

A QUARTERLY OF LIBERAL IDEAS

Freedom First

38TH YEAR OF PUBLICATION

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No. 407
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Corruption in the Judiciary

H.M. Seervai, Louella Lobo Prabhu,
Lionel Fernandes

Keeping the Faith

Fang Lizhi

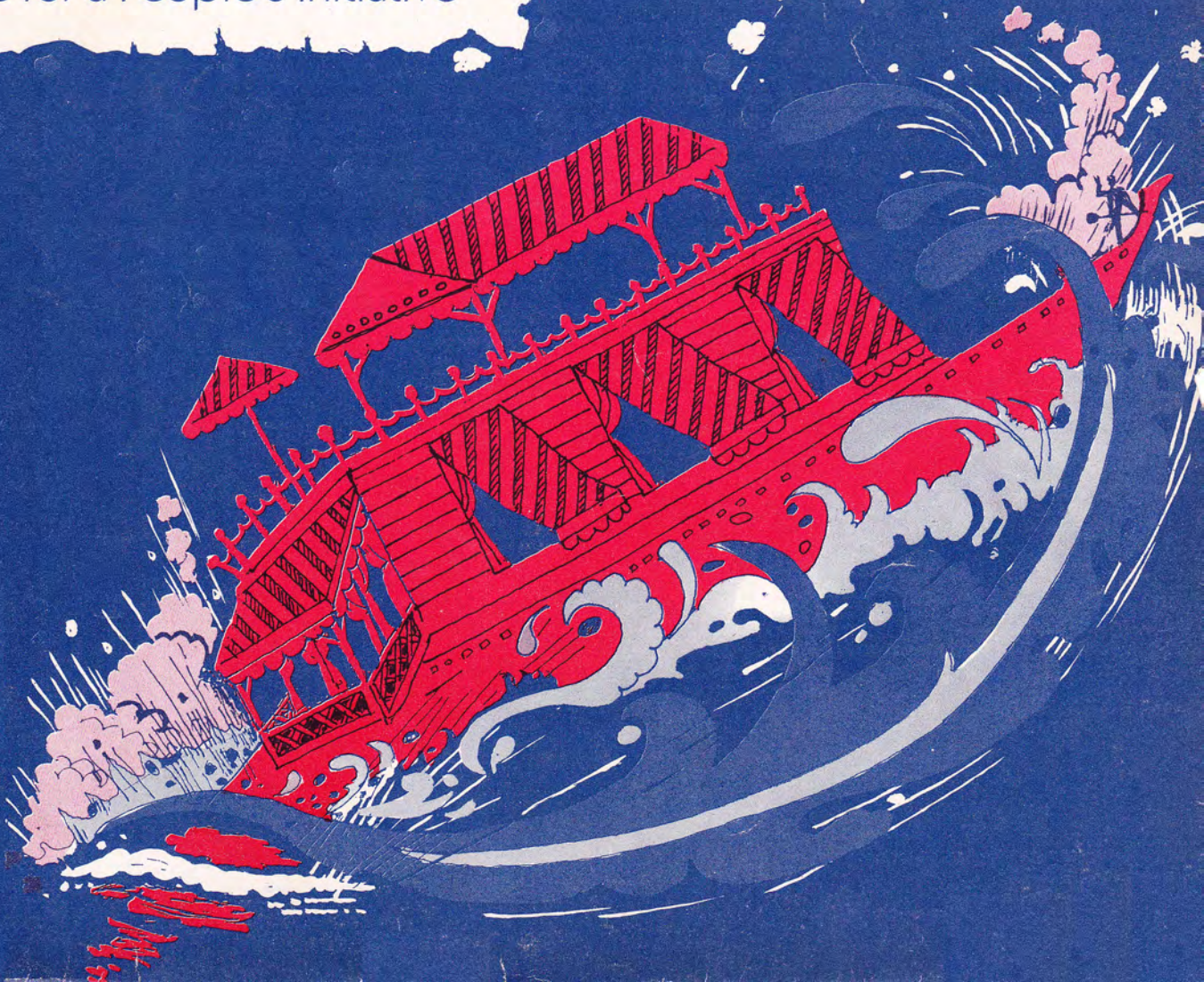
Sardar Vallabhbhai Patel

Boris Pasternak
Walter Lippmann

— An Assessment

The Kashmir Problem

— Time for a People's Initiative





A Festival of Tibet

in Bombay
Organised by

The Friends of Tibet, Bombay

and the

Office of Information and International Relations,
Central Tibetan Secretariat, Dharamshala

November 28 to December 3, 1990

Inaugurated by

His Holiness The Dalai Lama

Chairman of the Reception Committee

Mr. Ramakrishna Bajaj

PROGRAMME

Public Meeting

To be addressed by The Dalai Lama
Bhavan's Sabhagriha, Bharatiya Vidya Bhavan — November 28
Organised by : The Hindustani Andolan

Exhibitions

To be inaugurated by The Dalai Lama

Tibetan Culture

Prince of Wales Museum, November 29 — December 30, 1990

Tibetan History

Stuttgart Hall, Max Mueller Bhavan, November 29 — December 3, 1990

Tibetan Dances

Experimental Theatre, National Centre for the Performing Arts on November 30
Bhavan's Sabhagriha, Bharatiya Vidya Bhavan on December 1
Prince of Wales Museum on December 3

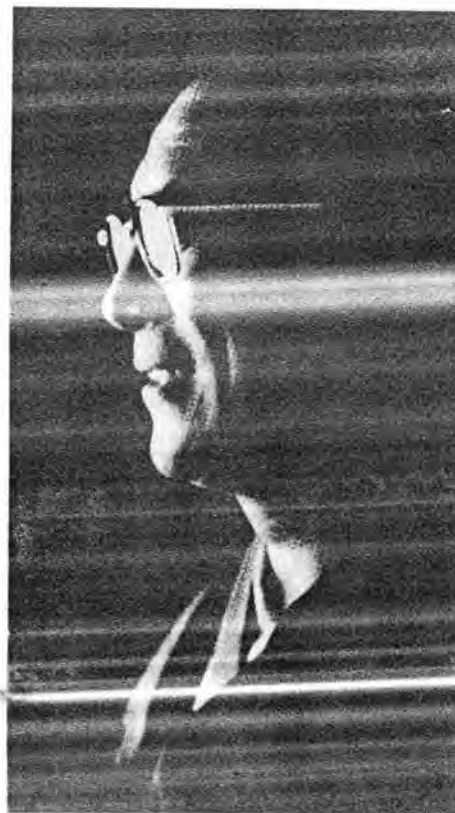
In addition the following are also being planned:

- a seminar on the Future of Tibet
- a seminar on the Tibetan medicine and a 3-4 day clinic attended by the personal physician to the Dalai Lama.

We invite you to participate in the Festival — a tribute to the courageous people of Tibet and our homage to a great culture based on the Buddhist philosophy. You can assist by (a) helping in its organisations and (b) securing advertisements for a souvenir to be published the proceeds of which will go to meet a part of the festival expenses (or in any other way you think you can).

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Freedom First

A Quarterly of Liberal Ideas

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The winds of change that have swept across Europe and the Soviet Union have had no effect whatsoever on India. The non-Congress National Front government was expected to depart from the discredited policies and pattern of governing of its predecessor. Nothing of the kind has happened.

A case in point is Kashmir. Holding on to the now outmoded idea of national sovereignty we continue with our policy of hanging on to a state with armed force.

At a recent seminar in which several eminent persons from various professions got together to discuss the problem, there was a general feeling that it was time to explore new initiatives and the need to educate public opinion on both sides of the border on the facts of the case and to compel both governments to change their policy. We report in detail on the proceedings of this seminar.

We wonder if this method — of holding seminars to elicit a cross section of opinion and then publishing it — appeals to you. If it does, would you like to attend such discussions in the future? We realise this would mainly benefit our Bombay subscribers. We would however be delighted if those in cities and towns outside Bombay can join us, if they feel the time and travel expense worth the effort.

The judiciary, one of the last remaining bastions of our society to which we as citizens turn to for succour has not proved immune to the prevailing mood of corruption. The Bombay High Court was recently rocked by scandals that sent shivers down the spine of every citizen — not lawyers alone. An eminent constitutional expert, a university teacher and a freelance journalist discuss the issue.

By a happy coincidence we received assessments of three eminent men in three continents, who each in their own way left behind lasting contributions — Sardar Patel the doer; Boris Pasternak the poet and author of *Dr. Zhivago* and Walter Lippmann the philosopher-journalist.

And to turn to a mundane matter — may we once again request you to send us names with addresses of your friends to whom we could mail copies of *Freedom First* with your compliments and invite them to subscribe to our journal.

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WITH MANY VOICES

"The deep moans round with many voices. Come, my friends
Tis not too late to seek a newer world" — Tennyson

In my opinion, the most backward class in India are our politicians.

Minoo Masani, *The Independent*, December 24, 1989

Ask your MPs and MLAs to resign. If they don't agree douse them with kerosene and set them on fire.

Mahendra Tikait at the Boat Club rally on October 2.

Reject casteism publicly, Balasaheb, you alone are the present day Shankaracharya.

Vasant Sathe to Bal Thackeray, *The Independent*, October 7

Devi Lal can be a Charan Singh only if V.P. Singh turns out to be a Morarji Desai.

Anand K. Sahay, *Frontline*, August 18

The system is rapidly breaking down. Politicians protect and patronise thugs. Government officials behave like commissars. Policemen routinely become law breakers. The courts of law provide little or no protection to the aggrieved.

India Today, August 31

Don't blame me; I did not vote V.P. Singh.

Stickers on cars and T. Shirts (during the anti-reservation agitation), *The Sunday Times of India*, October 7

This government is as much for liberalisation as the previous government. But both keep the economy the most regulated in the world.

Rahul Bajaj, *The Financial Times*, (London), June 27

Our economy is like an aircraft on voyage with the danger of losing all fuel midway.

S. Gurumurthy, *Aside*, October 15

Whenever the country has been in serious danger, either on account of internal turmoil or external threat, the 'Left' has played a dubious role. Not much, therefore, should be expected of them, now that our internal haemorrhage has begun.

Sunday Observer, September 30

We consume about as much fuel and raw material as the United States to produce half as much in goods and services.

Abel Aganbegyan, *Business India*, February 19

My inability to be a socialist came to me with my mother's milk.

Helmut Kohl, *Frontline*, August 18

History shows that you cannot teach dictators lessons, you can only defeat them.

The Economist, August 11

A free press means that anyone, including the rich, can own newspapers. While reasonable restrictions to ensure plurality of views are in order, there cannot be a government fiat on how newspapers should run.

Nihal Singh, *India Today*, April 30

A government borrows in the name of its citizens, and the implication is that it will raise the money by impounding more of the citizens' earnings.

Hardev S. Sanotra, *Business World*, June 20

Corruption in the upper reaches of the judiciary is illustrative of the incredible debasement of our national character.

Nani A. Palkhivala, *The Times of India*, July 9

For all those like Mr. Chandrashekar who would like to 'transform' India into an even more socialist society, I would recommend a week's stay at the Hotel Rossiya (in Moscow).

Tavleen Singh, *Indian Express*, July 29

In the recent past, 23 organizations issuing fake medical degrees, have been identified. Eleven of them are in Maharashtra

Y.P. Gupta, *Indian Express*, October 6

OF CABBAGES AND KINGS

"the time has come," the
walrus said,
"to talk of many things:
of shoes-and ships-
and sealing wax-
of cabbages -
and kings-"

- Lewis Carroll



A Grisly Price for Political Survival

To say that India is in deep trouble politically and economically would be stating the obvious.

While there have been no brave new initiatives, the present government in its bid for survival has resorted to populist measures without giving a thought to the backlash such measures would invite.

One such is its decision to implement the Mandal Commission's report on representation for backward classes in government services. There was no immediate demand, no urgency. The problem has been with us and could well have waited while the other fires raging in Kashmir, Punjab and Assam had been put out and the Ram Janmabhoomi-Babri Masjid dispute resolved.

But no. V. P. Singh had to promote a non-issue in an obvious game of one upmanship. He had to score a point over his rival Devi Lal. Not satisfied with sacking him from his Deputy Prime Ministership, V. P. Singh had to grab from Devi Lal the latter's attempt to be the spokesman for the downtrodden. Devi Lal was not wrong when he observed at a meeting on September 12 that the government's decision to implement the Mandal Commission's recommendations was to discourage the farmers rally held in Delhi on August 9.

The country is paying a terrible price in terms of human lives while these gentlemen are busy settling scores. Young men and women, already hurt by what many perceive as reverse discrimination, have taken to the streets to vent their anger and frustration in scenes reminiscent of the Korean stu-

dents agitation in Seoul.

Delhi was paralysed for well over a week with Mahendra Tikait's farmers, (with a large sprinkling, no doubt of bully boys) lending a helping hand — for any stick is good enough to beat the government with.

With no solution in sight, it must have come as a relief to the beleaguered Government of India when the Supreme Court bailed them out by directing the government to defer till October 25 the implementation of the Mandal Commission recommendations. In fact the judges observed: "We make it clear, we expect the law and order situation would immediately improve".

As on October 4, 7 had died from police bullets and over 17 young men and women either immolated themselves or committed suicide by taking poison.

Here are statements by two such persons who set themselves ablaze:

"I have no regrets. I want to sacrifice my life to stop the Mandal Commission report from being implemented."

— S.S. Chauhan who died on September 26.

"I hope the younger generation will benefit from my sacrifice"

— Ramakant Chaturvedi who died on October 4.

What price survival Mr. V. P. Singh?

SVR

Our Expatriate Comrades.

Never did the dreams come down so rapidly and so devastatingly. Thousands of our countrymen found at the end of a couple of decades of unending, tiring, continuous grind a total col-

lapse of all their earthly belongings — all because of a demented politician. People who had lakhs of Dinars stowed away in banks were scrounging for a loaf of bread. We, who in this country have faced many a privation, must confess that this was something unmatched in our experience.

But what is equally distressing is the apparent indifference of the Indian people to the lot of their brethren. The government could have done more than what it did. Here were people who sent us foreign exchange (and quite a sizable amount at that) for nearly twenty years which helped our economy. Yet, in their hour of distress, no relief camps on a large scale were organised. It was left to a few kindly disposed organisations to help them. Whatever happened to the ubiquitous Kerala Association? Why did they not collect money and clothes for their kith and kin?

It appears that several actually relished the misery! 'Serves them well', seemed to have been the response. It is likely that they were not wise in spending their income when they came on holidays. But in emergencies do we remember these mean things?

RS

On Bettelheim Again

In the last issue of *Freedom First* I had mentioned how much the world had become poorer with the death of Bruno Bettelheim, who was a guru to a whole new generation. His name was associated with the Orthogenic School at Chicago and his books told us with great insight about the problems of growing children. His *Children of the Dream* has been regarded as a defini-

tive study of the children who were to grow up in the kibbutzes. He threw totally new insights into the importance of fairy tales for the growth of the child; this again in a classic study of fairy tales. Of course, the most studied and widely read of his pieces was on how he managed to keep himself as an inmate in Belsen.

The *International Herald Tribune* of August 29, 1990, now shatters the image that all of us have had of a genial, elderly Nestor bestowing dribbles of wisdom and spreading goodness all around. His school has been described by an inmate who grew up for ten years within its walls as one where Bettelheim, "while publicly condemning violence, physically abused children... (It) was an Orwellian world where mail was censored and conversations monitored".

Hitting at the young inmates seemed to be common. It was not unusual for him to "drag children across the floor by their hair and kick them. He even hit autistic children who could not speak directly". More distressing is to read of the total lack of privacy in the Home. Often he "walked into bathrooms where teen girls were undressed... Alida Jatich said that Mr. Bettelheim once pulled her out of a shower and beat her, wet and naked, in front of a room full of people."

One cannot do better than quote the last paragraph of the article. "He had seen himself as a tower of sanity with a unique cure for happiness, but he had often been depressed since his retirement, especially after his wife's death in 1984. He forced many people to live in institutional settings yet he could not bear to live in a retirement home. Like so many bullies, he could dish it out, but he couldn't take it."

As we grow older we learn to see our heroes in a new light. But the clay feet of twentieth century *gurus* are indeed most frightening. Freud has been exposed for professional unethical conduct; one can never have any respect for Bertrand Russell after reading the account of him by Sidney Hook. It is good to learn even if late — for it breeds in use a healthy scepticism towards the towering eminent.

Triveni

Freedom First joins others, though belatedly, in felicitating *Triveni*, the

Quarterly of culture and ideas published from Machilipatnam in Andhra Pradesh on completing sixty years of continuous publication. To mark this milestone, *Triveni* has published a bumper Diamond Jubilee issue.

Triveni underwent several metamorphoses in its time and had a band of enthusiastic supporters who were with it through thick and thin. Its great days were the forties and fifties when almost every issue had something excellent in it. To Kamakoteswara Rao and his band of enthusiastic supporters the journal owes more than its periodical appearance. It embodied an ideal of the importance of the Indian tradition and a sense of fear and trembling that one had to have in approaching it. Critics have alleged that it was not hospitable to revolutionary writings or experimental literary explorations. The editors were too firmly steeped in the past to reject it; but it has remained an important journal acting as a clearing house for writings that appeared in the regional languages which would otherwise have remained in obscurity. We do look forward to many decades of dedicated service from the journal.

RS

Naoroji P. Godrej

Mr N.P. Godrej one of India's enlightened and leading industrialists, and a philanthropist passed away after a protracted illness, patiently borne, and battling for life for several months. In the manner of his death, he revealed the manner of his living.

The welfare of his workers was always close to his heart and not a mere slogan. To few is it truly given to have practised it in high endeavour to great national purpose. To fewer still is it given to have succeeded in it so outstandingly against heavy odds with unrelenting toil and dedication for decades to plant our country on the industrial map of the world. Such persons are the salt of our country, an outstanding example of which was Shri N.P. Godrej.

Shri Godrej was easily years ahead of our government in keen awareness of the menace that air pollution poses and in realising the urgency of the need to eliminate it.

His workers' families was mainly responsible for the liberal aid that Godrej has given for

inducing his workers to go in for planned families and controlled births.

The best part of Shri Godrej's active life as an industrialist was bristled with strains and stresses, but he faced them all manfully, growing in strength, and stature all the time.

He fully heeded at all time, as it were, the poet's exhortation: "If at first, you don't succeed, try, try and try again".

S.S. Bankeshwar

Mr. Farrok Mulla

Another friend and associate whose passing away we mourn with deep sorrow is Mr. Farrok Mulla. Mr. Mulla was a pillar of strength to the Democratic Research Service. A gentle person intensely human and always ready to help a good cause, Mr. Mulla was Head of the Public Relations Department of Tatas.

He had an abiding interest in art, culture, painting, poetry and aesthetics generally.

Just a few months ago he telephoned me, and while expressing his satisfaction with the qualitative improvement in *Freedom First*, suggested we get together to see what could be done to help place the journal on a firm footing. Alas that was not to be.

SVR

Dr. (Mrs.) Aloo Dalal

Freedom First was remiss in not recording earlier the passing away, a few months ago, of a close associate and well wisher. Dr. (Mrs.) Aloo Dalal, Professor of Political Science in the Wilson College had been interested in the progress of *Freedom First* being always ready to write both articles and reviews in spite of her heavy schedule of teaching and extra curricular activities. Some of her pieces were greatly appreciated and we cannot but remember the enthusiasm with which she always responded to our requests. What evoked our admiration was that she never allowed her debilitating illness to come in the way of her meeting the deadline. We do miss her for she leaves behind abiding memories with her cheer and deep dedication to liberal humanist values.

RS

The Kashmir Problem

— Time for a People's Initiative

This is a report based on the proceedings of a seminar organised by The Rajaji Foundation in Bombay on July 14, 1990

When the British quit the Indian sub-continent and handed over power to the Indian National Congress in India and to the Muslim League in Pakistan, 565 princely states in the sub-continent were given the option of choosing between India and Pakistan or be independent sovereign states. The last was really no choice. Geographical contiguity and the communal composition of the states concerned were the decisive factors.

The princely states of Travancore (now in Kerala), and Hyderabad (now part of Andhra Pradesh) made a bid for independence and failed. Another princeling, The Nawab of Junagadh, sought to merge his state with Pakistan. The people would not let him and he fled to Pakistan. Raja Hari Singh, the Maharaja of Kashmir prevaricated. He obviously preferred independence. But Pakistan would not let him.

On October 22, 1947 less than ten weeks after Partition, Pathans from the North West advised and led by Pakistani Army personnel invaded Kashmir and were knocking at the gates of Srinagar, the state capital.

The Maharaja saw his dreams vanish in the smoking guns of the raiders and four days later, in a panic, signed the 'Instrument of Accession' with India which rushed its troops to defend what was now Indian territory. The raiders were driven back and Srinagar saved. But before the raiders could be thrown out completely Prime Minister Jawaharlal Nehru took the case to the United Nations, accusing Pakistan of aggression. A cease fire was declared; UN personnel posted to ensure observance of the cease fire line and in the process,

Pakistan managed to keep a part of the territory that belonged to the former princely State of Kashmir.

Since then India and Pakistan have fought two wars over Kashmir an issue that has bedevilled relations between the two countries. Enormous sums of money have been spent and are continuing to be spent in maintaining large standing armies and acquiring a formidable arsenal of weapons.

The people of Jammu & Kashmir (comprising the Vale of Kashmir, the plains of Jammu and the Himalayan region of Ladakh) should have been grateful to India for saving them from the marauders and giving them the 'benefits' of democracy as against a military dictatorship — the main form of government in Pakistan for the larger part of the four decades since the birth of that theocratic State.

Instead, the Kashmiris are shooting at Indians asking them to get out. The Indian Army is back in the cities and towns of Kashmir battling terrorism led by a whole host of guerilla bands most of them Islamic fundamentalists much like the *Mujahideen* that failed to wrest Afghanistan from the communists.

Kashmir is burning and its Hindu residents have fled in their thousands to Jammu and Delhi, creating, in the process, yet another refugee problem and giving the dispute a communal colour.

These are the bare facts. What went wrong? How did India the friend become India the enemy?

Its a long and sordid story of political chicanery, local political ambitions colluding with politically unscrupulous power politicians in Delhi; of large scale corruption and downright dishonesty; of rigged elections frustrating the people's will; and of religious fanatics taking full advantage of the situation for their own ends. The result — a rather docile people found themselves handling Kalashnikovs instead of flowers for which Kashmir is famous.

Promise of Plebiscite

When the Maharaja of Kashmir merged his state with India to save himself from being dethroned by the raiders from across the border it was the Indian Government, of its own volition that promised a referendum. In a letter to the Maharaja on October 27 1947 Governor General Lord Mountbatten wrote "It is my Government's wish that, as soon as law and order have been restored in Kashmir and her

soil cleared of the invader, the question of the State's accession should be settled by referendum." This was reinforced by Mr. Jawaharlal Nehru who in a broadcast in November that year promised: "... we made a condition that the accession would have to be considered by the people of Kashmir ... We are prepared, when peace and law and order have been established, to have a referendum held under international auspices like the United Nations."

A provision, Article 370, was included in the Indian Constitution limiting the power of India's Parliament to make laws applicable to Kashmir. Over a period of time this Article has been diluted but the fact remains that, at least on paper, Kashmir has more powers than other States of the Union. Kashmir, for instance, has its own Constitution.

The promise of a referendum was quietly frozen. Sheikh Abdullah the

charismatic leader of Kashmir was jailed along with several members of his party — The National Conference — for reminding the Indian government of the latter's promise of plebiscite. The Constituent Assembly of Kashmir (set up to draft Kashmir's Constitution) in the absence of Sheikh Abdullah and his supporters, incorporated an Article in their Constitution stating that "the State of Jammu and Kashmir is and shall be an integral part of the Union of India."

In other words the Government of India reneged on a promise given by both the first Governor General and the first Prime Minister of India that the people of Kashmir would be given an opportunity to decide their future. The argument that as the Constituent Assembly represented the people of Kashmir its declaration of the finality of accession fulfilled the pledge of referendum, fooled no one, least of all the

Kashmiris.

Opposition to a plebsicite is also advanced on the ground that our offer was conditional on Pakistan vacating the Kashmir territory it has occupied. This is a poor excuse for not honouring our commitment.

Article 370 of the Constitution

A section of political opinion in India led by the Jan Sangh and now its successor, the Bharatiya Janata Party (BJP) has been vociferous in its demand that Article 370 be abrogated. Fortunately, watered down as it is by various provisos inserted by India's Parliament from time to time, Article 370 cannot be abrogated unilaterally. It has to be approved by a Constituent Assembly in Kashmir. Any unilateral action is likely to be declared unconstitutional by India's Supreme Court.

Article 370 was obviously an interim measure to preserve Kashmir's identity pending a plebiscite. For instance, under this provision non-Kashmiris cannot own property in the State. In reality this embargo has been flouted by many from outside the State who are doing business in the State through *benami* transactions. Naturally this had led to exploitation and one of the many reasons for the alienation of the local population.

Rigged Elections

Among the arguments advanced against a plebiscite is the fact that regular elections have been held to the State Assembly. Unfortunately, barring 1977, when a non-Congress government in Delhi ensured free and fair elections every other election prior to, and after 1977 was rigged to ensure that the Congress party with its allies (who kept changing from one election to another) secured a majority. One cannot conceive of a better recipe to



COURTESY: India Today

provoke the people's anger. The Congress party promoted stooges, to keep their control over Kashmir. Stooges are useful only upto a point. But in the long run, counter-productive.

Funds for economic development released by Delhi were siphoned off by these stooges to line the pockets of unscrupulous politicians and corrupt businessman. The economy stagnated and the army of the unemployed burgeoned.

Holy War?

Cheated politically and deprived economically the young men and women of Kashmir were easy prey to fundamentalists waiting to take advantage of the discontent for their political ends. A State known in the past for communal amity between Hindus and Muslims is now being ripped apart by religious frenzy. With a generous supply of arms from Pakistan who have also with undisguised enthusiasm trained the guerillas, a variety of terrorist bands have turned the State into a battlefield and would have the rest of India and the world believe that this is a fight against Hindu imperialism — a holy war, a *Jehad*.

A Military Solution

Delhi's reply has been to use force to put down, what is now clearly evident — a revolt against India. Repeating the blunders committed in Punjab, where in an operation called Operation Woodrose, the Army took complete charge of the border districts of Amritsar, Gur-

daspur and Ferozepur and behaved with such brutality that many young men fled across the border into Pakistan only to return as trained terrorists, the Government of India sought the Army's help to put down resistance in the only way it knows — with brute force. Most of the Indian soldiers do not know the Kashmiri language. They raid houses suspected of harbouring 'terrorists'. Not being able to understand the local language they resort to brutality to extract answers.

A Governor known for his reliance on force to deal with dissent and who had earlier been appointed and then relieved of the Governorship by the previous Congress government was reappointed Governor by the present National Front government. Governor Jagmohan's appointment was a loud and clear signal to the people of Kashmir that the National Front government too, like its predecessor relied on a military solution.

Simultaneously, and typical of the National Front government's policy of being all things to all men, it picked on the most vocal civil rights activist in its ministerial ranks — militant trade unionist turned railway minister, Mr. George Fernandes to talk to the various elements in the State to seek a political solution. The stick and carrot policy (in that order) failed. Jagmohan who did not approve had his way and Fernandes was withdrawn. Again, to mollify that section of opinion which opposed strong-arm methods, Jagmohan was

The Kashmir Solution

The answer to the Kashmir problem is neither a Pakistani solution nor an Indian solution, but the one favoured by two wily and experienced politicians no longer with us, Ayub Khan and Jawaharlal Nehru, who did not live long enough to solve the problem. This is independence for the Vale of Kashmir under international guarantee: in other words the Kashmiri solution.

Swiss Press Review

withdrawn and sent to the Rajya Sabha. He was replaced by Girish Saxena a bureaucrat attached at one time to RAW (an Intelligence outfit as 'popular' with Indians as the 'CIA' is with the Americans) and not known to take kindly to dissenters.

As a result, today there is no dialogue, no search for political solutions — and the killings continue.

The moderate leadership has been sidelined. They have been frightened into silence by the gun-toting gangs that move at will defying curfew or other restrictions placed by the local authorities or the Army.

In such a situation who does the government talk to? The militants are fragmented. The problem is identifying that group which is most representative of

the Kashmiris — if there is such a group.

But before a representative group is identified and a meaningful dialogue is started, is the government of India prepared to give up its parrot-like repetition that Kashmir is an integral part of India and so on. To get sensible, moderate Kashmiris to the conference table it is essential that we do not insist as a

The Credibility of Civil Libertarians

The emergence and the strength of organisations protecting civil liberties and the democratic rights of the people is a milestone in the development of a democratic society. These organisations are needed primarily to guard against the misconception among the 'rulers' that they, and they alone, are the repository of the people's faith — even if they are elected with a minority of votes as all the ruling parties in India have been till date. The rulers tend to ride roughshod over their opponents and brook no opposition to what they claim to do in the so-called national interest. In the process even statutory boundaries of Constitution and law are infringed without compunction. In such a situation, organisations like the PUCL and PUODR (People's Union of Civil Liberties, People's Union of Democratic Rights) can perform the role of watchdogs and, despite their lack of power, emerge as conscience — keepers of the country.

Such a task was cut out for these organisations during the dark days of the 'emergency'. It was expected that from a modest beginning during the emergency days, when their need was underscored, these organisations would come into their own in the following years. The expectation has been belied, not because of their inactivity but due to hyper-activity and indiscriminate selection of issues. It is axiomatic that these organisations should always be suspicious of the establishment but it militates against reason if they become mere accusers, pre-determined to find fault with the administration. If their findings have to have credibility, their reports should be balanced and at least present both sides of the story in any complaint. Their conclusions would then be more judicious and easier to accept. At present, their reports are a litany of complaints against the police and the administration. The complaints may be genuine but any genuine fact — finding enquiry should present all the facts and not merely selective ver-

sions. The PUCL and the PUODR should at least care to explain the background to the complaints and study why the police or the administration had resorted to punitive action in the first place. So far, PUCL reports read as if police repression have taken place in a vacuum and that there was no cause and effect explanation available. The police and security forces are made to look like trigger happy villains who had no other purpose in life than harassing the innocent. The reports are in shades of absolute black and stark white, with the establishment being presented in the blackest of black colours.

The Kashmir report of the PUCL has come under severe criticism mainly because it ignores the ground situation created by the terrorists. The same is the case in the Punjab and Andhra Pradesh. The PUCL is doing a disservice to itself by appearing to be totally one-sided. While reading the report, one is disturbed by the feeling that very important elements are missing. There are no answers to any questions. The why of the occurrences cry out to be answered. While the administration is suspect in the eyes of the people and cannot be relied upon to give out the whole truth, the PUCL should not swing to the other extreme and give only the half truth from the other side. It then loses its claim to being impartial and just.

The PUCL's methodology gives rise to serious misgivings about its findings. It relies totally on statements of complaints and hardly ever tries to study a problem in depth. It may claim its task is limited but such a self-restrictive endeavour impinges adversely on its findings. Any report on Kashmir which ignores the atmosphere of terror created by the Pak-protagonists, forcing thousands of people to flee the Valley, must be seriously flawed. The video recordings of the mindless frenzy of thousands of religious bigots, shown by *Newstrack* expose the

agonising truth. The possible claim that, howsoever true, this was not the point of the PUCL inquiry would, in fact, prove how meaningless the inquiry could be.

Besides, the PUCL has not been able to differentiate between day to day repression resorted to by the police and the State to obtain confessions and frighten political opponents, and a state of conflict where the so-called victims of state repression are themselves resorting to repression as in the Punjab, Kashmir and even Andhra Pradesh. Inquiries into suppression of political agitations or even third degree methods used against suspected criminals etc. is a comparatively uncomplicated job but inquiries into developments stemming from secessionists' activities or from attacks on the state structure itself are a different proposition. The PUCL does not make any distinction between the two categories. Consequently, the PUCL has often been drawn into siding with one repressive force while challenging the other. The PUCL should be able to discriminate between what is a one-sided repression by a powerful state against an individual or a group and a two-sided conflict — where the state is engaged in a battle for its survival.

Due to the PUCL's failure to be cautious and discriminating, in issue after issue, its findings are becoming hopelessly one-sided. The PUCL needs to change its approach if it wants to establish its credibility. It has to judge if the victims it rushes to help are really the victims of one-sided repression or they are the victims or onlookers of a two-sided conflict where the state itself is victim of violence. If the latter, it enjoins, on the PUCL to be fair to both sides while apportioning blame. Unless this is done, we are in danger of losing a valuable institution due to loss of its credibility.

Avikay

pre-condition that any talks must be within the framework of Indian sovereignty — or our ownership rights.

India annexed Sikkim on the plea that the people of Sikkim wanted to be with India. If that was so (it certainly was not) then logically we cannot object if the Kashmiris say they wish to secede as they do not wish to be with India.

The fact of the matter is that no government in India will have the courage to say so publicly because in their assessment, the Indian people are against 'giving up' Kashmir. If this is the case then the matter has to go before the people of India. Is the common man really bothered about Kashmir's status? Does he get all steamed up by the very mention of an independent Kashmir? How many of our 80 odd billion people holiday in Kashmir? Is not the festering Kashmir problem a creation of politicians?

Put Facts before the People

Therefore the people of India need to be told of the facts of the case and public opinion organised to encourage the government to start talking without pre-conditions. If we see what is happening in the Soviet Union and Eastern Europe it will be ridiculous to think any longer that a piece of land with a population of around six million must be treated as something that cannot be touched merely because someone put in a law that it is a part of India.

That the people of Kashmir no longer want to be part of India is very evident. The question is — do they want to be part of Pakistan or do they want to be an independent sovereign state? Why not give them an opportunity to tell the Indian people what they really want. And what is wrong if the people in the Kashmir valley opt for freedom from both India and Pakistan? Nepal is a free country. Mercifully they were never part of the British Empire or else we may have had a 'Nepal problem! We have not always agreed with Nepal. But at no time have they been a threat to us. We help Nepal economically. Why can't we visualise a similar relationship with a free Kashmir?

The Cost of Controlling Kashmir

Helping an independent Kashmir's economy will be less expensive than the present cost of maintaining our hegemony over people who have turned so hostile to India that they can't

Why are we Trigger-happy

While the whole world is trying to change by discussions, elections, summits and all types of devices which would stimulate peaceful strategies, we have come to believe that only the bullet can produce the results we want. Yeltsin may challenge the very basics of Russia's cohesion. Margaret Thatcher may send a warming message to Ireland Yasser Arafat may agree to talk to Israel, the Europeans may put forward the most dynamic strategies of change and emerge as the most powerful countries in the post-Gorbachov world, which his genius helped to create, but we continue to believe that force is the only answer to our problems. We resist all peaceful change, all debate, all alternatives — we prefer only the jail and the bullet.

Is it possible that the very fact that we are overpopulated produces a death wish? Only India and China now seem to believe in the power of the state, the use of guns. We shun change and believe that this method of retaining the status quo is hard-core philosophy. Or is there in Indian politics a demand for non-violence when you are out of office, and a frightful desire to assert yourself with the help of the police and the army when you get into power? In Pakistan, Sind is being turned into a graveyard, and the army and police is expected to save what the politician has lost in the power struggle. In both countries the army and police are getting dissatisfied with this approach — which makes them do the dirty work, and as a consequence they are called dirty.

The winds of change are sweeping over the world. They will come to India and Pakistan too, but not before we have realised that bloodshed does not solve problems. It creates them. If those winds of change bypass our two countries, and we continue to pursue policies of confrontation, we will sanctify poverty, and raise anarchy to the level of the only credible alternative.

K.F. Rustomji

The Afternoon, June 19

even bear the sight of an Indian. According to economists India spends anything between Rs. 250 million and Rs. 500 million every day which includes the cost of military operations, the special forces and the subsidies. Can we afford this stupendous cost? Gorbachev walked out of Afghanistan

when he found that the Soviet economy was in dire straits and his country could not afford to divert resources to keep an army of occupation in Afghanistan. Should we not do the same?

The Indian economy is facing serious difficulties. We are short of cash for everything. We have not been able to provide adequate drinking water to our people. Our literacy level is appallingly low and public health care presents a dismal picture. Is the government of India justified in depriving our people of bare necessities while diverting scarce resources to keep control of Kashmir?

Therefore, should not the people of India compel the government of India to go to the people of Kashmir and say: We are prepared to withdraw from Kashmir. You want to be autonomous within the Indian Union? Or do you want to be entirely free? In either case it is alright with us. We shall be happy to assist you economically whatever be your decision. Tell us what kind of relationship you wish to have with us.

Such an offer would electrify the Kashmiris. They will be able to muster courage to resist the marauding religious gangs from across the border and the world will applaud India as it is applauding Gorbachev for his statesmanship.

Whether we Indians like it or not, the fact is that the world outside views us as imperialists. First the British imperialists subjugated Kashmir as a part of British India and now free India with an imperialist hangover is doing the same thing.

Pakistan's Role

Giving the Kashmiris the right to opt for freedom is also telling Pakistan that they have no business in the dispute; that it was the Kashmiris who sought Indian protection against Pakistani-aided raiders in 1947. Like the government of India, Pakistan governments civil or military found the Kashmir issue convenient in their power games. While the world might sympathise with Benazir Bhutto for the unceremonious manner in which she was toppled from power, let us not forget the frenzy she whipped up in the last few weeks of her Prime Ministership promising a thousand years' war and so on.

In keeping with its theocratic origin, Pakistan's argument is based on reli-

Some Alternate Solutions

We are treating the valley of Kashmir as a colony. As in an occupied country, our soldiers want to shoot without the magistrate authorising it. They are behaving in a barbarous manner and a real reign of terror is being let loose on the people of Kashmir, who want freedom. We seem to admire Yasser Arafat in his terrorism. We seem to admire the African National Congress and their terrorism but when it comes to people demanding their freedom from us, we call them terrorists. We refuse to realise any of their logic also. I am entirely on the side of the people of Kashmir. I think India is an imperialist country and has no right to be there. However, having said that and got the satisfaction of saying it, I can consider three alternatives.

First is the present one. I am ashamed that my country is behaving in this manner. Jayprakash once asked me some twenty years ago "why don't people realise that we are imperialists in Kashmir". I said "because the Indian can only see some one else's imperialism and not his own". We have not even treated Kashmir as a part of India. This idiotic phrase 'integral part of India' does not exist. It is just a slogan to justify something that is wrong. Kashmir is not an integral part of India and is not treated like one.

If the BJP have their way by abolishing Article 370, it will allow black-marketeers from Calcutta and Bombay to buy up the land of the Kashmir peasant and commit genocide, which is the ultimate in colonialism. I hope it will not happen.

The present alternative is not acceptable. It will not solve any problem. Shooting has never solved the problem of a demand for liberty.

France and Germany went to war twice, once in 1872 and once in 1914 over two bits of territory called Alsace and Lorraine because both sides said they must have Alsace and Lorraine. Ultimately they made friends. Today nobody cares a damn as to who owns

Alsace and to whom Lorraine belongs because they have ceased to be of any importance. The day will come when people will laugh and say why did you fight over Kashmir, what was there to fight over?

There are two other alternatives to the present one and I am going to accept the argument of my friend Jaswant Singh. One solution is of course, what I say, leave the people of Kashmir to their self determination. That does not mean going to Pakistan. It does not and need not. President Ayub Khan once offered Nehru who accepted the offer that Kashmir should be free with the joint condominium of India and Pakistan guaranteeing the independence of Kashmir. Unfortunately, President Ayub was coming to India in June to sign the treaty and Nehru died in May. That is a historical tragedy, thanks to which the problem is with us today.

If I were involved, I would go to the authorities in Kashmir and say "are you prepared to repeat what President Ayub Khan offered that Kashmir may belong to neither India nor Pakistan, are you prepared for genuine freedom?" I believe they will say yes because the people of Kashmir do not want to go to Pakistan, they are not pro-Pakistan. We have driven them into the arms of Pakistan. If they say 'no' you have done your bit. But why do we not make the offer to Pakistan, why do we keep saying they will say no? That is because we do not want to part with Kashmir. But Jaswant Singh my friend, has a very ingenuous answer. He said to me, "Minoo, the people of Kashmir want Azadi". Azadi is one of two things. Sovereign independence or Home Rule. Why don't we offer them Home Rule?

Way back in 1950 I wrote in a book for children called "Our Growing Human Family" that national sovereignty is a myth. Today it is one world. There is no national sovereignty any more. That was way back in 1950.

Today we are in 1990 and Gorbachev recently said to the Lithuanian republic, why must you leave the Soviet Union. All Republics of the Soviet Union will be sovereign. That means there is nothing like national sovereignty. Gorbachev has pricked the balloon.

Supposing we apply this formula, which Jaswant Singh advocates to Kashmir. Kashmir should be sovereign but it can be a part of the Indian Union, provided you are prepared to leave the entire government of Kashmir to the people of Kashmir, keeping only defence, foreign policy and currency. I am afraid the imperialists in Delhi do not want that. Delhi must agree not to rule Punjab or Kashmir from Delhi. In other words, India must be a real federation.

I was very glad when the other day Mr. L. K. Advani of all people, said there should be an Indo-Pak Confederation. Wonderful. If India and Pakistan can come together on the Cabinet Mission Plan of 1946 which Nehru rejected, then the problems of the Punjab and Kashmir will be solved.

Gandhiji was once asked what is independence? He said "the substance of independence, not the form. If I get real independence it does not matter". That to me is the answer that Kashmir should be given the substance of independence and then invited to stay as equal partners in the Indian Union and I think they will. I think the Sikhs in the Punjab would also do that. What they do not accept is the fact that Delhi has disrupted the autonomy of the Punjab and Kashmir. What they want is the substance of independence.

Therefore we should, as soon as possible, discard the present policy of terror and stationing an army of occupation and think of a civilised solution on the lines of what Gorbachev has suggested to Lithuania. If it is good enough for Lithuania, it is good enough for Kashmir.

Minoo Masani

(Based on his remarks at the Seminar on Kashmir on July 14, 1990)

gion. But the religious factor has been overplayed. As Prem Shankar Jha pointed out in one of his articles, the Hindu-Muslim strife that led to the partition of India ended at the Pir Panjal. Beyond it lay Kashmir insulated by nature for four months in the year, with its own culture, food, language, dress, customs, music, myths and folklore. Communalism was injected into the

Valley only after independence, first by the Hindu Mahasabha and then insidiously and systematically by the various Muslim *Jamati* organisations. In other words religious fundamentalism is not natural to Kashmir's soil. With proper handling the situation could have been defused. The frequent detention of moderate Kashmiris, followed by the repressive policies contributed to the

alienation of the population with the Muslim fundamentalists finding easy reception to their siren song of Islam being in danger.

Alienation of the Kashmiris

While on the one hand we are never tired of saying that Kashmir is an integral part of India, is the Kashmiri made to feel he is an Indian? Ask any Kash-

Time to Re-think

What we are witnessing today, is an eruption of protest against the years of subjugation, repression, and Machiavellian politics in the valley. Yet, elements on the right are making out that the Kashmiris have been pampered and favoured. They point out that Article 370 accords a special status to Kashmir; that by limiting the power of the centre and giving more autonomy to the state assembly, the Kashmiris have been pampered (It must be pointed out here that greater autonomy to the states has been a constant demand of all the non-Congress political parties).

But, the much flaunted autonomy, has meant little to the people of Kashmir, in fact it has worked to their detriment. The wide powers given to the state government were systematically offset by the central government which always ensured that there was a pliable government installed in Srinagar. Thus, the autonomy was no autonomy at all, but total control by the centre.

On the one hand the Kashmiris were never given an opportunity to exercise their choice and on the other, they were discriminated against constitutionally. Betrayal has marked the relation between the Indian state and the Kashmir people. In the circumstances is it surprising that substantial sections of the Kashmiri people are today questioning their forced integration into the Indian union.

This is not to create a case for Kashmir to become independent or to join Pakistan; in fact, the theocratic, fundamentalist Pakistan state can never fulfil the desire for freedom the Kashmiris aspire for, it can only enslave them. This is to raise the crucial question — that if the sovereignty given to the people of India, and enshrined in the Constitution, is to have any meaning, then, should not the people of Kashmir have the right to determine their own political future?

These questions cannot be ignored any longer. It is time we faced them squarely. No doubt those who find it expedient to do so, will continue to ignore these issues. But those who wish for a just and humane solution to Kashmir must address themselves not only to the promises and betrayals of the past, but more importantly, to the fundamental question that Kashmir has thrown up — Is the unity and integrity of India primarily the unity and integrity of the territory? Or is it first and foremost the unity and integrity of its people?

"Vale of Fear"

Zahoor Javed's death made two paragraphs in the national press. The story went along the usual Kashmiri-Militant-Killed lines.

Javed was a professor at Kashmir University and despite the mood in the Valley, was among the tiny handful of young men who, till the end of his life, had continued to believe that militancy and violence were wrong.

On the day that he was killed, he had gone into Srinagar on his scooter to say a prayer at the shrine of Dastgir Sahib. While he was there, trouble appears to have erupted in the Khanyar area where the shrine is located. There was a shoot-out, according to the authorities and he was killed in the crossfire. The case that his family registered afterwards, however, charges the security forces with murder.

His father, a winner of the President's police medal says: "There were eyewitnesses to my son's murder. And they say that the CRPF stopped him as he was leaving Dastgir Sahib on his scooter. When they began to question him he produced his identity card and said: 'I am a DIG's son.'"

But they started beating him up and after they had beaten him for a while, they said: alright, run for it. let's see how far you can run.' He started running but they shot him before he could get into the shrine.

This is not simply a Srinagar phenomenon either although this is what the Kashmiri Administration believes. Even in the villages, people carry identity cards and there is deep resentment against the methods of checking employed by the security forces.

On our way back from Magam, where two villages were allegedly burned by the CRPF, we saw an interrogation in progress. Three men, who looked like ordinary villagers, had been tied to the back of an army truck with ropes and between questions the soldiers would lash out at them so that they swung from side to side.

The Governor, Girish Saxena is a charming man who appears sincerely to want to succeed in his job of bringing peace to the Valley. But it is hard to convince him of the degree of alienation among the people. He sees the problem not as a mass movement but as an insurgency and does not accept that brutality as a policy is making things worse.

"Brutality can never be a policy, but when you're dealing with tens of thousands of armed men then some things can go wrong."

But when I mention the killing of the DIG's son, he immediately comes to the defence of the security forces. "There are never any eyewitnesses in situations like that," he says, "how can there be?"

A lot of this is disinformation, he explains wearily. The militant groups have a very successful campaign of disinformation. He points out that the various civil rights groups and foreign correspondents, who have reported on the 'atrocities' by security forces are, in fact, taken around on guided tours by lawyers and doctors who are militant sympathizers.

Then there are the figures. They had earlier thought they were dealing with 1,500 armed militants, but have now revised their estimates to 2,500, with at least another 5,000 trained and waiting, to cross the border.

Then, there are the killings and the arrests. On the border itself security forces have killed 244 suspected militants this year and captured 680. Another 1,000 people had been arrested elsewhere in the Valley and already this year 84 members of the security forces had lost their lives, of which 28 were J&K policemen. So if the people have their martyrs, the administration also has its own.

COURTESY: Tavleen Singh *The Economic Times*, September 25

Here the words of Pandit Nehru (Speech in Parliament, 7 August 1952, *The Kashmir Question* by A.G. Noorani) himself, though never taken to its logical conclusion, by either himself or his party, should be given thought to.

"...So while the accession was complete in law and in fact, the other fact which has nothing to do with the law also remains namely our pledge to the people of Kashmir — if you like, to the people of the world — that this matter

can be reaffirmed or cancelled or cut out by the people of Kashmir if they so wish. We do not want to win people against their will and with the help of armed force, and if the people of Jammu and Kashmir State so wish it, to part company from us, they can go their way and we shall go our way. We want no forced marriages, no forced unions like

The Lawyers, July 1990

Re-defining Sovereignty

The Ukrainian and Russian republics have now joined the list of republics in the USSR demanding national sovereignty for themselves.

Mr. Gorbachev has very astutely asked them why not stay in the USSR and be sovereign? Excellent, except of course, that this is inconsistent with the text-book definition of sovereignty. What Mr. Gorbachev is now saying is that the text-book definition of sovereignty is completely out-of-date in today's world, and that it must give place to the reality of One World in which there may be different degrees of autonomy but no sovereign Nation-States. It is time we too caught up with the rest of the world, instead of repeating patriotic slogans like "the unity and integrity of India".

Minoo Masani

A Mockery of the Indian Nation

I may be lacking in patriotism or other virtues, but it has always seemed to me to be a lie to say that the people of Kashmir had already decided to integrate themselves with India. They might do so, but have not done so yet. Apart from the quality of the elections, the future of the state of Jammu and Kashmir was never made an electoral issue at any of them. If further proof was needed it has come in the form of Sheikh Abdullah's emphatic views who, to put it at the least, is as representative of the people as any other Kashmiri leader.

Lastly, if we are so sure of the verdict of the people, why are we so opposed to giving them another opportunity to reiterate it? The answer given is that this would start the process of disintegration of the country. Few things have been said in the course of this controversy more silly than this one. The assumption behind the argument is that the states of India are held together by force and not by the sentiment of a common nationality. It is an assumption that makes a mockery of the Indian nation and a tyrant of the Indian State."

JAYAPRAKASH NARAYAN

The Hindustan Times, April 20, 1964,
Reprinted in *Freedom First*, July 1990

Participants at the Rajaji Foundation Seminar on the Kashmir Problem, Bombay, July 14, 1990.

Dr. Ramesh Babu, Head of the Dept. of Politics, University of Bombay; Mrs. S. Bahl, Social Worker; Dr. Aloo Dastur, Former member of the Minorities Commission; Mr. Arvind Deshpande, Hon. Secretary, Leslie Sawhny Programme; Prof. Nissim Ezekiel, Poet and Editor, P.E.N.; Mr. S.P. Godrej, Chairman of the Godrej group of Companies and President, Indian Council of World Affairs; Mr. Cyrus Guzder, Managing Director, Air Freight Ltd., Conservationist; Mr. Yogesh Kamdar, Civil Rights activist; Mr. R.M. Lala, Author and Director of The Dorab Tata Trust; Mr. Aziz Madni, Businessman; Mr. Minoo Masani, former MP, and Chairman, Project for Economic Education; Prof. P.G. Mavlinkar, former MP and President, Harold Laski Institute of Politics, Ahmedabad; Dr. Usha Mehta, Gandhian Social Worker; Mr. Ramu Pandit, Secretary General, Indian Merchants' Chamber; Mr. Jehangir Patel, Editor, *Kaiser-e-Hind*; Mr. Sidney Pinto, Merchant Banker and Treasurer, Democratic Research Service; Mr. S.V. Raju, Secretary-Trustee, The Rajaji Foundation and Editor, *Freedom First*; Mr. M.A. Rane, Lawyer and Member of the Peoples Union for Civil Liberties (PUCL); Mr. Nitin Raut, Lawyer and Hon. Secretary Indian Committee for Cultural Freedom; Mrs. Malati Shriram, Gandhian worker; Commander Simons, retired, Indian Navy; Mr. Rahul Singh, Journalist and writer; Mr. V. Sivaramakrishnan, Associate Editor, Bhavan's Journal; Mr. A. Solomon, President, Indian Secular Society; Dr. R. Srinivasan, retired Professor of Politics, Bombay University and Editor, *Freedom First*; Mr. K.H. Subramaniam, Businessman and Trustee of the Rajaji Foundation; Mr. J.R.D. Tata, Industrialist, Head of the Tata Group of Companies; Ms. Kamila Tyabji, Social Worker; Mr. J. Venkiteswaran, President, Swatantra Party, Maharashtra.

miri and he will say he is treated as an alien. If he has to travel from one village to another he has to take police permission. If he visits Delhi he has to report to the nearest police station to register himself and report his movements. It is almost as if Kashmir is treated as a colony of India.

Just as there are reasonable people in India there are reasonable people in Pakistan too who are unhappy over the turn of events and the continuing antagonism between the two countries — the main bone of contention being Kashmir. Recently the journal *Mainstream* carried an appeal signed by a number of eminent Indians and Pakistanis that the people of the two countries should come together around a table to discuss the Kashmir problem in the larger context of the relations between the two countries. Such initiatives need to be encouraged and carried forward irrespective of the hawkish position of the governments in Delhi and Islamabad.

People's Initiative Needed

To summarise:

— The idea of the political unity and integrity of India is a myth. It is a legacy of the British colonial period. To say Kashmir's secession would mean the disintegration of India is absurd.

— Kashmir is an extreme example of the malaise that has afflicted the Indian Republic since independence. India is a federation but the rulers in Delhi since independence have flouted the Constitution by denying real autonomy to the states. All states in India are, to a lesser degree than Kashmir, victims of Delhi's policy of over-centralisation. The answer is therefore to restore real autonomy to the states.

— The issue of Kashmir should no longer be left to the government or the politicians. The public should play a greater role. They should direct the politician and not the other way around. It is time for the people to take the initiative.

We have to convince the world and Kashmir that we Indians as a democratic, decent civilized people with a heritage of which we are proud, believe that the freedom and democracy we claim for ourselves is equally the right of the Kashmiri people. We should persuade them to stay with us as equal citizens of the republic with the right to manage their own affairs. We will be happy if they stayed. If not, we shall respect their desire to be separate and part as friends

S.V. Raju

*I am asking the educated man
or woman who reads this: Do
you love the common folk of
our land, the men and women
who swarm in town and
village? Do you love the
languages they speak? Do you
love their ways and manners?
Do you love the religion they
believe in, not looking upon it
as ignorance but as better
wisdom than your own? All
this love sums up to patriotism.*

Rajaji



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The Crisis in the Judiciary

H.M. Seervai

A very great English Judge, Lord Devlin once observed, that Judges as a class are no better or worse than the society in which they live. When Ministers took bribes, Judges took bribes. When Ministers sold offices, Judges sold offices

Since the day I joined the Bar over 60 years ago, the independence of the Judiciary has been a principal concern with me. I wrote on it in the first edition of my *Constitutional Law of India* pointing out the painful consequences of reducing judicial salaries of the High Court from Rs. 4,500 to Rs. 3,500 and the salary of a Chief Justice from Rs. 5,000 to Rs. 4,000. I pointed out that the experience of the East India Company showed that when public officials were meagrely paid, corruption was the inevitable consequence. And, it should be borne in mind that the salary which was paid in 1950 continued to be paid till 1986, when the rupee was worth 1/6th of what it was in 1950. So that, it is as though judges of the High Court who had the right to retire before the Constitution had been offered a salary around Rs. 600 after the Constitution. And there can be no doubt that almost the whole Bench would have retired.

So we reached a position on April 23, 1990 which exploded in the Bombay High Court like a bombshell. Mr. Justice S.K. Desai and Mr. Justice Madhukar Kenia had heard a matter called *Mahita - Mahita* which was an appeal and had been heard for about 35 days. The judgment was expected to be pronounced on Monday 23 April, 1990. It appears that Mr. Justice S.K. Desai telephoned the Counsel for the Respondents on Sunday 22 April, that there would be no judgment on Monday as his brother Judge Kenia wanted to dissociate himself from the case. When the matter came along, Mr. Justice Desai announced that Mr. Justice Kenia was not going to deliver a judgment and he dissociated himself from the case. On the Counsel for the Respondents pressing for a judgment to be delivered, the learned Judge

exploded and in a highly emotional speech explained why he dissociated himself, and, unfortunately, he went on a fast. The matter could not be left there, and there were letters, counter letters telling what had happened. A lady appeared in the Case, it being suggested that she had quite an improper influence over the Judge.

Then came a very surprising move. The Bombay Bar which had not shown particular courage in exposing corruption in the past felt that a stage had been reached when the rising tide of corruption could not be allowed. The question may be asked, if corruption was rampant for such a long period of time why did they not act earlier? The answer given by some of them, quite candidly, was that they lacked the courage to do so. But the fact that they lacked courage did not mean that they would lack it when the cup was full, and resolutions were moved, one in the Bombay Bar Association, a voluntary Association with no statutory disciplinary powers, signed by 104 members. I had signed the requisition. The Advocates Association of Western India also moved such a resolution. When it was asked, why only Mr. Justice Desai had been singled out the names of all other judges were also mentioned and separate resolutions passed.

If one or two or five Advocates had said that they had lost confidence in a judge, it is possible to say that they were disgruntled people. The judge might have criticised them for lack of preparation or for an improper presentation of the case. But it is quite impossible to say that 500 Advocates, some of them with large practice, responsible, respected and respectable would

join in the resolution unless they felt that public interest required it.

A Fine Tradition

You must view this extraordinary phenomenon against its historical background which is that ever since the High Courts were established in India by the High Courts Act of 1862, and the Federal Court of India was established in 1937 under the Government of India Act, 1935, corruption in the higher judiciary was undreamt of and was so rare that it could be practically ignored. When the Constitution was framed that tradition of integrity and the administration of fair and fearless independent justice was established. A judge may be able or he may not be able but he did it to the best of his judgment and ability. And the idea that a judge of a High Court would take a bribe was unheard of. When the Privy Council jurisdiction was taken away, the Federal Court was given the authority of the Privy Council.

The Constitution of India realised that an independent fearless judiciary was essential to the working of our Federal Constitution. Thus it contained a number of provisions designed to secure that independence. Then came the question, which had also been considered by the Government of India Act, 1935: What is to be done if a judge misbehaves, and bribery and corruption is misbehaviour, or if through no fault of his own, he suffers from physical or mental incapacity? Such a situation did arise in the case of a very distinguished judge — Mr. Justice Imam who suffered from cerebral haemorrhage, — was unable to take part in court hearings. Parliament's response was to pass an Act which provided that if a hundred persons presented a petition to the Lok

Sabha and fifty persons to the Rajya Sabha alleging judicial misconduct and if the petition was accepted, a judicial body would hear the matter and all further action is suspended. If that body found the judge not guilty, the matter ended. If it found him guilty the matter did not end there because judgments can be perverse, judgments can be actuated by personal dislike of the judge who as a member of the Bar might have been better thought of than the judges themselves. But Parliament had to adopt it by a two-thirds majority, on which an address would be presented to the President for the removal of the judge. This was meant to be a protection for the judge from what is not unusual viz judicial error or judicial incoherence, because, as I told the Supreme Court, they had reversed several judgments of the High Court saying that they were perverse and that no person properly instructed in the law would have reached that conclusion. The result is that there is at present no legal authority or any person or body to inquire into the conduct of a judge.

What of Natural Justice?

Now, we have been reminded that we know so little Constitutional Law that we have forgotten the principle of natural justice. In fact, we are so antediluvian that we have reverted to the time of Charles I and have been passing Acts of Attainder, forgetting that an Act of Attainder was a power which the British Parliament claimed under its authority to say that a particular person should be executed on a particular day. Nobody at the Bar has passed any Act of Attainder or has done anything to the judge at all. The question then is, what about natural justice? I think that those who talk of natural justice overlook the fact that natural justice is a duty imposed on persons or bodies charged with the legal duty of deciding disputes between parties or deciding questions which affect the rights of other parties.

Natural justice involves the exercise of disciplinary powers with authority to take action injurious to the person to whom natural justice is due. Now the Bombay Bar Association has no power to enter into any inquiry. If a judge who is corrupt says, "the whole thing is a conspiracy against me when he has been given a hearing, the Bar Association has no power to call witnesses to

disapprove what he has said, which power is inherent in a Club or in a trade union.

How do we then confront a judge for we have no power to inquire into his misbehaviour. And if he denies the charge of corruption, in that situation natural justice must mean injustice if by a bare denial a judge charged with corruption, can establish that he is not corrupt. This is clearly a misconception of natural justice.

If 550 lawyers, many of them in large practice, respected, respectable, whose opinion carries weight, say that they have lost confidence in some judges,

A Terminally Ill Judiciary

We are reckoned to be the most corrupt country in the world — a shameful sobriquet by those who have tried to unravel bureaucratic red-tape or brushed against our polluted politics. The only strain we recognised as the last bastion against this cancer percolating in our national fibre was the judiciary. In spite of occasional rumblings under the surface and warnings imparted by serious observers of the system, the sores were disregarded, almost with a dread of probing too deep. Now that this cancer has proved terminal, affecting the highest judiciary, one wonders whether therapy will be prescribed, or the eruption covered with liniment and wished away.

The remedies will have to be drastic, but before that a diagnosis is imperative. The sickness stems from a combination of factors — poor emoluments and service conditions, exacerbated when juxtaposed against earnings of counsel, transfer powers vested in, at most times capricious executive, and political interference in the appointment and promotion of judges. All these culminate in ensuring the elevation of people with little judicial talent and far dangerous with elastic scruples.

It is tragic that appointments to the bench are treated as political dispensations to subservient and pliable favourites. Interference in every stage of the appointment process to pack the judiciary with committed judges has had its own deleterious effects. This commitment is translated as obeisance to the government in power, and so diffuses the line between propriety and impropriety, that touts flourish in the corridors of courts, bartering justice for private litigants.

The same malaise is generated by transfers, often punitive to bring recalcitrant justices to heel. In an atmosphere of tension and distrust engendered by the executive trying insidiously to provide itself an obliging judiciary, far from what the constitution-framers envisaged, honesty and fearless integrity would be the instant casualties.

Manoel Datar *The Hindu* (Mumbai) July 7

they are not referring to any single event; they are referring to events over a long period of years, for they will have practised before those judges, and been on one side or the other. They must have won some cases, lost some cases. Therefore natural justice would involve an enormously long charge sheet and it is absurd to say that with no disciplinary powers you can call upon judges to answer the charges, if a judge simply answers that these charges are false.

Has the judge then no remedy? Well, he has. An action for libel clearly has. I would not advise any advocate, or any judge, to launch on an action for libel unless I was absolutely certain morally that he must win, and so far as I can see in the resolutions which have been passed a judge might go far and fare worse by launching an action for libel. For if he resigns or is transferred the injury to him is great. But if he steps into the witness box and is disbelieved and his masterful doings exposed to the public view, he would leave the Court a shattered wreck.

What should we do in this situation? When the Constitution froze the salary of High Court and Supreme Court Judges it sowed the seeds of corruption. And do not forget that from 1950 to 1986 the salaries were frozen. From 1950 to 1986, broadly speaking, we were unable to recruit judges of character and understanding. Mr. Justice Tulzapurkar said openly, before the salary scales were revised, that we will not get even third class judges, because when all is said and done, judges have responsibilities to their wives, to their children for their education, medical treatment and the like, and that the temptation to be corrupt is overwhelming. Things have improved since 1986. The present position is that the revised salaries with perquisites in the opinion of judges of the High Court can be put at between Rs.27 to Rs.30 thousand a month. And now there is power to increase the allowances to keep pace with inflation.

A Judicial Commission? Transfers?

It has been suggested that we must appoint a Judicial Commission to go into charges against a judge because the procedure of impeachment is so cumbersome that it can rarely be effective. In the case of a judge who has only four months to go before he retired,

impeachment is meaningless, because even before the proceedings start he will have retired — for the only result of a successful impeachment is that the President can remove him from office. And you cannot remove a person from office when he has ceased to hold it. As to a Judicial Commission, reflect what it means? Let us assume that there is to be one Commission, (unless there are going to be multiple Commissions). Now a Commission takes an inordinate amount of time. A large number of witnesses have to be called and examined. Take the case of the 500 advocates who are agreed that one judge should resign as also four others who are still in office. Will it go on for one year, for two years? Will the High Court be without them because they must be suspended? It seems to me that so far as the High Court is concerned the most satisfactory remedy, if the period before the judge retires is short, is for the Chief Justice not to allot any work to him because it is within the Chief Justice's power to do so. If the period before retirement is long, then in my view transfer to another High Court is the least unsatisfactory method. But you may say, you yourself in *Sankalchand Sheth's Case* and in the *Judge's Case* argued that transfer affects the independence of the judiciary, and now you turn round and say that transfer is all right. What did I tell the Supreme Court in the *Judge's Case*? I told the Supreme Court that the whole case is being argued on the basis that corruption is the rare exception and honest and incorruptible administration of justice is the rule; that if you accept the statement of the Law Minister, in Parliament, that complaints of corruption, nepotism, favouritism, casteism, against Additional High Court Judges are pouring in, then there is nothing to argue because you cannot secure the independence of a corrupt judiciary by allowing the corruption to continue and if a transfer breaks down these undesirable connections, and thereby either eliminates or greatly reduces corruption, then that remedy must be followed. Theoretically the Law Commission has said that if a judge establishes connection in one Court he can establish such connections in another High Court, just as he had done in his own High Court. This is theoretical. A judge who has been transferred is put on notice that the

President of India, after consulting the Chief Justice of India, who in turn would consult the Chief Justice of the Court concerned has transferred him to another Court. And he is put on notice that neither the Bar nor the Chief Justice of the Court to which he is transferred will tolerate corrupt conduct. For, after all, remember that the Bar to which he has been transferred has no grievance against him, because he has not decided cases corruptly against them or their clients. If he becomes corrupt, what the original Bar did in the State from which he was transferred will be repeated again. This solution, admittedly, is not ideal. If you suffer from a disease, let's say cancer, any remedy will be painful. The question is, which is the least painful. So when you are suffering from a desperate disease, you cannot expect to find a solution which is ideal or free from pain. Bear in mind the meaning of 500 Advocates getting up and referring to corruption, for it shows that they are aware that the tide of corruption must be turned back.

What of the Supreme Court?

What about the Supreme Court? The remedy of transfer is not available, because there is no Court to which a Supreme Court Judge can be transferred. So the only thing any Government determined to put down corruption would acquiesce in, is persuasively to tell the judge that he should resign or refute openly and publicly the charges made against him. And if he does not do so, impeach him. Whether you will simplify the remedy by requiring a lesser number to present a petition for impeachment would require consideration.

Finally comes the appointment of judges. Unless you are determined to select the best man available, irrespective of whether he is a Maharashtrian Brahmin, a Maratha, a Muslim, a Parsi, a Christian or a Jew, you can never eliminate corruption. When I was young and inexperienced, I believed that this or that safeguard would avoid corruption. But I am convinced after I gained greater experience that you can never avoid corruption as long as the Judiciary or the Executive or both can say that X is the best man but we will appoint Y.

And finally don't forget that in a country as great as the United States a

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book was written on the *Corrupt Judge* which pointed out that by 1937, fifty-four judges of the Federal Court of Appeals resigned under threat of impeachment for corruption. One judge was so corrupt that although when he was threatened with impeachment he resigned, a brave lawyer prosecuted him under Federal Law. He was sentenced to jail for 2 years and fined \$ 10,000. And as he had corruptly invalidated a patent, the Congress passed an Act validating the patent for the period which had remained. So please don't forget that a corrupt judge, if he receives bribes is not free from a charge in a criminal Court any more than he would be free if, let us say, he commits murder, or falsifies a register as the Chief Justice of the Madras High Court did to support his claim that he had not reached the retirement age. This is because it is no part of the judicial function to kill people or to fabri-

cate documents. That broadly is the problem.

We must not forget the remedies which we may devise might snowball and they may be used by the Executive against us. The short answer is, that all power is capable of abuse and if you exercise the power in good faith and rightly, then if that power is abused, then just as we exposed the judges we will expose the abuse of power.

Secondly, so far as the Judiciary is concerned we need not be particularly mealy mouthed, and say that only four judges are corrupt because we are speaking only of the State of Maharashtra. There are other states of the Union, about which as Chief Justice Chandrachud said that, we are living in total darkness, and where corruption is a way of life.

A very great English Judge, Lord Devlin once observed, that Judges as a

class are no better or worse than the society in which they live. When Ministers took bribes, Judges took bribes. When Ministers sold offices, Judges sold offices. When Ministers used public funds on condition that they paid it back Judges used public funds on condition that they paid it back. And he said that if therefore we say what is universally recognized that a British Judge is incorrupt, it is because we say that Ministers are incorrupt, and because we say that the higher Civil Servants are incorrupt. And the moral of Mr. Cecil's tale in *Tipping the Scales* is that integrity is hard to come by, but that it may easily slip away...

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Corruption in the Higher Judiciary

Louella Lobo Prabhu

Poor remuneration is no excuse for judicial corruption. He knows his likely emoluments when he accepts the job. If he does so fully meaning to augment them through corruption it is sad that such persons can manage to reach a qualifying position for elevation to the Bench.

A judge confessing in open court that he has been intimidated by litigants in a case before him; a bag of currency notes discovered in a judicial ante-chamber; a *femme fatale* meeting a judge regularly in a local hotel and restaurant; a judge asked by the Chief Justice to go on leave pending inquiries against him; a no-confidence motion against designated judges by members of the Bar are some of the scandals which have recently rocked the Bombay High Court. The society magazine *Island* (not usually a mouth-piece of comment on serious issues), rightly remarks that the case of the judge vs the *femme fatale*, has done one good thing: it has lifted the lid on an area of the public domain, normally regarded as sacrosanct. One wonders why?

Hallowed Institution

This may be because the position of a judge sets him apart from other people. The institution is as old as recorded history, dating back to the Code of Hammurabi, which obviously required judicial personnel to implement and interpret it. The Bible has an entire "Book of Judges" devoted to it. To be a judge in Israel, was almost akin to being ruler, or prophet — the three roles which dominated the lives of "The Chosen People". Roman and then Anglo Saxon Law; later, political theorists and theory, see the judiciary as an important arm of the State: one which should be kept separate, according to Montesquieu.

Decline and Fall

Immediately after independence

careful methods for selecting judges did result in the recruitment of judges with an impeccable record of judicial integrity. But the alteration of this happy position can be traced through a series of steps, some taken by Mrs. Gandhi, and others by members of the judicial fraternity itself. Excellent man though he was, it was a wrong decision of Justice Subba Rao, to contest a Presidential Election as the combined Opposition candidate. Mrs. Gandhi, however, was the main instrument for the decay of judicial standards. Ex-Judge, H.R. Gokhale, whom she appointed Law Minister, proved to be a pliant political hack, who presided over some flagrant confrontations between the Executive and the Judiciary. It was during Mrs. Gandhi's regime, that the concept of a "committed" judiciary

arose, the "commitment" being not to the Constitution and the norms of judicial status, but to the socio-political philosophy of the government in power. The supersession of an incumbent for the seat of the Chief Justice in the Supreme Court; the use of transfer as a political weapon against judges who did not sing the government's tune, began to fill even the Supreme Court, let alone the High Courts, with less than ideal candidates — for offices crucial to a nation's legal and constitutional health. Whereas in the '50s and '60s, a verdict by a Supreme Court Judge sitting on a Commission would have demanded respect and received it, Commissions of Inquiry manned by Judges of the High Court, or the Supreme Court, are now openly attacked as political. Even the judges thus castigated, do not think it worthwhile to seriously refute such allegations!

Intellectual Corruption

Judges, like politicians, play to the gallery: Two passed as champions of the underdog and became undeservedly famous. Forgetting what the veriest novice knows about the Fundamental Rights and the Directive Principles of the Indian Constitution, they elevated

THE PLIGHT OF MAGISTRATES

The corruption in the judiciary highlighted by the recent scandals that rocked the 128-year-old Bombay High Court has drawn widespread attention to the steep decline in judicial standards. The situation obtaining in the lower courts, as any litigant will testify, is equally bad. Here it is compounded by administrative chaos.

In the Magistrate Courts cases which bear upon the liberty of citizens are treated in a cavalier manner, not because of dereliction of duty on the part of Magistrates but due to lack of administrative facilities. Often the Magistrate has to record the *roznāma* (records of the court's proceedings) and evidence in his own hand. In such courts where hundreds of cases are dealt with every day, the Magistrate is often engaged in doing more of clerical work than in carrying out his judicial functions.

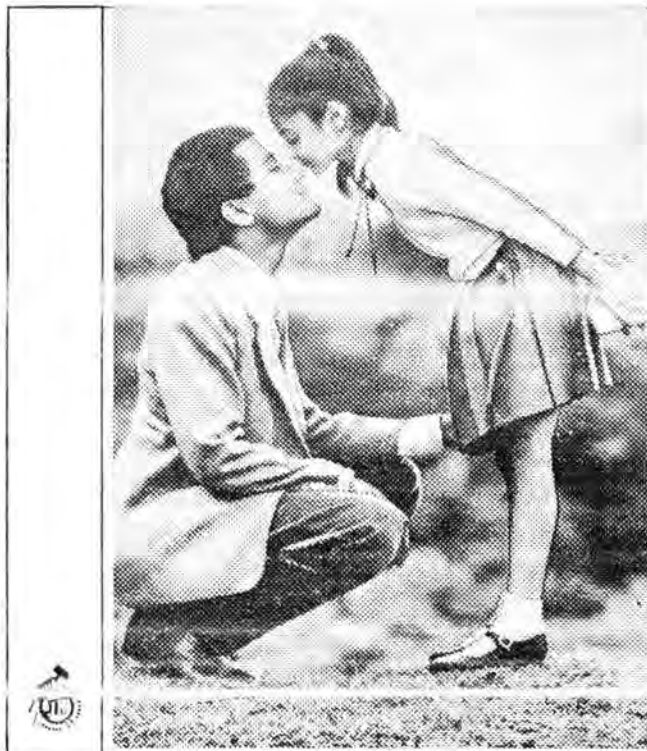
The workload of Magistrates is disproportionately high thanks to our litigation oriented laws. For instance prosecution cases under fiscal statutes such as the Income Tax Act, the Public Provident Fund Act, or Customs and Excise laws number in their thousands because government departments which could deal with such cases departmentally prefer recourse to legal action.

Nitin G. Raut

Most of these cases are adjourned as a normal practice and often drag on for five or six years before they come up for hearing. Given the gravity of Criminal Law, the inordinate delays themselves amount to punishment, even though the guilt of the accused has yet to be established. After five years or so witnesses of government departments are transferred to far-off places thereby hindering prosecution and contributing to further delays.

In the Cooperative Court of Bombay the courtrooms are dingy, stuffy and ill-ventilated. Lawyers and litigants have to compete with stacks of court records and rickety furniture for space. The court's papers wrapped in government red cloth are easy food for rats and termites. The 'Judge's Chamber' (if it can be called one) is barely a 4ft × 4ft enclosure not even enough for a judge to stretch his hand comfortably to put on his coat.

This court is understaffed and overworked with a single clerk performing multiple chores of administrative work, peon and bailiff. Work suffers, papers are in a chaotic state and obtaining certified copies a nightmare. Corruption results with 'speed money' exchanging hands to expedite obtaining certified copies or even locating papers. In such a situation to expect a stamp office or a library in the court premises is asking for the moon.



Never say no to life
Raymond's

the latter to the detriment of the former. The verdicts were verbose and ideological, but short on law. It is also said that the effective enforceable findings of their verdicts were near zero.

Judges have also played politics for re-appointment after retirement. One is recommended for his gallantry. He congratulated Mrs. Gandhi on her re-election, and was known to be in the frequent airport line-ups on her comings and goings, complete with a rose.

Monetary Corruption

However, these lapses are corruption in a broader sense. The money bag found in the ante-chamber of a Bombay High Court Judge, is the first glaring visible evidence of money actually changing hands to affect the possible outcome of a case in Court. In Karnataka, a High Court with which this writer has had some personal experience, it is whispered in advocate-client consultations, that the outcome of a case depends on the Bench before which it is heard. Advocates concentrate more on manipulating the hearing of a case before a particular Bench, than in studying and presenting the merits of the case itself. However, like the Bombay Advocates who recently went on strike to protest no-confidence in certain judges, Advocates of the Karnataka High Court also, (to the best of my recollection), protested against a particular judge. He is alleged to have given two different verdicts, in cases which were substantially the same in fact and law. Only the Advocate presenting the case was different. Was it friendship, or finance which have tilted the verdict, or both? Even if it was the first, a judge must be able to detach his public and private "persona", when he wears the robes of judicial office, and mounts his — literally — elevated judicial seat.

Whereas "corruption" in the wider sense is well known, corruption in the monetary sense is harder to establish. One Bombay editor who made an allegation about a cosy financial nexus between lawyers and judges in respect of accident compensation, was hauled up for "Contempt". "Contempt" is a powerful weapon with which judges stifle comment on all that is rotten in their rarified ranks. "Contempt of Court", like "Parliamentary Privilege" is a concept which needs to be re-examined and modified. It has curious nuances, reminiscent of the Law on Defamation,

Courts in Garages

The physical conditions of 'courts' militates against effective dispensation of justice. In some districts of Uttar Pradesh, a lack of court rooms has forced judicial officers to sit in garages. To make matters worse, there are no toilet facilities. In smaller towns in Gujarat, court proceedings are conducted on verandahs and sometimes under corrugated sheets. In the cities, court rooms have been divided into two by a plywood partition with arguments of lawyers and statements of witnesses going on simultaneously.

The Kanakapura rural judge's chamber in Karnataka presents a striking example of the surest route towards judicial collapse. The court hall consists of a small shack, barely 10 by 10 feet. Disgusted with their plight, the local advocates resorted to an agitation for almost a month. In the co-operative courts' premises in south Bombay, water leaks in every monsoon. The court records are kept in open racks and often get irretrievably soaked. Lawyers were forced to file a writ petition to draw the government's attention to this despicable state of affairs.

In Kerala courts there is a shortage of chairs and broken furniture is seldom replaced. Even at such a prestigious institution as the Bombay High Court, there are no facilities whatsoever for litigants, leave alone the press. Entreaties by reporters to the chief justice that they be provided with at least a few chairs have invariably brought forth the helpless shrug.

COURTESY: *The Times of India*

hence the concept, "the greater the truth, the greater the 'contempt!'" (defamation!)

Remuneration a cause of Corruption?

It is alleged that judges may be driven to corruption by comparatively low salaries, *vis a vis* the fees charged by top-flight advocates. To the best of this writer's knowledge, judicial salaries, like those of other highly placed government servants, have been appropriately enhanced. Moreover, no one compels a lawyer with a flourishing practice, to accept the position of a High Court Judge. Whatever the manner of his entry, (whether from the Bar, or from the ranks of the lower judiciary by promotion or selection), the salary of a High Court Judge, like that of all government servants, cannot be measured

in monetary terms alone. The hidden perks; security; status; and retirement benefits, add significantly to the monetary package. Poor remuneration is thus no excuse for judicial corruption. He who finds the emoluments of his position inadequate, would be corrupt anyway. He also knows his likely emoluments when he accepts the job. If he does so, fully meaning to augment them through corruption, it is sad that such persons can manage to reach a qualifying position, for elevation to the Bench.

If it would seem from this analysis, that no judge has escaped the demoralising influence of politics, this is not true. Three of the superceded judges resigned. One High Court Judge could and did find the courage to disqualify Prime Minister Indira Gandhi from standing for re-election because of corrupt practice! A judge like Bhakhtawar Lentin has given his verdicts in cases involving key individuals of the State itself, without fear or favour. One hopes that some in this mould, who were inducted earlier, will remain on the Bench for a while. One wonders how many new appointees will be men of merit, or of politics.

Constitutional Shield

It would be nice if even the latter realised that once in office, they are irremovable except by impeachment, and can afford to render justice, whether or not it shows commitment to the appointing authority. Even if their entry is through a political contact, their constitutional protection gives them necessary shield to function with complete independence. Indeed, some commentators feel that judges may function better, if the procedure for their removal did not involve the upheaval of constitutional impeachment. It is true that this process is so difficult that bad judges can survive unscathed through a full tenure. It may be useful to explore alternative devices to oust the corrupt. But the only hope for an honest and independent judiciary, is to find men of character. Do they exist? If they do, does any government want them? These, are the million rupee questions swaying the scales of Indian justice today.

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The Common Man and the Judiciary

Lionel Fernandes

What the common man needs is justice that he can understand and live with and not some *abracadabra* that is the preserve of an esoteric fraternity.

The Judiciary, like most other institutions in our great Indian democracy, is in a not too healthy shape these days. At the best of times, the common man is overawed by its forbidding remoteness, its quaint, if solemn, procedures, its archaic language, its imposing buildings, its time — and money — consuming style of functioning. When to these are added charges of graft among the very dispensers of justice, the alienation of the common man is complete. This unfortunately is the phenomenon we seem to be witnessing today.

Are We Equal under the Law?

Not so long ago, the Supreme Court, the apex body of the Judiciary, held a special sitting on a Sunday, to hear the Reliance case. Would this same Supreme Court ever hold a similar sitting for a commoner with little or no socio-economic-political clout? Here is a glaring illustration of how equal we all are under the Law and how evenhandedly justice is dispensed and is seen to be dispensed! The common man seldom features in the judicial scheme of things, platitudes to the contrary notwithstanding. The proof of the pudding is in the eating.

When things become unpalatable to the common man, they are sought to be rationalized, given some sort of mystic significance, or simply juggled away by the powers that be. Where the judiciary is concerned, he is told that for justice to be adequately done and to be perceived to be adequately done, time and due process are essential. Time, yes, but how much time? A decade or two? Due process, yes, but how long drawn out and convoluted is this process supposed to be? The Rule of Law is endowed with some mystic attributes to duly impress the *hoi polloi*. But does the Rule of Law mean the same thing as the law of rules? Does it mean that substance is to be drowned in form, basic issues shrouded in tech-

nical detail, or values obfuscated by procedural points? Does it mean that the actual dispensing of justice should take a back seat while the centre-stage is occupied by all manner of legal filibustering, albeit often brilliantly indulged in?

The common man has on occasion seen for himself in open court how lawyers argue out their cases before the honourable judges. He is often dismayed by the airs put on by these legal worthies, even as he is baffled by their legal jargon and miffed by the pomposity and thinly veiled arrogance of many of the black-coated practitioners of the law. There is of course no case for tarring all with the same brush. Yet it must be realized that a 'critical mass' is enough for affecting the functioning of the whole.

The Common Man's Perception

The common man is bothered by certain questions. If he is involved in a dispute or has a grievance, can he spontaneously turn to the judiciary for redressal? Does he instinctively feel like doing so? Or does he recoil? Does he have the confidence that he will be given a fair and expeditious hearing and that he can hope for justice in a substantive and not merely formal sense? The gut-level reaction of the common man is the true barometer of faith in the judiciary. It would be both interesting and instructive to sound out the common man, preferably in his unguarded moments, as to how he feels about the role of the judiciary in civil society generally. It is not what the framers of the Constitution deemed the Judiciary to be as much as what the common man perceives about its actual operation that will determine the existential role that the Judiciary will play in the life of the nation in coming years. If justice is to be brought priced out of the reach of the common man, the Judiciary will be an institution meant for the uncommon man exclu-

sively, whatever the Constitutional document might say.

To understand the psychology of the common man is not all that difficult. One has only to do a little bit of introspection and frank talking, while exchanging notes with other common folk. Such an approach might very well reveal the following attitudinal profile of the common man *vis-a-vis* the Judiciary. He feels that something like a judiciary is certainly called for in any civilized society. There must evidently exist an institution whereby wrongs and offences are kept in check, rights are protected and grievances redressed. The only alternative to the Rule of Law is the law of the jungle. He therefore instinctively accepts the role of arbitration and adjudication in community life. But at the same time he feels that the agency entrusted with this role, whatever be the name it is known by, must be accessible to him and congenial and germane enough to avail himself of its services. He does not react favourably to an institution that is cold and heartless, distant and forbidding, though it may be argued here that justice must of its very nature be distant enough to be neutral and dispassionate enough to be objective. And the fear of the Law might be the beginning of wisdom!

The Law's Delays

Again, the common man cannot be enthusiastic about approaching a court of law when he has to run a veritable gauntlet of procedures that mean so much time, money and heightened anxiety in the present, while an elusive justice may or may not be his lot in the indefinite future. And when the statistics of cases pending in the various courts all over the country stare him in the face, and he has to resign himself to the possibility of 'justice' being finally done to him some ten to fifteen years hence, his enthusiasm for this type of 'justice' is effectively stifled.

History as well as contemporary experience reveal the record of courts of law as a mixed one. It is a mixed one on many counts. In the first place, how many wrongs escape the attention of the courts as against those the courts take cognizance of? And of those that the courts are seized of, how many are set right in good time? And how many are relegated to the limbo of oblivion and inaction? Secondly, what types of cases are mostly taken up in right earnest by the courts and with regard to which type of clientele? In other words, what proportion of cases relate to matters entailing substantial sums of money (which therefore can be pursued only by the better-off sections of society) as against cases involving fundamental rights and questions of redistributive justice (which concern the common man properly so called)? Thirdly, what is the time lag on an average between admission of a case in a court of law and its final disposal, quite apart from the provision for appeal against lower level judicial decisions to higher level tribunals, with the further delay that such appeals entail? Fourthly, how much of judicial time is taken up in legal quibbling and casuistic hair-splitting as opposed to substantive decisions involving normative and value-based considerations? Fifthly, is there any proportion between the amount of paper work involved in the judicial process and the judicial output in terms of the contribution made by the judiciary towards creating a more just and equitable social order in which the common man can truly live with dignity?

To each of the above questions, a positive as well as a negative answer can be given, and it is possible for one who is minded to glean facts and figures to buttress arguments on either side of the divide, which precisely goes to prove that the judicial record is a mixed one.

Equity over Legalism

What the common man needs is justice that he can understand and live with and not some *abracadabra* that is the preserve of an esoteric fraternity. He needs a sympathetic and humane agency to that end rather than a hectoring Leviathan or an Inquisitorial panel. This does not mean that judges and lawyers are expected to be soft and sentimental in administering justice. But

what surely is expected of them is professional integrity and ethical sensitivity. Theirs is a calling to serve in the cause of justice and of the progressive humanization of civic society. This cannot be done if greed and graft sneak into the corridors of the Courts of Justice. Nor can't it be done if the dispensers of justice remain hidebound in their thinking and social attitudes, and go by the stereotypes and biases of their peculiar class background.

A very basic question can be posed as to whether the judiciary is envisaged as the custodian of the established order with its inbuilt ambiguities and inequities, or rather as an initiator of social criticism and reform in the manner in which it deals with cases. The perception of the common man is that very often it is the former role rather than the latter in which the judiciary seems to distinguish itself. There are of course certain refreshing departures from the beaten track as when the judiciary has taken the initiative to defend human rights and promote wider social objectives through the expedient of so-called public interest litigation. The common man welcomes such initiatives and departures, as they give him reason to hope in the eventual triumph of equity over legalism.

Long on Letter, Short on Spirit

A close look at the type of training that legal practitioners go through might throw some light on what is right and wrong with the judiciary. The law courses are long on the letter of the law and short on its spirit. Litigation no less than legislation is growing by leaps and bounds with volumes of precedents to be gone through. The system is suffering from overloading. There is hardly time to digest the voluminous material that goes into the making of both statute law and case law. The result is that most legal minds are cluttered with burdensome data and tedious detail. Where is the scope for a truly liberal breadth of vision and for creative insight into social developments and social problems? And is adequate attention paid to the ethical dimension of legal practice? Mere professional competence and technical expertise are insufficient (though necessary) conditions for successful jurisprudence in the absence of a solid substratum of ethics. This applies to both bar and bench as those who sit on the bench

are elevated from among the ranks of those who practice at the bar, and the same legal inputs and milieu have gone into the making of both lawyers and judges.

Recently the common man has been witness to the unprecedented spectacle of various bar associations passing resolutions of no-confidence against certain judges on grounds of alleged corrupt practices and abuse of office by the latter. Is it a case of the pot calling the kettle black? Have the lawyers searched their own hearts even as they sit in judgement over the honourable members of the bench? How many black sheep are there within the ranks of the members of the several bar associations? Have lawyers covered themselves with glory in the manner of their dealing with their clients while charging them exorbitant fees? Have not many senior lawyers behaved like feudal lords in the treatment they have meted out to their juniors? And what about the totally mercenary attitude of a good many lawyers who hog too many briefs for the good of their clients or the health of the judicial system?

This is not to justify impropriety on the part of certain members of the bench. Such impropriety certainly needs investigation and corrective action. But it ill behoves the bar to resort to pressure tactics against the bench. Judicial morale is bound to be the first casualty to such tactics. Rather, the honourable judges and lawyers should sit together with concerned citizens from various walks of life and social strata to devise ways and means of overhauling the entire judicial system in a manner that would make it more responsive to the yearnings and aspirations of the one for whose benefit it was originally set up in the first place — the Common Man!

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Fact vs Presumption

In the County Hall in Exeter, the lavatory doors were (and probably still are) marked simply "Men" and "Women". On enquiring the reason, I was told that "men" and "women" were statements of fact while "Ladies" and "Gentlemen"

Encounter, November 1989

"The Liberal Conspiracy"

"Five years after their victory in 1945, the Western democracies were about to lose the battle for Europe, but this time to Stalinist totalitarians instead of Nazis. To combat this prospect, an intellectual "guerilla" group was formed: over one hundred European and American writers met in Berlin to establish the Congress for Cultural Freedom to resist the Kremlin's sustained assault on Western and liberal values.

"...Through the Congress's influential publications, conferences, and international protests, it kept the issues of Soviet totalitarianism and liberal anti-Communism alive in a largely hostile environment — the heyday of Leftist intellectual chic in Europe and America. By the end of the decade, the Congress, by its relentless exposure of Stalinist lies, had succeeded in making the propaganda of the Soviet Union and its Stalinist fellow-travellers significantly less credible.

"The Congress's efforts benefited from the contribution of such major intellectual figures and skillful writers such as Sidney Hook, Arthur Koestler, Melvin Lasky, Irving Kristol, Dwight Macdonald, Daniel Bell, Nicolas Nabokov, Edward Shils, Ignazio Silone, and many others.

"The Congress... was finally dissolved in 1967 amid the revelations of its funding by the CIA, which cast an embarrassed aura over the Congress and for a time obscured its achievements..."

"... today almost every one (including Mikhail Gorbachev) agrees with the Congress's once controversial assessment of Stalinist totalitarianism, and in particular with the Congress's indictment of the Soviet failure to respect human rights, the central tenet of the cultural freedom for which the Congress fought its lonely battles thirty years ago..."

From the Publishers blurb.

In the context of the breathtaking developments that saw the end of the cold war and changed the political face of Europe and the Soviet Union, Peter Coleman's story of how a handful of former Marxists got together to combat intellectually, communism worldwide and the organisation they fashioned for the purpose might sound rather unexciting. But in 1950 these men could not have foreseen Stalin's death three years later and the emergence a little over three decades later of a dictator who all but scrapped "the dictatorship of the proletariat and its vanguard the Communist Party of the Soviet Union." No one could have predicted the speed with which the Soviet empire collapsed nor the rapidity with which basic human rights were being restored.

For the hundred writers, artists and scientists mainly "liberals or social democrats, critical of capitalism and opposed to colonialism, imperialism, nationalism, racism and dictatorship," who gathered in Berlin in June 1950 the defeat of communism was a long term objective. Their immediate objective was to stem the onslaught of a Soviet offensive aimed at writers, artists and intellectuals, which was

gathering strength through numerous "Front" organisations sponsored and financed by the Soviet Union.

In a well-researched and well-documented book, Peter Coleman, a member of Australia's parliament (1980-87), a Barrister and a member of The Australian Committee for Cultural Freedom traces the birth, the work and the demise of the Congress for Cultural Freedom (CCF). He assesses the value of the work done and the extent to which it achieved its objective in its seventeen years of existence.

Melvin Lasky, editor of *Encounter* a major character in the CCF story commented after reading Coleman's book: "This is an astounding story (although I thought I knew something about it). On almost every page there is something interesting and important I didn't know before — and with all the research put into perspective and wisely evaluated."

For me personally, reading the 'Liberal Conspiracy' was both informative and instructive. I was particularly interested because I have been an Honorary Secretary of the Indian Committee for Cultural Freedom (ICCF) for well over a decade. The ICCF did not fold up like the CCF. The Indian Committee decided to live on because the threats to human rights and cultural freedom continued despite communism's collapse — from many other directions including the State. The second rea-

son is the fact that *Freedom First* began in 1952 as a publication of the ICCF.

One fact I was not aware of or one which I did not realise was that the CCF was promoted and led by intellectuals of the 'Left'. As Coleman observes: 'The basic hallmark, in short, of the Congress's anti-Communism was that it felt itself to be of the Left and on the Left'. He points out that "many of the Congress's leading figures were active in social democratic parties: "Carlo Schmid, Ernst Reuter and Willy Brandt in Germany, Ignazio Silone in Italy.... The Americans were either socialists like Sidney Hook and Daniel Bell or progressive liberals like J.K. Galbraith or Arthur M. Schlesinger Jr., Raymond Aron, Edward Shils, Michael Polanyi and George Kennan..."

In India Mr. Minoo Masani who was the ICCF's first force and an active participant in the CCF's affairs was himself a liberal along with Jayaprakash Narayan and Asoka Mehta both democratic socialists. Jawaharlal Nehru no friend of the CCF or of its Indian affiliate the ICCF viewed both with suspicion. In a letter to Shriman Narayan, a Congressman he wrote: "I am enclosing a paper called *Freedom First* which is issued by the Indian Committee for Cultural Freedom. This Committee is an American-organised Committee trying to put across the American viewpoint... this Committee has drawn into its fold a number of prominent members of the P.S.P. (Praja

***THE LIBERAL CONSPIRACY.** The Congress for Cultural Freedom and the struggle for the mind of Postwar Europe by Peter Coleman; The Free Press. A Division of Macmillan Inc. New York; 1989; pp.333, US \$ 22.95

Socialist Party)... Jayaprakash once wrote to me in its favour...

"What I am worried about is the attitude of many prominent socialists in this connection. In their antagonism to Communism, they easily fall into the American trap."

As part of its worldwide effort the CCF promoted a number of magazines to stem the sustained Soviet campaign to capture the minds of intellectuals. *Encounter*, (UK), *Preuves* (France), *Quest* (India), — this survived the demise of the CCF in 1967 but ceased publication in 1968 (a victim of Mrs. Gandhi's Emergency censorship laws), *Der Monat* (Germany), *Quadrant* (Australia).

A selective list of thirty seven conferences sponsored by the CCF are listed in the book on subjects ranging from politics, science, freedom and religion to such topics as Tradition and 'Progress in Sudanese Society' and 'Race and Colour'. Coleman reports in fascinating detail on what went on at some of these conferences.

The effort was stupendous and by the time it folded up in 1967 the CCF "took and held the initiative in public political education. By the end of the period, the propaganda of the Soviet Union and its fellow travellers was no longer credible."

Was the Congress for Cultural Freedom funded by the CIA? It was. When highly respected men like Arthur Koestler, Sidney Hook, Irving Kristol, Daniel Bell, Edward Shils, Ignazio Silone and others decided that an organised effort was needed to challenge the Stalinist attempt to subvert intellectuals, the man who arranged the money was Michael Josselson who presided over the Congress Secretariat for a major part of its life. Combining the head of an intellectual with the abilities of an organisation man, Josselson was in the U.S. Army during the Second World War. Discharged in 1946 he stayed, in Berlin and served with the U.S. High Commission as Public Affairs Officer and by 1949 a CIA officer. When the *New York Times* story broke on how the CIA funded various cultural and educational organisations including the CCF many resigned and the Congress was irretrievably damaged.

With clinical candour Coleman recounts the entire episode in his chapter "A Black Operation?" What comes out very clearly is that while indeed the CCF was funded by the CIA there is no evidence of any attempt to influence editorial policy or interfere in the work of the CCF. In other words it was "aid without strings" a phrase we are very familiar with in India! However Coleman confesses: "I wish, after ten years of research, that I had the final and complete story on the CIA's role."

Coleman concludes his story in the course of which he skilfully weaves in thumbnail sketches of the *dramatis*

personae, by acknowledging the great work done by the CCF. "Today almost everyone (including Mikhail Gorbachev) agrees with the Congress's once lonely assessment of Soviet totalitarianism, and in particular of the Soviet failure to accept human rights (in other words cultural freedom). In contributing so brilliant and timely a way to this public awareness throughout the world in a period of great danger, the Congress for Cultural Freedom was a historic success."

S.V. Raju

The Baboo as Letter Writer

Most Respected Sir — I fall at your feet; if you please save my life and make me happy. I have the strongest desire to have the Biscyle to ride on. Through the contemplation, I have no sleep either in the day or in the night. I have been reduced to half, and if I continue the same course, I do not know what my fate will be. I have no money to buy it. Piety has never become fruitless, and so the generosity. Fame should remain after the man on the world, and this is the duty which man should do. I have been submitted myself to your honour, therefore your honour should do whatever your honour likes. Your honour should not think that you present me only a Biscyle worth of sum rupees, but my life which will perhaps serve your honour for your life. Now I have become like a helpless sick person and you have become a doctor. If you give me medicine I shall recover, otherwise not. Please be kind to me. God will be pleased with you which is necessary for a man to be happy. Let God excite tenderness in your honour's heart. Let your great kind and noble mind order your generous hands to present this miserable man with your most beautiful "Biscyle." Sir, I am your's obediently, etc.

Honourable Sir — Kindly excuse this poor thy servant from attending on your Honour's office this day, as I am suffering from the well-known disease commonly called ache of the interior economy, and I shall ever pray. — Yours ever painful,

RAM CHUNDER

P.S. — Oh, death, where is thy sting?

Most Exalted Sir — It is with most habitually devout expressions of my sensitive respect that I approach the clemency of your masterful position with the self-dispraising utterance of my esteem and the also forgotten-by-myself assurance that in my own mind I shall be freed from the assumption that I am asking unpardonable donations if I assert that I desire a short respite from my exertions, as I am suffering from the disease commonly called ache of the interior economy, and I shall ever pray. — Yours ever painful, I have the honourable delight of subscribing myself

your exalted reverence's servitor,
JANJANBOL PANJAMJACIB

Respectfully Sheweth — That your honour's servant is poor man in agricultural behaviour, and much depends on season for the staff of life, therefore he prays that you will favour upon him, and take him into your saintly service, that he may have some permanent labour for the support of his soul and his family; wherefore he falls upon his family's bended knees, and implores to you of this merciful consideration to a damnable miserable, like your honour's unfortunate petitioner. That your lordship's honour's servant was too much poorly during the last rains and was resuscitated by much medicines which made magnificent excavation in the coffers of your honourable servant, whose means are circumscribed by this large family, consisting of five female women, and three masculine, the last of which are still taking milk from mother's chest, and are damnable noisy through pulmonary catastrophe in their inter- or abdomen. Besides the above-named, an additional birth is, through grace of God, very shortly occurring to my beloved wife of bosom... That your honour's damnable servant was officiating in several capacities during past generations, but has become too much old for espousing hard labour in this time of his bodily life; but was not a swindler, nor a thief, nor a liar, nor a cheat, nor a thief, nor a swindler, nor any of these kind, but was always pious, affectionate to his numerous family consisting of the aforesaid five female women, and three males, the last of whom are still milking the parental mother. That your generous honour's lordship's servant was entreating to the Magistrate for employment in Municipality to remove filth etc., but was not granted the petitioner. Therefore your generous lordship will give to me some easy work, in the — Department, or something of this sort. For which act of kindness your noble lordship's poor servant will, as in duty bound, pray for your longevity and procreancy. I have the honour to be, sir your most obedient servant.

The Congress is to Blame for India's Ills

— A Housewife's Point of View

Rani Sircar

Many of us all over India remember that day forty three years ago: August 15, 1947. It dawned radiant with promise, like no day ever before. Joyous, joyous crowds. Flag hoistings. Inaugural speeches in a land reborn. Echoing like a chorus through the country, the stirring words: 'That heaven of freedom, where the mind is without fear, and the head is held high, where knowledge is free...'. *Jana Gana Mana*.... The gods were about. For how but by divine visitations, whisperings and breathings from the dark, was the nation inspired? Majesty shone on us and we were drenched in the light of that magical day. Earth had suffused its body with its soul, and we clung to our land in a passion.

The future was mercifully hidden then. But who could have visualised today? Surely it is not because I'm forty three years older now, that the prospect seems so gloomy? For I see around me the dark shapes of communalism, secessionist tendencies discrimination against women and terrorist activity; not to speak of unemployment, illiteracy, under-nourishment, poor medical facilities and villages without drinking water. And that is by no means a comprehensive list of what ails India today.

Politics Vitiating

For forty three years, except for a brief space of two years in the mid-1970s, the Congress party has been in power. And except for the short time when Lal Bahadur Shastri was prime minister, the Congress has been popularly identified with Jawaharlal Nehru, Indira Gandhi, and Rajiv Gandhi. Therefore, it seems to me that it is the Congress party in general — whether called Congress or Congress (I) — and Nehru, his daughter and grandson in particular, who are squarely to blame for the state of affairs in India now, as well as including the ineptness which our present National Front government sometimes displays. For, under the shade of the spreading ban-

The Indian National Congress has so homogenised and vitiated politics, that the National Front Government differs little from the Congress in lack of vision. However, it speaks volumes for the Indian people, that however inept and incompetent we do have a non-Congress government

yan tree, nothing grows; and it is an indictment against the Congress that it has so homogenised and vitiated politics, that the National Front differs little from the Congress in lack of vision. However, it speaks volumes for the Indian people, that however inept, incompetent and flawed, we do now have a non-Congress government. Of course I'm only a housewife. But what can happen in a country without affecting everyone of us — which includes housewives?

Pursuing Dead-end Objectives

Let us consider briefly these last forty-three years therefore, from a housewife's angle of vision. It seems to me from this distance of time that the first years after independence were spent in the pursuit of dead-end objectives like prohibition, Hindi as a national language, linguistic states etc. I do not remember that there was ever any popular demand for any of these goals. They were Congress ideals cherished when we were subject to the British as epitomising in some measure *Indianness*. The Indian people as a whole cared little for and have benefited less from the pursuit of these aims or their doubtful realisation. Prohibition now seems a very marginal interest, Hindi is not yet the national language and linguistic states have been a positive barrier to national integration.

Gandhi Jettisoned

While these objectives were rallying points for the government, one heard a great deal about Gandhian ideals and how these ideals were the ideals of the Congress party, and therefore by definition the ideals of the Indian people which kept the party in power. However, the grim joke is that while *Gandhian ideals* seems to echo all around us, and ostensible respect was paid to the Father of the Nation, Gandhian ideals were actually jettisoned and our unprepared country was subjected to an industrialisation which did not take into account the primary need of the people which was education, nor consider the results of industrialisation generally, in the light of Western experience.

Gandhi emphasised that Indian life was rooted in the villages, that healthy self-sufficient villages would result in a healthy, self-sufficient India. He visualised development and progress along indigenous lines and stressed indigenous values. Rabindranath Tagore highlighted the importance of the traffic of ideas and ideals between the forest and the city, between the *rishis* in their forest hermitages and the householders of the city. This he considered the special feature of India's civilisation. For it was the forest that cradled the civilisations of the two great epochs of ancient India, the Vedic and the Buddhist. For the spacious teachings of the Vedic *rishis* and the Buddha, could not be propagated within the narrow confines of palaces, but needed the breadth of the wide ranging forests. India's contribution to civilisation generally was a consciousness of unity; the unity of the individual self with the whole of nature in a fellowship that was at once of the soul, the heart and the mind. Therefore in the writings of Valmiki and Kalidasa, Bhavabhuti and Banabhatta, the forest was shown as the influence that gave their characters breadth and vision.

However, thanks to Mr Jawaharlal

Nehru's commitment to the Western world view and to his assumption that Western needs, values, attitudes and goals are objective and universally desirable, India was set on the path of progress and development along Western lines. By world view I mean a certain view of the relationship which may be presumed to exist between a whole and the parts which are seen to belong to it in some sense or other and which is expressed through cultural products – both institutions and objects. Different kinds of unities and relationships are apprehended by different world views.

As a result of assuming that there is only one scale of development for all beings and that scale is the Western scale, and that the Indian world view is primitive and undeveloped and should be discredited, progress in India has resulted in the elite 'intellectually' accepting the values which have sprung from within the depths of the Western understanding of the world, like democracy, equality, individual rights to happiness, scientific objectivity, rationality and so on. But deep down, where motives and impulses take shape out of their roots in our feelings this understanding remains largely barren and unproductive. Thus institutions have been created in India that benefit the elite alone, and has turned democracy in India into primarily a political game in which numerous parties are engaged, politicising every aspect of life in their bid to secure supporters and capture power.

Chasing the Wrong 'ideals'

Busy with so-called democratic/industrial progress, the Congress government did very little with regard to illiteracy let alone education: it did little in walking with regard to the essential discrimination both overt and covert against women; it did little to control the tremendous population growth and almost nothing to promote national integration. Surely education, women, population control and national integration should have been given pivotal importance? Instead, chasing 'ideals' like prohibition, Hindi and linguistic states in which numbers of Congress men stood to gain money and/or position, principles, as such, were only given lip-service by the Congress and pragmatic ideals like the four important ones I've mentioned were given desultory attention.

And, very very soon after 1947, from being the group of men who had fought and suffered for Indian independence, the Congress was transmogrified into a party, by and large, of self-seekers, opportunists and sycophants who subscribed to and promoted the cult of the prime minister. Thus while they sat on *gaddis* and wore Indian clothes, and Indira Gandhi demurely covered her head, and they all talked Indian and worshipped the prime minister, the Himalayas were raped, forests decimated, and television and its proliferation were counted more important than ensuring that every Indian had potable water:

Naturally therefore, we all ape the West according to our means, while a peculiar malculture or flash culture, the other side of the coin of Congress culture, marks us all. So we no longer speak grammatically correct but unidiomatic 'Babu English' so ridiculed by our erstwhile masters; but while English language schools proliferate, the smart set affects a kind of American English larded with Indian – mostly North Indian – languages and spiked with a not particularly literate slang. On the one hand everything however vulgarly or illiterately 'foreign', like cheap plastic goods, synthetic material, even discarded wearing apparel if the first owner was foreign, has a mass appeal, on the other hand the 'educated' take a masochistic delight in British 'Raj memoirs' which make fun of us as we are, and also make fun of how we copied the British.

In both public and private life, lip service is paid to traditional values and rectitude, and an ostentatious fetish is made of modernity. But the malculture that has us in its grip makes us actually worship at quite a different altar; one set up to glorify a synthetic life-style: a bizarre and disparate assortment of values and attitudes which seems to be an amalgam of the worst in several cultures.

Corruption all Pervasive

Bribery and corruption are neither new to India nor a specially Indian phenomenon, but thanks to the Congress example of total separation of ideals from practice, of double-talk and double-think, and of devaluing and

debasing all principles both in public and in private life, bribery and corruption have become a way of life in India today. Even little children know that seats in schools and colleges can be bought, that passing ten, twenty or hundred rupee notes will buy preferential treatment in hospital, office and anywhere else you care to name, and that therefore if any exercise does not lead to making money, it is useless.

A Legacy of Problems

Thanks to Nehru who handled this one princely state instead of Sardar Vallabhbhai Patel we still have the Kashmir problem. Thanks to him too, we have an unfriendly China given to snarling and biting at us, and a violated Tibet which is a shame to us. Thanks to linguistic states and no policy of conciliation, we have an unhappy and turbulent north-eastern India. Thanks to Indira Gandhi who believed in playing both sides against the middle and had almost a corner in dragons' teeth which she sowed everywhere, we have the Punjab problem. And thanks to Rajiv Gandhi who was all set to take us into the twenty first century without education, or national integration and a population bursting at the seams, we have a hostile and belligerent Sri Lanka. And with the twenty first century beckoning him so invitingly, so compellingly, Rajiv Gandhi in the Muslim Women's Bill surrendered to fundamentalists; and in the Roop Kanwar *sati* episode, he again failed to contain the forces of fundamentalism, this time Hindu. For only on the eve as it were, of setting out for the meeting of Commonwealth heads of government and his American visit, did Rajiv Gandhi find political time to condemn *sati*. So that his twenty first century image abroad would not be damaged?

The patterns and examples set by the Congress for forty three years have now so permeated and saturated Indian society that they are perceived as almost a rigid system. No wonder then, that even its well-wishers view the success of the National Front government with cynicism. Only angels and/or visionaries can destroy the Congress mindset we have inherited. But miracles do happen.

MRS. RANI SIRCAR is a Calcutta housewife.

THE RURAL PERSPECTIVE

Guidelines For A National Agricultural Policy

Bhanu Pratap Singh

It is indicative of the poor attention paid in the past to agriculture — except in rhetoric — that while a National Industrial Policy Resolution was adopted as early as 1948, which has, since then, been under constant review no Agricultural Policy Resolution was considered necessary, till recently. True, 'Grow More' campaigns were launched, land reform laws were enacted, and support prices were announced, but the aims of all these were other than the realization of the full potential of Indian agriculture, the economic uplift of the rural people, and maintaining the viability of the farm sector. Most of the measures taken in the past were either for crisis-management, or for political gain. Otherwise, how can it be explained, that after nearly four decades of planned development of the country, Indian agriculture, despite the natural advantages it enjoys, has remained one of the most backward in the world, not producing even two-fifths of its potential; that agriculturists, generally speaking, have now become poorer in real terms than they were before the Green Revolution; and that Indian villages continue to be 'unlivable', devoid of the basic amenities of life — schools, well-equipped hospitals, dependable power supply and transport facilities.

A Depressing Scene

The misplaced reliance on rapid industrialisation ignored many ground realities. It did not take cognisance of the vast potential of Indian agriculture. It also did not take into account the fact that industrialisation, howsoever fast, cannot generate adequate employment in the country. It also did not realise that exploitation of the farm sector, for the benefit of the rest, would lead to disequilibrium and tension in the society.

At the end of the seventh Plan, the results of the strategy hitherto pursued are: India's GNP per capita (\$ 340) is no more than the average of African countries and the incidence of poverty

If India is to be saved from economic collapse and the resulting social upheavals, our development strategy must change. A beginning must be made by adopting a long-term National Agricultural Policy

in India is more than double that of the rest of the world. India's share of world exports declined from 2% in 1950 to 0.4% in 1980. The balance of payments position has become so critical, that the Government of India has been forced to cut down on the import of even essential commodities. Debt servicing is now India's largest item of public expenditure. Distribution of her national income is more skewed than in any of the top seven free-enterprise countries. Unemployment is constantly increasing. In the farm sector, more than 60% of India's production-potential is unrealised; 25% of the total cultivable land remains uncultivated; and her productivity is two-thirds that of the rest of the world. These disappointing results despite the fact that India's natural resources, and her domestic savings rate are among the highest in the world. If it is not due to wrong development strategy pursued hitherto, how else can the disappointing results be explained?

National Agricultural Policy

Those who are still advocating the pursuit of the old strategy must indeed be diehards. If India is to be saved from economic collapse and the resulting social upheavals, our development strategy must change. A beginning in that direction should be made by adopting a long-term National Agricultural Policy, the guiding principles of which should be as follows:

★ Our goal should be to achieve the full potential of Indian agriculture, and not merely self-sufficiency in foodgrains. If the former is achieved, India's three main problems — poverty, unemployment and the deficit trade balance — will be resolved.

★ Land, water and forests are the three most valuable natural assets of the country, vital, not only for our survival, but also for the coming generations. Therefore, these should be zealously guarded against misuse, and their replenishment ensured.

★ To improve the quality of life in villages, the basic needs of the people — good schools, hospitals, safe drinking water, link roads and electricity — should be met.

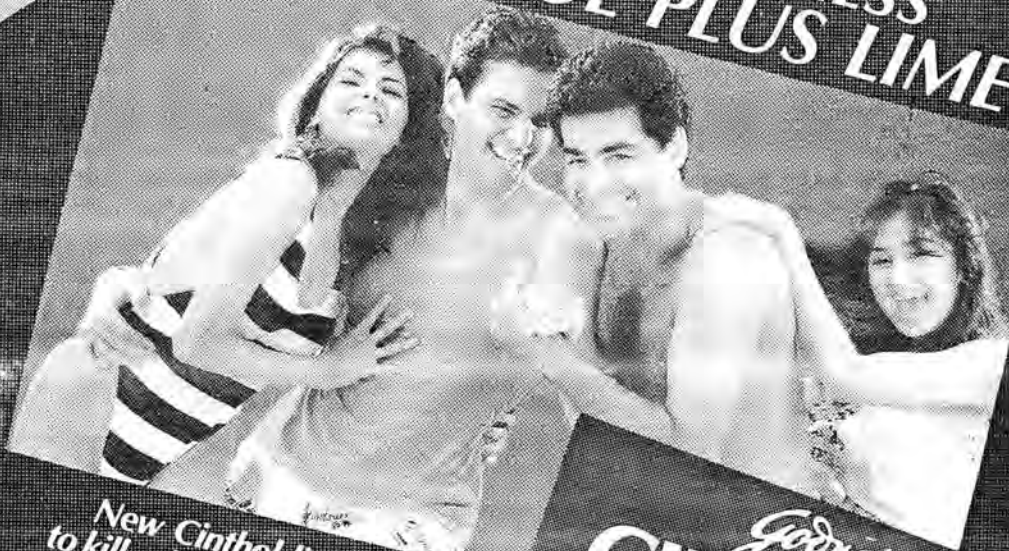
★ In formulating schemes and programmes for agricultural and rural development, the needs and capabilities of marginal and small farmers, who contribute more than three-fourths of the total number of farmers should be kept uppermost in view. And, from now on, the criterion for judging the suitability of any new technique of production should be based on the return per unit of work done, and not merely production per hectare. Only such an approach can help small farmers add value to their working hours.

★ Public distribution of food grains should be so organised as not to restrict farmers' freedom to process, transport and sell their produce anywhere in the country, so long as they operate within a price band, the lower and upper limits of which should be called the "support" and "intervention" prices, and determined, with reference to the parity price of that commodity (base year 1970-71 = 100). The aim of the public distribution system should be to help the genuinely poor, and not to universally bring down prices, unless they exceed the intervention prices.

★ Developmental schemes should be so devised, that people feel they

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are participants in the schemes, and not merely recipients of charity from Government. The spirit of self-help and self-respect needs to be revived in India.

★ Farmers are interested in their margin of profit over cost of production, and the purchasing power of that margin, in the context of the prices, that they have to pay for farm-inputs and their other necessities of life. It is the purchasing power of farmers that needs to be safeguarded, and not merely reimbursement of their cost of production.

★ Land ceiling laws should be strictly enforced, but persisting doubts that the ceilings might be further reduced, should be removed to impart a sense of stability in the farm sector.

Further, the question, whether sub-letting of land should be allowed or not, needs to be reviewed in the light of the existing situation. Those who are now letting out their land are not the big zamindars of yesteryears but owners of modest holdings not exceeding the ceiling area. They usually sub-let for one of the following reasons:

Too old to carry on farming;
lack of capital;
working away from the village;
find self-cultivation less profitable than share-cropping;
non-availability of agricultural workers, due to their exodus to cities;
land holding too small to afford an income equal to what a wage-earner may get.

The share-croppers too find that they can get better returns as share-croppers than as temporary wage-earners.

It is questionable, who will suffer more in the short run, the land-owners or the share-croppers, if the system is abolished, altogether.

True, share cropping is not conducive to higher productivity, but the best way to stop share-cropping is to make agriculture a paying proposition, and not to restrict ownership rights only to landed property, when other properties are not under similar restraints. Share-cropping, however, needs to be regularised.

Consolidation of holdings, the most beneficial of land reform measures from the farmers' point of view, and also the least controversial, has surprisingly not received the attention that it deserves from state governments. More than half the land holdings in the country remains unconsolidated. This work should be completed by the end of the Eighth Plan, because the modernisation process of even small farms cannot begin, if it remains scattered in small bits all over the village.

★ More attention be paid to minor irrigation works — utilising ground water and surface run-off water by impounding them in natural depressions and small reservoirs — because these being under the control of farmers have been found less costly, and more productive. A re-assessment of the potential of 80 million hectares through utilisation of ground water, and another 15 to 20 million hectares through tank irrigation will take the total potential of minor irrigation to 95-100 million hectares, (which is nearly equal to the cultivated area of China). In fact giving priority and support to minor irrigation is very necessary in those states where agriculture has remained backward but where these sources of irrigation are most abundant. Minor and micro-irrigation efforts, based on the latest technology (such as drip and sprinkler irrigation) be subsidised in those areas, having no major irrigation facilities. Preventing wastage of water from pump-head to the fields through use of portable pipes has assumed importance, because it saves diesel and power, both of which are in short supply in the country. Giving a one-time subsidy for minor irrigation is far better than giving perpetual subsidy to meet the recurring losses of major and medium irrigation works.

Generally speaking, all such measures should be taken, which conserve and replenish the natural resources of the country; increase farmers' efficiency; restore their freedom to process, transport and sell their produce, within a specified range of prices; and put them at par with others in terms of incomes, facilities and opportunities.

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Keeping the Faith

Fang Lizhi

On June 4, the day after the People's Liberation Army opened fire on the citizens of Beijing, the distinguished Chinese astrophysicist and dissident intellectual, Fang Lizhi, reluctantly sought refuge in the American embassy in Beijing with his physicist wife, Li Shuxian. They did so because they feared for their lives. With a warrant out for their arrests accusing them of "counterrevolutionary instigation," they have now spent six solitary months as refugees within their own country. They have become symbols both of China's crushed democracy movement, and of the deteriorated state of Sino-US relations. In fact, so agitated has the Chinese government become over Fang, that it is highly unlikely that relations between the two countries will be able to return even to a semblance of normalcy unless Fang and his wife are released. But with hard-line leaders in China continuing to claim that by sheltering Fang and Li the US has been interfering in their country's "internal affairs," and that "he who ties the knot must untie it," Fang and his wife do not seem likely to be liberated soon.

In recognition of Fang's contribution to the cause of human rights and freedom of expression in China, on November 15, 1989 he was presented *in absentia* with the Robert F. Kennedy Memorial Human Rights Award in a televised Washington, DC, ceremony, at which Polish Solidarity leader Lech Walesa gave the keynote address. The following is a translation of Fang's acceptance speech.

— Orville Schell

(Fang Lizhi and his wife were permitted to leave China and are currently in England pursuing their fields of research.)

I am proud and deeply moved to have this opportunity to speak with you here today; but at the same time, I am also filled with a sense of sorrow and shame. I am moved because you have chosen to honor me with the 1989 Robert F. Kennedy Human Rights Award, and because it attests to the fact that I have not been, and am not now, alone. But I am filled with sorrow to see that in this land of my birth human dignity has once again been trampled upon. What is more, having had my own basic human rights stripped away, I am now more acutely aware than ever how far we are from accomplishing what we must in the cause of advancing respect for all human beings.

The values underlying human dignity are common to all people. They are comprised of universally applicable standards of human rights that hold no regard for race, language, religion, or other beliefs. Symbolized by the United Nations Declaration of Human Rights, these universal principles have increasingly gained the acceptance and respect of the world at large. When a commemorative gathering was held last November in Beijing to honor the fortieth anniversary of the Declaration, many of us were delighted, because it seemed to us at the time that the principles of human rights were also finally starting to take root in our ancient land.

However, time after time such fond dreams have been shattered by a harsh reality. In the face of the bloody tragedy of last June, we now must admit to having been far too optimistic. Some of those officials who were responsible for this repression have recently attempted to defend their behaviour by declaring



Fang Lizhi

that "China has its own standard of human rights," and have completely rejected the world's censure by refusing to acknowledge the universal nature of human rights. They appear to think that by simply labeling something a "household affair," they can ignore the laws of human decency and do as they please. But this is the worst kind of feudalistic rationalization. During the long period when China was isolated from the rest of the world, an ideology purporting to be "master of all under heaven" may have been an effective means of controlling the country. But in the latter part of the twentieth century such declarations about "household affairs" only serve to expose those who make them as the feudal dictators they are. Moreover, such statements have lost their capacity to either intimidate or deceive people.

Nowadays, a growing number of Chinese believe that for China to catch up with the modern world, we must change our society by absorbing those aspects of more modern civilizations, especially science and democracy, that

have proven both progressive and universal. From the Movement for Science and Democracy of 1919 to the rising tide of demand for intellectual freedom in 1957, and from the protest marches of 1926 that were confronted by swords and guns to the demonstrations of 1989 that were confronted by tanks, we can see how passionately the Chinese people have wanted a just, rational, and prosperous society. Although China has some very deep-seated problems that have caused it to lag behind developed countries, our history shows that the Chinese have long sought the same kind of progress and development as people everywhere, and that when it comes to such common aspirations, the Chinese are no different from any other people. Like all other members of the human race, the Chinese are born with a body and a brain, with passions and a soul, and they ought to be able to enjoy the same inalienable rights, dignity, and liberty as other human beings.

Allow me to draw a historical analogy. Recent propaganda to the effect that "China has its own standard of human rights" bears an uncanny resemblance to pronouncements made by our eighteenth-century rulers when they declared that "China has its own astronomy." The feudal aristocracy of two hundred years ago opposed the notion of an astronomy based on science, and refused to acknowledge the universal applicability of modern astronomy, even that it might be of some use in formulating the Chinese calendar. The reason they opposed modern astronomy was that its laws, which pertain everywhere, made it apparent that the "divine right of rule" claimed by these

people was a fiction. By the same token, the principles of human rights, which are also universal, make it clear that the "right to rule" claimed by their successors today is just as baseless. This is why in every era rulers buoyed up by special privilege have opposed the idea of equality that is inherent in such universal ideas.

The advance of civilization has largely followed from the discovery and development of just such universally applicable concepts and laws. Those who rejected the idea that science had universal application were, in fact, doing nothing more than demonstrating their fear of modern culture. The feudal aristocrats of two centuries past saw astronomy as a bearer of this modern culture, and, as a result, ruthlessly persecuted those who engaged in its study and practice. Indeed, in one instance of such oppression during the early Qing Dynasty, five astronomers from the Beijing Observatory were even put to death. But, far from demonstrating might, such brutality only demonstrated fear. Equally terrified by the implications of universal human rights, modern-day dictators may also resort to murder. But no more than we do in the case of their predecessors should we construe their actions as an indication of strength.

Some people say that the terror that has filled Beijing since June cannot but help make one pessimistic. And I must admit to such feelings myself. But I would also like to offer up a small bit of encouragement. Remember that in this current climate of terror, it may well be that it is those who have just killed their fellow human beings who are the most terrified. We may be forced to live in terror today, but we have no fear of tomorrow, whereas the murderers are not only fearful of the present, but are even more terrified of the future. Thus we actually have no reason to lose faith. Ignorance may dominate in the short run through the use of violence, but just as surely as the earth turns it will eventually be unable to resist the advance of universal laws.

Of course, it takes time for the earth to turn, and for China things may take some time to right themselves. With this in mind, I would like to say a few things to the young Chinese in the audience. I know that many of you have dedicated your lives to building our

country anew. Since the road to rebirth will be a long one, I fervently hope that you will not break off your education, but, instead, will work harder than ever to deepen and enrich your knowledge.

We are all disciples of nonviolence. And what power can nonviolence summon up by way of resistance against the armed violence of the world? Although there are many kinds of nonviolence, perhaps most basic is knowledge. Without knowledge, nonviolence can only degenerate into pleading for mercy, and history is unmoved by such pleading. It is only when we stand on the shoulders of the giant that is knowledge that we will change the course of history; only through knowledge will we be able to overcome the violence of ignorance at its very roots; and only through knowledge will we succeed in finding the compassion necessary to deliver those with superstitious faith in the omnipotence of violence from their folly. As Ibsen said, "If you want to be of value to society, there is no better way than to forge yourself into a vessel for its use." I hope that all of us will strive to forge ourselves into just such vessels.

Many friends have expressed great concern about our current situation, and I want to take this opportunity to thank both those of you whom we already know, and those of you whom

we have not yet met, from the bottom of my heart. Because of the extraordinary circumstances under which we now live, I am unable to tell you any of the details of our daily lives. But there is one bit of news that may lighten your hearts somewhat. I am doing my best to exercise to the fullest extent possible two of my remaining human rights, namely the right to think and the right to inquire. I am continuing my research in astrophysics. In fact, since June of this year, I have written two research papers and am even now in the middle of a third.

In my field of modern cosmology, the first principle is called the "Cosmological Principle." It says that the universe has no center, that it has the same properties throughout. Every place in the universe has, in this sense, equal rights. How can the human race that has evolved in a universe of such fundamental equality, fail to strive for a society without violence and terror? And how can we not seek to try to build a world in which the rights due to every human being from birth are respected?

May the blessings of the universe be upon us. My thanks to all of you.

Translated by James H. Williams and Orville Schell
COURTESY: *The New York Review*

India's 10 Million Slave Children

Children as young as seven work as bonded labourers in the villages of India. An overwhelming majority of these children, eight million in number, hail from scheduled caste or scheduled tribe families.

According to a survey conducted by the Department of Labour, it is not only agriculture which can take credit for having children as bonded labourers, but cottage and small-scale industries are not far behind. The carpet weaving industry in Varanasi and Mirzapur has half of the 150,000 of such child workforce. Over 72,000 children live in bondage in Kashmir. Coming from poor Muslim families, they can be bought for as little as Rs.100.

In Kanchipuram, Tamil Nadu, 20,000 children slog almost non-stop in factories making the coveted Kanchipuram sarees, their average take-home being Rs. 2 a day.

The match, glass and bangle industries have their share of bonded children. In Sivakasi Match, according to the *Morchia* report, 50,000 children between ages of 4 to 14 toil for 10 to 12 hours daily. In the glass and bangles industry, children as young as 5 burn out their skins withering in the 1300 Celsius temperatures generated by the furnaces. These children routinely suffer from asthma, bronchitis, impaired vision, TB and other diseases.

In Jaipur and Surat, 65,000 children put in 10 hours daily in the diamond cutting and polishing industry. Other sectors which employ large numbers of children are brick kilns, stone quarries and the construction industry. Up to 40 per cent of them are not paid anything because they are the offspring of those who mortgaged their liberty to unscrupulous money-lenders.

COURTESY: *Human Rights Worldwide*

National Disintegration

In the current agitation by students against the Government of India's decision to implement the Mandal Commission's Report in their misguided effort to help Scheduled Tribes and Scheduled Castes, public opinion in India has overwhelmingly lined up in favour of the students and against the Indian Government. Mr. N.A. Palkhivala downwards, everybody who is anybody has given open support to the students' agitation. I was delighted to read a newspaper editorial the other day which read, "Let the Government scrap the Mandal's proposals or go". The consequences of the Reservations Policy are so disastrous that I am no longer sure if the V.P. Singh Government is worth preserving as a price to pay for them. Quite apart from dividing the country according to castes and destroying the quality of civil administration, these reservations are no way of helping the backward classes. They are in the nature of a crutch or an opiate which will keep the backward classes as backward as before. The real way of helping these backward classes is through scholarships and other measures to provide equality of opportunities in the way of education. The Mandal proposals are a cheap way of buying electoral support at tremendous cost to the country which it cannot afford.

It will be better even now for the V.P. Singh Government to climb down and withdraw these ill-considered proposals which allegedly claim social justice, but are actually destroying the national integration of the people. Let the students carry on with their campaign and thus serve the nation.

Apropos Mr. Devi Lal

Many years ago in the mid sixties somebody suggested to me that I might invite a Mr. Devi Lal to form a branch of the Swatantra Party of which I was then the General Secretary, in Haryana. I thereupon sent a

message to Mr. Devi Lal and received him over a cup of tea. I invited him to form a State unit of the Swatantra Party in Haryana and he said that he would be glad to do so as he agreed with the principles of the Party. I thanked him and thought the conversation was over. But not so. He proceeded to ask me how much money I would pay him? I asked him "what for?" And he said "for joining the Party". I told him that he was not getting one Rupee as a bribe to join the Party. There was a misunderstanding and that he could now leave. That was the end of that. I have never seen Mr. Devi Lal since.

I can't honestly say that I am sorry that he has been sacked from the position of Deputy Prime Minister. This action was greatly overdue.

Mandela – The Violent Gandhian

Only those who were naive enough to believe that Nelson Mandela was a Gandhian will be shocked at the news from the United States that he was indiscreet enough to reveal his real mind that he believes in violence and terrorism. The American government and others are quite perturbed by the fact that he turned down President Bush's plea for his eschewing violence and went so far as to praise those two evil men, Libyan Leader Gaddafi and Yasser Arafat, the Leader of the terrorist PLO.

I for one am not surprised because I have known for years now that Mandela who was offered his freedom several years back, by the Governments of South Africa, on condition that he would avoid violence on his release, refused to give such an assurance.

The recent ballyhoo about Mandela in the United States and elsewhere reminds me of the days when crowds of idiotic young Americans went around idolising the communist Ho Chi Minh by marching in the streets shouting the slogan "Ho Ho Ho Chi Minh".

A Belated Admission

Mr. E.M.S. Namboodiripad of the CPI(M) has at last admitted after nearly fifty years "The Communist Party of India was wrong in adopting a hostile attitude to the Quit India Movement as this alienated the Party from the mass of the anti-imperialist people".

In a statement published in the Press on June 7, 1990, Mr. Namboodiripad however, consistently with his record of mendacity then tries to make light of this by denying that the Communist Party co-operated with the British government during World War II. Wrong. Sir Reginald Maxwell, the Home Secretary in the Viceroy's Cabinet has testified to the fact that the Communists maintained a secret liaison with the British government in India and worked as part of the British war effort.

The Communists were traitors to this country and they were paid and controlled by their masters in Moscow and no amount of white-washing can obliterate this fact. Mr. Arun Shourie of the *Indian Express* had proved all this recently, in detail, when disclosing the contents of the British government archives in three lectures he delivered at the Convocation Hall of Bombay University, some two or three years back.

Millions of More Dead Phones

It has been repeatedly announced in the last few weeks that no less than 40,000 telephone connections in the city of Bombay are dead, but that does not evidently stop our hare-brained planners in Delhi from announcing cheerfully that the government telephone apparatus will provide so many million more telephone connections by the end of the Eighth Five Year Plan.

In our zest for our Soviet alliance, we are evidently wanting to prove that we shall not fail in the record of the Soviet plans, that targets remain targets and that performance bears no relation to their promises.

COURTESY: *The Statesman*

China's Dilemma Over Tibet

Bhuchung K. Tsering

The Chinese are in a very peculiar dilemma over their policy on Tibet. The Dalai Lama has, in recent months, been making statements expressing dissatisfaction with Chinese response (or lack of it) to his initiatives and has warned that he may be forced to 'reconsider' his peace proposals if the response continues to be negative.

It all started in late 1978 when the Dalai Lama responded to Chinese signals for direct contacts. This resulted in the sending of four fact-finding delegations from Dharamsala to Tibet as well as two exploratory missions to China. Thereafter, the developments on the Sino-Tibetan front appeared as if they would result in something concrete. On the one hand the Chinese apparently began to realise that they could not win over the people of Tibet with suppression and force: on the other the Dalai Lama, started giving indications that he would be willing to settle for something less than total independence. Subsequently, both the Tibetan and Chinese authorities announced their intention to hold negotiations to discuss the future of Tibet, the Tibetans opting for Geneva as the venue for the talks. The reason given was that Geneva would enable the Dalai Lama to participate in the talks at a later stage of the negotiations if need be. The Tibetan side even announced the names of their negotiating team headed by the 14th Dalai Lama's personal secretary, the 14th Khenpo Jigme Phuntsok. Moreover, senior officials, including a number of retired officials, gathered in Dharamsala to do the groundwork for the negotiations.

Peace Plan

Meanwhile, the Dalai Lama visited the United States in September 1987 and, at an address before the US Congressional human rights caucus on September 21, announced a five-point peace plan on Tibet. The plan included turning Tibet into a zone of *Ahimsa*, banning the use and storage of nuclear armaments in Tibet, respecting the Tibetan people's fundamental rights

The only realistic solution is for the Chinese to realise that the Tibetan issue is a political one and only a political solution is the answer

and putting an end to the Chinese influx into Tibet. Six days later a major pro-independence demonstration was staged in Lhasa, the capital of Tibet, which received wide publicity throughout the world thanks to the presence of a number of foreign tourists in Tibet. This demonstration was followed by several others in the weeks and months that followed. Independent eye witnesses reported the killing of several hundred unarmed Tibetan demonstrators. The Chinese blamed the Dalai Lama and the Tibetan Government-in-Exile for instigating the demonstrators. Dharamsala responded by saying it was the Chinese attitude towards the Tibetans which had forced them to demonstrate. Despite these exchange of strong statements, contacts continued between Dharamsala and Peking.

While the Chinese maintained silence on the issue of negotiations, Dharamsala took the next initiative by putting forward a proposal which the Dalai Lama presented at the European Parliament in Strasbourg on July 15, 1988. The proposal caught both the Tibetan public and the Chinese off guard. In it the Dalai Lama suggested, for the first time in concrete terms, that he would be willing to settle for, what he called, an 'association with China'. This meant that China could continue to be responsible for the external relations of Tibet on political matters and that a limited number of Chinese defence forces could be maintained along the borders of Tibet until a regional peace conference could be convened to discuss demilitarisation of the country. The proposal suggested that Tibet should be given full internal freedom to administer itself. There were reactions from vocal Tibetans who termed the Strasbourg proposal a 'sell-out'. However, the Chinese, who took some days to react said that though the proposal appeared to be a climb down by the Dalai Lama they would not accept any demands from the Tibetans for 'total independence, semi-independence or disguised independence.' They thus maintained that the proposal still did not reach up to



BY WRIGHT FOR THE PALM BEACH POST

In Calcutta, when people discuss
people, events and news
an important point of reference is
"What did The Statesman say?"



their expectations.

Martial Law in Lhasa

While the Tibetans continued to wait for a positive response from the Chinese a demonstration took place in Lhasa on March 5, 1989. Fearing more demonstrations on the anniversary of the Tibetan National Uprising of 1959 which fell five days later, the Chinese imposed martial law in and around Lhasa. Dharamsala reacted immediately by saying that the Chinese action would not contribute to a conducive atmosphere for negotiations. Martial law in Tibet was lifted 14 months later on May 1, 1990. Although the Chinese cited the 'return to normalcy of the situation in Tibet' as a reason for their action, China observers noted that this was directly related to the 'Most Favoured Nation' status which was then being considered by US President Bush and which China subsequently got.

Nobel Peace Prize

In October 1989 the Norwegian Nobel Committee announced that the Dalai Lama had been awarded the Nobel Peace Prize. This announcement became a turning point in the Tibetan struggle. More than the prize money and the resultant publicity, the reasons given by the Committee for choosing the Dalai Lama became significant. The Committee applauded the Dalai Lama for continuing to non-violently struggle for the 'liberation' of his country. So far, the Dalai Lama had been internationally acclaimed as a man of peace. However, mention of his struggle for Tibetan freedom was 'taboo' not only to governments throughout the world, but also to human rights organisations like Amnesty International and Asia Watch. The Chinese, thus, naturally infuriated and termed the award an interference in their affairs. Being in no position to make the Committee withdraw the award the Chinese threatened Norway with dire consequences if it allowed the Dalai Lama to visit Norway to receive the Prize. Sensing that they would fail in this too, the Chinese then said it would break economic ties if the Norwegian king or government officials received the Dalai Lama. As things turned out Norway did not succumb to any of these Chinese threats.

In his acceptance speech at Oslo on December 10, 1989, the Dalai Lama

Yellow Corpuscles

Put out your cigarettes and fasten your seatbelts. We're about to take off on a really crazy trip. Remember the Dalai Lama? The living god of a people oppressed, enslaved and exiled by Chairman Mao for the past 40 years? Well, he's no more Tibetan than you or I — he's Chinese! And it's official, I promise you, I have in front of me a press release from the Xinhua news agency, carried by AFP.

And what do I see? Experts from the Peking Paediatric Institute have discovered genetic similarities between the Tibetans and the Chinese majority, the Han. But there's better still: their antigens are different from those of the Nepalese or the Indians! So, I quote, they belong to the Chinese nation. So, I quote again, Tibet is a part of China. So, and I'm still quoting, the small group of Tibetan splittists who clamour for independence are ignoring irrefutable scientific evidence.

Doesn't that beat the band! Fancy basing the identity of a people on blood tests and refuting a religion, a culture, a language and a tradition that are many hundreds of years old and totally authentic; indeed, what little still remains owes not one iota to China (it was to India that Tibetan monks turned, in the sev-

enth century, for the characters used in their script). And all of this is to be dismissed on the basis of some cock-and-bull story about white, red or yellow corpuscles? Doesn't that remind you of anything? It does me: Nazi theory. Never, ever, has anyone before or after Hitler dared to justify the outright annexation of a country by quoting so-called racial similarities which everyone knows are so much rubbish. The Führer, of course, used that excuse to occupy Austria and Czechoslovakia. If that's the case, I wonder why we don't all rush back over the Channel hot on the heels of William the Conqueror, since, when it comes to genes, the Brits and the Normans must be pretty well equals...

I suppose it's not surprising that, after a half-century of obscurantism, Marxism-Leninism doesn't just rhyme with Nazism. Anyway, on that basis, if all Tibetans are Chinese, then all Chinese must be Tibetans — so, I really don't see why Deng doesn't simply hand over his palaces in the Forbidden City, just a stone's-throw from Tiananmen Square, to the Dalai Lama.

Claude Sarraute *Le Monde*
9 January 1990

lamented China's failure to respond to his efforts to negotiate. "Unfortunately, China's leaders have not responded positively to the suggestions we have made, which included important concessions," the Dalai Lama told the gathering and hinted that he was becoming restless. "If this continues we will be compelled to reconsider our position," he said.

Will China Listen?

All these developments have placed the Chinese in a tight spot internationally. Now that the international community has become informed of the Chinese attitude on the Tibetan issue, the Chinese are trying to save their face by resorting to their traditional double-pronged approach. Thus in recent days we have seen statements by, of all people, Chinese academics, suggesting that China was continuing to make secret efforts for talks with the Dalai Lama. Prof. Wang Yao, a Chinese Tibetologist, was quoted by Reuters some months back as saying he was in contact with the Tibetans through some officials of the Tibetan Government-in-Exile. In reality no such contacts seem to exist. Prof. Wang is a Tibetologist no doubt, but he has not been involved in any way with Sino-Tibetan negotiations, said a Tibetan source in Dharamsala.

The stalemate thus continues. The only realistic solution is for the Chinese to realise that the Tibetan issue is a political one and only a political solution is the answer. Furthermore, the Strasbourg proposal represents a significant concession by the Tibetans and China should react positively before the Dalai Lama changes his mind and goes back to the original demand for complete independence, as indicated in his acceptance speech in Norway. He has every right to make such a demand. But will China listen?

MR. BHUCHUNG K. TSERING is Deputy Secretary, Office of Information and International Relations, the Tibetan Administration (in Exile), Dharamsala.

On the Birth of his Son

Families, when a child was born
Want it to be intelligent.

I, through intelligence,

Having wrecked my whole life,
Only hope the baby will prove
Ignorant and stupid.

Then he will crown a tranquil life
By becoming a cabinet minister.

Su Fang — Po
(1036 — 1101 AD)

COURTESY: *New Swatantra Times*

The Communist Party of the Soviet Union

— Going Along with Gorbachev

Vasundara Mohan

With so much opposition at the 28th Congress how did Gorbachev manage to win? The answer is simple: There is no alternative to a drastic transformation of Soviet Society and there is none to replace Gorbachev at the present time

Ever since the introduction of Perestroika and Glasnost five years ago, Gorbachev has been facing an uphill task in the achievement of his aims particularly on the domestic front. Opposition to Gorbachev's policies — both overt and covert — from the conservative forces within the Party and resistance to perestroika from the bureaucracy, were acting as brakes. Consequently, the Soviet economy was not responding to the efforts at restructuring. On the other hand men like Boris Yeltsin, who are not happy with the pace of perestroika are complaining of the inadequacy of the measures so far taken.

Speaking to *Der Spiegel* on October 19, 1988, Gorbachev observed: "There has been much clamouring both here and especially abroad that perestroika is being held back by bureaucrats. This is so, but not quite so. It is being held back most of all by conservatism, which is to be found at every level."

Gorbachev's constant worry about the conservatives has been surfacing time and again. Yegor Ligachev personified such conservative forces and Gorbachev had to battle the resistance every inch of the way. "Efforts are being made to discredit perestroika from conservative, leftist and sometimes unmistakably anti-socialist positions. In effect, the conservative forces are trying to impose on us such evaluations of the situation that would prove resistance to perestroika and mould in people's minds the view that the process of change begun in society should be halted or at least slowed down and demand that the old, command methods of government should be restored. Otherwise, they say, chaos will set in."

(*Pravda* September 10, 1989). Gorbachev was no less critical of the group of Deputies led by Boris Yeltsin when he went on to add in the same statement that those "who consider themselves active reformers" and who, "want to lead perestroika onto the path of rash decisions and hasty projects are prompted by ambition rather than real progress."

Executive Presidency

The creation of an Executive Presidency preceded the 28th Party Congress of the CPSU. Commenting on the need for the Executive Presidency, Gorbachev said that "it would permit balance the democratic and decentralisation process, to consolidate them with the help of a balancing mechanism." (TASS, March 4, 1990). He added that he would not avoid contesting the post himself, for, as he declared, "at the time we are living through, I cannot give up my mission." According to the new law approved by the Soviet Parliament, the Executive President was to be elected by a nation-wide poll. By an exemption, however, the first Executive President was to be elected by the Congress of the Peoples' Deputies. On March 14, 1990 Gorbachev was elected to the post by the Congress. He secured 1329 of the 1824 valid votes cast by the Deputies. The negative votes numbered 495. While Gorbachev needed 50% of the votes to get elected, he actually got 59.2%. The fact that about 41% of the votes were either not cast or were cast against him is an indication of the opposition that Gorbachev faced. Still, it was the first victory for Gorbachev. In his "Acceptance Speech", Gorbachev assured the Congress that there was no reason to fear

that the President would usurp power and guaranteed that he would not go back on public openness and political pluralism, "which have become realities here".

Party Leadership

A question now arose whether he could hold two posts — President as well as General Secretary of the CPSU. In his acceptance speech as Executive President, Gorbachev admitted he shared "the view point of the Deputies who believe that this combination — today and in the near future — is dictated by the interests of perestroika." But, when a multi-party system becomes functional in the Soviet Union, there is no guarantee that the President-elect will always belong to the Communist Party. When he said in his acceptance speech, "as President I want to wish the Communist Party — the country's most influential political force — success in implementing its platform for its 28th Party Congress," it sounded as if he was distancing the Soviet Union's President from the Communist Party. But, for the present, Gorbachev had to hold on to the Party post also, in order to achieve his aims.

Issues before the 28th Party Congress.

The difference between the 27th and the 28th Party Congresses has been that on the eve of the 27th Congress, Gorbachev had just coined the words Perestroika and Glasnost. While nobody knew what Perestroika was all about, Glasnost had not yet become fully operational. There were no serious differences in the Party hierarchy and none could dream of Article 6 of the Constitution being touched. People knew that

the economy was not healthy but now they were experiencing a rotten economy. The nationalities question had not yet become serious in 1986 nor could any one think that Lithuania would declare itself independent, to be followed by the other Baltic republics. On the even of the 28th Party Congress, the imponderables of the 27th Party Congress had become realities. Even the Russian Republic had declared itself a sovereign state once Yeltsin became its President. A separate Communist Party of Russia (CRP) was formed outside the CPSU. Its formation only brought into sharp focus the challenge from the 'radicals' within the CPSU.

Thus, what dominated the 28th Party Congress were issues concerning the fate of the CPSU and the Soviet economy; how to save the first and lift up the second. Consequently, the economy was discussed at length and hotly debated at the Congress. The question was which model was to be adopted and which would suit the Soviet Union. Gorbachev proposed a multi-sectoral economy, providing for diverse forms of ownership and management with a modern market infrastructure. In proposing a market economy, Gorbachev assured the Congress that the government will not allow a sudden spurt in the prices and that the people would be socially protected against any adverse effects on their living standards. This meant that the subsidies would continue and would be phased out slowly, as against Ryzhkov's proposals for a steep rise in prices. In fact, Ryzhkov and Leonid Abalkin argued that switching over to the market economy was not possible without sacrifice and accepting a price rise. The delegates were naturally agitated and insisting that Gorbachev had to admonish Ryzhkov for suggesting a price rise. But, the market economy, the concept of which is not fully understood in the Soviet Union cannot be achieved without free enterprise. A small dose of free enterprise was earlier injected into the Soviet economy through service cooperatives and individual enterprises in certain defined fields. The former came to be criticised on the ground that the service cooperatives were making huge profits. It is inevitable, sooner or later, that the Soviet citizens, pampered with subsidised food and services, will learn to live with a market economy in the real sense of the term. It may be some time

before the Soviet leaders and economists come to grips with the concept of market economy. For the time being, however, the concept has acted as the unifying factor at the Congress.

Despite several measures, the Soviet economy does not seem to hold high hopes of revival without Western assistance — a fact now being realised by Gorbachev. It may be recalled that in October, 1988 he had rejected the idea of the Soviet Union being assisted by the West under a 'Marshall Plan'. "It is not the first time that we hear about a 'Marshall Plan' for the USSR. This is, as I understand it, rather an image and in some respects an instance of arrogance. It is claimed that without the capitalist engine, it will be impossible to pull out the economic train. To cut a long story short, I will say the following we are sure that we will resolve our problems on our own, but we are prepared fully to use opportunities offered by external relations," Gorbachev had told *Der Spiegel*. He had even asserted: "We are not expecting assistance." But, Gorbachev's optimism was shattered before long and in July this year he sent an SOS to George Bush seeking assistance in hard currency. While Bush responded favourably and communicated NATO's decision to help the Soviet Union, Helmut Kohl and Francois Mitterand were all for granting economic aid to Gorbachev. When the issue was discussed at the NATO meeting in London, Britain, Canada, Italy and Japan expressed that "financial assistance to the Soviet Union should follow the implementation of a convincing reform programme." There was consensus among the allies to help the Soviet Union and it was left to individual countries to decide for themselves in which form they should help Gorbachev.

The Future of the CPSU

The position of predominance of the CPSU is a thing of the past and "it now seems clear to all that in a democratic state, which the new Soviet leadership wants to build, transition to a multi-party system is inevitable." (Yuri Denisov, *The Times of India* July 10, 1990) Yeltsin suggested that the various groups that have sprung up be organisationally recognised and allow each communist enough time for political self determination. If the democratic forces join together, under conditions of enhanced democratisation and radi-

Listen to Vaclav Havel

Newsweek says his message is more searching than any since Abraham Lincoln's Second Inaugural Address. The following are excerpts from recent speeches. Some of them may be memorized by future school children.

"The dividing line in my country did not run between the communists and the rest of the people. It ran between what is good and bad in the heart of each person.

"We still do not know how to put morality ahead of politics, science, and economy.

"The only genuine backbone of all of our actions is responsibility — to something higher than my family, my country, my firm, my success.

"The salvation of this human world lies nowhere else than in the human heart, in the human power to reflect, in human meekness and in human responsibility.

"The cold war is being replaced by an era in which all of us — large and small — former slaves and former masters — will be able to create what your great President Lincoln called the family of man.

calisation of perestroika, such an alliance could form the vanguard of the society and keep the conservatives at bay, went the argument. In so far as the CPSU is concerned, either it will have to renew itself and forge an alliance either with democratic forces to retain its active role in perestroika or lose its status as a real political force.

Suggestions by others oscillated between consolidation and split and when a split is inevitable, "in what unites us we shall cooperate and in what we disagree with them we shall argue and debate", said Ivan Polozkov, First Secretary of the Communist Party of the RSFSR. Participating in the debates at the Plenary meeting of the Central Committee of the CPSU earlier in February 1990, Ryzhkov said that a multi-party system in the Soviet Union is a *fait accompli* and called for a reliable legal basis for a multi-party system. At the February 1990 Plenum, endorsing the views of Eduard Shevardnadze, who had said that a viable party needed no monopoly on power, Gorbachev stressed that the "CPSU should change its way of functioning, its relations with state and economic bodies and abandon the practice of

commanding them and substituting for their functions." The Party in a renewing society can exist and play its role as a vanguard only as a democratically recognised force. This means that its status should not be imposed through Constitutional endorsement."

The complexion of the CPSU has been changed in the draft new rules published in March 1990. The Party's aim is now described to be "to create humane and democratic socialism."; a Party member now does not enjoy any privileges nor membership limit his civic rights and liabilities. The rules for the first time provide for voluntary withdrawal from membership. The CPSU will also have to operate according to the USSR Constitution and laws and "compete for political leadership in society at free elections and through other forms of expression of the Soviet people's will."

Party Posts and Ligachev

Gorbachev's election as the Party's General Secretary at the 28th Party Congress was the ultimate event which put him firmly in the saddle. A conservative dominated Congress had the opportunity to elect Ligachev or any

other hardliner, which would have created problems for Gorbachev. In fact, Ligachev had asked Gorbachev, in June 1990, to quit the party post. "One cannot lead the party, the vanguard force, without giving it all one's time," Ligachev told a Congress of the Russian Communists in Moscow. But at the elections held on July 10, 1990, in a straight contest Gorbachev polled 3411 of the 4600 votes cast, while Teimuraz Avaliani, First Secretary of the Kiselyevsk town party committee, secured only 501 votes. Ligachev, who did not contest the post, had earlier said that he would support Gorbachev in any leadership vote. "I want to say in advance that I will speak for leaving Mikhail Gorbachev as the leader of our Party. I am convinced that this is the decision the Congress will make." However, Ligachev did contest the newly created post of Deputy General Secretary of the CPSU, but ultimately it was Gorbachev's nominee, Vladimir Ivashko, who was elected. Ligachev's rejection by the Congress is an indication of the reliance that the country (including the conservatives) has reposed in Gorbachev.

After the 28th Party Congress, Gorbachev has certainly emerged victorious and as the undisputed leader. In spite of the errors, miscalculations and blunders in the implementation of the policy of Perestroika (to which the Party leadership has agreed) the country has come to the conclusion that only Gorbachev can deliver the goods, sooner or later. The Congress did not mince words in criticising Gorbachev and his team for the economic and social ills that the country was facing. A section of the military was particularly critical of Gorbachev's foreign policies. With so much of opposition in the Congress, how did Gorbachev manage to win? The answer is simple: There is no alternative to a drastic transformation of Soviet society and there is none to replace Gorbachev at the present time. Even the conservatives realised this. If now a defeated Ligachev decides to retire, the conservatives will not take much time to fall in line with Gorbachev. The military too needs a purge; and one may expect it sooner than later.

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1990 is the birth centenary year of two eminent men who have left a lasting impress in their fields of endeavour — Boris Pasternak and Walter Lippmann.

Pasternak was awarded the Nobel Prize for Literature for his novel *Dr. Zhivago* a moving account of life in Soviet Russia. He survived Stalinist repression only to be hounded by Khrushchev's minions. Walter Lippmann, perhaps the most eminent columnist in modern times, was a journalist, author and advisor to Statesmen. *Freedom First* is honoured to carry an assessment of these two great men of this century.

But we begin with Sardar Vallabhbhai Patel whose 115th birth anniversary falls on October 31 this year. The Sardar died a mere forty months after India attained independence. Had he lived but a few years longer India perhaps would not be facing the problems that now bedevil her.

Sardar Vallabhbhai Patel

Exemplar of the *Realpolitik*

Santishree D.N.B. Pandit

Sardar Patel was as much a disciple of M.K. Gandhi as Nehru was. Their difference lay in their approaches to problems. Patel was the realist *par excellence*, a defender of free enterprise, of national interests, Hindu primacy and secularism and a faith in parliamentary democracy.

The term *realpolitik* was first used by the German publicist Ludwig von Rochau in his book, *Grundsätze der realpolitik*, a critique of the lack of realism in the policies followed by the German liberals during the years 1848-49. The term was particularly applied to Bismarck's policy during the years of German unification. *Realpolitik* is defined as a policy to cover the integration of power, morality and self-interest into a 'policy of the possible'.

In India there was one man who practised this policy of the possible. He was Sardar Vallabhbhai Patel, India's first Deputy Prime Minister, Home Minister and Information and Broadcasting Minister.

Sardar Patel has been badly neglected in our recent history. There is not enough written about him in newspapers and books.

The 'Patelian' View

This paper tries to analyse Patel's contribution to the making of Modern India and its political thought. The view that has been publicised, widely written about, is the Nehruvian. It is the contention of this paper that there was another view as well, that was the Patelian view. Due to his death in 1950 and the course of Indian politics thereafter, it was pushed to the background. This view was the dominant view during Patel's lifetime (1857-1950) and during the recent Lok Sabha and Assembly

elections.

What was the Patelian view? Sardar Patel himself wrote very little and was a man of few words. From the available material published, it is clear that he was a product of the freedom movement, a disciple of Mahatma Gandhi and Lokamanya Tilak. But in reality, his approach to politics was Kautilyan or Chankyan if you wish.

He was a realist who believed that India should be a strong country. He did it through the integration of the princely states with the Indian Union. He wanted a strong centre, very much what Kautilya wanted. The idea that in the absence of coercive power (*danda*)

of the State, society relapses into a state of anarchy (*matsyanyaya*). The authority to exercise the *danda* is derived by the sovereign from society and limited by society's conception of *dharma* or justice.

In pursuance of a strong Centre, Patel wanted the Indian National Congress (INC) to be representative of all points of view. This he thought was possible only if the INC had a strong organisation with dedicated workers. It is here that he had to take hard and difficult decisions. One such was the accusation levelled by K.F. Nariman that it was Patel who sidelined him for the leadership of Bombay Province and



The Sardar with Mr. Nehru and Sheikh Abdullah

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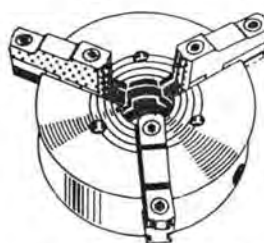


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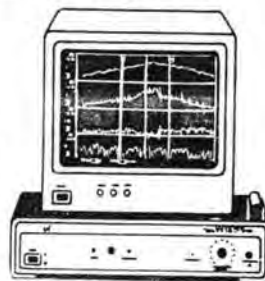
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instead gave it to B.G. Kher. A Committee nominated by the party found no truth in the accusation.

In another incident when a decision of the Congress Parliamentary Board was flouted by N.B. Khare, the then Chief Minister of the Central Provinces, Patel called for Khare's resignation. In the former case, he was accused by his detractors of being communal and in the latter of not being communal (pro-Hindu) enough. He believed that an institution like the INC, which was wedded to the achievement of independence and the welfare of the people, should be disciplined. Patel was a man of action. Even Mountbatten recognised this. He told Mahatma Gandhi, when Patel was contemplating resignation in 1947, due to differences with Nehru on important matters of policy: "He's in fact running the country, you can't let him go or the country would disintegrate".

These differences were on both domestic and foreign policy issues. They differed on India's economic policy and on the issue of minorities, i.e. the policy of secularism. In foreign policy, Patel accepted Nehru's views in general, but in his policy towards Pakistan and China, there were differences.

Let us first take up Patel's views on domestic policy. He was a man with foresight and a realist who realised by 1941 that partition of the country on the basis of religion was inevitable. Hence in the Interim Government of 1945, he was insistent on the Home portfolio, for he wanted the control of law and order with the INC. He feared that the Muslim Leaguers were bent on creating trouble. His doubts were further strengthened when he realised that Liaquat Ali Khan as Finance Minister had introduced unprecedented taxes for the higher slabs. He thought that this was a clever budget aimed at harassing the businessman, a majority of whom were Hindu and were helping the Congress financially. He opposed the Budget but Nehru and others did not realise the consequences as Patel did.

But subsequent events showed that the INC, committed a great mistake in agreeing to hand over the Finance portfolio to the Muslim League. This gave the League an opportunity to interfere in every branch of the administration and obstruct the policies of the

INC. "Whatever proposal was made by Sardar Patel", writes Maulana Azad, "was rejected or modified beyond recognition by Liaquat Ali Khan. His persistent interference made it difficult for any Congress member to function effectively."

Sardar Patel saw the repercussions of this budget in free India after partition. When the Government of India tried to float their public loan of Rs 500 million, it remained unsubscribed. He saw this as a precise reason to make Shanmukham Chetty the Finance Minister to restore public confidence. It is here that he differed with Nehru on his policies. He was by no means against nationalisation and heavy taxation. As a devout follower of Mahatma Gandhi, he had renounced private property and stood to gain nothing from capitalism as such. But he was convinced that India had neither the trained personnel nor the finances to run a huge public sector. The only way to raise the standard of living of the people was to industrialise the country by every possible means (including a measure of nationalized communal credit industries) but would principally depend on private enterprise.

Minorities and Hindulsm

On the question of minorities, Patel was very straightforward. He made it clear that secularism was the policy of the strong and was against giving any special rights for the minorities. He felt any pampering would only make the State partial and increase communal tensions. Speaking at Kathiawar, he said:

"It was to put an end to this dual loyalty that we agreed to create Pakistan so that those who preferred to abide in that faith can find a place where they can pursue it. In India, there is no place for such persons. If they stay in India, it can only be as loyal citizens; otherwise they have to be treated as foreigners with all the attendant disabilities. They should live in India like brothers and in harmony with non-Muslims."

Patel believed in the regeneration and reorganisation of Hindu society. He felt that Hindus as a whole were submissive and conciliatory and, being the majority community, their overall backwardness, lack of organisation and discipline and comparative inability to defend them-

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selves against miscreants of other communities was a blot on their character. His concept was simply that of discipline, organisation and defensive preparations in the event of aggression on the part of other communities be they Muslims or others. By no means did this concept include any aggressive designs against the other communities.

He felt that without the elimination of the many evils that had crept into Hindu society of which untouchability was the most glaring and pernicious, neither the community nor the country could be progressive in its outlook. To the extent, the Rashtriya Swayamsevak Sangh (RSS) fitted into this concept, it had his sympathy and support. But when it involved itself in a conflict with the Muslims or any other community, he did not hesitate to express his disapproval. He could not convince himself that there was a case for banning the RSS, as there was no evidence (of RSS involvement) in the assassination trial of Mahatma Gandhi, though he was under pressure to do so. Patel proposed that "RSS men carry on their patriotic endeavour only by joining the Congress and not by keeping a separate identity and by opposing the INC.

Kashmir and China

Patel totally disagreed with Nehru's handling of the Kashmir issue. In his view Nehru made a mistake in asking the Indian Army to stop just when they had all but thrown out the Pakistani intruders. He opposed taking the issue to the United Nations for he felt that Kashmir was an internal domestic matter. He tried to persuade Nehru not to commit India to plebiscite for he thought this would create problems later. Sardar Patel had told Mountbatten that the Kashmir issue should be withdrawn from the United Nations. He told him that India was reaping the fruits of three cardinal blunders: The first was the appointment of V.K. Krishna Menon as High Commissioner to the United Kingdom, since he was a known communist sympathiser; secondly, the appointment of Asaf Ali as India's Ambassador in the United States (since his wife, Aruna, was a communist); and finally always voting against the Anglo-American bloc, a line which Vijayalakshmi Pandit (Nehru's sister and leader of the Indian delegation to the UN) had taken on several issues, whereas Zafrullah Khan the Pakistan delegate

If Sardar Patel had been Prime Minister ...

My own understanding is that if Sardar Patel had been Prime Minister ... and not Nehru, India would have gone further and faster. Economic policies would have been much more pragmatic... Since agriculture came first with the Sardar, while heavy industry came first with Nehru, the standard of life of the people would have improved ... Abroad, India would have had more friends and her prestige would have been higher than it was towards the end of Nehru's chequered career.

Minoo Masani — *Against the Tide*

played his cards brilliantly. He lamented that the tragedy was that Nehru was neither a communist nor pro-Russian, but he had succeeded in giving the impression to the rest of the Commonwealth and America that India was going against them. This, Patel felt, was the basic reason for their hostility to India and friendship with Pakistan. He wanted India to be on the best of terms with the USA, as India needed her help to build up her economy.

Patel saw the Chinese invasion of Tibet in 1950 as a clear indication of China's imperialistic designs. He gave expression to his doubt on China's real intentions in a letter written to Nehru on 7 November 1950. He wanted India to strengthen her defence and communication systems in the border areas for he feared that China would attack India in the near future as the buffer state of Tibet had disappeared. Nehru interpreted the Chinese action as being motivated by fears of American acts against the Chinese Communist regime. Patel refused to accept this interpretation. Patel minced no words in denouncing China's aggression in Tibet.

Nehru and Patel

Several writers have represented Nehru as secular and Patel as communal. This not correct. Even the imposition of Nehru as a leader on the Congress by Gandhi was seen as an expression of this, though Patel was the choice of the majority. If we carefully examine the facts, the Muslim League saw all the three as communal. The same view was expressed by M.A. Jinnah, the founder of Pakistan, to Mountbatten:

"Nehru himself was vain, loquacious, unbalanced and unpractical and that the real and almost absolute real power lay with Patel, who was actively aided and abetted by Gandhi."

Even Liaquat Ali Khan was disillusioned with Nehru. The Muslim Leaguers had a personal animosity

towards Nehru. The reason was while they understood what Patel stood for *vis-a-vis* the Muslims and they could understand his point of view, they did not know what Nehru stood for in relation to them. They generally felt that more harm had been done to the cause of the Muslims, by Nehru's contradictory behaviour and inconsistent policies, than by Patel's open and clear opposition to Muslim League policies.

Even at home, there was a change of heart among several of his socialist critics like Minoo Masani and Jayaprakash Narayan. This is what Rajagopalachari observed in an article in 1971 (in 'Swarajya'):

"When the independence of India was coming close upon us, Gandhiji who was the silent master of our affairs had come to the decision that Jawaharlal, who among all the Congress leaders was most familiar with foreign affairs, should be the Prime Minister of Free India, although he knew Vallabhbhai would be the best administrator among them all... Undoubtedly it would have been better ... if Nehru had been asked to be the Foreign Minister and Patel made the Prime Minister. I too fell into the error of believing that Jawaharlal was the more enlightened person of the two and therefore it would be best that he was Premier ... A myth had grown about Patel that he would be harsh towards Muslims. This was a wrong notion, but it was the prevailing prejudice."

In the final analysis, Patel was as much a disciple of M.K. Gandhi as Nehru was. The difference lay in their approaches to problems. Patel was the realist *par excellence*, a defender of free enterprise, of national interests, Hindu primacy and secularism and finally a faith in parliamentary democracy.

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The Return of Boris Pasternak

E. V. Ramakrishnan

In the post-*Perestroika* world where the Stalinist heritage is being dismantled with a vengeance that was unimaginable even a few years ago, Pasternak has emerged as the symbol of the suppressed human spirit which finds expression in great art.

Nobel Prize

In 1958 he was awarded the Nobel Prize for his notable achievement in both contemporary poetry and the field of the great Russian narrative tradition. While rejecting the award, Pasternak informed the Swedish Academy: "Considering the meaning this award has been given in the society to which I belong, I must reject this undeserved prize which has been presented to me. Please do not receive my voluntary rejection with displeasure." A storm was let loose when his novel *Dr. Zhivago* which first appeared in Italian in 1957, won the Nobel Prize in 1958. A vicious hate campaign unleashed by the various official wings of the government drove Pasternak to near suicide. Faced with the prospect of being exiled from his country in his old age, Pasternak rejected the Nobel Prize and signed two letters of recantation to the government which ensured his continued stay in Russia. While handing over a typescript of the book to a Milan publisher for its publication outside Russia, Pasternak had remarked: "You have invited me to my own execution."

Pasternak lived for a full three score years and ten (1890-1960). He has been described as one of the most enigmatic authors of the twentieth century. As in all great artists, his essence eludes the grasp of the best equipped critical mind. His lyrical gifts combined with extreme reticence make him a complex writer. His talent for survival in the most adverse circumstances makes his achievement as an artist even more mysterious. While his early books of verse went unnoticed, with *My Sister Life* (1922) and *Themes and Variations* (1923) he gained a place as a leading poet among his Russian contemporaries. In the twenties, along with Esenin and Mayakowski he was one of the three prominent poets of the Soviet

Had Pasternak lived in a less eventful period of Russian history, he would have just remained a great lyric poet. But in facing the destructive forces of history he demonstrated a prophet's faith in his personal vision

regime. While Esenin and Mayakowski committed suicide Pasternak not only survived but found means to articulate his dissent in his works in a manner that often escaped detection. His ambivalence towards the revolution made him suspect in the eyes of the establishment. This explains the paucity of Pasternak material within Russia. The first comprehensive biography of Pasternak appeared only in 1981. Perhaps in the changed circumstances a wealth of suppressed material about his life should become available for future biographers. This hope is based on the fact that the lives of his contemporaries have been extensively documented.

Schmidt as Pasternak

Pasternak never fully accepted the Revolution openly. But his works never leave his readers in doubt as to what he valued in life. In 1927 two of his works, *Lieutenant Schmidt* and *The Years of 1905*, dealt with the theme of the 1905 Revolution. In *Sublime Malady* (1924) he had treated the same historical event as he saw it. The Schmidt of the poem, *Lieutenant Schmidt* was a historical personality who led the mutiny in the Russian Black Sea fleet in November, 1905. The poem presents him as a man torn between love and war. The following lines of the poem shows how Pasternak rejects the official Soviet view of the October Revolution as the epoch-making event that will end all revolutions:

Thou monstrous idol of the State,
Freedom's eternal ante-room!
The centuries slink from their cells.
The wild beasts scour the Coliseum.
The preacher's hand boldly confers
On the damp cage his benediction,
Seeking by faith to tame the panther.
Eternal is the cycle's swing
To Roman church from Roman circus.
We too live by the self-same law,
We from the catacombs and mines.

In lines that appear prophetic now Pasternak could see that revolution is followed by oppression which paves the way for further struggle. In his biography of Pasternak Ronald Hingley writes: "Thirty years after writing the poem, Pasternak himself was to become the Schmidt of a later generation. Just as Schmidt had accepted leadership of a naval mutiny against the empire of the Tsars in 1905, so his creator was to sponsor a one-man literary mutiny against the Soviet State fifty years later."

All his biographers have been at pains to explain how Pasternak escaped persecution in Stalin's Russia. According to information which leaked out later, he narrowly escaped arrest in the second half of 1939. Pasternak was both fascinated and repelled by Stalin. According to one account he had a meeting with Stalin in the winter of 1924-25, the only time he met the dictator who was well on his way to become the most powerful man in Russia. Stalin had sought the opinions of Pasternak, Yesenin and Mayakowski on the matter of translating poetry into Russian from Georgian, his mother tongue. Pasternak remembered him as the most terrifying man he had ever seen. Still at this early stage, Pasternak retained some regard for the Kremlin's recluse.

Transition into Opposition

But, as the thirties progressed Pasternak woke up to the nightmarish quality of the totalitarian system. He said: "Everything snapped inside me in 1936 when all those terrible trials began, instead of the comfortable period as I had expected in 1935. My identification of myself with the period turned into opposition which I did not conceal. I took refuge in translation. My creative

work stopped." He even abandoned translating from Georgian. His translations of the major Shakespearean plays and several works of Goethe, Schiller, Kleist and Ben Johnson belong to this period. That Pasternak could use translation to articulate his pent-up fury is evident from his rendering of many passages in *Hamlet*. The 1940 text of Pasternak's rendering of the famous soliloquy 'To be or not to be', when translated back into English, reads like this:

Who, otherwise, would tolerate the
spurious grandeur
Of rulers, the ignorant rudeness of
potentates,
The universal hypocrisy, the impossibility
Of pouring out one's heart, unhappy love
And the belittling of merit by
non-entities

Obviously, Pasternak was stating his view of Stalin's Russia. It is no accident that the opening poem of the *Zhivago* cycle is titled 'Hamlet'. The mask of madness, 'the antique disposition', is what an artist wears in confronting reality. Pasternak saved himself from the clutches of the dictator's rage with the cultivated stance of an eccentric. But in casting himself in that role Pasternak was taking a calculated risk. In his notes to Shakespeare's tragedies he interpreted *Hamlet* as a tragedy of duty and self-denial. The figures of Hamlet and Christ merge into one in his poem 'Hamlet' in a drama of heroic mission where life is lived dangerously. Pasternak's significance as an artist is precisely in this testament of faith in the individual's ability to resist the system by taking risks. The act of self-denial is an act of subversion.



The Parable of Zhivago

In the parable of the destiny of Yuri Zhivago, Pasternak was able to realize this message with consummate artistic skill. It was by presenting the particularity of the individual life and its worth and integrity in *Dr. Zhivago* that he rebelled against the ruthlessness of the Soviet system. He told a British journalist in 1959: "The writer is the Faust of modern society, the only surviving individualist in a mass age. To his orthodox contemporaries he seems a semi-mad man." Like his creator, Dr. Zhivago is indeed a Faustian figure whose tormented inner world is at odds with the collectivised social order of Soviet Russia. The idea of writing a grand work of fiction in the Tolstoyan tradition seems to have haunted Pasternak even before 1920. His life was punctuated with many prose fragments, some of which anticipate this great piece of fiction. The novel chronicles the inner world of the hero who is a Muscovite, a doctor and a poet. Both Pasternak and the hero are approximately of the same age. The narrative is both lyrical and reflective, epic and dramatic in which the weathers and seasons of the great Russian land assume central significance, rooting man in the life of nature. This indirectly is a rejection of the system or institutions which ruthlessly annex man disregarding his native impulse for love and human warmth. The novel refers to Lenin as 'vengeance incarnate' and obliquely describes Stalin as a 'pockmarked Caligula'. Yuri also rejects the scientific nature of Marxism in these words: "It hasn't enough self-control for that. The sciences have more equilibrium. And what of Marxism's so-called objectivity? I don't know any movement further from the facts."

Long before the novel was completed it became the subject of gossip in the literary circles of Moscow. The authorities had reason to fear its publication as, obviously, it was not the type of novel that would promote five-year plans. In an attempt to bring pressure on Pasternak to abandon the novel, his mistress Olga was arrested and sentenced to five years in a hard labour camp in 1946. She was later released only a few months after Stalin's death. Even Khrushchev's Russia had not changed enough to accommodate something as original as *Dr. Zhivago*.

In its rejection of the novel in 1956, *Novy mir*, the official Russian literary journal was categorical that no omissions or alterations could adequately correct a work, "which reflects, in its general spirit, a complete rejection of the October Revolution."

Had Pasternak lived in a less eventful period of Russian history, he would have just remained a great lyric poet. He was a shy man, both elusive and secretive who shunned publicity. But in facing the destructive forces of history he demonstrated a prophet's faith in his personal vision. That subsequent developments in the latter part of this century have borne him out is a tribute to the innate strength of art to see beyond the immediate present. Now that his motherland is ready to read his works in the original, his celebration of the creative spirit of man fulfils its subversive function. As he says in *Dr. Zhivago*. "Man is born to live, not to prepare for life."

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Life...

Have I seen life, or is youth just a joke
I think I've seen life
Its emotions I evoke
Life to me is an indepth study
— a study so intense,
it brings about worry
— This worry leads to stress
which is no facade — which is no dress
At this state of mind,
the essence of living passes by me
I then think I am exposed to reality
If this is reality — then I am experiencing
life
Can I then say 'I have seen life'
I try to live everyday,
to fight the truth — but I am not ready
But — lo I am on the wrong track
I guess it is the pressure that has made
me crack
to live everyday is to face life in its truest
form
How then can I fight the dismay a part of
living — a norm
All this has caught me unaware
It has piled in front of me
and all I can do is stare
Where oh where is the island of peace?
I want to find a solace to keep.

Karan Johar, 18, a student of St. Xavier's College wrote this in the ten minutes allotted to him when participating in a '1000 Words' competition.

Walter Lippmann

The Philosopher As Political Analyst

D. Anjaneyulu

Walter Lippmann knew a great many political leaders at close quarters. But he preferred to keep his distance from the corridors of power. He believed that a commentator could no more enjoy friendship with a statesman than a dramatic critic could with a leading lady

The birth centenary of the great American journalist, Walter Lippmann, born in September 1889, seems to have gone virtually unnoticed in this country.

Almost all professions tend to be identified, in the public mind, with a few well-worn stereotypes. A journalist, for instance, irrespective of his function and category, is invariably seen to be a gentleman in a hurry (certainly in a hurry even if he is not quite a gentleman), eager to jump to conclusions in his anxiety to catch up with his assignment. With his eye always on the scoop, he has no time to stand and stare, and hardly any to think and reflect. Self-assurance, rather than self-analysis, is, therefore, seen to be the badge of his tribe. If there are any exceptions to this general observation, at home or abroad, they only go to prove the general rule.

Walter Lippmann, who left an indelible impress on politics and public life in America in this century, was almost the exact opposite of the popular stereotype. His significant professional career was characterised by precocity, longevity and creativity. He had the intellectual equipment of a university don, but not the smug temperament to be satisfied to operate in the narrow grooves of academe. He had the outlook of a philosopher, but not the habits of a recluse.

If journalism is seen to be the end-product of the efforts of journeymen, it is known to be about the most transient of all forms of writing. But Lippmann's essays in authorship constitute a comparatively lasting contribution to an understanding of the fundamentals of American public life, if not to an analysis of the philosophy of American society. At a time when 'public opinion' was being deified as the 'supreme ruler of America', it was left for him to point out its shortcomings as a constituent of a system of government by consent. A



firm believer in the basic virtues of democracy, he was not afraid to draw attention to its weaknesses in decision-making and its dangers in the face of dogmatism and demagoguery. He was a liberal democrat, with both the words, starting in the lower case.

Born in September 1889, a German Jew by extraction, Walter Lippmann studied at Harvard, completing the four years' course in three and graduating with Phi Beta Kappa in 1910. A classmate of T.S. Eliot, he was a pupil of Graham Wallas and George Santayana and a protege of John Dewey and William James. Early in his youth, he developed admiration for the personal resourcefulness of Theodore Roosevelt and the political idealism of Woodrow Wilson. With his impressive background, he could have chosen the prestigious life of an affluent academic or that of a high-powered government official, but he made his choice deliberately and became a journalist. And a journalist he remained all his life, never ashamed to call himself a 'newspaperman'.

Starting his career with a brief stint on *The Boston Common* Lippmann soon switched over to *Everybody's Magazine*. Associated for some years

with *The New Republic*, a new journal of opinion, he found a larger audience on Joseph Pulitzer's *New York World*, whose editorial page he conducted from 1924 to 1931. After this fine paper folded up, he was invited to contribute a signed, syndicated column, "Today and Tomorrow" for *The New York Herald Tribune*. This he did till almost the end of his working life, around 1970. And it was through this widely-read column that Lippmann was known all over the English-speaking world.

The column was still a comparatively new feature then, even in American journalism. But Lippmann was a columnist with a difference. What he gave his readers in "Today and Tomorrow" was neither news of events, nor mere personal views and value judgements. It was political analysis and social criticism, judging men and evaluating events according to first principles. It was in the column that he was able to think of evocative words and phrases to express new ideas and situations, like "Cold War", "collective security" and "containment". Some of his individual assessments might have proved incorrect, but his basic judgement was sound. He might have been wrong, but never on the side of wrong. They were instances of honest misjudgment.

It is well-known, for instance, that Lippmann backed Al Smith instead of F.D. Roosevelt; Thomas Dewey instead of Harry S. Truman; and had an initial soft corner for Richard Nixon, but he was not afraid to correct himself. He was suspicious of Franklin Roosevelt and critical of his New Deal at the peak of its popularity, sceptical of the efficacy of the United Nations later, but did not hesitate to revise his views in the light of overwhelming evidence. What he aimed at was not easy popularity but rational analysis and correct under-

standing, according to his own lights.

In the well-chosen words of the eminent Indian journalist, the late Frank Moraes, who met him in America (in 1956):

"Not all his prognostications, as I recall them now, were fulfilled, but his analysis of men and events was unusual for its clarity and perceptiveness. These derived, one felt, from his habit of assessing day-to-day happenings against the broad sweep of the history of human progress and thought. Lippmann is interesting on personalities, but he thinks in terms of principles."

Of first principles in fact. One is reminded, in this connection of Matthew Arnold's observations on Edmund Burke in 'The function of criticism at the present time' in the course of which, he said that Burke was great because "He brings thought to bear on politics, he saturates politics with thought. ... His greatness is that he lived in a world in which neither English Liberalism nor English Toryism is apt to enter: the world of ideas, not the world of catch-words and party habits."

Lippmann performed this function through his column in the Press, as Burke did it through his speeches in the House of Commons. He brought thought to bear on politics, which normally is seen to have no use for it.

Though he knew many great political leaders at close quarters — Theodore Roosevelt, Woodrow Wilson, Calvin Coolidge, Franklin Roosevelt, John Kennedy, Lyndon Johnson, Winston Churchill, Charles de Gaulle and many others, Lippmann always preferred to keep his distance from the corridors of power to preserve his perspective and objectivity to the extent humanly possible. He believed that a commentator could no more enjoy friendship with a statesman than a dramatic critic could with a leading lady (if he hopes to retain his judgement and character).

He was a firm believer in democracy, but he distrusted the professional scholar as also the popular demagogue, the former because he did not know public opinion; the latter because he knew nothing else. He was also sceptical of patriotic predilections and populist prejudices passing for political idealism. He disapproved of "the fallacy of assuming that this is one world and that the social order to which one

belongs must either perish or become the universal order of mankind."

Against this lofty background, it should be easy to imagine that Lippmann was not the kind of communicator, who would be satisfied with the fitful and fleeting excitements of newspaper reportage or periodical journalism. He sought to discuss political issues and social problems in depth and the result was a series of serious books, nearly two dozen of them, in his working life of about six decades.

Suffice it here to mention a few of the titles, the more significant of them. They are "A Preface to Politics" (1913) (which was his first book); *Drift and Mastery* (1914); *Public Opinion* (1922); *The Phantom Public* (1925); *Preface to Morals* (1929); *The Method of Freedom* (1934); *The New Imperative* (1923); and *The Good Society* (1943).

Perhaps, the best known and, in some ways the most significant of his works is *The Public Philosophy* (1955), written with all the maturity of his varied experience. In this, he writes about 'The two Realms — "that of this world, where the human condition is to be born, to live, to struggle and to die; and that of the transcendent world in which men's souls can be regenerated and be at peace". He himself had lived in these two realms, but mainly in two parts of the realm of the earth — in the theoretical realm of the ideal society; and in the more practical and mundane realm of day-do-day political problems.

"I have lived two lives", said Lippmann, quite late in his professional career, "one of books and one of newspapers. Each helps the other. The philosophy is the context in which I write my columns. The column is the laboratory in which I test the philosophy and keep it from becoming too abstract".

But he managed to live those two lives simultaneously. One (the newspaper column) was the grist to his mill. The other (books and philosophy) was the end-product of his mind; the fruit of his life-time's study and analysis, imagination and contemplation. One represents the productive side; the other the creative element.

William James, the philosopher of Pragmatism, was not only a hero of his youth but a major, formative influence on his life and personality. But, while

philosophy was his love, journalism was his mistress. Though he was no rigid monogamist in his intellectual life (or even marital life, for that matter), it was remarkable that he remained faithful to both.

Unlike many colleagues in the profession, who would make a virtue of their bohemian life and disorderly habits, Lippmann led a very disciplined life. While taking a lively interest in day-to-day events, national and international, he always remained unruffled by the excitement of the passing show. His professional engagements were fixed well in advance. It is mentioned, for instance, that when he was to meet Khrushchev in Moscow and once the date was finalised, even the almighty Commissar could not have it changed!

True, Lippmann was a striking example of the journalist as intellectual and as humanist. But he was not content with that role of observer and analyst. He would also be a pragmatic participant. "It is not enough to criticise the official's policy," he said, "we must put ourselves inside his skin, for unless we have tried to face up to the facts before him, what we produce is nothing but holier-than-thou moralizing."

It may be remembered, in this connection, that Lippmann, the youthful aide to Elihu Root and Colonel House, had the distinction of drafting eight of Wilson's Fourteen Points at Versailles in 1919. And over four decades later, he was still alert enough to help John Kennedy prepare his inaugural address, changing Kennedy's description of the Soviet Union from "enemy" to "adversary", a subtle shade that facilitated a significant shift in policy.

Early in his career, soon after leaving the University, his friend and classmate, John Reed hailed Lippmann as "future President of America. But he chose the role of observer, philosopher and adviser, deliberately. Norman Podhoretz (Editor of *Commentary*) put it so aptly and effectively when he said: "Presidents come and go; Congressmen and Senators come and even they eventually go; but Walter Lippmann stays on in Washington for ever — the last articulate representative of the political ambience of an older America, our last remaining link with the ethos of the *Federalist papers*."

DR. D. ANJANEYULU is a well-known author and journalist

Life After Death

S. Jayaraman

Up to the mid '60s proceeding on earned leave was a nightmare for gazetted officers of the Central Government. Things were much worse for officers outside New Delhi. Officers could draw their pay only on an authority issued by the Accountant General, Central Revenues (AGCR) termed, 'pay slip' in Government parlance. In the case of officers in New Delhi other than the AGCR only the Pay and Accounts Officers (PAO)/Treasury Officer (TO) came in the picture. On the other hand, for officers working in other stations the Accountant General (AG) of the State concerned also came in the picture between the local TO and the AGCR which added to the delay in their getting their pay.

Officers proceeding on leave other than casual leave had to get their pay slip for leave only after the Controlling Officer (CO) had issued a notification in the Gazette of India giving the nature and duration of leave of the officer. This itself took time as the nature and admissibility of the leave had first to be certified by the AGCR who maintained the service record including leave record. Leave salary bills had to be accompanied by a 'Life Certificate' issued by a gazetted officer. Again, after the officer had resumed duty, a similar gazette notification would have to be issued by the CO about the officer having resumed duty after the expiry of the leave. The AGCR would authorise the officer drawing his duty pay only on the basis of the Life Certificate.

As that procedure involved considerable delay and resulted in avoidable hardship to officers, the Government made an effort at streamlining the procedure; it enabled officers to draw their duty pay without waiting for the gazette notification but after the CO had forwarded to the TO and the AGS concerned the joining report, called the CTC in Government parlance.

I was then working as a Marketing Officer in the Central Government's Directorate of Marketing and Inspection at Nagpur. After availing myself

of earned leave for two months I resumed duty and started drawing duty pay. After the lapse of about a month I received the pay authority for my leave period, the 'leave salary slip', whereupon I sent my leave salary bill to the Treasury for encashment. After about three or four days I was startled to receive back my leave salary bill with the TO's objection slip reading, "Life certificate not attached". This despite of the fact that the very same TO had passed my pay bills for periods subsequent to my leave period! I went personally to the TO with the objected bill so as to present myself in flesh and blood before him and thereby impress upon him that I was very much alive; besides, he also knew me very well as a friend. Surprisingly my plea went into deaf ears. He stuck to his objection saying, "Dr. Jayaraman, I am very sorry that I am unable to help you unless you attach a life certificate duly signed by some gazetted officer, other than yourself". When I told him that he too was a gazetted officer and who also knew me very well and could thus give me the life certificate his reply was, "What do I know about the period during which you were on leave and were also outside Nagpur?"

Though I couldn't help laughing at his wooden headed approach I restrained myself for obvious reasons only mustering up courage to tell him that scientific advancement in any part of the world (let alone India) had till then not enabled mortals like me dead for two months and later to be resurrected for resuming duty under the Government and thereby cheat the Government by drawing leave salary even when dead. He would not entertain anything of that type of commonsense stuff, confirming the widely held and oft expressed view that commonsense and government are poles apart. I rushed back to my office, obtained a 'Life certificate' from my junior who, in the heart of his heart, would have instead loved to give a 'Death Certificate' to his Hitler-like,

idiosyncratic superior — that is me — rather than continue to reel under the tyranny of a Hitler in office in addition to a Hitler-like better half at home.

After all, it was immaterial to me who needed his leave salary badly. In this bargain, both of us, the TO and I, had made our point. I got my leave salary thanks to an obliging junior (gazetted) officer who issued a 'false' life certificate to me without having seen me in life during the period for which he issued the 'Life Certificate'. The TO was happy in that he had not killed his conscience by issuing a 'false' certificate about my being alive which was not within his personal knowledge and he could also stick to rules as an officer of outstanding strictness. He was well-known for his being a stickler for rules.

MORAL:

"Anyone holding a gazetted post under the Central Government has a life after death!"

DR. S. JAYARAMAN retired as Joint Agricultural Marketing Adviser to the Government of India.

More Staff, Less Work

India has about 40 per cent more bank employees per million dollars of assets than Pakistan, 150 per cent more than Indonesia, and nearly 300 per cent more than Malaysia. With such burgeoning cost and dwindling profits the banks can jack up their capital only if government holds equity in them. This means it

is the price of government inefficiency, by having more inflation and a lower standard of living.

When there is no risk of loss of deposits because of state ownership, those who are in charge of their deployment often act recklessly in using those resources — as happened not long ago in Chile, Argentina and Mexico. The price you then pay is raging inflation and financial chaos. Lenin once said that if you debase currency and finance, you hasten the advent of Communism. With the crumbling of communism in Eastern Europe even this choice is denied to India.

Deena Khatkate

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'Press'ing Problems

The 39th IPI Annual Assembly — A Report

Major General E D'Souza

It is rather surprising that the recently concluded 39th Annual Assembly of the International Press Institute (IPI) Geneva, an important event in the world of the print and electronic media, failed to evoke any interest in India. Held in Bordeaux, France from May 6 to 9, 1990, it was attended by 305 media persons from 43 countries. India was represented by Cusrow Irani of *The Statesman* and A K Sarkar of the *Ananda Bazar Patrika*. I was invited to speak in the session on "The Environment: Does the Earth have a Future?" The Assembly was inaugurated by Francois Mitterand, President of France in the august company of his World War II colleague Jacques Chaban-Delmas, Mayor of Bordeaux.

The main items discussed were: The Dawn of Democracy in Central and Eastern Europe; Europe in flux; the Emergence of New Structures and Transnational Implications; French Politics in the 1990s and Beyond; the Outlook for Private Television; the Environment; and Press Freedom Reports. There was much to learn about the good (and the bad) of the power of the media and its ability to wield influence over public opinion and the tremendous pressures that media persons are subjected to. It is a pity that there were no mediapersons from Bombay, Delhi and Madras.

The French love grandeur. The inauguration was held in the historic Bordeaux Grand Theatre, Place de la Comedie. Accompanying the French President was Jacques Chaban-Delmas, a close associate of the legendary Charles de Gaulle and a former journalist himself. Mitterand spoke in French but mercifully there was the facility of instant translation. He stressed the concept of freedom by recalling Article 11 of the Declaration of Human Rights wherein Freedom of communication, thought and opinion were enshrined in letters of gold. He emphasised with some emotion that these freedoms were the most pre-

There was much to learn about the good (and the bad) of the power of the media and its ability to wield influence over public opinion and the tremendous pressures that media persons are subjected to. It is a pity that there were no media persons from Bombay, Delhi and Madras

cious gifts of man. As is his wont, he eulogised the part played by France in freedom movements. Freedom of the Press, he said, was enshrined in law in 1881 but it took nearly 100 years to be extended to the electronic media. Tongue in cheek he unashamedly mentioned that, bar a few exceptions, there has never been a possibility of interference in the Press in France!

Chaban-Delmas recalled how Resistance newspapers during World War II survived twin censorship, and how, with Mitterand, the two managed simultaneously to live through the evolution of the Press in France, as members of the Resistance and after liberation.

Henri Pigeat, Chairman IPI French National Committee made the very pertinent observation that *the power of TV can never replace critical analysis*; live pictures are not a sufficient guarantee of truth; critical reasoning, even if it costs a few moments delay, cannot be substituted. Enrique Zileri the outgoing Chairman of IPI in his recall of events as a media person, focussed on two major international incidents; the stand-off in Beijing's Tiananmen Square and the domino principle collapse of communist regimes in Eastern Europe. He commented on the execu-

tion of Farzad Bazoft in April by Iraq and opined sadly that democratic governments should be more concrete in denouncing such barbaric acts. He spoke of his concern over the murder of journalists by the drug mafia in Central and South America for their exposure; 7 killed in El Salvador; the murder of Todd Carter Smith of the *Tampa Tribune*; in Peru of Hugo Bustos of *Caretas*; and the case of Hector Delgado Parker, Director of Peru's largest electronic network who was abducted in spite of the fact that he was in an armoured car with heavily armed guards. Peter Galliner, the energetic Director of IPI dwelt mainly on the events sweeping events in Eastern Europe singling out the distinguished writer Vaclav Havel now President of Czechoslovakia and Jiri Dienstbier, Foreign Minister. He was of the opinion, based on events in Eastern Europe, that repressive regimes can be exposed by the media with far reaching results. In spite of a number of editors and journalists practising investigative reporting in the USSR under considerable difficulty, many respected Soviet journalists continue to receive threats to their lives.

The Dawn of Democracy

Dr Franz Vranitsky, Chancellor of Austria observed that unlike the crumbling of existing structures in 1648, 1814, the Great War of 1918 and World War II, the happenings of 1989 exemplified the year of peaceful revolutions where communist ideologies were toppled without significant blood letting or violence but through sheer determination and the combined will-power of an oppressed people. Referring to the many problems that have surfaced and are surfacing: German reunification and its effects on security and the economic rehabilitation of East European countries for instance, he said: "I do not subscribe to any of the doom and gloom scenarios so easily developed, now that the cheering has abated. But it

would be unwise to underestimate the size of the problems". Vranitsky stressed two areas which need to be avoided like the plague: firstly, the 'wait and see attitude' where one tends to make economic involvement dependent on political stabilisation; and secondly there should be a cautious approach not to use the struggling East European economies as a testing ground and to project on them the West's own unresolved disputes on economic theories.

Jiri Dienstbier, expressed the feeling that his very presence at this IPI assembly was a miracle, having been denied a passport often in the last 20 years — a sure and welcome sign of the return from darkness to the dawn of democracy. He said with much pride that the democratic tradition had always burned brightly in the heart of every Czech and quoted historical events exemplifying the indomitable Czech spirit at Pilsen and Prague. The reason why the Czech people preferred capitulation was because it saved them from hunger. He disagreed that the events, these uprisings in his own country, Poland and Hungary signified a 'return' to Europe. He was sure in his own mind that the *samizdat* newspapers in Czechoslovakia strengthened by the world media and the international press organisations helped them to succeed.

Adam Michnik, *Gazeta Wyborcza*, Poland spoke on the requirements of freedom where communism as an ideology is dead and, as a power apparatus, almost defunct. His concluding remarks were significant. In relation to Lithuania he said that "there is no route for peace other than dialogue" which every right thinking Indian concerned with the insoluble problems in Punjab, Kashmir and Assam needs to advocate.

Eniko Borobas, Hungary commended the dignity and generosity of President Havel of Czechoslovakia even though it meant Hungary losing the world's 'headlines'. Although it gave the lead, it's emancipation from a communist society was gradual and unspectacular. Why did Budapest strike visitors as a western city? A good question retorted Eniko, but felt that an answer would never be forthcoming because of that well remembered Leninist rule: "never write anything down", quite unlike the *glasnost* and *perestroika* of the USSR. There is caution in Eniko's optimism. Her reasons are significant. The devastating

fall-out of communism, the pollution of unnecessary and loss making industry, the big debt frivolously incurred, the wasteful working methods, the encouragement to dishonesty, the destruction of the family, the appalling housing *et al* (sounds familiar to what is happening here). She concluded that changing over to a free economy is far from easy.

Europe In Flux

The views expressed by the two Russian participants were equally interesting. Dr Lew Besymenski *Novy Vremya*, who was for German reunification related a well known story to illustrate the Russian position: Someone once asked whether the Trans Siberian Railway would have tracks? The answer... if it meets in the middle between East and West we will have one track; if it does not meet we will have two!

Vladimir Lomeiko, the tall, distinguished Soviet Ambassador to UNESCO advocated a breakaway from the hitherto confrontational attitude and recommended the adoption of one of understanding; in other words "we must escape from the 'Yalta behaviour' and return to a common and humane global approach, a role in which the media can play an effective part. Visibly moved, his anguish at the Chernobyl disaster was evident when he urged international solidarity in dealing with such catastrophes.

The Outlook for Private Television

The importance of TV journalism, in today's world and its ability to shape people's minds can never be underestimated. Mark Damazer, *BBC TV News* asserted that the quality of TV journalism, its comprehensiveness and independence, forms a vital part of functioning democracy. He was firm in his belief that TV is essential in a world living under common ownership; that the concentration of power and interests of the dynamic 'piranhas': Berlusconi, Maxwell, Murdoch, Turner, Hersant and others, extending across the various print and electronic media frontiers, posed a challenge to the independence of each and every one of us.

Sir David Nicholas, *ITN*, UK startled us by remarking that the tyrannical public expects fast news. He went on to say that in UK as elsewhere, TV news is a most attractive bait for advertisers, implying that big investment will be needed to develop talent to stay alive

with the new technology in the 1990s. Juan Cueto, *Canal Plus*, Spain, expressed doubts about the future of private TV *although private channels have brought greater artistic freedom* and more development of information technology. The most aggressive commercial channels in Europe are the public channels. This raises the question of survival of private channels. And Endre Aczel of Hungary said that there are at least 70 private individuals and groups vying to set-up TV companies in his country because of big profits. But, in the final analysis he is certain that people want not private or public TV *but better TV*.

Press Freedom Reports

The risks journalists the world over are required to take in the pursuit of their profession came out strongly in this session. The problems being faced in Colombia were graphically described in clinical detail by Enrique Santos Calderon of *El Tiempo* who had been through the experience and who confessed that he could not believe that he was in Bordeaux. He described how he and his fellow journalists were being mercilessly and relentlessly hounded by the Drug Mafia, so much so that they faced a daily battle with fear, rage and frustration. He portrayed with deep feeling how Colombian newspapers have been converted into military bunkers; how travel has to be in armoured cars with fully armed escorts; how they are afraid to know that they are in constant proximity to death; how drug traffickers kill journalists to stifle attempts to expose them.

This well attended and equally well structured Assembly welcomed the changes taking place in Europe in so far as Press Freedom is concerned. It advises caution through increased vigilance. It noted with concern, inter alia: the exclusion of 'visual material' on South Africa; the large body of censorship laws imposed on the Media in the last 42 years; the alarming number of democratic countries including Australia, Belgium, India and the UK where journalists are being forced to disclose sources of information.

MAJOR GENERAL J.E. D'SOUZA (RETD.) P.V.S.M. is the President of the Bombay Natural History Society and writes on Defence, Sports and Environmental matters.

Portuguese Literature: Past and Present.

— An Interview with Portugal's Ambassador

Anil Samarth

The characteristic of Portuguese literature until the last century was the predominance of poetry. It seems that the only European intellectual movement which had a conceivable impact on Portuguese literature was romanticism, perhaps because it suited well with her innate, lyrical individuality. Antonio Nobre (1867-1900) the well known symbolist, published in 1892 a volume of poems under the eloquent title *SO* (Lonely). These poems tenderly express introspection and nostalgia. Pascoaes named this mental inclination *saudosismo*. In Portuguese *saude* is a blending of memory, desire and yearning, melancholic regret and vital hope.

New Developments

However, at the turn of the century the social-political uneasiness in Portugal disturbed the lyrical, contemplative mood and awakened the *literati* to the realities of life. In the present century prose fiction was considerably influenced by the great social novels of Eça de Queiroz (1845-1900). Antero de Figueiredo (1866-1953) gave a lyrical touch to his historical religious prose fiction. Manuel Ribeiro (1878-1941) contributed religious-social novels. Raul Brandao (1885-1930) wrote rhapsodically about the life and misery of the downtrodden (*Pescadores-Fishermen*, *Pobres--Poverty*). Aquilino Ribeiro (1885-1963) stands out for the content and style of his novels, short-stories and essays.

A student of philosophy, Aquilino was in exile in Paris for political reasons. After returning, he became a school teacher and later librarian of the National Library at Lisbon. His first book, a collection of short stories, *Jardim das Tormentas* was published in 1913, his peasant novel *Terras do Demo* in 1919. He wrote on rural life in his native Beira-Alta. Through his novels he initiated regionalist literature in Portuguese. His talents reached their peak in *Estrada de Santiago* (1922), a lively, picturesque, first person account of the adventures of a muleteer. After *Andam faunos pelos bosques* (1926), a novel about a country priest, he turned to other themes. His *Quando os Lobos Uivam* (1954) was translated in English *When the Wolves Howl* (1963). Many writers believed that regionalism was the best means to revitalise prose fiction with local themes, milieu and idiom. Besides other factors, the convivial touch of regionalism seems to have added to the widespread popularity of novels in Portugal.

ANIL SAMARTH (AS): Would you please tell us about the literary works and figures that interested and influenced you in your formative years?

DR. ÁLVARO GUERRA (AG): Books which impressed me the most in Portuguese literature were those of Eça de Queiroz and Camilo Castelo Branco, whom, even today, I consider the greatest of Portuguese novelists. Poetry had particular fascination for me, especially that of Fernando Pessoa, José Régio, Miguel Torga and Alexandre o'Neill. The classical poets, like Luis de Camões, Sá de Miranda, Francisco Manuel de Melo, Cavaleiro de Oliveira also awakened in me an interest in Portuguese literature. I also admire the galaxy of writers of the 1870's besides Eça de Queiroz, Oliveira Martins, Antero de Quental, Ramalho Ortigão who, forming

the post romantic current in Portugal, made their time one of the most brilliant in the history of our creative literature. From the contemporary North American and French literature those who impressed me the most were Faulkner, Das Passos, Sartre and Camus.

AS : Which form of literature (Poetry, drama or Novel fascinates Portuguese readers most?

AG : The Portuguese are mainly novel readers, if judged by the number of copies of each edition.

AS : We are repeatedly told that Portugal was intellectually and emotionally suffocating under the dictatorship of Dr. Salazar, who never tolerated dissent. How then can you explain the *savoir vivre* comment of Dr. Salazar

Salazar and Creativity

The leisurely, at times lyrical ethos of Portugal was in for a shock with the rise of Dr. António de Oliveira Salazar to power. In political parlance Dr. Salazar was always bracketed with Hitler, Mussolini and Franco. During Dr. Salazar's regime (1928-1968) and also during the regime of his successor, Marcello Caetano (1968-1974) Portugal suffocated in every respect.

In Salazar's Portugal many a liberty loving, sensitive soul waited in the wings, marking time. Their patience and panic, expectations and apprehensions found meaningful expression in the literature of that period which clearly bears the imprint of the agonising experience of the *literati*.

I had the privilege of meeting a Portuguese *litterateur* who had suffered during the regime of Dr. Salazar. Now Portugal's Ambassador in India, Dr. Álvaro Manuel Soares Guerra (better known in literary circles as Álvaro Guerra). Dr. Guerra (b.19 October 1936) is a novelist of note in Portuguese literature. Some of his novels have run into two or three editions like *Os Mastins* and *O Disfarce* 3rd ed 1986, *Café República* 3rd ed 1984; *Café Central* 3rd ed 1988; *Café 25 de Abril* 2nd ed 1987. His other books are *A Livre* (1969), *A Memória* (1971), *O Capitão Nemo E Eu* (1973), *Do General Ao Cabo Mais Ocidental* (1976), *Reflexão Sobre a China* (1977). His works, besides being included in various anthologies, are also studied in the universities of Lisbon, Poitiers, Sao Paulo, Rio de Janeiro and Heidelberg.

Soon after the historic revolution of 24 April 1974, Dr. Guerra headed Portugal's Department of Information and Television. He soon became Portugal's Ambassador to Yugoslavia (1984) and Zaire (1984-1988) and now Ambassador to India since August 1988. The widely travelled Dr. Guerra is the recipient of several honours like the *Gra Cruz da ordem do Infante D. Henrique*, *Gra cruz da Ordem da Benemerencia*, *Grande oficial da ordem da Liberdade*, *Ordem da Bandeira Vermelha da Jugoslávia*; *Ordem da Bandeira Vermelha com palma e cordão da Jugoslávia*; *Comendador da Ordem do Leopardo do Zaire*.

Curious to know the social and literary milieu of Dr. Salazar's Portugal, I interviewed Dr. Guerra. The following is a free rendering in English of Dr. Guerra's response in Portuguese.

published on the blurb of Aquilino Ribeiro's *Quando os Lobos Uivam* (1958): "*Comece o seu inquérito por Aquilino. É um inimigo do regime. Dir-lhe-á mal de mim, mas não importa; é um grande escritor*" (Begin your enquiry with Aquilino. He is an enemy of the regime. He will speak ill of me, but it does not matter, he is a great author).

AG : Dr. Salazar's and his successor Marcelo Caetano's regimes were dictatorships. Their main characteristic was one-party-rule, political police and censorship of the press. Naturally, the regime almost never had in its ranks any important intellectual or artist. Dr. Salazar was an intelligent and learned person. Therefore, whenever anybody's prestige was unanimously acknowledged in the country or abroad, Dr.

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Innovative Drug Technology
— a tradition and a promise

Salazar was constrained to recognise him. This was his *savior faire*, but this did not alter in the least the repressive character of the regime of the so called *Estado Novo* inspired by the experience and ideology of Italian fascism. It is convenient to add that the control of information was much more severe than of literary works, which were not subjected to pre-censorship but were liable to seizure of copies after publication. This system created a climate of constraint as it implied, besides material losses to the publishers, a trap of civil, legal responsibilities involving the author, the editor and the printer. I myself came to know a paradigmatic situation of this kind when my book *Memoirs* was being printed and the printer came to ask me to change or delete some passages for fear of imprisonment or loss of his job.

Many eminent Portuguese writers were incarcerated and also discriminated against in their social and professional life. To give only one example, during the last years of the regime my name was systematically censored on TV and my literary works never allowed to be mentioned. There were real taboos. For instance it was not permitted to write about the colonial war and (the nature of) colonialism in general.

AS : What was the contribution of the literati in boosting Portugal's morale for freedom of expression during Dr. Salazar's rule?

AG : To give you a concrete idea of the importance which the regime attached to the works of authors, after the military coup of 25 April 1974, when it was possible for me to consult my file with the political police, I found it was full of the titles of my books published in Portuguese and French journals. In the struggle for liberty, almost all Portuguese authors were always in the front line. In spite of the risks and obstacles they contributed through their books and civil activities to a greater awareness among the Portuguese people for liberty. Their situation was similar to that of those who fought and are still fighting in other parts of the world for the fundamental right to liberty and human dignity, under circumstances when just a signature on a protest petition could land them in jail.

When we used to have meetings with other authors, the authorities would cut

off the electricity supply in the place where we had gathered.

AS : What is the main trend in present Portuguese literature? Is it purely idealist or is it some sort of protest against some undesirable reality of life?

AG : I doubt if there is any purely idealistic literature in Portugal or in any other country. There are no perfect societies which can escape the critical eye, the demands of creative men, literary and others. Portugal is no exception in this respect. As Montaigne used to say: "The mirror of our discourse, is the course of our life". Not being saints or ascetics, how can we be pure idealists?

AS : Is there any turning point in Portuguese literature in the post-Salazar period?

AG : In purely literature terms, I see more continuity than change. If Portuguese society is transforming fast, the consequences in literary production could be seen mainly in the growing number of readers and copies of each edition. The change in commercial factors plays a decisive role; the editors can now invest more freely in publishing and advertising. Literacy and purchasing power have also gone up. During the dictatorships the general trends in Portuguese literature oscillated mainly between neo-realism and surrealism. Today I do not think there is any particular dominant tendency in our literature. Perhaps we are going through a phase of diversified search in which the novel has not lost its place of supremacy but has further strengthened it.

AS : What is the common literary aspiration of the Portuguese literati? Are they politically conscious or do they live in their ivory towers?

AG : I would say that political consciousness naturally continues to be the common denominator in current Portuguese literature. With what material could the author tell his story, if he has lived all his life in an ivory tower?

AS : Is the Portuguese reading public responsive? Has any literary work provoked public jubilation or protest?

AG : In the new democratic Portugal, several authors have been honoured with the order of Liberty (*ordem da Liberdade*), of course started after 1974, and many of them who were persecuted during the previous regime were honoured publicly, some times

posthumously, as for example Aquilino Ribeiro. There are no cases of protest against any literary work. Our society is now democratic and tolerant, and no one would be persecuted for his opinions.

AS : Can a Portuguese live by his pen?

AG : Rarely can any author live exclusively on his literary works. We are a nation of ten million. The market is therefore small. However, conditions have now changed for the better and our own market has enlarged to other Portuguese-speaking countries such as Brazil, Angola, Mozambique, Guinea, S. Tome, Cabo Verde. Do not forget that there are more than a hundred and eighty million Portuguese-speaking people.

Authors like José Cardose Pires and José Saramago for example live exclusively on writing.

AS : For a century or so (thanks to the printing press) many Goans wrote a lot in Portuguese. In Goa we are often offered impressive accounts of such Goan-Portuguese litterateurs. Why then is hardly any one of them mentioned in any standard history of Portuguese literature?

Corrupt Judiciary

The press is being quite hypocritical in the fuss it makes about the allegations of corruption against a Supreme Court judge.

And this is not a new phenomenon either. Here is Francisco Pelsaert, a Dutch trader in India, writing in 1626 about our judicial system:

"One must indeed be sorry for the man who has to come to judgement before these godless 'un-judges' their eyes are bleared with greed, their mouths gape like wolves for covetousness, and their belies hunger for the bread of the poor; everyone stands with hands open to receive, for no mercy or compassion can be had except on payment of cash. This fault should not be attributed to judges or officers alone, for the evil is a universal plague; from the least to the greatest, right up to the King himself, everyone is infected with insatiable greed."

Corruption is integral to Indian culture.

There is no way out.

Mr. Narayana Kurup in a letter to *Aside*

AG : There is at least one case which finds mention in the history of Portuguese literature — Orlando da Costa, a Goan domiciled in Portugal. Do not think that histories of Portuguese literature until recently abounded with references to authors from Angola and Mazambique. This is a recent phenomenon. Do not forget that the Portuguese colonial empire collapsed only thirteen years ago.

AS : Do you agree that a comprehensive history of overseas Portuguese literature should be written without further delay?

AG : I agree, it is very important that such work should be done. But I think that it should be planned and executed within the framework of a history of the literature of the Portuguese-speaking people, in which scholars of Portuguese literature from various continents must participate on an equal footing.

AS : What is the image of India, if any, in Portuguese literature written by Portuguese authors (not Goans)?

AG : The first image of India in Europe was through Portuguese authors and the chroniclers of the 16th and 17th centuries. But if you refer to the present situation, the balance is extremely poor. Since the independence of India, of course, for reasons directly connected with the colonial policy of Salazar and Caetano, we were living with our backs turned to each other. Only in January 1975 were our diplomatic relations resumed. Until 1961, the only contact between Portugal and India was in Goa. Thereafter even this ceased. Now a re-encounter needs to be made openly and freely, without complexes. I hope that exchange of university professors, conferences, possible visits of Portuguese authors to India and vice versa, could be stimulating even in terms of creative literature.

AS : During your stay in India, how do you propose to strengthen literary friendship between multi-lingual India and Portugal?

AG : I have already made some suggestions. Portugal is ready to promote

a dialogue at every level between Indian and Portuguese men of culture. A future meeting of authors fits perfectly in this desideratum. And here, why not propose the idea of a wider meeting of Indian authors with their Portuguese, Angolan, Brazilian, Mozambiquan colleagues.

AS : You are known for your Café trilogy: Café Republica, Café Central, and Café 25 de Abril. May I suggest you also write an epilogue volume Café India or Café Diplomático!

AG : My books were already well known long before the trilogy of Café was published, but this trilogy benefited from the fact of being written and published without the constraints of the pre-1974 repressive period. The Café cycle is over. But India is sufficiently stimulating to inspire new texts in future. The filter of distance in terms of time will, I hope bear it out.

MR. ANIL SAMARTH is a scholar currently engaged in research on the society, culture and politics of Goa.

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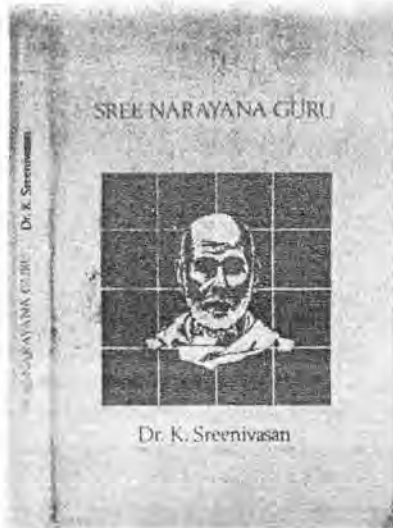
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BOOK REVIEWS

SHREE NARAYANA GURU by Dr. K. Sreenivasan; Jayashree Publications Trivandrum; 1989; pp208; Price Rs. 120



For every ten who would have heard of Sanjay Gandhi, not one would have heard of Narayana Guru. This reflects the appalling state of public education in our country. One of the greatest sons of modern India, he did yeoman service in transforming the social structure of Kerala, infused in it a dynamism, and radiated, all round, a noble humanist fervour. He helped his community, the Ezhavas, sunk in absolute social degradation to elevate itself and gain self-respect. All this he did silently with no help from government or funding from any other quarter.

Born in a family of lowly social status, young Nannu, as he was called, picked up the rudiments of Sanskrit, *Ayurveda* and astrology from his father. Later, he was to attain proficiency in different branches of Sanskrit. Bitten by a spiritual wanderlust, he traversed the deep South meeting a variety of people and became intimately acquainted with the problems of the common man.

His lasting contribution is the Sri Narayana Dharma Paripalaya Yogam or the SNDP as it came to be popularly known — that model institution he

founded in 1903. With able lieutenants this body transformed modern Kerala. He not only instilled a sense of confidence in the community that was degraded socially but educated them and awakened them to their rights. Later the Nairs and the Namboodiris inspired by his work were to start their own organisations for a similar transformation of their own communities. The chain of schools, higher educational institutions and co-operative societies that dot modern Kerala all testify to his pioneering spirit. He also inspired the communities of Kerala to abandon their pointless and expensive, social and religious festivals which were used as occasions for ostentation. Later, the Nair Service Society or the NSS was to adopt these reforms as one of its planks for social regeneration.

The Ezhavas were later to demand representation in the legislature, in the Civil Service and in educational institutions as well. They were to lead the movement for the right to enter temples for worship. If Travancore led the Temple Entry Movement in modern India (for Harijans) it was mainly due to the ground prepared by the followers of Sri Narayana Guru.

Not only did he promote education and self-help, but initiated a national reconstruction movement helping people to learn new crafts and to be self-reliant. By 1917 he exhorted his followers not to build temples but schools. He personally took Kumaran Asan (one of the greatest poets of modern Kerala) to Bangalore to get him educated. He was to compel Natarajan to go to Paris to educate himself in Law.

Here was a religious leader with a difference, for he stressed the value of non-religious institutions. Here was a saint who, despite a deep yearning to lose himself in spiritual pursuits (like Ramana Maharishi), yet served the community by actively participating in it. His is the only instance of a saint in modern India who initiated social reform on a large scale but withdrew himself from it, once it gathered momentum. Totally without any ambi-

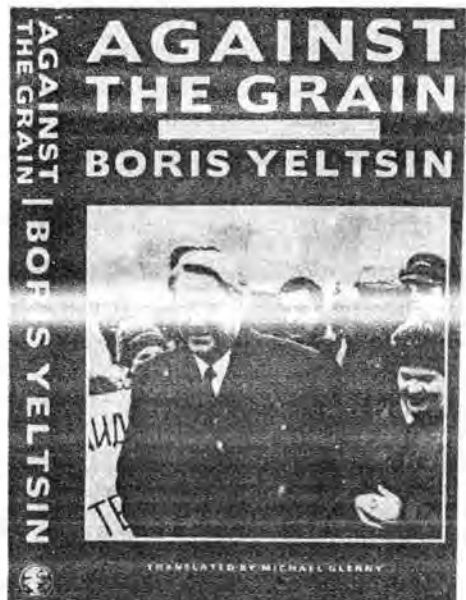
tion, he lived the ideals that he preached and won the respect of all religious communities.

He did not seek the help of either the advanced sections of the community or of the government for his endeavour. Unsought, they gravitated towards him. In a dialogue with Gandhi he won over the Mahatma the cause of egalitarianism and the obsolescence of the *Varna-srama* ideal.

He had a deep retiring disposition and gradually withdrew from social activities. His compositions in Sanskrit have a place in modern Hinduism. The book under review is an excellent account of this great son of India.

Reviewed by DR. R. SRINIVASAN

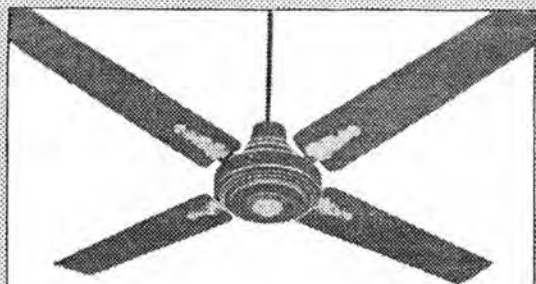
AGAINST THE GRAIN — AN AUTOBIOGRAPHY by Boris Yeltsin; translated by Michael Glenny; Jonathan Cape Ltd. 20, Vauxhall Bridge Road, London; 1990; pp. 215; £12.95 (in the UK only)



This book is as absorbing as a novel, touching the readers at two levels: as the life story of a very remarkable man; as a political documentation of life behind the Iron Curtain at the highest levels. The title of the memoir could

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Nawab's era:

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used ones of straw-mat having handles
put inside hollow bamboo stick called
'Mulee'.

The Mark of Zamindars :
Zari fringed punkah designed from palm
leaves. For ordinary peoples plain
looking punkha of palm leaves.

The Company regime:
Bardar (Punkah Puller) operated giant
punkah hung by rope.

British India:
Ceiling fan with 4 wooden
blades and iron body (In vogue, in early
20th century).

Independent India:
3/4 bladed modern fan.

300
Salaam Calcutta : 1690—1990

not be more apt. Boris Yeltsin was from childhood, a man who went "against the grain", or swam against the tide. His life spans the most important years of the Soviet Union's growth and development. It takes him through a variety of experiences in different strata of Soviet society.

There were three kinds of peasants in the Russia of Yeltsin's youth: the kulaks, the landless, and the small farmer. His family belonged to the third category. Life for young Boris was very hard. But he seems to have thrived on a regimen of austerity, managing athletic feats with academic achievement — and a certain rugged individuality which manifested itself quite early, in his rebellion against an unjust teacher. He is fortunate that the friends he made in his youth; his travels by road and rail all over Russia, and his marriage to a highly supportive and compatible wife, provided the props that would sustain him through the dark days of a political struggle still very much in the future, when he begins his story.

Despite a coveted technical qualification in construction Yeltsin added practice to theory, when he mastered every aspect of construction before he accepted a supervisory job, and eventually, his first Party position in the communist hierarchy. His particular technical specialisation was to stand him in good stead right through. His elevation up the rungs of the Communist Party ladder, eventually brought him to that most sought after of all Party plums: leadership of the Moscow unit, mere residence in Moscow itself being the pot of gold at the end of the rainbow, for most citizens of the U.S.S.R. His knowledge of the Party at every level

enabled him to come to a deep understanding of the strengths from first hand experience. Thus it was, that while it was Gorbachev who summoned him to Moscow, it was with Gorbachev that he eventually had differences which made him quit the Communist Party at the height of his power. As in India, where politicians get on better with their counterparts in other parties (rather than with rivals in their own), Yeltsin and Gorbachev began on a collision course, because they had differences of degree, not of kind. Gorbachev saw and sees the necessity for a change of the system, but stops short of radical restructuring. Yeltsin is often accused of not

even using the word 'Communism' in his speeches!

The book is structured around Yeltsin's election campaign, and with rather cinematic technique, shuttles between the run-up to the election, and his reminiscences of the past. The election campaign itself seems almost as fraught with dirty tricks as any in India, with the TV, newspapers, and planted troublemakers at meetings, doing their worst to prevent his adoption as a candidate. Since the book appeared, Yeltsin has gone on to become President of the Soviet Union's largest federating unit: The Russian Republic.

His own plough through the fields of Party office, serves to turn up the buried truths which theoretical admirers of Marx do not know or would rather ignore: the inefficiency of state capitalism; the corruption of the bureaucracy; the world of privilege which separates the anointed of the Party hierarchy, from the *hoi polloi* of a supposedly egalitarian society. He himself was a victim of forced hospitalisation and the use of drugs to vitiate his performance at a crucial election meeting.

However, not all his fulminations against the system are valid. He criticises a social order in which a *dacha*, for example, goes with a job but cannot be privately owned. Actually, in all countries, certain privileges do go with a job but are not retained, when the incumbent official or politician quits his post. The difference however, is that in an "open" society, the person quitting office can pay for such comforts as he is able to afford, if he so desires.

Much of the book only makes sense when Yeltsin completes the narrative and the reader comes to the explanatory notes on the political apparatus of the Soviet Union. Had they come first, the book would not have taken off as effectively and dramatically as it does. On the other hand, for the reader without a fairly good knowledge of the Soviet Union and its constitution, much of what he writes is obscure — till the last section of the book is completed.

The real clash between Yeltsin and Gorbachev is never clearly and fully revealed. One vaguely gathers that Gorbachev rose from the Party ranks in the same way, but overtook Yeltsin at a point when both of them stood equal. One would have liked to know more

about other leading personalities like Sakharov, whose pictures appear in the book, without anything significant said about the man who shared Yeltsin's view that reform was good — but not good enough for a breakthrough to an efficient modern society.

The book, however, ends with Yeltsin's assertion that for all his faults, Gorbachev cannot be replaced. Events in Eastern Europe and the Soviet Union are moving so quickly that no one can underwrite the proposition that an Eastern bloc leader is indispensable. However, Gorbachev continues to be the darling of the Western world, while Yeltsin, swept back to success on a tide of electoral victory, has a platform which Gorbachev cannot ignore. A stable Soviet Union minus hardline Stalinists, is the need of the hour. Hopefully, the one-time antagonists, will give a little and get more, from a process of mutual accommodation at a time of troubled transition for the Soviet Union and its satellites. The fact is each needs the other. At the time of writing Yeltsin is pushing ahead for greater sovereignty (read autonomy) for the Russian Republic. Gorbachev is not entirely opposed to the idea. He has mooted the rather novel idea of sovereign republics as part of a federal state.

Reviewed by MRS. LOUELLA LOBO PRABHU, Associate Editor, *Insight* and a regular contributor to *Freedom First*

RAJIV GANDHI, A POLITICAL STUDY by Bhabani Sen Gupta; Konark Publishers Pvt Ltd. A-149 Main Vikas Marg, Delhi 110092; 1989; pp. 220; Rs. 125.

What were wrong? Rajiv Gandhi had everything going for him. He was young, handsome and universally admired for the courage and discipline he displayed at the tragic circumstances that led to the death of his mother, Indira Gandhi. He had virtually the whole country behind him and he won a landslide victory at the polls, an election triumph such as even his celebrated grandfather had never enjoyed. His absolute triumph was manifest when the Congress party won 401 seats out of 542 in the Lok Sabha in 1984.

In *Rajiv Gandhi, a Political Study*, a work written on behalf of the Centre for Policy Research as part of a project

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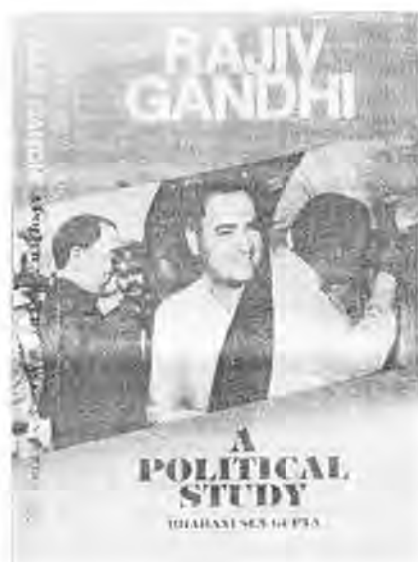
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relating to problems of governance in India, Bhabani Sen Gupta traces the rise and decline of Rajiv Gandhi. It is a factual and well researched study that provides an answer to the question how Rajiv Gandhi, step by step, lost the electorate's confidence, and why he and the Congress party were denied a second mandate to form the government after the general elections held in late 1989.

He began very well. After Sanjay Gandhi's death, Indira Gandhi took Rajiv under her wing and began to groom him for the succession. His political position was enhanced and given a certain legitimacy when he was elected to the Lok Sabha from Amethi, formerly his brother's constituency. Soon after he was made one of the general secretaries of the Congress, one among seven. In theory, all general secretaries of the Congress are equal in importance, but it was always obvious from the beginning that Rajiv would always be more equal than the others.

Gradually, a certain alienation began to emerge between the old party workers and the younger, computer trained generation to which Rajiv himself belonged, and on whom he began to rely more and more. It was obvious that Rajiv was a moderniser. To quote the author: "He looked upon himself...as a political leader who could graft the political culture of Silicon Valley on a feudal industrial socio-political economy." Unquestionably, he thrust India into the computer age and made the

country computer conscious.

The country came to expect great things from its young prime minister. At the centenary celebrations of the Indian National Congress held in Bombay in January 1986 Rajiv made his celebrated attack on those he termed the Congress "powerbrokers". The country was electrified by what Bhabani Sen Gupta rightly calls "This act of unprecedented political courage". Here was a new voice, a new vision and a new promise. Alas, the promise was to fade away very soon as Rajiv Gandhi, step by step, allowed himself to become part and parcel of the old Congress political machine.

Gradually, the downward slide began. Rajiv's greatest failure was his inability to infuse a clean democratic structure into the party. He repeated Indira Gandhi's grievous mistake of hardly ever allowing the Congress legislature parties to elect their own leaders by secret ballot. The leader was always imposed. The era of strong state leaders, popularly elected, was over. Leadership in the states passed into the hands of yes-men, and the prime minister was never again to experience and feel the authentic pulse of the people.

This game of keeping ministers on tenterhooks was also carried over to the Centre. Twenty-seven cabinet changes were made within a period of fifty months! The game of political musical chairs was unending. In less than eighteen months, the commerce ministry alone was entrusted to three cabinet ministers, three ministers of state and one deputy minister. Not surprisingly, the frequent changes demoralised the bureaucracy.

In passing, it must be mentioned that Bhabani Sen Gupta does very well in recalling the part played by Feroze Gandhi in the upbringing of Rajiv and his brother. Many commentators on Indira Gandhi and her sons write as if Feroze Gandhi never existed. The author, on the contrary, reminds us that Rajiv was close to Feroze, and that both boys spent much time with their father "who taught them to make toys with their own hands and helped them, particularly Rajiv, develop his childhood curiosity for technology and adventure". It is indeed interesting to speculate what influence Feroze Gandhi would have had on his two sons had he lived longer.

In the chapter entitled "Shafts of Light", the author enumerates Rajiv Gandhi's domestic successes, but points out that some of the successes failed to achieve permanence. For instance, he speedily reached an accord with Harcharan Singh Longowal in the Punjab which impressed the whole country, and the accord was followed by the holding of elections in the State. Unfortunately the accord was not sufficiently strong to withstand Longowal's subsequent assassination. Nevertheless credit is due to Rajiv Gandhi for having at least brought about an accord. As we know from subsequent events, a settlement in the Punjab still eludes Rajiv's political successors.

In August 1985, Rajiv signed the Assam Accord which satisfied the agitators in the state over the disenfranchisement of "foreigners" by accepting 1971 as the cut off year. The accord he signed with Laldenga of Mizoram also held. In Darjeeling, Rajiv persuaded Subash Geishing, the leader of the Gorkha National Liberation Front, to sign an accord with Jyoti Basu in 1988, whereby the Gorkhas accepted a District Council of their own and gave up the idea of a separate state.

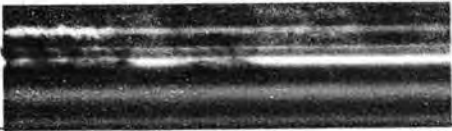
There were certain successes on the economic front too. During Rajiv Gandhi's regime the economy performed reasonably well, and agriculture achieved a definite forward momentum. In the public sector, however, there was not much progress. With rare exceptions, the top executives never lasted long enough to make their mark and run their enterprises successfully. What the author calls "the musical chair syndrome" held away. The performance of the public sector was disappointing.

By and large however there occurred a great forward movement in industry, and India took its rightful place amongst the industrialised nations of the world. The author points out that there was a considerable thrust forward in such modern industries as micro-electronics, computer software, telecommunication software, consultancy in the field of oil exploration, petrochemicals and civil construction.

Nevertheless it was Rajiv Gandhi's unfortunate failure to infuse trust and vigour into the ever expanding public sector industries that diminished his success in the industrial field.



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Unquestionably, in his early days as prime minister the young Rajiv met with success in foreign affairs. His visits to the United States, Russia and China were particularly rewarding. He was successful in bringing the U.S. closer to India, particularly in the field of advanced technology. The U.S. also began to shed some of its suspicions of India. On a personal level the visit was an outstanding success. Strangely, Bhabani Sen Gupta fails to mention the great ovations Rajiv Gandhi received after he had addressed a joint session of Congress, and also later when he addressed the Press Club. Both occasions marked a personal triumph for the young prime minister.

Equally rewarding were the close relations Rajiv developed with Mikhail Gorbachov both in Moscow and in New Delhi. Rajiv quickly perceived and welcomed the new, more open winds that were blowing through Russia under Gorbachov both in domestic and foreign affairs. As regards China, it was no mean feat for Rajiv to win the friendship of the 84 year-old Deng Xiaoping who greeted Rajiv and said "My young friend..... let us forget the past".

The accord signed between Rajiv Gandhi and President Junius Jaywardene of Sri Lanka must be reckoned a failure. Far from looking upon the Indian peace keeping force as friends sent to help establish an integrated province where Tamils were in a majority with a provincial council of their own, the Liberation Tigers of Tamil Eelam (LTTE) attacked the Indian forces and compelled the Indian soldiers to retaliate. Fighting between the LTTE and the Indian forces led both to a great loss in men and materials and to staggering financial expenditure. The Indian forces were finally withdrawn from Sri Lanka without any tangible and permanent solution having emerged to the LTTE problem.

Whilst Rajiv must certainly be credited with certain foreign policy successes, one wonders with the author whether it was really necessary for him to undertake so many foreign trips at the country's expense. Much of this work could have been done at the foreign minister's level, although even here he found it necessary — counting himself — to appoint no less than five foreign ministers in four years!

The concluding months of Rajiv Gandhi as prime minister were sad — sad for Rajiv and sad for the country. The Bofors gun scandal came to epitomise everything that seemed to be going wrong in the country. Even while conceding the prime minister's innocence, people wondered about Rajiv's extraordinary interest in the Bofors gun. The "winding up charges" paid by Bofors to three companies came more and more to symbolise the winding up of clean, straightforward and open government. No longer did open discussions take place with civil servants about Rajiv's and the country's dream of India making a great leap forward into the 21st century. There was stagnation in the bureaucracy. Hangers on and favour seekers began to rule the roost. It began to appear as if Rajiv Gandhi's desire to remain in power overcame all the noble dreams and ideals that inspired the young prime minister in his early days. The author cites many of Rajiv's lapses and failures. Particularly alarming was his unfortunate confrontation with the President, Giani Zail Singh, and his complete failure in refurbishing the

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shattered image of the Congress party.

Bhabani Sen Gupta has produced a calm and dispassionate study of Rajiv Gandhi which ends before the formation of the new government. It is a work written more in sorrow than in anger and Rajiv's good points and successes both in foreign affairs and home policies are clearly mentioned. But the work nevertheless reveals that the rot had spread too far and in too many directions. As a man, Rajiv retains the country's affection. The last general elections however, clearly showed that the country was ripe for changes. Rajiv and the Congress are out. The Janata Dal, headed by Vishwanath Pratap Singh, and backed by the anti-Congress parties, constitutes the government. It is the Janata Dal that is now on trial.

Reviewed by HOMI J. VAKEEL, Publishing Consultant and Editor).

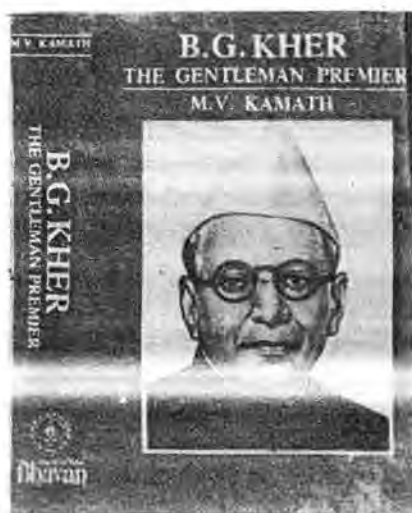
B.G. KHER — THE GENTLEMAN PREMIER by M.V. Kamath; Bharatiya Vidya Bhavan, Kulapati Munshi Marg, Chowpatty, Bombay; 1989; pp.590; Rs. 200.

attorney was that of Justice Beamen. It was, however, Kher's natural instinct that made him share the distress and suffering of others and become an active social worker.

The National Movement attracted Kher and he became a familiar name in Bombay's politics. Perhaps, to his own surprise, he was elected the Premier of the old Bombay Province on two occasions — 1937 and 1946. He set the tone for public administration in the province. With independence, Nehru selected him to go as High Commissioner to the United Kingdom. Kher hesitated as he was to succeed V.K. Krishna Menon whose possible interference he feared. Nehru tried to satisfy him on this score by a most astonishing argument seeking sympathy and understanding by stating that "Krishna Menon is a person who is full of internal conflicts and is mentally rather ill..." Yet the same Prime Minister appointed Krishna Menon as India's Defence Minister!

The book brings out the many and varied activities of Kher; but the reader is left with the feeling that Kamath has not written a biography but a hagiography. His subject is perfection plus; there is not a scar or wart or mole either in temperament, character or accomplishments. There is a tendency to repeat anecdotes and refresh the reader's memory. The expressions Prime Minister, Premier, Chief Minister are used without discrimination. To show that Kher was "an affectionate patriarch" a long chapter is worked out. Better editing, clipping out repetitions and revealing Kher as human rather than superhuman would perhaps have added to the value of an otherwise good biography.

Reviewed by DR ALOO J. DASTUR retired Head of the Department of Politics, University of Bombay.



The book is a centenary tribute to one of the many really fine persons the national movement brought forth on the Indian political scene — Bal Gangadhar Kher. He was fortunate to have Gopal Krishna Gokhale as his guide and mentor at a tender age. Another remarkable influence on his life when he was just starting out as a young

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