost of the operation went up. The Opposition parties did not give any support since they had not been taken into confidence. The Army continued the game of bluff. Even in January 2013, Musharraf declared on an Indian TV channel that they had caught India by the throat and released it when asked to do so. To counter the defeat in Kargil, Musharraf did suggest going to war but like his predecessors, Sharif ruled it out. He well understood that a defeat would result in the sacking of the Prime Minister.

Next was the blame-game. The army blamed Sharif who buckled down in spite of impending victory – a distortion of facts. The ISI arranged a demonstration by the Mujahdeens in order to destabilize the Government. Sharif took the unusual stand that he was never informed of the operation. With clarifications by the various actors, the situation is clearer. Lt.Gen Aziz opines that Sharif was briefed but all the details were not given to him. He was told that only Mujahdeens were being inducted. Journalist Najam Sethi has clarified that Sharif was briefed on 29 January in Skardu about the general situation in J & K. and on 5 February in Kel. Shujat Hussain who was Home Minister in Sharif's cabinet called Sharif a liar as he was also present in these meetings. During these briefings, Pakistan's defensive measures were explained as a response to shelling by India in the area of River Kishanganga. Detailed briefing was done on 12 March on a sketch in which the LOC had not been marked. Sharif was led to believe that it was a defensive measure by the Mujahdeens. Sharif was impressed by the logic that it was a win-win situation. If India lifted troops from any sector in Kashmir, the Mujahdeens would enter that area. Lt. Gen Aziz commented that they had destroyed India's ammunition and Sharif would be in a strong position to negotiate. Liberation of Kashmir was imminent and Sharif would be called Qaed-e-Kashmir on the lines of Qaed-e-Azam title for Jinnah. Sharif is reported to have asked Musharraf as to when he was giving him Kashmir. The Foreign Minister expressed reservations. Further briefing took place on 17 May, 2 June and 22 June. Sharif developed doubts by end May and decided to seek help from USA. After the cease-fire, both, Sharif and Musharraf, tried to oust each other. Musharraf won and Sharif's life was spared on the intervention of Saudi Arabia.

Zia and Benazir Bhutto had shown better sense than Sharif who was informed but failed to appreciate the consequences of Kargil intrusion. Perhaps, an exaggerated confidence in Pakistan's military capability, dream of winning Kashmir and title of Qaed-e-Kashmir blunted his thought process.

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Point Counter Point (*Cont'd. from page 21*)

downwards, the police lack credibility. However, we cannot do without them. So, we have to back a few honest men left.

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

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

The Korean Crisis: Of Political Blunders and Wasted Military Victories

Nitin G. Raut

In the chess board of East Asia Pacific power play NK is China's pawn to test US preparedness.

The Korean War ended in 1953 but the armistice between the Republic of Korea (ROK) and The Democratic People's Republic of Korea (DPROK) commonly called North Korea (NK) has not been converted into peace treaties. Technically both the Koreas are at war with a perpetual finger on the trigger. Impoverished North Korea has the fifth largest army (1.7 lakhs approx) and an arsenal of untested nuclear weapons made possible through illegal acquisition of nuclear technology via Pakistan. The ROK has a smaller Army but has the support of 28,500 US troops stationed in the country. The ROK-NK border is perhaps the most fortified and explosive border in the world.

In December 2012, NK carried out its third nuclear test that drew a tough U.N. sanction which angered its politically juvenile and megalomaniac leader Kim Jong Un who has drummed up a war hysteria.

In the follow up on 28th March this year Kim after putting his army and missiles on alert snapped the last lines of communication with ROK and threatened to attack and nuke ROK, Japan and U.S. Military bases in Guam and Okinawa in Japan. NK is a vagabond State and has little to lose by its reckless belligerent and war mongering policies

NK has no known capacity to strike US across the Pacific or Asia and the Atlantic. Therefore Kim's bombastic talk to "... mercilessly target Hawaii and Guam and in South Korea....." and that "the time has come to settle accounts with the US imperialists" is not merely ego laden rhetoric but to indulge in nuclear blackmail to coerce the world to accept NK as a Nuclear Power.

Kim's bellicosity could well lead to a nuclear holocaust; as an acknowledged international beggar Kim has nothing to lose. Not even China will rein in its client State. In fact for China, Kim's belligerency serves its purpose of keeping the pot boiling in East Asia-Pacific region where China is aggressively laying claim to the Spratly Islands, Senkaku Islands of Japan and practically

the entire South China Sea rich in oil and gas reserves. It has brought China in direct conflict with Japan, Taiwan, the Philippines and ROK all allies of the US – in a region of vital strategic importance to the US- economically and politically.

In the chess board of East Asia Pacific power play NK is China's pawn to test US preparedness. China, while making the usual insincere noise for restraint and negotiated settlement will be happy if NK plays the role of a destabiliser in the same manner it has used Pakistan as its Trojan house to maintain a level of perpetual tension in South Asia. Incidentally it is Pakistan that helped NK to graduate from Uranium to Plutonium in NK's nuclear programme. Ironically the fear of nuclear weapons falling in the hands of Pakistani terrorists and a rogue ISI or the grim reality of NK using its N weapons is a bizarre prospect and a creation of US ally Pakistan.

The Korean and Kashmir problems are symptomatic of the inability of political leadership failing to understand the importance of military strategy and to consolidate military victories with political gains.

In 1953 over 3,00,000 Red Chinese troops (calling themselves 'volunteers') invaded Korea sweeping across NK almost overrunning ROK leaving a sliver of a coastal strip at Inchon. It was then that the US President Truman ordered General MacArthur to stem the Communist China tide.

On September 17 1953, the US 10th Corps made a spectacular amphibious landing on the Inchon coastal strip behind enemy lines and a US-led United Nation force liberated South Korea and was poised to drive out the Chinese from NK as well. General MacArthur wanted to press his military advantage and cross the 38th Parallel – the line dividing ROK from NK – but President Truman fearing aggravated confrontation with the Chinese restrained Gen. MacArthur and sacked him.

In 1948 also, soon after Independence when

Pakistan attacked India with army regulars disguised as Pathans to seize Kashmir, Indian Army units were rushed to the aid of the then Maharaja Hari Singh of Jammu and Kashmir at his request after he had signed the Instrument of Accession. The Indian Army under the leadership of the formidable General Thimmaya drove out the Pakistani soldiers from J&K and were on the threshold to capture Muzaffarpur that would have liberated the entire J&K, Prime Minister Nehru foolishly restrained General Thimmaya from completing his task by liberating the remaining part of J&K; Nehru compounded his blunder by referring the issue to the UN, ostensibly for peace.

During World War II faced with a relentless Nazi onslaught, the Allied forces started retreating. On May 26, 1940 the Allied forces – British, French and some Belgians were regrouping at Dunkirk awaiting evacuation by British ships. At that point of time, Royal Air Force chief Air Chief Marshal Dowding sought British Prime Minister Winston Churchill's permission to order the RAF to attack the advancing Nazis. Churchill was reluctant and wanted the RAF to concentrate on defending Britain failed to comprehend the sound military advice. It was then that ACM Dowding gave Churchill an ultimatum: Mr. Prime Minister saying "Either the RAF stays at home or I go home". Churchill realized that military wisdom was the better part of valour. The RAF went into action with a vengeance and the Allied forces rolled back the Nazi juggernaut and the retreat at Dunkirk also became a launching pad for victory.

In the first two cases if the political leadership had had the foresight and sagacity to lend an ear to the advice of their military commanders, there would have been no POK (Pakistan Occupied Kashmir); if Truman had permitted MacArthur to cross the 38th Parallel and push out the Chinese soldiers back into Chinese territory there would have been no Democratic People's Republic of Korea (DPRK), no North Korea and no Kim Jong Un. There would have been one Korea as there would have been one Kashmir.

In the 1971 Bangladesh War also, the military advantage was lost at the negotiating table. In both 1965 and 1971 India had captured the Haji Pir Pass which gives India a strategic advantage. Instead of retaining Haji Pir Pass, India much to the Army's disadvantage, vacated the feature. Had India retained control many infiltration routes would have been plugged.

Indian democracy should be proud that the Indian Army is apolitical steeped in the Sandhurst tradition of duty with honour and service above self. The National Defence Academy continues this tradition with unrelenting zeal and commitment. Unfortunately our Defence Forces' hard won military victories are dissipated by a political leadership ignorant of strategic and military vision.

NITIN G. RAUT, Advocate and a member of the Advisory Board of *Freedom First*. ningraut@gmail.com.

Major General Eustace D'Souza PVSM, R.I.P. (Cont'd. from page 6)

Consultant, Centre for International Peace Building; Advisor, Earth Ethics Inc, USA; member Bombay Natural History Society; member, International Association of Retired Generals and Admirals. Secretary General of World Wildlife Fund (India). He even addressed the British Parliament.

He wrote over 500 articles on issues ranging from Conservation, Tibetan Refugees, Environment, Terrorism and Secularism

Despite his age and failing health, he loved to travel to Sikkim and Nagaland to visit his old battalions. As Colonel of the Maratha Regiment, he continued to regularly visit the Regimental Centre at Belgaum. The officers and men held him in high regard. His passion for the Army was unrivalled. For instance when he discovered at a funeral of a Lt.Gen. that a bugler had not been provided he took it upon himself to get the rule amended and he was informed that a bugler would be made available for the funeral of a

soldier or officer by a local unit. Relieved he said that every soldier should be ensured of "dignity in death."

Brig. Suresh C. Sharma (Retd.)

He enjoyed writing for *Freedom First* particularly on security issues and relations with Pakistan and China. Many a time he would warn that in the long term India and Pakistan will be friends but let us beware of China – they are the real threat. *Freedom First* organizes one or two seminars a year on security issues. Except for the last one which he could not attend because of poor health, he never missed any of the earlier ones. In fact in many of them he was in the Chair.

May his Soul Rest in Peace! WE SHALL MISS HIM! – Editor.

Educating Adults

The Right to Education Act (11)

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

Poor Learning Results

Suresh C. Sharma

The poor performance of children from economically weak sections and consequent lack of opportunity led parents to believe that school education could not remove poverty.

The number of students attending schools has increased due to the RTE Act but the quality of learning has declined. The number of students unable to read standard 2 text has increased from 49.3% in 2010 to 52.3% in 2011 and to 58.3% in 2012. NGO *Pratham* has reported that 9.3% students in class III could not recognise numbers from 1 to 9 and 28.8% could not do simple subtraction. The condition in other standards was no different. In class VIII only 26.6% could complete subtraction questions while 45% were able to do division sums. The poor standards explain the reason for the large number of students dropping out after class VIII. There is a drop in arithmetic learning except in Kerala and Karnataka. A Report by the Programme of International Studies Assessment [PISA] puts India 73rd out of 74 countries in quality of education. It has a favourable comment about schools in Tamilnadu and Himachal Pradesh. There is migration from Government schools to private schools. In Kerala and Manipur, private school enrolment was more than 60% against the national average of 25.6%. The Government schools have failed to provide good quality education. *Pratham* has suggested that the provision in the RTE Act not to detain any students till class VIII is responsible for poor learning results. Sibal, the Human Resources Minister in the Central Government, wanted to introduce a quality assesment test after class XII but the States declined to cooperate. K. B. Kothari, managing trustee of *Pratham*, Rajasthan said that RTE has brought about transformational changes in the schools in terms of infrastructure but we have a long way to go.

The survey finding gives a chance to introspect on how to increase the reading and learning levels.

About 14% of parents had no education and 30% of children in the age group of 6 to 14 years drop out after primary schooling. Parents with no education is no obstacle to children attending schools. On the contrary, some of them toil hard to provide education to their children. They are well aware that lack of education deprived them of an opportunity to advance in life. Some of them willingly undergo hardships and work hard to put their children in good schools. Poverty is a hindrance. Help from children in farms in villages or in shops of artisans is an economic necessity. Similarly girls are expected to help in household work. Schools with reduced hours of teaching and earn while you learn could be a possible solution.

The bulk of Indian illiterates live in the country's rural areas, where social and economic barriers play an important role in keeping the lowest strata of society illiterate. Government programmes alone, however well intentioned, may not be able to dismantle barriers built over centuries. Major social reformation efforts are sometimes required to bring about a change in the rural scenario. Several non-governmental organizations have worked to improve the literacy rate in India. A low cost pre-school chain, Hippocampus Learning Centre, has established eighty schools in rural areas of Karnataka. The children speak near perfect English and play with Lego bricks on the floor. Some of the centres have been fashioned



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out of cattle sheds. The walls have been painted with pictures of fruits, birds and numbers. The world over, pre-school education is being promoted as a tool of social mobility. The students are the children of cane and sheep farmers, silkworm rearers and village traders. Quite a few of them are the first in their families to enter a school. The chain is for profits and social enterprise. A venture capital of Rs.7.5 crores has been provided by international funds, Acumen, Unitas and Lok Capital. The chain has been started by 44 year old Umesh Malhotra, a former employee of Infosys. Earlier, he had set up a chain of libraries in rural areas. The parents are paying the costs which range from Rs.2000 to 3000 per year. In three years of learning at pre-school, a child picks up arithmetic, English, Local language and good manners. The children are learning well and change is noticeable in their behaviour and desire to study. To keep costs low, teachers have been recruited from local villages. The chain can function without any bureaucratic controls as pre-school education is not covered by RTE Act. Similar efforts need to be made for primary and secondary education.

Poor learning results amongst the poor have been observed in USA and Europe as well. This is increasing the inequality as the poor are not getting good education. Progress and jobs in industrial societies depend upon knowledge and skills. The old aristocracy has been replaced by meritocracy which in turn depends upon education in selected schools. The poor performance of children from economically weak sections and consequent lack of opportunity led parents to believe that school education could not remove poverty. This view changed with charter schools which are funded by the Government and managed privately. The results are monitored closely. Teachers do not have a union. Schools which do not function well are closed down easily since the teachers do not have a union. There are 5600 charter schools in USA. Parents prefer these schools and the waiting list is growing. The experiment is spreading to UK as well. Most of the private schools in India have similar pattern of funding. What needs to be done is close monitoring.

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Why Miss Indias From Defence Background Shine Bright?

From Sushmita Sen in 1994 to Dhillon this year, there has been at least one; at times, two; or as in 2011, all three winners, who have come from army, navy or air force families.

What really makes these defence women such inborn winners?

Says Alesia Raut, model and fashion choreographer, "The girls from defence background have stronger personalities, and are also very disciplined and punctual. Being a model is all about walking into a room, where everyone will take note of you — how you walk, how you sit, how you talk etc. Because of their backgrounds, these girls are taught grace and poise from an early age. It comes naturally to them." Dhillon explains why she attributes her success to an army upbringing, "I was born in Ambala, grew up in Siliguri, Coimbatore, Ferozpur, Allahabad, Bhatinda, Manipur, Imphal and Patiala. I've grown up in small towns as well as big cities. I can ride the roughness of a small village, and survive the madness and high of a metro at the same time. In short, I'm adaptive, open-minded, a survivor and thus, a winner."

Hasleen Kaur, Miss India Earth (2011) says, "We develop great conversational skills and carry ourselves with oomph and confidence. We interact with a lot of people who belong to different age groups and different cultures. ..Dhulipala adds, "The defence background gives people a multi-dimensional personality. My dad

was in the navy. I've travelled to almost 50 countries! I have imbibed bits of so many cultures. I've harnessed a great sense of adventure and fun and can relate to continuous changes, which have added to my personal growth from an early age."

The maturity and wit at a young age, as displayed by the defence kids have often propelled them ahead of their civilian counterparts. Add to that the fact that defence areas come with their own sports complexes and clubs which hold various contests that help these girls to stay fit, be competitive and acquire social grace and poise. Fashion historian and designer Ritu Kumar, one of the judges of PFMI 2013, says, "These girls are already well-groomed from a young age... they engage in a lot of outdoor activities and receive multi-faceted education. Discipline, sportsmanship and high-quality education trains them to be confident to stand up and answer questions without hesitation or shyness, in comparison to others."

Parents from defence background have a more liberated set of values than most civilians. That too adds to the inherent confidence and self-belief that these women display. No wonder they wear crowns with such ease.

Excerpted from an article in *The Times of India* of April 8. Contributed by Col. T. S. Tanwar (retd.)

Proscribed Literature in India: 1757-1947

Prabha Ravi Shankar

Report of a seminar held by the Department of History, S.N.D.T. Women's University, Mumbai 21st-22nd March 2013. The theme was exciting for it revealed a not-so-well known fact that during 190 years of British rule the extent to which the colonial rulers proscribed printed literature published by patriotic Indians during the struggle for freedom.

It was a huge learning experience for all present, in particular, to the students.

The seminar was inaugurated by Dr. Ramdas Bhatkal, a veteran publisher and scholar. Professor J. V. Naik, eminent historian, delivered a thought-provoking keynote address tracing the various restrictions imposed from time to time on the Indian press and literature (barring the period when Sir Charles Metcalfe, who became known as the 'Liberator') during British rule. This set the tone for the two-day seminar. Vice Chancellor Prof. Vasudha Kamat, who chaired the inaugural session, pertinently pointed out that History has a close connection with many other social sciences and a sense of history is absolutely necessary in understanding events.

Dr. Rita Bhambi, Head of the Department of History, Khalsa College spoke on the 'Proscribed Ten Poems on Bhagat Singh' in different languages. These poems were translated into English by colonial officials and proscribed in 1931-32 on the ground that the poems indicated the spread of national consciousness. Dr. Rita lucidly explained the original poems in Punjabi and the works of Bhagat Singh.

Ms. Jaswandi of the S.N.D.T. Women's University spoke of an unusual Marathi drama entitled 'Social versus Political: A Case study of D. V. Newalkar's 'Sangeet Dandadhari'. D. V. Newalkar's play written in 1907 was based on the views of Lokmanya Tilak on social reform especially on women's reform. Ms. Jaswandi explained the play in the background of the social and political environment of that period.

Professor Umesh Kadam from Kolhapur spoke on "History and Literature: The Construct-Deconstruct of the Semantic and Pedagogy". He pointed out that at least since the beginning of this century, the straightforward chronology of "scientific" history was challenged in two alternative developments. On the one hand, certain historians explored the relativity of multiple scales of

objective time. On the other hand, subjectivist philosophers have described the character of inner time consciousness, or subjective time; and subjectivist historians have advanced a relativism based on the recognition of multiple social actors with diverse and often conflicting social interests.

The first session was chaired by Professor Vibhuti Patel, well known scholar and women's activist and the Head of the Department of Economics of the S.N.D.T. Women's University.

The second session began with a paper by Dr. Usha Vijayalakshmi of Patkar College who spoke on "Suppression of free expression as an instrument of British Imperialistic policy: The life and struggle of Dheeran Chinnamalai, 1756-1805". Little known Dheeran Chinnamalai was a powerful Tamil Chieftain of Kongu and he resisted any kind of domination, be it by the British or by Tipu Sultan. But the circumstances necessitated him to ally with Tipu to fight the British. Even after Tipu was killed, Dheeran Chinnamalai resisted British expansion. He was hanged by the British colonial rulers in 1805. By this time, he had become a hero and a cult figure in Kongu. To curb the resistance the people of Kongu, the British forcibly tried to erase all memories of their hero. They suppressed all manners of expression; from folk theatre to books on him. Two books written in Tamil on him were banned. It was only after India got independence, could people write about him.

Dr. Manjari Kamat, Associate Professor of the Department of History, University of Mumbai, spoke on "Narveer Malappa Dhanshetticha Powada: Talims, Neighbourhoods and Nationalist Politics in colonial Western India". She narrated the story of how a *powada* or ballad in admiration of Malappa Dhanshetti, one of the four accused in the murder of policemen during the Civil Disobedience movement of 1930 in Sholapur was proscribed in 1934. It was written by Sidram Basappa Muchate of Dhulia, The pamphlet was banned, and a security payment

was demanded from the printing press. It was not deposited and the Press was closed down. In 1937, during the period of the Congress Ministry in Bombay, the author of the pamphlet requested the government to remove the ban on the pamphlet. This request was turned down by the then Bombay Home Minister K. M. Munshi. The ban was eventually lifted in 1946 since it was felt that many years had elapsed since 1930 and that there was nothing objectionable in the ballad directly inciting violence.

Ms. Namrata Ganneri, Assistant Professor of the Arts College at S.N.D.T. University, presented a paper entitled “Savarkar in verse, Savarkar in words: Communalism and the Colonial State in Western India (1923-1947)”. The first part of the paper was on a *powada* (ballad) extolling the deeds of Savarkar and how the *powada* composed in 1940 was banned by the colonial state as it dealt with the early revolutionary career of Savarkar. She also gave an account of select writings and literary works of Savarkar that were considered inflammatory by the colonial state but not banned. Her paper reflected on these interesting contrasts in the backdrop of the unfolding nationalist politics in western India.

This session was ably chaired by Dr. Varsha Shirgaonkar, Professor and Head of the Department of History of the S.N.D.T. Women’s University.

In the next session Dr. Preeta Nilesh, Associate Professor Department of History, Vaze College, Mulund spoke on Lala Lajpatrai’s book “‘Young India’ and how it was banned by the British. She neatly analysed the contents of the book, the frank and forthright manner in which it was written and why the British government considered it seditious.

Dr. Narendra Panjwani, a Sociologist and Director, G. D. Parikh Centre for Educational Studies, dealt with “Film-Making, Subversion and Censorship: An Exploration of Indian Cinema, 1935 and after”. He explained how painters, story-tellers, playwrights, and film-makers do not directly attack the state. Nor do they seek state power. Instead they seek to influence the collective mindset of their audience in a long-term way. He observed how only a few films were very topical and critical of the powers that be. Such films, he said, faced immediate censorship and in some cases, a total ban on their screening.

Mr. Tushar Gandhi, great grandson of Mahatma Gandhi, presented a paper on “Gandhi, Savarkar and Godse:

their imprisoned words”. Mr. Tushar Gandhi observed that it was a unique coincidence that Gandhiji wrote his seminal work *Hind Swaraj*, and translated his correspondence with Count Leo Tolstoy, “Letter To A Hindoo”, his criticism of Modern Western Civilisation and his apprehension about its effect on India and the aspirations of the Indian people with regard to Home Rule. The British Colonial administration termed both seditious and banned them. A similar fate was in store for Savarkar’s *History of the First War for Independence*, his passionate and eloquent account of the events of the 1857 uprising. Post independence, Gandhiji’s murderer Nathuram Godse made a very passionate and eloquent speech in Court during the murder trial first in Red Fort then during the appeal in the Punjab High Court. According to Mr. Tushar Gandhi it was cleverly worded to condemn Gandhiji and justify his murder. But the Government panicked, took the easy way out and banned it when Gopal Godse published it in book form titled ‘May It Please Your Honour’. According to Tushar Gandhi the banning of Godse’s statement in court turned a murderer into a demigod amongst those who shared his beliefs.

I presented a paper on cartoons which appeared in Tamil periodicals such as *India* and *Sudantira Sangu* (Conch of Freedom) which were highly sarcastic and critical of the British Government and also on how Gandhi single-handedly posed a challenge to the colonial government. I pointed out that Subramanya Bharati was the first to make use of cartoons in his paper *India* in Tamil which was banned by the British government and explained how after a lapse of more than twenty years Sangu Ganesan continued the art of presenting cartoons as a medium of criticising the colonial rule while simultaneously conveying a patriotic message on the ideals of Gandhi. My paper was based on archival research.

This session was chaired by Professor Mridula Ramanna, former Head, Department of History, S.I.E.S. College, Mumbai. Dr. Ramanna an erudite scholar, described the theme of the seminar as being very important and significant.

On the second day, the session began with Dr. Ravinder Cheema of Khalsa college presenting a paper on ‘Nanak Singh and his Proscribed Poems of 1920s: A Review.’ She pointed out how the various incidents in the Punjab, in particular, the Jallianwala Bagh tragedy of 13 April 1919 left a deep mark on Nanak Singh who was one of the survivors. He responded to the massacre with an epic poem that ridiculed colonial rule. The book was

banned. She explained how he dared to criticise the evil acts of the British government through his epic poem 'Khooni Vaisakhi' and *Zakhmi Dil* which were also banned. He was jailed in 1922 .

Yet another well-researched paper was on 'Proscribed Gujarati books' by Shri Deepak Mehta, a well known scholar and researcher on Gujarati literature. He gave a long list of banned Gujarati books which were banned under different sections of the Indian Penal Code. The list of banned books included novels, plays, collections of poems and short stories, historical accounts, biographies, religious books, diaries, articles, lectures, a book of forecasts or predictions, a pictorial album of Gandhiji's photographs and a booklet on paper currency. However the largest number proscribed (22) were that of collections of poems.

The next paper was on 'Proscribed Marathi Literature' presented by Dr. Surekha Sabnis, Government of Maharashtra's Ismail Yusuf College. She pointed out that the rich and copious Marathi literature such as the Marathi drama (*Kichakvadh*), poetry (*Sinhagadcha Powada*), and novel (*Shakuntal*) essays (*Kalatil Nivadak Nibandha*) and others since 1881 (Dhanurdhari's *Shurr Abala*) banned. The maximum number of books and periodicals were banned between the period 1920 and 1947 especially the writings of Khadilkar, Paranjpe and Savarkar. Lokmanya Tilak's writings were considered seditious and banned.

The last paper was a fitting conclusion to the seminar. Mr. Abdul K. Mukadam, an independent researcher and social activist presented a paper on a lesser known topic: 'Maulana Azad's Commentary of Quran – The Tragic Story of its Proscription & Ruination'. He pointed out how in the year 1916 Maulana Azad made an announcement in his weekly journal *Al-Balagh* that he proposed to prepare and publish an explanatory Urdu translation of the Quran styled, *Tarjuman-al-Quran* and a commentary on it called

Tafsir-al-Bayan. When this announcement was made, Maulana did not have even the slightest misgiving that he was undertaking a task which would lie in abeyance for nearly 15 years, keeping the public in a state of tiresome expectation and giving him an acute sense of painful frustration. He explained the tragic story of proscription and ruination of the manuscript of Maulana Azad's magnum opus and the agony through which he has passed, to rewrite it.

At the end of the seminar Shri Kumar Ketkar, eminent journalist and editor delivered a learned Valedictory Address explaining the meaning of proscription and how the editors face it in their profession. The session was presided over by Professor Raja Dixit, Head of the Department of International School of Social Sciences of Pune University.

At the end of the second day Professor Raja Dixit delivered an erudite lecture on 'Women, Social reform and Mrs. Ramabai Ranade'. Professor Dixit who has done much research on women and social reforms explained the role of Ranade who was not only an intellectual giant but also made 'men' and how he played a crucial role in transforming his wife, an ignorant woman to become an eminent social reformer.

Professor J. V. Naik, former Head, Department of History, University of Mumbai, not only chaired the last session but also gave his learned comments on Mahadeo Govind Ranade which was an intellectual treat.

On the whole, the faculty comprising senior historians, other resource persons and guests complimented the organisers for a well structured and intellectually stimulating seminar.

DR. PRABHA SHANKAR, Associate Professor of History, SNTD Women's University, Mumbai and Director of the Seminar. Email: prabharavishankar@yahoo.com

When Consistency is the virtue of an Ass

The Liberal should learn to be realistic and shift his gun from time to time. The trouble with most people is that they are conservative. If a man is a Socialist, he goes on being a Socialist even if the whole situation is transformed. If a man is a Conservative he goes on being a Conservative even if his Conservatism becomes meaningless in a particular context; a certain amount of flexibility and fluidity is required. Mahatma Gandhi was a very pure man. That is why he was called the Mahatma but he kept on saying: "Consistency is the virtue of an ass." He was a man who appeared to contradict himself every now and then, and that is because he was dealing with different situations at different times and he quite rightly took a different attitude to them.But there was a thread running through his inconsistency – It was a thread of clean methods – truthful and peaceful methods...that the ends do not justify the means, that your means have to be clean if your objective is to be preserved

Minoo Masani in *Democracy and Development* published by the Indian Liberal Group (1968)

Prospects of Democracy in India

by Nabakishore Das

After the attainment of independence we are experimenting with a form of polity called "Democracy" with which we have not been so familiar. We had a glimpse of this democracy in the pre-Mauriyan days and again during the British period. Democracy as a form of polity is very much related to a cultural pattern.

We had a democracy in India when the Buddhistic culture of equality and tolerance was in vogue. The traditional Hindu polity was not fully democratic. Constitutional monarchy and caste regimentation go with the Hindu culture. A society having rigid caste divisions cannot be either very democratic or dynamic.

This very rigid conception of society is reflected in the first principle of Hindu Law, which lays down: "The Hindus are divided into four castes and the members of the first three castes are called regenerate. The regeneration consists in the study of the Vedas and in the performance of sacraments. All these are denied to Sudras except the Samskara of Marriage." Each of these four divisions and its sub-divisions have their own legal privileges and interests to protect. In spite of the high principles embodied in the Preamble and the chapter of Fundamental Rights in the Constitution, this is the social set up of the larger number of people in India.

When we discuss the prospects of Indian democracy, we cannot but take serious note of the present Indian social structure, that really forms the cultural pattern of the prevailing polity. Hence the danger to democracy will not come so much from any communist countries, as some of us think. The weakness lies within its own womb. That is very aptly put by Pascal, as follows: "People with watertight class or caste distinctions, even when free from foreign domination, cannot enjoy political liberty, it will be subject to autocracy of a clique or a family."

A democratic system cannot work in a social vacuum. The long political tradition in India is linked with loss of independence, and political servitude. The State always belonged to a class. They were either warriors or conquerors.

The liberal education imparted in our schools and colleges has actually nourished Indian democracy. But it has a limit. It is limited to the educated class, which is separated from the great 'mass' of India. The Indian mass, the real masters of our political democracy, do not know the ABC of democracy.

Therefore, a pertinent question arises in our mind. Is universal adult franchise suitable to Indian democracy? The Indian Constitution, though it enumerates high and noble principles, has some weaknesses. One of the greatest dangers of the Indian

democracy may be the universal adult franchise. Every election only harps on "casteism" and that is the simplest way to get large number of votes, specially in the rural constituencies. The Harijans and Adivasis, who were oppressed in the past, are now getting special favour and attention of the ruling party. It is not without a motive. They can be easily mobilised, it thinks, into its camp.

Article 326 lays down that the elections to the House of People and Legislative Assembly of every State shall be on the basis of adult suffrage. The framers of the Indian Constitution while giving this wide power to the people clearly visualised the difficulty in the working of democracy in India and, therefore, Article 45 laid down the directive principle that the State shall endeavour to provide within a period of ten years from the commencement of the Constitution free and compulsory education to all children until the age of fourteen years.

The Congress also has now adopted the "Socialist Pattern" or "Socialism" as its ideology. The common man therefore, fails to understand, the difference between the 'right' and the 'left'. Pandit Nehru has adopted "Shankarian" tactics to kill the opposition. It was the genius of "Mayabad" to kill the all pervading "sorrow" philosophy of the Buddhists. These tactics also have their defect. Anyway in my opinion complete socialism or even the major control of the State in the sphere of industries cannot preserve democracy. Socialism is a kind of State Capitalism. The moment the State owns the major means of production and distribution, it assumes the role of a great state machine. In such a State, no party can thrive except the ruling party.

Kingship and dictatorship have many similarities. The Indian dictatorship might be of Fascist or Communistic brand. It will have a special appeal to the age-old psychology of the people, who are habituated to be ruled by Rajas and Maharajas. In India unless a well-organised opposition party soon emerges, the future of democracy is doomed. Lack of effective opposition will make the Congress Party autocratic and undemocratic in spite of its faith in democracy. People will not forever tolerate one party. Therefore, both political and economic measures are adopted to make the Congress Party strong and all-powerful, otherwise the Communist Party will come to destroy democracy completely.

What you have just read are excerpts from an article by Nabakishore Das in *Freedom First* in its issue No.48 of May 1956. You will find the full text of this article and more in our archives – www.freedomfirst.in

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