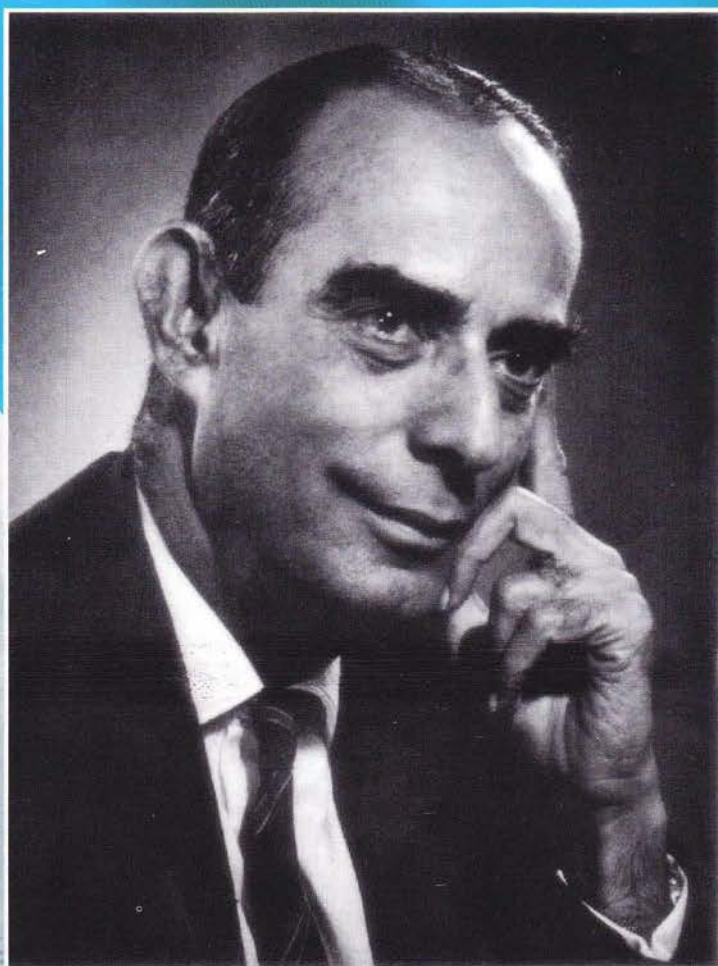


Freedom First

No.: 463, October - December 2004

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A Liberal Quarterly



Remembering Minoo Masani

on his birth centenary year, November 20, 2004 - 2005

Communist China!

Withdraw the Death Sentence

Release Tenzin Delek Rinpoche!

Tulku Tenzin Delek is a highly respected Lama. After six years of religious education in India, he returned to Tibet in 1987 where he dedicated himself to the task of serving the poor local Tibetans who have no access to education and medical facilities.

Tulku Tenzin Delek spearheaded anti-deforestation drives and environmental conservation programmes built and financed several monasteries, schools, old age homes, a Tibetan medicine school and a clinic for the local villagers. The rising popularity of Tenzin Delek attracted the attention of Communist Chinese officials who sought to detain him on a number of charges including 'endangering state security and the illegal construction of monasteries and schools'. But thanks to the support of local Tibetans who staged protest marches and submitted petitions, he was able to escape incarceration. The man who led these marches and petitions was Lobsang Dhondup.

On April 3, 2002 Lobsang Dhondup, a distant relative of Tenzin Delek, was arrested on false charges of involvement in a bomb blast at Chengdu in China. Four days later the police arrested Tenzin Delek alleging his involvement in the bomb blasts, based on a 'confession' by Lobsang Dhondup. Both were held *incommunicado* and tortured for the next eight months. On November 29, 2002, they were tried in camera. On December 2, both were sentenced to death. Tenzin with a two year reprieve and Lobsang Dhondup who was executed immediately. Lobsang Dhondup's trial and execution are reported in some detail in *Freedom First*, No.456, January-March 2003. It was obvious that the summary execution of Lobsang Dhondup was to ensure that there would be no question of a re-trial of Tenzin Delek. The two year reprieve ends on December 2, 2004.

Both Lobsang Dhondup and Tenzin Delek had declared their innocence in the court. In a tape smuggled out in mid-January 2003 Tenzin Delek asserted his innocence. He said: "I am completely innocent...I have always said we should not raise even one hand at others. It is sinful...I

have neither distributed letters or pamphlets nor planted bombs. I have never even thought of such things and I have no intention to hurt others".



In a press statement on April 15 this year United Nations Human Rights experts have expressed their concern over China's blatant violation of human rights. They state *inter alia*:

"Tenzin Delek Rinpoche was accused of 'causing explosions' and 'inciting the separation of the State', charges he denies. His co-accused, Lobsang Dhondup, was executed on 26 January 2003. Numerous and credible reports have referred to serious procedural flaws during Tenzin Delek Rinpoche's closed trial, in particular: violation of the right to a public trial; violation of the right to choose his own lawyer; denial of the right to know and have the opportunity to examine the

evidence presented against him in court; as well as *incommunicado* detention and ill-treatment during the pre-trial period.

"We are concerned that Tenzin Delek Rinpoche might be executed at any time upon the expiration of the suspension of his death sentence on 3 December 2004. We are similarly concerned at the alleged lapses in respect for human rights during the trial proceedings and urge the authorities to grant Tenzin Delek Rinpoche a new trial ensuring respect for international norms and standards of due process."

Freedom First joins the Friends of Tibet, India and the Tibetan community in India, in protesting against Communist China's continued detention of Tenzin Delek Rinpoche, and demanding the withdrawal of the death sentence, imposed two years ago, after a secret trial based on trumped up charges. The international community demands that China respect world opinion, and give up its policy of state terror directed against political dissidents and genuine social and religious workers such as Tenzin Delek Rinpoche.

For more details contact: Tenzin Tsundue, General Secretary: 98192-52229. Aspi Mistry, Spokesperson: 98204-91350. Friends of Tibet (INDIA), Post Box 16674, Bandra P.O., Bombay 400 050. Email: support@friendsoftibet.org; Web: www.friendsoftibet.org

Freedom First

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52ND YEAR OF PUBLICATION

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BETWEEN OURSELVES ...

The Second National Convention of the Indian Liberal Group has been postponed to February 18, 19 and 20, 2005. Consequently the special number of *Freedom First* to mark the occasion will now be released on February 18, 2005.

Meanwhile, *Freedom First* joins other organizations founded by Minoo Masani in commemorating his birth centenary year beginning November 20, 2004, on which day we shall endeavour to release this issue dedicated to our founder at a seminar in Pune organised by the Indian Liberal Group. Long time readers who may have interacted with Minoo Masani, personally or through correspondence, are welcome to share with us their impressions and assessment of Masani. We address this request not only to our readers in India but to his friends overseas who shared his values and beliefs.

Bernard Levin, a well-known and popular columnist with the *London Times* passed away in August. He was a good friend of *Freedom First*. We carry a tribute. Appropriately in a issue remembering Minoo Masani we have articles by several distinguished writers, and the fare is varied. We mention this, because when your editor was in Bangalore recently to participate in a seminar, a subscriber of long standing said that while the contents were good, the production was too staid and unattractive, particularly to the young generation. Promptly agreeing with her observations, I invited her to suggest changes, which she promised to do. Meanwhile, we take note of this criticism and shall try to "modernise" this 51-year old journal in keeping with current fashions (shall we say!) beginning with the special number next February!

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*

Well, the nation now has videotaped proof that the Clintons are sleeping together: They dozed, side by side, at President Reagan's funeral.

William F. Buckley Jr., *National Review*, July 12

...unless we have a strong PSU, we cannot force the private sector to carry out social obligations.

Union Petroleum Minister ManiShankar Aiyar,
The Week, October 3

Bush sees the world in black and white. You're either for him or against him; saint or a sinner; a friend or a foe. If given four more years in the White House, there's little doubt that the politics of retribution and bitter partisanship will dominate every day.

Paul Begala, a former counselor to President Clinton,
Washington Monthly, September 2004

To whom does our national flag belong? To the state, or to people who legitimately constitute the state and whose freedom to do so is symbolised by the Tricolour?

Editorial in the *The Times of India*, September 15

If convicts on death row are made to wait for years on end before the sentence is carried out, the solution is speedy execution, not clemency.

Devbrat Roy Chaudhary, in an article on the execution of rapist-killer Dhananjoy Chatterjee,
The Times of India, September 15

Sharad Pawar is one of the most competent political managers in India, but he develops cold feet before he reaches the goal. He bowls hard without taking wickets and runs fast without making runs. Once again he had to eat humble pie before the shrewder madam.

Editorial in the monthly *South Asia Politics*,
November 2004

Indians have one of the finest minds in the world, but there is need to change the mindset

J. J. Irani, Director, Tata Sons,
The Indian Express, October 1

The US is becoming more protectionist

Editorial in *The Financial Express*, August 5

It took Britain half the resources of the planet to achieve prosperity. How many planets will a country like India require?

Y. C. Deveshwar, Chairman ITC, in the course of his speech at his company's AGM on July 30

The US Presidential election has become so partisan and so tight that even dead people are campaigning for votes.

From a report in *The Times of India*, October 29

People call me a joker and what not. But do you know that a sociological research is on at Harvard University on me? A larger number of people are against me, but they have to be made aware of my real worth.

Union Railway Minister Lalu Prasad Yadav,
cited in *The Week*, September 25

The Congress has said in its Common Minimum Programme that its approach to labour would be that of "consultations, cooperation and consensus not confrontation". Karl Marx would shudder in his grave at such thoughts.

Bharat Jhunjhunwala, *The Sunday Statesman*,
October 17

Marriage is marriage. There is no Hindu marriage, Parsi marriage, Christian or Muslim marriage. Nevertheless, concept of marriage differs and that really marks out the difference.

I. A. Saiyed, *Janata*, August 29

Another blow to my Anglophilia. In a recent opinion poll, Britons voted that the most significant event of the past hundred years was the death of Princess Diana. Whatever happened to the England of Shakespeare, Dickens, and the heroes of the RAF?

Charles Peters, *The Washington Monthly*,
January-February 2003

OF CABBAGES AND KINGS

Mrs. Indira Gandhi

As someone who lived through the infamous so-called 'Emergency', witnessed the systematic destruction of a party that led the freedom struggle, and the devaluing of the various instruments of parliamentary democracy I find it difficult to digest the space (almost 60% of it) given to sycophantic outpourings about Mrs. Indira Gandhi in a respected weekly. That there are strenuous efforts by her courtiers to justify the 'emergency' is understandable even ignorable; but what we need to guard against and raise our voice of protest, if it becomes necessary is the effort to re-write history *vis a vis* the 'emergency', just as the predecessor government did in a different context, not to mention dynastic restoration and consolidation.

On one count at least Mrs. Indira Gandhi has been vindicated. When, in the 'seventies she was confronted by charges of corruption against her government she dismissed the charges with the observation that: 'corruption is a worldwide phenomenon'. Well she would have been happy to know that corruption has infected the World Bank, no less. An article in the *Chartered Financial Analyst* (October 2004) on the World Bank reports that the Department of Institutional Integrity of the World Bank is currently handling 345 investigations of corruption. Arising from these investigations 215 firms and individuals have been penalized. 38 officials of the World Bank were found guilty of engaging in fraudulent activities and 28 have been fired and barred from working for the Bank again.

The first part about corruption being a worldwide wide phenomenon aided and abetted by corrupt officials, we are familiar with, but going by our conviction record of corrupt officials we know very little about punishing those found guilty!

**

Yasser Arafat

Many years ago when the late unlamented Krishna Menon of Jeep scandal fame died, Mr. A. D. Gorwala the ICS officer whose second and third names



were probity and integrity, wrote an obituary in his little weekly 'Opinion' which he titled "Talking Good of the Evil Dead is to Talk Evil of the Living Good". This came to mind when I read about Yasser Arafat and how he won the Nobel Prize for 'Peace' (for goodness sake!) etc. etc. Let us be very clear about one fact of history: Mr. Yasser Arafat was the father of modern terrorism – it generally took the form of hijacking planes – planes full of innocent passengers.

The papers and the TV stories say that he changed; that he really wanted peace; that he was a good guerilla fighter but he did not know how to govern, they say that there are millions of dollars in his name invested worldwide, on the advice of his financial consultants and so on. But what we do know is that with his charismatic leadership he could have brought peace to his people and achieved the goal of a Palestinian State one step at a time. Instead he laid the seed for a conflict that has killed thousands and will kill many more before someone of the calibre of an Anwar Sadat comes along, to bring peace and a Homeland for the Palestinians. Yasser Arafat could have done it – but he proved to be too small a man. Hence papers talk about his death *opening* (not closing) the door for peace.

**

George W. Bush

George Bush will be the US President for another four years. Would I have voted for him if I had been an American voter? Or for Kerry? Or used the option "None of the Above" if such an option was available! I don't know. Maybe I would have. But what is clearly emerging

is the fact that America is running out of men of real stature interested in taking the job of the President of the United States!

Reading the papers, watching CNN and the debate between the two presidential candidates, I knew that there was no "wave" against Bush because of his Iraq misadventure; that 9/11 has created a dangerous climate in which the American people or at least a large number of them are prepared to go soft on incursions into civil liberties and that a carefully orchestrated campaign about the security of the USA and its citizens got Bush home. Elsewhere in this issue Mr. Balachandran in his analysis of the US elections observes that the intervention of Osama bin Laden through *Al Jazeera* actually helped the Bush camp. An excusable thought would be, was this intervention real or planted?

Another worry that we need to consider is the role organised religion played in the Bush campaign. Americans have always been God-fearing. But felt that this time God was invoked a little too often. There are reports that the new Bush administration will seek to amend the US Constitution to prevent Gay marriages, and prohibit stem cell research – a research that would enable a quantum leap in identifying remedies for a wide spectrum of ailments. And the religious fringe is gloating over its triumph. This is worrisome.

**

Veerappan

Dacoit, sandalwood smuggler, killer and kidnapper, patron of politicians and LTTE supporter, Veerappan, has finally been killed. Many politicians in the states of Tamil Nadu and Karnataka, beneficiaries of Veerappan's largesse will no doubt heave a sigh of relief that he was not captured alive and forced to spill the beans. He could not have eluded capture for 20 long years had he not had the support of people in powerful positions. His death hogged the headlines, was 'breaking news' on TV channels and a movie based on this criminal will soon project his Robin Hood image encouraging other Veerappans to emerge! True Veerappan's death in an encounter is news and benefits circulation; but if the media had a sense of social responsibility and less concerned with the bottom line, perhaps we might see fewer Veerappans emerging. Perhaps someone might consider an investigative piece on Veerappan – perhaps a true story – warts and all?

**

Kanchi Shankaracharya

If Veerappan's death did not deserve the headlines and coverage bestowed on him, the arrest of the Shankaracharya of Kancheepuram deserved headlines. The headlines were deserved because he is an acknowledged holy man highly respected and venerated and is surrounded by the rich and the famous and the message that goes out is no one is above the law – not even Kanchi Shankaracharya. The Kanchi swami is the first accused in a case involving 15 others accused of murdering Shankararaman manager of a temple in Kancheepuram

His arrest according to the police is based on evidence and he will be in judicial custody. The gloating by the DMK is uncalled for and the police prosecutor should have refrained from describing him as a criminal. He is an accused and the charges have to be proved.

As for the Chief of the Kanchi Mutt, as befitting his position and the reverence with which he is held by his flock, he should not have asked for hospitalisation on the ground that he is a chronic diabetic, compelling the arresting judicial magistrate to reject the request. As a man of God he should be comfortable anywhere be it a prison cell or a palatial bungalow.

The arrest should not be politicised. The BJP is well-advised not to turn this into a political issue. As for the VHP, Bajrang Dal and other such sundry outfits of the Sangh Parivar, any attempt by them to go beyond peaceful protest should be dealt with firmly. On the other hand they would be well advised to organise legal defence. They have many legal luminaries who would be glad to do the job.

Mr. Advani was, until very recently, Union Home Minister and could be well be the Home Minister again sooner or later. He, should, of all persons, ensure that that law is allowed to take its course. Today it is a Hindu swami. Tomorrow it could be a Shahi Imam or a Christian Bishop the day after. India has to demonstrate to the world that we are all under one law and the religion of the accused has little to do with punishment for a proven crime.

SVR

Remembering Minoo Masani on his Birth Centenary Year – November 20, 2004-2005

Minoo Masani - The Principled Politician

S. V. Raju

Minoo Masani was a man of many parts. He began as a lawyer who gave up his practice to participate in the freedom struggle; an author whose 'Our India' written for the young in the forties brought him popularity and fame; a parliamentarian of repute with great respect for the institutions of parliamentary democracy; a crusader for individual liberty who evolved into a Liberal in the best traditions of Dadabhai Naoroji and Gopal Krishna Gokhale; a theoretician who traversed the political spectrum from Marx to Mahatma Gandhi - from the Socialism to Swatantra. It is in his last phase as a leader of the Swatantra Party that this writer came to know and understand him well. After he lost his seat in the Lok Sabha in the General Elections of 1971, he retired from party politics for good, but continued to be active in public life till death claimed him on May 27, 1998.

During the course of his birth centenary year, Freedom First will endeavour to bring to the attention of the younger generation information about the man and his works. We begin with an assessment of Minoo Masani as a principled politician - an oxymoron in today's political dialogue. Today the word politician draws sneer and derision. That it was not always so we seek to establish with this brief assessment of Minoo Masani's role in Indian politics between 1934 and 1971.

What led Masani, a founding member of the Congress Socialist Party (CSP) in February 1934, to join C. Rajagopalachari 25 years later to found the Swatantra Party in August 1959 whose avowed objective was to oppose Pandit Nehru's socialist pattern of society?

The leadership of the CSP was a who's who of India's Socialist leadership - Jayaprakash Narayan, Achyut Patwardhan, Yusuf Meherally, Ram Manohar Lohia, Asoka Mehta, S. M. Joshi and Minoo Masani. Interestingly, one more person who claimed to be a socialist but who was not prepared to join the CSP formally was Pandit Jawaharlal Nehru, who however, blessed the venture. The CSP was, until its conversion soon after independence into the Praja Socialist Party, a pressure group within the Indian National Congress.

Rejects Socialism; Quits CSP

Five years after he helped form the CSP, Masani quit the party and for a while, quit politics until 1942, when he returned to the Indian National Congress and participated in the Quit India struggle. Why did he leave the CSP? He did so because he understood very early the real nature of international Communism directed from Moscow and the tactics of the United Front. But as he was not able to convince his colleagues that the Communists had to be thrown out, he quit the CSP.

Bertram Wolfe, himself a former Communist and author of "Three who Made a Revolution", an

outstanding book on the Bolshevik Revolution, has, in an article he wrote on Yusuf Meherally, quoted the latter; "Minoo was right of course, although we did not know it then. Some time later when, I got out of prison, I discovered that the Communist Party was guilty of double-dealing and had constituted itself as a hostile conspiracy within our movement".

"The Stalinist purges of the thirties and the changing attitudes of the Soviet Union to World War II - first when Stalin signed a pact with Hitler, it was an "Imperialist War" and later when Hitler turned on Russia, it became a "Patriotic War" resulted in Masani giving up his admiration for Communism. He may have been the first in India to gain such an understanding, of Communism but internationally, he was in the distinguished company of such luminaries as Arthur Koestler, Ignazio Silone and Louis Fischer, who gave up the "God that Failed".

Socialism Reconsidered

Masani's rejection of Communism was but the first step to his questioning of some of the basic premises of socialist thought.

Five years after his resignation from the CSP, he published an essay entitled "Socialism Reconsidered". He explained, "While World War II and the Quit India campaign were proceeding along their respective paths, I was engaged in intensive rethinking of my own position

vis-a-vis the problems of socialism and a free society. Marxism and state socialism had lost all appeal for me. The question was what philosophy or way of life was to take their place”.

He attributed this change of thinking to two factors - “... the failure of the Soviet Revolution to deliver the goods in any sense of the word and the influence of Mahatma Gandhi”.

This led him to consider the role of the State in the economy. He was not about to give up the humanitarian aspects of socialism nor look kindly at the exploitative aspects of capitalism as he then understood it. Introspection led him to the concept of a mixed economy. In a series of lectures at the Bombay University, Masani declared that while one could not wish away the State, it was possible to give capitalism a human face through practising the Gandhian concept of Trusteeship.

Wrote Masani in his autobiography, *“Bliss Was It in That Dawn...”*

“If money power is dangerous, a combination of political and economic power, as in a nationalised economy where the State is the universal employer and the sole producer, will be doubly dangerous to liberty”, concluding, “the programme of state plus free enterprise is the only practicable programme that any Government of India could adopt”.

Masani had completed his travel from Marx to Gandhi; from Socialism to Liberalism. Not long afterwards, Masani was a part of the Liberal International, soon to be its Patron.

Birth of the Swatantra Party

Forty years before the collapse of the Soviet Union, Minoo Masani saw the system as one that had failed though even he could not have predicted the way and speed with which the Soviet Empire broke up. It was fifty years again before the Government of India, no doubt compelled by economic compulsions, gave up statism, aptly labelled by Rajaji as the ‘Permit-Licence-Quota Raj’.

Masani realised that his liberal views would need a political vehicle if they were to have a chance of becoming official policy. Rajaji, with whom Masani had earlier crossed swords as a socialist, was his natural ally when the two decided that it was time to give the

country a real alternative to the Stalinist system that was leading the country to economic bankruptcy on the one hand and an all pervasive corruption on the other. Thus was the Swatantra Party born.

The rise and fall of the Swatantra Party is a story in itself. Suffice it to say that never before 1962 in free India’s Parliament or after 1971 was the liberal point of view so forcefully expressed and recorded. as it was between 1967 and 1971 when the Swatantra Party was the single largest party in the opposition in the Lok Sabha.

Yet another achievement of the Swatantra Party was that the word Socialism which had become a *mantra* and which nobody dared criticise publicly lost its respectability - long before the Congress party effectively jettisoned the word (even though it continues to disfigure the Preamble to the Constitution of India).

The man responsible for putting Liberalism on the political map of India, more than anyone else, was Masani. It is not given to many to see their predictions come true. Masani was among those fortunate few who lived to see his position vindicated.

Masani’s Vision of Liberalism for India

What kind of Liberalism did Masani prescribe for the Indian context?

In a lecture on ‘Liberalism’ he observed:

What are these teachings (of Western Liberal thought) that we graft on to Liberalism or fuse with Liberalism? First, that ends and means are interlinked: that if we want a decent society, our methods must be decent. We cannot create a free and equal society by expropriation, liquidation, lying, as the Communists claim they can.

Secondly, as Gandhiji used to say repeatedly, ‘that Government is best which governs the least – minimum government. The essential thing is to leave the people free.

Thirdly, Trusteeship, that those who have the good things of life, those who have wealth must use them for the good of the community. While we have a good time with what we have, we must not be devoid of a social conscience or a sense of social obligation. Gandhiji called it Trusteeship of the rich for the poor.

He said: let every rich man use his wealth. Certainly, let him keep it. Nobody should take it away. But let him use it so that he can have a good conscience that he is doing what he can for those around who are not so fortunate.

Last of a Generation

Masani quit active party politics in 1971 but continued in public activity till almost 1990 when failing eyesight compelled him to slow down. It was impossible for him to be indifferent when he felt that things in society were not going right. Soon after independence when the communist threat to the country was real and present, he founded the Democratic Research Service in 1954 which did yeoman work in exposing communist undercover activities. When he was convinced that what the young generation needed was training in citizenship, he started the Leslie Sawhny Programme of training for democracy in 1968. Lately, he got himself into the middle of a controversy by demanding for the terminally ill their right to ask for withdrawal of life support systems and to die with dignity.

I often wondered what would have happened if the Swatantra Party had, by some miracle, come to power in Delhi. I am convinced that we would have found

Masani, not on the Treasury Benches, but leading the Opposition! Governments compromise and programmes and policies of parties when not in office get considerably diluted when they assume office. In such a situation, Masani might have agreed to a small change here or a minor modification there, but would have refused to compromise on fundamentals and left the Government.

I have yet to see anyone (other than Jayaprakash Narayan) so totally disinterested in office and its perquisites, if it involved sacrificing principles. He proved this by resigning from the Chairmanship of the Minorities Commission when he was convinced that the then Janata government was not serious about the work of the Commission.

Minoo Masani was among the last of a generation of politicians whose passion for integrity and courage of conviction gave politics a meaningful direction. For men like Masani, politics was public service and not a profession. Power to Masani was the means to an end - not an end in itself.

Difficult to believe in today's world of politics. But this was so not so many years ago.



I am personally unhappy with the fact that the Indian voter today has to make his choice between unwilling liberalisers on the one hand and those who seek the people's support through appeals to religion or caste be it Ayodhya or Mandal. Had I been even ten years younger, I would have taken an active role in educating people on the real meaning of liberalisation, why it was so important that the economic reforms succeed. I might even have taken the initiative to once again organise a movement to put pressure on the government to ensure that it honestly implemented the reforms.

Since my advanced years and consequent physical frailty prevent me from doing so, I appeal to my younger friends and all those who have faith in the dignity of the individual, their right to live their lives with the minimum of state intervention, and who wish to see an India where people have a fair opportunity for self-fulfilment, to get together and organise a movement. If such a movement does not emerge soon, I am afraid, the reforms process will, in the not so distant future stutter to a stop and when that happens, we will once again find ourselves at the bottom of the heap.

Surely, we do not want that to happen because the people of India deserve better.

Minoo Masani, *Freedom First*, January-March 1994

Leadership

Minoo Masani

In India, the word "leader" and its Hindi derivative 'lideri' have become dirty words. What a pity! Because, if India needs anything today, it is good leadership. This is true not only in political life, where it is so obvious, but also in the fields of education, management and various other walks of life.

Short Supply

There are perhaps special reasons to account for the fact that leadership in India is in short supply. Our tradition and culture contain elements which do not exactly encourage the qualities of courage, dissent and adventure, which are essential parts of the bundle of qualities that go to make a leader.

Thus, for example, there is often the somewhat exaggerated and hypocritical respect for the aged and for those in authority. Grown up men and women will smoke, but not in the presence of their parents, and we are all loyal to those who are at the head of our Government until they are removed and then turn our backs on them. On the one hand, there is the cult of personality and on the other the absence of what in England is called "the non-conformist conscience" which takes the form, when necessary of saying "I am damned if I can see it that way."

It is obvious that the number of those who are prepared to stick their necks out for an unpopular or unpalatable cause is limited even in Britain. Unfortunately, such men are even more scarce in India.

Then there is what the historians have described as the dialectical nature of the Indian mind which is unable to see things in terms of black and white but can only see grey all round. Pandit Nehru's speeches, when he was the Prime Minister, followed a well known pattern of saying: "At the same time, we must remember that ..." and then a little later "on the other hand, it is also true that ..." No wonder this trend of not coming down on one or other side of the fence led in due course to the evolution of what is gradiloquently described as the policy of "non-alignment".

One of the biggest weaknesses of Indian Management at the top is a weakness in decision making. In politics, this takes the form of 'tailism', to use Lenin's phrase, on the part of political leaders, which means not leading one's party but carrying out the behest of the dominant trend in the party, whether

it is right or wrong. Gandhiji, of course, was an exception to this case. As is well known, he resigned even his four-anna membership in the Congress rather than compromise his own principles.

Stipulating Terms

I personally happen to agree with the view of leadership that was practised by Winston Churchill and General De Gaulle, which was that they were only available to lead their parties so long as the parties were prepared to follow them. In other words, they were prepared to be leaders on their own terms. Compare that with the record of Mr. Morarji Desai and Mr. Charan Singh as Prime Ministers from April 1977 till now, and one sees the contrast between the two styles of leadership.

Many years ago, Walter Lippman in his book, *The Public Philosophy* wrote:

"If the people find that they must choose whether they will be represented in an assembly which is incompetent to govern or where there is no doubt at all as to how the issue will be decided, they will choose authority which promises to be paternal in preference to freedom which threatens to be fratricidal. For large communities cannot do without being governed. No ideal freedom or democracy will long be allowed to stand in the way of their being governed"

If Indian democracy today is in danger and the country faces the possibility of authoritarian government, it is because those who call themselves democrats cannot, or will not, lead.

Those who seek to promote the qualities of leadership can do no better than remember some pertinent things which were said twenty-six centuries back by a Chinese Philosopher, Lao Tze who set down the criteria of judging a good leader:

"A leader is best
When people barely know that he exists.
Not so good when people obey and acclaim him
Worst when they despise him.
'Fail to honour people
They fail to honour you',
But of a good leader, who talk little.
When his work is done, his aim fulfilled,
They will all say: "We did this ourselves".

I Believe

Minoo Masani

I believe in the Brotherhood of Man. There are many who think that the Brotherhood of Man is meaningless without the Fatherhood of God. To me there does not appear to be any such essential interdependence. The Brotherhood of Man involves human solidarity based on the fact that human nature is essentially the same everywhere, that people react fundamentally in the same way to the same incentives and the same pressures. Certain modifications, of course have to be made to allow for variations in social heritage, religion, climate, and such factors, but basically we are all brothers under the skin.

Because of this belief, which I find corroborated by concrete experience, I am not inclined to accept the plea that the economic and social policies that produce certain results, shall we say, in Japan or Germany or the United States would not produce similar results in India. Human nature being what it is, people everywhere respond to the same incentives and to the same stimuli. I find nothing unique about the people of our country or the situation in which it finds itself. I believe that, thanks to the conquest of space the crashing of the sound barrier and the development of telecommunications, the world is now one organism. Chauvinism and xenophobia are today, therefore, forces that are as reactionary as racism.

A Question of Balance

The belief in humanism leads to an acceptance of ethics. I believe there is such a thing as good and evil. Of course, the idea of what is good or evil, what is moral or immoral, is a subjective one. My own belief is that what makes for human happiness is moral, what makes for misery is immoral. One man's food, of course, can be another man's poison, and one man's pursuit of happiness may easily cause unhappiness to another. The test of action, therefore, should be the overall balance of happiness and unhappiness it produces.

It is obvious that such an approach to the problems of morality has little to do with traditional or conventional codes of morality. Would such liberty as this approach of mine given to each individual be exercised with maturity and restraint? I don't know. I

only know that no other concept of morality appears to me to make any sense.

The philosophy that appeals to me is the Stoic philosophy. From my youth, I have responded to the logic of the *Meditations* of the Roman emperor, Marcus Aurelius. For instance, it is only what we ourselves do that can hurt us, nothing that anyone else does, however beastly, can possibly diminish one's dignity or make one shrink. I find that this philosophy helps in making it possible to tell the truth even when it is unpalatable and builds resistance to smears and lampooning as also a relative indifference to popularity, the pursuit of which is the bane of our national leadership.

From youth onwards, I have responded to Tagore's invitation "*Ekla chalo re*" and the sentiment of James Russell Lowell in his *Stanzas on Freedom*:

*They are slaves who fear to speak
For the fallen and the weak;
They are slaves who dare not be
In the right with two or three.*

My mother tells me that, even as a little boy, I was always on the side of the underdog - the servant about to be dismissed or the woman selling fruit who was being beaten down by some member of the family inclined to bargain too hard. On such occasions I was always on the other side of the social barricade. I should like to think that this craving for justice and sympathy for the underdog is still a major element in my beliefs. It no doubt accounted for my early acceptance of socialism as a result of being an avid reader of H.G. Wells and George Bernard Shaw.

The Gandhian Path

To this instinct for social justice my contact with Gandhiji and my arguments with him over the years helped to add an awareness that ends and means are interlinked and that the end does not justify the means even if the end is, in Lenin's words, "a society of the free and equal". Hence my book, "*Socialism Reconsidered*" (1944) and my renunciation of State Socialism and the acceptance of the Gandhian path to a better world.

Remembering Minoo Masani on his Birth Centenary Year – November 20, 2004-2005

Since 1954, I have been, at the instance of my good friend, Jayaprakash Narayan, Sampattidani No. 29 on the roll of the All India Sarva Seva Sangh, giving a small part of my income every year to enable the landless to be given a plough or a pair of cattle or some seed to cultivate the land made available as a result of Bhoodan. This modest attempt at "Trusteeship" gives me considerable personal satisfaction, even though it also creates a certain amount of financial strain and embarrassment.

I believe in the essential goodness of people. Recently, in the course of a talk with Rajaji, I must have displayed a certain measure of faith in the bona fides and assurances of a certain group of hard-faced politicians. "You seem to believe in God," observed Rajaji dryly. In answer to my puzzled and inquiring look, he added: "You behave as if you do. Perhaps you call it providence or righteousness."

Of all the values, I put freedom first. I believe with Lord Acton that liberty is the highest good and that other values, like peace, for example, must yield when freedom is involved. Here again, I reject, as Gandhiji did, the "peace of the graveyard". While war is bad, I believe

that appeasement and submission to tyranny are even worse.

Heretics - Salt of the Earth

I have little love for the *status quo*. The world needs change. I believe the nonconformist conscience is one of our country's saddest shortages and that heretics are the salt of the earth. To those timid spirits who are afraid of radical change, I commend the words of G.B. Shaw in his play Major Barbara: "What do we do when we spend years of work and thought and thousands of pounds of solid cash on a new gun or an aerial battleship that turns out just a hair's breath wrong after all? Scrap it. Scrap it without wasting another hour or another pound on it. Well, you have made yourself something that you call a morality or a religion or what not. It doesn't fit the facts. Well, scrap it. Scrap it and get one that fits. That is what is wrong with the world at present. It scraps its obsolete steam engines and dynamos; but it won't scrap its old prejudices and its old moralities and its old religions and its old political constitutions."

(First published in the *Illustrated Weekly of India*, November 16, 1969)

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Reign of the Truth

Amlan Datta

The insistence on the sovereignty of the Truth, is designed to bring home the importance of the right philosophy of life. No social revolution can be complete without it.

Gandhiji called his autobiography, *My Experiments with Truth*. The use of the word "experiments" shows how careful he was in his choice of words. In relation to truth, a good citizen has two duties so different that it is difficult to stay bound to both. He must stoutly bear witness to truth as he sees it. He must also steadily recognise that his percentage of truth may be only partial as it is not easy to see the whole truth. He who ignores the first of these two imperatives is a dishonest citizen, he who ignores the second is a fanatic. One has to be careful.

"For Its Next Future the World Needs the Reign of the Truth". This is the message of the Seventh World Council meeting at Pondicherry in 2003, a theme selected for a seminar on this occasion.

It is a message that needs to be considered with a combination of hope and caution. We have to take into account the ground reality.

Ground Reality

What is the ground reality? Madmen in power imagine they possess the Truth. Each of them has a mind devoid of doubt, a heart empty of mercy. He may be a religious fanatic or a secular Head of the State. We have them all around; it is unnecessary to name them. One ought to keep in mind this contemporary reality as one strives to reconcile Gandhi and Sri Aurobindo.

There is a dilemma here concerning the use of words. The higher ideals of humanity are difficult

to express except abstractly. Only small minds abhor abstraction. Yet, at the same time, there are good reasons for abundant caution. High ideas dressed in abstract phrases have often a peculiar power to spread intoxication. They can be dangerous. We have to balance our reverence for the Truth at the highest level with a practical understanding of how truth, bounded in time and space, which is what a reigning authority is concerned with, can only be approached gradually with a proper appreciation of the ineluctable diversity of admissible forms.

Resolving Conflicts

Let us spare a few moments to note Nature's way of guiding the human society in its practical affairs in the search for the truth. Disputes arise from conflicts of interest backed up by differing perceptions of the truth. Violent ways of settling disputes are socially wasteful. This is nature's way of impressing on society the need for peaceful ways of resolving conflict. When two parties disagree, it may be right and expedient to let a third mediate or arbitrate. From such simple considerations, one can trace the gradual development of the judicial system, the idea of the rule of law and democracy as the foundation of justice, peace and liberty. There is a point here which needs emphasis. The opinion of the majority is not necessarily right and democracy does not guarantee discovery of the truth at every step. No system of government suffices to establish the reign of the Truth. Democracy recognises the fact of human fallability and attempts to devise a socially

decent way of moving towards the truth. A system of government with a higher claim is likely to achieve even less. This is well attested by history.

Real World Union

The world as constituted today is divided into a large number of nation states, based on a multiplicity of cultures, religions and economic interests. While reason points towards the need for world union, there are stubborn differences which divide nations. The United Nations provides a platform for dialogue among nations for peaceful resolution of conflict. Here is a method which conforms to the democratic ethos. But a powerful nation, with sufficient military strength, can reject this method and try to impose its will, its perception of the Truth, on the rest of the world. This is the ground reality today. It conforms to an ancient idea of imperial hegemony as a glorified foundation for peace. If this idea wins out, we will get a world where power is effectively centralised, a unipolar world held together by one mighty nation. But this is a false ideal and it is bound to fail in the long run. To proclaim its falsity is the duty of all those who believe in the right kind of World Union.

Sri Aurobindo's Ideas

Sri Aurobindo's own ideas, his incisive analysis of ancient history, for instance, provides an impressively strong basis for rejecting the pretensions of the apologists for a new imperialism today. It is not simply by a mechanical repetition of his noble words, but by a simultaneous and

sustained effort to relate them to the current reality of the evolving world, that we can best help to keep Sri Aurobindo's philosophy alive and meaningful to the young generation.

Let me offer just one example of his luminous interpretation of past history. In *The Ideal of Human Unity*, he wrote: "The weakness of the old empire-unities created by conquest was that they tended to destroy the smaller units they assimilated, as did imperial Rome ... Gaul, Spain, Africa, Egypt were thus killed, turned into dead matter and their energy drawn into the centre, Rome ... When the Roman grasp loosened, the world which it had held so firmly constricted had been for long a magnificently organised death-in-life incapable of self-regeneration; vitality could only be restored through the inrush of the vigorous barbarian world ..." He does recognise the positive contribution of the historical forces which help create unity. But what he pleads for is not a unipolar world, but 'the idea of a federated nation'. This should set the right perspective both for the Indian subcontinent and the world entirely.

Common Core of Values

Just as one speaks of a

federated nation so too one can visualise a federation of faiths and cultures. There was a time when one religious faith, Christianity or Islam, for instance, dreamt of conquering the whole world. By now it is clear that this is not going to happen. Different faiths and cultures, religious as well as secular, are going to coexist and so they should. A feeling for a common core of values (and perhaps of perplexities too) shared by these diverse faiths and cultures does facilitate amicable coexistence. But this can only take the form of a sympathetic and perennial search, an unending quest. We do not all share a common language and in any case, language only approximately expresses our innermost feelings and thoughts. It is therefore, inevitable that approximately the same truth will be differently expressed by different people. We have to learn to accept this gracefully even when we talk of the reign of the Truth.

Sovereignty of Truth

Granted the need for a tolerant approach, there is still a special point to be made in favour of a declaration of the sovereignty of truth. No system of government, no institutional arrangement however cleverly

contrived, can prevent the infiltration of vices into politics and corruption of society. What is clearly required at this hour is a change, an uplift of the level of consciousness. How can this be secured? The best minds of ancient civilization stressed the importance of sports and music and the teaching of philosophy. Among these, philosophy rightly holds a position of pre-eminence. In the absence of a sound philosophy of life, sports may soon lose the sporting spirit and music degenerate into revelry.

The insistence on the sovereignty of the Truth, is designed to bring home the importance of the right philosophy of life. No social revolution can be complete without it. The Truth the world needs, whatever its verbal veil, has to satisfy two essential conditions: to each it must secure a sense of inner freedom, for all, a commitment to peace. For such is "Nature's holy plan", a design made manifest by the conditions of human survival in the future. Perfection one may never attain, but to be released from bondage to greed and vindictiveness is a goal worth pursuing.

PROFESSOR AMLAN DATTA is a well-known economist and educationist.



The communist party leader Bhupesh Gupta, has declared that his party will not seek any electoral alliance with the Swatantra Party. Everyone knows that the Swatantra Party has never looked upon an alliance with the communists as possible or desirable.

He describes the Swatantra Party as reactionary. A certificate from the Communist Party to this effect is a great compliment... What is reactionary to the communist mind is freedom in the view of progressive humans. What is retrograde to the communists means advance in the language of freedom-loving people. *Vice versa* what is progress to the Communist Party is advance towards tyranny in the opinion of liberty loving people.

C. Rajagopalachari
Swarajya, March 25, 1961

Reforming the *Neta-Babu Raj*

A. D. Moddie

How did we arrive at this crackpot situation of the Indian state, with Kashmiris, Manipuris, tribals and some minorities even asking themselves what it means to be Indian?

Between many administrative reform commissions, now a reforming PM, and the latest NDTV programme in the 'Big Fight, there has been a recurring superficial and frustrating desire for reform; for better public delivery and accountability systems, for varieties of *Panchayati* or local *Raj*, for less corruption. Yet ruler and ruled are in a historical cleft stick; one of the sticks is that of traditional forms of imaginary *Ram Rajya* and *Raj Dharma*, with actualities of *Jajmani Raj*; and the other, the recent mix of colonial and the post-1947 inheritance of a mere transfer of colonial power with a State dedicated to a socialist planned economy; but with deep roots in power behaviour in the *Jajmani* systems of patronage and '*sauda*'. In between, the hoped-for style and conventions of the Westminster model of government have evaporated; especially in relations between minister and civil servant, with vernacular implications of '*nauker*'. There has also been a total absence of the historical making of the Westminster model and civic government in Indian history.

"Functioning Anarchy"

As a result, both Indian and foreigners have been increasingly disappointed and frustrated with Indian governance, especially after 1960, when Indian hopes of '*swaraj*' began to fade. The foreign jibe was India was living with great potentials, never realising them. Galbraith summed up the foreigner's perplexity of Indian governance as "functioning anarchy". And now we are horrified

with the brazen criminalisation of politics up to cabinet levels, the brazen indifference of bureaucrats to the people, and the brazen corruption of both. We have arrived at a real '*Sauda Raj*' with a near-total failure of public delivery systems, long neglect of the fundamentals of development in health, education, agriculture, infrastructure, and law and order; and the socio-political realities of inevitable coalition governments in the world's most plural society. Both governments and people now seem ungovernable!

Indians - Smallest Minority

How did we arrive at this crackpot situation of the Indian state, with Kashmiris, Manipuris, tribals and some minorities even asking themselves what it means to be Indian? Decades ago, an Indian diplomat described Indians as 'the smallest minority'. And when the so-called majority community claim an 80% majority *hindutva* culture, they fail to realise Hindus have never been an 80% political majority in 2,000 years of history. An enormous difference in realities. So before we attempt a superficial or apparently rational process of administrative reforms of both *Netas* and *Babus*, let us first understand the historical baggage we all carry - *Neta*, *Babu*, and the people of India. I hesitate to use the word citizen, conceived in ancient Greece and Rome for city-states, a concept unknown in vast Asia. Let us attempt to answer that big 'How' in the brevity of an article.

First, in the 30-year demand for

'*swaraj*' prior to 1947, neither the umbrella Congress Party, nor Indian intellectuals seriously researched on the nature of Indian '*swaraj*', in the centuries preceding Plassey, and even Panipat. If they had, they would have found (a) that the Hindu concept of sovereignty was ceremonial and ritualistic, and the real sinews of good governance down to the people were rare; (b) that the government system was feudal *Jajmani raj* of patron and client; (c) that hundreds of rulers appeared and disappeared in an ephemeral existence; (d) that India knew strong, centralised governments for only five of twenty-five recorded centuries, and three of these were by foreigners, the Mughals and the British. Hardly the breeding ground for the stable Westminster model in the mid-20th century. Only Rajaji realised India was "a governmentless civilization".

Swaraj Was No Freedom

Second, the so-called '*swaraj*' was no freedom for the people of India. 1947 saw a mere "transfer of power" from white colonial hands to brown feudal, '*jajmani*' ones from Centre to district. The 'free' GOI gladly adopted the entire panoply of colonial laws, civil, criminal, forest, land tenure, and the Official Secrets Act; with an anti-people attitude of the Police. To this was added the World War II British '*control raj*', compounded and perpetuated by a centralised planning state, when the real war-torn countries of the West and Japan dismantled controls. India, one of the great private trading nations of

history, from the Cholas to the Mughals, now reverted to Kautilya's state controls in the name of socialist planning.

Back to the Kautilya State

Behind an apparent apparatus of a modern Constitution, "We, the people", ruler and ruled, could not help but revert to a long past of 'jajmani' culture and 'sirkari' authority. The planned Nehruvian state went back to the royal monopolistic trade in commodities, mines and minerals, in horses and elephants (transport) of the *Arthashastra*. In ancient India and in manorial Europe, "there was no distinction between political and proprietary power" (Louis Dumont and Marc Bloch). Even the taverns were a royal Kautilyan monopoly. So the 20th century public sector also embraced controls over commodities, minerals, metals and hotels in the public sector. In attempting modern socialism, no one saw the marked resemblance to ancient state patronage in the *Arthashastra*. Now the patronage was enormous from fair price shops to telephones, petrol pumps, gas agencies, licences, permits, sirkari land, jobs and public resources. The state, then and now, seeks to be Super Patron, and its instruments (now *Netas* and *Babus*) the traditional 'Jajmans'. So culture moulded by history, leads to a national reversion of character, behind the mask of modern verbiage and ideology.

Jajmani cum Sauda State

So we are now landed with a stupendous *desi* 'jajmani' cum 'Sauda' state, from minister to patwari. Such a state has to be 'soft', manoeuvrable, negotiable. The rule of law is lax with decades of judicial process ending in only 6% convictions on an average, against over 70% in Western democracies. From street to legislature, everyone does what the hell they like.

With 85% of the people of India dissatisfied with public services, and the Rajiv Gandhi thesis of 85% of public resources not reaching the people, now proven to be true, people are calling out for real 'Swaraj', for good governance, for the basics of a better life. The people want their work ('kaam') done in a vast licence-permit-inspector maze. When the bureaucrats fail, they turn to *netas*, dons, contact-men, *et al.*, who can get their work done. The rights in the Constitution are in limbo. The citizen has never known a history of civil rights struggle, and has never been a citizen. He has perpetually been in search of an intermediary with authority, a 'munim', a means of negotiating with ten thousand petty *rajass*, and lakhs of 'jajmans'.

And, as in Mughal times, there is a marked divide between the rich and the poor, because the state is a gigantic consumer of public resources and private corruption, with an insatiable appetite.

Stirrings of Awareness

So where do we begin? There is petty talk of reducing the age of officer recruitment to catch and mould them young. What a hope, with this Himalayan cultural background, going back from petty 'jajman' to the Kautilyan empire! Then the 19th century inheritance of 'Generalist' and 'Specialist', when (a) nearly all modern life is specialized; (b) when the generalist of the Revenue *raj* is a dodo, and (c) when the whole of modern life in business, education, science, the media and sport know no vague animal like a 'generalist'.

For the first time in Indian history, the people of India at the grassroots are demanding the Right to Information (now with IT), an effective Public Redressal System, the instrumentality of thousands of NGO's in public affairs, and true Gram Panchayati raj in managing

local resources, e.g. forests, water, land, schools, roads, etc. after the colonial, centralised state and the Nehruvian state destroyed these. Dismantle Kautilyan/British/Nehruvian monopolies of the state. Effective, honest regulation and performance accountability has to supplant 'jajmani' controls and 'batwara'.

The Long Road to Real Governance

After fifty years of self-aggrandisement and loot, after 23 centuries of history, only a foolish dreamer will believe *Neta* and *Babu*, will reform themselves. The people have first to become informed citizens. They must then demand honest performance and prompt accountability. For that, the rulers, the systems, the laws must be made to change. Stick and carrot must be used with *Babu* and *Thanedar*; the vote against the *Neta*. NGO's and the media must be independent allies of informed citizens. Like others, the judiciary and the legal profession must work 48 weeks in the year, with conviction rates rising above 30%. Especially in crimes against electoral laws (crimes against democracy), crimes with public resources, communal/caste crimers, rapists, and dowry killers. Such will demand a long, uphill road of a generation or two, for free informed citizens to govern their governors, and also govern themselves.

Or else, history will repeat itself, and functioning anarchy will become plain anarchy, which also Indian history has known in times of weak rulers, rapacious landlords, Pindaris, and Thugs. Change names, change times, the behaviour remains similar.

MR. A. D. MODDIE was in the first batch of the IAS (1947-48); a representative of industry to government. Author of the well-known book 'The Brahmanical Culture and Modernity'. Mr. Moddie was, until recently, Chairman of the Central Himalayan Eco-Development Group.

Three Great Liberals

R. M. Lala

The "Liberal Party" functions in few countries under that label but liberalism as an idea has triumphed across the globe.

Ten years after the Indian uprising in 1857, three Indians used to meet most Sundays in London. They were Dadabhai Naoroji, Jamsetji Tata and Sir Pherozeshah Mehta. They discussed issues that concerned the Indian scene. They desired to lift up their country in the coming years.

The spark in their hearts was lit by Mountstuart Elphinstone who as Governor of Bombay, between 1819 and 1827 wrote Minute after Minute to his superiors to educate the Indians, foreseeing in the "immeasurable distance" Indians governing themselves. It was most desirable, he said, if British rule in India was to leave behind people who will "render it impossible for a foreign nation to retain the Government".

The spark was lit into a flame, when over the next decades, Gladstone campaigned for Home Rule for Ireland as a plank of the Liberal Party's policy.

William Ernest Gladstone, four times Prime Minister of Britain, was the most popular statesman among the Indians at home who saw him as their friend. When Dadabhai Naoroji stood for Parliament, it was on a Liberal ticket and won at the second attempt from Central Finsbury. Gladstone was among the first to express his joy at the election of the first Indian to Parliament. Lord Salisbury, the Conservative Prime Minister had labeled Dadabhai as "a Black Man". Incidentally Dadabhai

was very fair. Dadabhai's election raised India's aspiration for Home Rule.

In the years to follow, Dadabhai Naoroji was to give political leadership to India; Sir Pherozeshah Mehta civic leadership and Jamsetji Tata industrial leadership. The political cause dear to them all was Liberalism. It also included Gladstone's Policy of Free Trade. When the British imposed an unfair duty on good quality Indian cloth – so Lancashire could compete with India's production – Jamsetji Tata protested and took his campaign right upto the Secretary of State for India in London. As late as the 1940s, the writer had seen in some Parsi homes, photographs of Gladstone hang on their walls.

Though the word Liberalism took a back seat once Gandhiji made the political struggle a mass movement, Liberal and Labour MPs were the main supporters of India's movement for self governance. The defeat of Winston Churchill in the 1945 elections cleared the way for India's Independence. Churchill in his own words had said, he "did not become the King's First Minister to preside over the liquidation of the British Empire".

Over the decades, the Liberal Party in Britain lost its hold as a major opposition to the Conservatives and the Labour Party occupied that space.

After Independence, Nehru in economic matters stood for State Capitalism and controls with the Soviet economy as his model. This policy resulted in the licence permit raj and its consequent corruption.

The ideas of Liberalism did not perish. In the political field, Rajaji raised the banner of revolt. Even prior to that, J. R. D. Tata issued his warnings on the devastating effect of that policy and its controls on the economic front. For over three decades, India's economic growth was thwarted.

India's misguided policies outlived Rajaji's demise but J. R. D. lived to see the early signs of relaxation in Rajiv's time in 1996. It took the Government five more years before Mr. Manmohan Singh's budget of July 1991 ushered in liberalisation as a policy. When I met J. R. D. Tata within a week of that, I observed, "Sir, you must be gratified that something you fought for all these years has firmly come about".

"Not because I said so", he shot back, "but because they were bankrupt".

The "Liberal Party" functions in few countries under that label but liberalism as an idea has triumphed across the globe.

MR. R. M. LALA is author of a recent biography of Jamsetji Tata, "For the Love of India" and "Beyond the Last Blue Mountain", on the life of J. R. D. Tata.

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US Presidential Elections – An Analysis

V. Balachandran

The repeated references in the Indian media that Bush was elected by the US Supreme Court in 2000 without following their Constitutional procedure is not based on facts.

On October 27, 2004 I told an audience at the Nehru Centre, Mumbai during a talk on the US Presidential Elections, that any more Al-Qaeda threats to the United States would swing the electorate towards President Bush. His ratings had gone up in the *Washington Post* poll on the ground that he was "better equipped" to deal with Al-Qaeda in the wake of Ayman al-Zawahiri's September 7 broadcast on Al-Jazeera. His ratings notched 52% in the CNN-USA Today poll on Oct 19 when Al-Jazeera confirmed that Iraqi master terrorist al-Zarqawi had a tie-up with Al-Qaeda. It therefore stands to reason that Osama bin Laden's video appearance four days before the Presidential poll would have helped consolidating the "undecided" voters in favour of Bush, especially the "Security Moms" who were estimated to be around 20% of the women voters. In fact Kerry should have been worried long ago as public opinion polls had shown continuously that he was not getting the same support from women as Clinton and Gore had.

Simultaneously the Republican campaign successfully portrayed Kerry as "wavering" and "anti-War". Never was the US Electorate so sharply divided on war and security issues since 1972 when Nixon had successfully torn into George McGovern as "antiwar" to appease the conservative segment which had backed Lt. Calley involved in the notorious My Lai massacre.

Some sections of the Indian media exhibited considerable

ignorance of the US poll process despite the campaign occupying lead print and TV space. The American correspondent of a leading Indian daily said on October 24, that US should 'outsource' their Elections to India in view of the 2000 Florida imbroglio! The OP page earlier on October 20 in the same daily went a step further saying that in 2000 "Bush was not affirmed by the Electoral College; he was sworn in because of a Supreme Court ruling". Perhaps the Indian media was only echoing a rather flippant remark in 2000 by a senior Indian Election official that USA could have avoided all this controversy, had it copied the Indian system.

Decentralise Election Process

Why should the US system of elections be so different and tortuous when they could have had a much simpler process like in India? The answer lies in the evolution of their federal union of States during the 1787 Philadelphia Constitutional Convention when the 13 Colonies joining the new Union wanted to preserve their own independent decision making powers in many aspects including Elections. Thus Article II of the US Constitution lays down the process of the Presidential Election: "Each State shall appoint in such manner as the Legislature thereof may direct, a number of Electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress". The emphasis is on the words "*as the Legislature thereof may direct*". On the other hand Article 324 of the Indian Constitution empowers the Election Commission

to control all such Elections. The US Federal Election Commission only enforces the "Federal Election Campaign Act 1975", with no powers to oversee the election process. As a result, the procedure on the choice of ballot paper, voting machines, rules on "absentee voting", "Provisional ballots", counting etc. differ from State to State. This has also resulted in politically elected officials like the Governor and the Secretary of State having considerable control over the Election process including the certification of votes. Some of these Secretaries of States who were to certify the Elections were themselves standing for some other electoral posts! All these are foreign to us since we have a system in which politicians are replaced by the bureaucracy before the Elections.

51 State Elections

Professor Gary Glenn of Northern Illinois University explains that the Presidential Elections are in fact 51 *simultaneous State Elections* rather than one nationally consolidated election. (50 States and the District of Columbia) *Thus the President is elected by the States.* During the Constitutional debates three choices were discussed: President to be elected by the Congress, the State Legislatures or through direct popular elections. All were rejected. A President elected by the Congress would have to appease the Congressional majority while big States would have overwhelming influence in the next two situations. Hence a "Committee of Eleven" was appointed by the Constitutional Convention to devise

means of upholding the independence of the President and they recommended a system of election by some "most knowledgeable and most informed" group of "Electors" to be appointed by the States. In the beginning there was no stipulation that these Electors should be political persons or be elected. However over a period of time all the States decided to directly elect the Presidential Electors. Thus on November 2, 2004 US voters were actually voting not for Bush or Kerry but for the Slate of "Electors" nominated by the Democrats and Republicans, who would elect the President later. The votes on November 2 were the "Popular Votes".

The system of "Electoral College" was copied from the Roman "Centurial Assembly" system in which adult males were divided according to wealth into groups of 100, with each 100 having 1 vote. In America the States form these "Centurial Groups", their votes depending on the size of their delegation to the Congress. The word "Electoral College" is not used in the US Constitution. The process of Presidential Elections begins with the Party Conventions when the Presidential candidate is nominated. Later each party announces their "Slate of Electors" in each State according to the total number of the Senators and House of Representatives. However the sitting Senators or Representatives cannot stand as "Electors".

Every four years on the first Tuesday in November the voters choose the Slate of Electors. The next process is the allotment of *Electoral Votes* in each State by the Governor's office. Here again there is a peculiar system in which is "Winner Takes All". The State getting the majority of popular votes in a State is allotted all the Electoral votes of that State except in two States – Maine and Nebraska. It is a historical tradition

to treat a State as one entity which is also followed in the case of a deadlock when the House of Representatives elects the President. One State has only one vote in that situation irrespective of the number of representatives who may belong to different parties.

The next constitutional step, although a mere formality, is for these "Electors" to meet in the State capitals by mid-December to "elect" the President. Having been elected on party basis they are expected to endorse their official candidate but some cross voting ("faithless electors") had taken place in history. The Governor then certifies the results and forwards them to the President of the Senate (Vice-President) who convenes a joint session of the Congress on January 6 to formally declare the winner. In accordance with the 20th amendment to the US Constitution, the new President has to take over charge on 20th January.

It follows that the Indian Election Commission cannot do a better job in USA even if their elections are "outsourced" to us. The analyst who said that Bush was not "affirmed" by the Electoral College in 2000 but "sworn in" by the Supreme Court is wrong. The US Supreme Court had intervened on December 9, 2000 on an application by Bush to stop the manual counting going on in some Florida counties which would have taken several weeks and created a constitutional crisis since the Electors had to meet by mid-December to choose the new President. The Court did not choose Bush. Also, the Joint Congressional Session convened by Gore himself as Vice-President on Jan 6, 2001 had endorsed the election of Bush after overruling some objections. If Democrats had wanted, they could have created a stalemate during the Joint Session and forced the Election to be decided by the House of Representatives, but they did not do,

having had no majority there and the House also would have elected Bush! In view of this, the repeated references in the Indian media that Bush was elected by the US Supreme Court in 2000 without following the Constitutional procedure is not based on facts.

The quandary of presiding over his own defeat and certifying his rival was not reserved only for Gore. Even Nixon had a similar experience as Vice-president. In 1961 the Hawaii Governor certified all his Electors were for Nixon and sent the report to the Congress. However there was a recount, which determined Democrat candidate Kennedy as the victor. The Governor sent a second list giving the Electoral votes to Kennedy which reached the Capitol Hill on the day of the Joint Session. Nixon ruled from the Chair to accept his rival's electors and certified Kennedy as the final victor!

(All italics mine)

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OTHER VOICES



Is there a Water Shortage?

Kusum Chopra

In ancient India, it was not kings alone who built the intricate and amazing variety of reservoirs and tanks. They could be funded by any charity-minded person, even a penance-minded one, as the inscriptions on an ancient tank which reveal that it was funded by the community prostitute.

The wisdom of our hoary traditions indicates that as a monsoon dependent country, India needs to conserve its sheet flows of rain water in any and every way possible. In fact, by the end of the sixteenth century, we had cultivated such expertise in water conservation, that in some parts of the country, as much as 60 % of the precipitation was being harnessed.

Major R. H. Sankey, a chief engineer in Mysore in 1866, (quoted in Water Management Systems in India) records: *Of the 27,269 sq.miles covered by Mysore, nearly 60% has, by the patient industry of its inhabitants been brought under the tank system. Unless under exceptional circumstances, none of the draining of these 16,287 sq. miles is allowed to escape. To such an extent has the principle of storage been followed that it would now require some ingenuity to discover a site within this great area suitable for a new tank...."*

In our times, annual precipitation, an estimated 400 million hectare meters (MHM), against the 2000 annual requirement of 100 MHM translates into 300 MHM excess! The 400 MHM come in major bursts. During the monsoon, intensity of rainfall veers around 20 mm per day, an average of 300 hours or 12 1/2 days throughout the year. Of the 300 hours, half the rains falls in less than 30 hours. In places like Jaisalmer, Bangalore or Bombay, 100 cms of rain come within 30 hours, spread over a rainy season of 100

days.

These sheet falls flow away as floods into the seas; some evaporate, some build up soil moisture, a little percolates into the deep aquifers; now, this last is diminishing rapidly. And conservation has been hit hard by a shift from people-based community efforts to officialdom which is unable to cope with the monsoon's flash floods and sheet flows. The only areas where the water table is not falling dramatically is where deficiencies in canal construction or the over-use of water is leading to water-logging, obviously a man-made disaster.

Since Independence, governments' obsession with short term measures such as tanker supplies, hand pumps etc., offer lucrative spin-offs under the table on a recurring basis. The term " safe drinking water " itself is an anamoly. Officialdom would have it that households with piped water have safe drinking water, never mind if those pipes are routinely and periodically corroded and carriers of disease; ironic, in a country with a history of an amazing variety of water conservation techniques.

Villages with deep sweet water wells, but no piped supply pop up in the ' no water' list, although the citizens have healthy and duly hydrated. This amazing feat surfaces thus: In 1981 a survey of rural households with safe drinking water put the all India average at 26.50 %

with Punjab topping the chart at 81.80% households and West Bengal coming next at 65.78.5 households with piped water supply. Kerala with its astounding development in other social sectors came at the bottom of the table with 6.26%.

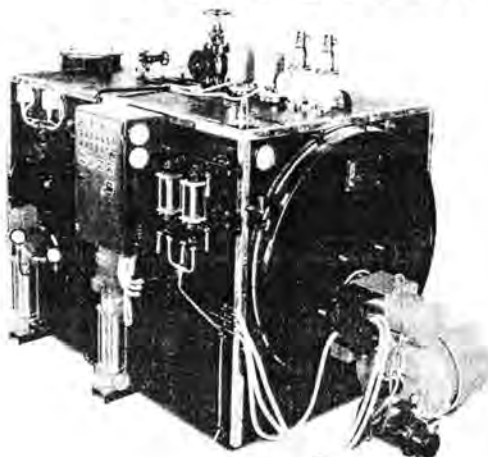
Investigation revealed that Kerala has an astonishing number of well-maintained wells which are the chief source of drinking water. If the surveyors had taken these into account, the percentage of Kerala's rural households with access to safe drinking water would be well beyond 88 %, much higher than Punjab or West Bengal.

How Ancient India Coped

What did our ancestors do, before the import of dubious occidental genius which spelt doom to the legendary prosperity of ancient India and to her systems? The genius of ancient India dictated that water be stored wherever it rained, i.e. in hundreds of thousands of reservoirs, all over the countryside, known by different names in different parts of the country.

The sheer variety of names given to the water storage units reveals how widespread the practice was throughout the different parts of the country: the *eri*, the *kulam*, the *jheel*, the *sagar*, the *johard*, the *talab*, the *sar*, the *nadi*, the *khadin*, the *kund*, the *kunta*, the *katta*, the *pukur*, the *bundh*, the *ahar*, even irrigated fields such as paddy, surrounded by bunds, which allowed percolation,

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built up soil moisture, reduced soil/land erosion and maintained atmospheric humidity.

Besides, there were also sub-surface tanks, deep stepwells in the urban areas and roof water harvesting, in which rain water was piped down to basement reservoirs or sub-surface tanks, to provide drinking water throughout the year... the modern day version of which may just be the new found interest in percolation wells in commercial complexes and public places like gardens.

In ancient India, it was not kings alone who built the intricate and amazing variety of reservoirs and tanks. They could be funded by any charity-minded person, even a penance-minded one, as the inscriptions on an ancient tank which reveal that it was funded by the community prostitute. The creation of these tanks provided employment in times of need, besides binding the community with a common asset which enforced an element of cooperation; the annual cleanup operations had many social and economic spin-offs.

The philosophy of dam building in ancient India was considerably different from ours : dams of longer bunds and smaller heights were built by local communities, in valleys and plains where irrigation was both feasible and in fact necessary. Thus both canal expenses and transmission losses were reduced to a minimum.

In our times, dams are built in hilly tracts, far from the irrigable areas. Modern dams uproot the already underprivileged to provide irrigation and other water facilities down lengthy canal systems to areas far downstream, which draw the economic benefit of the facility created with public funds.

Unlike modern day dams which trap at best 10-20 percent of the precipitation, allowing the rest to flow away to save the massive dam structures, all the above mentioned reservoirs were designed to capture the flow from a designated catchment area. When full, the overflow was routed to similar reservoirs further downstream, all the way down until it reached the river or the sea, with enough stoppages of water on the way to allow sufficient percolation into the underground water table.

The virtually unending series of tanks and ponds dotting the countryside served not only for storage of water, but also reduced the damage from flash floods and from soil erosion, improved percolation and soil moisture and also encouraged more greenery (and therefore more rains) and maintained the atmospheric humidity regime.

At one time, of the 43,477 tanks in Karnataka, nearly 50% irrigated less than ten acres. The emphasis was 'small is beautiful' and self help. Large tanks were funded by philanthropy or by kings.

Another specific example is the complex system of "overflow irrigation" which gave ancient Bengal its legendary prosperity; the destruction of which has bred nothing but malaria and poverty. Described in detail by Sir William Willcock, the system appears to have been constructed in the Ganga and Damodar valleys during the Chola regime 2000 years ago, inspired by Egyptian irrigation systems on the Nile.

Long, continuous, fairly parallel broad and shallow canals covered the region. At the head, they carried river water and at the tail rainwater drained from the fields. Irrigation was performed by

breach in the banks of canals which were closed when the floods were over.

After heavy rainfall when the rivers received floodwater, the banks embanked with mud were breached at appropriate times and the flood waters were taken into the canals. If not diverted at the appropriate time, this could wreck havoc with inundation.

The heads of the canals were so located that the upper layer of muddy water from the floods, rich in fine clay and free from coarse sand would enter the canal. While the rains were sufficient to feed rice cultivation, the light silt soil was easily eroded and needed irrigation of clayey waters. The muddy and clayey early flood waters served the purpose of fertilization of the fields. Excess water was then drained off by the field drains. This engineering marvel served a distinct ecological purpose as well. While the overflow irrigation did its work, the damp bred mosquito larvae in millions. The muddy river waters brought in thousands of fish eggs, which traveled through the canals into the fields full of mosquito larvae, clearing the area of any threat of malaria. And the protein-rich fish ushered in general health throughout the region.

The destruction of the system in the late nineteenth century converted the canals into stagnant pools breeding malaria and poverty.

Imagine the genius of Madhya Pradesh's tribals, who create intricate water systems over terrains, in channels with abysmal rises, to take water upstream, tens of kilometers around hills to water their fields on the plateaux. The work is extremely painstaking, in the channels, the land rise barely visible to the eye, except when one surveys the end result,

actually seeing water travel upstream to heights of even over 100 ft.!

Such communities bear great grudges against the modern espousal of tubewells and individual wells, as opposed to the earlier trends of communal assets. They claim that tubewells may bring prosperity to the person who puts down the well, but pumping out the water from deep underground aquifers drains the wells of the surrounding fields, affecting the harvests of the neighbouring farmers.

The Arthashastra recommends that the king shall construct reservoirs (*setu*) filled with water either perennial or drawn from some other source. Alternatively he might provide sites, roads, timber and other necessary things to those who constructed reservoirs of their own accord or on a communal basis.

Since the creation and upkeep of reservoirs was a communal effort, rather than an official governmental one, the reservoirs must, of needs, be of a manageable size. Annual maintenance and repairs of the water systems was a communal voluntary effort, almost like a village festival; according to the Arthashastra, even compulsory for all, either in person, or by the sending of deputies. Punishments are laid down for "defaulters": *"whoever stays away from any kind of cooperative construction (sambhuya setubandat) should send his servants and bullocks to carry on his work, should have a share in the expenditure but should have no claim on the return. The natural overflow of water from higher tanks to tanks lower downstream shall not be stopped unless the lower tank has ceased to be useful for three consecutive years."* Severe punishment is prescribed for offenses, including emptying a tank of its water. Persons found letting

water out of the tank or stopping the water from the fields of others during their time are to be fined.

After the arrival of the British and their known penchant for "divide and rule", the tensions generated between landowners and tenants and lower castes first undermined and finally totally removed the voluntary system. Appalled by the quantum of effort involved, the British tried to bring in laws and legislation to enforce the maintenance; but caste chickens came home to roost and all efforts at enforcing communal maintenance failed so miserably that there was no alternative but to take over maintenance which did not happen.

Finally most of the systems fell into woeful disrepair, as no funds were budgeted for canal maintenance. The dependence of modern Indians on the government of the Sovereign Republic of India is appalling and to a large extent, responsible for the dreadful condition of the canals and other networks of modern dams. e.g. Panam and Ukai dams in South Gujarat are less than 50 years old; their canals are either non-existent or in such an appalling state of dire disrepair that the potential created by the dam has not been achieved.

State and central governments routinely allocate funds for the construction of dams, sometimes for the canals as well. Even in the case of the Narmada Main Canal, touted as the largest canal system in the world, ultimately, the Narmada Nigam has had to virtually steal the dam funds, possible only on account of the stay on the construction of the dam. Once the Supreme Court gave permission for the raising of the height of the dam, work on the canals has stalled and flash floods

are the order of the monsoon day.

British India, with its rural vested interests such as zamindars, ryots and transferable village officials spelt the death of communal responsibilities and communal control over communal assets. This lasted for centuries until the creation of the modern panchayat system with its electoral conundrums.

It took the imposition of foreign systems in all administrative and other walks of life during the British era to subvert them, spelling doom to village democracies, and the systems dependent on them. This covered all facets of village life, from revenue and assessment to water courses and distribution, down to even a social structure like caste.

The Caste Angle

Social Commentor Ram Swarup holds that "Old India had castes, not casteism."

The original connotation of caste was perhaps a social grouping with a common factor. Yet every caste was woven into the life of the community as a whole, with no outcastes, as known today. Caste in ancient India was a cooperative, cultural principle, offering a vocation as soon as one was born ... a dream for those threatened with chronic unemployment. Rigidity in caste was a convenient myth, for there was no dearth of social mobility. Nor was there, in ancient India, the plethora of castes, legacy of the British fervour for documentation.

Megasthenes relates a 7-fold division of society; Hsuan Tsang, the Chinese pilgrim of 650 A.D. mentions four castes. Alberuni too mentions four main castes, with some other groups which did not strictly belong to the caste system.

Manu mentioned not more than 40 mixed castes, related by blood. Even Chandals were Brahmins on their father's side. But under the British, Risley enumerated 2,378 main castes, 43 races and endless lists of sub-castes. The 1891 census recorded as many as 1156 subcastes of Chamars alone !

Coming to the water scene, it was the low caste landless caste, variously known as *Nirkuttis*, *Nirgantis*, *Nir Paychi*, *Patkaris*, *Havaldars* and *Kohlis*, who had the responsibility of irrigating every field in the system, according to its requirement or the norms laid down by the farmers' associations.

The *Nirkattis* were selected as a traditionally landless community; it was reckoned that they would have no personal stakes or caste patriotism to interfere with

the dispassionate distribution of water. They took pride in their impartiality and would not suffer any farmer to touch the water works, sluices or vents in the fields. Once the norm of distribution was laid down, the *nirkatti* followed them regardless of their effect on individual farmers and their possible attempts to tamper with sluices or water courses, which were reported.

While labour was generally communal, the design and engineering of the water systems required specialized skills. Certain families, such as the *Yellamma Reddys* of Andhra Pradesh, specialized in the construction of reservoirs; other caste communities, *wadders*, *boyis* to name two, specialized in earth and stone work, for tanks, wells, roads etc.. To this day, the scions of such families form

the main source of labour for the irrigation and R & B departments.

With government created water resources ruling the roost, virtually free of charge, unencumbered by any duties or responsibilities towards regular maintenance, community water resources, ancient tanks, anicuts etc. have fallen out of favour. Tanks are filled up for valuable real estate in semi-urban and urban areas, or used as garbage dumps or bus stands. Stepwells are now historic ruins; supply channels and catchment areas lost to sight with weeds. As village communities hand over their own control of water resources to the government, they end up losers. The alternatives provided by the government, both in irrigation and drinking water are sub-standard.

MS. KUSUM CHOPRA is a journalist and a regular contributor to *Freedom First*.



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The Supreme Court and the Mischief of *Hindutva*

P. P. Bopanna

The observations of the Supreme Court on Hindutva were quite unnecessary for the disposal of the appeal before it.

In the election to the State Legislative Assembly of Maharashtra held on 13th December, 1987, a Shiv Sena candidate representing the Shiv Sena which was not a registered Party at that time was elected with the able assistance of Shiv Sena Supremo (whose name is not relevant for this paper) as his election agent. The speeches made by this agent to the people of the Constituency from which the candidate stood for election were the main plank on which the defeated candidate approached the Election Tribunal (sitting Judge of Bombay High Court for a declaration that the Shiv Sena candidate's election be declared void on the ground that he committed a corrupt practice under the relevant provisions of the Representation of the People Act, 1951. Those speeches are quoted verbatim below:

"We are fighting this election for the protection of Hinduism. Therefore, we do not care for the votes of the Muslims. This country belongs to Hindus and will remain so."

"Hinduism will triumph in this election and we must become honourable recipients of this victory to ward off the danger on Hinduism, elect Ramesh Prabhoo to join with Chhagan Bhjugal who is already there. You will find Hindu temples underneath if all the mosques are dug out. Anybody who stands against the Hindus should be showered or worshipped with shoes. A

candidate by name Prabhoo should be led to victory in the name of religion."

"We have come with the ideology of Hinduism. Shiv Sena will implement this ideology. Though this country belongs to Hindus, Ram and Krishna are insulted. (They) valued the Muslim votes more than your votes; we do not want the "Muslim votes. A snake like Shahabuddin is sitting in the Janata Party, a man like Nihal Ahmed is also in Janata Party. So the residents of Vile Parle should bury this party (Janata Party)".

"All my Hindu brothers, sisters and mothers gathered here. ... Today Dr. Prabhoo has been put up as candidate from your Parle. ... But here one cannot do anything at anytime about the snake in the form of Khalistan and Muslim. ... The entire country has been ruined and therefore we took the stand of Hindutva and by taking the said stand we will step in the Legislative Assembly. ... Unless we step forward strongly, it would be difficult for us to live because there would be war of religion. ... Muslims will come. What will you Hindu (people) do? Are you going to throw '*Bhasma*' (i.e., ashes) on them? We won't mind if we do not get votes from a single Muslim and we are not at all desirous to win an election with such votes. ... therefore, there is a dire need of the voice of

Hindutva and therefore please send Shiv Sena to Legislative Assembly. .. who are (these) Muslims? Who are these '*lande*'? Once Vasant Dada had called me when he was a Chief Minister. He told me that rest is O.K. But asked me as to why I was calling them *Lande*. But is it correct if they call us '*Kafir*' (i.e. traitor) then we will certainly call them '*Lande*'. ... They should bear in mind that this country is of Hindus, the same shall remain of Hindus. ... if Shiv Sena comes to power and if the *morchas* come – first of all (we) shall make them come. Everybody will have to take '*diksha*' (i.e. initiation) of Hindu religion. ..."

The Election Tribunal by its judgment dated 7-4-1989 declared the election of the elected candidate void as he and his agent with his consent appealed for votes on the ground of his religion and that they both promoted or tended to promote feelings of enmity and hatred between different classes of the citizens of India on the grounds of religion and community. Consequently his agent after due notice to him as required under, was also named for commission of corruption practice and was disqualified to act as an Agent for a certain period of time.

Both the returned candidate and his agent filed appeals to the Supreme Court as provided under the Representation of People Act, 1951.

Ex-facie the speeches to the meanest intelligence amounted to corrupt practice under the relevant Representation of Peoples' Act which defines what Corrupt Practice is. Those provisions are:

"Sub-sections (3) and (3-A) of Section 123 of the R. P. Act.

"123. Corrupt practices. — The following shall be deemed to be corrupt practices for the purposes of this Act:

"(3) The appeal by a candidate or his agent or by any other person with the consent of a candidate or his election agent to vote or refrain from voting for any person on the ground of his religion, race, caste, community or language or the use of, or appeal to religious symbols or the use of, or appeal to, national Symbols, such as the national flag or the national emblem, for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate;

Provided that no symbol allotted under this Act to a candidate shall be deemed to be a religious symbol or a national symbol for the purposes of this' clause.

(3-A) The promotion of or attempt to promote, feelings of enmity or hatred between different classes of the citizens of India on grounds of religion, race, caste, community, or language, by a candidate or his agent or any other person with the consent of a candidate or his election agent for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate."

In Law of Torts, there is a well settled doctrine of *Res Ipse Loquitur* - the thing itself speaks when the Court records a finding on the question of negligence in a claim for compensation by the injured party. Tort is a quasi criminal offence. Corrupt practice in terms of the above definitions are also quasi criminal offences. On this short ground, the appeals filed by the aggrieved candidates ought to have been dismissed as the speeches made by the election agent did not admit of any other interpretation in favour of himself or the disqualified candidate. But when high profile lawyers appear in the Apex Court and raise constitutional issues which were not raised before the Election Tribunal, the Court is inclined to consider them sacrificing judicial sagacity and experience to judicial exposition of grey areas not required for the disposal of the dispute between the parties. The two main grounds urged before the Supreme Court were:

"(5) The public speeches in question did not amount to appeal for votes on the ground of his religion and the substance and main thrust thereof was 'Hindutva', which means the Indian culture and not merely the Hindu religion;

(6) The public speeches criticised the anti-secular stance of the Congress Party in practising discrimination against Hindus and giving undue favour to the minorities which is not an appeal for votes on the ground of Hindu religion;

Was it necessary for the Supreme Court to answer these questions when the same were not raised before the Election Tribunal. Assuming they could be raised was

it justified in referring to the Parliamentary debates on the interpretation of 'corrupt practice' in the relevant provisions of Representation of Peoples' Act? The great Constitutional lawyer, a former Advocate General of Mumbai High Court for more than 15 years and author of '*Constitutional Law of India*' widely read in all the Commonwealth countries, Mr. Seervai in his Third Supplemental Volume quoted Lord Diplock and has observed thus:

"If a literal construction would not promote the object of an Act but would produce an absurd result, the Court would avoid such a result if another construction of the relevant provision was possible. In *Devis & Sons Ltd. Vs. Atkins* [(1977) A.C.931], Lord Diplock, in a graphic phrase refused to construe a provision which would convert it "into a veritable rogue's charter".

This was followed by a Constitution Bench of Supreme Court while interpreting certain provisions of the Prevention of Corruption Act in the well known *Antulay's case*, Justice Desai observed:

"that the Corruption Act was enacted to make more effective provision for preventing bribery and corruption. Consequently, the Act must be so constructed as to advance its object and purpose and not to defeat them. If the words of an Act were clear and unambiguous, the Court must give effect to the natural meaning of those words. The question of construction arose only in case of ambiguity or when "*the plain meaning of the words used in the Statute would be self-defeating*" (italics supplied). The court must give effect to the intention of the

Legislature keeping in view the mischief which the Act was designed to suppress."

Rejecting the contentions on behalf of Antulay, he said:

"Such an interpretation is contrary to all canons of construction and leads to an absurd end product which of necessity must be avoided. Legislation must at all costs be interpreted in such a way that it would not operate as a *rogue's charter*." (italics supplied).

With reference to the use of Parliamentary debates in the interpretation of statutes (not Constitution), Mr. Seervai has observed thus:

"In *Devis v. Johnson*", all the Law Lords affirmed that it was a well established and salutary rule that Hansard (Parliamentary Reports) can never be referred to by Counsel in Court and therefore can never be relied on by the Court in considering a statute or for any other purpose. Therefore, it was wrong for a Judge to make any judicial use of the proceedings in Parliament for the purpose of interpreting statutes"....

The Supreme Court additionally quoted *Encyclopaedia on Religion and Ethics* Vol.VI - Dr. Radhakrishnan, former President of India, Monier Williams, Prof. Toynbee, unabridged edition of Webster's Third *New International Dictionary* of the English language, *Encyclopaedia Britannica* (15th Edn.) and B. G. Tilak's *Gitirahasya* etc., the majority and minority views of the Supreme Court on Secularism in Babri Masjid case, the need for a positive outlook by Maulana Wahiduddin Khan.

All the same, the Supreme Court legitimized '*Hindutva*' by its ruling as under:

"It is the kind of use made of these words and the meaning sought to be conveyed in the speech which has to be seen and unless such a construction leads to the conclusion that these words were used to appeal for votes for a Hindu candidate on the ground that he is a Hindu or not to vote for a candidate because he is not a Hindu, the mere fact that these words are used in the speech would not bring it within the prohibition of sub-section (3) or (3-A) of section 123. It may well be, that these words are used in a speech to promote secularism or to emphasise the way of life of the Indian people and the Indian culture or ethos, or to criticise the policy of any political party as discriminatory or intolerant. The parliamentary debates, including the clarifications made by the Law Minister quoted earlier, also bring out this difference between the prohibited and permissible speech in this context. Whether a particular speech in which reference is made to *Hindutva* and/or Hinduism falls within the prohibition under sub-section (3) of (3-A) of Section 123, is, therefore, a question of fact in each case."

With this homily, the Supreme Court dismissed the appeals filed by the disqualified candidate and his election agent.

The seeds of mischief nipped in the bud by the salutary provisions relating to corrupt practice under the Representation of the People Act were nurtured by this observation of the Supreme Court which was unnecessary for the disposal of the appeal before it. It should be noticed

that the Apex Court was hearing an appeal from the judgment of an Election Tribunal. An appeal no doubt is rehearing of a case tried by the inferior Tribunal. But its scope is limited. The right of appeal is incorporated in the Indian legal system by our law makers from the British Appellate process. But rehearing is limited to an examination by the appeal Court of transcripts of the proceedings below and other documents relating to the case, supplemented by the arguments of counsel. (See '*FINAL APPEAL*' - A Study of The House of Lords in its Judicial Capacity). That is the reason that as far back as in 1832 the necessity of reforming judicial House of Lords considered as a Court of Ultimate Appeal in the administrative of civil justice was examined. Some observations made in this context are very apposite.

The only ground upon which a suitor ought to be allowed to bring the judgment of one Court for examination before the members of another is the certainty or extreme probability of finding in the latter tribunal more wisdom and learning, more maturity of deliberation, and a greater capacity of sound decisions; than existed in the court from which the appeal is to proceed. But as every appeal is of necessity attended with the two great and positive evils of expense and delay, it is the bounden duty of every wise and good government to take all possible care that the court of appellate jurisdiction shall possess those advantages, and that superior capacity for wise and impartial adjudication, upon the presumption of possessing which, the public support and the confidence of the individual suitors is given to the institution.

JUSTICE P. P. BOPANNA, is a retired judge of the Karnataka High Court.

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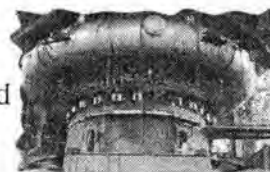


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The Forgotten Freedom Fighter

N. B. Grant

Little is it realised that, if it was not for the last stand made by the Indian army at Kohima, perhaps we would have been under the Japanese yolk.

The nation celebrated its 57th Independence Day this year, with rallies, flag hoisting and speeches to honour its 'Freedom Fighters' who went to jail. Our government in general, and our politicians in particular, have never considered our soldiers as freedom fighters. Little is it realised that, if it was not for the last stand made by the Indian army at Kohima, perhaps we would have been under the Japanese yolk. The last shot of course was the Naval mutiny, which made the Englishman realise that he could no longer rely on the Indian armed forces loyalty, and he decided to quit.

The Indian society has never accepted honouring of its soldiers, and more so after Independence, as it seems to be still suspicious of, and holds a sub-conscience grudge against the army, because of the so called 'preferential' treatment they enjoyed during the British regime. The mindset that our erstwhile Freedom Fighters had, namely, that the British were ruling India only through the Indian army, still continues. During the VE and VJ commemoration week, India was the only country that did not honour its soldiers role in World War II. The fact that, we had 2,50,000 men in the field, had suffered 1,06,843 killed and wounded, and had won 31 VCs, 131 MCs, 4 GCs, 252 DSOs and 347 IOMs, the highest percentage of awards won by any commonwealth country, did not rouse even the slightest emotion in our government and our civilian society.

It may be recalled that, at the 25th anniversary of the '71 Bangladesh War, we had asked the Government to let us celebrate this

with all the pomp and glamour that this victory deserved, but which was refused on the grounds that this may have political ramifications with the Bangladesh Government. At the last moment however, the government relented, and agreed to have just one day's celebration - *Vijay Divas* in a low key. Even here, the Indian bureaucrats ignored Field Marshal Sam Manekshaw, the victor of the 1971 war, by sending him a last minute invitation, which he naturally refused to accept. Even at Mumbai, the '*Vijay Divas*' was held on 16 December, without the attendance of a single state politician, bureaucrat or even a representation from the police force. It shows the callous indifference and outright disrespect for our armed forces by the civil society.

Again in sharp contrast to the way all other countries honour their fighting men, when our IPKF boys returned from Sri Lanka, the Tamil Nadu CM, leave alone not making any attempt to ceremoniously receive them and give them a hero's welcome, went out of his way to slight them. However, what really takes the cake is the fact that no President who is also the Supreme Commander of the Forces, has ever once paid homage to the unknown soldier at the Amar Jyoti Memorial at India Gate, the sole exception being the present one, Dr. Abdul Kalam. Finally, if there is one event on which we must hang our heads in shame, is when six years ago, at the 50th anniversary of the founding of the UN, at a function held at Sapru House in New Delhi, after several foreign and Indian dignitaries had spoken, it was left to a UN British representative to ask the au-

dience to stand in silence, in tribute to the seven Indian medical personnel killed in Somalia. There can be no greater shame, than for our erstwhile rulers to remind us to venerate our own service dead.

In 2002, the British government had erected a War Memorial in memory of all the Commonwealth troops who laid down their lives in world War II. An extract from a British MP Baroness Flather's letter of 25th November, 2002 is given below, which speaks for itself:

"The Queen came and opened it on 6 November, stayed with us for a whole hour and met every single person who was there. There were over 70 ex-servicemen lined up for her and the British High Commission were able to get Umrao Singh VC to come over here which was a real thrill. In other words it all went extremely well except for one small factor, the Queen's car was to be escorted by two guards from Pakistan and two from India, the Pakistanis arrived but the Indians did not. To this day we do not know why, as we were not even told that they were not coming. I don't know why the Indians are so mean about these things. It was really hurtful to see the gorgeous Pakistanis escorting the car and no Indians."

It is really an Indian miracle that, the real freedom fighter, the forgotten Indian soldier, who is always belittled, still continues to fight to maintain that freedom, both against external and internal aggression, not just by going to jail, but by laying down his life.

BRIG. N. B. GRANT (Retd.) is a freelance writer and a regular contributor to *Freedom First*.

Self-reliance : the keynote of our independence

Long before we won our freedom, self-reliance was the goal of those of our people who could think for themselves and shed the shackles of dependence: men of foresight and determination, like Ardeshir and Pirojsha Godrej, who had confidence in the country's capabilities and shared the same ideals with Tilak, Tagore, Gandhi and Nehru who practised self-reliance.

In Godrej, self-reliance has been considered indispensable to progress, the aim being not just self-sufficiency for the or-

ganisation but for the whole country. Progress can only be achieved in a milieu of progress.

Based on our country's needs, and exploiting the country's own resources, Godrej have diversified.

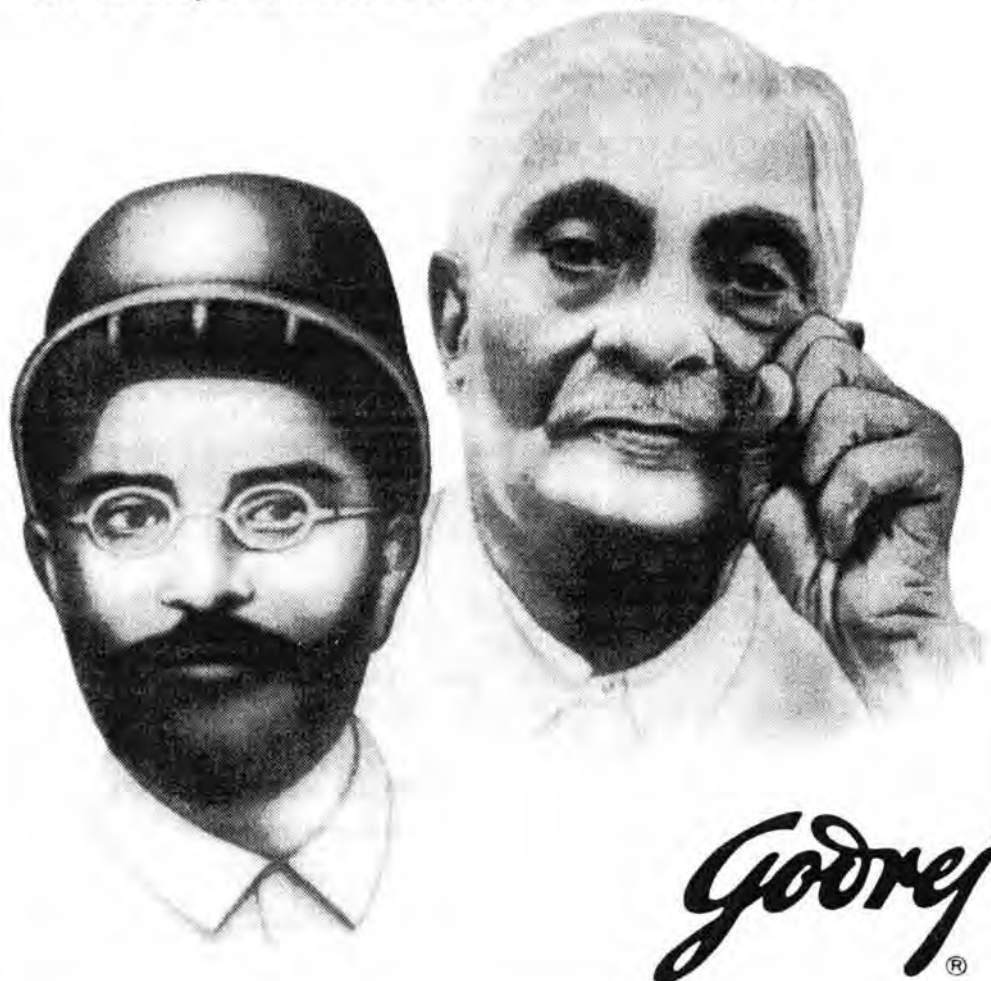
Made to international standards and backed by continuous technical innovation, their products range from locks and security equipment, machine tools, forklift trucks, architecture and steel castings to furniture, typewriters, refrigerators, computers and elec-

tronic business systems as well as soaps, detergents, toiletries, chemicals, animal feeds, agro-products and edible oils.

The Godrej industrial garden township at Vikhroli-Pirojshanagar is an example of self-reliance and progress. For their workers Godrej have provided—in a unique environment—many social benefits: extensive housing, schools and adult education, recreation, medical and family-planning benefits...

Self-reliance is both a means and an end.

For Godrej it is the essence of independence.



PROFILES OF INDIAN LIBERALS

G. Parameswaran Pillai of Travancore

(1864-1903)

R. Srinivasan



Political agitation by the youth came into its own in the Madras Presidency during the first decade of the 20th century when B. C. Pal visiting the Andhra districts of the province electrified a whole generation with his lectures on Swadeshi and the new spirit of nationalism.

However, even earlier in Travancore, an agitation of a different sort had started against the Diwan. It was an expression of grievances. A number of spirited articles in the *Western Star* published from Cochin criticised the government policy of employing outsiders when educated people, and equally qualified were available in the State. The subjects had long chafed under the policy of preferential treatment in employment to Tamil Brahmins overlooking the claims of deserving Malayalees. It was alleged that "... when any vacancy occurs, one need only refer to the long list of Rows to choose the

right person, and it is only a question between one particular Row and another ..."

Being a touchy subject, both the Government circles and the interested public wanted to know the author of these articles but were unable to do so. The Government tried hard at this and after a long time was able to trace them to a young collegian and two of his co-students of the Maharajah's College at Trivandrum. In spite of government directives, the Principal was not prepared to expel them from the college; an official direction had to be sent to expel them from for creating "disaffection". G. Parameswaran Pillai and his two fellow students had to get out of the college but the public was agitated at this, for it smacked of the then prevailing Russian methods of suppressing dissent.

This was to mark a new era of protest in Travancore.

Parameswaran Pillai the student had an admirable record both in his studies, sports and public speaking. However, writing to newspapers was a passion with him and was to remain so all his life. The expelled author became a hero to the students. Attempts were made time and again to persuade him to implicate some officials as being instigators of these articles. But Pillai refused. Spies were set upon him to watch his activities and efforts were made to involve him in the other anti-State activities though

he had nothing to do with them. Pillai went to Madras through Cochin and the police were in hot pursuit to arrest him and bring him back to Travancore. Pillai in total ignorance of these moves, went to the capital. It was providential that he arrived in Madras free from the clutches of the Travancore police.

He joined the Presidency College and the police were still in hot chase. In fact, in the Presidency College Hostel, a police inspector from Travancore accompanied by a sergeant of the Madras Police went in search of him to arrest him. He was within an ace of being arrested when he escaped and sensing danger went to the High Court of Madras, sent a petition to the Governor of Madras and another to the British Resident at Travancore appraising them of developments and praying that if at all should he be tried, it should be in a British court and not in Travancore. The prayer had its effect. He was able to continue his collegiate studies in Madras and worked simultaneously as translator in the Madras High Court.

Travancore State by then had degenerated from being the model state that it was decades earlier. It was a state where its own subjects had no role in the higher administration but had to witness supinely outsiders controlling it. G.P., under a pseudonym wrote a number of articles on the sad state of affairs in his native Travancore and these were appreciated and

commented upon in leading newspapers like the *Hindu*. He also wrote a number of pamphlets, the most celebrated of which was an open letter to Lord Connemara, the Governor of Madras (1887) on the occasion of his official visit to the State.

G.P.'s pamphlet, *Travancore for the Travancoreans*, was to elicit a deep response not only in the State but outside too, for the claims were only just and the case backed up by facts and figures presented irrefutably. A specialist on modern Travancore observes: "... In the field of patronage, the Dewans of Travancore traditionally had wide scope and large soft spots for their relatives and castemen. In 1843, the Madras Government reprimanded Reddy Rao for employing two of his sons in the *Huzur Cutchery*. Madhava Rao himself drew a similar reprimand in 1863 when it was discovered that six of his relatives including his son-in-law and Rama Rao, were in posts worth a total of Rs.550/- per month. This trend was said to have continued and Brahmin favouritism reached a new peak under Ram Iengar ... (T)here is

no doubt that the large non-Malayali element was at least maintained while the number of educated unemployed Nayars was increasing ... (in) the Rama Rao administration ... the Dewan's son was his private secretary, his brother found a post in the palace and his daughter-in-law's uncle became a Zilla Court Judge ..."

The next act of G.P., that of organising a memorial to the Maharajah of the injustices involved in the natives being systematically excluded was to create an unprecedented stir in the State. A memorial called the Travancore Memorial (1891) was drafted by him. Over ten thousand signatures were collected and this was presented to the State. Meetings were held in almost all the important towns and all communities - Christians, Anglo Indians, Latin Christians, participated. The Government was compelled to receive a deputation.

He was the first to raise the issue of the degrading treatment meted out to the Ezhava community in the State. A very highly qualified doctor of the community, educated

in Paris, could not get employment in the state. The government being indifferent to the claims of the community, G.P. made a member of the House of Commons raise the issue on the floor of the House there. He also had this debated in the National Social Conference held in Poona in 1895.

He made Madras his city and wrote for all the newspapers and served as leader writer in a couple of them. The *Madras Standard* made him its editor in 1892 and the tri-weekly was made a daily and he introduced several interesting features in the paper. Distinguished liberals like D. E. Wacha and W. S. Caine wrote for him. His newspaper articles were read with great interest. And his indiction of men in power for their irresponsible actions was severe.

Public activities in the city saw in him an active participant. Both social reform and the Temperance movement found in him a great supporter. It was he who was responsible for ensuring that a statue of Sir. T. Muthuswamy Aiyar, the acting Justice of the Madras Court was put up after effectively silencing his opponents. The inner circles of the Congress found him an eager participant. He gave publicity to the activities of Mahatma Gandhi in South Africa through the columns of his newspapers. There was not an eminent public figure with whom he was not close and who did not regard him highly.

In 1897, during the celebrations of the Diamond Jubilee of Queen Victoria, G.P. visited England and addressed several meetings and enlightened the British on India and her problems. He also published *Representative Indians* introducing many eminent Indian figures to the British public. He also wrote of his impressions of England

Don't Eat Sweets in Bed!

Our Shri Vamanrao has sent the following story which could be useful to the little ones in your home or neighbourhood. Please read on and advice your friends and family

A little boy died because surgeons found ants in his brain! Apparently this boy fell asleep with some sweets in his mouth or with some sweet stuff beside him. Ants soon got to him and some ants in fact crawled into his ear which somehow managed to go to his brain. When he woke up, he did not realize that ants had gone to his head. After that, he constantly complained about itchiness around his face.

His mother took him to a doctor but the doctor could not figure out what was wrong with him. He took an X-ray of the boy and to his horror, he found a group of live ants in his skull. Since the ants are still alive, the doctor could not operate on him because the live ants were constantly moving about. The boy died.

So please be careful when leaving foodstuff near your bed or when eating in bed. This might attract ants. Most importantly, never eat a sweet before going bed. You might fall asleep and suffer the same fate as the little boy.

Contributed by Bhalchandra Patankar

and of Europe for his newspaper and these were published later.

An article that he wrote in the *Madras Standard* on Bashyam Iyengar invited the wrath of the great lawyer and the offended eminence sued him for defamation. Friends intervened and a compromise was arrived at and G.P. published an apology. People hoped that matters had ended when Bashyam pursued his suit and had the satisfaction of seeing the editor persecuted. Though G.P. lost the case, the Indian public and the intelligentsia were with him. *The Indian Social Reformer* spoke for the majority when it observed: "... We do not believe that the *Standard* will fall in the estimate of those who would otherwise admire it, merely because on one hot sleepy afternoon, the editor penned a phrase which brought him within the clutches of the law ..."

Stung to the quick, G.P.

decided to study the law and again went to England. He stayed for three years and pursued his education. Since he had no resources, he had to earn a living by writing for newspapers. Apart from studying, he also addressed public meetings. He drew the attention of the British public to the conditions of Indians in South Africa and of India too. He had willing listeners. A liberal to the core, he was extremely well read in the literature and was totally immersed in its values. W. E. Gladstone was his hero and while in England, he made it a point to meet him and he was to cherish the memory of this dearly.

In 1902, he returned to India, shattered in health due to over-exertion. He was welcomed with great enthusiasm in all the towns of Kerala and he enrolled in the Travancore High Court as a lawyer. The Government which twenty years earlier had tried to prosecute him

now offered him a high position which he declined. In a very brief period he became one of the leaders of the Bar. His broken health could not recuperate and he passed away in May 1903 at the young age of 39.

One cannot do better than to end with an observation of Eardley Norton, himself a public figure of eminence in the Madras Presidency:

"With him died a brave unselfish spirit, not lightly to be deterred from the sense of public duty by threats of social ostracisms or the loss of official favour".

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DR. R. SRINIVASAN, retired Professor of Political Science, is Associate Editor of *Freedom First*.

Train(ed) Empathy

During the 1971 Indo-Pak war I was commanding a fighter combat (Hunter) squadron on the western border. Our operational missions took us to targets deep inside enemy territory and usually ended with a long, low-level, high-speed recovery to base with some gun ammunition held in reserve for any unplanned encounter. The standard briefing was, that if a lucrative 'target of opportunity' presented itself on the return flight, we were free to attack.

On 7th December I led a four-aircraft counter air strike on an airfield and the mission was recovering to base mid-afternoon. As we neared the Jhelum-Lahore railway line, from the corner of my eye, I noticed a train moving northwards. Normally, as a measure of caution during periods of war, rail traffic moves only by night. I therefore concluded that a train moving by daylight must be conveying vital enemy

equipment and/or personnel needed at the front. On receipt of my decision to attack the train, my well trained team immediately got into attack formation.

Meanwhile we had overflown the railway line and, as I pulled up to turn back and roll in for a gun attack, I could see it was a passenger train as scores of people were scrambling out of the now stationary coaches and sliding down the steep embankment. I was now closing in rapidly and could make out that they were quite evidently civilian passengers including children who were being passed down from carriage doors to others desperately trying to detrain and get to safety. I saw nothing lucrative in shooting up helpless civilians so I fired my guns just over the train and into the empty fields beyond. As I glanced back, intending to call off the attack, I saw three other bursts of gun fire just over the train and into the

empty fields and beyond.

In my team debrief and official mission report I made no mention of the train attack. Later that evening at the daily get-together of my squadron officers, the deputy leader of the afternoon's mission expressed surprise that, contrary to my normally thorough debrief, I had said nothing about the attack on the train. "What is there to say?" I queried looking him straight in the eye, "I was appalled at the poor shooting from the three of you". He looked straight back at me and with a smile murmured, "Just following the leader Sir". I looked at the three of them with pride and we said nothing more but the advertising caption of a certain international airline came to me: 'Great People to Fly With'.

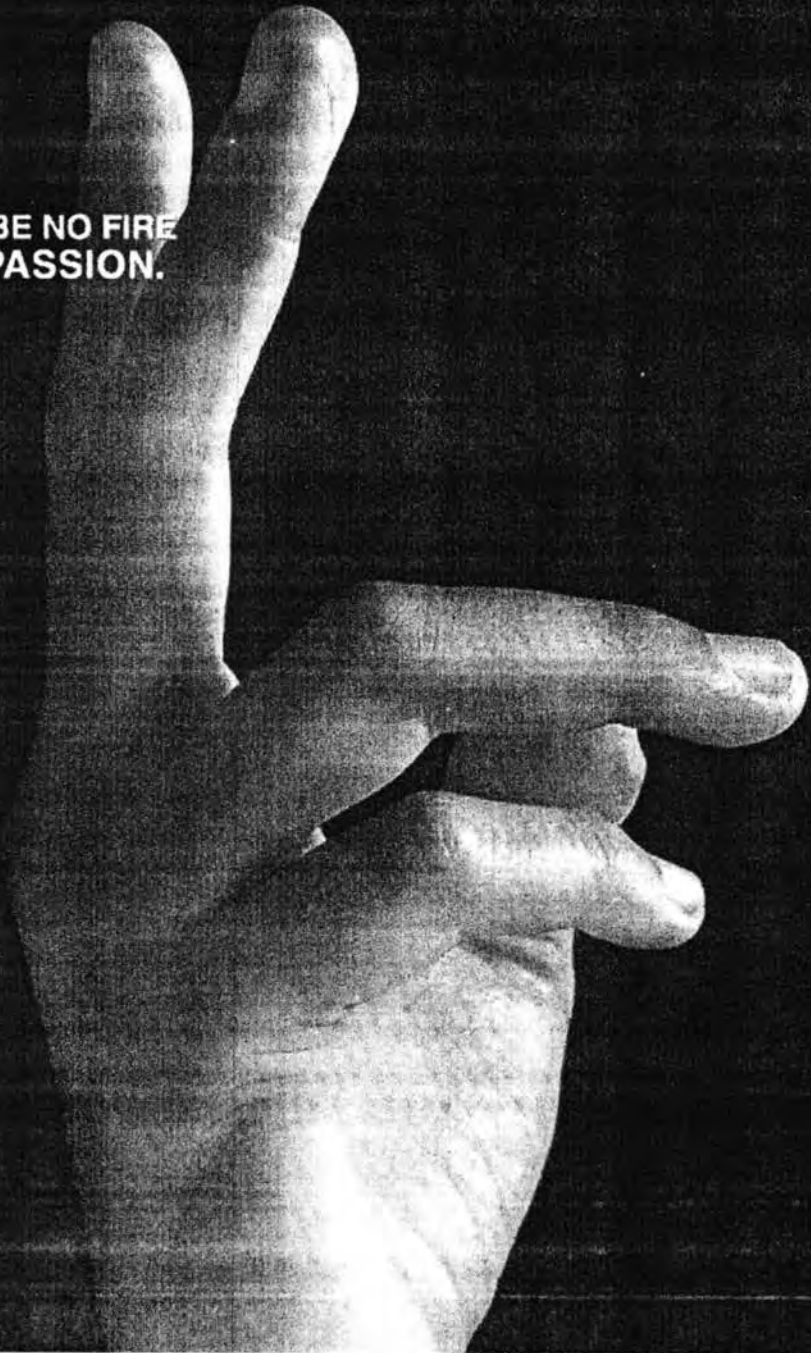
AIR VICE MARSHAL CECIL PARKER (Retd.) is a freelance writer and lives in Secunderabad.

Cecil Parker



GODFREY PHILLIPS

THERE CAN BE NO FIRE
WITHOUT PASSION.



Bernard Levin

Doyen of Columnists



Arianna

Freedom First had a special relationship with Bernard Levin. "My friend Bernard Levin", wrote Mr. Minoo Masani in *Freedom First*, "has been a good friend of India. I first became aware of him when during Mrs. Indira Gandhi's bogus 'emergency', he took up cudgels on my behalf and supported my successful attempt to defeat her censorship. Since then, whenever he writes about India, it is as a friend."

After I took over as editor I met Bernard Levin on one of his trips to Bombay and asked his permission to reprint his columns whenever they were of interest and relevance to the Indian reader. He replied that *Freedom First* was free to 'lift' anything he wrote anywhere and not only in *The Times* (London) and if anyone raised any copyright issues to refer them to him! We took him at his word and long-time readers will recall the many Bernard Levin articles we published in *Freedom First*. We are therefore honoured to carry this tribute to him by someone who was close to him, stretching his permission to carry anything written by him to something written about him. Thank you Arianna.

Ed

Bernard Levin, for many years the principal columnist of *The Times*, died in London on August 7, 2004 at the age of 75. He had been ill with Alzheimer's for many years. His beloved companion, Liz Anderson, was at his side.

Levin's writing was an adornment of *The Times* from the moment he joined it in 1971 until his last piece in 1998. His articles, sometime racy diatribes, sometimes classical essays, were satirical, humorous, scathing and anathema to power. He came to journalism not from news reporting but from cultural comment. He approached every topic with both guns loaded. His targets were not always original: dictators, Tory politicians, bank managers, lawyers, bad plays and anti-Semites. But the aim was always fresh, helped with supporting fire from his beloved Shakespeare. He never talked down.

Levin was born of Lithuanian parents and went to Christ's Hospital and the London School of Economics. After considering a career as a barrister he decided that the law was more tempting as a

target than as a vocation.

He began work on a magazine called *Truth*, moving to the *Spectator* to start the Taper political column. He went on to become the *Daily Mail's* theatre critic, a job and a lifestyle he adored. Then in 1963 he took a gamble by joining the experimental BBC satire show, 'That Was The Week That Was'.

Fame did not spoil Levin. He merely upped his game - and his market. He left the *Mail* on typically acrimonious terms and in 1971 joined the *Times*. His output was phenomenal. He responded to careful handling with intense loyalty to the paper. In addition to his twice-weekly columns he added longer pieces, usually on travel and good living, for the *Saturday Review*. When leaving on a long journey, he would sometimes leave four and even eight columns "on the shelf" for use in his absence, an extraordinary feat of sustained creativity.

Levin's forte was rarely politics, to the delight of most of his readers. He did not like politicians and never regarded their calling as

meriting subtlety in comment. He loathed authority, be it from the Soviet Communist Party, the Lord Chief Justice or the North Thames Gas Board. It was a loathing rooted in part in his Jewish background and his commitment to the memory of the Holocaust. I once hinted - one never did more to Bernard - that he might do a column on some passing governmental crisis. I got back an essay "on enjoyment" by his hero, Montaigne. I forget the crisis, I remember the Montaigne.

Levin was a private man who never accepted outside appointments. He was widely honoured, with a CBE and what he modestly referred to in *Who's Who* as "many awards for journalism". I think he knew he was at his best in the stalls, pen in hand and honey or vitriol at the ready. He was an outsider who wrote from within himself. The truths of the world were to be found not in current affairs but in the arts and music, in what he eulogised as "enthusiasms". His last published work was a history of utopia, appropriate for one whose life was so committed to cleansing the stables of Augean.

Bernard's own politics were Manichean. He saw no point in giving quarter to what he knew was evil. His default mode was totalitarianism, anti-Semitism, censorship, retail banking and Home Secretaries playing to the right-wing gallery. He loathed them all, unsurprisingly from the son of a Lithuanian Jew. Yet the umpteenth assault on a pet hate still seemed fresh, with a new angle of attack, a new ally in support. Tyranny was timeless and timeless must be its foes.

Bernard was rather a commentator on the human condition, and it is through this door that in my view he enters the pantheon of essayists, "a writer who talks on paper". His topics might be no more than the sweepings of the daily press. He might discover an errant pools winner or a discourteous shop assistant or an overpaid footballer. Each he would pull from under its stone and hold up to the light of day - and of yesterday. "Sit we upon never so high a stool," he quoted Montaigne, "yet sit we but upon our own tails."

Such was Bernard's love of Montaigne that he once devoted five columns to him in a row, sorely testing his editor's, not to mention his readers', patience.

Though Bernard could be rude - he had the good fortune to be punched on live television by the husband of a victim - in print he conveyed the courtesy which Lord Clark regarded as the defining quality of civilisation. It was especially the courtesy of the English language. When helping Philip Howard and myself rewrite the Times Style Guide, Bernard was the conservative, the stickler. He felt comfortable with traditional grammar and spelling, and seemed nervous should indiscipline or "anarchy be loosed upon the word".

Bernard was deeply romantic. He loved the company of women, finding them a little messy, perhaps too complicated and certainly too simple. He never married and thereby won himself a million hours of reading time. He was fastidious, yet seemed always on the brink of some great profundity. It was this depth that made him a majestic exponent of Shakespeare. He seemed to shudder in the mere presence of the Bard, and even wanted 'Twelfth Night' banned in schools, "the delicacy of the emotional relationships being too fragile and subtle". He loved Dickens and his "thick, implacable pencil line between right and wrong", rather than Trollope and his decadent parliamentary quadrilles. Hence perhaps also his dislike of Bach. Which brings me to music. Few men have written so beautifully on a subject of which Shaw said no one could sensibly write. To Bernard, "the power of music is concentrated like the atoms in those stars of which astronomers tell us that a single grain of their earth would weigh thousands of tons." To understand music fully, "we must await until our

hearts are quiet enough to hear the secret harmonies which were so long inaudible". Then and only then are we ready for Mozart. Indeed Bernard commanded, "Beethoven first, for the boy who wants to put the world to rights; Wagner next for the man unable to put himself to rights; and Mozart at last, as the shadows lengthen, to confirm the growing belief that there is a realm where everything is known and yet forgiven."

I am tempted to offer Prospero, and have Bernard end his revels here, have him break his staff and "deeper than did ever plummet sound, I'll drown my book". I know he would say, "Oh come on, friend, that's going it a bit." Yet he would not resist. He would pause and, I think, plump for Ariel:

"There I couch when owls do cry.
"On the bat's back I do fly
"After summer merrily:
"Merrily, merrily shall I live now
"Under the blossom that hangs on the bough."

Courtesy: <http://www.ariannaonline.com/>

Stricken by Alzheimer's

I was in London with my daughters. The Alzheimer's was by then sufficiently advanced that I could no longer talk to him on the phone, so I called Liz Anderson, who had been a true gift in his life, to arrange to see him. That was when she told me that Bernard's condition had so deteriorated that she had to arrange for him to be moved to a home. We decided that he would be brought to the Berkeley where I was staying so we could have tea - another favorite ritual of his. "Arianna," she warned me, "he may not recognize you." The warning, however, did not prepare me for the shock of not being recognized, especially because Bernard looked exactly the same - as always fastidiously dressed and mannered, except he turned down the tea and asked for water. And then, no matter what memories, nicknames, shared moments I brought up, there was no connection. I went back to my room and wept.

... It was 1988 when he had come to stay with me in Santa Barbara, and we had made the round of doctors in Los Angeles, to find out why he kept losing his balance, or not being able to retrieve certain words. Looking back, it is astonishing that nobody diagnosed it as a very early stage of Alzheimer's.

The hardest time was four years later. By then, we were living in Washington, and he came to stay with me there. The medium he had mastered - words - now kept eluding him. It was such a cruel turn of fate. The man who could recite entire Shakespeare passages without faltering, was now struggling to find a simple, everyday word lost in the recesses of his memory. "I can't take this," he kept saying. "I'd rather be dead."

Arianna

Debate

Indian Citizens of Foreign Origin: Reciprocity of Privileges

My previous article (FF460, P.32) has not received the desired feedback. Perhaps, the readers are relieved that the issue is dead. But, in reality, it is not. It has only smouldered. However, my learned friend, Mr. N. Dharmeshwaran, has raised some queries (FF461, P.29). "Sonia-itis": Yes, but it has been used more as a case-study. Of course, it is subjective, also.

Regarding "First Class Citizenship" - true, there is no such classification. That is why, I have mentioned it in quotes. The American Constitution does not make any (naked) discrimination among its citizens. But, yet, it will not take certain risks. Hence, certain high and sensitive Offices are reserved for citizens by birth. The rest is all implied. A Governor's office is not reserved. But, please appreciate that Foreign Affairs, Defence and a few more are beyond the domain of a State. They are all federal subjects. Subtle means are normally adopted for reservation and discrimination. Take the example of the United Kingdom, the 'Mother of Parliaments'. A Protestant alone can be the Head of State. But, it is not explicitly stated anywhere. However, it is implied. For, the Head of the Anglican Church is the Head of State!

Here, I am much concerned about the "Reciprocity of Privileges". About six years back, Mrs. Sonia Gandhi staked her claim for the Prime Ministership. Mr. K. R. Narayanan, the then President, was about to accept her claim. But, in the final tally, the arithmetic went against her. Hence, the claim was rejected. (No 'sacrifice' involved). Now, soon after the general elections, Mrs.

Gandhi again staked her claim for the Prime Ministership. The President, Dr. A. P. J. Abdul Kalam, asked her to produce a certain document. But, instead of doing so, she just announced that her conscience does not allow her to become the Prime Minister and so, she is sacrificing the post.

The question now is regarding the document and why it was not produced. To my mind, the document refers to the "Reciprocity of Privileges". That is, whether or not there is a written understanding between India and Italy which enables an Italian Citizen of Indian origin to be the Prime Minister of Italy, *mutatis mutandis*, of India. To my knowledge, there is no such understanding. That must have been the reason for the lady's inability to produce the document. (But, the inability was not acknowledged). I am wondering how Mr. Sorabjee, former Attorney General, missed this vital point. At any rate, we, the Public, have the right to know the facts. Rashtrapati Bhavan should enlighten us. People like me may be wrong. Who knows?

Tail Piece: The President's Vote: FF460, P.13 Yes, the President, being a citizen of India, can vote. But, he should not. He should, rather, sacrifice his privilege (right) and, instead, only do his duty. Even Caesar's wife should be above suspicion.

K. N. Krishna Prasad
Mysore

Defending Re-trial in the Best Bakery Case

This has reference to the article "The Perils of Criminal Re-trial" written by Mr. Nitin G. Raut in the January-March 2004 issue of *Freedom First*. The tone and tenor of the article is against the liberal tradition, considering the facts and circumstances involved in the Best Bakery case. Moreover, what is perplexing is the fact that the author is a member of the Advisory Board of *Freedom First*.

What the article fails to mention is the fact that the all the witnesses, including those who turned hostile, belonged to the minority community. This was neither merely a case of witnesses turning hostile nor was the uproar that was stirred merely about witnesses turning

hostile. Now that the Supreme Court of India has ordered a retrial of the case, the facts have come out in the open. The facts, besides witnesses turning hostile, involved the breakdown of the judicial machinery, the prosecutors virtually pleading for the accused, presence of gun-toting councillors in the trial Court, the prevailing politically vitiated atmosphere and the fact that the accused belonged to a minority community. The severe indictment of the state government by the Supreme Court of India, in ordering retrial, does not make this case anything other than *exceptional* and hence, being rarest of the rare cases, retrial was inevitable.

The author some how could not conceal his

distaste for the NGOs who so vigilantly pursued this case by bunching them with page three coffee-shop elites. On the contrary the leader of one of the NGOs, in whose custody the prime witnesses was kept, is an equally honourable member of the Bar as the author himself is and as much a page three celebrity as the author! When the majority community shuns the witnesses, when the state prosecutors instead of prosecuting the accused plead for them, when the state itself plays *Nero*, it becomes the duty of the NGOs to protect such witnesses and it behoves the liberals to support such NGOs.

The author has also discussed Article 20 of the Constitution of India, which expounds the theory of double jeopardy. This doctrine contemplates that no person shall be tried twice for the same offence. However, the Indian Constitutional provision is narrower than the English and American Rule of double jeopardy. Article 20(2) can be invoked only when there has been prosecution and punishment in the first instance. If a person has been prosecuted for an offence but acquitted then he can be prosecuted for the same offence again and be punished. In order for Article 20 (2) to be operative both prosecution and punishment should co-exist. In

fact the provision in the criminal jurisprudence for appeal against any person acquitted is, in substance, a continuation of prosecution. Hence, a person cannot be punished once again if he is convicted but he can be punished for the same offence if acquitted.

In the case of the Best Bakery, the public campaign and public trial, so stridently denigrated by the author, came to be eventually vindicated by the order of re-trial by the Supreme Court of India.

One can understand the author's professional concern that re-trial upon a witness turning hostile can become a bad precedent, prone to misuse in subsequent cases. But the Best Bakery case was not just about a witness turning hostile. There was a lot more to it. It raised significant and disturbing questions such as the conduct of the judicial machinery, the role of the state, the rights and protection of the minorities guaranteed under the Constitution and the dispensing of equal justice to the members of the minority community.

R. C. Saxena
Baroda

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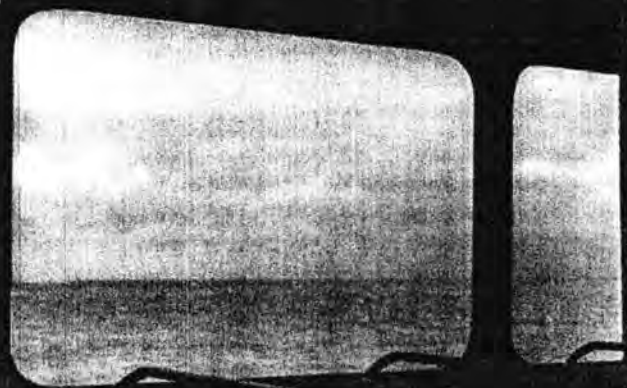
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Why settle for less?



Column D

Feedback on *Freedom First* etc ...

N. Dharmeshwaran

How *Cabbages and Kings* missed Dhananjoy's hanging: to my mind, more than the oft-heard Hamletian query of 'To Hang Or Not', the clemency petition to the President under Art.172 poses mental anguish. Is his decision merely an echo of the Supreme Court and the minutes put up by the mandarins of the Home Ministry? Is he or is he not expected to and permitted to take his own decision as an enlightened human with a sense of natural justice instead of legal consultations without bureaucratic papers, religious seers, humanists *et al* being brought in the picture. Also, the representatives of both the parties should have been able to interact with him.

My only grouse, and that respected Mr. N. S. Venkatraman had already highlighted, is that the handicapped and other hues of the Deprived have not got any mention in the 'liberal' budget. Also, river water linking, at present a liquid which has the highest flash point does not appear to be prominent!

The mention of 'growth' in line 4 from the bottom of p.5 reminds me of a gab that the difference between growth and development is that while dust bin grows, does it develop!

M. F. Hussain's latest stunt astonishes me; while what constitutes a quintessential Indian woman is debatable – to to many, Sonia Gandhi has settled that point! – I wonder how a lady who spells her surname with an 'x', never to come across in any typical Indian name, could be projected for that vision! Dikshithars in South are high priests of Chidambaram Temple and

I have come across a northern variation spelt as 'Dikshit' and going to the end of the alphabet is too much!

Only now I know that paper needs more than one hundred degrees of heat celsius or what 420 F means, with 212 equating with 100 in celsius scale. Will Ms. Louella Lobo Prabhu care to explain!

The map of SAARC nations, India the principal figure surrounded by many other jig-saw pieces! Started as an imitation of British Commonwealth, both add up to same thing: periodical jamborees, at times stopping normal work in the country, for want of the decision maker(s)

Apart from platitudes of Voice for Voiceless and 'Ram rekha' what has the presidential address at the quasqui centennial celebrations of *The Hindu* resulted in? The Voiceless suffer, but the voice of others is lost in the legislative and parliamentary din! Inter mural, intra mural, internecine *et al* quarrels, cases, prosecutions take all their time leaving no time for public welfare

Panchsheel might just be another heel but many feel or felt during the years following 1962, that the Chinese aggression served as a whack on our backs failing which, as *The Times of India* put it, Krishna Menon's Ordnance Factories would be making coffee percolators! Our Defence preparedness would not have sprouted or developed.

I totally and respectfully disagree with Shri Bankeshwar. Only the Biblical life span is three score and ten. Our Hindu

benediction is "*Dheergayushman bhava*" a full 125 years! Gandhiji aspired to it but fell to Godse's bullets.

Be that as it may, injection of pessimism about old age to the extent of trying to getting into the coffin or lying on the pyre is too much. Creative retirement and growing old gracefully are the needed topics and even the ordinary ageism is frowned upon.

Thank you, Editor Raju, for reverting to my title, although it has mercifully escaped your attention that D is the letter with which the name of yours truly starts!

To my mind, AIDS is the divine capital punishment for aberrant sex and thereafter spread by less repulsive but equally careless means. The story starts with Sodom and Gomorrah in the Holy Bible and speaks of only rain of molten sulphur! Why should we get into rather than combat thereafter?

ND

Of Communist "Diplomats"

Even with the Cold War 15 years behind us, we should take note, occasionally, of the sheer thuggery of the communists... Now comes news that in the words of a wire report, "the police in Hungary seized a member of the delegation of President Hu Jintao of China. The member had punctured balloons and pushed demonstrators at a pro-Tibetan rally in central Budapest". The official, who is protected by diplomatic immunity was released after being led away from the rally." Not every communist is a smooth urbane, Glenn Miller-appreciating, Scotch-sipping fellow like Yuri Andropov, eh?

William F. Buckley Jr. in the
National Review, July 12, 2004

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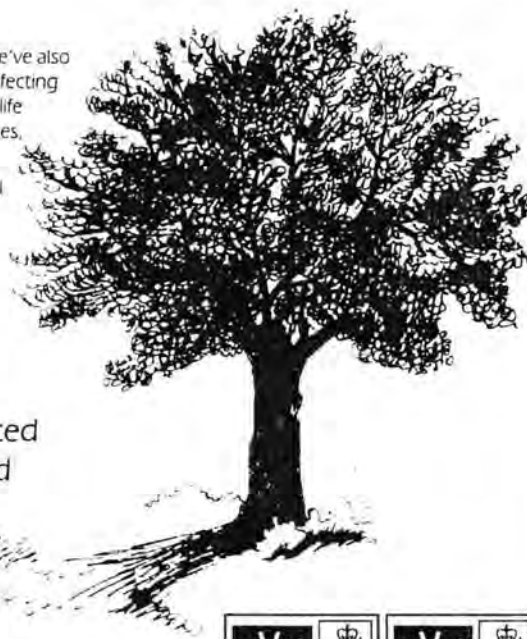
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BOOK REVIEWS



PRARAMBH (in Marathi)

by
Gangadhar Gadgil

Published by

Popular Prakashan, Mumbai 400 034.

Year of Publication: 2002. No. of Pages: 530. Price: Rs.775

Reviewed by

Professor V. C. Phadke, retired Professor of Political Science

Gangadhar Gadgil, a well-known septuagenarian author of Maharashtra and the erstwhile member of the Sahitya Academy decided to write a historical novel on Jagannath alias Nana Shankarshet, aptly described as the architect of modern Mumbai, during the early years of the British Raj in India. However, as he started penning some 500 and odd double crown pages of his 'magnum opus' in Marathi entitled 'Prarambh' (The Beginning), he could not avoid a detailed description of the thoughts and deeds of Nana's contemporaries like the first Governor of Mumbai Presidency, Mountstuart Elphinstone, the philanthropic businessman Jamshetji Jeejibhoy, the erudite editor of the first Marathi periodical, Balshastri Jambhekar, the eminent educationists Captain Jarvis and Major Candy, and the aggressive missionary Rev. John Wilson, who largely contributed to the growth and glory of Mumbai city. Consequently, 'Prarambh' has become an eminently readable historical and biographical novel of Mumbai.

Gadgil, a noteworthy Marathi litterateur, takes the liberty to create some fictitious roles like Abu Shastri, a learned Brahmin who migrates with his family from Pune to Mumbai in search of greener pastures. But as the eminent economist he is, he portrays a very large can-

vas of the social, political and economic aspects of the ever throbbing Mumbai in the first half of the 19th century.

The author vividly illustrates the assertion of the principle of judicial independence exercised by the judiciary during the Company's rule. Then, every province in India, had a Supreme Court whose Chief Justice was appointed by the British monarch. The first Chief Justice of Mumbai Presidency was Sir Edward West, who strongly believed in equality before the law. Unmindful of the consequences of his decisions, he cancelled the charters of five British barristers for unfair practices, ordered the exile of the editor of the *Gazette* for openly criticising him and imposed a fine of Rs. Seventeen and half lakhs on Governor Elphinstone for his failure to produce, as directed by the Government, all case papers pertaining to a prior contract between the East India Company and an officer of the Peshwa, the Prime Minister of the Maratha Confederacy. Ultimately, the Privy Council in England rescinded this last decision, but in the meantime, Elphinstone, who had to sacrifice his prestige and mental peace, resigned and sailed for England.

Nana Shankarshet and other zealous persons who desired a share in the judicial power, sent a petition

to the British Parliament for the posting of natives in the Grand Jury. Their demand was upheld by the Governor and the other Liberal members of Parliament. However, when it was granted, some orthodox Hindus and Jains rejected the offer on religious grounds. They argued that they could not, for example, commit the sin of killing a Brahmin by awarding a death sentence to a Brahmin criminal. The people of Chennai thought that they were not as yet fit for exercising this important right! But Nana Shankarshet and his enlightened friends eagerly accepted such posts and very efficiently carried out their responsibilities.

Reverend Dr. John Wilson was a well-versed linguist, renowned scholar, devoted missionary and able organiser. He studied the drawbacks and inconsistencies of the Hindu, Muslim and Zoroastrian religions and publicly criticised them to prove the superiority of Christianity. The Hindu pandits and Muslim mullahs, who knew very little about the Christian religion could not meet the challenge posed by the missionaries. Consequently, two young Parsee boys, Dhanjibhai Navroji and Hormasji Pestonji, influenced by their preaching, were converted; this resulted in much public clamour, and the filing of a suit against Rev. Wilson and the first

Mumbai *Bandh* took place on 16th May 1839. In the meantime, Jamshetji Jeejibhoy offered to the converted, an inducement of a good job and Rupees One lakh in cash for returning to their parental religion but in vain. Finally the case against Dr. Wilson was closed as the conversion was proved to be voluntary.

Another famous case was that of the Telangi Brahmin brothers Narayan and Shripat Sheshadri who were induced to convert. The elder Narayan was converted but the younger Shripat, a minor of 12 years, was forcibly retained in the mission school by Rev. Nesbit. The Chief Justice, Henry Roper heard the writ petition of *habeas corpus* and ordered the repatriation of Shripat Sheshadri. Nana Shankarshet and Balshastri Jambhekar bore all the court expenses. But Shripat was ex-communicated by the orthodox Brahmins because he had lived with the missionaries for 57 days. As such, the boy and Balshastri Jambhekar were required to go to Kashi (now called Varanasi) for expiation.

The custom of *Sati* observed by the Brahmins and the upper caste Marathas was severely criticised by the missionaries as it involved burning of widows, old or young, on the funeral pyre of her husband. When the Governor General William Bentinck prohibited it by law, Nana Shankarshet whole-heartedly supported the ban. He convinced the people that this horrid custom had no theological basis and hence a stigma on the Hindu religion. Although this law was opposed in other provinces, there were no protests or demonstrations against it in Maharashtra.

Nana, neither adamantly orthodox nor an ardent reformer, remained a conservative proud of Hindu religious traditions. He faithfully followed all the good customs,

rites and rituals and rejected bad customs like *Sati* and child marriage. He believed in gradual social reforms as and when society at large was prepared to accept them. He insisted on the introduction of Sanskrit in English schools and encouraged female education.

How a truly dedicated social leader like Nana could influence the policies of a foreign government is vividly shown by the author. For example, lakhs of pilgrims trudge to the holy town of Pandharpur twice a year to pay homage to God Vithoba. When they were once prohibited from going there due to cholera epidemic, Nana ensured preventive and prophylactic steps and requested the Governor to lift the ban and thereby avoid large-scale discontent among the pilgrims. Similarly, he persuaded the temple priests to allow the non-Brahmins to enter the sanctuary of the temple. (In those days, all untouchables were prevented from entering the temple premises).

While arresting some gangsters sheltered in the famous Dwarkanath temple of Gujarat, the East India Company's soliders desecrated the idol of Lord Krishna. The enraged Gujaratis of Mumbai, keen to show their unrest in a decent way, decided to boycott the celebrations at the ensuing Diwali festival. It was withdrawn, when the authorities, thanks to Nana's mediation, assured them that they would take corrective steps.

Mumbai which had borne the brunt of recurrent communal riots in the last century, had experienced a few riots during the 19th century too. A dog is considered sacred by the Parsis. The government had hired staff for killing stray dogs. They began killing even pet dogs with the help of the police who received a share of the remuneration fixed for every dead dog. A riot started by some enraged Parsis was controlled

only when the army stepped in. The Muslims ran amuck in October 1851 when a picture of Prophet Mohammad was published in a Gujarati newspaper by a Parsi editor Byramji Karsatji. Reprinted from an English biography, the picture depicted an illusion of a squint eyed prophet. This enraged the Muslims who started beating and killing the scared Parsis on a large scale. Even the army was unable to control this riot which continued for nearly two months. It came to an end only when the editor published an apology, at a meeting of people of all religions.

Prarambh adequately deals with some epoch-making events like the founding of the first political association called Bombay Association, the establishment of the G.I.P. Railway, Grant Medical College and J. J. Hospital, the Bank of Bombay, and the University of Bombay. It also describes in detail the boom and the great fall in the speculative market of exporting cotton to England during and after the American Civil War. Gadgil's Marathi diction used in dialogues is befitting the cultural ethos of 19th century Maharashtra. This book which contains a wealth of information of almost all aspects of the city life in Mumbai may prove to be a good reference book for studying 19th century India.

'*Prarambh*', produced by the prestigious Popular Prakashan, contains 28 chapters and 70 photographs of the great makers and landmarks of Mumbai. The frontispiece by the famous calligrapher Achut Palav is attractive. The book is dedicated to Gadgil's family friend Ajit Gulabchand, the Chairman and the Managing Director of Hindustan Construction Company.

When I was a very young boy in school, we were asked to write down the slogan of the French Revolution, and one bright lad wrote stating, "Liberty, Fraternity & Maternity".

Contributed by Fali Kumana, Mumbai



CRISIS AS CONQUEST

by

Jayati Ghosh & C. P. Chandrasekhar

Published by

Orient Longman Limited, 1/24, Asaf Ali Road, New Delhi 110 002.

Year of Publication: 2001. No. of Pages: 137. Price: Rs.150

Reviewed by

Dr. R. Swaminathan, Director (Retired), Asian Development Bank

I'M FINISHED – was how angry Thais, Koreans and Indonesians referred to the IMF in 1998 and 1999. This anger was justified because the IMF unnecessarily imposed a lot of avoidable hardship on the citizenry of many South East and East Asian countries since 1997.

Thailand was the country, which was not prudent in managing the capital account of its Balance of Payments (BOP). Private sector external borrowings, primarily to take advantage of interest arbitrage, went on unchecked since the early-90s, perhaps with the connivance of the highest political authorities in the country. The authors correctly point out that the IMF not only did not sound the warning signals, but even complimented the Thai government on its macroeconomic management. Finally, the heavens fell in 1997 and the Thai economy went down the tube.

Instead of diagnosing the situation correctly as a capital account crisis caused by the profligate private sector, the IMF prescribed its usual "fever mixture" remedies for a public-sector-induced current account crisis. Fiscal tightening, import liberalisation *et al*, superimposed on a fast depreciating currency, hit the average Thai with elemental force. The resultant unemployment, enhanced poverty levels and the immiserisation of the general population was totally unwarranted.

The IMF then proceeded to

train its guns on Korea and Indonesia. The "conditionalities" imposed on Korea were largely focussed on the *chaebols*. In Indonesia, the IMF pulled the rug from under the Suharto regime, its poster-boy of yester-years for deft macroeconomic management. Its wrong-headed insistence on 16 banks being padlocked overnight lit a fireball that consumed the entire economy. The rupiah went on a free-fall, touching levels as low as 17,000 to a US dollar from the pre-crisis levels of about 2,500. Further, the photograph of IMF Managing Director Camdessus standing with arms folded across his chest like a latter-day Napoleon while Suharto was humbly signing the Letter of Intent (LOI) enraged even hard-boiled critics of the New Order administration. Insensitivity, overweening institutional arrogance and insistence on feudal obedience presented the IMF in a totally uncomplimentary light during the 1997 Asian financial crisis. It also generated suspicions about a hidden agenda of the developed countries to torpedo the surging economies of Asia, with the IMF as an obliging tool. The fire-sale of many public sector enterprises, domestic banks and the bankruptcy of large private corporations which had started effectively challenging the established developed countries' MNCs, led a helplessly angry public to criticise the national governments of selling the family silver and to accuse the metropolitan powers of embarking on a neo-colonial adventure. The au-

thors openly endorse such perceptions. And for all the pious talk about "moral hazard", IMF assistance to the beleaguered Asian economies was essentially a bailout operation for multinational banks and investors. The neocon Bushies, who are intemperately croaking about Pax Americana and subservient multilateral organizations, do little to dispel such anxieties. All the brave talk, in the wake of the 1997 crisis, of "redesigning the international financial architecture" has brought forth nothing and the Bretton Woods twins still strut about like cocks of the walk.

The authors subscribe to the accepted current wisdom of attributing the 1997 crisis to uncontrolled (and undisciplined?) movement of private capital across economies. Mahathir's accusation of George Soros as personally subverting the emerging economies of South East and East Asia, while an exaggeration, did have a kernel of truth. In the early to mid-90s, the MDBs (multilateral development banks) extended "policy loans" to many South East Asian countries to open up their banking system to multinational banks "to encourage competition and upgrade standards" and to remove all controls on the capital account of their BOP. This facilitated the free movement of private capital looking for windfall income and interest arbitrage. Portfolio investments, which are at best fair-weather friends, entered and

exited these countries at their free will. At the first hint of trouble in late 1997, the FIIs (foreign institutional investors) packed up their bags and left Asia. In contrast, China and India, which had a host of restrictions on the movement of capital in and out of their economies, were untouched by this crisis. And Malaysia, which reimposed selective capital controls that effectively neutered the FIIs, was able to reject IMF assistance and gamely managed to stay afloat and prosper. Even the Bretton Woods twins accepted, rather belatedly, the "imperfect sequencing" of financial sector reforms in these countries as a reason for the conflagration.

The *obiter dicta* of the authors on how globalisation is inimical to self-sustained growth in the developing countries do not come as a surprise. Globalisation is a double-edged weapon and needs to be handled carefully. Deft government-

tal responses, effective control on the financial sector, and competent regulatory watchdogs are just a few of the basic requisites to harness globalisation for the benefit of the host economy. But, developing countries are yet to acquire such high-quality institutional mechanisms. Their agenda for action should focus on these matters, instead of pulling down the shutters.

The chapter on Policy Implications for India is very topical and comes out with useful pointers. Right now, there is a lot of euphoria regarding the \$100 billion plus forex reserves. The authors wisely observe "burgeoning reserves. ... (are) at best only a partial indicator of economic strength." The exuberance exhibited by the Sensex is largely due to FII investments. On this again, the authors rightly caution, "that managing capital inflows, especially sudden and large rushes of "hot"

money, may be as important as preventing capital flight." They also rightly emphasise the need for an inclusive pattern of development investment by the government, with rural areas and agriculture getting the attention they deserve. Whether India is shining or not, Bharat is clearly lacklustre. A deep divide between the haves and the have-nots is not conducive to national well being. Unless the "old" economy is robust, the "new" economy will not be sustainable over the medium- to long-term. Policy makers would do well to listen to such well-meaning advice.

The book, written in a very readable style, analyses the causes of the Asian Financial crisis of 1997 and comes out with very useful indicators on an appropriate policy framework for India, if it is to avoid such a destabilising turbulence.



This book is based on the author's stay of about five months in Pakistan from May to September 2001, on a fellowship awarded by the Ford Foundation for pursuing her research project entitled "Religious Resurgence, Democracy and Interstate Relations between India and Pakistan". Very little beyond the title of the project is revealed and no details are given of the methodology or the precise nature of the work done in Pakistan. However, it does not appear from the contents of the present book that it is the end-

product of the research project. The final result, one believes, is yet to be published and is presumably under preparation. This belief is also reinforced by the author's statement that she wrote the book first in Marathi, "with the intention of reaching the common man in Maharashtra". She further states that the book in Marathi secured a "tremendous response" and it also won two prestigious literary awards. She then decided to write the book in English and it was both "bigger and (more) comprehensive" than the

Marathi version. This is that book.

The book extends over some 360 pages and is divided into three parts. By far, the largest part of over 150 pages is devoted to what the author calls the "tapestry of Pakistan" and consists of six chapters. Five of these deal with the cities of Islamabad, Lahore, Peshawar, Karachi and the ancient city of Takhshila. One chapter tells us about the author's last days in Pakistan. The second part, entitled "Chessboard of Politics" has two

ACROSS THE WAJAH

by

Maneesha Tikekar

Published by

Fromilla & Co. in association with Bibliophile South Asia

C-127, Sarvodaya Enclave, New Delhi 110 017

Year of Publication: 2004. No. of Pages: 360. Price: Rs.750

Reviewed by

Professor S. V. Kogekar, political scientist and former Principal of Fergusson College, Pune.

chapters. One reviews five decades 'in search of political stability', and the other deals with the major influences on Pakistani politics. The third part called the "contours of Pakistani society" covers some 100 pages. It has three chapters, two dealing respectively with social and cultural problems while the last one indicates the perceptions of Pakistan on relations with India.

The author declares in the preface that this book "is neither a review of India-Pakistan relations nor is it an examination of the Kashmir issue. Both are outside the purview of this book. It is essentially about the people of Pakistan, their society and their cultural moorings, their life and concerns, their politics as well as their problems and also struggles. It is about Pakistani cities, their histories and movements". In another place, she explains that the book is "an outcome of my observations of Pakistani society, people and culture, my discussions and deliberations with people and small talks here and there, my travel in the country, my understanding of Pakistan through its newspapers, magazines, TV and of course, the load of books I read for my project. All this unfolded before me the contours of Pakistani life – personal, familial as well as social. Experiences are subjective but that should not impede objectivity in their narration and analysis".

The author's observations and experiences are confined to the places she visited and her contact with the countryside of Pakistan appears to be confined to what she was able to see while travelling by road or rail or what conversations she may have had with fellow-travellers. She does not seem to consider this to be a handicap in generalising about the people and their concerns.

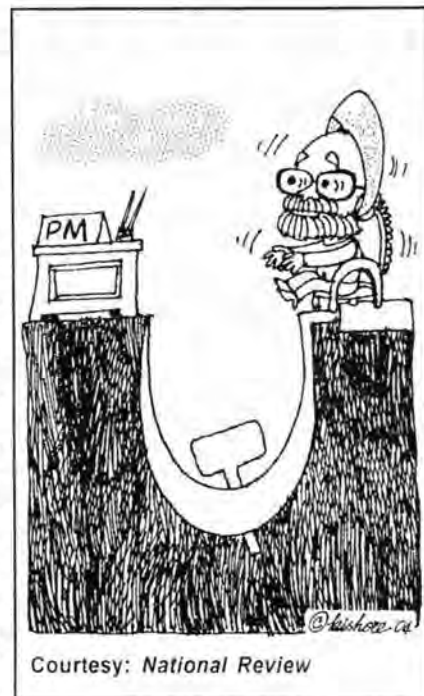
The author spent most of her period of stay in Islamabad and made only brief visits to Lahore,

Peshawar, Karachi and Takshashila. In the first part of the book, she has therefore written on these places – their history, ethnic and cultural background and the various religious sects and the tensions arising from their differences and the resulting animosities. The historical part is obviously derived from published works and is generally well written. It conveys to the reader the flavour of life in each place. Unfortunately the accounts are often cluttered up with too many names of people whom the author met or interviewed, which is rather boring to the reader because to him they are no more than so many names and nothing else. This is particularly to be seen in the chapter on Islamabad.

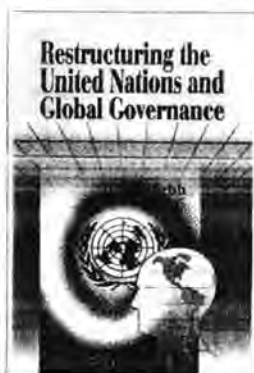
The second part of the book, "Chessboard of Politics" starts with an account of the political events and movements in Pakistan which are well-known to anyone interested in the history of the country and one does not find anything new in it. The chapter which follows, entitled "Movers and Shakers of Pakistan" is comparatively more interesting. The elucidation it provides of the process of Islamisation under successive rulers – both civilian and military – is extremely well written and is worth reading.

The third part under the caption, "Contours of the Society" is the best part of the book. It brings out the intricacies of Pakistan's social and cultural settings and the problems arising from them. It also emphasises how in the mindset of the people, in both India and Pakistan, the 'other' country is pictured as an inveterate rival whose hostility is woven into the fabric of its being. The internal stresses and strains faced by it are generally ignored and enmity to itself is regarded as its permanent and basic characteristic. How unrealistic and irrational such a mindset is, is never forcefully brought forth. The author quite

rightly regards this as the greatest threat to any attempt at establishing peaceful and friendly relations between the two countries. In the context of the ongoing efforts to improve the strained relations between our two countries, the importance of a change in the mindset of the people can hardly be over-emphasised. The author's attempt to bring home the truth that the people of Pakistan are just like us, faced with like problems of national integration, extremist ideologies, undemocratic traditional modes of life, blind pursuit of religious revivalism and self-styled protectors of this or that religion and its icons and exploitation of the common people by selfish power seekers. Unless the pressure of the people at large drives the leaders of each of the two countries to come together as partners in a peaceful development of the subcontinent, no lasting alternatives can be found to the present confrontational stance of the two neighbours. The author of this book has made a commendable effort to bring home the truth of this proposition. We should be grateful to her for it.



Courtesy: National Review



RESTRUCTURING THE UNITED NATIONS AND GLOBAL GOVERNANCE

by

B. N. Mehrish

Published by:

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Kingsway Camp, Delhi 110 009.

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Reviewed by:

Dr. Lionel Fernandes, former Reader and Head, Department of Civics
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The phenomenal changes that have taken place in recent years on the world stage merit close scrutiny, analysis and policy advocacy. The fall of the Berlin Wall with the attendant re-unification of Germany, the collapse of the Soviet Union with the concomitant emergence of new state entities in Eastern Europe, the end of the Cold War and the enhanced position of the United States as sole superpower, the political and economic rise to prominence of certain powers in the developing world—all these momentous developments have brought about a paradigm shift in international affairs. The traditional way of looking at international politics will no longer hold and revised perspectives are called for. A new world order is in the offing and a far wider range of issues confronts the international community than ever before. Matters relating to national sovereignty, human rights, good governance, the global commons, the control of armaments, the suppression of hazardous trades, the just distribution of resources within and among states, the response to terrorism and to both natural and man-made disasters—all these require urgent attention.

Mehrish takes a hard look at these issues and discusses them in some detail in his book. He surveys the world scene as presided over by the United Nations system, particu-

larly in the post-Cold War period. He points out that while global governance has been viewed primarily as inter-governmental relationships, it must now be understood as also involving non-governmental organizations (NGOs), citizens movements, transnational corporations (TNCs), the global capital market and the global mass media. Clearly, national governments alone, howsoever much they may harp on their traditionally cherished sovereignty, are out of their depth in tackling many problems that beset them in today's world. A global effort is called for in dealing with a host of issues that do not recognize national boundaries. New forms of international organization and new instrumentalities are called for. The U.N. system needs overhauling if it is to measure up to its task. But the stark fact is that the U.N. is only what the comity of nations chooses to make it, no more, no less, no other. All sorts of demands are made on the world body and all manner of expectations entertained of it. But commensurate resources and adequate powers are not entrusted to it for the purpose. Nations are often long on rhetoric and short on effective support when it is most required in crisis situations. Just as a people get the government they deserve, a world community gets the U.N. it deserves.

Mehrish points to the emergence of global civil society as of

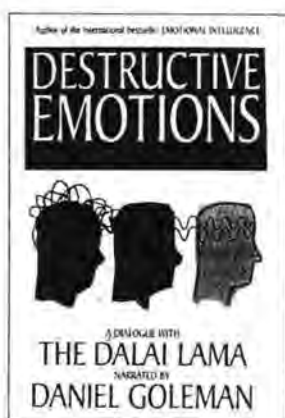
particular significance for global governance. He refers to the strong NGO participation in several U.N. Conferences in recent years, as, for example, on the Environment (Rio, 1992), Human Rights (Vienna, 1993), Small Island States (Barbados, 1994), Population (Cairo, 1994), Social Development (Copenhagen, 1995), Women (Beijing, 1995), Human Settlements (Istanbul, 1996). He endorses Richard Falk's view of "globalization from below", seen in NGO activism, as instrumental in nudging the present unjust world order in a more humane direction. He puts a high premium on the initiatives in certain areas of global governance taken by prominent international figures whose names feature in various Commissions such as the Palme Commission (Disarmament and Security), the Brundtland Commission (Environment and Development), the Nyerere Commission (South Commission) and the Brandt Commission (Global Governance). He emphasizes the fact that the notion of security is much wider and deeper than mere strategic security. It encompasses human development understood holistically. It includes vital areas such as education, health, habitat, livelihood, social justice and empowerment. The U.N. system needs to effectively address these issues if it is to remove the root causes of conflict and war, which is the underlying purpose of its Charter.

While the need to re-vamp the U.N. is generally acknowledged, there are divergent views on how it is to be done. The South would like the world body to be further democratized so as to reflect the changed and expanded nature of the international community. It would like the Security Council to reflect the present day power realities and to curb the veto power vested in the Permanent 5 (P5). It would like a more progressive role for the U.N. in development issues and a more liberal transfer of resources from North to South, with more generous debt-forgiveness and market access. The North on the other hand does not want too radical a change in U.N. structures which have all along loaded the dice in their favour. It is not in favour of making the Bretton Woods Institutions subservient to the over-arching authority of the U.N., given the weighted voting its members enjoy there. The restructuring of the U.N. will take a long time and patient negotiations. Many proposals have been mooted from time to time,

prominent among them the WOMP (World Order Model Project), former Secretary-General Boutros Boutros-Ghali's "Agenda for Peace" and "Agenda for Development" and current Secretary-General Kofi Annan's "United Nations Reform: measures and proposals". Mehrish painstakingly discusses these proposals, highlighting the ups and downs encountered in their implementation. He devotes considerable space to the discussion of questions such as funding of operations, managerial reform, preventive diplomacy and peace-enforcement, all of which have acquired salience in our time. The discussion, while informative, tends to get cluttered up with excessive detail. What is commendable is the author's concern in focusing on issues of human dignity and welfare which often tend to be side-stepped in discourses on high politics.

It would have been helpful to have the text of the U.N. Charter in the Appendix for ready reference. If

pagination was a consideration, it could have been reproduced in fine print. Likewise, the author could have explained to the reader the composition and mandate of the numbered U.N. committees he refers to from time to time. On page 79, Italy seems to have been inadvertently mentioned in place of India as seeking a permanent seat on the Security Council. On the same page, the statement to the effect that Egypt carries more economic weight than Nigeria in its claim for a permanent Security Council seat can be debated. Given the time lag that intervenes between the completion of a manuscript and its appearance in book form in India, one can condone the fact that there is a hiatus in documentation from 1999 to the present, during which time further proposals and developments in the area of global governance might have presented themselves for consideration. But Mehrish cannot be faulted on this count. He has done a competent job of throwing light on a subject of vital import to every global citizen.



DESTRUCTIVE EMOTIONS AND HOW WE CAN OVERCOME THEM A Dialogue with The Dalai Lama

Narrated by
Daniel Goleman

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Reviewed by
Professor R. V. Chari, retired professor of Commerce and Management
and a freelance writer.

In March 2000, a five day seminar was held at Dharamsala, presided over by the Dalai Lama, where eminent scientists and psychiatrists participated. The subject matter pertained to emotions, especially, destructive emotions. Ways and means of regulating or modulating them in every day life

were discussed thread-bare. Dr. Daniel Goleman, author of such popular books like *Emotional Intelligence* and *Working with Emotional Intelligence*, edited and published the proceedings of the seminar. It consists of six parts, divided into fourteen chapters. Each part may be considered as a module

and read separately.

The human brain consists of amongst other things, the pre-frontal lobe, the parietal lobe, the amygdala and the hippocampus. The pre-frontal lobe is the executive centre regulating and modulating the emotions. The parietal lobe takes care

of vision, hearing and touch. The amygdala serves as the brain's emotional memory bank, a repository for all moments of triumph and failure, hopes and fear, indignation and frustration. The neural links between the amygdala and pre-frontal lobe act as the brain's alarm. The hippocampus, by its presence, enables the person appreciate the context of events. Emotional disorders like stress and depression may actually shrink the size of the hippocampus. If medically treated, this can be arrested. The pre-frontal lobe, the amygdala and the hippocampus change in response to experience and environment. This capacity to get adjusted/accommodate to severe shocks and tremors is known as neural plasticity and is the basis of a new science termed as neuroscience.

According to Buddhist terminology, emotion conditions the mind to adopt a certain perspective or vision. An emotion may be termed destructive or negative, if it brings about: (1) less happiness, (2) less well-being, (3) less lucidity and freedom, and (4) more distortion. For example, hatred has been defined as (1) a deeply felt wish, (2) to harm some one else so as (3) to destroy his happiness. It may not be expressed specifically all the time, but will surface, all of a sudden, when circumstances are conducive to it, triggering animosity against the person. As negative emotions continually creep into the mind, they get themselves transformed into moods, eventually becoming traits of temperament. Once firmly crystallised, it becomes an uphill task to change the nature of the person. One has, therefore, to work with emotions from the very beginning.

Dr. Richard J. Davidson, who actively participated in the proceedings of the seminar, is currently Director of the Laboratory for Affective Neuroscience at the University of Wisconsin, Madison, USA. In his laboratory, he makes use

of a turbo-charged version of EEG, with state of the art software, combined with a special electrode array, which helps him to pinpoint the various activities at locations deep in the brain. He has also equipped himself with a functional MRI, which offers practically a video rendition of the changes in the brain. In addition, the positron emission tomography in his laboratory uses radioactive dyes to assess the activities of the neuro-transmitters in the brain. With such a formidable array of precise medical equipment, he has been able to track down the neurochemicals involved in a given mental activity.

Mr. Oser who had embraced Buddhism, willingly consented to an experiment to be performed on him. For many years, he had been practising meditation and had considerable success in stabilising and steadying the mind. Dr. Paul Ekman, another participant, along with Dr. Robert Levenson and Dr. Richard Davidson, after carefully briefing Mr. Oser, produced a tremendous sound by bursting a very powerful cracker near him. He had been properly wired so as to measure his heart rate and sweat response. His facial expressions were also video-taped. It was found that Oser remained unperturbed even after the exploding of such a powerful cracker. This proves that meditation to a great extent helps a person to calm his mind and also withstand shocks.

According to Dr. Matthieu Ricard, a Buddhist monk of Shechen Monastery in Kathmandu, Nepal, one of the ways to overcome a negative or destructive emotion is to use an antidote. For example, where a person is feeling intense hatred towards another, compassion can be practised, so that over a period of time, the intensity and degree of hatred gets considerably reduced. However, it may be possible that there may not be an exact antidote for every type of negative emotion – like sadness, jealousy or frustration.

Under such circumstances, there is a sort of a universal antidote, i.e. meditation, which calms the mind. Only constant and consistent practice of meditation can quieten the mind.

Dr. Mark Greenberg of the Pennsylvania University has been intensely researching into the emotional development of children in the age group of 3-7 years. He has framed a set of guidelines for these children, which are:

- (1) All feelings are permissible, but behaviour may or may not be.
- (2) Separate the feelings from behaviour.
- (3) Try to convince the children to calm down so that they can think logically.
- (4) Treat others the way you want to be treated.

It is apt to conclude with a quotation from *The Art of Happiness*, written by the Dalai Lama and Howard Cutler: "The systematic training of the mind, the cultivation of happiness, the genuine inner transformation by deliberately selecting and focussing on positive mental states and challenging negative mental states, is possible because of the very structure and function of the brain. But the wiring of our brain is not static, not irrevocably fixed. Our brains are also adaptable".

The book is strongly recommended to students, executives, businessmen, industrialists and bureaucrats who find it somewhat difficult to rein in their unruly emotions.

Defeating Anger

Anger and hatred are two of our closest friends. When I was young I had quite a close relationship with anger. Then eventually I found a lot of disagreement with anger. By using commonsense, with the help of compassion and wisdom, I now have a more powerful argument with which to defeat anger.

The Dalai Lama in
'The Power of Compassion'

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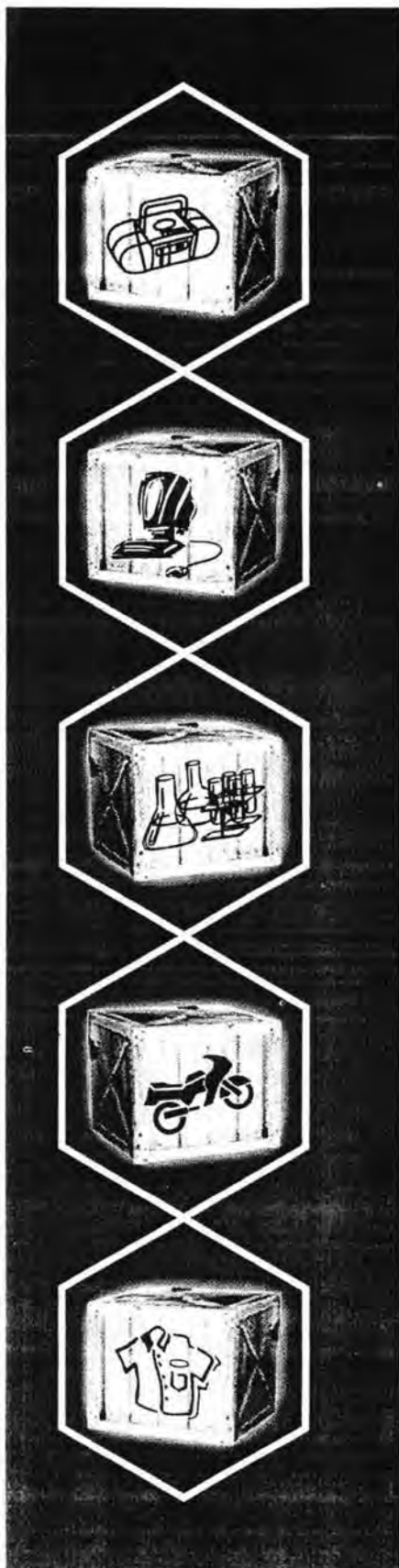
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