

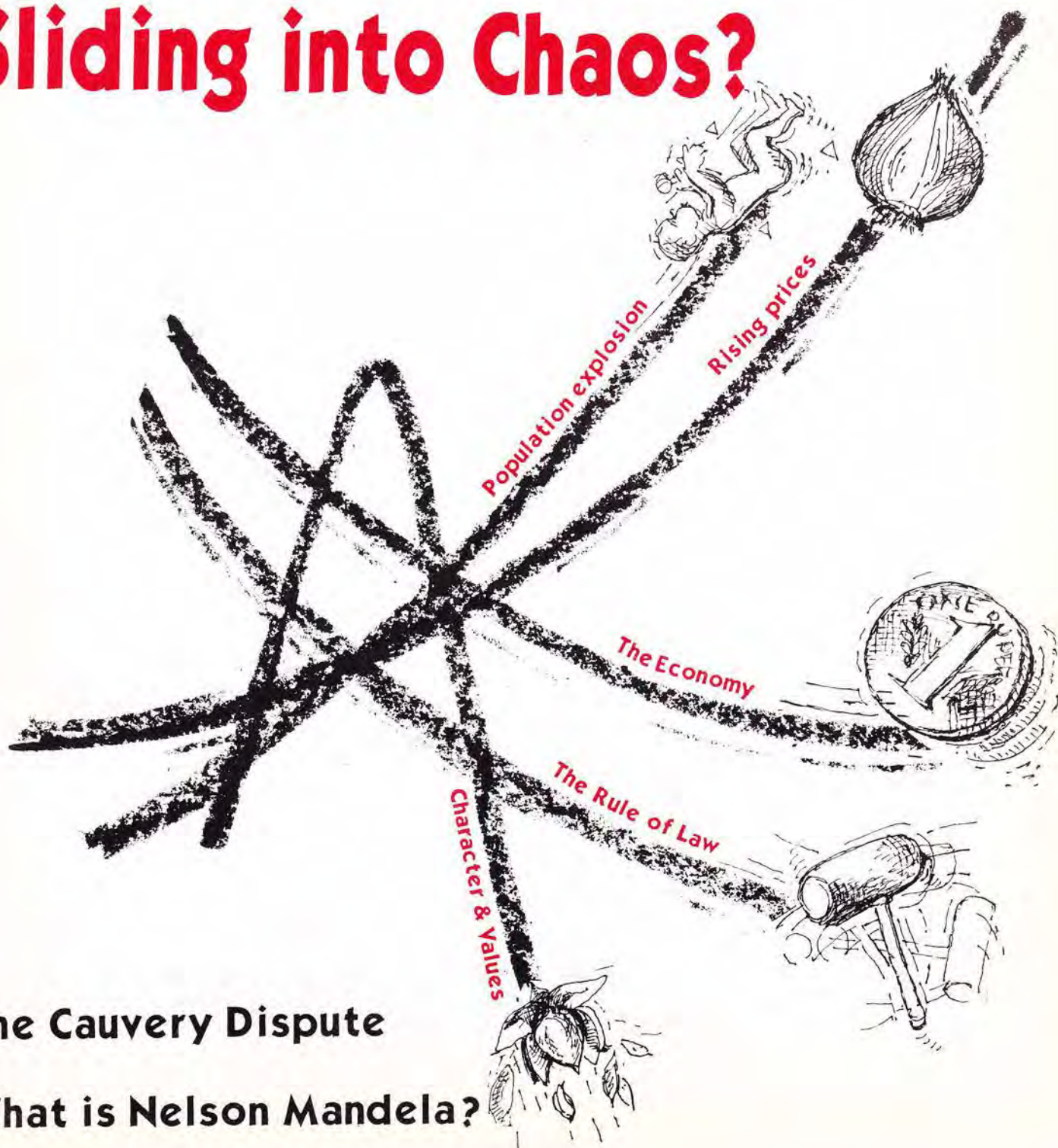
A QUARTERLY OF LIBERAL IDEAS

October-  
December 1998  
No.439  
Rupees Fifteen

# Freedom First

46TH YEAR OF PUBLICATION

## Sliding into Chaos?



**The Cauvery Dispute**

**What is Nelson Mandela?**

# Joint Statement Against Nuclear Tests and Weapons

Issued on October 2, 1998 on the occasion of the Birth Anniversary of Mahatma Gandhi  
by Retired Pakistani, Indian and Bangladeshi Armed Forces Personnel

Recent developments in South Asia in the field of nuclear weapons and the means of their delivery are a serious threat to the well being of this region. The fact that India and Pakistan have fought wars in the recent past and do not as yet enjoy the best of relations, makes this development all the more ominous. The signatories of this statement are not theoreticians or arm-chair idealists; we have spent many long years in the profession of arms and have served our countries both in peacetime and in war. By virtue of our experience and the positions we have held, we have a fair understanding of the destructive parameters of conventional and nuclear weapons. We are of the considered view that nuclear weapons should be banished from the South Asian region, and indeed from the entire globe. We urge India and Pakistan to take the lead by doing away with nuclear weapons in a manifest and verifiable manner, and to confine nuclear research and development strictly to peaceful and beneficent spheres.

We are convinced that the best way of resolving disputes is through peaceful means and not through war - least of all by the threat or use of nuclear weapons. India and Pakistan need to address their real problems of poverty and backwardness, not waste our scarce resources on acquiring means of greater and greater destruction.

## Signatories

Air Marshal Zafar A. Chaudhry (Pakistan)  
Admiral L. Ramdas (India)  
[Ex. Chief of the Indian Navy]  
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Major Vijai Uppal (India)  
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Air Commodore A. K. Banerjee (India)  
Air Commodore A. K. Venkateshwaran (India)  
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Major General M. A. Mohaiemen (Bangladesh)  
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Air Vice Marshal M. Ikramullah (Pakistan)  
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Air Vice Marshal C. R. Nawaz (Pakistan)  
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Maj. Naim Ahmad (Pakistan)  
Brig. S. E. Jivanandham (Pakistan)  
Brig. Luqman Mahmood (Pakistan)  
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Lt. Col. Ernest Shams (Pakistan)  
Lt. Col. Ajjazulhaq Effendi (Pakistan)  
Brig. Mir Abad Hussain, ex-Ambassador (Pakistan)

# Freedom First

A Quarterly of Liberal Ideas

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Published by J. R. Patel for the  
Indian Committee for Cultural Freedom  
and printed by him at  
Kaiser-E-Hind Private Ltd.,  
300, Perin Nariman Street,  
Mumbai 400 001.

Typeset at **Kotak Printers**,  
59, Dr. V. B. Gandhi Marg,  
Fort, Mumbai 400 001.  
Phones : 204 60 18 - 284 26 19  
Telefax : +91 (022) 204 60 18.

Single Copy : Rs.15  
Annual : Rs.50  
Life : Rs.500  
(Add Rs.10 for outstation cheques)

Overseas (Ind Class Air Mail)  
Annual : \$10 or £7  
Life : \$100 or £70

Cheques to be drawn in favour of  
**Freedom First** and mailed to  
the publishers at the address marked \*.

## BETWEEN OURSELVES ...

Are we sliding into chaos? Some would agree; others would go a step further and say we are already there. Yet others might aver that the word 'chaos' is inadequate to describe the sorry state of affairs in the country today - 'anarchy' might be more appropriate. But few will dispute the fact that we are in a bad way. India is fast being reduced to the level of Bihar. A joke on the internet runs somewhat like this: The Prime Minister of Japan and Mr. Laloo Prasad Yadav meet. The Japanese Prime Minister says 'give me Bihar and I will make it a Japan in a year's time'. Laloo retorts 'give me Japan and I will reduce it to Bihar in no time at all'. The breakdown in law in Bombay is frightening. We have had, over the last month or so a killing a day not counting robbery related murders. The ease with which gangsters and extortionists have been going about their business almost makes one wonder to what extent they have support from within the ruling establishment. And while this is happening we have the ridiculous spectacle of the state government raising irrelevant issues like introducing Sanskrit as a compulsory subject! Our country is indeed in dire straits.

We invite readers to write in their comments on the cover feature and their suggestions on what *Freedom First* ought to be doing to arrest the trend. We shall also in the next issue share with readers what we have been doing in this direction.

Editor

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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*

Compared to our politicians, Clinton deserves some credit...at least he is screwing a woman, not the country.

Shantanu Sheorey (Ad. and Feature Film-maker),  
*The Times of India*, September 13

The problem is which of India's top leaders can really be free of perjury?

Gautam Rajadhyaksha (Fashion & Film Photographer),  
*The Times of India*, September 13, 1998

It's ludicrous that the world is determined to bring a man down for something he did as a consenting adult with another consenting adult.

Sharon Prabhakar (Singer), *The Times of India*,  
September 13, 1998

Ever since the Rashtriya Swayamsevak Sangha (RSS) came to power in various states in India and finally in the Centre, they are in competition with the rulers of Pakistan in all aspects of life governed or influenced by prudery.

Akhilesh Mithal, *The Asian Age*, August 9

We are not the moral policemen of the world.

Former Prime Minister V. P. Singh,  
*The Times of India*, September 15

Socialism enshrined the divine right of clerks.

Sociologists Harsh Sethi and Shiv Visvanathan,  
*India Today*, August 24

It is wise not to rule out anything in politics. Sensible and wise politicians should always keep their options open.

J. Jayalalitha, President of the AIADMK,  
*The Indian Express*, October 11

We will restore...the moral foundations of the Congress.

Indira Congress President Sonia Gandhi,  
*The Asian Age*, September 7

We are opposed to de-licensing.

M. S. Marathe, Managing Director, National Federation of Cooperative Sugar Factories, *Businessworld*, September 7-21

Earlier it (a wrist watch) was a functional product that showed you the time. Now it is part of your attire.

Jatin Bhatt (National Institute of Fashion Technology),  
*India Today*, September 14

While seven nations of the world are honouring the memory of a great Odissi danseuse (Sanjukta Panigrahi), the country and the state (of Orissa) remain strangely indifferent to her.

Purabi Pattnaik, *Outlook*, September 7

Whatever its (the Godse play's) critique of Mahatma Gandhi we all have the right to see the play and decide for ourselves. It is ironic that official repression is invoked in Gandhi's name.

Girish Karnad, *India Today*, August 3

What worries me is the proliferation of an old RSS-Shiv Sena technique: collect 200 to 300 people, create a law and order problem, divert attention from the actual creative work and cause a situation where a ban seems to be the easy way out.

Girish Karnad, *India Today*, August 3

Look at this pile of wood that I have for a school. I feel so de-motivated myself at times. Even after all this, my students will hardly become collectors after studying here. Like me they'll never speak English and look where I am.

Kesra Ram, a primary school teacher in Barmer,  
Rajasthan, *Outlook*, October 19

## OF CABBAGES AND KINGS

### What Unites Politicians? Superstitions Of Course!

What makes our politicians of different hues kin, is their shared belief in superstitions whether it was Pandit Nehru, Indira Gandhi or Narasimha Rao. The current Prime Minister, Atal Behari Vajpayee is no exception.

"The tryst with destiny" had to be fixed for the mid-night of August 14 because the period beginning after sunrise was considered inauspicious. After Mrs. Indira Gandhi won the elections of 1980 by an overwhelming majority she ought to have been sworn in on January 3. But, despite gentle prodding by Rashtrapathi Bhavan the swearing in of the new government was put off by 11 days because her mentor in matters superstitious, Shri Kamalapati Tripathi decided that January 14 which was Makara Sankranti was the auspicious day for her government to be sworn in. Narasimha Rao postponed convening a session of parliament to enable him to be at Puttaparthi to get the blessings of Satya Sai Baba on the latter's birthday.

The people who matter in the BJP like Dr. Murli Manohar Joshi believed that the position of the main gate and the presence of a neem tree in front of Mr. Atal Behari Vajpayee's residence then waiting to be invited by the President to form the government, were not to the advantage of the party. The gate was closed and the gates at the side opened. Lo and behold, not only did the letter from the Rashtrapati enquiring whether Atalji would be in a position to form the government arrive but Jayalalitha too agreed to support the ministry. All because of the closure of the main gate and the opening of the gates at the sides. The late N. T. Rama Rao demolished entrances and built new ones in accordance with the *vaastu* shastra. In such an environment of the belief in the paranormal one should not be surprised if the offices of Union Ministries are structurally altered to meet the mysterious requirements of the *vaastu*.

RS

### The Custodial Death of Rajan Pillai

When ordinary people die in police custody not a dog barks as the saying goes. But when a VIP suffers the same fate there is much dust kicked up. Similarly when a member of a family belonging to a newspaper is treated shabbily by the Enforcement Directorate then the newspaper concerned suddenly launches a movement for the protection of human rights. Cynical though these comments may appear let us welcome such developments and hope more VIPs chiefly crooks, cheats, *goondas* and rascals in the garb of politicians land themselves in the hands of the police or the enforcement directorate or any other branch of a still powerful government. Because, then the VIPs' followers cry foul loudly enough for many to hear. And people would know how even law enforcement agencies themselves break the rule of law. Zee India News deserves to be complimented for its documentary in August on Rajan Pillai and the circumstances surrounding his death in custody.

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



### Of Churches and Liquor Shops

Since wine was served in a church in Delhi the government of the union territory of Delhi decided that the church concerned was not a religious place and therefore the rule that there could not be liquor shops around a religious place did not apply. In other words since wine was served in the church premises it amounted to being a liquor shop.

The spokesman of this party which incidentally is also the dominant party in the coalition ruling India currently said that it was all a misunderstanding. Are we to understand that the minister concerned who was responsible for the order was unable to distinguish between a liquor shop and a church? Rather difficult to swallow. More understandable would be the explanation that the action of the Delhi minister is perfectly in keeping with his party's fundamental policies.

This minister has the right to act according to the dictates of the policy of the party he belongs to. Policies which it has never hidden. It is for the voters to ponder whether it was wise to have placed their faith in a party that espouses policies which in this case could not distinguish between a church and a liquor shop.

### India - A Celebration of Independence

Readers will recall an assurance made in this column (*Freedom First* April-June 1998) that we would share with you a couple of photographs from a 1957 USIS publication entitled *Gandhiji's Reflections on Democracy* along with a photograph or two by well known press photographer Raghu Rai taken during Jayaprakash Narayan's movement in 1975-76. The context of the assurance was the absence from an otherwise superb exhibition organised by the USIS entitled 'America's celebration of India's golden jubilee of independence', of any photo by Raghu Rai in general and the absence in particular of outstanding photographs he took of the movement launched by JP to defend democracy under threat from Mrs. Indira Gandhi.

Here are two photos that, in my view ought to have found place in the exhibition:



JL's supporters guard him during the lathi charge (From *The Statesman* publication *Bihar Shows the Way*. Photo by Raghu Rai)



"Mere withdrawal of the English is not independence. It means the consciousness in the average villager that he is the maker of his own destiny, he is his own legislator through his chosen representatives."

Gandhiji in *Young India*, February 13, 1930 (From the publication *Gandhiji's Reflections on Democracy*)

## S. S. Mariswamy RIP



It was from a letter by Mr. A. Vedamurthy in *The Hindu* that one learnt of the passing away of an old Swatantra Party stalwart one time General Secretary of the Party in Tamil Nadu, Mr. S. S. Mariswamy. He died in Chennai on May 7. Mr. Vedamurthy writes: "Mr. Mariswamy was a freedom fighter and staunch Congressman for many years. He parted com-

pany with K. Kamaraj when he felt that the Congress Party (as it then was) was losing its idealistic moorings. Quite a few veterans of that party shared Mariswamy's views and when Rajaji launched the Swatantra Party in June 1959 they joined it. They worked for the Swatantra Party in Tamil Nadu in difficult circumstances

and C. N. Annadurai's leadership of that party, tooth and nail, but Mariswamy and his ex-Congress colleagues in the Swatantra Party effectively countered his criticism. It used to be a treat to listen to both Mr. M. Karunanidhi of the DMK and Mariswamy publicly defending the Swatantra-DMK alliance in the 1964 civic elections in Chennai and later on in the 1967 general elections....His imprisonment during the Emergency shattered his health...A nationalist to the core, Mariswamy was alive till the last minute of his life to what was happening around him."

In my years as Executive Secretary of the Swatantra Party, I had the privilege of knowing Mariswamy quite well. What I remember most about him was his clear understanding of issues on questions involving policy, a delightful sense of humour with a smile to match.

Goodbye my friend. Rest in Peace.

SVR

Not only financially but also politically. E. V. Ramaswamy Naicker in those days was opposing the DMK

# SLIDING INTO CHAOS?

## The Crippling of the Indian Mind

Deepak

**In the middle of the twenty first century our descendants will look upon the era of 1950 to 2000 as the golden age of democratic India.**

It is difficult to see India as anything other than a crippled nation-state. Crippled physically because of its huge population which continues to grow everyday. And crippled mentally for want of education and its congenital inability to see clearly what must be done to prevent the sanguinary chaos into which it must collapse in less than another two decades. This prediction is made not because I want to be proved correct. All I wish is that I am completely and totally wrong and nothing of the kind I have predicted will ever come true. More unfortunately this is not just another ordinary doomsayer's prediction. It is already coming true if only the reader has eyes to look around him and a mind to form the necessary conclusions.

### Population Explosion

Take population. India was one of the first countries in the world to introduce a national family planning policy as long ago as 1951. But the gravity of the problem which was, even then, already upon the nation was mistaken for a distant cloud looming on the far horizon. No urgency was shown. None is to date. From a population of 353 million in undivided India before Independence in 1947, we have grown, minus Pakistan and Bangladesh, to an appalling 950 million. There have been palliatives galore suggested. Among them: Find

out why people want to have so many children, provide better child care, increase literacy and female employment. All say that it was correct for the country to have decided against coercive methods, like penalising couples having more than one child, in pursuing a family planning policy.

The real solvent to any population problem, in fact, lies in two directions: One is raising the living standards of the poorest above the economic threshold at which the birth of an additional child is seen quite unmistakably as an economic burden. So long as this does not happen people continue to procreate. They have nothing to lose because they have nothing to give to the new child. They have possibly a lot to gain when the child grows up. So long as this threshold is not reached there is very little that seems to prevent the runaway baby-creation machine known as India from continuing to be as fecund as ever.

### Standard of Life

To raise those living standards the government did everything it knew from Soviet style five year planning, and the handing over of the "commanding heights of the economy to the public sector", to liberalisation. It has not worked. That does not mean that the standards of living have not risen. They

have. The very fact that average life expectancy went up from 29 years after Independence to as much as 59 years over the next thirty years is tribute enough to the rising standards of living and nutrition apart from the better availability of medical aid. The most recent panacea has been "liberalisation", and "trickle down". Until very recently, liberalisation meant boom time for the industrial sector. Nine successive good monsoons in a row have added to the success. Those multiplying millions at the bottom are better off than ever before. But the exploding population has almost overwhelmed the progress. The improvement of the living standards of the people has not reached that threshold at which they can see the birth of the additional child as an economic burden.

There is no doubt however, that it will all work - one day - given time.

### Education

The second solvent is education, especially female education which has resoundingly demonstrated its ability to limit births. It is not surprising that Kerala with a hundred per cent rate of literacy has the lowest birth rate in the country. Other palliatives like the free availability of contraceptives or a better health and nutrition scheme are no doubt helpful but

they are not decisive in turning the tide. Take education. Legislation on education was originally part of the concurrent legislative list under the Constitution. This was later entrusted to the states on the strength of the sedulously fostered myth that education is best received in the mother tongue of the student.

### Balkanisation

Had it been retained as a subject of central legislative power we would by now have been able to enforce a one language policy to knit the country together. This weak-kneed policy of pandering to local jingoism resulted in the linguistic division of states and will now result inevitably in the balkanisation of the country. This fact should have been foreseen forty-five years ago. It in fact was, by a few, lone, sane voices. *The Economic Weekly* of February 1949 carried an article which pointed out the dangers of "The Linguistic Division of States", by my father. Such voices were lost amid a babel rooting for local tongues. The result is that today the country is already balkanised in all but name.

The free movement of goods is being rapidly choked off by arbitrary octroi checkpoints at each state boundary. The "sons of the soil" principle holds sway elsewhere - even when it comes to registering yourself with the employment exchange. A mere reference to movements like the Shiv Sena, the Telugu Desam Party, the Dravida Munnetra Kazhagam and others is enough to bring this home. Kashmir is all but lost. Punjab was rescued - barely in time. Nagaland, Bodoland and Tamil Nadu will make their bid shortly; the failing power of the

central government, the new assertiveness of the states, the "coming of age of coalition politics", the disintegration of the Congress Party; the splintering of party politics in general are symptoms too many and too obvious to deny, except by the purblind.

### "Functioning Anarchy"

One inescapable fact is that as a nation we suffer from an insidious form of mental crippling. The nation is not crippled in the sense of being sub-normal or even abnormal. The crippling of the Indian

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If laws are flouted through exceptions and the exceptions become law, the respect for law diminishes in direct proportion to the number of exceptions made. We then end up as a nation living by exceptions, not a nation respecting the rule of law.

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mind consists of a form of mental short-sight. It is the inability to anticipate the probable turn of events decades into the future and plan intelligent responses to them. If the nation has survived for half a century despite this handicap it is because of the enduring strength of the modern institutions left to us by the British.

When John Kenneth Galbraith described India as a "Functioning Anarchy", his assessment was received not just with some amusement but also with a good deal of satisfaction. Anarchy perhaps, but we were functioning! The truth is that the complete infrastructure for functioning started fraying at the

edges, to begin with, slowly, and over the last forty-five years more and more rapidly, and the entire system has started to unravel. The rising tide of political violence is the best indication. The palpable level of social tension in most north Indian states where the slightest provocation is occasion for deaths by violence is the best indication. The state and the machinery of law and order is, and what is worse, can be seen to be, increasingly helpless in the face of this deterioration. This is the result not just of the increasing volume of problems caused by the burgeoning population. It is the result of the short-sightedness which cripples the mind of the nation.

### Rule by Exceptions

The rule of law bequeathed to us by the British has become the first casualty. For every law we have made, we have made exceptions. Some perhaps inevitable and justified. Most others for completely frivolous reasons. Take prohibition. We first make a law which prohibits drinking. We then say that those with medical certificates may be permitted to drink. Later we say that medical certificates are not necessary; just a permit to drink is. The law of prohibition stands on the statute books. Nobody respects it. And nowadays, nobody gets himself a permit. This applies to every law. I am not going into the merits or otherwise of the prohibition law. But if laws are flouted through exceptions and the exceptions become law, the respect for law diminishes in direct proportion to the number of exceptions made. We then end up as a nation living by exceptions, not a nation respecting the rule of law.

The rule of exceptions has spawned the culture of "chit" and "sifarish", influence peddling and corruption. When a law is not meant to be obeyed by all, and those with the means can break it with impunity, the respect for government vanishes. This was made amply clear by a bystander who was interviewed by Doordarshan during the funeral of Mr. Rajiv Gandhi. He said, "*Hamara vishwas government aur police par se uth gaya hai.*" (We have lost confidence in the government and the police). *The Economist* of May 25, 1991 put it even more pointedly, "Violence fills the void of modern India: the institutions on which independent India was proudly built no longer work. The state is seen as corrupt and callous, incapable of delivering justice or prosperity to the people."

The modern machinery of the state—administration, law and order and the complete modern infrastructure—is falling with gathering speed into disrepair not through lack of use but through misuse and almost always purposeful and intentional wrong use. The Administrative Services are a case in point. It is very difficult to point out a single case of any IAS officer who has done his duty as best as he can, who has not had to suffer at the hands of his political bosses of the moment. IAS officers are ordered to bend the rules till they become a twisted unrecognisable heap of wet noodles. Those who have witnessed the performances of the Janardhan Poojarys, Kalpnath Rais and other such sundry political commissars will bear me out. This has led to the corruption of the Services on an unprecedented scale.

### Secularism Distorted

What applies to the rule of law applies just as much to the philosophy behind public policy. Take secularism. The original intention of India being declared a secular state was that the state would not interfere with the practice of any religion. It also meant that religion was a private matter between each citizen and his respective gods. In fact the freedom to preach, practice and propagate any religion is part of the fundamental rights that we have given to ourselves under the Constitution. But it was not very long before secularism came to be defined as, "Equal respect for all religions". To say that secularism means equal respect for all religions comes up against the logical difficulty of according equal respect to the religions and inevitably to a very Indian form of competitive obscurantism. Hindu ritual publicly performed at functions of government organisations is defended as Indian culture and tradition. But when the same government organisations hold functions at non-Hindu denominational occasions, no coconuts are broken or lamps lit. It is no longer "Indian culture" to do so. The mosque decides to use loudspeakers to rally

the faithful to prayer. Not to be outdone the temple adds to the din in its own way. Since all religions, by definition, are intolerant, this creates a highly combustible situation which is just waiting to explode at the slightest hint of an opportunity and explode it inevitably does.

### Symbolism & Sermonising

Much of the crippling of the Indian mind is also visible in our penchant for ritualism. In action the Indian mind prefers to stick by the safe route taken by the herd. But where possible, action is substituted by symbolism and sloganeering; ceremony and sermonising. We proudly talk about India being the largest democracy in the world. But the mental discipline which democratic functioning calls for has never existed, apparently even among the educated elite. What we have is an anarchic mobocracy tricked out in Westminster style trappings. Some years ago, seventeen eminent intellectuals, among them, Mr. Nani Palkhivala, the constitutional expert, Mr. Minoo Masani (a member of the Constituent Assembly of India who at least should have known better), and Mr. M.V. Kamath the journalist, wrote a letter to the editor

### Many Ideas but Little Education

Education, it was believed would be the great leveller. Before independence, our leaders fumed against Lord Macaulay's designs. We promised free education, decent education and education for all. Rabindranath Tagore thought learning meant harmony with nature, the Arya Samaj wanted to blend faith with modernity and the Kothari Commission thought vocational education a good idea. They were all good ideas, just as the Janata government's adult education was a good idea and Rajiv Gandhi's Operation Blackboard a better idea. Noble intentions, however, sink in the quicksand of the Indian reality.

Swapan Dasgupta, *India Today*, August 24

The man who wants to  
work more only wants  
more freedom



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of *The Times of India* pleading with the President to dismiss the Rajiv Gandhi government and to form a "national government of non-political individuals", - this at a time when the Congress held almost a two thirds majority in Parliament. Apparently all that had been learned over decades by them about democracy was meant to remain within the covers of Dicey and Laski. If this is how intellectuals deal with democracy what are we to expect of ordinary men?

### The Right to Work

Introduced with high ideals about people's representation, limited government and civil liberties the state of democracy is in shambles. A case in point was the move by Mr. V. P. Singh's government to make the right to work a fundamental right. Nobody, not Mr. Nani Palkhivala, not even Mr. Soli Sorabjee who was the attorney-general, and who held up the Soviet Constitution to admiration in support of the move, pointed out that Fundamental Rights are an exercise in the limitation of state power and therefore are only negative in nature; that their inherent justiciability is guaranteed by the right to constitutional remedies. And that the only manner in which the right to work could be made fundamental was after abrogating the right to constitutional remedies, if the state was to avoid the millions of lawsuits, that would follow. That would of course mean the collapse of all civil liberties. To his eternal credit, that Boeing 737 pilot who only knew how to play with computers, Mr. Rajiv Gandhi, understood this at once when I pointed it out to him in a letter.

### Honest Politicians?!

The economics of Indian democracy goes something like this: To get elected to Parliament costs anything between \$50,000 and \$500,000. A conservative average estimate of the cost of a seat in Parliament is \$125,000. This, considering the size and potential of the country is not a lot of money. But each candidate is funded by someone; and elections are a high risk business. Those who do the funding expect to get at least twice as much out of it as they had invested. And the elected representative of the people must also make his pile while the going is good. If we have, let us say, uncalled for confidence in the parliamentarian's desire to restrain his own cupidity and if we decided to err on the side of extreme conservatism we must still estimate that each representative of the people generates corruption worth at least \$400,000 during his tenure. It will in all likelihood be more. It cannot be less.

No politician has any time for serious parliamentary business. He is there first to feather his own nest, next to feather that of his financial supporter and last to consolidate his position for another term in parliament. All his time is spent money-grabbing with one hand, while indulging in a mad merry-go-round of incestuous back stabbing with the other. Never before has there been such abuse of power by those who are supposed to set standards for the people.

### Feudal Heritage

Much of the travesty of Indian democracy is also the result of the fact that the veneer of democracy

is recent and has been superimposed on a feudal mentality coming down through the nation's history. We thus have, 'leaders' 'fighting' elections to 'rule' the country. It is a politics of personalities to the total exclusion of coherent policy. The violent swings in the mood of the country from absolute anarchy to absolutism is a direct result of this insult to democracy. After all how much can the mechanism take? In this swing we begin to see what in fact was inevitable: the criminalisation of politics and the trivialisation of issues.

As we sift through three thousand years of recorded history it becomes clear that Indian history is a history of kings, kingdoms, clashes, famines and tyranny. As we go further back into the past it gets rosier. It also loses detail. The more details it loses the rosier it appears. Hence the myth of *Ram Rajya*.

And yet democracy is the only viable form of government for this vast colourful quilt of 950 million individualists each of whom disagrees with the other to the point of revelling in total chaos. This, despite the fact that it is the system itself that generates the sort of venality in politics which we today see. Other forms of government can only be more venal. The problem with any form of government is that it will not be able to solve the problem that is India.

### The Myth of *Ram Rajya*

It is interesting to speculate

on how all this has come about. As we sift through three thousand years of recorded history it becomes clear that Indian history is a history of kings, kingdoms, clashes, famines and tyranny. As we go further back into the past it gets rosier. It also loses detail. The more detail it loses the rosier it appears. Hence the myth of *Ram Rajya*. The ordinary people have lived throughout under various forms of tyranny. Some more malign, some less. Some more competent; many more incompetent. The edifice of a rule of law to which all, without exception, are subject is a new-fangled invention heaped on an unwilling conglomeration of nations (which later became the India we know) by those hated imperialists - the British.

Indian history has never been, with the honourable exception of the peaceful struggle for independence, a history of the people. There is no equivalent in Indian history of the Industrial Revolution or the Renaissance or of the involvement of the people at large in any sphere controlling their own destiny. The common man contrary to all the brave talk of the wonder that was India has always lived in misery and poverty.

### Conclusion

If a whole population survives over thousands of years in this situation something strange is bound to occur. The ability to foresee disappears. The ability to foresee and plan in advance over decades comes of a comfortable present. If the present consists of constant crises, there is little hope that any mental effort will be devoted to anticipating events over decades. A population subjected to this limi-

tation over hundreds of generations and thousands of years becomes congenitally incapable of foresight. It almost seems like a three thousand year old twist to the Marxist theory of economic determinism. And I am no Marxist.

I have in this long testament mentioned three threads:

One, the population explosion and its consequences;

two, the attitude of the people towards government and the modern state and all that it entails, particularly its progressive disintegration under conditions which are peculiar to the Indian situation and can be found nowhere else; and

three, the congenital lack of foresight.

Taken together, the conclusion that one is inexorably dragged to is that a visitation of the apocalypse by the year 2010 is inevitable. A complete collapse of government and a long drawn out civil war, genocidal in scale, is on the tapis.

In the middle of the twentyfirst century our descendants will look upon the era of 1950 to 2000 as the golden age of democratic India because India as we know it today cannot exist beyond about the year 2015 on the outside.

DEEPAK is the pseudonym for a senior corporate communications expert who takes an interest in liberal values.

### The Need for Political Competition

It is a characteristic of our first-past-the-post system that all a politician has to do to get into Parliament is to cultivate a small patch of electorate: Have a factory located, a small railway zonal office opened, get some roads built in an area less than five-hundredths of India. And once he gets there, he can get into power by leading a small gang of MPs like himself. He can even become prime minister by speaking beautiful Hindi.

It is possible to think of India as Jack Welch thinks of GE. The task of a political leader is the same as Welch's; he has to get the 970 million Indians to add more value; that is the only way then can have less arduous work, better houses, better schools.

The only way they can add more value is by becoming more productive, by making things that the rest of the world wants, of better quality and at lower prices than China, Brazil or Italy. Protecting companies owned by promoters who have lobbied and financed politicians means protecting businesses which add less value than their competitors, and making all Indians poorer.

And yet our politicians will protect the companies of their patrons because that is where their self-interest lies. They will give this protection a fancy name like *swadeshi*; they will frighten the people that multinationals are today's East India Company. These are standard public relations tricks.

The way out of this impasse is not to change the hearts of politicians; Manmohan Singh tried it, and failed. The way is to change the rules of political competition. We should have proportional representation based on the list system. That is how the nexus between politicians and narrow constituencies can be broken; that is how we will get legislators who represent India, and not just Saharsa or Mandya.

Ashok Desai, in *Business World*, 7 April 1998.

## Must We Remain A Destitute Economy?

Jiban K. Mukhopadhyay

**The vast number of the uninformed, all of whom are voters need to be educated on the need and importance of market-friendly reforms. But the task is enormous because almost 50% of India's population is illiterate.**

It seems the Indian economy is destined to perpetuate itself as a destitute economy. A silver lining had appeared for the first time on the horizon during the post-reforms years when the rate of growth of GDP shot up above 7% for three years in a row ending in 1996-97. But the Indian economy which is not conditioned to enjoy such a treat has fallen back since, to its customary 5% rate.

Consider this slow pace with what is required for the economy. As any economist knows, anything that grows at a rate of 7.2% doubles in 10 years. That means, to double our per capita income in 10 years, it has to grow at 7.2% and the economy has, therefore, to grow over 9% per year. This is the minimum desirable rate of growth that the country requires. But this target seems to be a distant dream.

Consider also the pathetic plight of 53% of over 965 million people who cannot spend even \$1 per day on a PPP basis. This is the poverty line based on basic minimum needs as defined by the World Bank. This means the largest concentration of abysmally poor people live in this part of the sub-continent. This vast population – and growing at the rate of one person every 1.5 seconds – certainly deserves a progressively improving standard of living. 45 years of the so-called socialist planned economy has miserably failed them.

### Back to the 1980s

After the market-oriented reforms were introduced in July 1991, under the compelling circumstances of IMF conditionalities, some hope of high growth emerged. A hope that did become a reality, but did not sustain itself beyond three years. Once the compulsions were gone, gone was the commitment to continue with the reforms. The economy, particularly at the behest of the country's profoundly rigid and unreceptive political economy, fell on its face – back to the 5% growth syndrome of the 1980s, though somewhat better than the Hindu growth rate of 3.5% that prevailed for three decades till the 1970s, the ultimate cause of our acute material deprivation.

### High Growth Rate Needed

The need for a high rate of growth is obvious as it will provide more and more opportunities to more and more people to get more and more employment and income. It is only through a high growth rate that poverty can be reduced considerably as more and more people cross the poverty line and enjoy a progressively improved standard of living. This is how poverty has been reduced in other countries. As in communist China, for example, which doubled its per capita income within 10 years to remove mass poverty. We therefore need to take up a strategy which will enable the Indian economy to grow at a faster rate.

The question is: Can we achieve such a high growth rate? Probably we can. But the situation is really very complex and difficult. It will require really a titanic effort by one and all to take the economy off to the high growth trajectory. Why is the task so complex and difficult?

This is because of several factors:

- **Political Will Lacking**

First, the reform so far implemented has been "soft" in nature; the unfinished part of the reforms are the harder part to implement. This cannot be done by the convenience of stealth. In a highly pluralistic political democracy, with multi-regional and multi-ethnic and diverse interest groups, which govern (or, misgovern) the country, it is difficult to have a consensus on vital issues like PSU reforms, privatisation on a massive scale, infrastructure development, labour reforms, reduction of economically unviable subsidies, etc. The existing set up with the lack of political will, and given the vested interests in remaining in office is unlikely to introduce such radical reform measures. The process, therefore, will be painfully gradual. It can only be taken up with the simultaneous creation of new and sunrise industries, improvement in agricultural and service sector

activities where new employment, both direct and indirect through linkage effects, can be generated.

- **Lack of Understanding**

Second, whatever reforms have already been introduced, have taken place at the top of the pyramid and, have not yet been fully implemented down the line, that is at the state and municipal levels. This has resulted in erratic implementation. There is no proper understanding of the nuances of the reforms and its objectives at the executive level in the states or districts. This can and should be taken up but the political will to make a success of the reforms is lacking. These efforts are largely in the nature of administrative reforms and will not cost large sums of money.

- **Educating the People**

Third, the people at large have not yet been convinced that the previous regime of the socialist variety has failed and that there is a need for a U-turn in the direction of a market-friendly economic system wherein the government will also have to play a positive interventionist role. By and large, the vast majority of our people both urban and rural, except a relatively small segment of the middle and upper classes, are blissfully ignorant of this transition to the market-oriented path. This vast number of the uninformed, all of whom are voters need to be educated on the need and importance of market-friendly reforms. But the task is enormous because almost 50% of India's population is illiterate. Unless the constitu-

ency of the pro-reform voters can be increased, there will not be the right kind of pressure on the administrators and legislators, who also need to be educated on the need for reforms.

- **Political Squabbles**

Fourth, although most political parties seem to have developed a consensus on the need for high rates of growth as an objective and the reforms as a means to achieve this objective, they do not agree on any specific measure. This is due either to short term political interests, or due to our utter lack of perception or due to ideological considerations. We saw the many bickerings and squabbles during the two previous coalition governments of the UF when all moves towards pushing forward the reform process were stalled not only by the opposition but also by the members of the ruling coalition.

- **Indian Industry Unhappy**

Fifth, there is also the problem with the mind-set of Indian industry, a large section of which feels uncomfortable with the coming of competition, both internal and external. Although the reforms have compelled them to undertake corporate restructuring programmes at a significant scale, many are not too happy with the resultant competition. Hence, you find them pleading for higher import tariffs as current levels seem to be lower than required under WTO stipulation. When a receptive BJP government with its *Swadeshi* instinct listened to their plea and raised the customs duty by an extra 8% in the 1998-99 budget over and above last year's 4% hike, there

was initial jubilation. But the joy was short-lived as industry soon found that their plea was based on a totally wrong perception and pleaded for a reduction in the customs duty! Customs duties have since been reduced to 4%.

- **Nehruvian Legacy**

Sixth, the problem of the Indian industry lies elsewhere. One such important problem is the high cost structure of the Indian economy, a Nehruvian legacy. Illustratively, on the purchase of any consumer durable, almost 50% of the price (at the purchaser's end) goes to pay for various levies, excise, sales tax, etc. Although, the direct tax reforms have been radical, indirect tax reforms are yet to be so. Consider, if the above mentioned 50% levy component of the price could be substantially reduced by introducing a uniform value-added tax, the price of such products will come down; not only will they be more affordable, but will also generate more demand. This will be good for industry as it will sell more in volume and also good for the government as its tax base will widen. This is not too difficult to do, yet it is not being done.

### The "Feel-Good" Factor !

What is the prospect of the economy in the current year? I find it difficult to "feel good" about it. Although, the government has been advertising a likely higher growth rate of 6.5% to 7% for the current year (1998-99), such a forecast is not validated by empirical evidence. It is based on a "feel good" factor. My own forecast for the current year, based on a number of parameters,

is at best a 5.5% growth of GDP over last year's 5.1% growth. Arithmetically, this shows a modest growth; if some of the factors mentioned earlier are taken up for quick implementation, the rate could move up to about 6.5% in 1999-2000. But we are still not ready for a sustainable 9% rate of growth, which will double the per capita GDP growing @ 7.2% in 10 years, the desirable minimum.

To conclude, the economy has, indeed, achieved the feasible potential for a high rate of growth, say, around 7% with the support of over 26% savings to GDP ratio. But the government – rather four governments in two years – failed to conduct the “symphony” as it should have been done. The prob-

lem has been compounded by the US sanctions as an aftermath of the N-test, creating further difficulties for the economy. The sanctions were followed by the downgrading of the country's credit rating by international credit rating agencies (Moody's and S&P). The direct and indirect impact of the N-tests is going to cost the economy about 0.5% growth in GDP in the current year. This is the cost of having the so-called “nuclear deterrent”.

#### **A Sober Prospect**

With the slump in world trade and economy, with the massive decline in South-East Asian countries, the Russian meltdown and the disappearance of the emerging market, the Indian economic

prospect remains somewhat sober. In fact, there is an opportunity for the country to exploit the dismal global situation to its advantage by consolidating our strength or by trying to bring in foreign technology and capital and by facilitating the process of reforms. This may help us in moving on to a high growth trajectory. But probably, we will not be able to take advantage of the situation as we lack the killer instinct to make it. Failing to achieve a high rate of growth would obviously ensure that a majority of Indians continue to live in destitution.

**MR. JIBAN K. MUKHOPADHYAY** is Assistant Economic Adviser, Tata Services Ltd.

The views expressed are strictly personal.

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### **The Importance of Institutional Structures**

After the collapse of communism in 1990, some simple-minded souls thought that the major economic debates of our time were over, that the market system had triumphed and would now lead a globalised world into ever-rising prosperity.

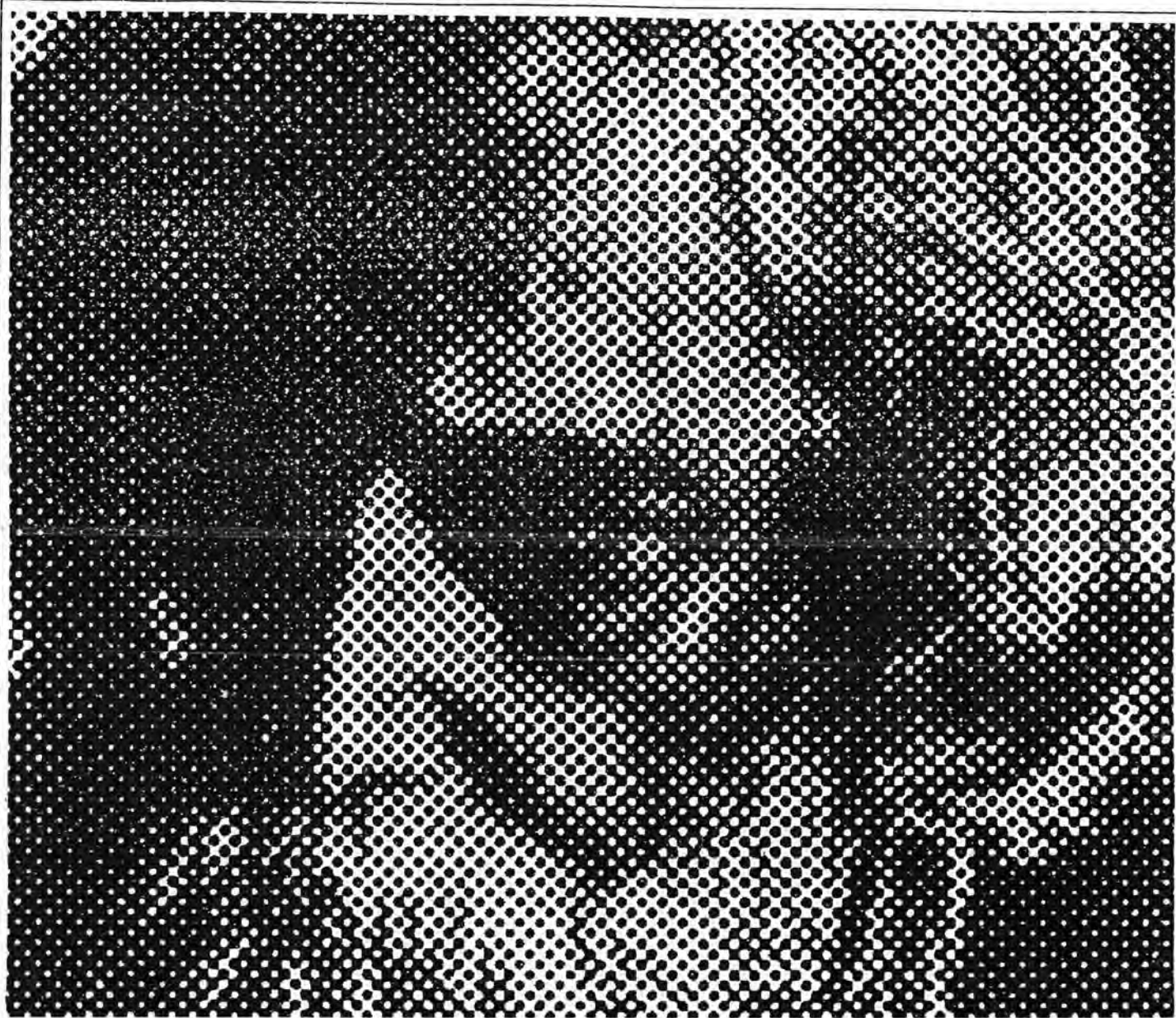
This has not happened. Nor will it, for two reasons. The first is that the market by its very nature produces losers as well as winners, slumps as well as booms, and so progress will never be smooth or painless... But the second and more important reason is that outcomes are determined not just by new policies but by institutions as well. Layfolk may regard institutions and organisations as synonymous but in economics the two are defined very differently. Organisations are the players in the political and economic marketplace. – political parties, companies, consumers, trade unions, associations and so on. Institutions are the rules of the game for players, and include not just laws and regulations and their enforcement but social norms and belief systems.

Institutional structures are highly complex, and are determined by history, culture and tradition. Douglas North won a Nobel Prize for stressing that good policies are not enough, a country also needs successful institutions to succeed.

This is why emulating successful countries has proved very difficult. Even if you emulate a successful country's politics, you cannot easily emulate its institutions because those depend so much on history, culture and social behaviour...

In India the, the mind-set of politicians has changed very little; reform has been driven by the bankruptcy of the state rather than any commitment to empower the consumer or accept the logic of the market. In Russia, seven decades of communism have eradicated all historical memory and traditions involving entrepreneurship, and created a mind-set that constantly looks to the state for solutions. By contrast, the people of Eastern Europe still remember the old traditions of market systems, and so have been able to adjust far better than in Russia. In a recent lecture, North says, “The relative success of auctioning state assets and re-establishing a legal system in the Czech republic compared with Russia resulted from the heritage of informal norms that made for the relatively harmonious establishment of the new rules.”

**Swaminathan S. Anklesaria Aiyar**, *The Sunday Times of India*, September 13



*If* there is anything that could overshadow  
the close association we had with the great thinkers  
of our time, it could only be the close association  
they had with us.



*Why settle for anything less?*

## The Indian State Vs. Its Citizens

### An Unequal Contest

J. B. D'Souza

**Some of us believe in an 'Asian' concept of human rights, which holds that economic development has to precede the full flowering of human rights. Others have the delusion that the security forces need to be ruthless, unquestioned and unbridled, if they are to keep the country safe.**

"Where, after all, do universal human rights begin? In small places, close to home — so close and so small that they cannot be seen on any maps of the world. Yet they are the world of the individual person; the neighbourhood he lives in, the school or college he attends, the factory, farm or office where he works. Such are the places where every man, woman and child seeks equal justice, equal opportunity, equal dignity without discrimination. Unless these rights have meaning there, they have little meaning anywhere." That was Eleanor Roosevelt, chairing the UN Human Rights Commission in 1948.

Of the violence within the home — the wife beating, the child abuse, the cruelty practiced on domestic servants — there is no measure. We know only that it happens everywhere, all the time. There is very little remedy, legal or societal. It hides behind closed doors.

#### Bonded & Child Labour

Far more openly and shamelessly practised in India are bonded labour and child labour, official denials notwithstanding. A recent study on south Asia reported the shocking fact that one in every three Indian children under 16 is forced

into child labour. (Yet our governments happily adopt and report impossible school enrolment figures: The proportion of boys enrolled in primary school officially *exceeds* 100% everywhere except in Haryana and Kerala; our governments are not ashamed of proclaiming this ridiculous figure. For girls the official ratio is 93%.) Millions of Indians lose their rights well before they reach adolescence. Millions live in bondage and misery all their working lives. For all these millions, rights are costly irrelevancies; their struggle is for survival.

And there are the millions whose rights are suppressed by a cruel caste system, a system of which the excesses were outlawed by the Constitution we adopted in 1950, but which has lived on to this day. It may now be again sharpening its instruments of oppression, even if the days are gone when a Mahar had to lie prostrate on the ground if a Brahmin passed by.

#### Violations by State Agencies

To these societal assaults on human rights we have in these fifty years of so-called freedom added a persistent barrage from the security forces — the army, the paramilitary forces and the police.

Violations by the State agencies are much more severe, more intense. They are perpetrated illegally as well as under cover, or colour, of law. And there is no redress; the transgressor is the very agency we taxpayers pay to protect us.

Let's look first at the transgressions that have the colour of law. Almost since the dawn of our independence our statute book has contained draconian provisions for detention without trial. Nehru had the Preventive Detention Act, although before 1947 he had himself castigated the British government for its resort to savage laws of this kind. Its recent *avatar*, TADA, could get you 6 months in jail for an innocent utterance, such as questioning our government's stance on Kashmir. A Punjab High Court judge who had lectured in support of civil liberties was arrested, handcuffed, and made to stand for hours in the scorching sun of a Chandigarh summer. And while he stood there the police burgled — not just searched — his home. TADA made a confession to a policeman admissible in evidence, overturning one of the cherished principles of Indian jurisprudence. Worse still, it introduced thereby a direct incentive to torture of

prisoners, a course our police pounced on with alacrity.

### **Misuse of TADA**

TADA was enacted to deal with terrorism in the Punjab, but it soon became a handy instrument of political tyranny that our governments applied to 22 States, imprisoning 50,000 Indians. And which State do you think contributed most prisoners to that total? It was Gujarat, the home state of that arch-terrorist Mahatma Gandhi; Gujarat, where terrorism was virtually unknown. Yet Gujarat jailed 19,000 persons under TADA!

TADA may have gone, but its spirit survives, and hundreds of citizens arrested before it lapsed still languish in jail.

The cover of law imposes further hardship and human rights violations on thousands of under-trial prisoners. A poor man accused of trying to kill a former CM of Maharashtra was finally acquitted a few weeks ago, seventeen years after he entered jail. Who bothered about this innocent man's rights for seventeen years? Will his accusers be brought to trial?

### **Violations by Security Forces**

Turn now to the totally illegal violations that take place every day, at the hands of the police, the army, and the other security forces. In coping with insurgency in the north-east and Kashmir, the army has not been as virtuous as its generals claim it to be, even if it cannot take the entire credit for alienating the people of these two areas from the rest of us Indians.

In Manipur on 16th February

last year the 57th Mountain Division arrested one Kanjugam Singh, suspected of links with insurgents. On the 19th he was delivered to the police, who sent him to hospital. He died the next day.

In March 1996 one Andrabi, a Kashmiri journalist who had campaigned for human rights, was arrested by a unit of the 35th Rashtriya Rifles. Less than a fortnight later his body was found. No explanation was forthcoming, nor was it safe to demand one.

Some years earlier, also in Kashmir, Mohammed Hanif Baggu was picked up from his home by the 25th Madras Regiment. He was beaten, hung upside down from a ceiling and dumped in a ditch.

These are only three out of a large number of cases that stand out in my memory, and not even three swallows make a summer. In fact, the army's onslaughts on human rights are better concealed than those perpetrated by the police, because they are confined to limited areas of the country in which insurgency is particularly visible and media candour is actively deterred, as Andrabi's case shows. The army is also careful to turn its victims over to the police after it has "dealt" with them.

### **Police Atrocities**

The police are everywhere, and so are their atrocities. Just about a month ago the sight of two railway policemen thrashing a poor woman hawker at Andheri station in Bombay roused commuters into a violent protest. In retaliation the railway police came out in force to lathi-charge the protesters. The re-

sulting stampede killed a woman commuter.

About a year ago a 14-year old was arrested in Tamil Nadu on a false charge of stealing a bicycle. That evening, his decapitated body was found on the track of a nearby railway station.

This list too could go on and on. But apart from such scattered excesses, Bombay witnessed during the 1992-93 riots systematic attacks on innocent people by the very police whom we pay to protect us. The Srikrishna Commission has named a number of police officers for prosecution, chief among them R.D. Tyagi, then Joint Commissioner of Police. For his pains Tyagi was promoted to be Commissioner!

Even in normal times, our police are ever ready to arrest people they don't like, on the slightest of pretexts. And once arrested you are in deep trouble. You are available to satisfy the sexual or sadistic instincts of your interrogators, available for assault, rape, torture and even murder. Last year the number of custodial deaths in India was 888, up from 303 in 1996. Maharashtra led the States in this shameful tally: its score was 200. It led also in custodial rapes, testimony to the virility of the Maharashtra policeman. "In the name of custodial interrogation a reign of terror is let loose, and people are harassed" — wise words from none other than Mr. Tyagi, the same Tyagi, now retired.

### **Police "Encounters"**

Perhaps the worst form of assault by the State on human rights

is its repeated use of 'encounters'. Bombay's Police Commissioner recently told a meeting that in encounters the police shoot only in self-defence. On the platform with him another speaker cited 99 police encounters, in which 135 people were killed, but not one policeman was even injured. Someone was lying.

What makes our security forces so ready to resort to their own terrorism, to trample freely on our rights, is the virtual immunity they enjoy. Just try to register a complaint against a misbehaving policeman at a police station. You face a blank wall. You are lucky if you are not yourself charged with

some crime and locked up. And the police strenuously resist enquiries into their misconduct, on the spurious ground that the force would be demoralised. What an exalted state of morale must pervade the police if it cannot survive a revelation of the truth!

Saddest of all is the apathy of the middle classes to such excesses, which mostly hurt the poor. Some of us believe in an 'Asian' concept of human rights, which holds that economic development has to precede the full flowering of human rights. Others have the delusion that the security forces need to be ruthless, unquestioned and unbridled, if they are to keep the

country safe. Again and again one remembers Niemoller, speaking of Germany, in the thirties: 'First they came for the Jews, and I did not speak out - because I was not a Jew. Then they came for the Communists and I did not speak out - because I was not a Communist. Then they came for the trade unionists, and I did not speak out - because I was not a trade unionist. Then they came for me - and there was no one left to speak out for me'.

MR. J. B. D'SOUZA is a civil servant (since retired). Held senior positions including that of Chief Secretary, Government of Maharashtra and Municipal Corporation of Greater Bombay. He is active in a voluntary agency engaged in promoting low income housing.



## On Minoo Masani

It was as a school student that I first heard about M. R. Masani through the newspapers. His speeches and questions in Parliament following his election in 1967 were not just impressive but he almost single handedly raised parliamentary debates to a level where the ruling benches were foxed and the opposition non-plussed.

He was a statesman and not just a politician. Politics was for him a mission to enrich public life and not a 'profession' as it is today. He believed in leading the people on the right path even if his followers were not legion. Not given to cheap and rabble rousing populism, he ploughed a lone furrow in Indian politics. In a political age intoxicated by socialism and a pro-communist foreign policy, he swam against the tide and his warnings whether on economic or political issues have all come true today.

At the meeting in Mumbai to condole his death, many referred to his views on Kashmir. Once, while sitting with him in the Bombay Gymkhana with Mrs. Sheela, I asked him that while his views on the right of self-determination and secession were based on conviction, did he

really believe that the terrorists in Jammu & Kashmir would honour those values. His answer was a crisp "No". His political views were value-based and not dependent on political expediency and no one could doubt his integrity.

M. R. Masani valued time like gold - perhaps more. As a Management Consultant, when any candidate came even five minutes late, Mr. Masani would ask: "Gentleman, when you are in need of a job, you come five minutes late. How late will you be if you do not need a job". And that was the end of the interview and with it, perhaps, the prospects of getting a job!

On his 80th birthday, when a contributory dinner was hosted at the Royal Bombay Yacht Club, the invitation card mentioned the time as 7.30 p.m. When Mr. Masani walked in, an enthusiastic admirer excitedly said, "Mr. Masani, we have been waiting since 7.00 p.m." Masani being what he was, stated, "But the invitation card mentioned 7.30 p.m., and showed him his wrist watch. Sure enough, it was 7.30 p.m.!

If India did not utilise his services, the loss was ours, not his. M. R. Masani's is a profile of courage and integrity, and the greatest tribute to him is to continue the fight for the cause of liberty and democracy.

Nitin G. Raut

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## Our Own Animal Farm

S. Ambirajan

**Politicians are necessary if a society wishes to have a democratic form of government. Politicians will not be politicians if they do not aspire for power. But it is incumbent on them to behave in such a way that they do not lose creditability in the eyes of the people.**

The memory of what one experienced as a young urchin five decades ago in a south Tamilnadu hamlet is vividly, if violently brought back in the mind's vision now. As little children we were fascinated by the five mongrel dogs of varying ages, colours and strengths that treated the small lane as their territory. All the dogs – dirty light-brown, dirty black, dirty white, dirty grey and dirty red brown – used to wait patiently, and even playfully until my grandmother brought the soiled banana leaves used for daily meals, outside the house. The dogs would follow her peacefully at a respectful distance until she walked to the corner of the lane to throw the lot.

### *Ecchakkalai*

No sooner the left-over leaves with the small uneaten remnants of food touched the ground with a splash, all hell would break loose. The dogs would rush to the mound of leaves all at once. The strongest amongst them would naturally get at the *Ecchakkalai* (used leaf with the leftover food) first with all the rest pushed to the back growling for some time, planning their moves no doubt. And just when the big one settles down to mop up the food particles, the rest of the pack would charge furiously. Unable to face the onslaught of the others fighting in unison, the big bad dog would be

compelled to retire and endlessly whine with seemingly philosophic resignation. The rest shared the loot with some enjoying the food and others finding pleasure in simply barking, but of course, not for long, as one went to eat what was left peacefully. A lot of barking, a lot of growling and a lot of pushing and shoving until the children of the household were asked to drive them away by the elders. This was a drama that used to take place twice every day. There were other participants too. The crows on the tree waiting for the dogs to be chased out, and ticks riding on their dogs no doubt feeling satisfied that the blood of the dog they prefer to ride tasted the sweetest.

### Animals and Politicians

This is actually the territory of the great Tamil writer, Mr. Jayakanthan (or George Orwell) who can capture the irony and pathos of such long vanished scenes and recreate them eloquently and beautifully in his translucent prose. But who needs the imaginative artist to bring back the situation when we have the current crop of our politicians, bureaucrats and journalists? If someone after seeing the shenanigans of the unholy cabals that call themselves political groupings manipulating their followers and the public ask whether the *thalaivars* (Tamil for leader) and *netas* (Hindi

for leader) are any different from the aforementioned zoological specimens, can it be denied? We may be doing an injustice to the unfortunate denizens of the animal kingdom because after all they behave according to their instinct of survival. Ah! Man is different, because God endowed him with the capacity of thinking, discretion and judgement. God also endowed these abilities to the Indian political class. Assuming that the Indian political class will use these abilities in the right way, the makers of our Constitution gave a wonderful instrument to the Indian political elite to take India into the pinnacles of glory, but they preferred to be like Caliban who ranted:

You taught me language, and  
my profit on't  
Is, I know how to curse.

(Shakespeare in *The Tempest*).

It is tragic to see that what the dogs, crows and ticks do in terms of blind instinct, our highly educated politicians, bureaucrats and political commentators are doing with open eyes, using their reasoning faculties and finally justifying their actions in strident tones.

### Lure of Power

There is first of all the mad rush to power by the individual politicians as soon as the election is announced and by the political parties when the election results

trickle in. Every political party either by itself or in alignment with other allies, irrespective of its strength in the house, is anxious to form the government. Moral consistency is not the prime principle but the creed should be to reach the *ecchakkalai* first. Thus the Congress and the United Front will declare that the largest single party principle should not be applied by the President of India, but a must for the governor of Himachal Pradesh. Not to be outdone, the BJP will argue that the same principle is not applicable in the case of Himachal Pradesh but an absolute must for the Indian republic.

Then there is the second action where man emulates the beast. The first come is not left in peace to enjoy the spoils of office. Every trick is resorted to edge out the incumbent. Yesterday's enemies become today's friends and methods ranging from offering ministerial berths to imprisonment in hill resorts to transferring suitcases are used to the accompaniment of an ideological drone, with the sole purpose of dislodging the newly formed government. The relatively largest political formation is edged out to whine and sulk, awaiting for its next opportunity.

Having dislodged the big bad dog, do the others enjoy Office in peace? No. Let us see the third characteristic where dog and man do the same thing. Fight amongst themselves. Invariably with opportunistic coalitions with small parties, the whip hand is held by the small parties. Thus it is not only a case of the tail wagging the dog, but multiple tails wagging the amalgam of political parties. Thus we have instances when parties play the game of

brinkmanship with fellow members of the coalition.

### Eating Dog Vs. Barking Dog

There is the fourth point of comparison which both our village mongrels and politicians have originated. The clever innovation of our *netas*, namely "Outside support" is nothing other than the "Eating Dog versus Barking Dog" syndrome. The barking dog will neither enjoy the food nor will it allow the others to enjoy their scraps from the leaf heap. One never knows whether our political leaders learnt anything from the great proponents of democratic theory like John Locke or John Stuart Mill or not, but sure enough, they have imbibed to the last iota, the theory and praxis of Robert Clive who was the earliest to perfect the art of "Power without responsibility". With the help of the threat of blackmail, the outside supporters can get anything done without worrying about the long term consequences for the economy or polity.

While the politicians are busy fighting their battles to zero in on the spoils of the war, the gargantuan bureaucracy is only happy to feed comfortably. Just one instance will do. Will the mammoth increase in the emoluments of the public servants sanctioned by the Gujral-Chidambaram duo have happened had we a resolute and united government conscious of its responsibility in looking after the precarious Indian public finances? Crows celebrate when the dogs are chased out.

### Opportunism and Double Talk

Similarly, our political commentators exhibit more loyalty to their favourite political leaders and parties than the *netas* themselves who are quite happy to have the

most flexible principles. One day they cry in unison with Mr. Surjeet that "Congress" is as bad as the "BJP". Come another day, and the results are announced, and the CPM stalwart changes his "line", everyone agrees that the "Congress" is less bad than the "BJP" and should be supported. If your favourite leader uses all methods to topple the other, it is a "magnificent battle". If your pet aversion does the same thing, it is "unprincipled and dirty machinations". Thus every tick has its favourite dog.

On seeing this, the man from Mars can legitimately conclude that our political leaders never proceeded far in the evolutionary trajectory. It should not matter, but unfortunately their actions are leading the country into an abyss. What they forget is that the citizens of India can show their displeasure with the political class by refusing to participate in democratic processes as for example when we see whole villages decide not to take part in the election. Worse still, the citizens may plump for some form of authoritarian rule that would make the squabbling and venal politicians irrelevant which can only destroy the already flawed polity.

Politicians are necessary if a society wishes to have a democratic form of government. Politicians will not be politicians if they do not aspire for power. But it is incumbent on them to behave in such a way that they do not lose creditability in the eyes of the people.

PROFESSOR S. AMBIRAJAN is a writer and columnist and a Professor of Economics.

# The Indian Army and the 'Enemy Within'

E. D'Souza

**As the Army Chief declared, the Indian Army of over 1 million 'All Ranks' has a vested interest in protecting nature and restoring it and by so doing to reduce the destructiveness of natural catastrophes to the extent possible.**

The title of this piece may seem a bit odd. The Indian Army is undoubtedly concerned with the enemy within when it is deployed on internal security duties as during the Mumbai riots. But the "*Enemy Within*" in this instance is not the ISI, nor inter communal problems, caste riots or terrorism. It is something far more sinister and that is the degradation of the environment because of our greed; our very survival depends on the many bounties of nature. There can be little doubt that we appear to be hell bent in destroying nature or else why would North East India be in the grip of some of the worst floods within living memory causing a large number of deaths and rendering over 4 million people homeless in Bihar, Assam and West Bengal, not to mention Bangladesh, bringing in its wake untold misery - starvation, lack of drinking water and power, and denudation of crops vital for our sustenance. And the drought in Orissa. The sufferings of the poor and marginalised are there for all to see. And then we have had the Malpa tragedy due to landslides caused by deforestation. This then is the *Enemy Within*, the terms of reference of a vibrant presentation made by General Ved Prakash Malik, PVSM, AVSM, ADC, the Army Chief, in Mumbai recently.

There can be little doubt that the floods and landslides and disruption of communications are man made and not an act of nature alone.

The Malpa disaster in Pithoragarh District of UP was surely due to deforestation of the mountainsides and the disturbance of rock formations during construction of border roads. Lack of sanitation and hygiene lead to communicable diseases, again man made. The burgeoning population is perhaps an extremely serious one. The near total dependence on non renewable sources of energy causes an additional strain on renewable sources like fuel wood, which in turn leads to deforestation. These indicators and many others are what the Army Chief referred to as *The Enemy Within*.

## Awareness of Nature

The Army as is well known is deployed in ecologically rich areas throughout the length and breadth of the country and in some of the most famous wilderness areas generally inaccessible to the public like the Nanda Devi and Kanchendzonga Sanctuaries. It has a presence in the Thar Desert, the Himalayan Foothills, the Ladakh Plateau, in riverine Punjab, in the Gangetic Delta, in the tropical rain forests of the East and South, in the dry deciduous forests of Central India, in the Western Ghats, in the High Himalayas, the Karakorams, in the Aravali Hills and even in Dakshin Gangotri in Antarctica. So its personnel are best placed to understand the web of life and how our insensitive attitudes can interfere with nature.

As the Army Chief declared, the Indian Army of over 1 million 'All Ranks' has a vested interest in protecting nature and restoring it and by so doing to reduce the destructiveness of natural catastrophes to the extent possible. The men being drawn mainly from rural areas understand the importance of water, tree cover to sustain underwater resources, land and water pollution and disease. With the basic education that the Army gives its personnel and helps them to progress academically, it enables it to create that awareness without which nature cannot be protected, and extends this to responsible parenthood and the imperative need to have small families of just one or two children; it has succeeded in doing so.

## Protecting & Restoring Nature

Thanks to sound leadership, discipline, constant monitoring by virtue of its deployment and its organic structure, the Army can and has achieved much in this new role. The interest of Army Chiefs, right down the line from the day General P. P. Kumaramangalam became the President of the World Wildlife Fund India, a succession of Army Chiefs have devoted, in varying degrees, time and effort to protecting and restoring nature, without Government backing. General Sharma did commendable work in Ladakh and General Rodrigues as well who gave a tremendous fillip by creating an *ad hoc* Eco-Cell in Army HQ under the Director General of Military

Training. This cell was then replicated at Army Command level and interaction between the Forest Department and NGOs like WWF India and BNHS became visible.

### Tree Planting

Perhaps the most visible involvement of the Army is in the field of tree planting. Millions of trees have been planted in Army Cantonments throughout the country, in Patiala, Deolali, J & K, Belgaum, Kolhapur, Bhuj, Pune, Pulgaon, North Bengal and so on. Only plants endemic to that area and a few exotics are planted. The plants are then looked after and if the Unit located there is moved, it is required to hand over all eco projects to the relieving unit. This ensures continuity and care to achieve upto 85% survivability. The afforestation of mountain sides in the Sikkim Himalayas has succeeded in preventing landslides on the North and East Sikkim highways which were, at one period, common.

Another area where the Army has used its infrastructure and interest is the restoration of degraded land. In Ahmednagar for instance the Army has been given 850 hectares of waste land with the National Waste Land Board providing funds. The scheme, MIRC GREEN, started a few years ago by the Mechanized Infantry Regimental Centre in collaboration with seven villages in the command area has succeeded in restoring the land.

On the question of wildlife protection, General Malik stated that whereas Army personnel were once described as 'wanton destructors of India's rich wildlife heritage' the rifle has been replaced by the camera and binoculars and strict disciplinary action is taken against poaching if at all. This writer recalls a conversation he had with the late Dr Salim Ali and Prince Philip,

erstwhile President WWF, that the Army should restart Shikar Clubs in certain forest blocks because a disciplined force would then be able to monitor poaching and the strict observance of wild life laws. He mentioned the remarkable increase in the feral population of the endangered Kashmir Stag the 'hangul' in the upper reaches of the Dachigam Sanctuary in the Valley and the steps taken by dedicated Army personnel to protect the rich wildlife including many endangered species in Ladakh like the Black Necked Crane, the Himalayan Tahr, the Snow Leopard and Ovis Ammon, and in North Sikkim, on the Plateau, Kyang, wolf, snow partridge and the Red Panda. Troops are now being trained to identify endangered flora and fauna when on patrols and expeditions in remote areas and to report on their sightings.

The Army Chief, the pragmatic leader that he is, did not hesitate to answer frankly certain questions that were raised. One intervention was about the Kaziranga Wildlife Sanctuary where, because of the unprecedented floods, 15 endangered Indian rhinos have been drowned and what is the Army doing about it if it is so involved in preservation of nature and natural resources. In his own inimitable way General Malik gently reminded the questioner that nearly 4 million people, women and children in particular, have been displaced facing problems of drinking water, food, shelter and disease. Should the Army worry about rhinos, elephants, deer and wild buffaloes or this phenomenally large number of human beings? All things being equal the Army would certainly do all it can within the realms of possibility to save endangered flora and fauna but it had to have its priorities right and that is saving human life. He warned that the Army is hamstrung in matters of

funds and resources but more than that its commitment to national security within and without. Here again was the problem of priorities. Whatever the Army is doing in this fifth role is being done without official patronage and backing. It was through its own efforts.

To end this article on a high note, this writer has addressed audiences worldwide-in Brasilia, Caracas, Syracuse and Duke Universities USA, Bordeaux, Divonne France, UK, Austria and even Bulgaria among others, on the exemplary role played by the Indian Army in saving the environment. His articles in foreign journals and his appearances on BBC's Overseas, Radio Oxford and Asian Services, have focused the attention of the world on how the Armed Forces could be used in this nation building role without blunting the cutting edge of the sword, a *timely warning to the many who think that the Indian Army with its multiple security concerns can deviate from its main roles.*

MAJ.GEN. (Retd.) E. D'SOUZA is a regular contributor to *Freedom First*.



COURTESY: *Bombay Times*, October 19, 1998.

# When the Courts Worked Overtime

Yatindra Singh

**The Allahabad High Court reinstated Kalyan Singh as the chief minister of Uttar Pradesh. It may not have been the most important case decided by the Allahabad High Court, but undoubtedly it was the most dramatic one.**

General elections to the U.P. legislative assembly were held in October-November 1996, and the result was a 'hung' assembly. Though the BJP and its allies were the largest group, they were not called to form the government. The decision to extend President's Rule, was successfully challenged before a Full Bench of the Allahabad High Court. The operation of the order was stayed and the matter was pending before the Supreme Court, when, arising from a mutual understanding between the BJP and BSP, Ms. Mayavati of the BSP became chief minister on 21st March, 1997 and in terms of the mutual understanding, handed over the chief ministership to Shri Kalyan Singh of the BJP, after the expiry of six months. He was sworn in as the Chief Minister on 21st September, 1997. But soon thereafter Ms. Mayavati withdrew her support to the government. The Governor asked Shri Kalyan Singh to prove his majority. This he did on 21st October 1997 with the help of a break-away group of 22 MLAs from the Congress who named themselves 'Loktantrik Congress' and another break-away group of BSP MLAs calling themselves 'Loktantrik BSP'.

The stage was now set for the drama to begin at 1.30 p.m. on 21st February, 1998. The Governor of U.P. issued the following order: '12 members of the Loktantrik Congress came to see me around 1330 hours

this afternoon. Sri Rajaram Pandey of the breakaway Janata Dal accompanied them. Ms. Mayavati, President of BSP, Shri Kokeb Mukherjee leader of the Legislative Party of the BKKP and Shri Ahmed Hassan of the Samajwadi Party. Shri Pramod Tewari of the Congress Legislative Party joined them. Shri Jagdambika Pal intimated that the Loktantrik Congress has withdrawn support from the Kalyan Singh Government and staked the claim to form a Government under his leadership... I received a telephone call from Shri Harikishen Singh Surjeet General Secretary of the CPM that all CPM MLAs will support Shri Jagdambika Pal. I also received a telephone call from Shri Alok Bharati of the CPI that their one member will support Shri Jagdambika Pal...

"Under this situation I have now to take a difficult decision. Do I permit a Government which is clearly in minority to test its strength on the floor of the House and thereby provide opportunity for horse trading.. or swear in Shri Jagdambika Pal... Taking all factors into account, it is my view that more stable Government is possible with lesser chances of horse trading by my inviting Shri Jagdambika Pal to form a Government and prove its strength on the floor of the House."

Kalyan Singh was informed about this at around 2.45 p.m. He met the Governor at 5.00 p.m. along

with a letter saying that his Government had a majority in the House and requested a floor test in the Assembly. This was denied and Shri Jagdambika Pal was asked to prove his majority.

The Allahabad High Court is closed every Saturday except for two Saturdays in a year. 21st February was one such Saturday. The High Court was open. No lawyer enjoys working on a Saturday. That Saturday, I was on my feet till the Court rose at 4 p.m. On my way to my office, I was informed that the Chief Minister had asked that I should standby for word from him. At 4.45 p.m. I was informed that Shri Kalyan Singh was likely to be dismissed without being given any opportunity to prove his majority on the floor of the House. We were required to do something in the matter. Perhaps a writ petition for direction in terms of the S. R. Bommai's case, where Mr. Justice Jeevan Reddy of the Supreme Court, had held "... whether the Chief Minister had lost the confidence of the House is not a matter to be determined by the Governor or for that matter anywhere except the floor of the House... Democracy .. means .. such question should be decided on the floor of the House. The House is the place where democracy is in action. It is not for the Governor to determine the said question on his own or on his verification. ...

The writ petition was to be filed was against the State Government. As Additional Advocate General for the State, I couldn't appear for the petitioners without the permission of the State government to appear against it. This was granted. We decided to file the petition in the name of Dr. Narendra Kumar Singh Gaur, a Minister for Higher Education in Kalyan Singh's Government, who was available in Allahabad. On that Saturday, the Bench consisted of the Hon'ble Mr. Justice Palok Basu and Hon'ble Mr. Justice D.K. Seth. Hon'ble Justice Palok Basu had not come to the Court. His place being taken by Hon'ble Mr. Justice Birendra Dixit. The day was also over. This petition could not be entertained unless and until assigned to a Bench by the Hon'ble Chief Justice. He was not in Allahabad and the Hon'ble R. S. Dhawan, the seniormost Judge was incharge. I went to his house at 8.30 p.m. and requested him to assign a Bench to hear this matter. He assigned it to the Bench of Hon'ble Mr. Justice Birendra Dikshit and Hon'ble Mr. Justice D. K. Seth. It was 9.00 p.m. The hand-written order merely stated that the Writ Petition be presented before the Bench the same day. We reached the residence of Hon'ble Mr. Justice Birendra Dikshit at around 9.20 p.m. The counsel for the State of UP and the Union of India were already there. We requested Justice Dikshit to form the Bench and take a decision. At 9.40 p.m., the Hon'ble Mr. Justice D. K. Seth came. By this time we filed a supplementary affidavit stating that the Kalyan Singh's Government had been dismissed (at 9.00 p.m.) and the Governor was going to administer the oath of office to Shri Jagdambika Pal at about 10.30 p.m. The Court started hearing the matter. At about 10.20 p.m., we were requested to leave the room as the Judges wanted to discuss among

themselves. At around 11.00 p.m., the private secretary was called and the order was dictated. Shri Vijay Bahadur Singh, Advocate for the new Chief Minister came and requested the Bench to hear him. It was 11.30 p.m. The Court again heard the arguments of the Counsels. Thereafter we were again requested to leave the room. It was 00.30 a.m. The day had passed. It had become 22nd February, 1998. The Court called us in at about 1.45 a.m. and informed us that they had passed the orders.

It is for the first time in the history of the Allahabad High Court and perhaps for the first time anywhere in the country that the Court worked on a Sunday and the Bench sat and heard the matter at length. It was clear that the Counsel for the Respondents never wanted to finish the case. Their strategy was to let the case linger on beyond 24th February, 1998 so that the petition became infructuous. The writ petition was filed before the Kalyan Singh government was dismissed. The prayer in substance was that Kalyan Singh Government should not be dismissed except in accordance with law, namely till he was defeated on the floor of the House. It was during the hearing that his government was dismissed and Shri Jagdambika Pal was sworn as the new Chief Minister. The case was again taken up at 10.00 a.m. on Monday, 23rd February 1998. I pleaded that looking into the urgency some orders be passed that same day. The Court passed an interim order staying the operation of the order dismissing Kalyan Singh Government and restored the *status quo ante*.

The main argument on behalf of the petition was that once Kalyan Singh had asserted that he has the majority of the House it was

not open for the Governor to decide whether he had majority or not but had to be settled on the floor of the House. The Court observed:

"The only ground for not permitting the floor test for Kalyan Singh was the alleged horse-trading. The Court did not accept this argument and observed: "The very fact that the floor test by Jagdambika Pal having been fixed on 24th February, 1998 pre-supposes that floor test is possible and there was no exceptional circumstances rendering it impossible. Thus, if the floor test was possible in the absence of any exceptional circumstances, it was not open to the Governor to evade floor test, though demanded by Kalyan Singh, which fact has not been denied and finds mention in the order itself. It was incumbent on the Governor to summon the house for floor test".

We knew this would not end in the High Court. Mrs. Sheila Goel filed a Caveat at 4.30 p.m. before the Supreme Court. Shri Jagdambika Pal filed a Special Leave Petition before the Registrar of the Supreme Court at 10.00 p.m. on 23rd February, 1998 with the request that a Bench be formed immediately. But the Bench could not be formed. The matter was taken up at 10.30 a.m. on 24th February, 1998, before a specially Constituted Bench comprising Chief Justice M. M. Punchhi, Mr. Justice S. C. Agrawal and Mr. Justice K. T. Thomas. The Court heard Shri Kapil Sibal, Counsel for Shri Jagdambika Pal and then wanted to know from Shri Soli Sorabjee, if Kalyan Singh ever claimed a majority in the House before the Governor. The Court thought that in case he had not asserted his majority but merely sought time to prove his majority, then the Governor was right in concluding he did not have a

majority. The Supreme Court wanted to know if the Governor had mentioned this in its order. Unfortunately, the Governor had not mentioned it in so many words. He had said that Shri Kalyan Singh had sought time to prove his majority. This was different from saying that he had majority at that time, the Court observed. Referring to the letter given by Kalyan Singh to the Governor, the Court felt it must be decided democratically on the floor of the assembly, as soon as possible. In fact, the Court wanted the floor test the next day i.e. 25th February, 1998 but it was a holiday. The Court ordered the session of the Assembly on 26th February, 1998 to have a composite floor test between the contending parties in order to see which out of the two contesting claimants of

the Chief Minister had a majority in the House. This was a unique situation. Shri Kalyan Singh proved his majority by 225 votes to 196 votes. When the case was again taken up on 27th February, 1998, the Supreme Court observed: *"We are of the view that the impugned interim order of the High Court directing the Kalyan Singh Ministry to be put back in office should be hereby made absolute"*. The court also observed, *"In these circumstances, keeping any attendant issues alive in the form of the writ petition before the High Court would now be not conducive to political peace and tranquility, as also overall harmony."* There was no justification in keeping this litigation pending. The Supreme Court closed the chapter. Thus ended one of the most dramatic cases of the Indian Judiciary.

This case justified the faith of our founding fathers in the theory of checks and balances. It has shown how new technologies can aid the cause of justice. We had a good case but were short of time. The computers made the petition possible to be ready very quickly. The fax machine enabled information to be received in the shortest period of time. The mobile phones enabled us to utilise even the time spent while driving our cars or waiting to argue the case.

It was a case where records were made. The case was decided in six days and the Courts functioned on a Sunday!

MR. YATINDRA SINGH is Additional Advocate General, Government of U.P.

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# The Cauvery Dispute

A. K. R. Hemmady

## The seeds of the Cauvery discontent were sown by the East India Company in 1807

Speaking during the debate on the No-Confidence Motion in the Lok Sabha earlier this year, Shri P. Chidambaram criticised the BJP Alliance's National Agenda, and said that it did not spell out the specifics to resolve the Cauvery issue. Shri Vajpayee rightly asked if the issue was that simple, how was it that none of the previous governments were able to sort it out amicably? In particular, Shri Chidambaram owes the nation an explanation as to how the previous UF government was unable to solve the problem? He was then the Finance Minister in the Cabinet. UF constituents, DMK and the Janata Dal were ruling Tamil Nadu and Karnataka.

It is not as if the UF government had to begin from scratch to devise constitutional provisions to solve inter-state water disputes. An Inter-State Water Disputes Act has been in existence since 1956. We have the Narmada Tribunal, and the report of the Bachawat Commission and Cauvery Tribunal. Considerable homework has been and is being done to sort out the water dispute with Pakistan and Bangladesh. A couple of years ago, the Mahakali Agreement was signed with Nepal. There is an International Law on waters. The Nile river, across which the Aswan Dam is built, flows through Uganda and Sudan before it runs into Egypt. The Rhine river takes off from Switzerland and after demarcating the boundary between France and Germany for a considerable stretch, enters the Netherlands. If the Swadeshi norms of 1956 Act were not suitable for

Cauvery, Shri Chidambaram could have, in this era of globalisation, tried the Nile or Rhine norms!

### Discontent Almost 200 Years Old

The seeds of the Cauvery discontent were sown by the East India Company in 1807 (see box next page). In 1997, the Cauvery dispute was back in the headlines in a big way when the Centre issued a draft notification proposing the constitution of a Cauvery River Authority. The highlights of the notification were:

1. The establishment of a Cauvery Authority.
2. Ensure the implementation of all provisions made in the Interim order of June 21, 1991.
3. The power to take over the regulation of the reservoirs and the structures.
4. To ensure the inflow of 205 thousand million cubic feet (tmcft) of water into the Mettur reservoir in Tamil Nadu for each water year (June to May) with monthly and weekly stipulations.
5. To ensure that the State of Karnataka did not increase its area under irrigation by the waters of the Cauvery beyond the existing 11.2 lakh acres.
6. To monitor that the State of Karnataka did not take up any new projects, extend the existing canal system or remodel existing projects and canal systems which may lead to a higher utilisation of the Cauvery waters in excess of the

area specified.

7. A Regulation Committee shall oversee and direct the gates of the seven reservoirs, viz. The Kabini, the Harangi, the Hemavathi, the Krishna-rajahagar, the Mettur, the Bhavanisagar and the Grand-Anicut.
8. The Committee would undertake the work of rain-gauging in the Cauvery basin and collect rainfall data; and set up additional hydraulic observation stations in the Cauvery basin.
9. The headquarters of the Authority and Regulation Committee would be in Coimbatore in Tamil Nadu.
10. The Authority and the Regulation Committee shall continue after the adjudication of the dispute by the CWDT as its mechanism for the implementation of the award by the Tribunal.

### Karnataka's Viewpoint

The Cauvery Water Dispute Tribunal (CWDT) in its interim order dated June 21, 1991 had qualified its award by saying: "Pleadings are not complete, parties have not yet placed on record all their document papers etc....." By 1997, pleadings were almost complete and the parties had placed before the Tribunal all their papers and documents. It is therefore most unfortunate, according to the Kannadigas, that the Centre's June 1997 notification talks of implementing all the provisions made in the 1991 order, the most contentious being the release of 205

tmc water for Tamil Nadu. These people question the very basis on which the figure of 205 had been arrived at. The 50 year agreement reached between these two States in 1924 was seen as an imposition of colonial rule and yet Karnataka endured it in the hope that after the expiry of the agreement in 1974, a better deal would be allowed to Karnataka. The stipulation that Karnataka would not increase its irrigation by the Cauvery waters beyond the existing 11.2 lakh acres was seen as a serious infringement of the right of the Karnataka farmers.

### Tamil Nadu's viewpoint

Tamil Nadu's grievance has been voiced very succinctly by Shri

Mani Shankar Aiyar: "There has been no lack of talks or political initiatives between the expiry of the previous agreement in 1974 and the establishment of the Cauvery Tribunal some 16 years later. It was precisely because the problem could not be resolved in the political domain that resort had to be taken to the quasi-judicial process. An interim award has been made; the Supreme Court has validated the right of the Tribunal to make the award; the award was subverted by a Karnataka Government ordinance; the Supreme Court struck down the ordinance; the award was then gazetted; the Supreme Court reconfirmed the Central Government's obligation to ensure the implementation of the award; the Tribunal has

reiterated that in times of distress either affected party can approach the Tribunal for derogation from the provisions of the award; the Karnataka Government has breached the award unilaterally and refused to approach the Tribunal for relief, the Tribunal and the Supreme Court have condemned such wilful flouting of the law; as Karnataka did not listen, the Supreme Court asked the Prime Minister to intervene ..." (*Indian Express*, 14.8.96). Apparently, Karnataka doesn't believe either in political negotiations or in the judicial process.

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## Almost Two Hundred Years of Discontent

**1807:** Discord over the sharing of Cauvery waters between the erstwhile Madras Presidency and the princely State of Mysore begins, with the British Resident in Mysore rejecting the Tanjore Collector's claim that construction of bunds in Mysore has led to decline in flows.

**1870:** Madras and Mysore battle over the formulation of an irrigation scheme in Mysore to tackle drought conditions.

**1892:** First agreement between Madras and Mysore, stipulating that Mysore cannot take up new irrigation projects without prior approval from Madras.

**1914:** British arbitrator H. D. Gribbin gives an award favourable to Mysore. Madras appeals to the British Government.

**1924:** A 50-year fresh agreement which upholds the claims of Madras for a larger share of Cauvery water signed.

**1929:** Mysore commissions Kannambadi dam (KRS) and completes it in 1931.

**1934:** Madras completes Mettur dam followed by several smaller ones in both basin States under the 1924 pact.

**1939:** Mysore suggests a meeting to discuss the outstanding issues arising out of the pact. Madras rejects it the next year.

**1970:** Karnataka declares 1924 pact will lapse automatically in 1974. Tamil Nadu asks Centre to stop Karnataka from going ahead with its irrigation projects, failing which, demands setting up of a tribunal under the Inter-State River Water Disputes Act, 1956.

**1971:** Tamil Nadu moves Supreme Court for injunction against Karnataka irrigation projects, which gets rejected, and an application for the constitution of a tribunal is withdrawn.

**1972:** Both the States agree to resolve the dispute through negotiations with the Centre convening a meeting of Chief Ministers of all basin states. The Centre sets up a fact-finding committee to collect data on water usage.

**1974:** Centre convenes a Chief Ministers' meeting and circulates draft

proposals on water sharing.

**1978:** Basin States reach a draft agreement which suggests setting up of a Cauvery valley authority and water savings of 100 tmc feet and 25 tmc feet by Tamil Nadu and Karnataka respectively. The water saved is to be shared among the four basin States. This agreement is repudiated in subsequent years.

**1988:** The Supreme Court directs the two basin States to have bilateral talks following earlier writ petitions filed by farmers. Tamil Nadu reports failure. Court allows time till 1990.

**1990:** Centre rules out further negotiations, leaves matter to Supreme Court, which directs the Centre to constitute a tribunal. Three-member tribunal set up. At the first meeting, Tamil Nadu and Kerala seek interim relief, pending final award.

**1991:** Tribunal gives interim award on June 25, directing Karnataka to ensure 205 tms of water at Mettur from June to May. Centre notifies the interim award. Karnataka witnesses widespread violence in protest.

**1993:** Tamil Nadu Chief Minister Jayalalitha Jayaram goes on fast on July 18 demanding implementation of interim order by Karnataka. Fast ends, after four days, following the Centre's assurance to set up monitoring and implementation panels. (These are yet to be formed).

**1995:** In June, Karnataka released five tmc feet of water to Tamil Nadu, leading to widespread protest. In December, Tamil Nadu demands release of 30 tmc feet of water to save standing crops, follows up with petition to Prime Minister P. V. Narasimha Rao and the Supreme Court. The Court refers the matter to the tribunal, which directs Karnataka to release two tmc feet on December 19. With Karnataka refusing, the matter goes back to the Supreme Court which asks the Prime Minister to find a solution.

**1996:** The Prime Minister requests Karnataka to release six tmc feet of water, which the State obliges. In June, Tamil Nadu makes a fresh demand for 11 tmc feet of water and moves the Supreme Court. Karnataka releases five tmc and asks the Centre to initiate a negotiated settlement.

Courtesy: *Indian Express*, 4<sup>th</sup> July 1997.

# India and the Changing Global Economic World Order

Adi H. Doctor

**The WTO and the new economic regime provide us with both a challenge and an opportunity. It is upto us to meet the challenge and seize the opportunity.**

We are living in a rapidly changing world economic order. The pace of change in the present decade in particular has been breath-taking. Just as, after the second world war, the UNO was set up to maintain global peace and security, likewise, an agreement known as the General Agreement on Tariff and Trade (GATT) was also negotiated with a view to regulating world trade. GATT which came into force in 1948 served the purpose of regulating world trade, for nearly four decades and more. However, in the early nineties, it was becoming clear that GATT was in need of replacement, thanks to the quantitative and qualitative changes in world trade that had taken place since its inception.

Quantitatively, world trade had grown manifold and this in turn had brought about many qualitative changes. For instance, many companies had begun the practice of setting up regional/global headquarters for particular products and then exporting them worldwide. Companies began setting up manufacturing bases wherever they found the costs of manufacture were the cheapest. An American or German car company, for instance, would prefer to locate its manufacturing unit where it was most cost-efficient to do so, and not necessarily in the home country. In other words, companies increasingly began to invest in factories and real

estate in different foreign lands.

Developments like these brought about growing interdependence of economies and internationalisation of capital markets. At the same time, equally significant other developments, such as the emergence of new information technologies like Direct Home TV, Cyberspace, Robotics, and Artificial Intelligence have made it possible for new global capital (and other) markets to emerge which can transact business worth trillions of dollars a day. This remarkable change in the quantity and quality of world trade, necessitated replacing the outdated GATT by a more comprehensive World Trade Organisation (WTO) which would be a body that would not only regulate trade and commerce of capital, goods and services, by imposing sanctions if necessary, but also provides a mechanism for settling inter-state disputes among members.

The setting up of the WTO in January 1995 ushered a revolutionary global change. Hailed as a contemporary necessity, it is also fraught with dangers for weak and developing economies which might now be subject to more effective global pressures for moving in the direction of free trade which may not always be in their immediate interest. The WTO is committed to promoting free world trade by

removing all kinds of quantitative restrictions (QRs) or barriers in the way of free movement of capital, goods and services across national boundaries. Now such a policy of free world trade certainly favours the strong and developed economies of the West, who are in a position to provide quality goods and more efficient services at competitive prices to third world countries. This explains why the USA and the European Union are insisting on removal of all QRs within five years. The West particularly wants all QRs to go on items like agricultural commodities, textiles, insurance services, etc., which they produce in abundance and can sell cheaply to India.

## Removal of Restrictions

An earlier GATT provision provided for imposition of restrictions in the interest of preserving a minimum foreign exchange reserve. Today, with a very comfortable foreign exchange reserve of over 25 million dollars, and, five to six times cover for imports, India can no longer use the reserve argument for delaying the removal of QRs.

However, India has many sound economic reasons for still going very cautiously on the removal of QRs. Indian trade unions and economists are upset because they fear that with the removal of QRs, there would be a sudden surge

of imports and this would bring about a decline or collapse of indigenous industries, leading to unemployment, impoverishment, wage reductions, decline in social welfare expenditure, etc.

Further with the WTO's insistence that governments discourage subsidised production, Indian economists fear that indigenous production will become costly, globally uncompetitive and price itself out of existence. If Indian agriculture and small industrial units become uncompetitive, thanks to the abolition of subsidised electricity or fertilisers, this will further aggravate unemployment and increase rural poverty.

### Foreign Direct Investment

The spokespersons of WTO and advocates of unrestricted flow of capital and investment across countries, argue that once QRs are removed, Foreign Direct Investments (FDRs) or Multi-National Companies (MNCs) will come into the country and set up manufacturing units in order to take advantage of cheap Indian labour and raw materials, and this in turn will generate employment and income for Indians. However, we shall still need to move cautiously in opening up to Foreign Direct Investments and entry by Multi National Companies. This is because FDIs/MNCs will come only so long as labour is cheap and profits made in India can be easily and cheaply remitted home. Should any of these factors turn adverse, that is to say, should labour become costly or remitting profits home becomes unremunerative due to an unfavourable change in the rate of exchange, FDIs/MNCs will simply prefer to move out of India, depriving India of both its productive base as well as employment. India's long term prosperity depends entirely on employment

generated by Indian industry or industry permanently located in India and which unlike FDIs/MNCs, is less likely to abandon India in times of crisis.

To avoid all such developments, we should seriously consider using our very comfortable reserves position to import items like equipment to set up power plants and other infrastructure projects. This would help the Indian economy in two ways: Firstly, these measures would deplete our reserves to levels that would truly reflect the pressures on the Indian economy. India will then legitimately be able to claim the protection that WTO offers to countries with pressure on reserves or the balance of payments. Secondly, these measures of setting up power plants and other infra-structure projects, using reserves or balance of payments, will increase productivity and give Indian exports a boost, thus enabling India to re-earn foreign exchange. In other words, instead of foolishly building up reserves, India should instead use them to boost exports by improving infrastructure. In the meantime, if domestic industry is badly hit after the QRs are phased out, anti-dumping laws can always be of help. After all, has not the West clamped anti-dumping duties against imports from developing countries, including India?

### A Bargaining Shop

We must understand the WTO for what it really is, viz. a bargaining shop and a forum for managing trade, and, give up the old ideological hang-over of debating free trade *versus* protection. Our position should be to accept the new economic order of more free trade and global economic integration; only, our steps forward should be cautiously taken in our own

economic interest. We must endeavour to ensure that the new economic order is made mutually beneficial to the West and to us and is not manipulated by the West in its favour only. This means resisting unjust Western pressures, but it cannot mean quitting the WTO. If we quit the WTO on grounds of unjust Western pressures, we would gain little, because then we would have to deal with the powerful Western pressures bilaterally. The pressures of bilateral trade negotiations with the powerful West can be greater and more harmful to India. As a member of the WTO, we will at least be able to confront the West with the help and co-operation of other developing countries. Alone, dealing with the West bilaterally, we may find ourselves weaker.

### Some Needless Fears

India also needs to discard many other fears regarding WTO and globalisation. One such widespread fear is that the WTO is Western dominated and will act partisanly to promote western economic interests at the cost of the developing world. However, the first three years of its operations, from January 1995 when it was set up till date, shows that the WTO has a good track record in impartially settling disputes between trading partners. It has proved to be the last resort for many developing countries, especially when big and powerful trading partners brought sanctions against them. For example, the WTO rescued countries like Guatemala, Ecuador and Honduras, against imposition of punitive duties by the USA when they were accused of dumping bananas and under-garments in the USA markets. Likewise, the WTO, in its first major judgement of a trade dispute, has ruled that the USA Clean Air Act, which set different cleanliness standards for

USA gasoline and imported gasoline, was discriminatory, and, accordingly, ordered the USA to change its rules or face sanctions. In fact, in its short span of existence, the WTO has gained respectability and sanctity as a dispute settlement body, and today, even China and Russia are seeking its membership since they have become active global traders.

#### A Challenge ...

What the new economic order implies for India is that Indian businessmen must gear up for global competition. It must be admitted that, today, compared to many other countries, India continues to provide a very highly protected market to its producers. Entry is difficult and costly, QRs are in place, many scores of items are on the banned list of imports and in most cases, customs duties are still high by international standards. We still have about 2,400 products in key areas like textiles and agriculture on the restricted imports list. Indian businessmen need not fear dismantling these restrictions on imports, once they learn to become globally competitive by discarding outmoded management practices,

concentrating on core competencies and developing indigenous R&D.

#### ... and an Opportunity

After all, the idea of removing QRs, or opening up, is to boost overall competitiveness by shifting resources like land, labour and capital from the less to more efficient uses. To illustrate, if we are inefficient and costly makers of apparels, garments and processed fabrics, then by providing protection (through QRs) to these products, we are only squandering scarce resources on providing what we can import cheaply. If we open these sectors to import competition, then their inefficiency will become apparent in losses and bankruptcies, forcing them to shift to businesses where they can be competitive. That would translate as a gain in overall productivity. The WTO and the new economic regime thus provide us with both a challenge and an opportunity. It is upto us to meet the challenge and seize the opportunity.

#### TRIPS

There is one more aspect of the new world economic order that needs to be examined. That is the controversy over the recently concluded agreement on Trade Related Intellectual Property Rights (TRIPS) sponsored by the WTO. Ever since India signed the TRIPS agreement at Marrakesh in 1994, there exists a deep division in India on the issue of TRIPS. While some have favoured immediate compliance, others are deeply suspicious of Western intentions and want many provisions moderated. The principal bone of contention between the WTO and developing countries relates to Western (WTO) insistence on product patents, especially in the field of pharmaceuticals and agrochemicals.

Whereas Indian critics have no objection to process patents (for which a fee may be paid to the foreign pharmaceutical company), they strongly object to product patents which would enable the foreign pharma companies to charge very high prices for medicines patented by them. The critics also argue that patenting products will unreasonably restrict trade and affect the international transfer of technology.

The fear is not totally misplaced. But rather than throw the baby out with the bath water, we must ready ourselves to fight any Western abuse of TRIPS whether on the price front or technology transfer front. This is because patents is a two-way weapon. As and when our own R&D matures, we will need patents to protect scientific innovation and research by our companies, laboratories and research institutes.

It may also be mentioned here that the TRIPS agreement itself provides for fighting for safeguards against any abuse of the patent regime by the rich and developed nations. Thus Article 7 says that intellectual property rights should "promote technological innovation and the transfer and dissemination of technology in a manner conducive to social and economic welfare", while Article 8 allows measures to protect public health and nutrition and "to promote the public interest in sectors of vital importance". It will therefore always be open to India to insist that Exclusive Marketing Rights will not be absolute but conditional upon commitments to technology transfer. Maybe, such commitments could be written into the Patents Act which is now being discussed for suitable revision to bring it into accordance with the WTO regime. In short, India needs to accept the new world

#### Losing Ancient Secrets

Another ancient Indian secret is heading for foreign shores. Salacia, or Saptarangi, a herb used in India for more than 3,000 years to treat diabetes, is being broken down to its molecules by Japanese scientists in Kyoto. They say they've isolated salacinol, a compound that has been found to lower blood sugar in rats. Salacinol molecules block an enzyme that digests sugar in the intestine. If salacinol ever becomes a key to treating human diabetes, it could trigger another war between Indian herbal tradition and foreign patents.

COURTESY: *India Today*, March 9, 1998.

economic order without bowing down to any unjust external pressure on QRs or patents.

The US agrochemical industry estimates that it loses over 200 million dollars in sales per year because of inadequate and ineffective patent protection in the third world countries; the US pharmaceutical industry claims that it has lost 2,545 million dollars. But these MNCs do not assess how much the third world loses due to their claiming third world bio-resources and third world knowledge as their intellectual property, as in the case of various plant-based medicines manufactured by MNCs. We are familiar with the recent unsuccessful attempt made by the parties in the USA to get a patent on medicines made from the neem plant which are in fact widely known traditional Indian medicines. If the contribution of traditional Indian medical knowledge based on the curative powers of herbs and plants and the innovations of Indian peasants in the realm of seeds and micro-organisms is taken into account, the charge of piracy made against us by the West gets dramatically reversed and it is we who can charge the MNCs with having indulged in piracy, palming off traditional Indian knowledge as theirs.

#### Who's the Pirate?

The Rural Advancement Foundation International (RAFI) observes that if the reverse piracy of the West is taken into account, then the USA owes 202 million dollars in royalties for agriculture and 5097 million dollars for pharmaceuticals to third world countries. India will therefore have to make use of the WTO to put its case for royalties and for halting the large scale piracy of the biological wealth and intellectual

heritage of the third world. MNCs like Merck, Bristol and Myers (which were on the WTO Committee that vociferously demanded third world observance of intellectual property rights) have themselves acquired patents on bio-materials collected from the third world without any permission or payment of royalty to the original owners of the biological material. Rather than wage a losing battle against TRIPS, we should instead prepare ourselves to take maximum advantage of TRIPS for ourselves, and jointly with other third world countries, fight the MNCs and their unethical practices. The new economic world order (and the stipulated patent regime under it) is not something that need benefit the West alone. It also provides the third world countries with an opportunity to demand protection of not only their biological resources (including seeds and medicinal plants) but also their ancient knowledge and collective heritage.

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#### Nobody Rules the World

*As a matter of fact,  
Everything is destructible.  
No one in this world is invincible,  
Some may think of conquering the world!  
But nobody can conquer the world.  
You can win the hearts of people,  
But you cannot rule the people!  
Anyone can love this world,  
But nobody rules the world.*

*Alexander the Great  
Was drowned in sorrow  
As he had nothing else left to conquer,  
As he could not rule the world.  
Force is a big evil,  
It is the blood relation of the Devil in us  
Violence does not lead to any good,  
Force doesn't provide shelter and food  
Force leads to destruction and sorrow  
Love it is that gives hope for the  
morrow.*

Kamal Thadani

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## Freedom of Expression and Public Order

Louella Lobo Prabhu

**Mary, Sita or Gandhi, are too big for petty mortals successfully to assail  
their surpassing stature!**

The "*Mi Nathuram Godse Boltoy*" has blown into a big public debate, even making it to the cover of news magazines, as a lead story. It follows in the wake of various controversial art works, like Salman Rushdie's "*Satanic Verses*", Kazantzakis's "*The Last Temptation of Jesus Christ*", and most recently, Hussain's picture of Sita, sitting naked on the tail of Hanuman.

### Hussain's Picture of Sita

It is interesting to look at the substance of each. Hussain's offending painting probably was done, not as an artist's search for Truth via Beauty, but at least with the intention of causing a sensation. This, more than the production of fine art, seems to be Hussain's motivation. Pakistan's "Blasphemy Law" has already seen stringent sentences imposed on those accused of it. The painting adds nothing to our better understanding of the Ramayana.

### Rushdie

Rushdie's book is one which I do not feel capable of defending. In terms of substance, Solomon Chacha's descent from a plane, in the midst of nowhere, is an unusual literary device, but the related irreverent pokes at Islam seem unnecessary. In fact, since there is no story-line, with a beginning, middle and end, he could have used a different central device, less likely to hurt his co-religionists' susceptibilities. He possibly wanted

to provoke. His personality, though less ebullient than Hussain's, is to some extent, keyed by a desire to make a sensation.

### Kazantzakis

This is not true of Kazantzakis' novel. The crux of his offence, is his speculation, that Jesus, writhing in torment on the Cross, *imagines or fantasises* what life might have been, if he were an ordinary mortal. Carrying the fantasy to its logical conclusion, Jesus might have married Mary Magdalene, and been a householder, who could have peacefully died in the bosom of his family. In the novel, *Jesus Overcomes the Temptation*, and fulfils his divine destiny. He has been described as a man like us - in all things but sin. Thus in emphasising Jesus, the Man, Kazantzakis does not seem motivated, by a desire to decry Jesus, or make a sensation. He was exploring the human side of Jesus the Man, ending up with the conclusion, that the God in Him and His Divine Mission triumphed over the Man!

### Gandhi/Godse

No one disputes, that Gandhi was as near as it is humanly possible, for a mortal man to be like Jesus. His strategy of non-violent agitation, won India freedom, with the minimum loss of blood. His compassion extended to every section of Indian society, including the minorities, and "untouchables". (He gave them the nomenclature,

"Children of Hari", now substituted by the word "Dalit"). However, the analysis of Godse's mind-set though done with a certain bias *in favour of Godse*, does offer an insight, into an event, which changed the course of Indian history. Godse did not kill mindlessly, or for personal revenge. We may deplore his philosophy. But he had one. From that point of view, the drama does throw new light, on a subject no longer current. His viewpoint was and is shared, by some who felt, and rather passionately, that the Gandhian way was not the right way. The play, however, could only be put over under a BJP/Shiv Sena administration. It has been withdrawn at the behest of the Union government under pressure. However, since Godse's target was the creation of Pakistan, the play, may give the Muslims of India, the feeling that they are still targets. In fact, Godse's point of view was not anti-Muslim: An "Akhand Bharat" would have seen a much larger Muslim population in India. Unfortunately, not too many people analyze a proposition deeply, or for a second time - after they formulate an instantaneous judgement.

### The Legal/Constitutional Position

Unlike the U.S. which has a specific clause guaranteeing freedom of the Press, the Press and other forms of the media, including stageplays, are governed by the fundamental freedoms guaranteed in Article 19. Article 19 itself, is circumscribed by *provisos*, which

include public order, morality, and health. These last are so amorphous and yet so sweeping, that either the government at the Centre, or in a State, could easily close down, or stifle any item of free expression, by invoking the protective clauses. Indeed, though the Press has no Censor Board, films and stage plays do. The community of artists, and liberals, would like thought and its expression to be free. Every viewpoint should be voiced, and be silenced, not by the heavy hand of the State, but by another viewpoint which carries more conviction. Jesus, Mary, Sita or Gandhiji, are too big, for pretty mortals successfully to assail their surpassing stature!

However, someone sitting in the Administrator's chair has to

contend with public order. Khushwant Singh, otherwise a liberal, says that when the script of "Satanic Verses" was put before him for his approval, he advised the publishers in India, not to publish it. The focus of the artist or writer, is the individual, that of the administration is law and order. Politicians like to see which way the wind is blowing. In fact, with skilled political organisation, a threat to public order *can be concocted*, when Party cadres are roped in to stage-manage demonstrations, which then become the justification for banning a work of art.

Speaking personally, as an individual and as an artiste, I would wish, that, (barring defamation), expression is free, and that

pluralistic voices and opinions, contend for the attention of the public. Yet I can also see the problem of the administrator even when public agitation is manufactured, and not spontaneous. My conclusion may thus seem rather weak!

If an artiste feels very strongly, about a point of view to be propagated, in a work of art, let him or her, set it down with the full knowledge, that it can be torn out of context - and be vandalised by lumpen elements, eventually leading to an official ban. If the artiste still demands the right of free expression, knowing there is a price to pay, so be it!

DR. LOUELLA LOBO PRABHU is Associate Editor of *Insight*.

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# What is Nelson Mandela?

Kusum Chopra

**Nelson Mandela was not alone in jail. He was not the only anti-apartheid warrior behind bars for a protracted period. Then why is the name of Nelson Mandela alone a global phenomenon, when one can hardly recall the name of a single of his associates?**

What is Nelson Mandela? Who is he and why is everybody celebrating the birthday of Nelson Mandela?

Nelson Mandela? The person who was held prisoner by the South African apartheid regime for 27 long years?

If one is Indian, one may wish to salute the steadfast determination of the man not to accept any conditional parole and to remain behind bars for so long. It is such a sharp contrast from our Nehrus and Gandhis who were in and out of British jails, at the drop of the proverbial hat, on parole for negotiations or for a variety of illnesses – their own, their spouses or their families.

Of course, Nelson Mandela was not alone in jail. He was not the only anti-apartheid warrior behind bars for a protracted period. Then why is the name of Nelson Mandela alone a global phenomenon, when one can hardly recall the name of a single of his associates?

The answer is simple: because none of those other long-suffering political prisoners had a wife called Winnie Mandela.

Nelson became Nelson Mandela, an international anti-apartheid brand equity, because Winnie effectively marketed his image and identity. She used the time-honoured tactic that paid such rich dividends to the Gandhi-Nehru

brigade, whose assiduous cultivation of the western media has left the lasting impression that it was they and they alone who won India her independence; the silent sacrifices of thousands of other freedom-fighters submerged in a conspiracy of silence.

Winnie took full advantage of the western media to ensure that her jailed husband remained in the headlines; and she did this while herself battling apartheid, plotting and maneuvering against the apartheid regime, shifting house constantly, often a fugitive, balancing political work with parenting and with police beatings, to lead her people from up front, all the while also raising a family.

It was because Winnie Mandela was out there, fighting his battles for him and keeping his memory fresh and alive in the public mind that Nelson Mandela could afford the luxury of 27 unbroken years in prison. So, who is Nelson Mandela? The answer: the man who sat it out in jail, leaving the dirty work, of fighting apartheid, to his second wife. Nelson had divorced his wife of eleven years, Evelyn, to marry Winnie, whose royal African lineage was to stand him in good stead as he maneuvered himself to the forefront of the political stage. Then he left all his political and family responsibilities on her capable shoulders, to make his lengthy political statement by staying in jail. And what did this Nelson Mandela, this new god of South Africa do,

when Winnie finally negotiated to get him out of jail? Honorably? No hidden bargains and agendas?

As soon as he came out of prison, to the resounding cheers of not only his own people, but those of the entire world, the first thing he did was vilify his wife, Winnie, and cast her away.

Himself a politician, he chose to be unaware of the apprehensions of his cohorts over the fact that not only was Winnie the creator of the market-leading Nelson Mandela brand equity, but she had herself grown into a major leader of the South African people.

And she had the advantage of them. She had been out in the field, dodging and attacking, passing and fielding, while the rest of them had been blowing hot air in jail or in exile in London and elsewhere.

As politicians and "former terrorists", they were all aware of what it takes to become an "anti-apartheid" leader, even if no one wished to get into the murkier details. They felt threatened: Winnie alone, or Nelson alone was bad enough. What would become of them if the winning combination clicked?

So, Winnie Mandela had to be ousted, ignominiously at that, no leeway, no quarter given. Reports of the proceedings of the Truth Commission point to the authorisation of a vicious whispering campaign of

sordid allegations of everything from liaisons to violence, to murder.

Was former terrorist Nelson Mandela as yet so unblooded that he turned pale at the allegations of blood on Winnie's hands? Were the hands of all those other anti-apartheid leaders clean, antiseptic? Was freedom from apartheid actually won without blows? If the spirit of Mahatma Gandhi had been so effectively revived, why did the world not hear about it?

Winnie's political execution was swift and savage; and it was horrendously public. Just as the Partition had to happen to enable Nehru to take over as Prime Minister immediately, so too South Africa had its Truth and Reconciliation Commission to allow Nelson Mandela his days of glory ... fast, before it was too late.

So now the world saw the spectacle of a woman being publicly condemned while the perpetrators of apartheid got off scot-free with mere confessions of their crimes to continue their economic plunder under the benevolent eyes of inter-

national financial giants. All the while, Nelson enjoyed prime time romance, blowing a kiss here, tossing waves around the world in his colourful collection of printed shirts.

Of course, the ground was assiduously prepared for the prime time romance of Nelson Mandela, much along the lines of Britain's beleaguered Prince Charles, with the clever use of world media.

First a spate of newspaper stories and photo-ops of the budding of a "regal romance", of a "love match made in heaven" for the unofficial first couple of Black Africa: Nelson Mandela, President of South Africa, and Graca Machel, widow of Samora Machel, architect of Mozambique's liberation.

Then came an innocuous sounding report in August 1997 of the remarriage at 77, of Nelson Mandela's little known first wife, Winnie's predecessor, Evelyn Mase-Mandela. This prime time marriage came 40 years after her divorce from Nelson, purportedly to ease her loneliness; after 40 years? The selected groom, Simon Rakepile was

widowed only six weeks before his remarriage.

Finally, the Nelson-Graca union at his 80<sup>th</sup> birthday bash.

What has Nelson achieved Post-divorce, in his presidency? Has the South African nation in any way, grown stronger?

Reports indicate that for South Africa's black masses, little has changed except the colour of the Big Boss. They remain, if anything, as poor as they were before Nelson Mandela came back into their lives.

How much are they being sociologically, medically and educationally better catered for by a Mandela government which is pre-occupied with Nelson's romance with Graca and the Truth Commission, instituted to get everyone off the hook, except Winnie.

So, what has South Africa got, except a poor sad mascot called Nelson Mandela? Happy Birthday, Nelson Mandela.

KUSUM CHOPRA is a freelance journalist.

### "DO YOU LOVE THE COMMON FOLK OF OUR LAND...?"



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. You can see now I am a 'reactionary' but not a hopeless one; because I see the defects among our people as well as I see their admirable qualities. Their general apathy I deplore. I would have them show more energy in many matters more than they do now, more tolerance and love towards one another, more capacity to work together for common purposes.

I love, I intensely love, the bullock cart, but I do not wish to give up the railway of the country to the other. I intensely love the beautiful languages our people speak, but I would not give up the great English language that links us all together in stronger and stronger bonds as the days pass. I love the great religion of the mass of our people and all its splendid variations that make no differences but form a beautiful and wise whole. But I do not want the search of material truth called science to be neglected. I want the elite to go to the shrines and the temples as the common folk do and daily renew and strengthen their resolve to be truthful and helpful to those around them. Otherwise the elite would be alienating themselves from the people, and serving neither themselves nor the people.

C. Rajagopalachari, *Swarajya*, September 5, 1970

Issued by the Rajaji Foundation

# Profiles of Indian Liberals

## Vamanrao Patwardhan



Vamanrao Patwardhan

J. S. Apte

**Both by training and temperament, Mr. Patwardhan was a liberal leader and a moderate politician. As a firm believer in and a strict practitioner of the seven vows of the Servants of India Society, Mr. Patwardhan's life was a saga of service and sacrifice, of concern for the downtrodden, and commitment to the cause of public service.**

19th Century India produced a galaxy of liberals in the field of politics, public administration and public life. Justice Ranade, Parliamentarian G. K. Gokhale and Srinivas Shastri are a few names that come to mind. G. K. Gokhale, a modern Indian Liberal, the worthy disciple of Justice M. G. Ranade made a clear, distinct and positive impact on the Indian political scene in the earlier half decade of the current century. On 12<sup>th</sup> June, 1905, Gokhale founded the Servants of India Society at Poona to promote and propagate the cause of selfless social and political service to the country. The Deccan Sabha founded by Justice Ranade had, in its manifesto, emphasised that it would represent

"moderate and liberal public opinion. The spirit of liberalism implies freedom from race and creed prejudices and a steady devotion to all that seeks to do justice between man and man, giving to the rulers the loyalty that is due to the law they are bound to administer, but securing at the same

time to the ruled, the equality which is their right under the law. Moderation imposes the condition of never aspiring after the impossible, or after too remote ideas, but striving each day to take the next step in the order of natural growth by doing the work that lies nearest to our hands in a spirit of compromise and fairness".

### The Servants of India Society

G. K. Deodhar, N. A. Dravid and A. V. alias Vamanrao Patwardhan were the first three founder members of the Society. The founder president assigned to each of these three members a specific area of public activity and social service. Patwardhan looked after the management of the *Aryabhushan* and Dnyanprakash press owned by the Society from 1907.

### Seven Vows

Every member at the time of admission took the following vows:

1. That the country will always be the first in his thoughts, and he will give to her service the best that is in him.
2. That in serving the country, he will seek no personal advantage for himself.

3. That he will regard all Indians as brothers and will work for the advancement of all, without distinction of caste and creed.
4. That he will be content with such provision for himself and his family, if he has any, as the society may be able to make. He will devote no part of his energies to earning money for himself.
5. That he will lead a pure personal life.
6. That he will engage in no personal quarrel with anyone.
7. That he will always keep in view the aims of the Society, and watch over its interests with the utmost zeal doing all he can to advance its work. He will never do anything which is inconsistent with the objects of the Society.

### The Society's Objectives:

"Public life must be spiritualised. Love of the country must so fill the heart that all else should appear as of little moment by its side. A fervent patriotism which rejoices at every opportunity of sacrifice for the motherland, a dauntless heart which refuses to be turned back from its object by difficulty or danger, a deep faith in the purpose of providence that nothing can shake

– equipped with these, the worker must start on his mission, and reverently seek the joy which comes of spending oneself in the service of one's country".

The Servants of India Society was established "to train men prepared to devote their lives to the cause of the country in a religious spirit, for the work of political education, (to) agitate, (and) seek to promote by all constitutional means, the national interest of the Indian people.

"To train national missionaries for the service of India and to promote by all constitutional means, the true interests of the Indian people".

#### Childhood and Education

Born on 15<sup>th</sup> February 1873 at Sangli, one of the princely Deccan states in Bombay Presidency, Vamanrao Patwardhan, on completing his school education came to Poona for college education at the Fergusson College. In 1896, he became a graduate of the University of Bombay.

#### Tutor of the Deccan Rulers

For a few years after graduation, Patwardhan was a tutor to the Deccan Rulers of Phaltan, Budgaon, Jath, Mudhol and Jamkhandi. During this period, he was able to study and observe the living conditions of the subjects, the style of governance and the functioning of the States' administration. He saw that most of the rulers lived a luxurious, ostentatious life and cared very little for the problems and difficulties faced by the people. There was little concern for the subjects. Health, education and employment were given scant attention by most of the rulers of the Deccan States.

#### After Montford Reforms

The first World War ended in 1918. India's contribution to this war

was enormous. The Morley-Minto Reforms could not satisfy the millions of Indians in British India and Indian States. In July 1916, Edwin Montagu, the then Secretary of State for India denounced the system of Indian administration in the House of Commons as "too wooden, too iron, too inelastic, too ante-diluvian to be of any use for the modern purposes we have in view ...". Lord Montagu thought it best to give a new direction and a new thrust to the British Empire's policy towards India. Lord Montagu recognised very well the necessity of taking note and cognisance of India's growing political aspirations and made the historic announcement of August 20, 1917. He said that the policy of the British Government was 'that of increasing association of Indians in every branch of the administration and the gradual development of self-governing institutions with a view to the progressive realisation of responsible government in India as an integral part of the British Empire'.

Montagu added that the progress in that direction could only be achieved by successive steps and that the Government must be the judge of the time and measure of each advance. The Secretary of State for India visited India in the autumn of 1917 and interviewed a number of people – princes and politicians to ascertain their views, hopes and aspirations about the type of government; rights and responsibilities of the elected representatives and the areas of administration. Both the Secretary of State and the Viceroy recognised that the 'spirit of liberty was abroad and active in India and little more than the powerless Morley-Minto Scheme was necessary to meet the Indian demand'.

#### Chamber of Princes

A forum called the Chamber of Princes was given to the Princes. The forum became their meeting place for deliberating their common

problems, but the Montagu Chelmsford Reforms in no way benefitted their subjects who had to suffer from the whims and vagaries of personal rule.

Since the Montford Reforms were intended for the whole of India which included the Princely states, some well-wishers of the Indian states started to emphasise the need for introducing political reforms in the states. Mr. Vamanrao Patwardhan took the lead in these efforts.

#### All India States' Peoples Conference

Mr. Patwardhan was one of the leaders who took the initiative in forming the All India States Peoples Conference (AISPC). He was a member of the Working Committee of the AISPC and ranked high in its councils. With Mr. N. C. Kelkar and Mr. G. R. Abhyankar, he was a pioneer in the cause of reforms of the Deccan States. 'His personal qualities of indomitable industry, genuine self-effacement, unflinching devotion to principles and utter selflessness were a great asset to the Society and a source of inspiration and guidance to his colleagues who will never cease to admire them'.

#### Association for the Welfare of the Deccan States

In July 1920, Vamanrao Patwardhan convened a meeting of some prominent representatives of the Deccan States and other active, leading men of Poona. 'Dakshini Sansthan Hitawardhak Sabha' – an association for the welfare of the Deccan States was formed. The Sabha had a laudable object – the establishment of responsible government in the Deccan states under their rulers, by all constitutional means. Mr. Patwardhan was one of the Secretaries. Mr. N. C. Kelkar, Editor, *Kesari* and Mr. Patwardhan jointly issued a statement explaining the object of the first conference, held

at Pune on 24<sup>th</sup> May 1921. The conference under the auspices of the Sabha was attended by representatives of almost all the States in the Deccan. The conference which proved to be a great success marked the beginning of a movement for the establishment of responsible government in the Indian states in general and in the Deccan states in particular. The movement for administrative reforms and fundamental rights for the subjects of the Deccan states grew during the period May 1921 till his death on 14<sup>th</sup> February 1939. 13<sup>th</sup> October 1921 was a day of mass disobedience when leaders of the Sabha, A. V. Patwardhan, N. C. Kelkar, V. R. Kothari, Dr. Shirodkar, Dr. Naik and Dr. Indumati Naik and other local leaders of the Bhore State held a public meeting disregarding and disobeying the ban on meetings. Warrants were issued for the arrest of these leaders but never implemented.

This was perhaps the first 'satyagraha' in the Indian states under the leadership of Mr. Patwardhan. It was appropriate and fitting that Patwardhan should lead this 'satyagraha'. Under his leadership and guidance, State branches of the *Dakshini Sansthan Praja Parishad* were formed at Aundh, Bhore, Phaltan, Miraj, Mirajmale, Sangli, Jath, Jamkhadi, Janjira and other states of the Deccan. The state branches organised annual and bi-annual conferences demanding political rights and welfare reforms. He was appointed as a non-official member of the Aundh State representative body and presided over the first Aundh State People's Conference held at Atpadi in May 1931. He was a source of inspiration and assistance to other States' People Conference - Phaltan, Jamkhadi, Sangli, Miraj, Mirajmale, Bhore and Janjira.

Editor, '*Sansthani Swarajya*'

Mr. Patwardhan started a

Marathi weekly, '*Sansthani Swarajya*' in 1926 and it was published regularly on every Friday till his death. The weekly published articles, viewpoints, news regarding the problems of Deccan States and it became a forum and a driving force in the movement of the Deccan States People's Conference.

As editor, Mr. Patwardhan published the weekly mainly on his own and partially through donations from well-wishers. The weekly, of newspaper size, had no advertisement revenue. The credit for spreading the movement and its message through the towns and villages of the Deccan States went to the weekly. He edited and published the paper at great personal monetary sacrifice.

#### 'Liberal' par excellence

Both by training and temperament, Mr. Patwardhan was a liberal leader and a moderate politician. As a firm believer in and a strict practitioner of the seven vows of the Servants of India Society, Mr. Patwardhan's life was a saga of service and sacrifice, of concern for the downtrodden, and commitment to the cause of public service. His political mentor, Mr. G. K. Gokhale, truly represented the six tenets of liberalism - Liberty, Realism, All Sided Study, Gradualness and Evolutionary Continuity, Efficiency in Administration and Economy in public expenditure. Mr. Patwardhan was a secretary of the Servants of India Society for nearly 15 years.

As Manager of the *Aryabhushan Press* for 30 years, he succeeded in making the press a major source of income for the Society. Though a hard taskmaster, Mr. Patwardhan looked after the interests of the workers of the Press in the form of welfare measures like provident fund, credit facilities, etc. Since Mr. Patwardhan was essentially a liberal, moderate

politician, he could persuade, motivate and convince the rulers of the Deccan states of the desirability and need for political reforms. He had enough patience, perseverance and communication skills to bring both the rulers and subjects to a common understanding of the need for a viable, feasible and desirable reforms process.

Mr. Patwardhan showed keen and active interest in a number of activities - cooperation, agricultural development and research in Indian History. He was honorary treasurer of the *Bharat Itihas Sanshodhak Mandal* for 20 years (1918-1938) and was closely associated with the Maharashtra Co-operative Institute.

15<sup>th</sup> February 1998 marked his 125<sup>th</sup> Birth Anniversary. The year also marked the 50<sup>th</sup> year of Indian states' integration into the Indian Union. Mr. Vamanrao Patwardhan can be truly called the architect of Deccan states Integration and a builder of the All India States' People Conference. Mr. Patwardhan's contribution will always be remembered with respect and gratitude by coming generations.

MR. J. S. APTE, a freelance writer, was Director, Training and Administration, with the Family Planning Association of India.

A letter written to *The Washington Times* from Jeffrey M. Edmondson tells a story about Mahatma Gandhi that I'd never heard. A woman brought her son to see Gandhi and asked the great man to tell the boy to quit chewing the sugar cane that was rotting his teeth. Gandhi thought a minute and then asked her to bring her son back next week. She was puzzled but did as he asked. When she returned with the boy a week later, Gandhi proceeded to explain the evils of chewing sugar. After the boy agreed to give it up, the woman thanked Gandhi but asked him, "Why could you not do this last week when I first brought him?" "Madame", Gandhi replied, "Last week I chewed sugar cane" -

Narrated by Charles Peters in *The Washington Monthly*, September 1997.

IT'S GREAT TO HAVE CHOICE



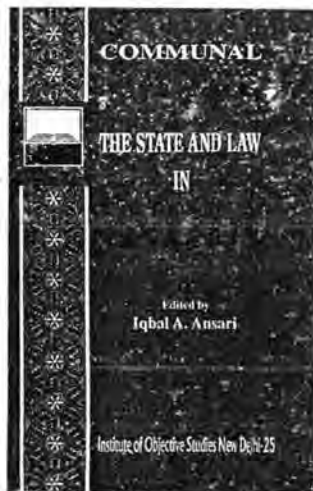
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SINCE 1925

## BOOK REVIEWS

COMMUNAL RIOTS : THE STATE AND LAW IN INDIA, edited by Iqbal A. Ansari, Institute of Objective Studies, New Delhi 110025. ISBN 81-85220-44-1; 1997; pp.512; Price Rs.450.



**Reviewed by  
Dr. S. P. Sathe**

This book grew out of two seminars, one on "Beyond Ayodhya" held in January 1993 in Delhi under the auspices of the Institute of Objective Studies and another on "Communal Riots and the Role of the Law Enforcement Agencies" held in January 1994 by the same institute in collaboration with Dr. Asghar Ali Engineer's Centre For the Study of Society and Secularism in Bombay. The information and insights gained from these two seminars made the Minorities Council of India to sponsor a more thorough study of "Communal Riots, the State and Law in India". The book contains articles written by eminent human rights activists and academics and they highlight the causes that give rise to communal riots and the failure of the State and the law to prevent them, punish the wrongdoers and thereby prevent their recurrence. The book contains articles

from distinguished jurists like Justice Krishna Iyer, Justice V. M. Tarkunde, and Justice H. Suresh; retired police officers like Padam Roshia, K. F. Rustamji, C. V. Narsimhan, retired civil servant J. B. D'Souza, eminent academics like Professors M. Mohiuddin and Amrik Singh; lawyer journalists A. G. Noorani and S. Ameerul Hasan, Dilip D'Souza, who is a professional engineer and Asghar Ali Engineer, a social activist. The editor himself has contributed two articles. Besides such learned articles, the book also contains excerpts from the report of the Amnesty International, report on the Bombay Riots entitled "People's Verdict" by Justices Suresh and Daud and several other reports on other riots. The book contains a wealth of information on riots. It helps us to dispel various untruths which have been disseminated by vested interests.

The articles in this book mainly deal with the following issues:

The main contribution to communalisation has doubtless been of the BJP, the Shiv Sena and other *Hindutva* ideology holding front organisations such as the RSS, the Hindu Vishwa Parishad and the Bajrang Dal. But even the Congress party which swears by secularism has not been free from blame. Since the 'eighties, the Congress has attempted to placate the *Hindutva* vote bank by appearing to be tough with the Muslims. It has actually tried to run with the hare and hunt with the hounds. Its attitude at the time of the demolition of the Babri Masjid, and during the communal riots in Bombay in December 1992 and January 1993 clearly evidenced such duplicity. In fact, the Shiv Sena was cared and nurtured by various Congress leaders in order to bolster their claim against the High Command.

The Bhiwandi riots of 1984 had shown such clandestine alliance of the Congress and the Shiv Sena (See Asghar Ali Engineer's article in this book).

What prevented the Congress party from prosecuting the police officials who were accused of partisan attitude during the Bombay riots? What prevented it from acting against Mr. Bal Thackeray for his most inflammatory speeches and writings in *Saamna*? In fact, the communalism of the BJP does not and need not surprise any one but the clandestine communalism of the Congress has caused greater damage to itself, to secularism and to the country. But this was not the first instance of Congress duplicity. In the 1984 carnage of the Sikhs, the police, the administration and the Congress party bigwigs had openly taken part in killing innocent Sikhs, burning their properties and raping women. The police-politician nexus was to be found not only in one riot but in most of the prominent ones. The articles in the book make us aware that the threat to secularism is not merely from the coming to power of the BJP. Rather, it is more from the erosion of the commitment to secularism and human rights on the part of the national political parties which swear by secularism.

The second factor in communal riots is of police behaviour. In almost all the riots, the police have acted partisanly. Infiltration of communal elements in the police force, the use of the police by the ruling elite for partisan ends, lack of education on the part of the policemen are some of the reasons. Every author has recommended that the police must be rescued from the control of the politicians. In a judgement reproduced in this book, the Delhi High Court has observed that the record filed with the Court showed

that police was a party in protecting the accused persons and in wiping out the evidence against the accused (p.284). Similar has been the finding of the enquiry conducted by Justices Suresh and Daud into the Bombay riots of December 1992 and January 1993. In these riots, the police not only looked the other way when the rioters targeted the minority community, but even actively took part in killing helpless persons belonging to the minority community. The police constables are recruited from the class which has been communalised by the communal political parties through dissemination of false stories about the minorities. The police are not educated on human rights and the rule of law.

The conditions of service of the police need to be improved. They should be trained in the use of non-lethal methods of riot control. The authors have recommended that the police force must contain a fair representation of the minorities. The police must become more citizen friendly. Unfortunately, the police continue to hold the same image which they held as an arm of the colonial government. The police need to be educated about the people and their rights and the people must be educated about the police and their duties. Public participation in investigation of crime ought to be stepped up. Various police commissions have made meaningful recommendations for improving the image of the police. They need to be implemented.

Communal riots are often engineered by communal forces for their ulterior purpose of deriving political mileage. After a riot is controlled and normalcy revived, nothing happens to those who had perpetrated it. An inquiry commission is appointed which reports after a couple of years. By that time, everybody has forgotten about them and the evidence required for criminal prosecution has disappeared.

The most recent example of this is the Bombay riots of 1992 and 1993. Those riots were held while the Congress was in office. The government did not take any action against the police officers who were alleged to have acted partisanly. In its reply to a writ petition filed by Mr. J. B. D'Souza, the government said that since the matter was being inquired by an inquiry commission, it could not act until the report of such commission became available. It appointed a commission of inquiry headed by Justice B. Sri Krishna, a sitting judge of the Bombay High Court. The inquiry went on for almost 6 years. In the meantime, the government changed, and the political parties which had openly justified "retaliation" by the majority community, came into office.

The government headed by the Shiv Sena-BJP first extended the scope of the inquiry by including the bomb blasts which occurred in Mumbai after the riots. When the term of the commission expired, the government refused to grant it extension and virtually wound it up. There were several protests against it and a writ petition was also filed in the High Court. On the advice of the then Prime Minister, Mr. Atal Bihari Vajpayee, the Commission was renewed.

Now, will it be possible to prosecute those who are held guilty by the Commission? If prosecuted, there is little chance of securing conviction because of the disappearance of vital evidence. But this is true not only of the Bombay riots. This has happened several times with the result that those who inflicted untold suffering on helpless people did not have to pay for their misdeeds. In order to avoid a recurrence of such riots, it is necessary that the guilty ones be severely punished. The delay in the judicial proceedings further makes the punishment of the guilty difficult. In one of the judgments of the Delhi High Court, it

was observed that in some cases, the guilty police officers were not only not punished, but were promoted. (see p.286).

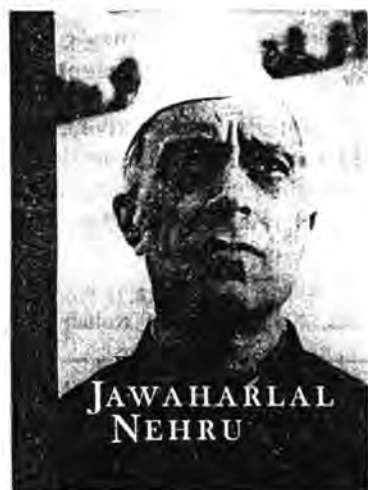
Even the courts are not entirely free from blame. The first fault of the court system is its dilatoriness and expensiveness. The victims of the anti Sikh riots did not get justice because of this. For ten years, those who were accused of crimes merely went to court for taking the next date. The court rooms were often congested and could not accommodate the large number of accused persons involved in the communal riots. But besides systemic faults, there are vagaries which arise out of the judges' class bias also. In the same judgement referred to above, the judge has observed that "in all cases where the victims are powerful and wealthy persons, the very same courts, the very same system which walks at the pace of a snail, works very fast" (p.289). The fact that such indictment comes from a court is significant.

The book contains material rich in information and provocative to thought. Soon the report of the Sri Krishna Commission might be made public. That report will show the failure of the government to govern, of the police to protect people's lives and properties, of the political parties' commitment to the rule of law and also the brutalisation of the common man who was impelled to justify and defend the carnage of innocent people. That report must trigger action against the guilty ones but that should not be the end of it. To prevent such things from happening again, corrective actions such as giving autonomy to the police, expediting the process of inquiry, educating the police and training them to deal with such situations and acting firmly against elements which inflame communal passions would be necessary. The secular political parties ought to understand that competing with the communal

parties for space is a shortsighted strategy which in the long run harms them as well as the nation. They must firmly crusade for communal harmony and secularism and narrow the space of communalism. Even the BJP has understood that *Hindutva* cannot help it secure majority support in Parliament. Its vote percentage has reached a saturation point. Communalism must be made politically disadvantageous. This will require a lot of public education. The book under review is doubtless a very good contribution in this respect.

DR. S. P. SATHE is Honorary Director of the Institute of Advanced Legal Studies, Pune.

**JAWAHARLAL NEHRU : REBEL AND STATESMAN** by B. R. Nanda, Oxford University Press, Oxford House, Apollo Bunder, Mumbai 400001; 1995; pp.312; Rs.425.



**Reviewed by  
Dr. A. S. Chousalkar**

The book under review – 'Jawaharlal Nehru – Rebel and Statesman' is a collection of essays that have been written by Mr. B. R. Nanda over a period of time and some of the essays have topical interest in the sense that Nanda tries to put forth Pandit Nehru's perspective on Maulana Azad's views on the partition of India. In the last 30 pages

of Azad's book, 'India wins freedom', he has blamed Pandit Nehru for the partition of India.

In the first chapter of the book, Nanda seeks to analyse the growth of the nationalist ideas of Nehru in the light of the moderate sympathies of his father. He discusses the complex relationship between Gandhi, Nehru and Jawaharlal as the latter realised the fruitlessness of the council politics of the Swaraj party.

Nanda discusses the relationship between Gandhi and Nehru, despite their ideological differences, Nehru realised the greatness of Gandhi and Gandhi realised the purity of heart and purpose in Nehru. He thought that Nehru was a man in a hurry. Nehru knew that Gandhi was indispensable to the party, as he had the gift for discovering, training and harnessing to the national cause, men and women of varying abilities and temperaments. Nehru did not develop his own group and functioned individually. Gandhi made him the Congress President in 1936 to launch him with a favourable wind on the wide and stormy ocean of Indian politics.

Nanda is of the view that Nehru's intellectual reconciliation had begun in Gandhi's lifetime; and this can be seen by comparing 'Autobiography' with the 'Discovery of India' in which the criticism of Gandhi's idea is considerably toned down as in the intervening period Nehru has gone a long way towards rediscovering not only India but Gandhi. Nanda held that political opinion between the two was not static, but it was continuously evolving and seeking a new political equilibrium in response to the inner drives of two great men of exceptional energy and integrity. Gandhi had sensed immediately the deep loneliness, idealism and restless energy of young Nehru and

he refused to impose his ideas on him. But Nehru correctly grasped the moral fervour in Gandhi's political thought.

Nanda's essay on the relationship between Bose and Nehru is both interesting and perceptive. Both of them were charismatic leaders and committed to the nationalist cause. Subhas once described Nehru as his comrade in arms, but the circumstances conspired to prevent this consummation. Subhas was a man in a hurry and the methods he wanted to employ were not always Gandhian. He thought that India needed more resolute leadership than Gandhi. Gandhi wanted the Congress to survive as an efficient instrument of anti-imperialist struggle and he sought to keep its different factions together. In 1938, Subhas became the President of the Congress, and he again succeeded in getting elected as the President in 1939 against Gandhi's wishes. In his struggle against Gandhi, Subhas wanted to enlist the support of Nehru, but the Congress old guard successfully dislodged him from his post of President and ultimately disqualified him from holding elective office for a period of three years. Nehru did not like the game of factionalism played by Bose and his detractors, and thought that it would ill-serve the party. Subhas didn't like Nehru's ambivalence and accused him of riding on two horses. According to Nanda, Subhas over-rated his popularity and didn't take into account the 'nature' of the Congress party which was loyal to Gandhi, and the former could not do without him.

Gandhi was suspicious of Bose's ideology and methods and Bose ended by alienating both Gandhi and his colleagues because he realised that he wouldn't get the backing of the AICC for his plans. The Congress leadership at the national level was a collective leadership, as it included men of differing

views and abilities, with Gandhi as the ultimate arbiter. Gandhi had a strong suspicion that Bose's belief in non-violence was tenuous and his insistence on launching an immediate mass civil disobedience movement without adequate preparations exhibited lack of understanding of the technique of satyagraha. He was convinced that Subhas couldn't function within the ideology and discipline of the Congress party, and Subhas's impression that Gandhi was being instigated against him by Patel and Azad was mistaken, because this was one crisis that Gandhi handled himself from the beginning to the end. He wanted to maintain discipline and coherence in the party in order to use it as an instrument of struggle against British imperialism. Nanda held that Bose's decision to range against the entire leadership of the Congress party was quixotic and it was foredoomed to fail, given the alignment of forces in the country and the party.

Nehru was opposed to the use of religion in politics and held that India should continue to adhere to secularism because where a great majority of the people belonged to one religion, and this fact alone was likely to colour to some extent its cultural climate. Hence, he said that the greatest problem faced by India was creating a just state by just means and establishing a secular state in a religious country.

'Jawaharlal Nehru and the Partition of India' is one of the most important essays in this book, because some sections in India and even Maulana Azad accused Nehru of adopting an adamant stand which made partition inevitable. It was the considered opinion of Nehru that Muslim separatism was encouraged and controlled by British imperialism. In 1937, Nehru didn't initially want to accept the office. In U.P., he insisted that the League ministers should adhere to the programs and discipline of the Congress. After the

failure of the U.P. talks, Nanda felt that 'it is arguable that Nehru should have avoided public discussion of political probabilities which were likely to provoke the League. But he was committing neither a breach of faith with the Cabinet commission nor an act of sabotage. It is the opinion of Sir Pethick Lawrence that these remarks gave Jinnah an excuse he was looking for to get out of the Constituent Assembly. Nanda is of the view that the three-tier constitution envisaged in the Cabinet Mission Plan was a delicate mechanism with numerous checks and balances and with two antagonistic parties working it, it was impossible to draft a workable Constitution. The League's idea of the central government for a sub-continent like India in the 20th century was completely out of date. The Congress had no intention of letting the League go away with Pakistan of its own conception with full six provinces by distinguishing them as groups of provinces in the first instance.

Jinnah failed to assure the minorities that grouping of provinces was voluntary and constructive association of neighbouring provinces. He communalised and paralysed Indian politics in such a manner that with the support of the British rulers, partition became a mere formality. After 1935, all the major demands of the League were conceded, and Jinnah had no fresh demands to make except the partition. This demand was tacitly encouraged by Lord Amery, Linlithgow and finally by Sir Stafford Cripps. The Congress was ready to concede maximum power to states and minimum co-ordinating powers to the centre. During the Quit India Movement, the League was whole-heartedly supported by the imperialists. As a result it succeeded in enlisting the support of the majority of Muslim voters in India.

Azad and several other histo-

rians blamed Nehru for spoiling the chances of accord as far as the Cabinet Mission was concerned, because the League had already accepted the Plan which envisaged the grouping of provinces in three regions. Nehru thought that the grouping of provinces wouldn't succeed. Hence he said that the new Constituent Assembly was sovereign, and it could make the Constitution as it desired. It is an arrangement for mutual advantage and it would not involve coercion of the minorities. Nehru reluctantly accepted partition when all the 30 seats in the Central Assembly and 439 out of the 494 Muslim seats in the state assemblies were won by the League. Thus Nehru cannot be blamed for the partition of India, because partition was the result of deeper causes. Maulana Azad's criticism of Nehru is misplaced, because the root cause of the partition was the Muslim elites' refusal to accept the logic of democracy and the support they received from the British government.

Nanda's perspective is essentially a nationalist perspective, but his conclusions are moderate and balanced. It is a good addition to the literature on Nehru.

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*Freedom First* - April-June number is remarkable. Deep study, political understanding and vision of the future are its characteristics. I wish political workers of all parties go through it. It will give them advice - warning and if they would like, ways to improve. From Nehru, Sardar Patel to Ambedkar, Munshi, Nani Palkhivala and Minoo Masani, is a galaxy of leadership, whose coverage you have done, is to me, the real substance of a study class. Congratulations.

These articles should be translated in all the vernacular languages of India.

D. B. Karnik, former Editor, *Maharashtra Times*.

**THE ULTIMATE SATORI, ZAZEN ON SAINT JNANESHWAR'S ANUBHAVAMRITA** by Kanaiya Joshi; M/s. S. P. Barve, 34/8, Erandawana, Pune 411 004; 1996; pp.127; Rs.100.



**Reviewed by  
Dr. S. G. Nigal**

Jnanadeva (Jnaneshwar) (1275-1296 AD) was a very famous philosopher-saint that Maharashtra produced in the second half of the 13<sup>th</sup> century AD. In him, we find a rare synthesis of profound philosophy, genuine poetry and mystical experience. His grandparents were disciples of Gorakhnath, a great Yogi of the Nath-cult. Nivrattinath, the Guru of Jnanadeva, was also initiated in this sect by Gahininath. But Jnanadeva laid the philosophical foundation of the *Bhakti* movement in Maharashtra and upheld the cult of Lord Vithoba of Pandharpur. He was so popular among the masses and revered by them that he came to be known as Mauli (the mother of spiritual seekers or devotees of Vithoba). Vitthalpant, Jnanadeva's father was married to Rukmini. But he was a man of spiritual bent of mind. He developed Vairagya (dispassion), went to Varanasi and was initiated as an ascetic by Shripadswami or Ramananda Swami. Nevertheless, the latter left Varanasi for holy pilgrimage; and

meanwhile he visited Alandi, a small village near Pune. Rukmini, the wife of Vitthalpant, bowed down at the feet of Swamiji. Swamiji blessed her. The saint realised the cause of her anguish. He was reminded of his newly initiated disciple. He went to Varanasi and ordered Vitthalpant to give up the life of an ascetic and go back to Alandi. So Vitthalpant returned home and lived with his wife. Orthodox Brahmins excommunicated him for giving up the life of an ascetic and leading the life of a householder. Thereafter, Rukmini gave birth to Nivrattinath, Jnanadeva, Sopandeva and Muktabai. The orthodox Brahmins harassed them more. The family left Alandi and went to Tryambakeshwar, a holy place near Nasik. There, Nivrattinath was initiated into the Nath-cult by a Yogi Gahininath.

After some days, they all returned to Alandi. Vitthalpant asked for punishment. He was told to end his life in order to atone for his so-called lapses. Vitthalpant went to Prayag and threw himself into the holy Ganga and ended his life. After some months, Rukmini did the same. Still the orthodoxy was not satisfied. The great young spiritual prodigies were asked to get a certificate of purification from the Pandits of Paithan. The Pandits were silenced by Jnanadeva. While returning to Alandi, they stayed at Newase. Nivrattinath, his elder brother, was accepted by Jnanadeva as his Spiritual Master. At his instance, Jnanadeva dictated extempore, the famous text of *Bhavartha Dipika*, the exposition of *Shrimad Bhagwad Geeta* in Marathi to Sachchidananda Baba. At that time, Jnanadeva was hardly fifteen years old.

Then Nivrattinath asked him to write an independent treatise. And thus *Anubhavamrita* was written by Jnanadeva. It contains 10 chapters comprising of 812 couplets.

In the last chapter of this text, Jnanadeva refers to this text as *Anubhavamrita* (Nectar of Experience) (A.10-19, 20, 24, 25, 31). While stating that even knowledge can be the cause of bondage, he refers to the Shiva sutras of Lord Shankar and the Geeta of Lord Vishnu (A.3-16, 17). Yet he asserts his independence in support of the truth that even knowledge can be a source of bondage (A.3-18). Thus he does not rely on any authority. It is based on his own spiritual experiences, insight and their rational interpretation.

In this text, Jnanadeva has refuted several philosophical positions such as Dualism, Nihilism, Subjective Idealism. He also refutes the view which accepts Nescience as an independent entity. He is a non-dualist and asserts that Atman (Supreme Self) is the presupposition of all means of knowledge. It is self-evident because it is self-luminous.

The original text is written in poetic form (Ovi metre). Several scholars such as A. A. Khasnis, Dr. B. P. Bahirai, R. K. Bhagwat have translated *Anubhavamrita* into English. Shri Kanaiya Joshi's English rendering of *Anubhavamrita* is titled: *The Ultimate Satori, Zazen on Saint Jnanaeshwar's Anubhavamrita*. Mr. K. Joshi writes on page 11 that one Mr. N. B. Joshi encouraged him to translate *Anubhavamrita* into English, but on page 13, he claims: "This is not a translation. This is a meditation on *Anubhavamrita*". Moreover, he also writes that it is a rustic contemplation on and a non-rational self-enquiry through *Anubhavamrita*. So the author is free to call it *Satori* which means sudden enlightenment, a state of consciousness attained by intuitive illumination representing the spiritual goal of Zen Buddhism. Jnanadeva is an ardent advocate of Non-dual *Bhakti* (Loving Devotion) as the best means to Self-realisation (God-realisation). In one of the verses (A.9-43), he asserts: A deity along with its attendants and

a shrine which houses them is carved out of the same rocky mount. So *Bhakti* is possible in Non-dualistic philosophy too.

While the Zen Buddhists always speak in paradoxes. But if the Ultimate *Satori* is the fruit of the author's meditation on *Anubhavamrita*, then the author is free to use the term '*Satori*'. Zazen is also a term used by Zen Buddhists; and Zazen means formal sitting for *Satori*. It is warned that Zen may be 'wooded in vain' in Za-zen. Zen is said to be the sense of the perpetual Now. But advocates of Zen are not prepared to give a definite spiritual discipline to achieve the *Satori*.

On the contrary, Jnanadeva elucidates the path of loving non-dual devotion to the *Atman*. This path includes the awareness of the inner, presence of the Divine Self and offering of one's labour of love to Him. So that one can become one with the Supreme Self or Pure Consciousness. But the authorities on *Satori* unequivocally declare that there is no reference in the vast literature of record *Satori* to union with the Beloved or to union at all.

The author of "The Ultimate *Satori*" has not given numbers to the verses rendered into English of the Marathi "*Ovi's*". So it is difficult to identify the original verses and their English rendering. This, I think, is a major drawback of this English rendering. It is very difficult to render Jnanadeva's Marathi *ovis* (couplets) even into modern Marathi. Mr. Joshi's English rendering is poetic, lucid and liberal. His interpretation of *Anubhavamrita* is appreciable. Mr. Joshi does not claim that his English rendering is an academic or literary endeavour. Naturally therefore, this book is free from philosophical jargon. But the translator could not resist the temptation of introducing scientific words in his rendering, such as Big Bang (p.87), quartz (p.104), black-hole (p.90) and Zen

Buddhist terms such as Zazen and *Satori*. It is again strange to see as to why the writer has spelled the Sanskrit mystic syllable ('AUM') as "OHM" on pages 25, 68 and 126, though it contains A, U and M alphabets.

Jnanadeva is a critic of both Ignorance and Knowledge as mental modification: Fire, in burning the camphor burns itself; so does Knowledge in destroying ignorance, destroys itself (A.4-5). The *Atman* (Pure Consciousness) is beyond the darkness of ignorance and the light of knowledge. The latter are relative terms while the *Atman* can neither be an object of ignorance nor of knowledge because it is self-luminous, self-evident and self-existent. It is non-dual and beyond all kinds of opposites. It is ineffable. Even its characteristics as Existence - Consciousness and Bliss do not indicate it. It only denies opposites, viz. Non-existence, non-self and suffering respectively. Truly, Existence is Consciousness, Consciousness is Bliss and so on. The main point is that the *Atman* or the Absolute is indescribable and unique. According to him, the world is an extension or expression of the *Atman* (Absolute Self).

The sixth chapter of *Anubhavamrita* is on the power and limits of words and language. Mr. Joshi has liberally translated the three important verses (A.100 to 102) and brought out their meaning clearly:

Word creates the ghost  
Of meaning, to catch the Real;  
How your little palm  
Can hold the vast sky!  
Extraordinary is the power  
Of the Word,  
When it describes reality,  
But it is  
Only a painting on a wall  
Lifeless and temporal.  
All knowledge  
Is only words;

All words  
No experience,  
A painting without life  
Though colourful.

This reminds us of Plato's assertion: Letters are dead. Mr. Joshi has succeeded in the very difficult task of giving us a liberal translation of *Anubhavamrita* which contains both intellectual and existential dilemmas. "The Ultimate *Satori*" will be beneficial to both spiritual aspirants and philosophical analysts.

The treatise is well brought out. Its layout and the paper are fine. It is moderately priced. Non-Marathi students of Jnanadeva's philosophy will be very much benefited by this English rendering. It is very praiseworthy that a businessman at 66 writes an English rendering of *Anubhavamrita*. This labour of love will be well received by the students and lovers of Jnanadeva's literature and philosophy.

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