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Freedom First

The Liberal Magazine



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Freedom First

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Between Ourselves...

The first phase of the elections to the Bihar State Assembly was completed as we go to press. An editorial in *The Times of India* (October 11, 2010) points out that what is special about this election is the fact that “it could alter the nature of politics not just in Bihar but in other states as well” as it could “transcend or at least neutralize mobilisations solely based on caste, religion, ethnicity or language.” Amen for that if that really marks a turnaround; though there are other factors too in play not mentioned in this editorial listing. But it's early days, for this is a month-long election. Yesterday's (20th October) poll was the first phase (covering 47 constituencies); 6 more phases to go in another 196 constituencies, the last of which is on November 20. The Maoists have asked the electorate to boycott the polls and going by past experience we can expect trouble from them which could result in poor polling in some areas. Despite this, if the ‘miracle’ does happen and the incumbent Chief Minister Nitesh Kumar and his coalition return to power, it would augur well for the quality of Indian democracy in an otherwise dismal scene. Bihar could well be the answer to Firoze Hirjikaka's question (in his article on page 4) made in desperation: “Is there some marker in the genetic make-up of Indians that makes us content to be subservient?” We may after all make the changeover from a subservient to an assertive electorate. For now let's keep our fingers crossed.

With this issue we complete a two-part report of the seminar on Kashmir. This, the second part has extensively covered the discussions. The report will reveal the open and frank exchange of views. We have also taken the occasion to explain *Freedom First's* evolving Liberal perspective on this troublesome problem. Are we less Liberal by insisting that a plebiscite in Kashmir must necessarily cover the entire area of the princely state that acceded to India in fairness to all Kashmiris?

A reader (in fact a long-time subscriber) telephoned us and asked if we would be commenting on the current debate on Rohinton Mistry's novel *Such a Long Journey*. We will indeed. If you have anything to say on this matter or on Kashmir please share it with us ensuring your comments reach us not later than November 12. You can email us at jurasv@gmail.com or post it to us.

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From Our Readers

A British Ban on Mother-in-law Jokes!

*The Times of India** carried recently an article on mother-in-law jokes. They are a very British phenomenon depending on the strong role of the wife's mother in working-class families which leads to tensions. In India the tension rather is between daughter-in-law and mother-in-law so how would the article have been interpreted in India. I intend to write about mother in law jokes and gave a lecture on the subject in City University Hong Kong. The Chinese family structure also produces daughter-in-law mother-in-law tension but no jokes.

So far as I know there are no indigenous jokes in India either but there are proverbs and songs. Can *Freedom First* readers please comment on this. I wish I had asked Dhiren Narain about it before he died as it fits with his ideas in his book *Hindu Character*. My puzzle is this

1. Do people in India know that the British tell mother-in law jokes about the wife's mother but not about the husband's mother? Are there indigenous mother in law jokes in India? If so can readers of this journal give me examples;
2. How are the British jokes perceived in India where there are proverbs and songs about the other mother in law, the husband's mother but not about the wife's mother? Are there Indian jokes about the husband's mother?

According to the article "A council in Britain has banned its staff from cracking mother-in-law jokes as they are "offensively sexist".

"*The Daily Telegraph* reported Monday that the order was issued in a 12-page booklet called "Cultural awareness: General Problems".

"Humour can be incredibly culture-specific, and is very open to misinterpretation or even offense (*sic*) by other cultures. And don't forget when you don't know what people are laughing at, it is very easy to imagine that they are laughing at you.

"British mother-in-law jokes, as well as offensively sexist in their own right, can also be seen as offensive on the ground that they disrespect elders or parents," the booklet states.

"One of the earliest known references to mother-in-law jokes was from the first century AD when Juvenal wrote in Satire VI: "It is impossible to be happy while one's mother-in-law is still alive."

"Les Dawson's stand-up routine in the 20th century had quips like: "My mother-in-law fell down a wishing well, I was amazed - I never knew they worked". Also, "My mother-in-law said, 'one day I will dance on your grave'. I said 'I hope you do, I will be buried at sea'."

**The Times of India* (<http://timesofindia.com/world/uk/Council-in-Britain-bars-mother-in-law-jokes/articleshow/6634580.cms#ixzz10k2y5Rts>)

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*

Taxing Times

E-filing and e-processing of income tax returns have brought woes for the tax payers, for they would not be granted credit for taxes paid, unless the payments are reflected in the Tax Credit Statement, 26AS. The pity is that the credit is denied, even if the tax payer produces documentary evidence of payment. If the payments are not reflected in 26AS, the tax deductees are entrusted with the duty of ensuring that the tax deductors or collectors have followed the procedures, complying with the provisions of the law. In case of lapse on the part of the deductors, the deductees are penalised, by denying credit. This is not fair. The tax department abdicates its duty, and shifts it to the hapless deductee! How can, and why should, the tax payer be expected to enforce the law? The department should realise that the tax deductors, or the banks collecting taxes, may not, and need not oblige the tax payers, for the latter have no statutory authority to enforce compliance. They should not be penalised, by denying credit, for no fault of theirs. Once the documentary evidence of payment is produced, credit should be granted.

Will someone in the North Block in New Delhi ensure that the tax payers are not harassed by the department?

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The Kashmir Conundrum – Choice of Interlocutors

I enjoyed this issue (*Freedom First* No.520 October 2010), including the editor's confession about typing problems. It was useful to get diverse opinions on what to do about Kashmir – but a solution seems to be far away. Meanwhile we just "hang on". I hope the Government will select outstanding Interlocutors. How about B. G. Verghese, A. G. Noorani, and Kuldip Nayar?

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Are We A Nation of Citizens or Subjects?

Vandalizing India's Democracy

Firoze Hirjikaka

We are not subjects, we are citizens. In a democracy, power is supposed to flow from the people to elected representatives. In India, however, it happens the other way round. The people we elect ride roughshod over us because we let them.

India is a functioning democracy – of sorts. It has been one since it gained independence from Great Britain over 60 years ago. On the face of it, this is an impressive achievement in a region that has had its fair share of military coups (Pakistan, Bangladesh and Burma) and a civil war (Sri Lanka). As an Indian, I am both proud and mortified, because the democracy we have managed to sustain is flawed, at best; and downright venal at worst. It is also an object lesson to emerging Third World nations that it is not enough for a country to proclaim itself a democracy; it requires vigilance and effort to make it work.

A recent news item reports how the Mumbai Municipal Corporation purchased three hi-tech jet-patchers to repair the notorious pot holes on Mumbai roads, at a cost of Rs. 78 lakhs (\$160,000) each *two years ago*; and is yet to put them in use. Even more staggering is the revelation that the Corporation then awarded the maintenance contract to a favoured firm for an incredible Rs.68 crores (\$1.40 million). In other words, the annual maintenance contract cost is more than 25 times the cost of the equipment itself; a feat that must surely qualify for the Guinness Book of Records. However, that is not the real issue here.

The Commonwealth Games held in Delhi were supposed to announce India's emergence as an economic and political superpower. What they showcased in the days and weeks preceding this event was an India continuing to remain a third world nation. Much has already been written about this so it bears no repeating here except to underline the fact that accountability is a word that is totally absent from the lexicon of Indian officialise. But this is not the issue either.

“Mumbai for Sale”

The *Times of India* recently ran a series of articles under the heading “Mumbai for Sale”. They describe how unscrupulous politicians are virtually gifting away prime

plots of government land to favoured builders at throwaway rates – and greatly enriching themselves in the process. They have been doing this for decades; and it is one of the city's worst kept secrets. Everybody knows, but we just shrug our shoulders and get on with our lives. What can we do, after all? Hardly a day goes by without the media revealing a financial scam, or the Anti-Corruption Bureau trapping some public official accepting a bribe. That's all very well, but what happens to the perpetrators? They are suspended or transferred; and then quietly reinstated – sometimes even promoted – after the public has lost interest. Even the few who are actually charge sheeted are promptly released on bail. This is virtually the same as an acquittal, since their cases are unlikely to be heard for years – Some deterrent!

A Shameless Leadership

The root of the problem with this country is that apathy, callousness and wasteful profligacy in spending public money by government agencies has become so commonplace that it hardly registers on the public consciousness. Even worse, our “leaders” are so shameless that they are least bothered by frequent exposure of their wrongdoings in the media. They carry right on with business as usual. The tragedy is compounded by the reality that we, the people, pride ourselves on living in a democracy without having any notion of what that entails. We accept the sloth and rampant corruption prevalent among our public “servants” to be as inevitable as death and taxes; and something we have no control over.

And therein lies the rub. We *do* have control. But either through indifference or a feeling of helplessness, we choose not to exercise it. Not only that, we actually *abet* their nefarious activities. The corruption we bitterly complain about cannot happen without our active participation. How many of us would rather pay a bribe to “get our work done”, rather than make the effort to report the corrupt ones and file a complaint? Is it any

wonder that our venal government officials regard the receiving of bribes as their due – rather like the tribute Roman emperors used to expect from their subjects.

Citizens or Subjects?

That is our first mistake. We are not *subjects*, we are *citizens*. In a democracy, power is supposed to flow from the people to elected representatives. In India, however, it happens the other way round. The people we elect ride roughshod over us because we *let* them. The so-called intelligentsia, me included, delude ourselves that we are making a difference by writing articles and letters to the editor; and appearing on panel discussions on television. However, the only reaction we provoke in those we condemn is mild amusement – even contempt. We don't hold any threat to them because we don't matter. They would fear us a lot more if, instead of pontificating to an audience that does not matter to them either, we went out and voted. The only weapon that terrifies them is the ballot box, with its implied threat of removing them from power. And they are experts at nullifying that danger. They cultivate and pamper the people who actually do go out and vote; the poorer sections of society who can be bought for a few hundred rupees. And these are the very people we “the elite” tend to ignore. They are not “one of us”. We just cannot communicate with them. And so, we continue playing right into the hands of those who make us tear out our hair in frustration.

Are Indians Genetically Subservient?

Our leaders, many of whom come from humble or outright criminal backgrounds, tend to behave like mini-emperors as soon as they are appointed to ministerial or legislative positions. They brazenly make it apparent that one set of rules applies to them, which is quite distinct from those the rest of us are forced to live by. They have been doing this for decades and we continue to allow them to get away with it. What is the explanation for this phenomenon? Is there some marker in the genetic make-up of Indians that makes us content to be subservient? Have we been so conditioned by centuries of existence as a conquered people, that we expect, nay need, masters or “*mai-baap*” to lord it over us? Why do we accept it as the natural order of how things are?

Even in countries like the Philippines, Romania and Poland – to name just a few – which went through a long period of dictatorial rule, the people reached a tipping point of tolerance and rose up to overthrow the despots. But here in democratic India, where the people have been given

the constitutional power to keep our elected representatives in check, we choose not to exercise it. We endure instance after instance of skulduggery, brazen criminality and sheer incompetence on the part of our leaders; and we just let them slide. The intellectuals and others who profess to be the conscience of the nation do not even bother to vote.

Failure of the Intelligentsia

It is not as if there are no men and women of integrity and honour in India. There are hundreds of thousands of them; and they exist in every section of society. Unfortunately, for our politicians, they hold the same value as an illiterate labourer, or even a common criminal. The fault lies with our system of universal franchise. Our founding fathers no doubt had noble intentions when they proposed that the vote of each Indian would have equal value; and that every eligible Indian would be entitled. Perhaps in their idealistic fervour, they overlooked the reality that there is no *one* India, but several. Each is defined and bound by factors such as poverty, caste and region; and they have virtually nothing in common with each other. Only a fraction of the country's population has the luxury of independent thought and reasoning. The rest are fully occupied just trying to survive. They are eminently susceptible to false promises and negligible handouts, because when you have nothing, even a pittance can seem like manna from heaven. Not surprisingly, it is the second, larger group that is targeted and cultivated by the politicians. They pay lip service to the so-called elite, but secretly deride us, since we are no threat to them.

Ever since the end of the era of stalwarts like Jawaharlal Nehru and Sardar Patel, who fought for India's freedom and provided its first government, the quality of our “leaders” has been steadily deteriorating. Not that the first lot was without flaws. Nehru institutionalized inefficiency and sloth in the working of government officials and, with his irrational partiality for socialism and the Soviet model, almost bankrupted the nation. But there was no denying that he, along with his cabinet colleagues, was a man of integrity and a genuine desire to improve the lot of the people. Ever since then, the venality of India's political class has increased exponentially – and the less said about their notion of public service, the better. The reason is obvious. Their aspiration to hold political office is motivated solely by their intention to make as much money as possible in the shortest feasible time. Everything else, like servicing the portfolio they ostensibly hold, is secondary. That is why decisions are inordinately delayed and public works are almost never completed on schedule

and under budget.

Its the Masses that Matter

So can *anything* be done to make the people we elect to govern us actually *do* so? Can we make them accountable for their misdeeds? Can we get rid of the blackguards and get a political class we can actually trust and look up to? On the face of it, it seems an uphill, almost impossible task. Yes we, the people, have made a tentative start by forcing the government to establish the Right To Information Act, although experience has taught us that getting any worthwhile information from official agencies is like squeezing blood from a stone. Yes, the mainstream television and newspaper media regularly expose the various scams and shady deals politicians indulge in. But it seems to make no real difference on the ground. At most, the political parties dispatch their designated spokesmen to participate in television debates which generate a lot of sound and fury, but achieve nothing. Indeed, the favourite tactic for answering charges against a particular political party is to point out that a rival party indulged

in a similar malpractice. In their lexicon, two wrongs *do* indeed make a right.

Why are our efforts proving to be so ineffectual? Because we are targeting the wrong audience. As I have already pointed out, it the masses that the politicians fear. They are the ones who have the actual power to get rid of the “leaders”. And the masses don’t read mainstream newspapers. After a gruelling 16 hours of manual labour, if they watch television at all, it is limited to the occasional movie or soap opera – not the news and talk shows. So while the pundits and experts pontificate in their rarefied environment, they are *not* communicating with the people who matter; the people who *can* make a difference. Until that happens, mediocrity, mendacity and corruption will continue to rule the roost. In the final analysis, we get the government we deserve.

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Crisis of Governance

Ashok Karnik

Plenty of Platitudes very little of Policy

Dr. Manmohan Singh has introduced a system of governance through consensus. What was started in UPA-I as a matter of compulsion, because of the fragile nature of the coalition then, has become an exercise in a new form of consultative democracy. UPA-I was pulled in opposite directions because the Left was diametrically opposed to the economic programme of UPA-I. The Government was, therefore, in a pause mode most of the time, till the crucial nuclear bill, when the Prime Minister showed his Prime Ministerial qualities. UPA-II emerged with greater stability and raised hopes that the country would see a more decisive government hereafter. The hopes have been belied; what began as compulsion has become second nature for the Prime Minister.

Governance through GoMs

Democracy is indeed all about inclusiveness. The idea of carrying everybody together is wonderful up to a

point but there is need for decisiveness too. The Prime Minister has made it a practice to refer every issue to a Group of Ministers (GoM) for study and recommendation. Believe it or not, 160 GoMs have been appointed so far. The Prime Minister who is supposed to lead has apparently abdicated his position as Prime among equals. In UPA-I, there were Empowered Committees whose recommendations were never implemented. GoMs are now created to feign vigorous activity and the burden of indecision is passed on to them. Tactically, it is a shrewd move to divide responsibility but there is a downside to this too; nobody can be held accountable for anything and the whole exercise becomes counter-productive.

Economy Fettered

There are many issues crying out for attention but the stratagem of wider consultations has become a disease. Every problem hangs in limbo; the country waits for deliverance which never arrives. The problems are many,

as any country would face. Take price rise; the common man is on his knees. Reasonable economists would not blame the government for it as international economic crises and bad monsoons are factors that no Prime Minister can control. However, the Government must be seen to be in control at all times. Dr. Manmohan Singh leaves the rising food prices to the Ministers of Agriculture and Finance. The opposition, which needs to be taken into confidence,

is left to resist its isolation through *bandhs* and street demonstrations. The nation's economy is still doing well, not because of the Government but in spite of it. Major projects are in the doldrums because the debate over development *versus* displacement is unresolved. The Environment Ministry blocks everything that other Ministries pursue. One wonders if the two belong to the same Government!

The Red Dagger Meets the Velvet Glove

Naxalite Threat

There is no escape from internal violence either. Naxalism is the biggest threat to the country, according to the Prime Minister. What does he do? Leaves it to the Home Minister (HM). The HM complains of limited mandate and the issue gets tangled up in Centre-State relations. He is under attack from not only the Chief Ministers of opposition-led states but also from leaders of his own Congress party. The Chief Ministers differ on the nature of the Naxal threat; the Bihar CM treats it as a protest by 'our own people' and wants to handle the danger with kid gloves. The Congress General Secretary Digvijay Singh accuses the HM of intellectual arrogance and questions his anti-Naxal strategy; the human rights agitators consider the HM as an agent of the oppressing class. The HM pleads that he would be happy if a more capable man takes over from him. The Railway Minister cozies up to the Maoists in her quest for electoral gains in West Bengal. The PM is blissfully silent.

Dialogue with Pakistan

Foreign policy is heading nowhere. After bravely declaring that there would be no talks with Pakistan till the Mumbai 26/11 perpetrators were brought to book by Pakistan, India announced that 'no talks' was not the correct option, India would be prepared to discuss all issues, including Kashmir. S. M. Krishna, the External Affairs Minister, made a much touted visit to Pakistan (July 15), and returned empty handed after being treated contemptuously. Instead of putting Pakistan on the mat for undiplomatic conduct, he vented his anger on the Union Home Secretary for making untimely statements, which allegedly ruined his dreams of diplomatic glory. The Union Home Ministry and the External Affairs Ministry are obviously not on the same wave length on such an important issue. The PM watches!

Kashmir

Kashmir is burning since June 2010. The PM watched for two months and then made conciliatory noises

by expressing sadness at the death of several protesters and appealing for peace. The response was less than lukewarm; the PDP described it as a facade. Mirwaiz Umar Farooq of the Hurriyat Conference rubbished the gesture declaring that political resolution of the Kashmir problem was the only possible solution. Still, the Government sent an all-party delegation to Kashmir and later proposed (Sept 25) an eight point formula to douse the fires. Syed Ali Shah Geelani, hard-line Hurriyat leader, rejected the proposal out of hand but at least the Government can be credited with making a move. It may or may not work. The vexatious issues of disarming the army and removal of Omar Abdullah as CM were side-stepped as any wise negotiator would do. It is to be hoped that the released stone-pelters do not get ready for another bout as Geelani gives another call for serial *bandhs*. Come what may, Pakistan will never give up the Kashmir card and its raking it up in the UN (September 28) should remind India that more trouble is brewing.

China

China spares no opportunity to spite India, be it Arunachal Pradesh or Kashmir. It may soon build a military cantonment in the area of Ladakh, which Nehru was prepared to write off as 'not a blade of grass grows there'. It would be unfair to blame Dr. Manmohan Singh for this legacy of *naiveté* but there are no signs that the country is moving away from this simple-mindedness of trusting countries at face value. M.K.Narayanan, former National Security Adviser, has now revealed that China is capable of belying all calculations and indulge in adventurist military action when it finds its 'enemy' weak. China's coercive trade tactics to bring Japan to heel, over a Chinese trawler hitting a Japanese coast guard boat in disputed waters shows its readiness to flex its muscles. Is it warning enough for India?

Commonwealth Games (CWG)

The Commonwealth Games, which were to be the pride of the nation were allowed to nearly turn into national

shame because of corruption, sloth and the infamous 'chalta hai' attitude. Warning signals were flying since July 2010 but everybody was brazenly declaring that things were fine. The Games came near to being abandoned as foreign teams lost faith in India's organising capacity. There were simply too many people running the show without anybody being held accountable. The bureaucratic El Dorado of non-accountability was reached! Only when India was put to international ridicule, did the Prime Minister wake up barely a week before the Games opened. If this is not avoiding responsibility, what is? Leadership

springs into action at the first whiff of trouble; it does not wait for a nightmare to become a reality. No chance this will teach us anything, as after the initial shame-faced silence, Suresh Kalmadi, the chief lotus eater, declared that India was ready to host the Olympics! The Games were a success not because of our organisational ability but because of our expertise in darning holes. From all accounts, the venues are a sight to behold at night but all this was about to be swept away in the flood of incompetence. All those responsible need to be hauled up but will the Government do it?

Corruption And Criminal Justice System Defeat The Common Man

Administrative Deficiencies

Take the issue of wide-spread corruption. Politicians accused of massive corruption continue to rule with impunity. The Prime Minister who is the embodiment of personal integrity stands aside watching, instead of showing the way. Judicial inadequacies are again highlighted in the Bhopal Gas case, which took 26 years to arrive at a judgment of sorts. Even Supreme Court Judges are not spared charges of corruption. Is it not time for somebody to wield a stick?

India is beset with administrative malfunction on various counts. The major concern is red tape, which ties everybody into knots. The bureaucracy burgeons and still fails to perform. Who is to overhaul it and make it

accountable? Will the PM stand up and get counted? Fortunately for the PM, the opposition is too divided to make anything out of this policy vacuum. The opposition grumbles in many voices but cannot make a recognisable sound. The PM speaks occasionally but mostly pontificates. The PM is recognised as a good man the world over but is he a good leader? The question haunts the country as the voice of authority is absent. The real authority, Smt. Sonia Gandhi, has cultivated silence as an art form to avoid being drawn into controversies. UPA-II is at the cross-roads as it is losing credibility. Will the Government wake up?

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A Lot to be Worried About

Furdoon S. B. Mehta

The lay mind questions whether the right to free speech, religion, fair trial, free movement is important when food, clean water, education are so scarce and insecurity stalks the land.

"Better policing has been identified as one of the singularly most important security threats in the country. Improving everyday policing and making the organisation more humane, efficient and responsive to the public is absolutely necessary. We cannot continue with this militaristic suppressive style of policing. Our democratic nation needs a police that protects not only persons and property but also liberty and creates an environment in which rights can be enjoyed." So says Maja Daruwala, Director of the Commonwealth Human Rights Initiative (CHRI) who has been working on improved policing across the Commonwealth and in India in particular for the past 14 years.

"An essential for better policing is to break the present close nexus between the police and the politician. While politicians must be able to have overall civilian control of the police and must lay down clear policies they have to follow, the operational responsibility for delivering good policing and the control of his men in order to do this, must be with the police chief." She points out that from 1976 when the National Police Commission gave comprehensive recommendations to 2010, 5 years after the Supreme Court has given directions to all governments to follow a schema that would hugely improve policing, too many opportunities to improve policing have been willfully lost and the country is paying the price.

Subverting Court Rulings

Every state – and even the Centre which has done nothing serious to comply with the Court’s directions – is avoiding honest reform. Some have rushed into legislation as a way of avoiding the Supreme Court’s direction. Others are putting in place cosmetic structures which pretend at obedience but subvert the Court’s intent by their weak and twisted design. The design of new law and practice is now so fractured that it is destroying even the design there was before the Court’s intervention.

Maja is as outspoken as her father Field Marshal Sam Manekshaw, “Too much tragedy is wrought by bad policing for us to be polite about it,” she says.

A premier building block for development and good governance is justice. Neither the court paraphernalia nor the police seem able to deliver. All sections of our people must have equal access to justice. Fairness is the test. Discontent is growing apace because of the burning sense of exclusion and injustice that the majority feel – left as they are to drift and die in their poverty. Corruption has hollowed out the skeleton of governance. Even the very cleanest of people at the top are unable to make the system work because there are few left to work it with honesty and integrity. There is not a single area of public endeavour which is not affected by this and yet there is again a deep reluctance to clean up. The Commonwealth Games debacle typifies all that is wrong with our governance. “It has brought us humiliation and shame that we don’t deserve. But though people who ask questions are often targeted everyone is beginning to ask their rulers for explanations.”

The RTI “Magic”

Apart from a passion for reforming policing, over her tenure as Director CHRI Daruwala has been an active advocate promoting transparency in government. CHRI worked for a long time to contribute to one of the most progressive access to information laws in the world. The Right to Information Act, 2005 is working its magic across the country. Every kind of person from high government servants asking about their promotions, postings and pensions, to village folk below the poverty line asking why their names are not on ration cards is now experiencing the importance of knowing the reasons for decisions and asking questions of all kinds. This transparency is the greatest way to improve governance. It moves decision making away from being closed and arbitrary and shifts power to the people.

But the right to information also causes frequent

embarrassment and the system is still to catch up with organising itself to comply with every kind of request. So there is a lot of resistance building up and regular moves by powerful people to curb the working of the RTI Act. Though they have so far been resisted the battle is ongoing. It’s all too true that the price of liberty is eternal vigilance.

But the value of our guaranteed constitutional rights to civil liberties is not yet well known amongst the majority of our people nor well honoured as they should be, by our rulers. The lay mind questions whether the right to free speech, religion, fair trial, free movement is important when food, clean water, education are so scarce and insecurity stalks the land. Daruwala explains, “It is only because we *can* demand rights like education, food, water, work and a clean environment through our freedom to speak that we have been able to get it. The freedom for informed participation in governance allows this to happen and must never be underestimated or allowed to be whittled away”.

There is a seductive argument made out that ‘security concerns’ and human rights are foes: that somehow observing human rights comes in the way of tamping down civil unrest and terrorism and leaves the nation vulnerable. Nothing could be further from the truth. It is the freest countries that are the ones that have best tackled both. The values of human rights liberty, equality, peace, fairness are what we have based our country on. Our constitutional order requires us to respect and fight up for these. “It is only the terrorist that does not believe in human rights. Our belief in a civilised response can and will win the day. Without the values of justice and human rights backing our response to violence, we will tempt a downward spiral of reprisal and vengeance where we will lose the very things we are fighting to save.” Says, Daruwala.

We have a lot to be worried about.

Brig. Furdoon S. B. Mehta, Retired Army Officer. This article has been excerpted from two articles that appeared in *Parsiana* of 21.05.2010.

Courtesy: *Parsiana* and Ms. Arnawaz Mama.

Albert Einstein was often asked to explain the general theory of relativity.

“Put your hand on a hot stove for a minute, and it seems like an hour,” he once declared. “Sit with a pretty girl for an hour, and it seems like a minute. That’s relativity!”

This month in November 1953

Freedom And Discipline In Music

by R. Srinivasan

Professor R. Srinivasan is an illustrious mathematician who joined the Travancore State Educational Service as a Professor in the Maharajah's College and later was Principal of the institution. His knowledge of music (Lakshanas) is profound and he is now on the Central Body of the Advisers of All India Radio. He is on the Expert Committee of the Madras Music Academy.

Some of the deepest truths of life are best expressed only in paradoxes, in apparently contradictory terms. The Ultimate is described as bigger than the biggest and at the same time as smaller than the smallest; some of the attributes given by Science to either are contradictory.

When we talk of Freedom and Discipline in the same breath it may sound strange. But a little thought will indicate that not only these two are not inconsistent but complementary to each other. Absolute freedom is an impossibility in the manifested universe. If everyone claimed absolute freedom the result will be chaos. Our freedom in the world is conditioned by the freedom of others. Disciplined freedom alone will lead to stability and progress. In fact any cultural achievement is the result of self-imposed disciplines. The more we advance the more these self-imposed disciplines. There lies the essential difference between man and beast. ... The more the lower nature is disciplined the more the spirit is set free to reveal itself. We may restate it thus: Life expresses itself through form. the more the form subserves the purpose of the life the greater the freedom of the Life. ...

The most remarkable feature of our music is that there is almost no limit to improvisation and still the rules will be followed. Let me quote Leopold Stokowski. He says,

"One of the great characteristics of the music of India to my mind is its flexibility and freedom. While giving due consideration to traditions stemming from the past, Indian music is free and improvised so that all powers of imagination in the musician are brought into play. In this way the music of India is always creative, never a reproduction of what is written or played, as sometimes happens with the music of Western countries."

*

NOTES

Heads on Our Shoulders

Two heads, they say, are better than one, but apparently fifteen are much more effective. For that was the number of communist heads presented by the Kazhak refugees from China to Indian police officials. At the sight of them even the stern face of "neutrality" wreathed into the welcoming smile of asylum and at the dire risk of ruffling the becalmed ocean of a "beautiful friendship," the Kazhaks, who had fought their way through Sinkiang, were admitted into Kashmir. Last month they left our shores for Turkey. From the vicissitudes of life

with the communists to sturdy independence with the Turks via the gentle delights of "neutrality" is quite a journey and we must wish the brave Kazhaks every happiness in their new home.

*

Ernst Reuter

Lord Mayor Ernst Reuter of Berlin, who passed away last month, was the spokesman of a free city's resistance. He was the hope of millions of Germans on the wrong side of the Iron Curtain. Having spent the greater part of his active life under the shadow of Nazi and communist terror, he could give expression during his last days to a truth which he vindicated in his own life: "Totalitarianism has not wiped out human courage, nor human dignity, nor human idealism."

In September 1948, when the people of West Berlin were heroically fighting back the Soviet blockade and again in June 1953 when the workers of East Berlin battled with bare fists against Soviet tanks, he became the symbol of the urge for freedom.

The Congress for Cultural Freedom shares the loss of millions in Berlin and elsewhere, for he was one of its best friends.

*

Thanu Pillai and the Rope

Mr. P. Thanu Pillai, the veteran Praja Socialist of Travancore-Cochin, is reported to favour a United Front with the communists in the forthcoming elections in his State. He evidently has not read his Lenin on the true meaning and implications of a United Front. These were outlined by Lenin in his *Left Wing Communism: An Infantile Disorder* in which he advocated the British Communist Party offering a United Front to the British Labour Party. Explaining the true meaning of such an alliance, he wrote:

"I want with my vote to support Henderson in the same way that the rope supports a hanged man" – reprinted in the *Essentials of Lenin* (Lawrence & Wishart, 1947, Vol.II).

Perhaps, even now Mr. Pillai's second thoughts or the remonstrances of his colleagues of the PSP in the rest of the country will restrain him from inviting suicide for himself and discredit the party to which he belongs?

*

Many Voices

He (Mr. C. Rajagopalachari) compared the communists to "bugs" which gave trouble mostly during the night."

- *Times of India*, October 8, 1953.

When Disraeli was cheered by the opposition of the day, he looked around and sardonically remarked: "Have I said anything particularly foolish?"

- Sir Stanley Reed in *The Times of India*, October 17, 1953.



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Accountability in Public Service

N. Vittal

We begin this three-part serial on this vital subject by Mr. Vittal whose tenure as Central Vigilance Commissioner saw the Commission play a proactive role in demanding accountability from the elected and permanent Executive.

INTRODUCTION

Accountability is the soul of public service

1. The expression 'public service' can be interpreted broadly as any activity which contributes to providing services to a large number of people or a large number of citizens. The term service itself can be further looked at from two angles. The first is, rendering services, which meet the (non-physical) needs of the citizens like health, education and security. The second relates to providing the goods needed by the citizens and thus meeting their physical needs like food through the public distribution system. In both the type of public services, availability and accessibility are important. Ensuring that the citizens who are the consumers of the public service get proper satisfaction, is a *sin qua non* for rating the quality of service.
2. The term public service can also be interpreted to include the act of governance which leads us to the issue of public administration.
3. Accountability means responsibility. In fact, accountability is literally the soul of public service. If providing goods or services is the input of public services, meeting the needs or aspirations of citizens is the output. The dynamics of public service in the ultimate analysis depends a lot on two factors. The first element is the input and the second essential element is the sense of accountability or commitment. If the same idea has to be expressed in the form of an equation, 'O' output in terms of quality or level of satisfaction of the people or citizens, is equal to 'I' input multiplied by 'A' accountability.

$$I \times A = O$$

4. Output will depend upon what are the parameters that are measured when it comes to public service in the context of governance in terms of providing goods and services to the citizens. The quality of output can cover a wide range of factors. So far as commercial activities are concerned, parameters have been

evolved for measuring customer satisfaction. In fact, quality itself can be defined as fulfilling the promises underlying any services. When the concept about the quality evolved into the concept of total quality management, this concept of satisfaction was further enhanced to cover delighting the customer and providing a pleasant surprise to him/her. So far as businesses are concerned, Mahatma Gandhi emphasised the fundamental significance of the customers by pointing out that he/she is the very essence of business. Business thrives because of the customer. Peter Drucker distilled the quintessence of business as finding a customer and retaining him. While in the case of business, the concept of satisfying the customer and exceeding his/her expectations for delighting him/her with pleasant surprises may appear very pragmatic, when it comes to public governance however, a similar concept has been very slow in evolving.

5. The relationship between the state and the people depends a lot on the nature and ideology of the state. It used to be said that in the U.K. the people are subjects. In France, they are citizens. In the U.S. they are tax payers. What is said of the U.S. is true of practically all countries. In democratic states, the respect for the individual and his dignity are the key. The approach to human rights is more sensitive. On the other hand, in totalitarian regimes, the citizen is treated as a cog in the wheel and an instrument for fulfilling the objective of the state. In the Indian context, therefore, in any discussion of public service and accountability in public service, it is necessary to bear in mind the basic spirit of democracy which is rooted in the dignity of the individual and the need for ensuring that respect for the individual is maintained and an environment is shaped where and by which his full potential can be realised. After all, every individual has some talent. Ideally in a democratic liberal set up, the environment in terms of organisations, systems and procedures, rules and regulations must be such that the individual is able to rise to his full potential.

6. We may now examine the left hand side of the equation $I \times A = O$

The inputs would be of two types. These are, to borrow the terminology of information technology, software and hardware. The software of the inputs for providing any public service depends primarily upon the people who provide the services and run the organisations providing them. The human element is the most significant input, so far as public service is concerned. The software part of the inputs would also include aspects of organisational culture, the attitudes and the training of people providing the public services. The hardware aspect of the inputs would cover the organisational structure, rules and regulations as well as the systems and procedures for selection of people to run the organisation and their training, the shaping of their attitude and nurturing the values for the organisation.

7. We then come to the second element on the left side of the equation $I \times A = O$.

Accountability, as mentioned earlier, constitutes the soul of effectiveness and quality of public service. Accountability means responsibility. In the ultimate analysis, accountability should and can be fixed and focused only on individual human beings. Fixing responsibility on organisations can be a manner of speaking. An organisation is after all an artificial person and an impersonal entity. Fixing accountability on organisations does not really make the practice of accountability meaningful. In any analysis of accountability in public service, we must never forget the fact that accountability is on the individuals. It is when we focus on the individual human element that we will be able to fix accountability and in case of failure rectify the system. In fact, if there is a single element that is responsible for the prevailing poor quality of governance in our country or the quality of services in any sector, we find invariably, it is the lack of sense of accountability. There are a number of reasons why this situation has emerged over the years.

Reasons for Erosion of Accountability – Parkinson's Law

8. At this stage it is worthwhile to list the factors that generally contribute to erosion of accountability and difficulty in fixing responsibility when the public services fail. So far as government or the state is concerned, one main cause of lack of accountability has long been known. This is the impact of what is called Parkinson's law. Years ago, soon after the second

world war, Professor Northcote Parkinson discovered that the size of the British Navy in fact became much larger after the Second World War than during at the height of the war. He identified that work expanded to fill time available. It is this counter intuitive fact, which drives the continuous expansion of the number of people in government organisations. The psychological reason for increase in the number of public servants or the bureaucracy is manifold. A general assumption could be that this is due to the increase in the quantity of service to be provided, Parkinson's law shows that even when there is no ostensible reason by way of increasing the load of work, the bureaucracy has a tendency to expand, because work expands to fill time available. Nature abhors a vacuum and perhaps, this is true of every other area also. That is why, the British Navy expanded after the end of the War.

9. The very expansion in the number of public servants lays the foundation for lack of accountability. Accountability is easy and clear, if as mentioned earlier, it is focused on the individual and the task to be performed is clearly defined. However, when the task remains the same and what was being done by one person is to be done by three or even more people, then the immediate victim is goal clarity. When there is lack of clarity about the objective or the goals or the functions to be performed, then accountability to that extent gets diluted. It may be possible to overcome this problem by clearly defining the functions. But by the very nature of the function, new demands and new situations may arise. It is not possible to anticipate all developments and cover them and have a rule for every situation. No wonder "work to rule" became an instrument of labour action to press demands on par with striking work or refusing to do work.
10. This highlights the fundamental paradox about fixing responsibility and brings us to another aspect. In the ultimate analysis the sense of responsibility has to be nurtured and it has to come from within the individual. Perhaps the universally known excellent example for accountability is the mother. A young girl, once she becomes a mother, suddenly develops a spirit of accountability for the new born. She becomes a caring, protecting and multitasking mother. This innate capacity to feel responsible for the output or results and protecting the object of care is at the soul of the spirit of accountability. This is true for every activity, be it providing a service, meeting the

(Cont'd. on page 29)

Ram Narayanan Draws Your attention to:

An article in the *Wall Street Journal* of September 20, 2010, Harsh V. Pant, Professor of Defence Studies King's College, London deals with India's dilemma viz. the UN sanctions on Iran. India is damned if it doesn't enforce sanctions on Iran and disadvantaged if it does.

In the wake of the International Atomic Energy Agency's recent report raising fresh concerns about Iran's nuclear capabilities, American allies from France to Japan have added their voices to the chorus asking Tehran to come clean. Not India, which not only supported a strongly worded statement from the 118-member Nonaligned Movement criticizing the report but also moved to exempt one of its joint shipping ventures in Iran from the latest round of United Nations sanctions.

Iran has long been a litmus test that India has had to pass to satisfy American policy makers. New Delhi's bond with Tehran has been termed variously by analysts as an "axis," a "strategic partnership" and even an "alliance." This level of scrutiny has always been disproportionate to the reality of the relationship. When in the past India had to choose between Iran and the United States, it always sided with the latter. But the shifting strategic landscape may be forcing New Delhi to rethink its approach.

For more visit: <http://online.wsj.com/article/SB10001424052748703556604575502611786589130.html>

*

INDIA Winterim

The University of Iowa is offering a unique three-week study program again this winter which involves visits to Rural India. The states covered include Andhra Pradesh, Haryana, Karnataka, Kerala, Madhya Pradesh, Pondicherry, Rajasthan, Tamil Nadu and Uttar Pradesh. The program utilizes the best of cultural immersion and tourism concepts to enable participants learn directly from and interact with leading social entrepreneurs, environmental and non-profit organizations and academic institutions within the cultural, socio-economic, and geographical diversity that is India. It is called INDIA Winterim

The leading Indian collaborators that the University works with the program employ a variety of approaches to address social and environmental problems such as poverty, access to health care, rural development, and conservation. The diverse group of students and participants from geography to public health and business to social work observe, learn, and collaborate with these groups to develop new perspectives on pressing global challenges and methods being used to address them.

Over the last four years, Professor R. Rajagopal has orchestrated this collaborative program between the University of Iowa and several highly successful research and non-profit organizations across India.

Anybody interested in India can take and benefit from these courses.

Applications to the Winterim course are open to University of Iowa (UI) students in good academic standing who have a clear interest and commitment to the specific course topic. Students attending other U.S. universities, students in India, and community members may also participate in the program. Completed applications should be submitted to the UI Office for Study Abroad as soon as possible, and no later than December 1, 2010.

For more email: ramn_wins@roadrunner.com

*

The Forthcoming Obama visit to India

Writing in the *Wall Street Journal* of September 28, Mr. T. P. Srinivasan (Director General of the Kerala International Centre in Trivandrum and a member of the National Security Advisory Board in New Delhi) is of the view that the US President's trip may not accomplish much of note.

President Obama set the bar high in June 2010, when he declared the U.S.-India partnership a "defining relationship of the century." In that, he was simply echoing the logic of his two predecessors, who realized that democratic India could serve as a useful counterpoint to the rise of China. India, too, has gravitated toward Washington for similar reasons.

Yet the strategic partnership envisaged in June, when the White House announced the summit, has not yet taken off, as the wish lists on the two sides differ substantially. For starters, the U.S. would like India to sign several pending agreements to facilitate the sale of American defence equipment, but India would like to move cautiously..

India's civil nuclear program is, still, another big sticking point. President Obama backed a reprocessing agreement in June - a major gesture, considering the conservative position he holds on enrichment and reprocessing technologies. But India has not been able to reciprocate by enacting liability legislation consistent with the relevant international regime.

On foreign affairs, the U.S. strategy for Afghanistan will loom large. President Obama's commitment to withdraw troops by next year has created concern in Delhi that the U.S. will leave before the country is fully stabilized. Delhi has also been dissatisfied with how little it's been consulted over strategic matters.

Visit: http://online.wsj.com/article/SB10001424052748703905604575514982984397258.html?mod=asia_opinion

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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.

Journalism? – A New Low

1. India was put to shame before the Commonwealth Games (CWG) began on October 3. Everything that could go wrong went wrong from stadiums, to residential accommodation, to Delhi's traffic. Corruption and mismanagement was brought to light every day and Indians had to hang their heads in shame. We are bad organisers and our 'chalta hai' attitude spelt ruin for our reputation. As usual, our genius for survival saved the day. Even then, vultures were hovering over us to attack the exposed parts of our body.

Around September 20, a sensational disclosure was made by an Australian journalist, Mike Duffy of Network Seven, that he had walked through the Indian security unchallenged, carrying 200 kgs of explosives into the main stadium of the CWG. This could have been used to make 200 bombs. The news was flashed all over the world pointing out how insecure Delhi was for the Games! With the crescendo of criticism rising over mismanagement of the Games, this was almost the last straw. Several responsible leaders announced that it was a mistake to have allotted the Games to India.

"India Sweeps Aside Games Shame

Finally, after weeks dominated by the old India of corruption, poverty and chaos the new "Incredible India" of diversity and cultural pride showed its face.

Will it be enough to erase the national shame of the last few weeks?

If the near-capacity crowd at Delhi's impressive new Jawaharlal Nehru Stadium was any indication the answer is an emphatic, and ecstatic, yes."

**Amanda Hodge, South Asia correspondent,
The Australian, October 04, 2010.**

1. It required another Australian news channel (ABC Net) to investigate the sensational report and expose it as a hoax. The investigator wondered how Duffy could take the risk of carrying so much explosive material because if he were to be caught, he would be a dead man. The mystery started unraveling when Duffy admitted that he was not actually carrying the explosives but was only carrying a suitcase which could have contained the bomb-making material. The man who had supplied the material to Duffy was then traced which gave another twist to the story altogether.

Duffy had contacted a dealer in mining equipment in Chandigarh as a representative of a mining company in Australia and wanted to buy portable explosive devices used for mining. The dealer showed him a suit case which could carry such material and also gave a demonstration of its use by blasting some rocks. Duffy filmed all this (to be shown later on the news show). Doubts rose because the dealer appeared willing to be video photographed conducting a risky and illegal deal. To seal the deal, Duffy paid the dealer, again on camera. The dealer revealed that Duffy had purchased only an empty foam-lined suit case from him. He never sold any explosives to Duffy. Duffy used the suit case to show as if he was carrying explosives past the security. Duffy never passed through any police check point but was shown taking the suit case through a car barrier far away from the stadium. Network Seven of course refused to comment on what it claimed to be an under-cover operation. So much for the claim that it is a journalist's duty to expose a lie and place the truth before the people! What about the untruth manufactured by the media? There are no holds barred and nothing is sacrosanct in the quest for advertisement revenue. Will the media wake up?

Salman's *Faux Pas*

2. Our stars are undoubtedly very popular but unfortunately their brain does not necessarily grow with their popularity. Their publicists are to be blamed as they allow the stars to enter uncharted waters and make fools of themselves. Salman Khan is known for his muscles and not for anything cerebral. He was obviously addressing a

2. There were a few busybodies like Mahesh Bhatt, out as usual to defend Salman. They claimed that Salman had the right to air his views, howsoever wrong. (Others too have the right to call him and his supporters idiots). The defenders are also from a class who would back a fool just to sound different from everybody else. A gentleman

Pakistani audience and tried to please them by showing his expertise in security matters and international relations. Replying to a question on 26/11, he blabbered that the incident was hyped because it was an attack on the elite in the Taj and Oberoi hotels and certified that every one knew that the Pakistan Government had nothing to do with it. Salman Khan was roundly criticized by everybody and duly apologized in case he had hurt anybody's sentiments.

playback singer found strange logic for not blaming Pakistan because our own Government was not competent enough to protect us! It is like saying that the US deserved to be hit on 9/11. Just because a channel requires somebody on the panel, such profound thinkers get an opportunity to shoot their mouths off. A lady victim of 26/11 put it in the proper perspective when she declared that these people (Salman) should not be given undue importance by discussing their meaningless opinions. She was right but note has to be taken of such stupidities too so that the Pak audience knows what value Salman's views has in his own country.

Return of the Indian Mujahideen

3. The terror attack at Jama Masjid, Delhi (Sept. 19) signalled the return of terrorism to the heartland after a gap of seven months. The last incident was in Pune (German Bakery) in February 2010. The Delhi attack was more symbolic than damaging and looked amateurish. Nevertheless it made the point that Delhi was not safe for the Commonwealth Games. In this age, no country is wholly proof against terror attacks. It is up to each visitor/sportsperson to decide how to deal with the possible risk. Terrorists will keep raising the stakes and there is no point in the world cowering before them. Even the 2012 London Olympics could be a target. Al Qaeda cannot be expected to keep away out of fear of the British Security Services.

3. After the Mumbai (26/11) attack, the ISI/L-e-T/J-e-M conglomerate has apparently decided not to be caught with a smoking gun. The consequences of being caught are internationally too costly for Pakistan. It was assessed that violence would be stepped up in Kashmir since there was no international (read US) embargo on the 'Azadi' movement. Simultaneously, the sleeper cells of the Indian Mujahideen (IM) would be activated within the country. The IM cannot be as effective as the fidayeen who are prepared to sacrifice their lives for an effective strike against India. The IM indulge in hit and run tactics as seen in Pune or Delhi. Nevertheless, it is bad enough as civil society cannot take solace in the lesser intensity of damage.

Ayodhya Verdict

4. The Allahabad High Court verdict in the 61 year old Ayodhya case (September 30) came as a great relief for the entire country. The court tiptoed through a mine-field of controversial issues to establish a semblance of sanity. It is being criticised by professional dissenters blaming it for placing faith above law, exceeding its brief and going into the field of sociology; dividing the disputed land into three parts while simultaneously rejecting the claims of the Sunni Wakf Board and the Nirmohi Akhara as time barred.

A man got 2 wishes from God. He asked for the Best Wine and Best Woman.

Next moment, he had the Best Wine and Mother Teresa next to him.

Moral: BE SPECIFIC

4. The main grouse of the critics is that the Court had no grounds to uphold the faith of the Hindus that Lord Ram was born where Babri Masjid was later built. Except the ASI finding that a religious structure pre-existed on the grounds of the Babri Masjid, there was no evidence that it was the birthplace of Lord Ram. The Court could have thrown up its hands and declared that it had no evidence to decide anything and allowed the country to be cleaved into warring groups. The Supreme Court may finally decide the case but the High Court has given an opportunity to both the communities to reach an amicable settlement by building a masjid on one part and a temple on the other. We must thank the High Court for looking beyond the narrow confines of the law. This is a chance to bury a ghost!

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

I am by birth a Hindu, but for many years it has been the earnest aspiration of my life to work for the advancement of the country only as an Indian; and it was in that spirit, (when) the Mohammedan community were agitating for special electorates that I supported their claim and thereby incurred to some extent the displeasure of my Hindu brethren.

Gopal Krishna Gokhale, 24 January 1911

Come On, Liberals: Let's Change India!

India Needs a Non-Interfering Agriculture Policy

Sanjeev Sabhlok

Indian agriculture can't be liberated without first ensuring that no farmer or his family goes hungry.

All that a government is required to do for farmers, as it is required to do for others, is to ensure security (including biosecurity in this case), strong property rights, and justice. Justice, in the case of agriculture, includes minimising harm to the environment (see my *Freedom First* article of May 2010 for how this can be achieved.)

In addition, a government can legitimately undertake a few other functions for agriculture, such as maintaining a strategic reserve of foodgrains; facilitating agricultural research through (private only!) universities and the private sector; ensuring infrastructure such as irrigation canals through private enterprise and public-private partnerships; and supporting the re-skilling of agricultural workers who want to move into more productive vocations. Beyond that, the free market should operate. That, in essence, should be the agriculture policy of India.

Freedom is Vital to Food Security

Innovation is a direct outcome of freedom. As a result, free nations manage to produce huge quantities of food, cheaply. I love the story about a young couple, Craig and Helen Elliott, who started with virtually nothing in their pocket in 1995. Without any government assistance, they built a farm in New Zealand which generates 26,000 litres of milk per day. Between the two of them they milk 900 cows each day!¹

Similarly, just 3.5 lakh farmers, representing four per cent of Australia's workforce, produce food not only for Australia but export it in huge quantities. So also, in free societies the share of food in family budgets has declined to less than 10 per cent while in unfree nations like India up to 70 per cent of the family budget is spent on food².

The Indian Farmer is Bound and Gagged

Markets, operating through the price system, allocate resources optimally to the production, supply and distribution of all commodities, including food. But socialist India has never tolerated markets. The *Essential*

Commodities Act (ECA) enables the government to gain "control of the production, supply and distribution of, and trade and commerce, in certain commodities". As a result, every aspect of agriculture is whimsically distorted in India, making agricultural investment a game of chance.

Input and output prices are distorted by fertiliser and electricity subsidies which can only be exploited by wealthy farmers, through the price support system, and by compulsory procurement. Subsidies on fertilizers have increased over the past decade, as have the number of states that supply electricity free of charge to farmers. This has under-priced ground water and reduced incentives for efficient water management.

Opportunities to develop private crop insurance have been blocked, and logistics and trade (including exports) literally strangled. By blocking markets in forestry and wildlife products these resources are now grossly undervalued and hence over-harvested. The loss of habitat due to socialism is almost irreplaceable.

Zoning of agricultural land prevents farmers from receiving the true value of their land, and efficient farmers are prevented from expanding through the imposition of land ceilings. Reservations for small scale industry in agro-processing and restrictions in foreign direct investment in the food supply chain destroy incentives for innovation, destroying huge quantities of perishables.

Not happy with strangulating the farmers, the corrupt public distribution system (PDS) creates huge deadweight losses and destroys massive quantities of food. Corrupt politicians use the farm sector (which pays almost no land revenues, and no income tax) to launder black money. Confused environmentalists like Vandana Shiva attack the use of science and technology. By blindly opposing pesticides and biotechnology including GM crops (I'm only referring to those that have been fully tested), agricultural potential is significantly impacted. And not to be outdone, Hindu fanatics – who don't seem to know their own religion and culture – prevent farmers from using cattle in the most productive manner.

With all this, and more, it is a miracle that any food gets produced at all. One thing is sure, that no farmer's child wants to work on the farm. And our system doesn't allow well trained agriculture experts to buy and operate large farms, which is how the Western farming sector works.

The Reform Package

Indian agriculture can't be liberated without first ensuring that no farmer or his family goes hungry. Poverty must be eliminated first, using methods outlined in my May 2009 article in *Freedom First*. There should be *people support*, not price support, for those below the poverty line. Once poverty has been eliminated, a range of liberation policies can be introduced.

Agricultural subsidies would need to be phased out quickly, and barriers to agricultural trade eliminated by abolishing the ECA, the *Agricultural Produce Market Committees Act* and the PDS along with all shades of compulsory procurement. Modest strategic reserves can be procured at market price, and stored privately.

Property rights must be absolute, subject *only* to strongly demonstrated public purpose. Long diluted by Indian socialist governments, these rights must be strengthened so that the farmers who own land must have *full* rights to its use (including when and whom to sell). It is legitimate for a government to acquire land to prevent public roads from bending at the boundary of each farm. But nothing beyond obvious public purpose can be used as ground for land acquisition. Ceilings on land holdings would necessarily have to be abolished, allowing the more efficient farmers to buy out their less efficient neighbours. Similarly, by abolishing land zoning and encouraging strong local governments, small towns will boom, reducing the pressure on large cities.

A well-regulated insurance industry would then provide high-quality crop insurance, with futures markets allowing farmers to hedge. Farmers will study the markets carefully for relevant signals and if their crop fails, both crop insurance and, in the worst case, the social minimum (frugal subsistence) will protect them.

Agricultural regulation motivated by religious interference would have to be repealed. It should be possible, given the great diversity of religious beliefs in India, for those who do not wish to slaughter cows to sell them to those who will. Instead, what is needed are laws (with strong enforcement) to prevent cruelty to animals, as part of the justice system.

Finally, we should stop worrying about WTO

matters. If foolish Western nations want to destroy their taxpayers' wealth through agricultural subsidies, by all means let them. We should exploit such foolishness by buying their products at throwaway prices. We must, however, insist on selling our agricultural products to them freely, and insist that foreign aid, which comes tied to insidious objectives, comes to an immediate halt.

With these policies India will become a powerhouse in all sectors, including in food production. Lack of freedom today has meant that our farmers are one of the least productive in the world. Over half of India's workers, over 20 crores, are engaged in agriculture but produce only 17% of our GDP. *Free India* can produce sufficient food with less than 1.5 crore professionally qualified expert farmers.

Freedom Team of India

I once again request you to join the Freedom Team of India (<http://freedomteam.in/>) or at least becoming a Freedom Partner to politically oppose India's misgovernance.

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

¹ John Dyson, 'A Rich Harvest and No Handouts', *Reader's Digest*, January 2008.

² A 2003 report by Economic Research Service of the United States Department of Agriculture. [<http://ajol.info/index.php/jfec/article/download/52867/41469>]

Beat Your Wife, But Don't Bruise Her - A UAE High Court Ruling

The highest court in the United Arab Emirates (UAE) ruled that a man is allowed to beat his wife and children as long as he does not leave bruises or other marks, local newspaper *The National* reported Monday 18th October 2010. "Although the [law] permits the husband to use his right [to discipline], he has to abide by the limits of this right," wrote Chief Justice Falah al Hajeri in a ruling issued this month and released in a court document. The limit, as the court defines it, is physical evidence of a beating that takes the accepted punishment to a more severe level. According to *Islamic law*, the man of the house is permitted to use physical discipline against his family if admonishing them and abstaining from sex with his wife do not work. Judges were forced to clarify the legal boundaries of beating after a UAE man slapped and kicked his daughter and wife, leaving bruises and facial injuries on them. Bruises and other physical marks were evidence, the court said, that the man had abused his right to discipline. "If a wife committed something wrong, a husband can report her to police," *Dr. Ahmed al Kubaisi, head of Sharia Studies at UAE and Baghdad Universities*, said. "But sometimes she does not do a serious thing or he does not want to let others know, when it is not good for the family. In this case, hitting is a better option."

The National, October 18, 2010.
Contributed by Narendra Ch.
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The Indomitable Sardar Vallabhbhai Patel

Why 60 Years On, We Continue to Miss Him

H. R. Bapu Satyanarayana



Delhi based 84-year old Sri R. C. Mody, a native of Alwar in Rajasthan, in his 'Memories of Sardar Patel' throws some interesting historical light on those turbulent times of the freedom struggle.

On the occasion of Sardar Patel's 135th birth anniversary on October 31 this year, we salute the greatest administrator that India has ever had – and he was in

office for a little over four years. In that brief period he welded India into one Nation.

The Supreme Strategist

R. C. Mody writes that, in his early years he did not entertain a favourable impression of Sardar Patel, considering him an arch rightist, pro-capitalist, anti-labour and very close to the Birlas. The march of political events gradually changed his attitude particularly after Sardar Patel entered the Interim Government in 1946 as Home Member. He says that there was a sudden change of feeling about him among young Indians. He refers to the Sardar's handling of the bureaucracy, which revealed his qualities of statesmanship. This won him the cooperation of the ICS officers who were, till then, widely regarded as *protégés* of the British and who needed to be replaced after independence. The Sardar's mettle was proved when, above all else, he managed the integration of 500 princely States into one Republican Indian State.

How Alwar was Integrated

Mody's account of how Alwar and Bharatpur, two princely states now part of Rajasthan were integrated into the Union of India is a tribute to the Sardar's political acumen. These two princely states not far from Delhi chose to confront the new Indian Government. Soon after independence the Maharaja of Alwar did not allow the

Indian flag to fly over his territory. Within his principedom the Maharaja unleashed a reign of terror over the Muslim minority. Patel bided his time because any attempt to integrate would have been a breach of understanding with the princes for the 'Instrument of Accession' stipulated that beyond defense, foreign affairs and communication, the Government of India did not have any power to intervene. The situation took an unexpected turn when Mahatma Gandhi was assassinated on January 30, 1948. Alwar did not join the national mourning and the Maharaja did not lower the State flag. When the local people protested a condolence meeting was hurriedly called by a nervous Maharaja. Mody writes that Sardar Patel asked the Alwar Maharaja to come to Delhi. That evening (February 4, 1948), All India Radio broadcast the news (the Sardar was also in charge of the ministry of information and broadcasting) that the Maharaja of Alwar was suspected of having a hand in Gandhiji's assassination and had been asked not to leave Delhi! An enquiry was instituted.

The enquiry soon concluded that the Maharaja did not have a hand in Gandhi's murder. But before his innocence was officially acknowledged, it was agreed that Alwar would cease to exist as an independent State. The Maharaja, while still under enquiry, signed the instrument of Alwar's merger into MATSYA, a hurriedly improvised union of Alwar and three other princely states: Bharatpur, Dholpur, and Karauli. As Home Minister he seized the opportunity afforded by the tragedy to clinch the State's accession!

Police Action in Hyderabad

The other telling instance when Sardar Patel lived up to his reputation is the taking over of Hyderabad which was under the rule of the Nizam. When the Nizam of Hyderabad was resisting all efforts to integrate with the Indian Union, Patel, in early September 1948 briefed the cabinet secretly that he had ordered the Indian Army to march into Hyderabad. However when the scheduled date came, news was received that Jinnah had died in Karachi.

Pandit Jawaharlal Nehru felt that action against Hyderabad should be postponed lest the world get an impression that India was taking advantage of Jinnah's death. Nehru sent a request to Patel through the new Governor General C. Rajagopalachari to consider postponing the proposed action. Patel in his characteristic way told Rajaji: Tell Nehru that the troops are already on the move; they can't be stopped on the way or recalled. This once again shows how Patel did not miss any opportunity to place the interest of the country over any other consideration. In fact there were differences between Patel and Nehru right from the time the 'Interim Government' was formed on the eve of independence and it had reached a breaking point during last days of Gandhi's life. Gandhi is known to have patched up the differences only a few minutes before his assassination. It is India's misfortune that Gandhi preferred Nehru to Patel when the question arose as to who should become the Prime Minister of India. Ever since, India has inherited the Nehruvian legacy. His anxiety to placate world opinion at the cost of the country's interest is still casting its dark shadow over the political affairs and costing the country very dearly.

Blunder in Kashmir

For example when bandits supported by Pakistani regulars were on the rampage soon after independence in Kashmir and there was the real danger that Pakistan would annex Kashmir, Hari Singh, the Maharaja of Kashmir appealed to India for help. In response to his frantic appeal Indian troops were sent under Gen. Thimmiah's command to drive them away. Unfortunately, when there was a golden opportunity to free the whole of Kashmir, India stopped the action on January 1, 1949 and appealed to the UN Security Council for help. In a grave error of judgment to placate world opinion it proposed plebiscite with the result 40% of J&K is in the illegal occupation of Pakistan. The grave mistake to play to the world gallery has landed India with the Kashmir problem, draining India of its resources both financially and militarily, and has given birth to terrorism. The latest trouble in Kashmir in which more than 50 people have died has all the potential to queer the pitch. The hard-line separatist Hurriyat leader Geelani has called Indian action as genocide and nobody knows how far India will yield to Geelani's unreasonable demands. The situation is ripe for Pakistan to take advantage and may even draw world attention and possibly a renewed call for the UN to intervene. This is the legacy of Nehru, playing to the world opinion, that has landed India in a tight spot once again.

China's Perfidy

Mr. Mody writes that long after Patel passed away, it became known that a few days before his death he had

written a long letter to Nehru warning him against the impending danger from China. Nehru totally ignored the warning, and tragically for the country as well as Nehru personally, all that Patel feared came true. Nehru was taken in by the slogan '*Hindi-Chin bhai bhai*' with the result despite some earlier indications of Chinese perfidy which he chose to ignore. Chinese troops occupied large parts of our country, which are still under dispute. It was pathetic to see our army so woefully unprepared and sent out in a hurry fighting with old rifles and facing the enemy at high altitude in freezing cold with summer uniforms and shoes. In fact China having marched into our land just walked out voluntarily as though to warn India that it can, if it wants, just walk over India. Even now China has not renounced its claim over Arunachal Pradesh. The dithering to tackle the Maoist problem is indicative of how India's leadership is again failing.

Same Weakness Continues

When Prime Minister Manmohan Singh met his counterpart Prime Minister Syed Yousef Raza Gilani on July 16 2009 on the sidelines of the 15th Non-Aligned Movement Summit at Sharam-el-Sheik in Egypt they issued a joint statement (1) de-linking action on terrorism and composite dialogue process and (2) mentioning the Balochistan issue. Now Pakistan has two issues to browbeat India, Kashmir problem and Balochistan. India has given Pakistan a handle to play the Balochistan card in addition to Kashmir as it suits its design even if India has no presence in Balochistan. The tragedy that haunts India now is that there is no leader of the stature of Sardar Patel to steer the affairs of the State. The question is whether India is condemned to be perpetually in the grip of mediocre leaders who cannot rise above narrow political calculations of being in power at any cost or is there a possibility of a strong leader emerging in the political horizon of India.

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No one can blame him (Jawaharlal Nehru) for not doing what he cannot do. He requires a Vallabhbhai Patel by him. But Vallabhbhai Patel is not there. Apart from all the policy differences which I emphatically maintain, the present point I urge is that he should have a brave Chief Secretary (or better still a Deputy Premier) who will not act as a stooge or tremble to speak out or who fears losing favour or position and therefore suppresses himself, but a strong personality – one who will discuss things frankly with him and perform the special task of converting his wishes into action.

C. Rajagopalachari, *Swarajya*, July 13, 1963

Naxalite / Maoist Menace

– The Economic Dimension

M. Subramaniam

All Maoists are Naxalites but all Naxalites are not Maoists. All Naxalites / Maoists are local tribals but all local tribals are not Naxalites/Maoists.

Naxalites/Maoists are active across some 200 out of 646 districts in India. They are spread all along a red corridor from Nepal through Bihar, Chhattisgarh, Jharkhand, the predominantly tribal districts of Andhra, Orissa, Madhya Pradesh Maharashtra, Gujarat, to Dharmapuri in Tamilnadu, via Kolar in Karnataka. Naxalism originated in the 1970s in Naxalbari in West Bengal as a peasant revolt against absentee landlordism. However with the Left Front government carrying out land reforms Naxalites lost steam and fizzled out. Most of them became foot soldiers of the CPI(M) in Bengal until 2008. When Mr. Y. S. R. Reddy became Chief Minister of Andhra, Naxalite militancy was curbed through the judicious use of inclusive politics and force. In Tamil Nadu then Chief Minister M. G. Ramachandran with good administration and political leadership eliminated the Naxalite menace in the 1980s. In Gujarat and Punjab the Naxals miserably failed to take off. When the Maoists in Nepal emerged as a political power to be reckoned with around 2005 Naxals got a fresh lease of life in India as Maoists.

Considering the magnitude of their operations how much would the Naxalite/Moists be spending on their insurgency? The following are some ballpark figures:

(A) Capital Cost

- Arming, training and outfitting including weapons for a 25,000-strong Cadre @ Rs.10 Lakhs each : Rs. 2500 Cr.
- Training 25,000 armed auxiliaries, deployed in mines embedded and in the civilian population for extortion and intimidation, @ Rs.5 Lakhs each: Rs.1250 Cr.
- Creating a network of 25,000 journalists and pseudo-intellectuals @ Rs.2.5 Lakhs each: Rs.625 Cr.
- Creating a network of 2,25,000 embedded fellow travellers in the guise of civil liberty activists @ 1 Lakh each: Rs.2250Cr.
- Total one time cost: Rs.6725 Cr.

(B) Revenue Expenditure

- 25,000 foot soldiers fighting fit food, upkeep & maintenance @ Rs.5 Lakhs/annum: Rs.1250 Cr.

- 25,000 Auxiliaries upkeep @ Rs.2.5 Lakhs /annum: Rs.675 Cr.
- 25,000 Embedded Journalists, Civil liberties activities Network: @ Rs.1 Lakh Each/annum: Rs.250 Cr..
- 2,25,000 Embedded fellow travelers etc. @ Rs.1 Lakh each /Annum: Rs.2250 Cr..
- Total Revenue cost/annum: Rs.4425 Cr.

(The Data has been sourced from RAW, Intelligence Bureau etc. and for obvious reasons it was secured on conditions of anonymity: conservative approximations have been made further thereof)

The questions that arise are: Where did the initial one time cost of Rs.6725 Cr. get generated from, how did it get collected and/or from whom? How were the arms and other military stores procured?

The money definitely has not come as contribution from the tribals who are literally struggling to survive and neither have the arms, ammunition, ordnance stores, mines etc.!

All capital support as arms and military stores, seed Capital etc. have obviously come from their foreign masters in China through Nepal.

However the revenue support is from the money generated by extortion from businessman in tendu leaves (for *bidis*), construction contractors, illegal logging, quarrying & mining contractors. Further there have been foreign funds flowing from China through Nepal and money collected from political parties for whom they have provided armed henchmen to mobilize support at the time of elections and after that to keep the electorate cowed down.

As long as the revenue generated was from tendu leaves and construction contractors and political parties, the Naxals were only a small militant group supporting the tribals for their rights and also acting as paid henchmen for warring political parties in the respective States.

However once Global commodity prices particularly

iron ore, bauxite and coal went through the roof, due to the Chinese economic upsurge in 1990s, the Naxals turned Maoists decided on an armed insurrection against India: since they now had the means to substantially finance themselves.

Anyone who has knowledge or experience and interacts with the public sector enterprises, in coal, iron ore, bauxite etc. will be aware of their nexus with Naxal/Maoists, through subcontractors and leakages in supply and production lines.

The present forest areas which are under development for mining are: in Andhra - 33,809 Acres; Chhattisgarh - 36,052 Acres; Karnataka - 18,899 Acres; Jharkhand - 22,648 Acres; Madhya Pradesh - 25,145 Acres; Orissa - 37,718 Acres; Bengal - 692 Acres and Maharashtra - 10,142 Acres.

Emboldened by their success in Nandigram & Singur in Bengal, Maoists are now at their next level of objective: to take over control of the tribals in Orissa, Chhattisgarh, Jharkhand, Madhya Pradesh, Bengal and Maharashtra.

The Comptroller & Auditor General report of 2008 on Orissa has indicated that 85% of the mines in that state were operating illegally and causing thereby degradation of forests and loss of revenue to the state and Central Governments.

According to the Chief Minister of Karnataka during the last 7 Years, 30 Million tons of Iron ore have been illegally exported out of India. The total cost involved is an astounding Rs.14,850Cr. If this is the accepted figure it can be safely concluded that the quantum involved is Rs.30,000Cr, since it is a known fact that state and Central governments reveal only half truths.

The Government of India's assessment is that while there are 8700 legal mines in the country around 30,000 are operating illegally. The illegal mining mafia have under their control areas that have a net worth of Rs.700,000 Cr. viz. Rs.200,000 Cr. in Orissa, 100,000 Cr. in Chhattisgarh, 150,000 Cr. in Jharkhand, 100,000 Cr. in Andhra and 150,000 Cr. in Karnataka. Therefore the illegal mines mafia that sustains the funding of Naxals/Maoists, (over and beyond the tribute, the legal mines institutions pay) is four times as large.

India has the 4th largest reserves of coal, lignite, iron ore, third in Bauxite and fifth in manganese. In production also it holds the same status. In the next five years 1200 Mn tons of coal will be necessary considering the projected growth in the power, steel and cement sectors. The 2009-10 production of minerals in the four states of Andhra, Orissa, Chhattisgarh, Jharkhand,

constitutes 60% in value terms of the *legal* mines production of India: at 12.24%, 11.85%, 9.8%, 8.79% respectively.

Over and above the loot in major minerals, it is official knowledge that there are 30,000 other illegal mines operating in the Indian minor minerals sector, which include stone quarries around the country. These have zoomed up in the Indian economic boom, since construction and its related activities constitute 15% of our fast tracked GDP.

The total value of Indian mines production, both legal and illegal put together, is likely to peak around 600,000 Cr/annum by 2015. It is this gold mine of opportunity for raising money through extortion: that the Naxals/Maoists intend to target. That is why the ferment is at its maximum and concentrated primarily in the four states of Orissa, Jharkhand, Chhattisgarh and Andhra.

The former Chief Minister of Jharkhand with Rs.4,500 Cr. loot stashed away and now under prosecution by CBI, is a story in itself. So does the sting operation wherein 5 MLAs of Jharkhand have been caught demanding Rs.1 Crore plus a car each as inducement for voting in the Rajya Sabha elections.

The fact that none of the parties to which these MLAs belonged have so far condemned or expelled them is a national shame. It is also an indication why and how the Naxals/Maoists have control over the political class in Jharkhand.

In an otherwise better managed Orissa the state government has been cheating the tribals and forest dwellers for the last 63 years pushing them into the stranglehold of the Naxals/Maoists. The recent stop of further activity on the Rs.54,000 Cr. POSCO steel project and Rs.20,000 Cr. Vedanta-Sterelite Project by the Ministry of Environment & Forests after discovering a faulty earlier approval wherein the list of number of forest dwellers displaced, was found fudged in a subsequent investigation, does indicate that the rot is not only at the states level but also at the Centre.

The Government of India is posting 30,000 CRPF at a recurring cost of Rs.5000 Cr/annum and a development grant of Rs.16,000 Cr for activities to the worst affected 30 tribal districts. It is therefore safe to conclude that to cover the full 200 districts another Rs.1,25,000 Cr. investment in development would be required and a further Rs.35,000 Cr. recurring annual expenditure for the paramilitary forces posted therein.

So in order to tackle the Naxal/Maoist terrorism menace, the poor suckers in India are going to be you, me and the *Aam-Aadmi*. We will have to pay through our

nose a total outlay of Rs.1,60,000 Cr. This appeasement will be carried out in packages of thousands of crores every year while they continue to disallow and prevent legal development of the natural resources in the tribal belt.

India is the only country where the self-styled civil society activists support illegal looting of the country and its natural resources as the birthright of those who are in reality terrorists – the Naxals/Maoists who are suggesting a truce so that they can continue with their looting.

Indian NGO's receive annually Rs.30,000 Cr. of funding within India and abroad. A substantial portion of it is flowing into the coffers of terrorists as also the Naxals/Maoists. There are any number of Intelligence Bureau reports on this for the last 6 decades.

USA intelligence has been keeping track of the Naxals/Maoists menace. American citizens visiting India and their Indian associates are regularly given advisories on areas which they should avoid visiting. It would therefore be gross stupidity to imagine that our own RAW & Intelligence Bureau is not aware of it, or have not kept the Government of India informed.

It is an ancient Vedic axiom that 'not punishing the guilty is an injustice to the victims'. While the Government of India and the misguided public media are gushing with sympathy for the Naxal-Maoists in the tribal belt the poor paramilitary force Jawans (of the CRPF) who are being killed in the line of duty, have been left out literally in the cold.

When the Government of India had the administered price mechanism on steel, cement, natural gas and petroleum products it was in order to give block allocation for the development of natural resources of iron ore, limestone mines, oil and natural gas through the MoU route at nominal lease charges and collect only royalty on the minerals produced. Now, after the removal of the administered price mechanism: oil and natural gas blocks are auctioned with upfront payment commitments of profit sharing and so is the case with air waves and spectrum.

The Supreme Court has recently ruled, arising out of the Ambani family feud, on the gas supplies from the Krishna Godavari gas fields, that all natural resources below the ground are the property of the Nation and its people. In an earlier landmark judgment the Supreme Court has also ruled that the airwaves above the ground belong to the Country.

The present GDP growth in India is 8.5% from 440 districts of India. If the potential of the resource rich 200 tribal districts is brought into play it would be 12.5%. That is, we are losing US \$750 Bn added on to our present \$1500 Bn (2010-2011) Economy arising out of the Naxals/Maoists continuing insurgency.

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Courtesy: Monthly Economic Digest, September 2010, a publication of the Maharashtra Economic Development Council, Mumbai.

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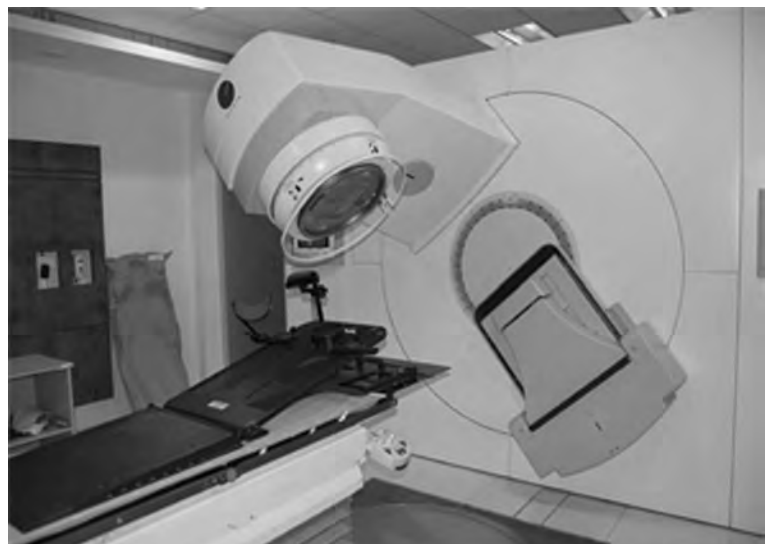
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The Kashmir Conundrum – The Discussion

This is the second and concluding part of our report on the seminar on Kashmir. (The Kashmir Conundrum, Freedom First, No.520 October 2010). The first part covered the introductory presentations by Ashok Karnik, V.Balachandran, Dilip Thakore's editorial on the subject in Education World, Firoze Hirjikaka and a discussion on the CRPF and the Armed Forces Special Powers Act. - Ed.

Who is funding the “Militancy”(?), “the Insurgency”(?), “the Agitation”(?):

The question marks are intentional. Who funds the “Militants”, the “Insurgents” the “Agitators”, the “Terrorists” as they are variously called depends on one’s perspective and, perhaps inclinations. Some of our human rights activists even go to the extent of calling them ‘freedom fighters’; for the Government of India they are “militants” (the ruling party has to be careful, mindful of the vote banks elsewhere in the country so they avoid calling them ‘insurgents’ or terrorists’); and for those who are actually engaging them, they are ‘law breakers’ who are to be dealt with accordingly.

Almost everyone round the table was agreed that it was a ‘foreign hand (or hands) providing the funds. Is there no way for India to keep a track if not be able to prevent the inflow of funds which are threatening not only to destabilise the country itself?

Ashok Karnik formerly of the Intelligence Bureau explained that after 9/11 the Americans imposed numerous restrictions on Banks who were now required to keep a strict watch on the transfer of funds. They have been quite successful. In India it can’t be done because a large part (as much as 90 per cent) of our economy runs on cash transactions, not on cheques or documents. Consequently our Banks are helpless. On the other hand American banks are now responsible to ensure that the money does not go to terrorists or to those who have been blacklisted.

Brig. Thyagarajan who initiated this discussion wondered whether the remittances were largely from Saudi Arabia who sent their money through banking channels ostensibly to fund religious NGOs. Seminar chairperson V.Balachandran formerly a special officer in the Union Cabinet’s Secretariat drew attention to the fact that such remittances to NGOs were controlled and monitored by a cell in the Home Ministry.

He said the problem was that you can always justify a remittance that you receive through the bank, or the Western Union. But there are so many ways of sending

money. He gave an instance when a few years ago a prominent Kashmiri politician belonging to one of the moderate Hurriyat groups was apprehended with a huge amount of US Dollars in cash. Then there are the *havala* transactions. It is difficult to detect such a transaction which is essentially compensatory payment. Someone, ostensibly a trader or merchant sends a message to the *havala* dealer in India who passes on cash in Indian rupees or even US dollars to the beneficiary of the transaction. This happens without the knowledge of the customs, the enforcement directorate or the police.

What about Kashmiris in Pakistan occupied Kashmir (PoK)?

This issue was raised by Rohit Singh a Friends of Tibet activist. He wanted that we must also involve the people who seek independence from Pakistan, because they are agitating for freedom as well. 24 seats have been reserved for them in the Jammu & Kashmir Assembly. We should similarly reserve seats for them in both Houses of India’s Parliament. This will make it possible for their voice to be heard here too. These representatives (or even the empty seats unoccupied because they are now allowed to attend by the occupying Pakistan authorities) should be our answer to the separatists who are having a free run. They should be nominated till the region is freed militarily and elections are held. This would have a salutary effect in the PoK where there is the demand for *azaadi* from Pakistan (muted though it is because of a ruthless occupying Pakistan army). Once they start sitting in the Kashmir assembly and in our Parliament and talk about their problems, the so called separatists and those demanding *Azaadi* from India will have to answer them; we will also get a third opinion, and rather than we facing the heat, it is the agitators/militants in the Valley who will be compelled to sit across the table and talk. Those voiceless people in “Azaad” Kashmir will welcome India’s support.

There is serious turbulence in the PoK about which we know little because the Pakistani occupying authorities don’t allow any independent media pointed out Balachandran. In our part of Kashmir there are about 224 newspapers; and the agitators or militants have access

to these newspapers and to a multitude of TV channels both Indian and foreign. If we say that those representatives from PoK are part of our legislature or even our Parliament, they will be discredited as Indian stooges. Maybe, responded Rohit Singh, but in a warlike situation when our territory is in enemy hands will we not give them representation till their occupation is ended?

Would it be correct to say that the Kashmiris in PoK are bursting to come out, asked Ashok Karnik. They have been suppressed for so long that there is no independent movement worth the name in that area because of the strict control by the military. So the hope that someone from Muzaffarabad will come and occupy our seat in the Kashmir Assembly or in Parliament is totally misplaced. On the other hand, what will happen is that Pakistan will give seats to Gilani and their stooges and then they will be a part of the Pakistan assembly. What advantage will that be to us?

Have you ever wondered why these people who are creating trouble, throwing stones, engaging in killing and mayhem have never sabotaged the railway line? asked Gen. Eustace D'Souza a veteran soldier who has been associated with Kashmir since 1948, and gave the answer himself - because they benefit from it. "Those of you who have been to Gulmarg, know about the Gondola that ferries people going up and coming down. Have these miscreants touched that? No." Secondly where do all these problems take place? They take place only in the Baramulla district, which includes Sopore, Srinagar, and Anantnag. But other places like Uri, Kaksar (near Kargil), Poonch and Naushera are free of this trouble. "This is because of the Army's Sadbhavana Project, which is built on three pillars: Education of the young, Empowerment of women and Medicare. I go to Kashmir once a year - because unless you go there, you will never get the true picture reading the media. The harvest last year that I saw, stretched right up to Uri and was bountiful. Who was doing the harvesting? Bihari labourers. Do you think they would have gone there if there was a problem? How many of you know that J&K has now its own regiment - the J&K Light Infantry. 50% are Muslims."

Referring to Gen. D'Souza's mention of the Army's Sadbhavana Project, Balachandran recalled that it was during the Governorship of Lt.Gen. S. K. Sinha that the Indian Army helped drill over 1000 tube wells and put up a number of windmills. When the then Governor inaugurated 1000th such installation everybody was flying the tricolour very happily, unlike Srinagar where, around the same time the Indian flag was being burnt.

When Pakistan Embassy officials, even Pakistani

ministers are openly allowed to meet the Hurriyat leaders, why don't our own embassy people open channels for discussion with political leaders in PoK asked C. A. Kallianpur, a Friends of Tibet activist. Replying Ashok Karnik pointed out that if Indian embassy officials wanted to travel beyond the municipal limits of Islamabad, they had to have permission. So, for them to meet people in Muzaffarabad is difficult. On the other hand the Hurriyat people keep coming to Delhi and then they ask for an appointment with the Pakistani embassy and its given. Whereas in the case of Muzaffarabad (in PoK), those politicians who would like to meet our people, our Ambassador and our embassy in Islamabad are not allowed to do so. The fact is we are a free country. We don't put restrictions on diplomats in Delhi unless they go beyond a certain code of conduct. That is not the case with Islamabad.

Pointless Policies

N. T. Ravindra Nath who is associated with a security research association in Thane (Maharashtra) was concerned over a rehabilitation scheme for all those Kashmiris who had crossed over to PoK since 1990. He was unable to understand the purpose of the scheme but he feared that it would further deteriorate the situation in J&K. In 2006, Prime Minister Manmohan Singh allowed an unofficial delegation to the UN led by Mufti Mohammed Sayeed to present his concept of self rule in Kashmir. It did not receive much publicity. What is the purpose of such an action, he asked?

Responding Balchandran pointed out that the Government of India gets inputs from various influential think tanks - generally overseas where a number of people in the US have organized themselves into Kashmir Study Groups. They have credibility because they are well known. One of them is headed by one Mr. Farookh Atwari, a big businessman from the Kashmir Valley. He is also on the governing boards of a number of think tanks in the USA. There are many more like him. They float certain ideas and we get influenced by them because of their 'credibility'. Now when you start tailoring your policy because of outside influence, these kind of things happen. I personally think we must have a freeze on discussions on Kashmir. I am not very sure when Mr. Mufti Mohammed gave his speech at the UN, but I do not know why this was allowed, because it goes against the stand of the Government of India. That is why I feel that this loose talk about autonomy is very dangerous, because tomorrow another small miniscule group say in the North East, or even in Central India, (where there are so many Adivasi groups who claim that they are totally distinct), demand their own tribal land, and such demands will keep escalating.

The Autonomy Demand

Nevertheless Brig. Thyagarajan wanted to know the exact nature of the autonomy enjoyed by the state of Jammu & Kashmir. Would it be correct to say that under Article 370 of the Constitution of India the central government cannot pass any law which affects Jammu & Kashmir unless it is approved by the J&K assembly - A facility not available to any other state government in India?. Under this provision a non-Kashmiri cannot set up or even fund any industry, or buy property.

Navshikha Duara who teaches political science in a college in Mumbai recalled that Article 370 was supposed to be a temporary provision with foreign affairs, defence and communication as specified at that time, to be in the hands of the Centre. Under this Article Kashmiri women, if they marry a non-Kashmiri, cannot sell her land, she cannot give it away even to her children; whereas a Kashmiri man marrying an outsider can do that. It is totally gender discriminatory. Most Kashmiri women have not protested at this violation of their rights.

We have created the problem ourselves i.e. treating Kashmir as a disputed area opined Balachandran. The idea of Article 370 was that it would remain till the Kashmir dispute was resolved. To draw a parallel when the British left India they had a Standstill Agreement with all the native rulers, i.e. "*Jaise the*", an Army phrase. Even now sixty years later we are still in "*Jaise the*" mode insofar as Kashmir is concerned. Is it still a dispute? Kashmir had in terms of its own Constitution formally merged with India. It is part of India, it is one of the 28 states of the Indian Union where elections are held at regular intervals. Yet that anachronism, Article 370, still remains. Our dispute is still before the UN. How do we get over this. Unfortunately it has become highly politicised. The BJP wants to abrogate Article 370, the Congress does not want to scrap it because they are afraid of losing the Muslim vote.

LOC as Permanent Border or Flexible Border

There are two proposals being seriously considered by the international NGOs which influence the thinking of the Government of India. One is to treat the LOC as a permanent border. The second is to have a flexible border. The whole of PoK and the Valley will have a flexible border which would enable the free movement of the people of Jammu & Kashmir and those in PoK between the two parts. The Indian government takes care of law & order and administration on this side, and the Pakistan government takes care on their side. How will it work? These are proposals that are being seriously considered. By and large the LOC as the permanent border was conceded by

Jawaharlal Nehru and accepted by Indira Gandhi at the Shimla Summit. Flexible borders will never work particularly in the context of the hostility and strained relations between India and Pakistan.

It's also a question of river waters, interjected Ashok Karnik. General Musharraf, had in his wisdom, suggested that four districts of Kashmir should be demilitarized and the administration should be controlled jointly by India and Pakistan, to put an end to the dispute. It was a tricky solution, totally intended to protect Pakistan's flow of water from the Kashmiri rivers. The origin of all these rivers going into Pakistan is in Kashmir. So they are always afraid that India can use this to really stop the flow of water going to Pakistan. Pakistan will become a desert in one season if we do not supply water. India has abided by the Indus Water Treaty from 1960 onwards, never stopping water flowing into Pakistan. Now we are building dams in Kashmir. When one dam was built, Pakistan took up the matter with the United Nations. However the International Tribunal ruled that India had the right to derive hydro electric power from this dam and reassured Pakistan that India would not stop the flow of water to Pakistan. India did not stop the water. We are going to build about ten or twelve more dams on the rivers going into Pakistan. Pakistan is really afraid that in an emergency, like in the Kargil war India might leverage this advantage. So they want to stop the construction of dams. That's why Musharraf made this proposal that the four districts, where the rivers merge, should be demilitarized.

Intervening in the discussion Brig. Sharma pointed that by 2008 Pakistan infiltration organizations realised that they no longer enjoyed mass appeal, because most of the casualties were Indian Kashmiri Muslims. To remedy this, they decided to restore their mass appeal by turning even minor incidents into major demonstrations and calling for *Bandhs*. The strikes are harming local shopkeepers and local traders which is making the strikers unpopular. Already there is a realisation that strikes and stone throwing are only harming them, not India.

It's a Political not an Economic Struggle

A major mistake being made by the central government is that they think that the problem is economic, continued Brig. Sharma. If by giving Kashmir another Rs.100 crores we believe militancy in the Valley will die down we are being very naïve. The problem is political, just as it is in the case of the Naxalites. It is a struggle for political power. Even in 1965, the hotspots for voicing anti-Indian slogans were in the medical and engineering colleges and schools in Srinagar.

Regarding the breakup of Pakistan, Air

Commodore Jagjit Singh when he was doing some research came across a notation on a file by Pandit Nehru which said 'don't try to break up Pakistan. One Pakistan is bad enough, more Pakistans would be more difficult'! On the other hand, argued the Brigadier, there is no reason why we should not assist Baluchistan in its struggle for independence. It is rich in uranium and gas and that is why Pakistan won't let go. What is antagonising Baluchis is that the majority of employees at the Gwadar seaport in Baluchistan are non-Baluchis who are employed there. The population ratio in Gwadar is changing and soon Baluchis may become a minority in their own state. So we must think again. Disagreeing with Nehru's notation he asked: "If we are not scared of one big Pakistan, why should we be scared of four small Pakistans. Iran is helping Baluchistan. Iran has a common border with Baluchistan. We can have disagreement with Iran on one issue and fraternity on another that is a common policy with Iran to encourage the Baluchis in their demand for freedom."

Winding up the discussion chairman Balachandran supported a statement made during the discussion that the unrest in Kashmir is only in one or two towns – Srinagar and Sopore; and even here only 5 police station areas are affected; but when we, sitting in Mumbai watch the visuals on TV we get the feeling that the whole state is in flames is understandable. With the state having 220 newspapers, and Srinagar among the first in India to have telecasting there is high media exposure leading to propagating hostile opinions. Who is bothered to go into the interior of the State to find out what an average shepherd, or a Gujjar has to say. This is the problem in this age of modern competitive electronic media. The media creates the momentum and the government reacts to it.

"I was a member of the 26/11 enquiry. We have all read of the case of faulty bullet jackets. The fact of the matter is that there is no bullet proof jacket in the world which can give protection against close quarter fire from an AK-47. Somebody raised it and it became the subject of a controversy, the court went into it, a committee went into it. Ultimately what happened? Nothing. This is a typical example of media overkill

Nevertheless, said Ashok Karnik, there is a feeling of animosity, there is a feeling of 'we' and 'they'. 'They;' are being projected as responsible for all the problems.' 'We' are being misused and we have to fight 'them'. That kind of syndrome has been created in Kashmir, that for all the problems that they are facing Delhi is responsible, or Omar Abdullah is responsible, and that *Azaadi* is the solution. There are no economic demands. They simply don't care. These often are unreasonable demands, which

cannot be answered logically. They can be answered, maybe only through force. This means clamping curfew, shopkeepers being told to down shutters. This means the population stays without any amenities for many until the populace realise there is a problem which can only be resolved with the help of the government.

Editor's Note:

These are the views of the participants expressed at the seminar. These are not necessarily those of Freedom First nor of the Freedom First Foundation. We offer a forum for liberals to exchange views freely and frankly. We had three such seminars on Kashmir in the last 20 years. I had the privilege of participating in all three. There were very distinguished persons, scholars, businessmen, industrialists and professionals at these seminars. There was near unanimity that in the final analysis the wishes of the Kashmiris had to be obtained. The commitment by India to hold a plebiscite had to be honoured. The first of these seminars was held in 1990. The title summed up the outcome of that seminar that it was "Time for a People's Initiative". It was felt that since the governments of the two countries, had shown that they could not be depended upon to solve the problem it was time for the people to take the initiative. It reflected the mood then.

Five years later in 1995, many Indians outside Kashmir, resented the bar on Indians not of Kashmir origin, from acquiring property in Kashmir, among other proscriptions alongside the resentment that so much of public money was being diverted to Kashmir at the cost of other states poorer than Kashmir. This was a major point that emerged from this the second seminar. And, even while wondering whether this was appropriate in a democracy the consensus at that seminar was that the accession had been conditional and we should view it as a question of the people's rights who had been subjected to 'rigged elections'. The seminar posed the question "People or Real Estate?" and took the position that people come first.

Another Five years later, in 2000 the seminar felt that over the years a number of options were available for the Kashmiris and its politicians arising from developments within Pakistan, the least of which was the emergence of terrorism aided and abetted by Pakistan but these options had few takers. One of them being to treat the LOC as the permanent boundary, hence the title "Many Options, Few Takers".

The tenor of the discussion at the last seminar held on October 16, 2010 and which forms the substance of

this report and the earlier one in our issue last month betray a tiredness with the continuing dispute muddled by the large presence of Islamic fundamentalism which was not there when the dispute was referred to the United Nations. More and more Indians have come to feel that the plebiscite demand is no longer relevant in the changed situation.

Freedom First true to its name places Freedom first and continues to believe that the people of Kashmir must have the right to decide their future. But, and this is a big BUT the magnanimity displayed at earlier seminars by, for instance, Minoo Masani that India should be more generous and should act as the elder brother and hold the plebiscite on our side of the border without insisting

that the referendum should be held on both sides of the LOC, is misplaced in the current context. It doesn't make sense to let only one section of Kashmiris have a free choice and deny it to those under Pakistan-occupied Kashmir. Therefore the Liberal Position has to insist that all the people of the old princely state of Jammu & Kashmir must have the opportunity to decide of their own free will whether they want to be with India, or Pakistan or prefer to be independent.

When listing the participants in the first part (Freedom First No.520, October 2010) we missed out on Col. T. S. Tanwar (retd.) who was present and took an active part in the discussion. Our apologies to the Col. – Ed.

Accountability in Public Service (Cont'd. from page 12)

customer's demand or meeting an emergency situation or whatever. Rules and procedures are needed for running organisations but by their very nature, rules and procedures can also come in the way of performing a function effectively.

11. The letter of the rules and procedure and their spirit have to be clearly understood. Unfortunately, in large organisations especially government organisations, the focus ultimately turns out to be on the letter of the law rather than the spirit of the law. Organisations like the Comptroller and Auditor General are focused on the letter of the law and ultimately the emphasis seems to be on doing a thing rightly than doing right things. In fact, for getting better results when situations are changing especially in areas of public service, doing the right thing even by breaking the law may be necessary. As has been rightly mentioned, one can never make an omelette without breaking eggs. Many a time, I have found that rules and procedures are eggs which have to be broken when

there is a greater demand for meeting the needs of implementing projects. And this is where a sincere public servant faces a dilemma about doing the right thing while at the same time not doing it rightly. In order to overcome the hesitation and the problems that may arise in the case of post audit, the best strategy to adopt is to record in real time, the reasons why a particular course of action was adopted in the context of the rules, which may not entirely permit it. Recording such detailed speaking notes is the best solution for being accountable and at the same time, not becoming an unintended victim of audit procedures, which in our system is very common.

(To be continued)

MR. N. VITTAL IAS (Retd.) has had a long innings in public administration and Industrial Management. Positions occupied by him include Secretary in the Department of Electronics; Chairman of the Telecom Commission. After retirement he was appointed Chairman of the Public Enterprises Selection Board and later as Central Vigilance Commissioner.

Daya Shankar - The Honest Customs Officer

To most Indians, and many in foreign countries, the Indian Customs Department is a den of extreme corruption. There are many officers who are honest and straight-forward; but they are looked upon as "fanatics" by their colleagues and the Indian public.

One such officer was Daya Shankar. I had the privilege of being assessed by him when I cleared my brother's luggage around 1980. Although I had to pay heavy duty, I was convinced that he had been fair and just.

People used to phone from Dubai to find out if Daya Shankar was on duty; and if he was on duty, they would cancel their tickets.

Very recently I met a person who had worked under Daya Shankar. He told me this story: One day, Daya Shankar came to know that one of his assistants had plenty of cash in foreign currency, in his desk. It was obvious that all this cash had come from bribes extracted from incoming passengers. Daya Shankar did not go through the usual routine of criminal complaint, charge-sheet, etc. He just took the cash and tore up the notes into small pieces, in front of his entire staff.

The person who told me the story could not tell me where Daya Shankar is at present. Probably he would have retired but not before being hounded out of office.

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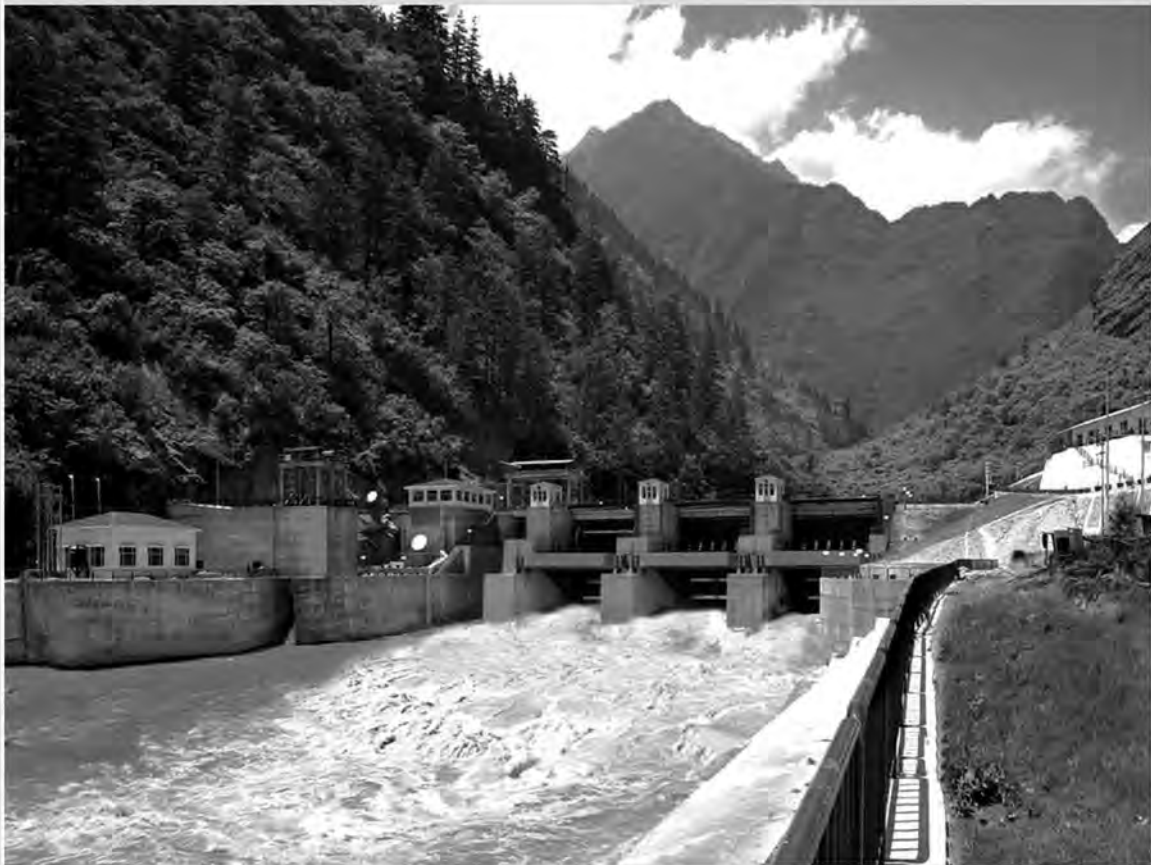
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N. K. Ramaswami Aiyar

An Apostate to Charles Bradlaugh and Social Reform

R. Srinivasan

One of the curiosities of South Indian public life is the gallery of apostates to social reform – some of them eminent indeed like Nyayapathi Subbu Rao Pantulu, one of the seven who founded the *Hindu*. But a colourful personality all by himself was Ramaswami Aiyar (1867-1920), who traversed from the extreme of radicalism of Bradlaugh to that of hidebound Hinduism though the orthodoxy was typically of his own brand.

In his college days an extremely orthodox person, he took to the study of modern science and philosophy and passed out in 1886 every inch an agnostic. In his days of aggressive muscular atheism he would carry numerous booklets of Charles Bradlaugh and Annie Besant (of the pre-theosophy vintage) and distribute them in the hope of recruiting adherents to the modern creed.

From 1886 for ten years he worked in government offices while he took his B.L. degree in 1892. He demonstrated his freedom from Hindu superstition in a unique way. He would ready himself to go to office half an hour before the usual time of departure. He had instructed his son to watch out for any widow passing by when he would rush out and go ahead to his place of work. This was his gesture to prove the cruel and indefensible belief of the ill omen of sighting a widow when one proceeded on any important errand.

In 1896 he became a member of the Chittoor Bar. He was active in editing the *North Arcot Patriot* for a number of years and initiated the founding of a Chittoor District Association and Conference. Dynamic in the pursuit of social reforms, he joined the Association of Social Reformers and promoted the cause of post-puberty and widow marriages, interdining among castes including the untouchables. He was a champion of travel across the seas defying the ban on this by the orthodox. He contributed regularly to the *Indian Social Reformer*. He participated in both the Indian National Congress and the National Social Conference. He was also an ardent supporter of the Depressed Classes Mission.

His enthusiasm for propagating Bradlaugh's views

and his atheism sometimes led to amusing situations. In 1894, N. G. Chandavarkar had come to Madras to preside over the meeting of the Hindu Social Reforms Association. At the dinner arranged for him and presided over by Sir G. Subramania Iyer, he went to Iyer and handed him one of his tracts. Subramania Iyer had a grim humour. Without looking at the tract he asked, "what Ramaswami Aiyar, does this tract say?" Ramaswami replied with a swagger, "It proves definitely, Sir, that there is no God." Subramania Aiyar looked at him quizzically and said, "Suppose there is no God. I ask you what follows." Ramaswami mechanically mumbled, "Nothing." "Why take all this trouble for nothing?" rejoined Subramania Aiyar. Ramaswami was flabbergasted. He expected an argument and had weapons ready. But this conscientious query he had not bargained for. Ramaswami did not distribute any more of his tracts that day."

One of his interests was on the lines of the great Prime Minister, W. E. Gladstone. After his day's work in the Court, he would visit the homes of prostitutes and interview them, ask questions and write of his findings for the *Indian Social Reformer*. The women could not trust his interest in them and their lives. Many would not believe his intentions and once a policeman threw him out of a home of ill fame. Yet he persisted and tried to persuade them to give up the profession. He managed to convince one of them to give up her avocation and promised to find her employment. With great difficulty he convinced his wife of this act of philanthropy and the woman was employed in their home. But finding the new environment rather stressful she disappeared after a couple of days.

In his missions of mercy, he met a highly cultured devadasi whom he tried to importune to give up her ways. The lady an embodiment of culture and refinement argued that if he would argue a case for a client for a fee, she too was in a similar position; in "the one case it was the brains which were hired; in the other it was the body." He found that the tables had turned on him and "if he persisted on this work, there was greater chance of his becoming a fallen man than of his rescuing a fallen woman."

Gradually he lost his interest in social reform and for eight years ran a journal called "*The Awakener of India*." By 1904 he gave up atheism and agnosticism and became a member of the Theosophical Society. Soon he was to be disillusioned with it. He closed down his journal and the last issue was entitled, "The Awakener, awakened". Earlier, he bid adieu to social reform. He now became an orthodox Hindu, after *punar Upanayana*." He was the organising secretary for the All India Varnaashrama Dharma organisation from 1915-17. Starting the *Hindu Message*, a journal he tried to organise in Madras, Andhra and Tanjore District Committees to propagate *Varna ashrama* dharma and tried to influence students too. He began to impress the differences between the Loukika from the Vaidika sections in orthodox Hinduism. The Loukika sections should promote travel across the seas on special occasions, free interdining between members of

"Protestant" Brahmins. Young men could be reconverted to Hinduism if they were not married. He even advocated the encouragement of widow marriage. The All-India Orthodox Hindu Mission not countenancing this proposal, he broke off and worked for a Loukika Orthodox Hindu Mission.

He decided to devote himself to the promotion of Varnashrama Dharma and Home Rule.

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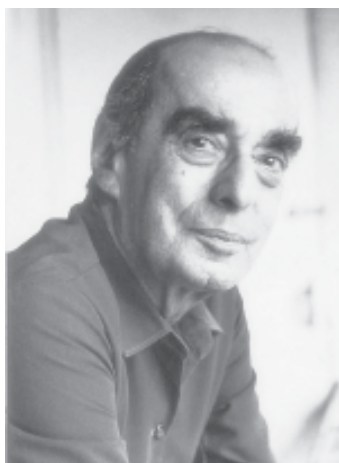
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DR. R. SRINIVASAN is retired professor of Political Science, University of Mumbai, and Associate Editor, *Freedom First*.

Remembering Minoo Masani



Minoo Masani's 105th birth anniversary falls on November 20, 2010. To remember him on the occasion we reproduce the following excerpt on Liberalism from his talk at an international colloquium in 1968. – Ed.

"Liberals in our part of the world have two big handicaps. We have illiteracy on one side and poverty on the other and these make for irrational and anti-democratic forces to get strong. The important thing is to try and hold the scales even and not to lean too heavily one way or another..."

"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 remains 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 is 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 that was

running through his inconsistency. It was a thread of clean methods – peaceful and truthful methods – that the end does not justify the means and that your means have to be clean if your objective is to be preserved. That he never deviated from. That is the essential thing to learn from him.

"Gandhi was a great Liberal. He was an Indian Liberal and those of us who today function have to draw on two main streams. We have to draw on the foundations that Gandhiji laid in our country of a kind of indigenous Liberalism and international Liberalism which has found its highest expression in the countries of the West. The old Liberals in India drew entirely on British Liberalism. John Stuart Mill, Cobden, Bright and Bentham were their mentors. They were thrown out of Indian politics by a man who looked illiberal when he came in – Gandhi - who resorted to the politics of the *bazaar*, crude nationalist propaganda, who vulgarised politics to such an extent that the refined Liberals went back to their ivory towers. Today's Liberals have the benefit not only of the old Liberalism but of what Gandhi and the last generation have created. This gives us a richer heritage and broader base on which to work.

"Today's Liberal has to be close to the common man. He has got to be close to the peasant and to the middle class. He can't afford to live in an ivory tower, because today Indian Liberalism speaks for the great majority of the people. The Indian peasant finds no difficulty in understanding "farm, family, freedom". What after all is the common illiterate peasant attached to? He is attached to his home and his family, his place of worship, his temple and his land. If you leave him alone with these things he couldn't care less what else you do. If you attack one of them then he will fight...If only we can make the mass of our illiterate peasants aware that Liberal values stand for farm, family, worship and freedom we could have a democracy based on Liberalism.

Cited from *Democracy and Development*. Proceedings of the Sixth International Colloquium, Coonoor India, October 1968 edited by S. V. Raju.

BOOK REVIEWS



BEFORE MEMORY FADES... AN AUTOBIOGRAPHY by Fali S. Nariman ● Hay House Publishers (India) Pvt. Ltd., Muskaan Complex, Plot No.3, B-2 Vasant Kunj, New Delhi 110070 ● contact@hayhouse.co.in ● 2010 ● pp.458 ● Rs.599

Reviewed by Dr. R.C.A. Godbole, Scientific Adviser and IP Strategist

Fali Nariman's recent autobiographical writing has been variously hailed for "remarkable candour and objectivity" (*Frontline*) showing "his humility and a youthful spirit which is still alive in him", while lauding the author's plea for "re-ethicalisation of lawyering". (*Business-world*). The attribute of "spirit of liberalism" embodied by the author, who is "someone who comes across as a compassionate man" (*The Hindu*) finds frequent mention in all the reviews one reads about this book. On reading the book first up, one would enthusiastically affirm these charming facets of a person capable of independent thought and action, and thank him for taking the trouble to look back on a distinguished career in print. Mr. Nariman jots down his dos and don'ts for the practitioners of law based on his 59 years at the bar; this is sound advice given with real life situations to back it, which constitutes the most constructive part of the book for lawyers and laymen alike. Another immensely important insight, though almost an aside in this book is "too much emphasis on rights serves only to divide and fragment society and to spread discontent" and the M. K. Gandhi quote about "all rights to be deserved and preserved came from duty well done". Coming from this pre-eminent advocate, an observer of the daily dispensation of law in this country, this wisdom carries a very different texture of meaning.

On a second look at the text in totality, an interesting question presents itself and this is to be noted below for better understanding of the contexts therein. In support of accepting briefs on behalf of those who are perceived to have violated the human rights of others, the author makes a crucial point, namely of placing "an impossible burden on the lawyer of pre-judging guilt; Even if a human rights lawyer were to take the risk of pre-judging guilt, how would he do it? By reading newspaper reports? By conducting a mini trial of his own?"

One then reads on to find the author noting approvingly the "school of jurisprudence" founded by Justice Iyer with his "value loaded" law, for "spinning his own cocoon of jurisprudence" resulting in binding

decisions being handed down as no more than applicable to the facts of that particular case! We then find this practice of Justice Iyer spawning imitations, inspiring some judges to do justice according to their whim, in disregard of the law condemned by the author in the same chapter. Further on again we find Justice Desai, once again a man with a social agenda, meeting the full approval of the author as "an innovator of the idea, that if justice cannot be done according to the law, justice must be done despite the law". In Justice Desai's social agenda, landlords and employers were a class who could never succeed - who must not succeed- whilst he sat in court notes the author. So the question is, what justifies a judge to display his prejudices and biases quite openly, and in a sense pre-judge a case, but prevents a lawyer from doing the same? And if this practice, given all the pitfalls involved therein, is dangerous, detrimental and unfair in some, why is it still laudable in others?

This is not about a specific person, or about her/his sagacity or authority to tweak a set system, but the justification or approval of such a practice by someone who is very clearly aware of the dangers thereof.

Mr. Nariman has the following to say about the intelligentsia in this country in the context of the Emergency: "When times are bad, this category – the intelligentsia – is the most despicable in all countries. It is the intelligentsia that has both the capacity and the inclination to rationalize tyranny" This inclination and capacity to rationalize the unacceptable is a necessity and a fact of life for all of us if we are scrupulously honest - a basic dichotomy in what we believe to be good and what we end up doing, exists almost without exception in all of us. It is by being constantly aware of this limitation, especially while condemning things, that we have some hope for redressing the inevitable harm we might do. The author sounds a note of apprehension towards the end: about the intolerance creeping in the society, about the changing face of Hinduism. In the background of all of the above, one cannot help but remember at this point the author's own stance of declining to appear on behalf of the state government of Gujarat in an unrelated matter after the 2002 riots, and invoking newspaper reports about the government's handling of these riots to support his position.



NGOs, Activists And Foreign Funds. Anti- Nation Industry ● Edited by Radha Rajan and Krishen Kak ● Published by Vigil Public Opinion Forum, H 12/3 Pai Street, Kalakshetra Colony, Besant Nagar, Chennai 600090 ● 2006 ● Pages 381 ● Rs 500

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The denial of visa to Narendra Modi, de-Hinduisation acts by foreign funded NGOs and the skewed secular policy of the Government triggered this book. The foreign Church organizations have blatantly interfered in the domestic

affairs in India. Even the patient and tolerant Nehru was compelled to evict all foreign missionaries from the North East in the early '50s due to their support to secessionist Naga groups. The Enforcement Agencies have not been able to check the flow of foreign funds to the anti-national organizations. The temples are being looted by the politicians on the pretext of "clean administration". The recent scandals in Tirupati and the allotment of funds from Siddhivinayak Temple in Mumbai to schools run by ruling party politicians bear testimony.

Mr. Vaidyanathan, Professor at IIM Bangalore, has analyzed the objectives and funding of NGOs. Their number has increased from 15000 in 1993 to 28000 in 2003. Receipt of foreign funds during the same period increased from Rs 1800 crores to Rs 5105 crores. In 2006-07, 18996 NGOs received more than Rs 11000 crores. This does not include Rs 3065 crores received as charitable donations. The range of activities and number of employees in these NGOs compare with those of a sovereign State. This explains why the establishment expenses are Rs 639 crores as against Rs 717 crores for education and development projects. The major activity is to point out deficiencies in Government working. Vaidyanathan did not succeed in obtaining annual reports of three leading agencies and they are never tired of preaching transparency to Government. Unlike India, USA and Russia have laws to control the activities of foreign- funded organizations.

Veera Vaishnava, US based political commentator on identity politics has questioned the NGOs claims of working for humanity. They draw salaries comparable to those of CEOs and try to forge political power. They desire to transform the Hindu society. Former CBI officer Ravindra Nath has bared the role of NGOs in opposing every development project. They receive liberal funds to manufacture grievances and victims in the name of secularism. A Commission of Enquiry in Sri Lanka revealed a similar approach by foreign funded NGOs where they preached intervention by foreign countries. The proclaimed

objectives of two NGOs, ASHA and AID, are education and help to the poor. In actual fact they support Leftist and Islamist movements and consider education in *madarasas* to be quality education. The Government of India has realized the need to monitor the activities of foreign funded NGOs and has frozen the accounts of 46 such NGOs. Another 41 NGOs have been prohibited from receiving foreign funds.

Dr. Komerath is concerned with the anti- Indian approach of the US based Forum of Indian Leftists [FOIL] who celebrated the fiftieth anniversary of Indian Independence by focusing on India's failure to come to their expectations on removing inequalities. Their spokesman Dr Vinay Lal made a laughing stock of FOIL by maintaining that the Meeraj Medical Centre, an affiliate of the Presbyterian Church of North America was an RSS institution set up for Hinduisation.

Krishen Kak, a retired civil servant, alleges that foreign funded NGOs indulge in anti-Indian and anti-Hindu propaganda with help and even participation by some serving civil servants. He cites the case of Mander an IAS officer who was allowed to work for the NGO ActionIndia while in service and accept funds from foreign sources for overseas tours. He indicted India and resigned on moral grounds after the Gujarat riots. He is a Sikh and the 1984 anti-Sikh riots did not bother his conscience. ActionIndia gets grants from the UK Government and has shown a preference for retired civil and military bureaucrats. No wonder that serving officers are keen to help them.

The theme of the anti-Hindu and anti-national activities of NGOs is further elaborated by Radha Rajan. The Gujarat riots gave a pretext to these organizations to criticize Hinduism itself and Hindu organizations like RSS. The people who objected to the use of the term "Islamic terrorism" take delight in denouncing Saffron terrorism. The leaders of these organizations were given awards by UPA Government and foreign institutions. Many of them openly support Kashmir separatists and Maoists.

In his book "Recolonization", Goonatilake has noted a similar approach by NGOs in Sri Lanka where they preached intervention by foreign powers and ignored the privileges given by the State to Christian and Muslims in other countries but cry foul at the beneficial role of Buddhist monks. In a comprehensive paper, she has exposed their unfounded criticism of Hindu organizations.

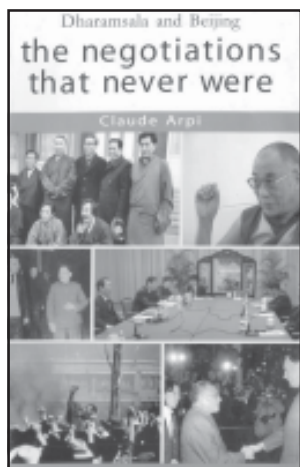
There is no transparency in the awards by Foreign NGOs. For example, the Magasaysay award is not an Asian award. It is an American award for Asians and anti-Hindu secularists are the favoured recipients. In the conference at Durban in 2003, two Christian missionaries, Brown and White, got caste equated to racism. They forget that in India, Christians and Muslims have not given up their caste even after conversion. We frequently meet Christians who proclaim that they are Brahmin or Rajput Christians or Muslims. They have been loudly asking for reservations for the Dalit Christians or Muslims.

The NGO ASHA headed by Sandeep Pandey has raised hundreds of thousands of dollars. The working of this NGO has been examined by Radha Rajan and Nirupama Rajan. Pandey has managed to hide his Leftist leanings and pleads against the very concept of nation states for Hindu State of India. The donors are quite happy with the anti-Hindu and anti-national activities of ASHA. It is of interest that the Directors of ASHA consider independent audit to be a danger.

Vishal Agrawal gives details of erroneous presentation of India in school text books of California,

USA. An attempt to correct them was foiled by the secularists for whom Romila Thapar is the last word of wisdom. Raman, former Director Intelligence Bureau [IB] opines that fundamentalist Christian organizations played an important part in the re-election of Bush. They influenced the decision of denial of visa to Modi. They were not motivated by the plight of Muslims of Gujarat. They were angry at his alleged action in preventing Christian missionaries from indulging in conversions. For the secularists of India, Muslim or Christian fundamentalism is acceptable but not Hindu assertiveness. They did not protest against the inhuman treatment of prisoners at Guantanamo Bay. India has experienced communal riots earlier too. No political party or civic society suggested intervention by foreign powers. The situation was handled by Indian security forces. A calculated move was made by vested interests to malign Gujarat overseas. They took pride in the humiliation of an Indian by the US at the instance of other Indians.

Writes Raman: "If an Indian stabs another Indian in the back with the help of a foreign power, he is considered a progressive, a liberal, a secularist. Cry the beloved country."



DHARMASALA AND BEIJING: THE NEGOTIATIONS THAT NEVER WERE by Claude Arpi · Lancer Publishers & Distributors, K-36A(F.F) Green Park Main, New Delhi, 110 016 ● www.lancerpublishers.com ● 2009 ● pp.304 ● Rs.795

Reviewed by Dr. P. M. Kamath, formerly Professor of Politics, Mumbai University and currently Hon. Director, VPMs Centre for International Studies, Mumbai.

A major blunder in foreign policy committed by the all-powerful first Prime Minister (PM) of India, Pandit Nehru, is his disastrous policy on Tibet in the 1950s; his legacy still haunts Indian foreign policy makers. Not only did the

Tibetan people lose their independence, as historically, Tibet was never a part of China, but India also reaps many pinpricks till today. China, for instance describes Jammu & Kashmir as "India-controlled Kashmir, while describing Pakistan-occupied Kashmir as "Northern part of Pakistan". Thus, logically, taking Pakistan's side, China denied visa to General B. S. Jaswal under the military to military exchange programme between the two states.

Tibet was seen by the British as a geopolitical buffer between India and China. But the British having gone, Indian rulers did not follow their policy. In October 1950, a 40,000 strong People's Liberation Army (PLA)

invaded Tibet and forced the Dalai Lama to sign a 17-point declaration under which the Tibetan people accepted Chinese suzerainty over Tibet. Nine years later the Dalai Lama fled to India. Ever since the Chinese have systematically tightened their grip on Tibet, endangering Tibetan culture, religion and language.

The book under review is an interesting narrative on how, despite the gradual decline of India's negotiating power with China over the Tibetan issue, the Dalai Lama tried to retrieve from the powerful invaders of Tibet at least genuine autonomy in place of the lost sovereignty of his people. But after all those sessions of dialogues/talks and negotiations beginning from 1973 till November 2008, the Dalai Lama, was forced to say that he has given up on China: "It is difficult to talk to those who don't believe in truth. I have clearly mentioned that I still have faith in the Chinese people, but my faith in the Chinese government is thinning."

To understand the weakening of the Tibetan cause as China began to increase its economic and military power,

we need to understand Indian contribution to that weakening. Chinese invasion of Tibet was sold by Zhou Enlai to Nehru as liberation and not a neocolonial action! In his naivety in the garb of idealism in International Politics, he signed with China in April 1954 the Agreement on Trade and Intercourse between the Tibetan region of China and India – popularly known as the Panchsheel Agreement. Nehru thus, recognized Tibet as an autonomous region of China. All the subsequent Congress PMs maintained Tibet as an autonomous region of China.

As Prime Minister of the first ever non-Congress-BJP led NDA government Atal Behari Vajpayee visited China in June 2003. In the Declaration on Principles for Relations and Comprehensive cooperation between India and China, the Indian side recognized “that the Tibet Autonomous Region is part of the territory of the People’s Republic of China...” (p.185). In effect, this enabled China to further strengthen its hold over Tibet as India recognized Tibetan territory as a part of China.

It was ironic, because in 1954 then seated in the opposition benches, Vajpayee “believed that China did not want peace in the region. He asked for ‘solid proof’ from China that it was ready to change its policy before India could talk of normalization” (p.48-9). Therefore, according to the author of this volume Dr. Arpi, the change in the language by India, was uncalled for. This change in Indian policy was made with the hope of finding an early settlement to the border dispute. But the author argues that though the change was made on the assumption that the Chinese gave up their claim on Sikkim, it has never been a part of China. Nevertheless the author states: “South Block strangely considered it a great diplomatic victory” (p. 184). Victory was short-lived as the border dispute still eludes India.

The Congress led UPA government continued the Vajpayee line. During Chinese premier Wen Jiabao’s visit to Delhi the joint statement issued “recognized Tibet Autonomous Region as part of territory of the People’s Republic of China...” and assured China that it “did not allow Tibetans to engage in anti-China political activities in India” (p.194). In this act of extending recognition of Tibet as the territory of China, India wittingly or unwittingly, recognized and sanctified Chinese Imperial behaviour. The author quotes eminent Indian historian, R. C. Majumdar who had said: “If a region once acknowledged her nominal suzerainty even for a short period, she should regard it as a part of her empire for ever and would automatically revive her claim over it even after a thousand years whenever there was a chance of enforcing it” (p.185).

That is exactly what has happened to India’s shortsighted China policy. While the Chinese have been relatively quiet on Sikkim, they have revived vigorously their claim over Arunachal Pradesh having intruded there in June 1986 claiming that Sumdorong “valley belonged to China” (p.137).

On the other hand Indian concessions to China on Tibet have only weakened the cause of the Dalai Lama, who had initiated talks – indirect and direct, with Beijing. First contacts took place in April 1973. According to Patrick Moynihan, then US ambassador in India, Americans too were “prepared to intercede with China on behalf of Tibetans refugees.” (p.34) But beginning from the 1970s until the break up of the Soviet Union in 1991, it was a period of pentagonal balance of power globally, with US-China-Pakistan trying to balance the combination of the Soviet Union and India particularly in South Asia. Hence, the US was not inclined to upset their developing relations with China while India was not able to use its cordial relations with the Russians to pressurize China on Tibet. On the other hand, according to the author, when the Dalai Lama visited Western Europe, the Indian Government under Beijing’s pressure, asked the countries he visited to treat it as ‘personal’ and not ‘official’ (p. 39).

Then, as well as now, no one can exactly comment on the Chinese foreign policy making process. In 1979 Indian Foreign Minister, Vajpayee visited China – that was the first visit by any top political official from India after 1962. However, during Vajpayee’s visit to China, it decided to attack Vietnam, leading Vajpayee to cancel his remaining programme in China.

Yet there were signs of change in Chinese policy on Tibet. Deng appointed a working group under Party General Secretary, Hu Yaobang. He had admitted that the standard of life of Tibetans under China had not improved; he reiterated the promise to allow Tibetans “full exercise of nationality autonomy in the region...” Thondup, Dalai Lama’s brother visited China in 1981 and held talks with Hu Yaobang; Tibetan delegates explained to Chinese leaders that Tibetans are different from Chinese in respect of culture, language and pursuit of religion etc. Yet in every round of talks, it has been the same story that the extreme conservative elements have won the round in China preventing any concessions to Tibetans. Saner voices have impressed upon Chinese leaders that if those who think that after the demise of Dalai Lama things might improve, live in a fool’s paradise. Yet China refuses to face the promises made by leaders like Deng that everything except independence is open to negotiations!

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