

Freedom First

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Living Dangerously – India's Escalating Civil Conflicts

R. Srinivasan

The social situation in contemporary India recalls a famous observation made by a political philosopher centuries ago. In many parts of our country life replicates a “state of nature”

“No arts; no letters; no society; and which is worse of all, continual fear and a danger of violent death and the life of man, solitary, poor, nasty, brutish and short.” The conditions of man is a condition of ...war of everyone against everyone.”

This could be true of Madhya Pradesh a few months back or of Orissa today. This is so in almost a third of our land mass where the writ of the Naxalites runs without any challenge; civil conditions across many regions are almost Hobbesian and it appears that the State is unable to exercise its primary duty, that of maintaining law and order. If you ask the man in the street he may yearn for a new Emergency which in its infamous days did not witness these manifestations of stasis.

The Home Minister of the Government of India spoke words that comforted only him. The Prime Minister had to be reminded in Europe by foreign statesmen that happenings in Orissa were not things that take place in a democracy. To our eternal shame he talked of our image being sullied in foreign countries – he appeared to be more concerned with our image abroad than with the intolerable things that happened at home which outraged our moral sensibilities. Have the governments at the Centre and the states learnt nothing after Delhi and Gujarat? Not to mention the aftermath of Babri.

The surge of anti-Christian violence in parts of the country recalls the battles among the faithful in Europe in the 16th century both in the intensity of hatred, and of people killed violently with no sense of remorse. Orissa has had recrudescence of anti-Christian violent demonstrations and the government has not covered itself with glory. If anything mayhem is intensifying and the religious lumpen elements with no pretensions to education, culture or civilities have become sorcerers' apprentices with no control over them. A similar development took place in Karnataka, a state till recently known for its communal harmony. It is interesting to note how in Tamil Nadu similar attempts to desecrate churches were not allowed to explode. The states ruled by the BJP must take the blame for these anti-Christian outbursts, Orissa leading

the pack where the government is an ally of the BJP-led NDA.

Apprehensions about evangelising have been part of one of the recurrent happenings in our country since independence with governments at the Centre and the states appointing committees to look into this. The missionaries are viewed with suspicion though there is grudging admiration for the educational institutions and the hospitals that they administer. The VHP and the Bajrang Dal in different parts of the country have led violent campaigns against the Church, have attacked Christians at prayer in their homes, and have intentionally destroyed images and sacred relics. The government of Maharashtra has looked at this with no concern as happened more than once in Navi Mumbai.

There is an apprehension that missionaries insidiously carry on their conversions backed by foreign funding. The quantum of funds received from foreign sources is staggering. “During 2005-06 Rs.78.77 crores was received by way of foreign donations to various NGOs” especially in Tamil Nadu and Andhra Pradesh.” In Tripura the foreign funded Baptist Church supported subversive activities, something acknowledged by the Chief Minister of this state. This is part of a pan-Asian enterprise and attempts have been reported to have been made to Christianize Mongolia, Bhutan, Sri Lanka and even Tibet. In South Korea 80% of the Buddhist population has been reduced to a mere 18% in five decades. Rev. Scott a few decades back not only carried on active conversion but tried to create political capital advocating a distinct Nagaland independent of India. Recently a Kannada Christian publication distributed in parts of Karnataka had abusive references to popular Hindu religious figures and extremely offensive remarks made of Hindu gods and goddesses. These were in bad taste and would have naturally provoked extreme reaction

International Christians have themselves now begun to notice the need for changing their attitudes as was evidenced at an inter-religion conference on conversions organised by the Vatican in collaboration

with the World Council of Churches a protestant body in Lariano (Italy) in May 2006. Reporting on this conference in his column "Thinking Aloud" (*The Indian Express*, October 12, 08) Sudheendra Kulkarni draws attention to some of the recommendations unanimously adopted by the Conference:

"While everyone has a right to invite others to an understanding of their faith, it should not be exercised by violating other's rights and religious sensibilities. At the same time, all should heal themselves from the obsession of converting others."

- "Freedom of religion enjoins upon all of us the equally non-negotiable responsibility to respect faiths other than our own, and never to denigrate, vilify or misrepresent them for the purpose of affirming superiority of our faith.
- "Errors have been perpetrated and injustice committed by the adherents of every faith. Therefore, it is incumbent on every community to conduct honest self-critical examination of its historical conduct as well as its doctrinal/theological precepts. Such self-criticism and repentance should lead to necessary reforms *inter alia* on the issue of conversion.
- "A particular reform that we would commend to practitioners and establishments of all faiths is to ensure that conversion by 'unethical' means are discouraged and rejected by one and all. There should be transparency in the practice of inviting others to one's faith.
- "While deeply appreciating humanitarian work by faith communities, we feel that it should be conducted without any ulterior motives. In the area of humanitarian service in times of need, what we can do together, we should not do separately.

- "No faith organisation should take advantage of vulnerable sections of society, such as children and the disabled.
- "We see the need for and usefulness of a continuing exercise to collectively evolve a 'code of conduct' on conversion, which all faiths should follow."

Violence among the Bodos and the Muslims in Assam assumed serious proportions leading to a great deal of communal unsettlement and social disruption. Illegal immigration over the decades not dealt with alacrity by the government has led to a near anarchic situation which may soon lead to an insurgency in a state which customarily and unfortunately has had its share of violence for the past five decades.

Karnataka and Orissa have been lax in controlling attempts at disruption of communal peace. The reinforcements sent by the Centre to Orissa were not put to optimum use. It is observed that the Constitution of India has ample provisions for stopping such incidents and the Centre can use the provisions of articles 256, 257, 355 and entry 2A in the Union List to compel unwilling states to act.

The States and the Centre cannot be lax in the condoning of law and law and order. As said earlier no state can buck its basic responsibilities. The BJP leadership at the helm of affairs have to be reminded that our Constitution is blind to religious affiliation. It deals with citizens and is concerned with their well-being irrespective of their religion whether they be Hindus, Muslims, Christians or Sikhs. If the American Constitution is colour blind, ours is religion blind.

DR. R. SRINIVASAN, Retd. Professor of Political Science Mumbai University and Associate Editor, *Freedom First*.

Today, most Christians and Muslims believe the state is biased against them. Says Father Dominic Emmanuel, spokesperson of the Delhi Catholic Church, "We did not expect the UPA at the Centre to be so ineffective and uncaring about our plight in Orissa and Karnataka. But they are callous and don't care because Christians do not make a vote bank. They don't want to alienate Hindus and that must be why they are not coming down hard on the Bajrang Dal and other Sangh parivar outfits. We are helpless as we continue to be attacked in a country where liberty and freedom were promised to all."

What about Muslims – a vote bank pursued hotly by most political parties? In an instance of black humour emerging out of the community, one SMS reads: "The politicians are after our vote, the police in hot pursuit of us," says Shahid Siddiqui, editor of Urdu weekly *Nayi Duniya* and BSP member.

Saba Naqvi, *Outlook*, October 6, 2008

Lucky Again!

Sharad Bailur

In some ways India has been an extraordinarily lucky nation. Right from before the time of Independence we have faced major political problems and, throughout, this country has had good luck, nothing else, coming in as its knight in shining armour, most often at the last moment.

This does not happen to other countries. The two countries that became independent along with India on the same day Pakistan and Bangladesh have had histories that prove the opposite. So have our other neighbours – Nepal, Burma (Myanmar) and Sri Lanka (Ceylon).

Let us begin with Mahatma Gandhi. He proved such a spectacular success because he had faith in the ‘essential goodness of human nature’. An essential concomitant of this faith was that British human nature was susceptible to moral blackmail. It worked on the British. It would not have worked on the Germans or any other European power, or, say, the Taliban, the Al Qaida or the LTTE, or even our own home-grown Naxals. In essence he was the right man in the right place dealing with the right enemy. Luck?

Immediately after Independence the problem of integrating the various princely states came up. And precisely at that time it was Sardar Vallabhbhai Patel who took up the task and ensured that it all happened with no bloodshed, in spite of the fact that various princes like the Nizam of Hyderabad, the Raja of Rampur and the Nawab of Junagadh had other ideas. India as a new nation was then so weak that it could easily have gone the other way but for the fact that we had the right man in the right place at the right time. Luck?

Meanwhile in Pakistan Mohammad Ali Jinnah died within months of its gaining Independence. His lieutenant Liaqat Ali Khan became the Prime Minister and, like so many since, was assassinated. And within six years after that General Ayub Khan sent the fledgling democratic set-up packing. Pakistan continues in a political mess to this day.

By contrast, the Indian ship of democracy continued to sail serenely guided by Nehru and his team. We then did something wrong headed. Indira Gandhi was no economist. For her socialism was a mantra and a ritual to be blindly followed. It was on her advice that Nehru allowed the economy to be dominated by the public sector with the call for it to hold the “commanding heights”. As

a result, after he died, Indira Gandhi nearly messed it up. It called for a Narasimha Rao to pull the country out of the economic disaster into which it was heading. Again we had the right man in the right place at the right time to do the job. And he had an able lieutenant in Manmohan Singh. Luck again?

We have done a great many wrongheaded things. Succumbing to the demand for a linguistic division to form new states was one of them. So was Shah Bano. So was the Babri incident. So was the Golden Temple. So was the IPKF in Sri Lanka. So was Operation Brasstacks. Each time there has been no dearth of people in power who would cheerfully have led us down the path to disaster without even realising it. Each time the nation has veered away from that disaster with little or no damage. Luck?

Mrs. Gandhi’s persecution complex, the famous Allahabad High Court judgement against her and Jaiprakash Narayan’s call for a “partyless democracy” in 1973 led to the imposing by her of the infamous Emergency after JP called for the armed forces and the police to revolt. Politically it appeared that the country was finally inevitably going down the drain. It could easily have been the gangster-in-the-making, Sanjay Gandhi whose will could have prevailed. Better sense prevailed however and Mrs Gandhi lifted the Emergency and called for elections, which she promptly lost. Luck again?

But democracy won.

Even though we got a disaster of a prime minister in Morarji Desai and a worse government in the Janata Party. Desai promptly asked for the nuclear programme and the Research and Analysis Wing (RAW) to be wound up on the grounds that both were engaging in immoral activity. His salvation with his own God was more important to him than the security of India. The nuclear establishment said “Yes... but” and the programme was mothballed - but it stayed, as did the RAW. Luck again?

It did not take very long for the long parade of extremely dangerous ‘leaders’ beginning with Desai and

ending with the somnolent “Fumble Harmer” to play ducks and drakes with the country. The problem of international terror was then only a distant mist vaguely trying to become a cloud on the far horizon. How would have Deve Gowda dealt with it, if he would have dealt with it at all? Luck again?

The three major wars fought with Pakistan, were all fought under strong Prime Ministers: Jawaharlal Nehru, Lal Bahadur Shastri and Indira Gandhi. Had a war been fought when Deve Gowda or I. K. Gujral or Charan Singh or even V. P. Singh was Prime Minister, the fate of this country can easily be imagined. Indira Gandhi was the right Prime Minister fighting the right war in the right place with the right enemy at the right time. Luck again?

P. V. Narasimha Rao was in a position to advise A.B. Vajpayee, his successor to go ahead and test the weaponised bombs that we had built. Hence Pokharan II in 1998. All this because a disastrous decision that was not implemented despite the insistence of Morarji Desai. Had the nuclear bomb programme and the RAW really been wound up we would have been heroes among the Taliban, Pakistan, the Communist parties in India among sundry others, but we might not have been a nation. Luck again?

Aided and abetted by Jaswant Singh and egged on by Strobe Talbot of the United States the super-patriotic Vajpayee then did the unimaginable – he offered to sign the CTBT at no less a forum than the United Nations. Morarji Desai would have been proud of him. By then his even more super-patriotic lieutenant LK Advani had donned the mantle of Sardar Vallabhbhai Patel and to this day his party calls him “Loh Purush”. He did not try to dissuade Vajpayee. The fact that this “dog did not bark in the night time” is dangerously significant for the future of this country. He might quite likely become the next Prime Minister. Better sense prevailed however after Vajpayee’s Foreign Office aides suggested a “Voluntary Moratorium on Further Testing”. If we had fallen over this edge, we would never have been able to climb out of the abyss of a self-imposed permanent nuclear sanyas. Luck again?

Then, the 123 agreement that Manmohan Singh had with President George Bush in 2006. And now, the dropping of the embargo on nuclear trade by the NSG as a result of which we are among six nations that can openly and legally trade in nuclear materials and import nuclear technology without having signed the NPT or the CTBT. This, in spite of obstructive tactics of the BJP and the Communists aided by sundry parties at home and sundry microscopic countries abroad. Luck again?

Not many people are aware that several Washington

think tanks among which is the influential Henry L. Stimson Center, expressed strong views opposing the lifting of the embargo on nuclear trade imposed upon India by the Nuclear Suppliers Group and warned the American Foreign Policy Administration of disastrous consequences if it went ahead with the 123 Agreement with India. Michael Krepon, its co-founder, is regarded as one of the leading “nuclear Ayatollahs” of Washington.

Among the points he raised were:

- “...U.S. presidents have methodically sought to establish norms through treaties and laws that penalize proliferation and incentivize responsible behavior...The foundation of this structure was built around the 1968 Nonproliferation Treaty. Two of its key bulwarks are the International Atomic Energy Agency, which carries out inspections at nuclear facilities, and the Nuclear Suppliers Group, which regulates commerce...
- The Bush administration chose a different course to promote nuclear power plant construction in India. The profits and jobs created will go elsewhere - primarily to Russia and France - but the downside risks of placing profit taking ahead of nonproliferation principles could be far-reaching and widely shared.
- One mark of the Nonproliferation Treaty’s remarkable success is how much attention we rightly pay to the few countries that do not play by its rules. More than 180 countries faithfully abide by the NPT’s legal framework. IAEA inspection teams carried out more than 1,700 inspections at nuclear facilities last year alone, and regulations against nuclear commerce that could result in proliferation have been systematically toughened...
- The Bush administration has bent these fundamental principles out of shape in lobbying the IAEA and the NSG to change the rules on India’s behalf. *There is no mention of the word “perpetuity” for safeguards in India*, (italics mine) and New Delhi has consistently asserted that safeguards would be lifted if there are disruptions in foreign fuel supplies at power plants...the Bush administration has stood the NSG’s consensus rule on its head: *Now consensus will be required to stop nuclear commerce with India*. (italics mine).
- Russian and French firms will reap most of the benefits of these rule changes because they have very little U.S. competition. Westinghouse’s nuclear power division has been purchased by Toshiba, and GE will be constrained from building nuclear power plants in

India unless New Delhi enacts liability waivers against costly accidents....

- If and when India resumes nuclear testing, Russia and France will argue that fuel supplies (and profits) must continue to keep Indian power plants under safeguards. Profit taking is likely to trump nonproliferation, despite the clear legislative intent of the U.S. Congress, which, in passing the Hyde Act, set conditions designed to make it harder for India to resume nuclear testing.

How much of this aspect of the NSG waiver and the 123 Agreement with the US is a matter of deliberate policy on the part of the Indian Foreign Office, and how it managed to persuade the US Administration to agree to it is a matter of conjecture. It can have resulted from just one of three things: Either the Indian Foreign Office led by Manmohan Singh and Pranab Mukherji is much smarter than the NSG, the BJP, the Communists and sundry others give them credit for. Or the Bush Administration and its Foreign Office led by Condoleezza Rice is stupid. Or, as the BJP would prefer it, it is a matter of plain good luck.

The global economic meltdown and its effects on India similarly also seems to have the hallmarks of natural caution and economic prudence aided by good luck. Even if we manage a 7 per cent growth rate it is more than double that of the 3 per cent that we managed for decades right up to 1994.

Now to the question: Depending upon good luck calls for a successful gambler's instinct, which, as a nation, we do not have. No nation does. We bumble from one near disaster to another and miraculously, as it were, we have till now veered away when we were on the edge. When that luck fails, as it inevitably must, if we go merely by statistical probability, what is India going to do? How will it survive?

This is not as frivolous a matter as it might appear. The nation must ponder on this issue. Dealing with good luck, like dealing with goodness in human nature, is easy. It calls for no extra effort. Good luck takes care of itself, and of the nation. Laws are made to deal, not with the goodness of human nature, but to prevent the badness of human nature from doing its worst. We must set in place systems and procedures that rise above political and religious compulsions to deal with a long run of national bad fortune from doing its worst, as a national priority.

The tsunami was a case in point, as was the earthquake in Gujarat. And now the Kosi bursts its

embankments and floods large parts of Bihar affecting millions of people. We did not respond with either speed or efficiency in dealing with these disasters. It could next be a major famine. Natural disasters are less malign in the sense that they affect those in their path equally irrespective of religious or political affiliation.

How will India deal with the law and order situation, continually getting more threadbare by the day, simply because we, as a people, do not have the gumption to deal with religious and political fundamentalism of different kinds? A quick look at the frenzy generated by religion all over the country should give us pause to think. Much of this frenzy causes the kind of terrorist violence, abetted by outdated and lax policing, that resulted in the recent bombings in Bangalore, Ahmedabad, Jaipur and Delhi. What are we doing to tighten the laws of the nation to have a zero tolerance approach to terror? And when are we going to get a more efficient and responsive police forces?

How can we think of reforming our democracy to make it more representative without giving it over as a hostage in fractured mandates to small two bit political outfits that sit in judgement in so-called coalition governments? The mere thought that an Amar Singh, whose party has not more than 35 MPs in a 547 member Lok Sabha, controls the destinies of 1100 million people is, to put it mildly, unsettling. If nothing has gone wrong till now, surely good luck is on the side of the nation? How long before we take up electoral reform to deal with this travesty of democracy? If we don't, how long before it destroys India's democratic framework and, with it, the nation itself?

Nehru talked of a scientific temper and a modernity of approach. Today we are definitely a technologically more modern nation than we were in the fifties. But are we modern minded and scientifically tempered? How will India haul its psyche into the 21st century, leaving behind the mindset ingrained in the people over three thousand years?

Think about it and write to tell us how to do it.

MR. SHARAD BAILUR is an author, a freelance journalist and a member of the Advisory Board of *Freedom First*. Email: sharad.bailur@gmail.com

India faces the same challenge within its frontiers as humanity does globally, the challenge of diversity. Either we feel attracted by it and wish to learn more about one another or we fight vainly to crush it. India will either live as a tolerant democracy or disintegrate ignobly. We have to learn to live.

Amlan Datta, *The Philosophy and Practice of Liberalism*

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.*

Lost Minister

1) Shivraj Patil, the Union Home Minister, is a decent man, loyal follower and harmless politician. His political virtues end here. Whether he was ever good enough to be Home Minister of a huge country with multitudinous problems was always doubtful. He plodded on for four years but the burden has been weighing on him with the situation becoming grimmer by the day. Not that he did anything wrong. The wrong was that he did nothing. J&K burnt, bombs exploded in Jaipur, Bangalore, Ahmedabad and Delhi in quick succession but there was no sign of action. To be fair, he could not have averted most of these calamities but people want to see a leader take charge of the situation and give them a feeling of being in capable hands. It is a matter of perception. Patil became a victim of what people felt. A good man lost to the ruthlessness of political life. Whether he survives in his post or is removed is immaterial. He failed when the country cried out for a leader.

1) Patil's departure will not solve the problem. The Government has been thinking of saving Patil's chair by appointing a Minister of State for Internal Security. This will not resolve the problem by itself. Will the new incumbent create a new security paradigm? The bureaucrats have the ability to stand still while seemingly running full speed. Can the new Minister whip them into action? Inaction will be the biggest hurdle for the new incumbent. The PM has talked of improving intelligence. We have been hearing this for the last few years and see no result. Will the new Minister be allowed to act freely, without political constraints? Can he rein in his colleagues? 'Political correctness' may make him as ineffective as Patil.

Nothing is more difficult, and therefore more precious, than to be able to decide.

Napoleon Bonaparte

Zero Tolerance of Terrorism

2) The PM has assured us time and again that India will show zero tolerance towards terrorism. As a resounding declaration it sounds wonderful but what do we find in practice? Ministers talk at cross purposes all the time. The PM declares that he is not inflexible on having a tougher anti-terrorist law; Rahul Gandhi says the same thing but objects to the name POTA. Shivraj Patil, the Home Minister, believes that the existing laws are adequate to deal with terrorism. The National Security Adviser holds that States should be allowed to enact harsher laws if they so desire but Kapil Sibal, Union Minister, argues otherwise. The Government wants to continue the ban on SIMI but Lalu Prasad Yadav and a few other leaders plead on its behalf; The police, after great difficulty, arrest some terrorists for the Delhi bombings but the HRD Minister approves legal aid to the same 'terrorists' in the national interest. Others demand a judicial enquiry into the police raid. Is this the zero tolerance of terrorism the PM has been talking about? It is said that a soft state, so pre-occupied with high ideals, helps its enemies to destroy the state as it rejects any harsh action against the enemy. India has reached this classical stage of inaction.

2) India is in a Catch 22 situation. It is the biggest victim of terrorism but its pluralist society does not allow it to act seemingly harshly towards any section of society even if the action is against only the doubtful elements of that society. It is afraid of being misunderstood. It cannot afford to alienate any group. The Government does not have enough credibility to put across a reasonable but strong point of view. As time passes, there is increasing perception among the minority community that it is under siege. Every action of the Government is seen through the prism of suspicion and gets distorted. On the other hand, if the Government does not act, it is accused of being ineffective; it walks into the trap of being accused of going soft on terror. There is no leader capable of taking on this nation building challenge. Statesmanship and wisdom are in short supply. Dithering has become a substitute for policy.

*A Leader takes people where they want to go.
A great leader takes people where they don't necessarily want to go but ought to be.*

Rosalyn Carter

Abdication of Responsibility

3) The gruesome murder of the CEO of an Italian firm in NOIDA shocked the society. He was lynched to death by an agitating mob of disgruntled, dismissed (?) employees of the firm. This failed to move our Union Labour Minister. In fact, he found an excuse for the hooliganism of the workers. He advised the industries to take this as a warning and adopt a compassionate attitude towards workers. Wonderful sentiment, if you forget the dead man! The Minister apologized after the furore his statement created. However, the Freudian slip revealed the mind-set of placating the masses and abandoning justice. In theory, the Minister's statement is not wrong as workers need to be treated with compassion but there is a time and a place even for stating the truth.

3) What is Government's primary responsibility? Is it not to maintain harmony and peace so that all sections of society can operate without friction? This would include workers and industrialists, people and the police, students and teachers, doctors and patients; in fact all groups whose interests may clash occasionally. If a group is disgruntled, for whatever reason, it does not give it the right to indulge in violence to establish its point of view. The Government's justification or pleas on behalf of the offending party is invitation to lawlessness. The Minister's advice was misdirected in time and place and amounted to abdication of his legal responsibility. He could have used some other occasion to give the same advice but not when the murderers need to be condemned universally.

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

From Our Readers

Is the Nuclear Deal a 'Deal' or a 'Treaty'?

This refers to the article "International Law in the context of the Nuclear Deal" by Sharad Bailur in the October 2008 edition of *Freedom First*. Mr. Sharad Bailur has, in a concise manner, explained what the nuclear deal was all about in the context of International Law.

I would like to complement the exposition by explaining the meaning of "treaty" in the context of the Indian and International Law. A treaty is defined to mean a contract between two independent States (bilateral) or a contract between more than two independent States (multilateral) signed by or on behalf of sovereign authorities.

It would interest readers to know that in India Parliament has no formal role to play in treaty-making much less in deal-making. That the sordid drama that took place in the Parliament over the UPA Government signing the nuclear deal, and its epilogue, is a glaring example of the ignorance of politicians and the law makers.

According to the Directive Principles of State Policy (DPSP), Article 51 (c) of the Constitution, directs that the State shall endeavour "*to foster respect for international law and treaty obligations in the dealings of organized peoples with one another*". The prerogative of the Government's executive powers extend to treaty making. Legislation is required only to support the executive powers of the Government in treaty making when, in the operation of the treaty, the rights of the citizens are restricted or the existing laws are adversely affected. Article 253 of the Constitution provides for Parliament to make any law for the whole or part of the country for implementing any treaty, agreement or convention with any other country or countries. Thus, it is clear that under the Constitution, Parliament has no formal role to play in the making of a treaty but has powers to make laws to implement such treaty. If Article 253 has to be interpreted it means that Parliament can also refuse to make laws to implement the treaty. This does not mean however that Parliament has a role in making a treaty.

In so far as the binding effect of the treaty is concerned, the Courts cannot compel the Legislature to enact or refuse to enact any law to implement any treaty which is signed by and on behalf of the Government under its executive powers. Where however, in respect of any enactment made by the Legislature in respect of implementation of any provision or any condition of any treaty is concerned and which results into abridging of the Fundamental Rights then the Courts can interfere and strike down such laws.

In the above context only that part of the Nuclear Deal which involves ratification of the 123 agreement, between USA and India, can be said to have been a treaty and, in the making of which, Parliament does not have any formal role to play. It may enact a law for implementation of the treaty. The Nuclear Suppliers' Group part of the deal was merely the lifting of the ban imposed on India for supply of nuclear materials by a group of 46 nations. Hence, there was no need for Parliament to enter into the realm of Government's executive powers in so far as the prerogative of signing the Nuclear Deal by the UPA Government was concerned.

R. C. Saxena, Baroda. Email: liberals@sify.com

Auden Remembered (and Updated)

Xerxes Desai

September 29, 2008

Xerxes Desai[@]

(with Apologies and thanks to W. H. Auden)

I sit in one of the **bars**
On **Wall** Street
Uncertain and afraid
As the clever hopes expire
Of a low dishonest decade:
Waves of anger and fear
Circulate over the bright
And darkened lands of the earth,
Obsessing our private lives;
The unmentionable odour of **corporate** death
Offends the September night.

Accurate scholarship can
Unearth the whole offence
From **Adam Smith** until now
That has driven a culture mad,
Find out what occurred **in Manhattan**,
What huge imago made
A psychopathic god:
I and the public know
What all school children learn,
Those to whom **wealth is given**
Can do evil in return.

Into this **neurotic** air
Where blind skyscrapers use
Their full height to proclaim
The strength of **Free Market Men**
Each **party** pours its vain
Competitive excuse:
But who can live long
In an euphoric dream;
Out of the mire they stare,
Capitalism's ugly face
And **its global wrongs**.

Defenceless under the night
Our world in horror lies:
Yet, dotted everywhere,
Moronic cries of blight
Crash out wherever the **Bust**
Exchange their messages:
May I, composed **unlike** them,
Devoid of capitalist lust,
Though beleaguered by the same
Negation and despair,
Show an affirming flame.

MR. XERXES DESAI, formerly CEO of Titan Industries.

[@] The 'updates' are in bold.

September 1, 1939*

W. H. Auden

I sit in one of the dives
On Fifty-second Street
Uncertain and afraid
As the clever hopes expire
Of a low dishonest decade:
Waves of anger and fear
Circulate over the bright
And darkened lands of the earth,
Obsessing our private lives;
The unmentionable odour of death
Offends the September night.

Accurate scholarship can
Unearth the whole offence
From Luther until now
That has driven a culture mad,
Find what occurred at Linz
What huge imago made
A psychopathic god:
I and the public know
What all schoolchildren learn,
Those to whom evil is done
Do evil in return.

Into this neutral air
Where blind skyscrapers use
Their full height to proclaim
The strength of Collective Man,
Each language pours its vain
Competitive excuse:
But who can live for long
In an euphoric dream;
Out of the mirror they stare,
Imperialism's face
And the international wrong.

Defenceless under the night
Our world in stupor lies;
Yet, dotted everywhere,
Ironic points of light
Flash out wherever the Just
Exchange their messages:
May I, composed like them
Of Eros and of dust,
Beleaguered by the same
Negation and despair,
Show an affirming flame.

Mr. W. H. AUDEN (1907-1973), poet, playwright, editor and essayist.

* On September 1, 1939 Hitler invaded Poland and World War II broke out.

Why Indians are Not Ambitious

M. D. Kini

If we can overcome foodgrains shortage with a Green Revolution, send satellites into space and develop nuclear weapons, we can also find solutions to our energy problem, use the monsoon waters efficiently and find a solution to deal with recurring floods and droughts. It requires a vision and a plan of action. We have to be ambitious and bold. Bold is beautiful too.

In a recent thought-provoking article, “Harvest the Sun – We must urgently focus on solar energy” (*The Times of India*, 23rd August 2008), Anand Mahindra, a well-known industrialist has said that Indians (rather the Indian government) are not ambitious but timid and cautious. He says we like ‘technology transfer’ rather be technology pioneer. In that article he has asked the government of India to scale-up and commercialize the solar power technology through private-public participation and bemoaned the lukewarm response for solar energy research which holds promise in the context of the energy crunch.

Solar power

Solar Thermal Electricity Generation (STEG) technology, he says, is a simple technology that consists of curved mirrors that concentrate sunlight onto a receiver tube to heat a working fluid flowing through it. The remaining part of the plant is very similar to a conventional power plant.

A 50-MW plant would save around 90-120 million kg of greenhouse gas emissions and the energy payback is five months with a useful life of 25 years. This technology provides “firm” power and allows plants to dispatch power when demanded. It can also work in a hybrid mode enabling solar heat to be backed by co-firing with natural gas or coal. Waste heat from the combined generation of heat and power can be used for industrial applications, district heating and cooling and sea-water desalination. The experts are of the opinion that just 0.3 percent of India’s land area for solar power could meet all electricity needs of the country.

The big hitch is the cost. It costs between Rs.7.50 and Rs.17 per kWh to generate electricity through STEG while it is just Rs.1.40 for certain coal-based plants. However, diesel power costs Rs.17/kWh without subsidy and we have 20,000 MW of diesel power used as back-up power by industry. The US Department of Energy estimates that the cost of power generation by STEG would come down to Rs.1.50-2.50 /kWh in the next 15 years. USA and Spain are taking the lead in commercializing this technology.

While some countries which receive half the sunlight that India gets are going ahead with research on this technology, India has “a timid and incremental policy support”, Mahindra observes. The MNES (Ministry of Non-Conventional Energy Sources) incentive scheme provides a maximum incentive of Rs.10 per kWh to STEG plants provided these plants are in the 1-5 MW range when it is cost-effective in more than 50MW range. “This is a nice gesture, but it can hardly be said to open the floodgates for speedy development”, he sarcastically comments, and adds, “We are not ambitious enough”. Yes, indeed! ‘Thinking small’ has been the bane of India since its socialist days! We have still to get over it.

India is endowed with abundant sunshine (250-300 days in a year) and a 1,70,000 sq.km desert which is a natural energy generator waiting to be harnessed, says entrepreneur Anand Mahindra, and adds, “What on earth are we waiting for? The time is ripe for a public-private partnership to help this technology – and India – attain its place under the sun.” And then adds, “Let’s not revert to our pre-reform avatar, and wait for a beneficent western power to find the solutions, and then go round with a begging bowl for ‘technology transfer’”.

High price of thermal and nuclear power

We always take the easy way out – buy the technology from other countries or resort to what is called, ‘re-engineering’. We do not look at the other way, the hard way – research and innovation. We do not want to develop our own resources – solar energy and other non-conventional energy sources which are abundantly available in our country. We want to depend on other countries and then complain about the price fixed by various cartels. The price of crude oil which had gone up to \$ 147 per barrel has now hovering around \$ 100 which is almost the double it was a few months ago. The oil experts believe that the price would come down due to the decline of consumption after the financial melt-down, especially in USA, and eventually can go up to \$200 in the coming years, thanks to the rapid growth of all developing countries, especially China and India. Now that we are going in for more nuclear power, uranium price has

also gone up – from \$20 to \$ 85 per kg in the last three years, says Dr.P.K.Iyengar, former chairman of the Atomic Energy Commission.

Additionally, coal and oil create pollution and the technology belongs to 19th century. Nuclear power is vulnerable to accidents and meltdowns, create the problem of radioactive waste disposal and adds to global warming. This technology belongs to 20th century. Solar power is the wave of the future - environmentally pure as it does not create pollution and does not add to the global warming. It also provides energy security.

Why Not Encourage Indigenous Technology?

We boast about our IITs and IIMs and how graduates from these institutions have brought laurels to India and enriched USA and other countries. A research report by Vivek Wadhwa of the Pratt School of Engineers (USA) who is himself a co-founder of two start-ups, states that Indian immigrants created 450,000 jobs and \$52 billion in sales. Immigrant entrepreneurs funded 25% of US engineering and technology companies in the decade 1995-2005 and 26% of this is by Indians.

We have innovators in our villages as well. Anil K. Gupta of the National Innovation Foundation has created a knowledge bank of 75,000 innovations and practices of little-known pioneers living in towns and villages. We have innovators everywhere but their expertise and talents have not been encouraged and used for nation-building.

We have to give scope for the IIT graduates to work on Indian problems and find Indian solutions. We have floods and droughts at the same time in different parts of the country. We have yet give serious thought

to solve this recurring problem. Of course we have many dams and hydro-power projects. But in many parts of India all that we do every year is to provide relief and temporary shelter. According to newspaper reports breach of river embankments has taken place in Bihar in 1963, 1968, 1971, 1980, 1984, 1987, 1991 and now in 1998. Floods in Brahmaputra are an annual event. Almost all rivers are in flood just now. Network of canals and inter-linking the rivers may provide an answer. At least we can start with a few.

We see monsoon waters draining into the sea and later during the summer, we have the problem of water in all coastal regions. How to harness this water, there is no answer with the government. Rain-water harvesting on a large scale has not been explored in these regions. Thousands of farmers, especially cotton farmers, commit suicide but we have only one answer – debt waiver, that too partial.

Our problems are big but our human resources are bigger. If we can overcome foodgrains shortage with a Green Revolution, send satellites into space and develop nuclear weapons, we can also find solutions to our energy problem, use the monsoon waters efficiently and find a solution to deal with recurring floods and droughts. It requires a vision and a plan of action. We have to be ambitious and bold. Bold is beautiful too.

Let the Planning Commission be a think-tank and produce papers and notes on some of the persistent economic issues of the country and lead discussion sessions to bring about a consensus. We can overcome all these problems. Harvest the human resources should be our mantra.

MR. M. D. KINI is a freelance writer. Email: mdkini@kini.org

Even God Can't Save India

India's Supreme Court refused to amend the law for launching criminal prosecution against those who illegally occupy official houses, and said that even God will not be able to save this country.

A bench comprising Justice B. N. Aggrawal and Justice G. S. Singhvi said on August 6, 2008: "We are fed up with this government... They don't have the guts to differ with the opinion of the clerks." "Even God will not be able to save this country. In India even if God comes down he cannot change our country. Our country's character has gone. We are helpless."

The Justices pointed out that people who are vexed with the approach of the government on various issues are filing PILs before it. "You complain about judicial activism when you are in power. When you are not in power you come to us for remedy," the bench remarked.

The Court did some plain talking in the context of the remarks of the Government's Counsel that the Union government has decided not to amend Section 441 IPC (criminal trespass) for prosecuting squatters of government accommodation in the country because the existing provisions provided under the Public Premises Act was sufficient to evict those illegally occupying government accommodation.



Cornucopia

Firoze Hirjikaka

Parsis have Descended from Valhalla

What we don't realize is that by following the common herd, we are in acute danger of being amalgamated into it, to the extent that we disappear altogether.

For many years now, we Parsis have constructed a mythical halo of superiority around ourselves. We were the chosen few; Indians, yes, but not quite. There was our much vaunted Persian heritage – equally mythical, since it had all but vanished in the course of over 1300 years of assimilation with the mainstream. There was the barely disguised condescension towards *ghatis*, *mallus*, *maka-pavs* et al. They were admirable folks in their own right, of course, but well, not one of us. Ironically, the myth was subconsciously perpetuated by the very people we looked down on. The *ghatis* and *mallus* could barely stand each other; but everybody loved the eccentric *bawajis*.

To some extent, the Parsis could be forgiven for viewing themselves through rose coloured glasses. During the Raj, the British cultivated them as a buffer between themselves and the natives. For one thing, Parsis spoke the King's English without that comical Indian accent. They read Shakespeare and enjoyed Gilbert & Sullivan. The British bestowed their largesse for their own selfish reasons, of course, but the Parsis lapped it up. Decades after the British left, many Parsi homes gave pride of place to a portrait of *aapro-rajo* George V.

The fascination for the British has now largely evaporated, but Parsis continue to bask in the reflected glory of their illustrious forefathers. Stories about how Pherozeshah Mehta, Jamshedjee Jeejeebhoy, Jamshedji Tata and others have contributed enormously and disproportionately to the development and prosperity of India and, in particular, Bombay, have become tired clichés. A look at their more recent, history, however, shows that Parsi luminaries have become few and far between.

The starkest reality today's Parsis have had to deal with is that they no longer enjoyed a privileged position in Indian society. The term "*bawaji*" no longer had connotations of amused respect, but undisguised ridicule. Parsi grande dames could no longer expect to be given a seat in a bus, or preferential treatment at the local *baniya*. The miniscule community did not even qualify as a vote bank and hence could be disdainfully ignored by just about everybody. In short, Parsis no longer mattered to anybody but themselves.

Even in the new scheme of things, however, Parsis retained a few traits that allowed them to hold their heads high. They kept themselves aloof from petty politics, they carried out their affairs with discreet dignity and, above all, they did not air their dirty linen in public. Even disputes about religion – always a contentious issue – were kept out of the public glare. In turn, Parsis were politely left to themselves by the national media. About the only time Parsis entered the consciousness of newspapers was during Nawroz, with the obligatory picture of traditionally clad Parsis embracing in front of the Sethna agiari. This has now changed.

Nothing has exploded the veneer of Parsi class and gentility more blatantly than the current Parsi Panchayat elections. Past elections were such discreet affairs that caused barely a ripple in the community at large. Now suddenly they blossomed into a full blown political campaign – with the kind of politicking and dirty tricks associated with India's venal mainstream political parties. Rumours, innuendos, slanderous anonymous emails flew thick and fast. Candidates thought nothing of trying to buy votes with lavish dinners, complete dancing beauties and Gary Lawyer. Most alarmingly, the elections became less about service to community members and more a catfight on religion, with Liberals and Traditionalists tearing into each other with unashamed abandon.

Now that the elections are actually in progress, the beat goes on. Allegations of double voter registration, marked ballot papers and intimidation at voting centres are making the rounds. The traditionally ignored Parsi community is making waves in Bombay's newspapers – unfortunately for the wrong reasons.

This, then, is what we Parsis have come to. No doubt, many among us are glorying in this new found activism and aggressiveness – not to mention the gratuitous publicity. What we don't realize is that by following the common herd, we are in acute danger of being amalgamated into it, to the extent that we disappear altogether. We do not need to raise the bogey of conversion to retain our distinct identity. We are doing a fine job of losing it all on our own.

Corruption is a Part of Indian Life

Relief supplies like blankets, tents, etc, meant for the victims of natural calamities, end up in the homes and fields of the affluent.

I read a news report of how rich politicians in Maharashtra are taking unfair advantage of a government scheme to provide cattle to destitute farmers in the region at highly subsidized rates. The politicians are snapping up these cattle for themselves, with the result that the genuine beneficiaries of the scheme are left to fend for themselves; and often starve to death.

While this news is shocking enough, what is even more tragic is that it is par for the course. In India, it is considered business as usual. One remembers Rajiv Gandhi's famous quote about only 15% of any relief to the poor actually reaches the intended beneficiaries. The rich and powerful of this country have been routinely siphoning off funds and resources meant for the poor. Thus, foodgrains meant for the needy, under the PDS scheme, are siphoned off by rich traders and sold at market rates. Relief supplies like blankets, tents, etc, meant for the victims of natural calamities, end up in the homes and fields of the affluent. The list goes on and on.

The real question that should be asked, but rarely

is, is why this has been allowed to go on for so long. After all, this has been the prevailing practice almost since Independence. Nor can the powers that be feign ignorance, since scams like this have always been widely publicized. Why, then, is a system that has been proved to be inefficient allowed to continue year after year, decade after decade? The answer is obvious; because it suits everybody in the food chain, except those at the very bottom. The top honchos in charge of administering these schemes are not turning a blind eye to the thievery rampant in their midst out of ignorance. They know exactly what is going on. But for reasons best known to them, they find it more convenient to keep quiet.

According to a recent report by Transparency International, India has been ranked 85 on the corruption index – out of a total of 180. To me, the real surprise is how we managed to achieve such a high ranking. Corruption has become such an integral part of Indian life that I would have expected to come in much lower.

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

From Our Readers

Kashmir Revisited

As a regular and old reader of your wonderful publication that keeps the readers' freedom first and foremost, I was deeply touched by the narration of Major General E. D'Souza "Kashmir Re-visited," (*Freedom First*, October 08) and to know that he actually made a reconnaissance to his places of earlier postings at the ripe old age of 87.

Having read his myriad writings, thoughts and experiences over the years, I have no doubt in my mind that every word in the article was true. Hence I, a South Indian who rarely ventures above the Vindhyas, had an opportunity to see the real Kashmir under a microscope. The poignant moments of his service to the people of Kashmir as a serving and loyal officer of the Indian Army, makes me once again get up and salute our great soldiers, not only for their bravery in war, but also for their compassion and humane attitude.

Truly the real Indians are those, like General D'Souza, who remove from themselves the labels of Hindu, Christian, Muslim, or Maharashtrian, Kashmiri, Kannadiga – and are willing to open their hearts out to serve the under-served. If we had more such Indians, there would never have been a "Kashmir problem", and if we had more such human beings, there would have been no partition or boundaries. My solemn salute to the great General!

Dr. Ali Khwaja, Bangalore. Email : alikhwaja50@gmail.com

6th Pay Commission and the Armed Forces

Some of the leading national dailies have supported the demand for better pay for the Armed Forces but have criticized the so called defiance by the Service Chiefs for not accepting the 6th Pay Commission award. If the Service Chiefs had not taken such a step, would the cabinet have agreed to review the pay award?

Brigadier Suresh Chandra Sharma (retd). Email : brigscs@vsnl.net

Come On, Liberals: Let's Change India!

India's Centralised Approach to Urbanization

Sanjeev Sabhlok

The Freedom Team of India is trying to bring together 1500 like-minded liberals willing to contest elections as a coherent group from 2014 onwards. The Team aims to ultimately offer the Indian people a choice both of good candidates and good policy. As the Team continues to grow, albeit slowly, I want to start discussing issues which could inform the policies offered by the Team. I begin by looking at urban policy.

Productivity Gains from Urbanisation

In 1776 Adam Smith wrote about division of labour as the major driver of productivity in free societies. While the assembly lines seen in factories are a good example of this division of labour, specialisation is now an even more widespread part of modern life. Another driver of productivity, highlighted by Alexis de Tocqueville in 1835, is social capital arising from the vibrant associations and networks of like-minded people. Both these drivers of productivity require people to live close together, and thus form the motivation for urbanisation. The average Indian, however, has not yet benefited from these productivity-enhancing features, with only 28 per cent of Indians living in urban areas today, compared with 44 per cent of the Chinese, 78 per cent of the Americans, and 86 per cent of the Australians.

Before we examine how urban areas can be managed to cope with increased urbanisation, we should ask whether it is feasible for a country like India to live predominantly in cities? How is it possible, we wonder, to feed a huge urban population?

The answer is that a relatively small population should be able to produce all the food we need after we reform our agricultural policies. Such reforms should lead to increased mechanisation and productivity. Since agricultural reforms will require a separate discussion, let us, for the moment, assume that it is possible to increase agricultural productivity to feed up to 600 million additional urban dwellers. In addition, let us assume the existence of good education and health policies with the result that rural migrants to urban areas stand a real chance of being productive. We also assume incremental and organic growth of urbanisation, not a forced approach.

Local Governance at the Heart of Urban Reform

We all know that today, even with our extremely low levels of urbanisation, our urban areas are in a bad shape. My sister owns an IT company in Delhi and travels all over the city daily. She was complaining the other day

to me that it now takes her two hours to cover the distance which took her an hour ten years ago. Such congestion not only hurts businesses but also reduces social capital as it becomes increasingly difficult for people to associate with each other.

So how can we start improving our urban areas? We need to increase urban infrastructure and improve the urban environment while avoiding the congestion which can quickly reduce the gains from urbanisation. Three principles can inform the governance arrangements for urban reform: good incentives, accountability, and subsidiarity.

The principle of subsidiarity says that 'a central authority should have a subsidiary function, performing only those tasks which cannot be performed effectively at a more immediate or local level'. This tells us that state governments must stay out of urban management, which is a local matter. This should be in the hands of local councils that service, say, about two lakh people each. For instance, New York has 51 councils and Melbourne has 28. So Delhi should have 60 councils. Instead, we have mega-municipalities which have little or no local representation and are far removed from ground realities.

For the states to create the third tier of government at the urban or rural level it was not really necessary to amend the Constitution. But with the 74th amendment there can now be no excuse for the states to avoid creating such a third tier. Unfortunately, the states still refuse to do so. Instead, tenured generalist bureaucrats without the foggiest idea of good policy and without any accountability to anyone, are charged today with 'managing' our cities using their exaggerated notions of personal wisdom and perspicacity, with no participation from the citizens.

This needs to change. The state governments must create a framework of laws for the local councils to implement. This framework should link urban and rural

councils and reduce the dichotomy between these two. The framework must delegate key functions like land planning and zoning, land acquisition, local (third tier) roads and parks, libraries, community halls, and waste disposal to the councils. Food and other inspections should also be dealt with by councils. The state can retain the role of coordinating the records of land use and ownership.

To fund these services, the councils should be empowered to raise land taxes and rates, and to recover unpaid dues from recalcitrant residents. Councils which want to attract wealthier residents will then provide better infrastructure by charging higher rates. Since all the infrastructure needs of urban areas cannot be funded through rates and taxes, the councils should be empowered to issue long-term bonds to fund these needs. Citizens will then be free to pick the council that best suits their budget and preferences. The competition between councils will generally keep the rates low and the services high.

It is important for the councils to have sufficient representation. The ratio of representatives to citizens must be in line with international best practice. For instance, Delhi should have 300-600 elected councillors including 60-odd mayors. Of course, these political representatives would need to be held to account through elections held every three years. In addition, the state government would need to retain a judiciously exercised power to dismiss corrupt councils and order new elections.

To ensure a clear line of sight of accountability, elected councillors would have to be fully empowered to

hire the chief executives of their councils on a performance-based contract at market rates, and to fire them for non-performance. This contract should be based on an understanding of the principal-agent problem and the use of the right incentives. These chief executives, in turn, would need to be empowered to hire (and fire) the best professional land planners, environmental scientists and landscaping specialists. This approach, followed in many developed countries, achieves the best results for the community.

Coordination Issues, and Migration

How will the councils in large cities coordinate their diverse plans? The association of councils will be able to coordinate most issues, including long term plans for the relevant city. The state government can help if asked to. These professionally managed councils will also be able to manage the migrations from rural areas effectively. Since new migrants generate wealth, the councils will likely compete for new migrants by providing relevant infrastructure to make best use of the new migrants' talents.

In brief, this model of responsive and accountable decentralised government, based on the principles of freedom, will lead India to dramatically better cities and ensure that it can meet the forthcoming challenge of mega-urbanisation and wealth creation.

As usual, before closing this write-up, I would like to urge you to consider leading India. Consider joining the Freedom Team (freedomteam.in). Write to me.

MR. SANJEEV SABHLOK can be contacted at sabhlok@yahoo.com.

An Ungrateful Nation?

The country-wide demonstrations by ex-Servicemen (ESM) on 26th April and 7th May 08 to protest against the 6th Pay Commission report, were, by all accounts, conducted in a dignified and orderly manner; and that is exactly how it should have been. Now one hears some talk of a "hunger strike" by ESM, but it is my fervent hope that this will not come to pass.

I have a nagging feeling that by these uncharacteristic and extraordinary gestures we, the ESM, have diminished ourselves in the eyes of our countrymen. One can just visualize people who have never had the privilege of wearing uniform or of serving the nation's tricolour, smugly saying to themselves: "We always knew that their attitude of soldierly discipline and fortitude was only a facade. Deep down they are just like any of us."

I am aware that these remarks are likely to upset many of our Veterans who, despite advancing years, are going to great lengths to make a dramatic gesture on behalf of their comrades-in-arms. To them, let me just say that my criticism is directed, not so much at their

actions, as at the insensitive and callous system which has driven them, in extremis, to such an unfortunate step.

In civilized nations the world over, the soldier, sailor and airman – and more so the Veteran – is an object of spontaneous respect, affection, admiration and the highest public esteem. These sentiments are made manifest by the people and the government of a grateful nation, in countless ways, in thought word and deed. There are monuments celebrating victories, statues of military heroes, war memorials for those who fell on the field of battle, avenues and squares named after soldiers and concessions for Servicemen in every sphere. Above all, Servicemen receive warm respect, affection and consideration from the general public as well as the media. None of this exists in India today.

Extracted from **IS "IZZAT-O-IQBAL"?** by **Adm. Arun Prakash (retd.)**

Sarvatra Izzat-O-Iqbal is the hybrid Sanskrit-Persian post-Independence motto of the Regiment of Artillery, which means: **"Honour and Esteem Everywhere"**.

Irrelevance of Censorship

Prem Vaidya

Film censorship in India is a legacy of colonialism. The alien rulers based it on their suspicion of the 'natives'. It should have been eliminated the day foreign rule ended. Unfortunately no one gave a thought to this that was alien to Indian culture.

Traditions, that fail to change with the times, deteriorate. This is precisely what has happened to the Central Board of Film Certification (CBFC). Under colonial rule, there were four Boards of Film Censors at Mumbai, Kolkata, Chennai and Rangoon (when Burma was part of 'British India'). In 1920, Inspectors of Films were appointed. The then Bombay Board issued a list of '43 rules in the form of do's and don'ts' which governed censorship in India. These were mostly politically motivated to ensure that nothing that would go against the colonial government was shown on the screen. Ironically, the Board did not bother much about what goes against the culture of the land. The film KARMA (Destiny), the first Indian talkie with English dialogue produced by Bombay Talkies Ltd. (1933) had shown Devika Rani and Himansu Rai kissing on the screen. In one of Ezra Mir's feature films ZARINA, the hero Jal Merchant kissed Zubeida no less than 48 times – and got away with it with no censor to interfering. Tall handsome hero Jayant lifts heroin Sardar Akhtar in STATE EXPRESS and starts kissing her. Depicting neck to leg show right up to the thigh was very common in many films produced in that period and without any objection from the Censor! Whereas the mere title of V. Shantaram's MAHATMA had to be changed into DHARM-ATMA (1935), on the insistence of the Censors. The representatives of the Raj felt that the word MAHATMA would connect to Gandhi and his freedom movement, though the film was on the teachings of Sant Eknath!



While most of the big banner film producers meekly surrendered to the whims of the Censor Board, Wadia Movietone of Jamshed B. Wadia (JBH) and his brother

Homi, continued making inspiring 'social films' in the form of stunt films with the hidden message to fight against oppression and injustice by alien authoritarian rule. All their films projected the national sentiment during India's freedom struggle. In fact, their hoardings and advertisements openly proclaimed that the age group from six-to-sixty liked their films. Needless to say, the writer of this article was one of them!

After Independence, in 1951, Sir Clifford Agarwala was appointed the first Chairman of the centralized Board of Film Censors. The 43 rules of 'don'ts' of the Raj were replaced by a 'Code of Ethics' which were largely similar in substance, with slight modifications to suit the party in power.



In the early 50's, renowned star Shobhana Samarth started her independent production HAMARI BETI to promote her daughter Nutan. After the completion of shooting the film, Shobhana again booked the studio for half-a-shift for filming. It was called, shooting for the 'Censor's Cut!' During this shooting, some provocative shots were taken which were intended for the Censors to use their scissors! I believe, this was the practice in the film industry in those days! When a film was put through the Censor Board the question usually asked was "How much has the Censor censored from the Censor-shooting?" and the reply invariably was "hardly any."

Though the film industry is contributing millions by way of taxes, it has no voice due to its own weaknesses. Trade bodies are in open rivalry with one another electing leaders and then refusing to accept their leadership; threatening to boycott meetings etc. There is no unanimity among the producers; mainly these are ego problems with no real substance. Governments of the day have taken

Photos appearing in this article:

- 1 Devika Rani and Himanshu Rai in 'Karma'
- 2 Lalita Pawar in 'Himmat-e-Marda'
- 3 Raj Kapoor and Soviet ballerina Ksana Riabankina in 'Mera Naam Joker'
- 4 Sulochana and D. Billimoria in 'Heer Ranjha', 1929.

full advantage of all this. They pick and choose to appoint members of the CBFC to suit their purpose!

Kabir (1456-1575):

नींदक नियारे रखीये आंगन कुटी छवे
बिन पानी साबुन बिना निर्मल करे सुबेह

**(Keep your critics close-by, they help you to
improve your behavior).**

Justice M. Hidayatullah, former vice-president of India had argued that a handful of people cannot be allowed to sit in judgment of films. It was essential for film producers to have their say as well. While studying the film industry's problems he had stated that censorship could become legal only if certain conditions are fulfilled. To this day, those conditions have been left dangling in the air. President Suresh Khare of the Marathi Natya Sammelan held on 29 January 2005, said in his presidential

address that the 'Censor Board is out of date'.



The State should keep its hands off the creative-arts. It must not try to be a

judge and draw lines. In our folk literature, there are explicit passages; no one has dared to ban them. If we go by the Censor's Code of Ethics, then the temples in Khajuraho and the Sun temple of Konarak should be razed to the ground. Does anyone have the guts to do that? Have Khajuraho and the temple at Konarak generated violence?

There also seems to be dual standards. Feature and documentaries have to pass through CBFC and the Film Advisory Board (FAB) before they are released, while there is no check on over 105 TV channels beaming round the clock in the country. For this, government fully depends on peo-



ple's reaction after they have been telecast. According to Jean-Michel Frodon, the editorial director of *Cahiers du cinema*, the iconic French film magazine, "...what is happening in Indian cinema is the answer to globalization. It's one of the most important phenomena in contemporary cinema. Indian cinema is finding its way to live with the rest of the world without being destroyed by the rest of the world." (*The Times of India*, 19th November 2007).

Tukaram (1608-1649):

नींदक तो परोपकारी
काय वरनु त्याची पारी

**(My critics are my benefactors'. Their obligations
are immeasurable).**

People are India's greatest resource, so film control, if any, should come from the people. If the people feel disgusted, no film or literature will have exposure. Let the people decide what is good for them. The Kalidasa-code (of post-Mauryan India 200 B.C.) has laid down the rule that it is not for the king but the people to decide what play or literature is good for them. In spite of a gap of two centuries between them, it is worth quoting two of our great saints Kabir and Tukaram on the useful role of critics in society (*see boxes above*).

Government should consider the abolition of the CBFC. The Indian Film Industry is not the problem. Trust them and they will prove to be part of the solution. They have proved in the past and they will continue to do so in the future. Let the people of India be the conscious keepers of the nation.

MR. PREM VAIDYA is a documentary film-maker, was with the Films Division of the Government of India.
Email : premvaidya@vsnl.net

The Paradox of Globalisation

India was a country of ideas in its youth. At its moment of independence, 61 years ago. Jawaharlal Nehru declared that its dreams "are for India, but they are also for the world."... In the salons of Delhi and Mumbai, an educated class that had come of age as freedom came to India spent long evenings debating the world and their place in it. But in those days India was all ideas and no power. Today the situation is reversed. If one mingles with its affluent, reads its newspapers, observes its politics, roams its campuses, one sees in India what affluence has wrought: a turning inward, a slow-burn privatization of concern. This is globalization's great irony: It gives you influence in the world but then, with its gadgets and gizmos, distracts you from using it.

Extracted from *The International Herald Tribune* | www.ihl.com

Book Review



VIOLENCE, TERRORISM AND HUMAN SECURITY IN SOUTH ASIA by Ajay Darshan Behera
● Published by: The University Press Ltd. Dhaka ● Year of publication: 2008 ● Pages: 251
Price Tk 450 ● Copyright holders: Bangladesh Institute of International and Strategic Studies.

Reviewed by Ashok Karnik, formerly Deputy Director, Intelligence Bureau, Government of India.

The book is one in a series of studies/books on various aspects of Human Security in India, Pakistan, Sri Lanka, Bangladesh and Nepal. It is a product of research by Dr. Behera, Reader in the Jamia Millia Islamia University, New Delhi. It is an interesting study from the point of view of conceptualisation of the problem of violence and terrorism in South Asia. It covers the problems faced by India, Pakistan, Sri Lanka and Nepal and excludes Bangladesh. It is an academic analysis of what ails this part of the world.

National Security vs Human Security

A distinction is made in the concepts of National Security and Human Security. Traditionally, security is perceived as the ability of the state to protect its citizens against external threats and preservation of territorial integrity, independence and sovereignty. Human security is a wider concept and includes the welfare of man as a major concern. Freedom from fear and freedom from want are the essentials of Human Security. Scholars argue that the wider scope of human security dilutes national security concerns. However, after hair-splitting over the two concepts, it is conceded that Human Security cannot be protected without National Security since the State is the instrument for protecting Human Security. In South Asia, former colonial societies, on securing independence, are engaged in long-term nation-building process but are threatened with internal subversion and territorial dismemberment. The state alone can meet these challenges.

Inevitability of Conflict?

The book suggests that the problems of South Asia are “genetic” (not the author’s phrase) and cannot be blamed on the follies of a few individual leaders, as we tend to believe. Our lament is, but for this or that action by our past leaders, we would have been fine. This study exposes the myth. It also tries to demonstrate that there is a logical commonality in the nature of problems in different states in South Asia. Inheritance of the burden of the colonial past and uneven development are at the root of the malaise, according to the author. There is a simi-

larity in the processes that have nurtured violence in this region. Unlike Europe, the post-colonial third world countries did not have time to form nation states; these were mostly multi-ethnic in character. Demands of unequally developed regions to fulfill their budding aspirations could not be met by the power-center; the resultant grievances were not tempered with the yet to be formed loyalty to the nation-state. Grievances led to agitations, violence, ethnic-secessionist demands or insurgencies. Frustrated agitations led to terrorism. Mutuality between violence and the development process is a paradox that is surprising and disturbing as it strikes at the root of the belief that development would help eliminate people’s grievances. This is the centrality of the book.

Militarization of the State

Interestingly, it is observed that states, which have yet to complete the process of nation building and have to pitchfork themselves into developmental activities, find that the uprooting nature of the development process results in conflicts. Thus the very attempt to spread the benefits of independence to all sections of the people is the cause of conflict. Again, absence of peace retards development. The spiraling effect of violence is that the State tries to equip itself with more powers, blames ‘misguided groups’ for obstructing development or worse, finds the hand of foreign powers behind the violence. Human Rights concerns and right to self-determination arguments lend a degree of justification to the violence. On the other hand, the state loses credibility in the eyes of the people if it cannot control the situation. Caught in a dilemma, the state has to concentrate more and more powers in its hands. Acquisition of greater powers, enactment of more stringent laws etc by the state is described in generic terms as ‘Militarization’. This in turn is seen by the agitators as state oppression. This description of conditions in all South Asian countries applies so fittingly to India that one may suspect that the book is written with India alone in mind. It is not so as the author has briefly cited the conflict areas in all countries like the North East and Naxalism in India, Sindh & Baluchistan in Pakistan,

Maoism in Nepal and LTTE in Sri Lanka in the same context.

Terrorism

Terrorism is considered a stage in the spiral of agitation, violence and insurgency. The author does not dwell too much on religious fanaticism as a source of exported terrorism but treats it as a form of internal violence resorted to while seeking redressal of grievances. Nevertheless, he has interesting observations to make on terrorism. He states that terrorism's objective may or may not be to destroy the opposing side but to break its will and force it to capitulate. This should help us understand what terrorists are trying to achieve in India through mindless-looking bombings all over. The UN and the Human

Rights Conference recognize that practices of terrorism, regardless of motivation, in all their forms and manifestations are a violation of human rights. In 2005, Kofi Annan, UN Secretary General, outlined a global strategy to fight terrorism: He prescribed five "D"s: i) dissuade disaffected groups from choosing terrorism as a tactic, ii) deny terrorists the means to carry out their attacks, iii) deter states from supporting terrorist groups, iv) develop the capacity of states to prevent terrorism and v) defend human rights. If this is a solution, God help us. The Annan edict has made no difference to terrorism anywhere in the world in the last three years since he expounded it. Such platitudes are the bane of present international discourse. Nobody has anything to offer by way of solution except scholarly analysis. Nor does this book!

The Stoning of Soraya M

At the Toronto International Film Festival this September, the debut of Cyrus Nowrasteh's film "The Stoning of Soraya M.", based on a true story, confronted the audience with all the gruesome and horrifying details of a barbaric ritual that is still being executed in today's Iran.

Officially there is no stoning in Iran after the head of judiciary, Ayatollah Mohmoud Hashemi-Shahrudi, ordered under pressure of international protest a moratorium on stoning in 2002. But still there have been several people stoned to death since then. In July 2007, the case of Jafar Kiani, stoned to death in Qazvin (north east Iran), caused an international outcry. In May 2006, Abbas H and Mahbubeh A were stoned to death in Mashhad (north east Iran). In 2007, the Islamic Supreme Court of Iran upheld several death sentences by stoning. In January 2008, Amnesty International called for Iran to abolish the stoning execution. At that time at least nine people, sentenced to death by stoning, were awaiting their execution. Strong protest from within Iran and abroad during the next months pressed for the sentences to be commuted - but it is not yet clear if the victims have been really saved. Meantime the National Council of Resistance of Iran and human rights organisations report about the cases of Gilan Mohammadi, a 30-year-old woman, and the Afghan national Gholamali Eskandari, both sentenced to death by stoning and awaiting their sentences to be carried out in Isfahan prison, central Iran.

"The stoning of Soraya M" happened some twenty years ago and was described in 1990 by the French-Iranian journalist Freidoune Sahejan in his book with the same title. It is the story of a young woman, mother of nine children, who is wrongly accused of adultery by her husband Ali, because he wants to get rid of her to marry a very young girl offered to him. Suddenly the innocent and helpless Soraya is an outcast, stripped of basic human rights, marked like a sacrificial animal to become the object of a gory and blood thirsty ritual that unites the conspiring male community of the village in destruction of the evil that she now seems to represent. The film rolls slowly from detail to detail: stones are collected - not too big, as they should not kill fast, her body is ritually washed, wrapped in a white shroud and carried on a stretcher to the stoning ground, her hands tied behind her back. There she is buried up to the armpits - and the macabre ritual unfolds. Her two sons are forced to abjure her and join the stone throwers.

The film is made by people who have personal experience with the fear of fundamentalism in power. Director Cyrus Nowrasteh is an Iranian-American whose family had to flee Iran after the revolution. When lead actress Shohreh Aghdashloo, another Iranian-American, once spoke to a reporter in the USA about torture victims in Iran, Iranian police arrested her brother at home and kept him in prison for one year.

Courtesy: *Rationalist International* No.178, 27 September 2008

Between Ourselves ...

I write this from my home in a Mumbai suburb. It's a working day but like thousands of others I couldn't go to work because Raj Thackeray the boss of the political outfit called the Maharashtra Navnirman Sena, an offshoot of the Shiv Sena, sent out a warning that if he was arrested (for instigating his activists to beat up and drive out examinees appearing for a Railways recruitment test in Mumbai). Mumbai would have to pay, or words to that effect. And he carried out his threat. He was arrested and Mumbai was all but shut down today accompanied by mob violence and mayhem not seen for a long time on the streets of this city. This is an extreme manifestation of weak governance because of the politics of convenience and survival. The *reasons* for the destruction of property and instilling fear in the citizens, are not as important as the fact

that, the State, in almost every part of India, is unable or reluctant to discharge its elementary duty of maintaining law and order.

What is even worse is the growing apathy of the educated class to involve themselves in issues crucial to the growth of a healthy and assertive civil society thus allowing the initiative to pass to goons and professional politicians masquerading as leaders. Unless we have a responsive citizenry, the quality of our democracy will be very poor and we shall continue to live dangerously.

As that old adage goes 'The people get the governments they deserve.'

Editor

Many Voices

There are two sides to a Balance Sheet: the Left & the Right (Liabilities and Assets respectively). On the Left side there is nothing right, and on the right side there is nothing left

Popular quote doing the rounds on the Net post Lehman, AIG fiasco. Contributed by reader Lakshmana P. Bhandarkar

My advice is that in the last 50 years there has not been a better opportunity to buy. To those who have bought and suffered, stay invested. Those who have been lucky enough not to have bought, it's time to buy.

Surjit Bhalla, Chairman, Oxus Research and Investments, *dna*, October 12

What looks, smells and kills like terrorism – is terrorism

Jeremy Greenstock, British ambassador to the UN, *Asian Age*, September 17

I would respectfully, but frankly tell the government: "The home minister and the law minister are protected from terrorists – the people are not. Pussy-footing on terrorism is no longer acceptable to the people.

Eminent constitutional lawyer Fali Nariman, *Asian Age*, September 17

Your Lordships can ignore the statement of the (Health)

Minister... his statements cannot change the law.

Additional Solicitor General P. P. Malhotra before the Supreme Court regarding Union Health Minister Anbumani Ramadoss' views on legalizing gay sex among consenting adults, *The Indian Express*, September 30

The days of Nehru-Gandhi Socialism were days of elite dominance and a deferential public. Now Indian democracy is much more vigorous at the base and more corrupt at the top.

Lord Meghnad Desai, *The Indian Express*, October 12

We can't strengthen the civilian government (in Pakistan) by publicly expressing doubts on its ability to deliver.

T. C. A. Rangachari, former Indian diplomat posted in Pakistan, *Hindustan Times*, October 7

Markets sometimes give harsh messages. This results in mid-course corrections. In the Soviet Union, no harsh messages could be conveyed to the ruling elite for years on end until the system broke.

Jaithirth Rao, *The Indian Express*, October 5

You can bring in any law but it's as good as the people who implement it.

Former Chief Justice J. S. Verma, *Outlook*, October 6

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Phone: +91 (22) 2284 34 16 • E-mail: freedom@vsnl.com

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