

Freedom First

The Liberal Position

The Road Most Traveled And Least Followed

Is Gandhi Relevant in the 21st Century?

We Remember *this* Mahatma Gandhi

Personal Reflections on the Mahatma

Gandhigiri: A Contrary View

Gandhism versus Terrorism

ಮಹಾತ್ಮಾ ಗಾಂಧಿ ರಸ್ತೆ

MAHATHMA GANDHI ROAD

India has Spurned Gandhian Values



In the light of India's pusillanimous response to the Burmese people's struggle for democracy it is worth recalling what veteran journalist Kuldip Nayar had to say in an article in February this year

"Few of us have had the courage to practise what Gandhiji preached."

Dr. Manmohan Singh

Delhi has tried to befriend Myanmar even at the expense of its image.

At one time India was in the forefront of the struggle for Aung San Suu Kyi's freedom. She represented democracy and her detention was a challenge to the world's conscience, so said New Delhi. But now it has changed its tune because the security forces feel that Myanmar has to be won to quell the insurgency in the northeast.

Aung San Suu Kyi has been dropped like a hot potato and New Delhi's new love is the military junta in that country. Its top leaders have been invited to India and given a red carpet reception.

Top Indian officials have gone to Myanmar. Pranab Mukherjee was there recently and reportedly promised to supply arms to the junta.

It is sad that New Delhi should be doing so in the year when it is celebrating the birth centenary of Mahatma Gandhi's satyagraha, an enunciation of truth and values. Aung San Suu Kyi has been suffering all by herself for years. If there is any country which should have stayed by her all through, it is India. It is a pity that it has jettisoned her. But then, Prime Minister Manmohan Singh admitted at the function to honour South African Bishop Desmond Tutu; "Few of us have had the courage to practise what Gandhiji preached."

Kuldip Nayar

*Excerpted from his column in Sri Lanka's The Sunday Times on Line,
February 11, 2007*

Freedom First

A Liberal Monthly – 54th Year of Publication
No.485 October 2007

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BETWEEN OUSELVES...

We are a nation of hypocrites – at least most of us are. We believe in something, say something else and do something quite different. Were we always so? This is something that an honest historian must tell us. But this much my limited knowledge of history tells me. We developed hypocrisy as a defence weapon, sometimes even as an offensive one for our protection or even self-aggrandizement. When putting together the cover feature we looked for contrary views alongside conformist ones at a time when bollywood entered with its version to package Bapu as an analgesic. The Mahatma is remembered but not his prescriptions. Mahatma Gandhi Road is merely MG Road. The choices he had to make when he chose the road to freedom. I came across two poems that concern choices that every human being has to make – the ethical path as against not-so-ethical; the easy against the difficult. You must read both in the unlikely event that you have not read them, for they are benchmarks for us to measure ourselves. Jayaprakash Narayan and the American Robert Frost who dared to dream of a future for his countrymen that has yet to happen. You'll find their poems on pages 4 and 13. But I'll leave you with a couple of appetizers:

*And this unsuccessful life
Will be blessed a hundred times
If for the dear young fellow-seekers
The path strewn with thorns
Is made somewhat easy*

Jayaprakash Narayan

*I shall be telling this with a sigh
Somewhere ages and ages hence:
Two roads diverged in a wood, and I
I took the one less traveled by,
And that has made all the Difference*

Robert Frost

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Publishers: Indian Committee for Cultural Freedom (ICCF), 3rd Floor, Army & Navy Building, 148, Mahatma Gandhi Road, Mumbai 400 001.

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

Published by J. R. Patel for the Indian Committee for Cultural Freedom (ICCF) and printed by him at Kaiser-E-Hind Private Ltd., Plot No.A-191, Road No.16A, MIDC, Wagle Industrial Estate, Thane (W) - 400 604. Phone: 25804162

Typeset at **Shubham Print & Web** 59, Dr. V. B. Gandhi Marg, 1st Floor, Fort, Mumbai 400 001. Phone: 2284 2619 ● Mobile: 98929 21277

Single Copy: Rs.25 ● Annual: Rs.150 (Add Rs.50 for outstation cheques) ● Overseas (IInd Class Air Mail) Annual: \$20 or £10

Cheques to be drawn in favour of **ICCF** and mailed to the publishers at the above address.

Freedom First October 2007

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MANY VOICES

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

...in 21st century India, scams in schools cover the entire range from the sale of seats to sex rackets.

Editorial in the *Hindustan Times*, September 3

If we can pay horrendously high prices for imported wheat, we should pay our farmers comparable rates.

Former Union Finance Secretary S. Narayan,
Mint, September 17

Broken states can be fixed through collective action, economies can be energised through policy but sick societies are hardest to cure.

Pratap Bhanu Mehta, president Centre for Policy Research, *The Indian Express*, September 3

There has not been, and I don't in the near future we will see, such a friend and supporter as President Bush. Absolutely. There is none.

Indian Ambassador Ronen Sen cited by
Swaminathan S. Anklesaria Aiyar,
Sunday Times of India, September 2

...it suits men to reduce a woman to a sum total of body parts rather than acknowledge her brains.

Vinita Dawra Nangia,
Sunday Times of India, August 26

..the USA is trying to bind India into a strategic alliance which will destroy Indian economy, pauperise millions of small traders and farmers, reduce the country into a market for sale of US weaponry and turn the Indian soil into a base for the USA's military control of Asia and the Gulf countries. India will be a Diego Garcia

CPI(M) General Secretary Prakash Karat,
The Statesman, September 5

The trouble with our thinkers is that they focus on ground realities. They need to focus on the roof realities. The multitude is on the ground. Fifty-odd dynasties that rule India stand on the roof.

Cartoonist-Columnist Rajinder Puri,
Outlook, June 25

The Party (BJP) in its present shape seems to have little future. If it does, India under its governance may have none.

Cartoonist-Columnist Rajinder Puri,
The Statesman, August 1

By changing the cash reserve ratio, how will the prices of potatoes and onions stabilise in rain-affected Bihar and Gujarat.

Economist, Nitin Padte, *Hindustan Times* August 7

..India's 8-9% growth rate has created an "illusion of wealth" because it has left millions of the working poor one crisis away from extreme poverty.

Abusaleh Shariff, Head Economist NCAER,
Mint, August 6

I have spent five years of my life looking into the Mumbai riots, with government money when I could have disposed at least 20,000 cases, so why let that go waste?

Retired Justice Srikrishna on the report of the Commission he headed that went into the Mumbai riots of 1992-93, *The Indian Express*, August 6

Some economists think that the market economy is omnipotent. We don't think so. We live in a market economy, but it marginalises a section of the people. Who will take care of them?

Communist chief minister of the Government of West Bengal, Mr. Buddhdeb Bhattacharjee,
Hindustan Times, July 19

I am clear in my mind. This is capitalism. I just cannot build socialism in one state of India. I have to follow capitalism. We have to protect against the negative effects of a capitalist society.

Communist chief minister of West Bengal, Mr. Buddhdeb Bhattacharjee, *Hindustan Times*, July 19

As a Nation, we stopped caring for freedom after 15 August 1947. It's high time we fought for real independence – the right to say and do as we please.

Amit Varma, *Mint*, August 11

OF CABBAGES AND KINGS

"Securing our Farm's Future"

I continue to subscribe to the view that India lives in its villages and to the assertion in the Swatantra Party's Statement of Policy (adopted in 1960) that 'Agriculture is India's Basic Industry'. These are views that have now taken a backseat. I was therefore delighted to read Mr. S. Narayan, former finance secretary and economic adviser to the Prime Minister assert in his column in *Mint* (September 17) "Those who argue that the share of agriculture declining to below 20% means we are more 'developed' should be worried that India has emerged as a large importer of wheat and that this can disrupt the future markets in wheat as our demand accounts for more than 26% of all wheat traded in the current year. We are also a major importer of pulses and oilseeds." Mr. Narayan adds for good measure: "Media photographers, printing pictures of the houses and SUVs of the newly rich farmers who have just sold off their fertile land for real estate, should remember this means less for them in the future." He concludes "Let us focus the next five years on agriculture, not the stock markets or mergers and acquisitions" to ensure food security. Amen for that.

Shinzo Abe's Resignation – A Contrary View

When Shinzo Abe resigned as Prime Minister of Japan rather abruptly, the Japanese daily *Asahi Shimbun* described his action as "irresponsible." Used to the spectacle of our politicians' politics of survival, I, for one, found Shinzo Abe's action in discarding power – whatever the reason – without a second thought, very refreshing. Remember Karnataka's Kumaraswamy hanging on to his chair with his father flying up and down between Bangalore and Delhi to see if he could strike a deal to keep his son as Chief Minister? and more recently, the UPA government's somersault on the Nuclear Deal to keep their chairs?

On August 22 when he was still Prime Minister Shinzo Abe addressed a joint session of India's parliament. Writing on his performance in the *Asian Age* of August 28, former foreign minister K. Natwar Singh commented "Nine out of ten times the distinguished President or Prime Minister addressing



our parliament makes a speech that is read in a mechanical manner. Both the speaker and spoken to are visibly relieved when the ordeal is over. Abe's speech was an exception. Not only did Mr. Shinzo Abe make a brilliant speech, he earned a standing ovation. Something very rare." Surely a man of his calibre can hardly be called "irresponsible". He is evidently a very principled individual and to say that of a politician we, in India, know what it takes.

And Now Cell Phone Therapy

Call it a Cell or a Mobile its rapid spread is assuming the proportions of an epidemic. You cannot walk on the road without seeing someone (generally a female) every few yards talking and walking. Many have earphones and when we see them talking we assume they are in some sort of tension! Where did all this compulsive talking come from. And before the cellphone made its presence felt how did they do their talking! To make matters worse advertisements promising 'free talk time' is giving talkathons further encouragement. A report in *The Times of India* tells us that a young lady age 16 picked up a blade to slash her wrists because her father forbade her from using her cell phone at home. "Was it the day she first stole money from her father's friend's wallet because she was denied cash to buy the latest Nokia model that she craved? We now have therapy for cell phone addiction! The young lady who wanted to slash her wrists "is part of a growing swell of people who have developed a manic addiction to their gadgets, no

matter if it ruins relationships, makes them run up impossible bills, or even pushes some among them to steal money to buy new models” says the report. Technology is indeed a double edged blessing or curse – depending on how one uses it.

“Plush Protest”

“The Commies agitate in style. They can afford to, after all they are in power in two states. According to a report in *The Statesman* two air-conditioned Volvo buses carrying 44 ‘protestors’ each, travelled towards Vizag – one from Kolkata and the other from Chennai. These were “Left” Front jathas to protest against “Yankee imperialism and assorted crimes against India including the US-led naval exercise in the Bay of Bengal and of course the Nuclear deal” as *The Statesman* report put it . There were four night halts before they reached Vizag on September 8. The amount budgeted was Rs.4,00,000 (Bus rental at Rs.200,000 + Living and accommodation expenses Rs.2,00,000). Contributors: CPI(M) Rs.1,25,000; CPI, RSP and Forward Bloc Rs.50,000 each; the West Bengal Socialist Party Rs.20,000. The balance of Rs. 1,05,000 will be shared by a host of other Left Front junior partners. And, as *The Statesman* report commented “An economical protest, this – Rs.4 lakh officially, a lakh of rupees more according to the transporter, to bring the “pro-capitalist” Congress-led government to its knees. A real bargain,wouldn’t you say?” Yes indeed and a picnic to boot!

When Religion and Secular Values Coincide

I was among those who were very critical of the rich for giving huge donations to religious institutions likes temples and and other spiritual causes. I used to say how much more useful it would be if this kind of money was donated to educational and health care institutions. But whenn I visited the temple town of Tirupati and saw the women’s university and the number of colleges there all funded by the Tirupati Devasthanam I realised that funds were being spent for this worldly purposes. Recently the *Hindustan Times* carried a one page feature on the Ganesh Mandals in Mumbai. Titled “It’s not just idol worship” the report drew attention to the fact that “ many of our Ganesh mandals use the money collected during the 10-day Ganesh festival to fund scholarships, study centres and for other social good. One of them is a study centre in Lalbaug a very

crowded part of central Mumbai set up three years ago for those who have no space at home. The centre has three rooms two of them with shelves stocked with books from every discipline and rows of wooden desks – where students sit and study. The third room is airconditioned and has 20 computers. All this funded by Lalbaug Sarvajanik Ganeshotsav Mandal which in a ten day period during the festival collects around Rs.3 Crore and spends an average of Rs.2.5 Crore on such activities. God of course would be delighted that his money is being spent for such secular purposes.

SVR

MY LIFE

Jayaprakash Narayan

Life is full of failures,
Whenever successes approached
I pushed them away from my path!
Was it tomfoolery then?
No
My definitions of success and failure
Are different.
Ask history whether years ago
Could I not have become the Prime Minister?
But for me, a revolution-researcher
Some other paths were acceptable, visible,
Path of sacrifice, of construction
Of struggle, of total revolution.
What the world calls failures
Were stages in the quest.
The stages are countless,
Destination too is far off.
I do not have to stop anywhere
However blocked the path may be.
I have no desire for myself
Everything is dedicated to the Almighty.
So I am satisfied with my failures,
And this unsuccessful life
Will be blessed a hundred times
If for the dear young fellow seekers
The path strewn with thorns
Is made somewhat easy.

Chandigarh Jail, 9 September 1975

The Road Most Traveled And Least Followed

Is Gandhi Relevant in the 21st Century?

Aloo Dastur

Generally Gandhi is associated with two principles, two virtues: Truth and Non-Violence. Are these relevant in the 21st century or are they not? That is the question to be answered before we talk of Gandhi being relevant. If the answer to this question is positive, that Truth and Non-Violence continue to be relevant, then the answer to the query on Gandhi also is very positive.

Non-Violence in Politics

Both these principles of life, which should normally prevail, in reality, are not always so. And perhaps, it was Mahatma Gandhi who brought in both Truth and Non-Violence into the very quirky field of practical politics. I don't know, whether it was his astuteness, whether it was his understanding of what non-violence was, what non-violence is and what non-violence can be, that made him lay stress on Non-violence. There are some of us who say that that was Gandhi's very shrewd way of talking and introducing non-violence. He knew we were helpless, we had no weapons to fight with, we didn't have the willingness to fight, and that is why he brought in non-violence which anybody could practice. Whichever view you may refer to, should not cloud the fact that he was one of the first to talk of non-violence in political matters.

The South African Experience

He introduced it in South Africa. Why did he go to South Africa? He went because he was invited there by a Muslim merchant to plead his case. His South African odyssey, can be taken as the first step in Gandhi coming to be, in some manner, relevant to the times and the country in which he lived. Before he took up his job, he was given by his host, a first class train ticket. He entered the first class. But he was literally thrown on to the platform. So all the time he was there, he began to think of what the future would be. Shall I continue here to be thrown out of trains, or shall I go back to India? and the second proposition he discarded. He continued, suffered personal humiliations, only to defy them. Whatever

Gandhi did in South Africa, came to be highly appreciated by a part of the Indian leadership of those days. And Gopal Krishna Gokhale was one of his ardent admirers.

Leadership of the Congress

So when Gandhiji finally returned in 1917 to settle in India, Gokhale offered him the leadership of the Congress. Gandhi's reply was: For 20 years I was away from India, and what do I know about India. I have to study first. And then he went around the country to learn India and Indian conditions. And how did he travel? In a third class railway compartment. Wherever he went, he went fully dressed. When he returned, he returned with sparse clothing. In Orissa, he went out for a walk along a river bank. He found a woman covering herself up to the neck in sand. He asked her, why are you doing this. And she said, 'My only clothes are there, drying in the sun, I have just washed them'. And then he asked himself 'why do I wear so many clothes, one upon another', 'I can do away with my suit, I can do with my dhoti and my kurta'. Later on, the kurta also was superfluous for him. And he threw it away.

He knew we were helpless, we had no weapons to fight with, we didn't have the willingness to fight, and that is why he brought in non-violence which anybody could practice.

Complete Independence

When Nehru became President of the Congress in 1929, on Gandhiji's initiative Nehru changed the final goal of India's struggle. It was no longer Indian dominion under the British Rule, like Canada or South Africa. It had to be total, complete independence. And Nehru, as the President of the Congress, declared that they would give to Mahatma Gandhi the leadership of the fight for Indian independence. All of you know how impatient Nehru was. For four weeks Gandhi was silent. Nehru said, why doesn't he tell us what to do. And What Mahatma attracted the attention of entire India.

The Salt Satyagraha put India on the map of the world as a country that knew how to defy a strong, political empire. Foreigners journalists came in large numbers to India, to report on the event. They saw young people, middle aged people, the elderly going to the seashore, pick up sea water and manufacture salt, here in Bombay at the Sandhurst Bridge, on the last Sunday of every month. In this way, where formerly we were afraid, we were now no longer afraid. And then, when Britain saw all this, Gandhi was arrested, everybody participating in the movement were arrested. Pregnant women went to jail in cities like Bombay and Calcutta, and had children in jail. And they called their sons “*Swaraj*”. Most of them.

When Gandhi went to England for that Round Table Conference, he remembered that he had become a very unpopular man in Lancashire, the cotton centre of England.

Round Table Conference

Then the British released Gandhi on condition that he would carry on negotiations with the Viceroy. The Viceroy was Lord Irwin. Not a very tight-fisted, not very conservative Englishman. He had some sympathies even before he came, for India's struggle for independence. So Gandhi was invited to the Viceregal Lodge. He went as he was dressed in his dhoti. The two of them talked and the Round Table Conference in England was round the corner. Gandhi of course was one of those who went. So he went with his secretary on a boat from Bombay. Sarojini Naidu and all the other leaders from India also went. Everyone except Gandhiji traveled First Class. Gandhi went on the deck. And whenever anybody wanted to see him, they would go and talk to him on the deck.

At the Round Table Conference, just before the Conference was called, there was a journalists' meeting with Mahatma Gandhi in London, a very remarkable meeting. One journalist asked Mahatma Gandhi what will you wear when you go to Buckingham Palace to meet the King. And Gandhiji's reply was, “His Majesty wears enough clothes for the two of us”. And there was huge, loud laughter. Journalists were surprised that this man who just covers himself, waist down to the knees, who had such small eating habits, that this man could have a sense of humour. This is how Gandhi's second or

fourth visit to England started – with much laughter.

Gandhi and Ambedkar

At the Conference, Gandhi mentioned that if an effort was made, as was then being made by Dr. Ambedkar, to separate the Scheduled Castes from the Hindus, he would oppose that move with his life. When a report came out two years later, Scheduled Castes were given separate electorates, no you are not Hindus, so you have separate electorates. When Gandhi read the report - the world had forgotten, the Congressmen had forgotten that he had mentioned that he would oppose that move with his life Gandhiji was in Poona. He immediately said I will not take any food. I will live only on water till I die. And there was an upsurge here. How could people allow Gandhi to die? Except for Ambedkar. Ambedkar said, that that was not his concern. He said, I am here to speak for the Scheduled Castes. It took six days for the British government in India to pressurize Ambedkar to withdraw his suggestion for separate electorates. Finally when he did it, Gandhi broke his fast.

Mill Workers of Lancashire

And we are talking of relevance of Gandhiji in the 21st century. When Gandhi went to England for that Round Table Conference, he remembered that he had become a very unpopular man in Lancashire, the cotton centre of England. He had talked of khadi, he had talked of hand spun, hand woven cloth. The mills suffered.. Cotton was grown on Indian soil, exported to England, woven into cloth in England, and sent back to India to be sold as cloth. To a certain extent, on account of Gandhiji's advocacy of khadi, the Lancashire mill industry declined and they were very angry. And he continued to stay on after the Conference, to visit Lancashire to meet these Lancashire cloth workers. And they asked him, why have you taken away our livelihood? And he said, I have done nothing of that sort. My people were hungry, my people were thirsty, my people were naked, and we had sent you all the raw cotton, to be made into clothes for us. I have just said that a part of it should be reserved for us. And when he left them, some of the people thanked him for coming.

If today, we in our wisdom, want to ask, ‘Is Gandhi relevant today’, I think the answer has already been given. His relevance lies not merely in what he said. It lies much in more in what he did, lies much

more in how he acted. You know there are people who say, Gandhi changes his views. Of course, he changes his views. Gandhi said that, if you want to know my views at a particular time, you must place me in that particular time and environment. Today, the environment has changed, so I have to change my views which I had in a different environment..

Gandhi's Relevance Today

If during his lifetime, Gandhi affected so many people in so many different ways, there were contradictions, there is no doubt about it, but he also told us why there were contradictions, he was one who, so to say, opened out his heart and opened his mind to whoever cared to see and watch him. And that is where the possibility of his relevance lies. I don't know whether you will agree with me when I say in the last few years, there is much more spread of Gandhian ideals in the world than before. A few months ago, even China raised their first statute to Gandhi. Other countries which were very critical of

him did so earlier.

There was no change in his clinging to Truth. In his making payment if his followers gave up Non-Violence at any stage. He was born apart. Not that his home atmosphere was very holy. But all through, one thing he did, he clung to being a Hindu. Whatever he admired in Buddhism, in Christianity, in Islam, he said, this is good, that's better, this is excellent, but he said, I am born a Hindu and I will die a Hindu.

And perhaps before we could have appreciated it, Albert Einstein did, very early after knowing Gandhi. He said, "Generations to come would scarce believe that such a man in flesh and blood walked upon this Earth".

DR. ALOO DASTUR, formerly Head of the Department of Civics and Politics, University of Mumbai.

Excerpts from her address on the occasion of the Annual Day of the Leslie Sawhny Endowment on May 17, 2007.

We Remember *this* Mahatma Gandhi ...

Amitabh

Harijan politics is the special gift of Mahatma Gandhi. In this respect all political leaders of all political parties follow in the footsteps of Mahatma Gandhi. I am not his follower. I cannot be. I am a humble follower of Babasaheb Dr. Ambedkar.

On August 1, 1920, Lokmanya Bal Gangadhar Tilak, the leader of the Indian National Congress, expired. Mahatma Gandhi, then a new entrant in the Indian National Congress, went to pay his homage to Lokmanya Tilak. But the followers of Lokmanya Tilak did not allow Gandhiji to touch Lokmanya Tilak's dead body. Why? Because Lokmanya Bal Gangadhar Tilak was a high caste *Konkanstha* Brahmin whereas Gandhiji was a *Bania Vaishya* – a lower *varna* (caste) – two stages lower in the hierarchy in the *Chaturvarnya* brahmanical social system, where brahmins are at the top.

We remember *this* Mahatma Gandhi.

On March 20, 1927, at Mahad in Maharashtra, Babasaheb Dr. Ambedkar made history. He touched the waters of the Chawadar water tank, and drank a few drops from it. By doing so he defied a brahmanical

dharmashastra – that water gets defiled by the touch of the Untouchables.

Taking a hint from this 'Mahad Water Satyagraha' Mahatma Gandhi started his Salt Satyagraha known as the Dandi March on March 12 1930.

We remember *this* Mahatma Gandhi

On September 24, every year we remember Mahatma Gandhi. On this day Babasaheb Dr. Ambedkar saved Mahatma Gandhi's life. On that day Mahatma Gandhi undertook a fast unto death and robbed the Untouchables of their legitimate rights and privileges to have separate electorates and to elect their own representatives to the central and provincial governments – a Right they had obtained from the British Empire at the Indian Round Table Conference

ATTITUDE

**“ A POSITIVE ATTITUDE MAY NOT SOLVE
ALL YOUR PROBLEMS, BUT IT WILL
ANNOY ENOUGH PEOPLE TO MAKE IT
WORTH THE EFFORT “**

– Herm Albright



ESTD - 1910

The Lakshmi Mills Co. Ltd.,

Coimbatore - 641 037.

inaugurated by King George V on 12 November 1930 after a long struggle.

We remember *this* Mahatma Gandhi.

Whenever and wherever we read the words 'Harijan' or 'Harijan Mentality' we remember Mahatma Gandhi; for this is how he named the Untouchables. To him 'Harijan' meant children of God. But to the Untouchables 'Harijan' means one who does not have a legitimate father i.e. a bastard.

We remember Mahatma Gandhi who by utilising the services of a Poona Brahmin Kakasaheb Gadage, the father of Barrister Vithalrao Gadage in 1935-36, succeeded in destroying the non-Brahmin movement in Maharashtra first by creating confusion among the non-Brahmin leadership resulting in Mr. Keshavarao Jedhe, an important non-Brahmin leader from Poona being enticed into the Congress fold.

Mahatma Gandhi was perhaps the most shrewd and opportunist politician India has produced. In the Round Table Conference(RTC) in England Mahatma Gandhi proclaimed that he represented the Untouchables of India, even though Dr. Ambedkar was their sole representative. He projected himself as the Voice of India. During the 'emergency' (1976 -79), Mr. Devkant Barua of the Congress proclaimed: India is Indira(Gandhi) and Indira is India.

This reminds us of what Mahatma Gandhi said at the (RTC). When today's Indian government and politicians put Mahatma Gandhi before India, we remember Mahatma Gandhi of the RTC and Mrs. Indira Gandhi of the Emergency. Take a look at India's currency note. India as a nation is known by its seal – the four headed lion symbol. On our currency note the nation's seal inherited from Emperor Ashoka is

dwarfed by the picture of Mahatma Gandhi.

Mahatma Gandhi was a staunch Hindu at heart. He firmly believed in the *Chaturvarnya* social system, of course minus the caste system. He wrote: "Inter-drinking, inter-dining, inter-marrying are not essential for the promotion of the spirit of democracy (*Young India*, December 8,1920); "An Untouchable should be regarded as a *shudra* because there is no warrant for belief in a fifth case" (*Young India* April 25,1925); "The Law of *varna* prescribes that a person should, for his living, follow the lawful occupation of his forefathers," but with the understanding that all occupations are equally honourable: "A scavenger has the same status as a Brahmin." (*Young India*, November 17, 1927); "One born a scavenger must earn his livelihood by being a scavenger, and do whatever else he likes. For a scavenger is as worthy of his hire as a lawyer or your President. That, according to me, is Hinduism." (*Harijan*, March 6,1937).

Harijan politics is the special gift of Mahatma Gandhi. In this respect all political leaders of all political parties follow in the footsteps of Mahatma Gandhi. I am not his follower. I cannot be. I am a humble follower of Babasaheb Dr. Ambedkar who said:

"Without social union, political unity is difficult to be achieved. If achieved, it would be as precarious as a summer sapling, liable to be uprooted by the gust of a hostile wind. With mere political unity, India may be a State. But to be a State is not to be a Nation and a State which is not a Nation, has small prospects of survival in the struggle for existence."

DR. AMITABH is a Trustee of The People's Foundation and editor, *Vision India*.

From a talk on May 18, 2007 at the annual function of the Leslie Sawhny Endowment.



I read a statement of the New China News Agency a few months ago that "Anglo-American imperialists and their running dog, Pandit Nehru, were plotting a coup in Lhasa for the annexation of Tibet." If this is the reward that comes to this country from one year's friendship and advocacy, surely the least that we can do is to reconsider our estimate of the Chinese Communist regime. While we might maintain diplomatic relations with the Communist Government on a basis of reciprocity, there can no longer be any illusions about friendship, about cordiality and about comradeship in Asia.

Minoo Masani

While speaking in Parliament on December 8, 1950 during the debate on Chinese aggression in Tibet.

Personal Reflection on The Mahatma

Firoze Hirjikaka

On the occasion of Mahatma Gandhi's birthday on October 2nd, I thought I would pen a few personal reflections on an extraordinary human being.

Let me state, at the outset, that I probably possess the minimum credentials for writing about Gandhi. Yes, I have seen Richard Attenborough's movie, but I have not read a single book written by the Mahatma, or even one about him. The only attenuating solace is that this probably puts me in the same category as a majority of present generation Indians. I must even admit, to my acute embarrassment, that I am one of a handful of diehard Mumbaikars who has not seen *Munnabhai*.

It would be pretentious – and false – to declare that Gandhi has been a source of inspiration throughout my life. Like a majority of my fellow Indians, he has entered my consciousness on only a very few occasions – though I do think of him more and more these days, when the venality and lack of stature of our current leaders is increasing by the decade.

Whatever may have been the sins of commission and omission by Gandhi, Nehru, Sardar Patel and others, they had presence; they had stature; they stood out in a crowd.

A Towering Personality

There is no doubt that Gandhi was one of the towering personalities of the twentieth century. When you consider that, in the present time, the world's sole superpower – with all the financial and military resources at its disposal – is unable to control a country that is a fraction of its size and wealth – Gandhi's achievement becomes truly remarkable. That he had the gumption to take on what was then the world's mightiest empire; that, too, without any conventional weapons or a standing army, is amazing. That he succeeded in driving the British out of his country is astonishing beyond belief. It is doubtful if India will ever see the likes of him again.

That said, what we remember today is a

mythical, idealized Mahatma – as amply illustrated by the *Munnabhai* film. Munnabhai's concept of *Gandhigiri* is to overwhelm one's opponents with kindness; forgive their trespasses, as it were. The reality, of course, is quite different. It is highly doubtful if platitudes of love – or appealing to their higher selves – would have had any effect on our practical, hardboiled British rulers. They left because Gandhi, and his coterie, through their strategy of civil disobedience and boycott of British goods, made them realize that there was no longer any percentage in hanging on. When the losses began to outnumber the gains, the pragmatic British – already battered by Hitler's Third Reich – quietly packed up and departed.

He Was No Saint

Gandhi was certainly no saint. He had a shrewd, calculating mind. He was quite willing to employ any means at his disposal – ethical or otherwise – to achieve his objectives. Even the self-imposed penury was not the selfless sacrifice of a Mahatma, but a political tool. It made him appear god-like to the general population. As one of his contemporaries remarked, it cost the Congress party a great deal of money to keep Gandhi in poverty. Every action served a specific purpose. The hunger strikes, too, were used as a form of emotional blackmail to achieve his ends.

Today's Leaders

All that can be forgiven – even applauded – because everything Gandhi, and the stalwarts surrounding him, did was for the good of the country. Contrast this with today's crop of uncultured, me-first 'leaders' whose primary consideration is personal profit and aggrandizement. Whatever may have been the sins of commission and omission by Gandhi, Nehru, Sardar Patel and others, they had presence; they had stature; they stood out in a crowd. Today, an ordinary citizen would not even register the presence of a minister in his vicinity, were it not the ostentatious police commandos surrounding him. When Gandhi spoke, people listened, because they admired and respected him. Today's leaders cannot gain even a modicum of attention unless they hand out populist sops and extravagant promises of largesse that are rarely kept.

This was the true greatness of Gandhi, the man. He did not ask to be a Mahatma. His people anointed him one. He made few promises, but always delivered. He did not need to buy the affection of his countrymen. They gave it selflessly and without hesitation.

Sad and Disillusioned

Many believe that Gandhi's action of not seeking the Prime Minister's post after Independence was an act of selflessness, even godliness. I suppose, compared to Sonia Gandhi's similar, sham "sacrifice" in 2004, it would appear so. That is not germane, however. I personally believe that the Mahatma chose to retire to the sidelines, because he saw the writing on the wall. He loved his people, but he recognized their flaws and weaknesses. Perhaps he foresaw that the politicians and administrators of post-Independence India – the brown sahibs – would be even more arrogant and self serving than their former Imperial masters. I believe that – after the fruits of victory had been achieved – Gandhi became sad and disillusioned at the spectacle of his political heirs misusing their hard won political freedom. He realized that he was becoming rapidly irrelevant to the masses he had fought for all his life. In that sense, his assassination in 1948 may have come as a merciful release.

His Legacy

One wonders, if Gandhi was alive today, what would have been his opinion about the most tangible legacy he left behind – the Congress Party. Would he have approved of the unbroken ruling dynasty at its head? What would he have thought about the political manoeuvring; and the rapid abandonment of principles and integrity for short-term political gains? Would he have given his blessing to the omnipotent Gandhi dynasty?

Sonia Gandhi No Kin

It is a supreme irony the heirs of Jawaharlal Nehru stumbled upon their illustrious surname due to entirely fortuitous happenstance. This Gandhi had absolutely no connection to the great man. Indira came upon the illustrious name solely by virtue of marrying a Parsi gentleman named Firoze Gandhi – who, incidentally, happens to be a thrice-removed cousin of mine. However, many people – particularly in foreign countries – assumed a family connection to the Mahatma; and the Gandhi family made no effort to disillusion them. It enhanced their mystique to let the misconception persist.

So, how relevant is Gandhi in today's India? The answer, sadly, is not much. Many would argue that this is a new world; that Gandhi's time had come and gone. They are probably correct. One cannot help yearning, though, for the glory days. Those days when leaders led and public servants actually did serve the public. Those days when the country came first and

This was the true greatness of Gandhi, the man. He did not ask to be a Mahatma. His people anointed him one.

self interest last. Much of the world is waiting for the second coming of Christ, or Mohammed. Maybe we Indians need the second coming of Mahatma Gandhi just as badly.

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The Road Not Taken

Robert Frost

Two roads diverged in a yellow wood,
And sorry I could not travel both
And be one traveler, long I stood
And looked down one as far as I could

Then took the other, as just as fair
And having perhaps the better claim,
Because it was grassy and wanted wear;
Though as for that, the passing there
Had worn them really about the same,

And both that morning equally lay
In leaves no step had trodden black
Oh, I kept the first for another day!
Yet knowing how way leads on to way,
I doubted if I should ever come back.

I shall be telling this with a sigh
Somewhere ages and ages hence:
Two roads diverged in a wood, and I
I took the one less traveled by,
And that has made all the difference.

Gandhigiri – A Contrary View

Kusum Chopra

Eons ago, I was in college when Mahatma Gandhi's birth centenary rolled around and campuses went into a whirl of Gandhi related events; not quite unlike the drumming up of the Gandhigiri frenzy of today.

Unfortunately for my college, I took a contrary view. Taking a cue from the space mania of those times, I declared at one public speaking contest that perhaps the Gandhi mania should be packed off into space for sometime, to give the economy a chance to get out of the corruption, *dharna*, public sector, strike syndrome then inflicted on our generation. At this point of time, I cannot remember how we connected these four to the Father of the Nation phenomena; no doubt, fertile collegiate minds must have done so; but I do remember the shocked expressions of the convenors of the event, who communicated their indignant trauma to the college management, which was in turn conveyed to yours truly by a vice principal hard put to keep a straight face when he asked "How did you manage to articulate such a thought at such a gathering?" He was particular to inform me that that was his private thought, not that of the suitably chastened college management!

*One hears of streams of stories of how
some expression of Gandhigiri has
worked for ordinary citizens*

The Concept of Gandhigiri

Well, it seems that Gandhi mania, lying dormant for a long while (though not quite in outer space) has been revived. How much on account of the recent spate of films and how much as a reaction to the prevailing international mania for violence at the drop of any proverbial hat, is of course an open question.

The concept of Gandhigiri, enunciated in *Laage Raho Munnabhai*, is an interesting one. How successful will it actually prove to be in an age when India is marching forward full speed, led by our industrial biggies with the rest trailing behind and the majority

hard put to stay anywhere in that march, remains to be seen.

What is Gandhigiri? Perhaps the most popular expression of it is the *Jaddoo ki Jhappi* which was actually patented in *Munnabhai MBBS*, the precursor to *Laage Raho Munnabhai*. In a world increasingly addicted to flying kisses brushing past cheeks, touch-me-not and hands off, even within families, the concept of a warm, close hug is very very heartwarming; even psychiatrists have accepted that the human touch is needed to make a connection; that it is the touch of the mother which is the most effective one for any baby.

The *Jaddoo ki Jhappi* has moved on to simplistic solutions to many every day problems, most of which center around making the decision-maker guilty about taking a wrong decision. One hears of streams of stories of how some expression of *Gandhigiri* has worked for ordinary citizens: students have presented dozens of roses to teachers to avoid extra tough tests or marking, or for restitution of some sort, tenants to landlords and vice versa, or the *aam admi* tackling officialdom with roses for instance.

No doubt, the rose mania has certainly meant good news for the flower sellers and cultivators. But picture these scenarios: students trooping into a staff room for flowers for stern professor would most probably mean even colleagues adding their pressure on the recalcitrant stern teacher; a huge assembly of poor people handing out marigolds or roses to a block level official may impact some local scheme mired in corruption, at least until the local bigwig or contractor makes his presence felt once again. How varied would be the response to upper caste petitioners and those from the scheduled castes or tribals for example?

001For that matter, can anyone imagine any top or even mid-level *babu* or *neta* returning the expensive *mithai ka dabba* or bouquet without pocketing the attached bulky envelope sent by King Capital in favour of accepting the single roses handed to him by ordinary constituents who may be losing their land to some new industry or project? Would those roses

actually instigate him into conceiving of some proposal to ensure that the *aam admi* also got some tangible benefits out of the gigantic investment which is going to earn humongous returns for the industrial biggie?

Had that been so, would we have seen such blood and gore in West Bengal over an SEZ?

Massive peace rallies have been organized not only in India but across the world. They happened even in the run up to the Iraq war. Did anyone seriously envisage President Bush overlooking his personal stake, financial and political, in the Iraq war to heed to popular non-violent demands? Will any politician worth his salt overlook re-election factors in favour of the "public good"? Isn't that what *Gandhigiri* is all about? The public good? Non-violent solutions to everyday as well as extraordinary problems which face the individual, the community, society at large and humanity?

Media and marketing driven *Gandhigiri* bears an excellent gloss; brings good cheer to the young people who are the flavour of the season in India Shining and Incredible India@60. But what of Gandhi himself? *Gandhi My Father* exposed a clay chip through the travails of his son. What about his political heir, Jawaharlal Nehru and his desperation to be prime minister? Where was the *Gandhigiri* in staving off the partition, its blood and gore?

At that time the prevalent flavour of *Gandhigiri* meant that one "loved" the British, at home in India and when they quit India went a long way to winning an international statesman image for Nehru. But once his Guru was gone, the new Prime Minister went the Big Industry way of those times, married his Fabian Socialism to the foundations of the Public Sector and the Big Dams.

Nelson Mandela's *Gandhigiri*

In our times, a "formidable world leader" professed to be a disciple of Gandhi: Nelson Mandela. After an initial stint of violent protest against apartheid, he chose to sit out decades in a South African prison, knowing full well that his violent campaign was in the able hands of his wife Winnie who fought in the streets and in the international media, not unlike the wooing of the international media by our Nehrus and Gandhis in the run up to Independence.

Once Winnie managed to bring Nelson out of prison, Mandela's *Gandhigiri* led to reconciliation with the perpetrators of apartheid and divorce from the 'violent' Winnie, followed by prime time romance at a ripe old age which precluded him taking on the "onerous" task of overseeing South Africa for too long. How much more attractive the charms of flying in and out of world capitals, waving to crowds and spouting speeches!!

And for the others? For *Gandhigiri* to become more than an optimist's fad, it is vital that the leaders of every *Gandhigiri* campaign work out the economic benefits that can accrue to the oppressor by taking a peaceful path. Otherwise the campaign will meet a dead end.

Will Bush stop his preparations for the next war designed to send arms and ammunitions makers laughing all the way to their banks, unless he sees much bigger profit from stopping another war which will tear yet another country asunder with yet another Partition. And our home grown *netas*?

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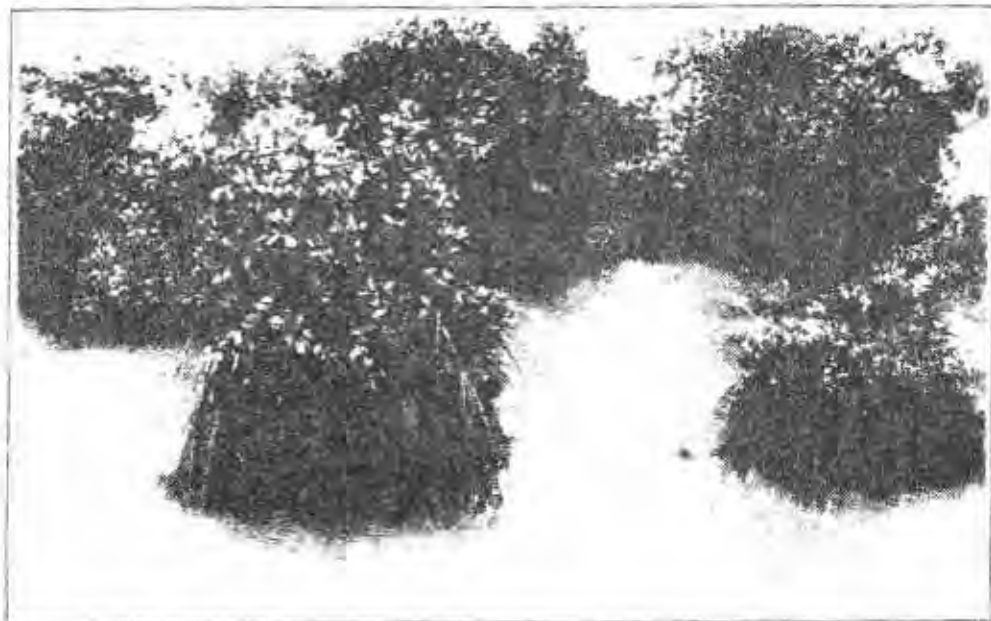
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WELFARE : ENVIRONMENT / POPULATION NEXUS...

Gandhism versus Terrorism

V. Balachandran

Violence is integral to terrorism. How would Gandhiji have dealt with this problem? I have read an incident in Andre Malraux's "Anti-Memoirs" quoting Nehru that even terrorists used to be inspired by Gandhiji's struggle. He quotes the example of a boy named Azad who used to cry "Gandhiji-Zindabad" each time he was flogged in prison. Azad later became a terrorist and was killed by the British. This is obviously Chandrasekhar Azad and Malraux chose to describe him as terrorist while we call him freedom fighter.

When Gandhiji started his political struggle he had the choice of following some who preached violence. Dr. Usha Thakkar was kind enough to send me a well-researched piece by Mark Juergensmeyer (Director of the Orfalea Center for Global & International Studies, University of California). He says that when Gandhiji went to London in 1909 from South Africa he was confronted with the incident in which Madanlal Dhingra had shot an India Office official. Gandhiji refused to accept violence, as he did not believe that the end justified the means. He was also afraid that violence would become part of India's national character. "If you fought violently you would establish a pattern of violence that would be part of any solution to the conflict, no matter how noble it was supposed to be" His autobiography contains these statements: "I object to violence because when it appears to do good, the good is only temporary, the evil it does is permanent". "Victory attained by violence is tantamount to a defeat for it is momentary." He also said: "I do not regard killing or assassination or terrorism as good in any circumstances whatsoever".

When Violence is Justifiable

According to Juergensmeyer, Gandhiji however justified violence in certain circumstances. He quotes the example of a mad dog or a brutal rapist. In both these cases violence has to be stopped with violence. Gandhiji said: "Heroic violence is less sinful than cowardly non-violence." Juergensmeyer extends these examples by speculating on contemporary incidents: "If Gandhi had been sitting next to the suicide bomber in the London subway during the 2005 attack, for

instance, he would have been justified in wrestling the man to the floor and subduing him. If no other means were available than a physical assault - even one that led to the man's death - would have been preferable to the awful event that transpired when the bomb exploded." At the same time, Gandhiji, according to Juergensmeyer believed in "looking beyond a specific clash between individuals to the larger issues for which they were fighting". Rajmohan Gandhi, Mahatma's grandson and author of a recent book "*Mohandas: A true story of a man, his people, and an Empire*" said the same thing in Washington DC (Gandhi Memorial Center) in April 2007. He said Gandhiji had to bring the Hindus and Muslims together knowing full well that they were not "free from hatred" but hoped that "he could diminish the intensity of their hatred" by "my love". (*India Abroad*, April 20, 2007).

"If Gandhi had been sitting next to the suicide bomber in the London subway during the 2005 attack, for instance, he would have been justified in wrestling the man to the floor and subduing him."

"Looking Beyond the Clash"

The same Gandhian principle of "looking beyond the clash" had produced results in certain stages of the Irish and Palestinian conflicts, which had alternated between terrorism and State counter-terrorism. The seeds of Catholic antipathy in Ireland could be traced to Oliver Cromwell's repression in 1649-50 when he uprooted Catholics during the English and Irish Civil Wars (Massacre of Drogheda). Later the British Government mishandled the "Dublin Uprising" in 1916 by "crushing" it, which eclipsed the moderates. This was repeated in 1971 by the preemptive action of arresting Catholic activists and torturing them. In 1975 the British troops fired upon a peaceful protest killing 13. However violence stopped only when dialogue started in 1988 within the Catholic side between a moderate leader, John Hume, and the activist leader, Gerry Adams resulting in the Good Friday Agreement of April 10, 1998.

In the case of Palestine, there was a total lull

in violence between October 1998 and September 2000 when the then Israeli Prime Minister Barak started negotiating with Arafat. However Sharon deliberately broke this trend when he triumphantly marched on the disputed Temple Mount in September 2000. Violence escalated thereafter.

Quoting our own example of the Ayodhya bombing in March 2006, it could be said that Shri Veerbhadra Misra, the learned Mahant of Sankat Mochan Temple in Varanasi who joined hands with Shri Abdul Batin Nomani, Mufti-e-Benares and Imam of the Gyanvapi mosque after the March 7, 2006 blasts, followed Gandhiji's principles to bring peace to their city even when the Police were pursuing the bombers in Muslim localities. Vidya Subramaniam wrote in *The Hindu* of July 26, 2006: "State action against terrorism will succeed if Muslims have the confidence that the community as a whole will not be called to account for terror executed by a few".

Would this strategy work in the case of Jihadis? Juergensmeyer is hopeful of that outcome since they are fighting for ideas and not for territory. He feels that Gandhiji would never have justified the "War on Terrorism" waged by US and allies in Iraq and Afghanistan since he did not believe in using "overwhelming force" without trying to understand the problem. Applying Gandhiji's principles, the strategy should be to stop the violence by unilateral

steps like cease-fire, investigating terrorist attacks, letting moderate voices surface, isolating radical voices and setting up channels of communication. He commends the British in not responding brutally to the Omagh terrorist bombing on August 15, 1998 which killed 29. He admits that this process will be difficult since the desire of many Muslims in West Asia to be free from the American and European domination will have to be taken into account.

I shall conclude by drawing your attention to a book "*After Terror: Promoting dialogue among civilizations*" (Polity Press-2005) edited by Akbar Ahmed of the American University, Washington DC, along with Brian Forest, his colleague. Prof. Ahmed is a well-known Muslim anthropologist and engager in inter-faith dialogue. This book has a collection of 28 essays written by eminent persons like Jimmy Carter, Kofi Annan, President Khatami, Desmond Tutu, Rajmohan Gandhi, Ravi Shankar, Prince Hassan bin Talal and Bernard Lewis. The central theme is that terrorism can be defeated by tolerance, respect and goodwill. This would prove that Gandhiji's conclusions nearly one hundred years ago in London stands good even in 2007.

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Excerpted from his presentation at a seminar at Mani Bhavan, Mumbai, on October 2, 2007.

Gandhiji and Terrorism – A Schoolboy's View

This is the text of a speech delivered by Math, studying in the Vllth class of a School in Bijapur.

What is terrorism? It is frightening others to get some thing. In the home children cry for chocolates and the mother gets frightened and gives them their chocolates. Thus when little children cry and throw things of the house here and there and there is terrorism in the house. In this sense terrorists are grown up children crying to get something from the people. Bhagat Singh and his friends were crying to get freedom for the country.

The mother in the house never gets angry. She comforts them consoles them and sometimes she gives mild punishment, because she knows that children are children.

Similarly all terrorists of the world are children of mother earth. They do many naughty things. As children don't know that many things are harmful to themselves, the terrorists also do not know that many things are harmful to themselves. The terrorists also do not know that their dreams are not good for their health and to the health of the society. They are misguided children.

The human society must be amused at the foolish tantrums of the terrorists. They must be treated as children. They may be punished but not angrily, but affectionately. That is how Gandhiji brought our freedom. He changed the hearts of the British, so the society should look on all terrorists all over the world as children raising tantrums.

This may all be the foolish dream of a Gandhian pupil, but this is the only sure answer to terrorism "An eye for an eye and a tooth for a tooth" has never paid and it will never pay. It is only the Gandhian satyagraha which succeeded.

So I appeal to all terrorist brothers and sisters not to spoil the beautiful dreams of your little brothers and sisters by your ugly dreams and by your hatred, little brothers and sisters of a naughty terrorism. Come let us build a new world of the dreams of the great poets. JAI JAGAT

The Danger is Real

Bharat Varma

Very few policy makers in India dare to acknowledge the danger to the nation's territorial integrity. The security and integrity of the nation has become hostage to vote-bank politics. Democracy and more than eight percent economic growth will be of no avail if the country as such withers away. India is not only being frayed at its borders by insurgencies, but its very writ in the heartland is becoming increasingly questionable. The rise of a nation is predicated upon unity, peace and stability, which are essentially determined by good governance. The prevailing security scenario poses the serious question -

Is India's development and economic growth becoming unsustainable due to poor handling of the security? There are three dangers to the territorial integrity that bedevil the nation.

Danger-I

New Delhi and the state

capitals have almost ceded the governmental control over 40 percent of the Union's territory to the Naxalites. The Naxals' are aided and abetted by the crime mafia that runs its operations in the same corridor from Nepal to Andhra Pradesh, as well as Maoists of

taking to opium cultivation in areas under their control to finance their activities. The Maoists - crime - drug nexus is rather explosive.

Danger-II

The security forces, primarily the Indian Army, have held the state of Jammu and Kashmir physically since Independence. The politicians and the bureaucrats have contributed nothing to resolve the situation. The danger has since magnified many times as displayed by the presence of thousands of supporters of LeT flying their flags in a recent rally of dissidents.



Nepal who in turn receive covert support from other powers engaged or interested in destabilizing India. The nexus between ULFA and Maoists in Nepal is well established. In a recent attack in Chhattisgarh, Maoists of India and Nepal were co-participants. There are also reports to suggest that Indian Maoists are increasingly

Under the garb of peace overtures, heavily armed infiltrators with tacit support from the Pak Military-Intelligence establishment continue to make inroads into Kashmir. They are at present lying low, waiting for an opportune moment for vicious strikes on several fronts to undermine the Indian Union. This ghost force reared its head in a

recent rally organized by Geelani. Musharraf and his sympathizers in India are working in a highly synchronized fashion for demilitarization of the Valley. Simultaneously, there is an insidious campaign to malign the Indian Army on one pretext or the other as part of the psywar being waged by the ghost force under Islamabad's directions.

After all the wars, export of terrorism, inconsistent and weak policies by New Delhi, Islamabad could not win Kashmir only because the Indian Army held its ground. If the ghost force succeeds in making locals rise against the Army, it will be an unprecedented achievement for Islamabad. The talk of demilitarization and the campaign to repeal the Armed Forces Special Powers Act, are therefore merely ploys that aim to achieve the Kashmir objective even as Pak Military-Intelligence establishment expands its tentacles not only within the Valley but in other parts of India as well. While the Pak dispensation talks of peace, terrorist cells are proliferating in the country including new frontiers in southern part of India. Islamic fundamentalism / terrorism footprints, as evidenced by Bangalore centered incidents, are too glaring to be ignored. Islamic terrorism in the garb of freedom fighting in Kashmir is therefore de-stabilizing the entire country. Islamabad is determined to use Kashmir as a gateway / launching pad to rest of India.

Danger-III

Given a modicum of political will, Danger-I and II may still be manageable, however, Danger III to its territorial integrity in the Northeast may prove to be the most difficult. In fact the entire Northeast can easily be unhooked on multiple counts from the Union. First, these are low populated ar-

eas having contiguity with the most densely populated and demographically aggressive country in the world, i.e., Bangladesh. The country has also emerged as a major source of Islamic fundamentalism which impacts grievously on the Northeast. To add to these woes, New Delhi because of sheer vote-bank politics legitimized illegal migration for 22 years through the vehicle of IMDT. Many border districts now have a majority population constituting illegal immigrants from Bangladesh. In the near future, this leverage will be used to create an internal upheaval against the Centre as in the case of the Valley. It's a classic Islamic fundamentalist principle of asymmetric warfare. What cannot be achieved by conventional wars, can be done through infiltration and subsequently internal subversion. They call it "jihad!"

Second, the Northeast if not addressed appropriately could unhook from the Union before the Valley given the acute vulnerability of the Siliguri Corridor, which is merely 10 to 20 kilometer wide and 200 kilometers long. If this critical corridor is choked or subverted or severed by force, the Union of India will have to maintain the Northeast by air. With poor quality of governance for which the country is infamous, the local population may gravitate towards other regional powers.

Third, with China's claim over Arunachal Pradesh becoming more strident, as evidenced by its recent stance on Tawang, the danger to the Siliguri Corridor stands enhanced. This corridor has been facing internal turmoil for many years. The area may well be further subverted by inimical regional powers. Chinese intention to bargain for Tawang to secure Tibet is deceptive. Subsequently, it would covet entire Arunachal Pradesh to

protect Tawang. Chinese are known for expanding their areas of strategic interests with time unlike the Indians who are in a tearing hurry to convert Siachen Glacier into a "mountain of peace" or LOC into "line of peace" or equating Pakistan as an equal victim of terrorism.

It is a matter of grave concern that New Delhi is so prone to issue statements without thinking it through, as long as it appeases the adversary even temporarily. Therefore the Northeast - with the internal turmoil in the Siliguri Corridor, with low population surrounded by overpopulated Bangladesh exporting Islamic terrorism under the tutelage of Islamabad, with China gaining influence in Nepal and Bangladesh and its upping the ante on Tawang - the danger to the region is grave. Manipur is a stark indicator. The insurgents have nearly weaned away the state from the Indian Union. The writ of the Indian Union has ceased to operate; insurgents, compelling people to turn to South Korean music and films, ban Hindi music and films.

New Delhi continues to fiddle while the Northeast burns which in turn poses a grave problem to the territorial integrity of the Union of India. The world once again is getting polarized into two camps after the end of the Cold War - democracies and authoritarian regimes of all hues, which includes Islamists, Communists, and the Maoists. Their perspectives are totally totalitarian. Therefore with China, Pakistan, Bangladesh, Myanmar, and Nepal (Maoists), being neighbours, the danger to the Indian territorial integrity stands enhanced.

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Point Counter Point

Ashok Karnik

Every issue has at least two sides. A wise man studies all sides before deciding what is right. This is an attempt to present different viewpoints for your consideration.

Sting Operations

1) The bogus sting operation against a school teacher in Delhi, carried out of personal vendetta, has brought into question the role played by the media in exposing wrongs in the society. What was considered a lofty mission has turned out to be a double-edged weapon, open to misuse. This strengthens the Government's argument that the media cannot be left uncontrolled. The sting operations and the media's proactive role have achieved wonderful results so far; the media has exposed serious misconduct; as in the Tehelka Defence Contract scam and the various erroneous investigations in cases involving the rich and the powerful. The media has performed a path-breaking function, raising hopes that miscreants cannot always get away through use of money power and due to the opacity of government functioning; that public vigil can restore tilting the balance in favour of the good and against evil.

Even genuine sting operations leave an ethical question: Is it right to entice anybody into committing an offence and then catching him or her red-handed?

1) The Government's intervention is worse than the disease it seeks to cure but the media is itself showing no signs of recognition that something is amiss in its crusade. There is no move at self-regulation, only high-sounding pleas for freedom of expression. TV channels are going to town on bogus scoops of ghosts and supernatural events; a channel showing a village boy who defied science by suddenly speaking English in American accent and spouting Einstein's theory; a *Baba* who predicted his own death to the minute; a car with an invisible driver; and various forms of snakes living in human form – all obviously false but shown with great fanfare. Do such channels deserve the freedom to fool the people?

Even genuine sting operations leave an ethical question: Is it right to entice anybody into committing an offence and then catching him or her red-handed? A sting operation by definition involves setting somebody up. Catching somebody committing an offence is one thing but getting somebody to commit an offence is another thing. In the US, "entrapment" is legally unacceptable. It is time the media here made its stand clear instead of hiding behind platitudes.

Siddhivinayak Security

2) The wall built for the protection of the Siddhivinayak temple in Mumbai has caused considerable inconvenience to the people staying nearby. The case has raised several interesting legal points:

- a) Does the BMC/government have the power to change entry/exit points to a residential area without consulting the local residents?
- b) While security must be a consideration, how does one reconcile the convenience of the residents with these considerations?
- c) Can better intelligence not obviate the need for such cumbersome protection?
- d) Finally, should such structures be shifted out to remove the source of danger and inconvenience?

2) All are helpless victims of the terrorist threat that hangs over the country. If intelligence reports hint at a possible attack on a person or structure, it is the duty of the police to protect the target to the best of its ability. The police should be allowed to decide what is adequate security. Others, including the Courts, should refrain from assuming the role of experts on security matters. It is futile to suggest that even after such security arrangements, the structure is not proof against a terrorist attack. There is nothing like foolproof security; the duty of the police is to make the terrorists' task as difficult as possible. Similarly, if anybody in the world had an intelligence apparatus that could anticipate and prevent all such offences, the police force could be dispensed with all over the world.

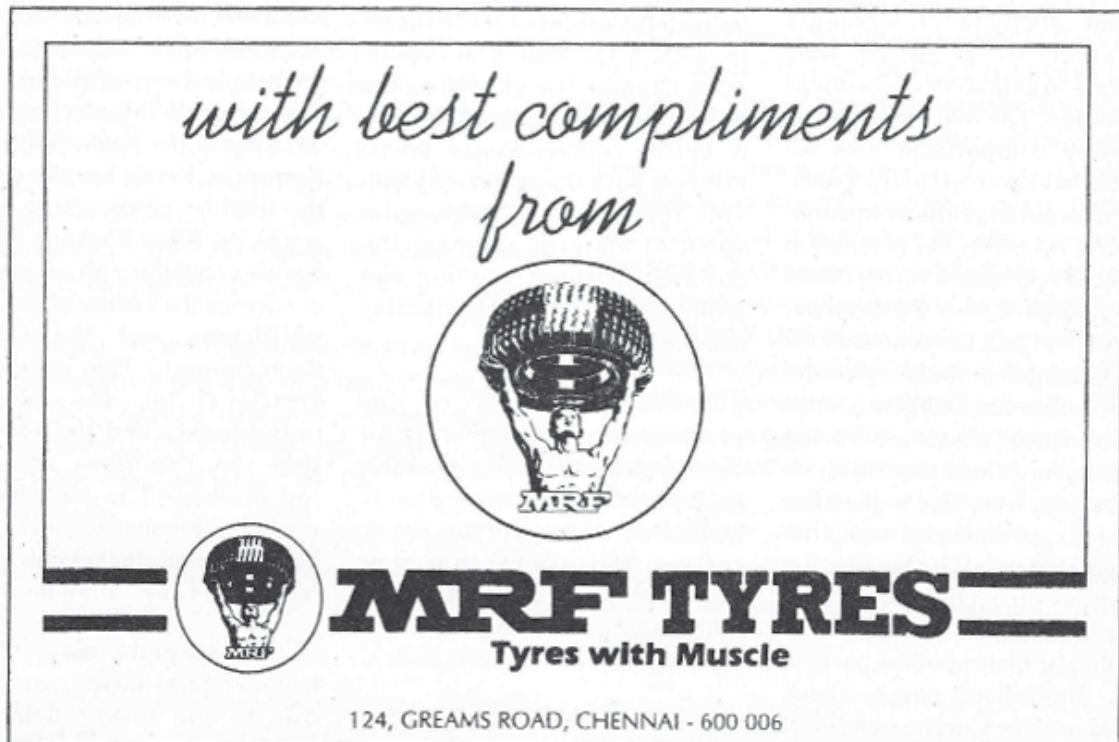
Official Secrets Act

3) The Official Secrets Act (OSA) is intended to protect the government from disclosure of sensitive information that an official acquires in the course of his duties. Such information could be damaging to the country if it is passed on to inimical forces or cause serious embarrassment to the government. The latter part is a grey area. What is embarrassing for the Government may not necessarily be bad for the country. Officials in possession of such information are coming out with more and more exposé to make a buck for themselves with high sounding excuses that they are trying to expose corruption and malpractices in the government machinery. The government has been generally indolent and has preferred to ignore such writings. It seems to have decided to act now. The case filed against Major General (retd) V. K. Singh for his book, " India's External Intelligence – Secrets of RAW " is a case in point. Singh has made allegations about misuse of funds by RAW and favouritism in giving contracts. In intelligence matters even denial of allegations is as dangerous as confirming the allegations. Truth is no defence here for RAW or the government. It is not known what particular disclosure is found to be offensive or is the government underlining the principle that a government official should not disclose anything without permission? How else can it stop the steady leakage of sensitive information?

3) The action against Singh and his publishers under OSA is considered as an attack on freedom of expression. To be honest, General Singh's book is an example how not to write. On merit, all the copies of the book deserve to go for recycling. Now, however, it may be read by a few out of curiosity. They will learn that Singh was an outsider in RAW and was very unhappy about it. He was a member of various innocuous committees and found some thing wrong in their functioning; he kept registering his dissent on several matters, without avail. In addition, he adds tit bits about events that occurred when he was in RAW but with which he had nothing to do. *Prima facie*, this is an attempt to cash in on the fact that Gen. Singh was in RAW - for all of two and half years.

Perhaps the dilemma before the Government was whether to ignore the book or take action now, so as to prevent others from emulating Singh. Since the Government has been inactive so far, it is tempting some retired officials to write about certain intriguing events. What the Government is doing is not really suppression of freedom of expression but a check on freedom to make money by using one's association with an intelligence organization. It can be argued that there is nothing wrong in making money as long as no harm is caused to national security. Writing badly is not an offence yet!

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



The Left's Opposition to the CND

P. M. Kamath

Communist Party of India - Marxist (CPI-M) has raised a political storm in India over the operationalisation of India-US Civil Nuclear Deal (CND) signed by Prime Minister, Manmohan Singh and the US President, George W Bush on 18 July 2005 in Washington, DC.

Communist Party of India - Marxist (CPI-M) has raised a political storm in India over the operationalisation of India-US Civil Nuclear Deal (CND) signed by Prime Minister, Manmohan Singh and the US President, George W Bush on 18 July 2005 in Washington, DC. Undoubtedly the opposition of four left parties, led by the CPI (M) assumes national significance, because the Congress led ruling United Progressive Alliance (UPA) depends on it for its survival with a parliamentary majority.

NDA's Opposition

In this sense, the official opposition, the Bharatiya Janata Party (BJP) led National Democratic Alliance (NDA) also has been demanding the renegotiation, scrapping or stalling of the CND on the ground that it restricts India's strategic autonomy, since (a) the CND made government to bring 14 nuclear reactors under the safeguards implemented by the International Atomic Energy Agency (IAEA) and (b) the Hyde Act of 18 December 2006 provides for termination of civil nuclear cooperation between the two countries in the event India conducting a nuclear test anytime in the next forty years – during the tenure of the 123 agreement.

The Communist Opposition

But the CPI (M)'s opposition

is pregnant with the possibility of delivering a death blow to the government and forcing it to go for mid-term elections. This is likely to introduce another period of political instability in India. Political instability is never a good proposition for Indian ambitions to emerge as a developed society. Hence, it is necessary to understand the nature of the CPI (M)'s opposition to the CND.

I have gone through all that has been said and written on the subject since the 123 agreement was published by the Ministry of External Affairs on 1 August 2007. I have also studied carefully the 123 agreement. From various statements of the leaders of the left parties, I can list the following as the reasons, which make them as a bunch of ultra-patriotic Indians working to save India from the American imposed CND! What are the publicly stated causes for which CPI (M) is leading an anti-CND crusade? Is there anything beyond it meets the eye?

Parliament's Approval?

First, Left leaders say that the CND lacks support in Parliament. Though it is a noble thought and well deserved to be discussed in detail, and pursued in national interest, the Indian constitution, does not require the cabinet to seek parliamentary approval before it agrees on an

international treaty or an agreement. The only check on the Cabinet is its own perception of parliamentary and national support. If the Left is keen to strengthen people's power by giving a role to the elected representatives to aid and advice, on treaty-making, as in the American constitution, they should bring an amendment to the constitution. But it need not begin with the CND, and cannot be done in the context of completing the CND. The process of India getting access to civil nuclear technology has already gone through two years and even in normal times, it could take one more year.

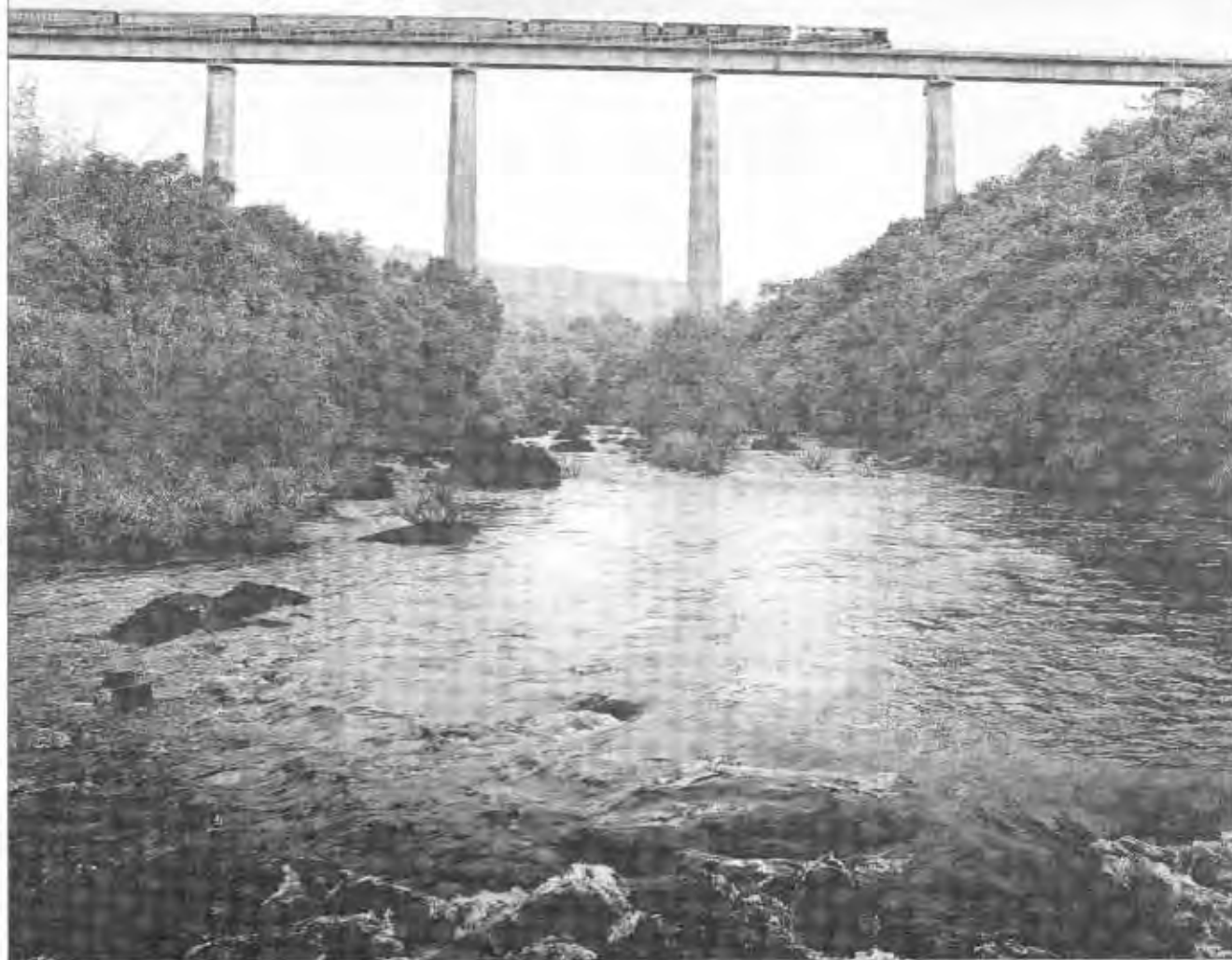
Not in India's Interests?

Second, CND is not in the interest of the country. It is not clear how the Indian left assessed public opinion. Even within the UPA other allies are in favor of the CND. The Marxists have already begun a campaign to educate the public on the issue. Brinda Karat, a CPI (M) Politburo member and an MP speaking in Warangal (AP), appealed to "the people to take a pledge to fight against the agreement and struggle till the Centre withdrew from it." But opinion surveys show that a vast majority in the nation is in favour of the CND.

Impact on Foreign Policy

Third, the CND is an

For engineers: A benchmark in innovation.
For a traveller: Fewer hours travelled. More hours lived.
For the record: Asia's highest.
For Konkan Railway: Accolades.
For us: Imagineering, as usual.



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obstacle in the path of India pursuing an independent foreign policy. A nation's foreign policy independence emerges from its economic strength and not from sloganeering! Even then, Marxists are referring to the US effort to redirect Indian relations with Iran as an instance to show that independence of foreign policy making would be affected. The US, being the most powerful country in the world has a habit of providing unsolicited advice to other nations, as to how to conduct their foreign policy. But we have shown that we are capable of deciding what is in Indian national interest. The US has only expressed its expectation of support against Iran and not made it a pre-condition for CND. After all, our Prime Minister has told us that he has advised President Bush in favour of peaceful negotiations with Iran rather than holding threats!

Communist Blog

But this independence that seems to be so dear to Marxists, should be expected against every country. When China occupied Indian territory in Arunachal Pradesh early this year, we have not heard any protest from the Marxists or their asking the Government of India to act firm! Independent foreign policy cannot be a mantra only against our relations with the US.

Fourth, CND and 123 agreement, in particular, Marxists say, in the light of the Hyde Act violates the sovereignty of India. This is the strangest complaint mouthed by the communists. Communism does not believe in nationalism but works on internationalism. During World War II Indian communists acted on the directions of the Soviet leaders. So long as Moscow, the then Mecca of Communists, had not joined the

allied forces, they were disrupting industrial production world over. But once Moscow joined with the allied forces, after Hitler had attacked the Soviet Union, Indian communists cooperated with the British to fight against Indian nationalists!

That apart, the question of loss of Indian sovereignty is hypothetical. In the event of India conducting another nuclear test, the US might terminate CND, depending upon the circumstances under which India was forced to conduct it. Further, the US decision will depend upon the nature of India-US relations at that time. It is also obvious that the Bush administration does not believe in such a need, as it has committed itself to help India to find alternate source of nuclear fuel in the event of disruption of fuel supply from the US. This provision is inserted in the agreement to safeguard the CND from the attacks of the US Non-proliferation lobby. It is clear, that the Executive branch has put greater emphasis on the action US would take in the event the termination clause of the Hyde Act is brought into play by the Congress to satisfy the non-proliferationists.

Finally, in their shifting emphasis on different grounds for opposing the CND, some times they argued that the Bush administration wants to claim success in foreign policy to demonstrate to the public as it has proved a failure in domestic affairs. George W. Bush is not facing re-election in 2008 and he is least interested in carving out a place for himself in Indian history books as a person who brought India out of a globally observed nuclear apartheid. Since Prime Minister Manmohan Singh praised Bush as the India-friendliest President, Prakash Karat has like a school

teacher advised PM to choose his friends very carefully.

Immediate Gains

But let us see the concrete and immediate gains from the CND in contrast to future potential threat to Indian sovereignty. First, going into developing clean nuclear energy will enable India to produce 40,000MW of power by 2040. At the same time, it will avoid the greenhouse effect and protect the environment. The CND does not bind us to buy nuclear reactors from the US. We can buy from any nation that has the best technology and offers better terms.

Every one in the nuclear industry know today that France has the best civil nuclear technology. Even Russian technology is good, since the US has not developed nuclear reactors in the last 30 years. Yet without such an agreement with the US, neither France nor Russia would easily agree to sell civil nuclear technology to India. The US will open the gates for trade in nuclear technology so that India can buy it from those who offer best terms.

Second, until yesterday, Australia, which sells uranium to China was not willing to sell it to India. India very much needs to import uranium as its production in India is negligible and the quality is poor. Now, after the 123 agreement, Australian Prime Minister, John Howard has offered to sell uranium to India.

Third, the CND in effect has raised India's international status vis-a-vis China or any other nuclear weapons state. As Daryl G Kimball, wrote: "It is a virtual recognition and endorsement of India's nuclear weapons status." But if Indians feel that their nation is not accepted as

a full nuclear weapon state like the five Permanent Members of the UN, be fix the blame on first Prime Minister, Pandit Nehru or his daughter, Indira Gandhi or Lal Bahadur Shastri for not going nuclear at the right time – soon after China exploded its first nuclear device in October 1964. Prime Minister Manmohan Singh has done what could be done under the current international environment. As he rightly said in August 2005 in Rajya Sabha: “It preserves our autonomy of the weapon programme....”

On the other hand, blocking the operationalisation of the CND now after the Cabinet has already decided on it, will erode India’s international credibility as a nation. Firm stand taken by the government has put the CPI (M) in quandry. Now, Politburo members are speaking in different lines. Earlier, it was the honeymoon getting over, but marriage to continue; later, it was marriage breaking down and divorce

becoming certain. But now, Biman Bose, a Politburo member says that there is no question of government falling, because they have only asked for discussion and not voting on the 123 agreement. Are Marxists becoming democratic? At least, cracks have started appearing in their so called Party discipline! West Bengal chief minister, Buddhadev Bhattacharya has said that India needs nuclear energy. Former chief minister, Jyoti Basu also has come out in favour of the CND. There is a lesson to the CPI (M). It will infuse energy in the party if party functionaries come to the top positions only if they have some administrative/ governing experience!

Be that as it may, the Left is now asking India to attend the IAEA meeting but not to negotiate on the India-specific safeguards! Why? Because China does not want the CND to materialise. Only two nations in the world have publicly expressed their strong

objection to the US sponsored CND: China and Pakistan. Pakistan is a close friend of China. And CPI (M) has closest fraternal ties with China.

Pakistan is negotiating a similar deal with China. Does China want to wait till it is ready when Pakistan could also negotiate with IAEA? China has shown its ability to agree only when it gets something in return. It agreed to stop further nuclear testing during the CTBT negotiations only when the US agreed to offer it computer simulation testing devices! Hence, whether the Indian Left is playing the China’s game or playing into Chinese hands, only time will tell.

P. M. KAMATH former Professor of Politics, Mumbai University and currently Hon. Director, VPM’s Centre for International Studies, Mumbai. He has recently completed a UGC funded Research Project on “Indian Nuclear Doctrine of No First Use of Nuclear Weapons: Its Relevance to Peace and Security in South Asia”.

Why the US regards India as its New Ally

“The Cold War pushed the U.S. and India apart. Republicans, especially, resented the way India postured as the leader of a “non-aligned movement” while tacitly allying with the Soviet Union. India had both ideological and strategic reasons for acting as it did. Its ruling class was left-wing. It also shared the Soviets’ interests in containing China. The U.S. on the other hand, was allied with China against the Soviets from the early 1970s on. The same sort of logic caused China and the U.S. to ally with Pakistan against India.

“But India has been moving in a free market direction for two decades, in fits and starts. The Soviet collapse, as well as China’s rise, has changed U.S. interests. Now we see India as a power that can balance China in the region. India also shares our interest in fighting Islamist terrorism. As the promotion of democracy has moved toward the centre of American foreign policy, India’s democratic credentials have grown more attractive to American policymakers. After Bush took office, the first foreign minister with whom he met was India’s. Tom Donnelly of the American Enterprise Institute argues that Bush’s foreign policy is heading toward the creation of a “Big-Four” global partnership between the U.S., Britain, Japan, and India.”

Excerpted from “A New Ally” by Ramesh Ponnuru, Senior Editor, *National Review*. The article appeared in its issue of, August 7, 2006

A Tribute to Tibet

On the occasion of the 60th anniversary of India's freedom

Shibayan Raha

When India gained Independence from British rule on 15th August 1947 the first country to recognize India was Tibet, a nation of seven million people for whom Mahatma Gandhi's philosophy of non-violence was the way of life.

Even as India was celebrating its Independence, UN forces were busy in the Korean Peninsula trying to stop North Korean aggression on South Korea; the newly formed 'People's' Republic of China invaded Tibet and by the end of 1949 the whole of Tibet was occupied. Tibet responded in the best way it knew, first by installing the child Dalai Lama as the supreme leader of Tibet and by sending envoys to India pleading for help, hoping that India would come to its help and save its independence. But she did not know that India was changing and the Indian government was in no mood to take on China, even if meant abandoning a 2000 year old friendship with Tibet. India did not even support a El Salvadorian resolution tabled in the United Nations asking for UN intervention in Tibet.

India Betrays Tibet

So India betrayed an old friend, Tibet was occupied, and a peaceful buffer state between the two Asian giants disappeared. In the next ten years the 14th Dalai Lama tried his best to reach an agreement with the Chinese leaders in Beijing but it was all in vain. In 1959 during a unsuccessful uprising the Dalai Lama had to flee his country and seek refuge in India with his entire government and close aides. 80,000 Tibetans fol-

lowed their leader into exile in India. This time, mercifully, India opened its arms and gave asylum to the Dalai Lama and his followers. A makeshift Tibetan administration was set up in Mussorie and later transferred to Dharamsala. Most of the Tibetan refugees were sent to different refugee camps all over India.

On the occasion of the 60th anniversary of Indian Independence let us look back at the contribution Tibet and the Tibetan people have made to India. The Tibetan government-in-exile and its people have always stood by India whenever it was needed.

- The world's highest stretch of metalled road, running hundreds of kilometers from Manali to Leh in Ladakh was built by Tibetan workers. Today it serves as a major military corridor for the movement of troops to Ladakh on the India-China border. Because of the harsh terrain and ever harsher weather many Tibetans died while working on the project but they did not complain; for them they were not building a road rather they were building India, their second home.
- After the 1962 border war with Communist China the Indian government decided to raise an elite guerilla force comprising Tibetan refugees to conduct co-

vert military operations behind enemy lines in the event of another war with China as they knew the terrain well. It was named Special Frontier Force (SFF). The first major combat SFF commandos undertook was in the 1971 war with Pakistan and the liberation of Bangladesh. Around 300 SFF commandos formed the first party of the Indian forces deployed in the Chittagong hill tracts of Bangladesh. They cleared the way for the Indian Army. 56 Tibetan commandos laid down their lives for the liberation of a country which was not theirs. But they took it in their pride because it was India's call of duty.

- Many more died in the Kargil conflict, the news of which was never revealed. Today a 5000 strong battalion of Tibetan soldiers serves the Indian Army in the Siachen Glacier, the world's highest battleground defending our freedom at the cost of their lives.
- Then of course there is The Dalai Lama the supreme leader of Tibet, who is the world's most famous religious leader today. Recently he was voted as the third most favoured person to head a world government. When India has forgotten the ideals of Mahatma Gandhi, The Dalai Lama has taken upon himself

the task preaching the ideal of non-violence to the world community. He has always stood by India and Indians. He proved his love for India time and again. He defended India after the Pokhran nuclear tests. When the world's powers were slamming India with sanctions, the Dalai Lama said "I think nuclear weapons are too dangerous. Therefore, we have to make every effort for the elimination of these weapons. However the assumption of the concept that a few nations have the right to possess nuclear weapons and the rest of the world do not is wrong and undemocratic.... India should not be pressurised by World powers to abandon its nuclear weapons production." The Dalai Lama understood India's stand even when the world condemned it; and even when it was against

his religious beliefs. He has always said that the relation between India and Tibet is like a guru and disciple.

- The Tibetan Government-in-exile donated Rs.5,00,000 for the rehabilitation of Tsunami victims in Chennai, even though its own economic condition is not adequate to feed its own people. Tibetan students in Chennai spent months in the Tsunami stricken areas of Tamil Nadu providing much needed support to the people when the Indian government was nowhere in evidence.

Today when we are celebrating 60 years of Independence,

- should not the Indian government honour The Dalai Lama with the Bharat Ratna or The

Gandhi Peace Prize?

- Should not the Indian Government accord recognition to the Tibetan Government-in-Exile as the legitimate government of Tibet?
- Should not The Dalai Lama be invited to address a joint session of India's parliament?
- Should not India put pressure on the Chinese Government to enter into direct negotiations with the Dalai Lama and stop human rights abuses in Tibet?

Only by doing the above can India atone its government's betrayal of the Tibetan people when they desperately cried for India's help in 1959.

MR. SHIBAYAN RAHA is an Activist with Friends of Tibet India.





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Fair Use Clause : Is Google Pushing Its Limits?

Shubhangi Garg

Coined as an “equitable rule of reason,” the fair use doctrine has existed for as long as the copyright law. It was codified in § 107 of the Copyright Act of 1976, Article 17 of the United States Code.

The fair use defence allows the use of copyrighted works without the copyright owner's consent under certain situations. The fair use defence permits [and requires] courts to “avoid rigid application of the copyright statute when, on occasion, it would stifle the very creativity which that law is designed to foster.”¹

This article aims to examine the various facets of the fair use clause especially with respect to the Google Library Project, its repercussions on the internet industry and most importantly the furore over the alleged copyright infringement issue.

The Google Library Project

In December 2003, Google Incorporated launched the Google Print Program which has now come to be known as the Google Book Search Project. This program was to have two different parts namely the Google Partner Program (formerly known as Publisher Program) and the Google Library Project.

The Partner Program is a very straightforward proposition wherein Google enters into a contract with several publishers, publishing houses, agents, to license their literary work to Google for its search database. The publishers / copyright owners will receive some compensation from the advertising revenues generated by this process as consideration for

the license. There is no controversy over this program as everything is done with the express consent of the copyright owner.

In the Google Library Program, Google has entered into a partnership with seventeen major libraries of the world including the library systems of University of Oxford, Harvard, Princeton, Stanford, Michigan and New York. According to the arrangement between them, Google will scan the entire text of the books from these libraries, make a digitised copy, store it in its database and make a virtual card catalogue indexing each and every term of the books in the database. When a book corresponds with any search query, it will be indexed along with all the other books matching the query. By clicking on the link provided underneath, the user will be able to see different views for different categories of books.

For instance, books that are out of print or are in the public domain, the user will be able to view the entire text of such works. Those books that are still under their copyright term the user shall be able to view only the cover page, three excerpts from the book and the summary given on the back cover along with several other links such as: where the book can be purchased or borrowed. These excerpts - popularly known as ‘snippets’, consist of a few

sentences before and after the search term.

In order to enhance copyright protection the ‘cut, copy, save or printing’ options are disabled on these pages. Additionally ‘snippets’ from reference books such as dictionaries etc. shall not be revealed. Alternatively, Google also announced its ‘Opt-Out Policy’ in August 2005. As the name suggests this is a chance for the copyright owners to opt out of the Google Library Project. Once the owner has conveyed her/his intentions to Google, her/his work is not scanned even though it may be a part of the group of books being scanned from a contracting library.

Herein lies the crux of the controversy, as the copyright owners of these books are objecting to such use of their literary works by Google without their express permission or consideration.

The Issues

There are two main disputes regarding the Library Project. The first one pertains to scanning and storing the whole text of copyrighted works in Google's database, without express permission from Copyright Owners. The second issue pertains to displaying of ‘snippets’ from these works on the internet.

Fair Use Analysis

This article aims to examine

A wide range of products. One cooling expert. **Blue Star.**

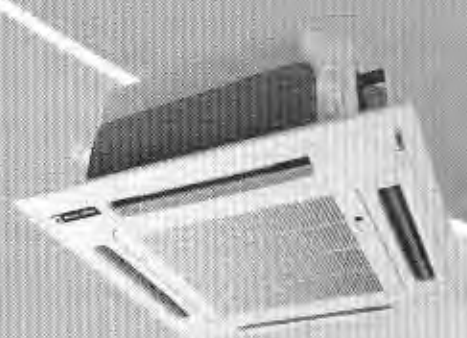
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Google's position in the light of three recent important judgements namely, *Kelly v. Arriba*², *Perfect 10 v. Google*³ and *Field v. Google*⁴. The Courts usually adopt a fairly flexible approach in applying a fair use analysis. The statute calls for a case by case analysis and there are no bright-line rules to simplify the matter or define the application of this doctrine. The four factor analysis is as follows.

Purpose and Character of the Use of the Copyrighted Work.

The US Supreme Court has rejected the proposition that a commercial use of the copyrighted material ends the inquiry under this factor. In fact, the central purpose of this analysis is to see whether the new work merely supersedes the objects of the original creation, or instead adds something new, altering the first with new expression, meaning, or message; it asks, in other words, whether and to what extent the new work is transformative.⁵

It would be pertinent to note the case of *Kelly v. Arriba* here. *Kelly*, a photographer brought a direct infringement claim against *Arriba*, the operator of an Internet search engine, for displaying small resolution thumbnails of his photographs. The Ninth Circuit Court held that *Arriba's* use of thumbnail images was a fair use primarily based on the transformative nature of a search engine and its benefit to the public.

The court laid down that "*Arriba's* use of the images served a different function than *Kelly's* use - improving access to information on the Internet versus artistic expression. "Although an image may have been created originally to serve an entertainment, aesthetic, or informative function,

a search engine transforms the image into a pointer directing a user to a source of information."

In fact the Court in the case of *Perfect 10* went a step further and said "a search engine provides social benefit by incorporating an original work into a new work, namely, an electronic reference tool.

The same principle applies to the present situation with equal force if not more. Google's Book Search is adding something that is unavailable in the print version. This extra functionality promotes the key copyright interests of "science and the useful arts" by giving researchers easier, more valuable access to large numbers of works. This factor therefore greatly weighs in Google's favour.

Nature of the Copyrighted Work

Here it becomes important to note whether the work is published or unpublished, fictional or factual. The right of first publication is "the author's right to control the first public appearance of his expression."⁶ Once the copyright holder has exploited this commercially valuable right of first publication by way of print media and books she is no longer entitled to the enhanced protection available for an unpublished work. Accordingly, this factor weighs only slightly in favour of the copyright owners.

Amount and Substantiality of the Portion Copied

"The third factor asks whether the amount and substantiality of the portion used in relation to the copyrighted work as a whole . . . are reasonable in relation to the purpose of the copying.

As far as the first issue is concerned, though Google has scanned and stored entire texts of several in 'copyright' works, it was required to do so for the purpose of searching the entire text of the books. If the entire book is not made available for searching, the whole object behind the search would be defeated.

The Ninth Circuit Court laid down in both *Kelly* and *Perfect 10* that "even making an exact copy of a work may be transformative so long as the copy serves a different function than the original work".

Coming to the second issue of displaying 'snippets' from the copyrighted works on the internet, the *de minimis* principle deserves mention. These 'snippets' may be equated with thumbnails as in the *Perfect 10* or *Kelly* cases. The point to be noted is that this search reveals very little. It could not possibly satisfy the user, as the information provides just enough to arouse interest but not satisfy it. However the question is not about how much is revealed. It is about whether a substantial portion of the book is revealed which in turn precludes the chances of the user searching for more about the book. That clearly is not the case.

Effect of the Use upon the Potential Market, for or Value of the Copyrighted Work.

This factor has lately been viewed as the sole most important factor in evaluating the fair use scale. After all, the ulterior motive of this entire exercise is to gauge the commercial impact of a potential infringer's activities on the copyright owner's original markets. A transformative work is less likely to have an adverse impact on the market of the original than a work that merely

supersedes the Copyrighted work.

In both cases, *Kelly* and *Perfect 10* the Courts have come to the conclusion that it goes in favour of the search engine. The reason being, that there exists no market for the thumbnails of the images that were being displayed on the internet by the defendants. Similarly there exists no market for 'snippets' of these copyrighted works. Instead of supplanting the markets (if any) it would in fact enhance the originals, as after reading the snippets the user would be curious to read more and would therefore be persuaded to buy, or hire an actual copy.

Furthermore the alleged markets that Google is supposedly robbing the Copyright owners of, are all speculative, unexplored tentative markets. Google's answer

to the pleas of copyright holders of their right to license out their works to the company lies in the form of the Partner Program (publisher program).

Google is not making the entire text of the book available to the internet users. In my opinion, Google's library project is not replacing the copyright owners market, but is in a way providing free advertising and exposure to the copyright owner.

Conclusion

Even as the battle ensues between the two opposing camps, one must not lose sight of the ultimate contribution that the Google Book Search Project will make to our civilization as a whole. Rather than replacing a trip to the library it is more likely to expose

a technology dependent; computer addicted generation towards the wonder of it by arousing its curiosity and compelling it to explore the realms of our past.

On the basis of the legal precedents, and the prevailing industry practices this paper concludes that the Google Library Project does in fact come within the purview of the fair use clause.

MS. SHUBHANGI GARG is a Vth year student at the ILS Law College in Pune.

¹ *Stewart v. Abend*, 495 U.S. 207, 236 (1990)

² 336 F.2d 811 (9th Cir. 2003)

³ 416 F. Supp. 2d 828, 849 (C.D. Cal. 2006)

⁴ 412 F. Supp. 2d 1106 (D. Nev. 2006)

⁵ *Campbell v. Acuff-Rose Music, Inc.*, 510 U.S. 569, 579 (1994)

⁶ *Harper & Row*, 471 U.S. at 562 at 564

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Fatwas : Need for Pragmatism And Restraint

Vasundhara Mohan

There has been a spate of fatwas in the recent past, issued by Muslim clerics from various parts of the country on different subjects. Some of them have been controversial in that well-known Islamic scholars have not agreed with the fatwas and some have infringed on human rights. The aim of this essay is to put together the facts reported in the media and leave it to the community to ponder.

A fatwa is a legal pronouncement in Islam, handed down by a law specialist on an issue in the form of an opinion and at the request of an individual or a judge to settle a question over which the "*fiqh*," Islamic jurisprudence, is unclear. A scholar capable of issuing fatwas is known as a mufti.

In many Islamic countries there exists an official Mufti position, to which a distinguished expert in Islamic law is named by the authorities of the country. There are strict rules on who is eligible to issue a valid fatwa and who cannot, as well as the conditions which a fatwa must satisfy to be valid. According to the Principles of Islamic Jurisprudence, a fatwa should be:

- in line with relevant legal proofs, deduced from Quranic verses and *hadiths*;
- issued by a person (or a board) having due knowledge and sincerity of heart;
- free from individual opportunism, and not depending on political servitude;
- adequate with the needs of the contemporary world.

Despite such clear and conceptual clarity of fatwa requirements and authority, Muslim 'religious leaders' in India

are using the fatwa to establish their supremacy over a gullible Muslims population. As Dr Zeenat Shaukat Ali, Professor of Islamic Studies at the St. Xavier's College in Mumbai said, "Fatwas are opinions. And opinions are important. They cannot be thrown around".

Spate of Fatwas

The question of legality of a fatwa in a secular country like India is not within the competence of this author to examine, although the former Union Law Minister H.R. Bharadwaj had said in a written reply in the Rajya Sabha that fatwas issued by Islamic institutions are not valid in the eye of the law, adding that the procedure to be followed by courts in criminal cases are set out in the Code of Criminal Procedure, 1973 and that fatwas issued by Islamic institutions do not have legal sanctity.

Even if a fatwa is strictly in accordance with the *Shari'ah*, what about the consequences if a fatwa ignores the fundamental rights and human rights? Will it still be legally binding? Recently some Hindu religious figures issued a fatwa against the Tamil Nadu Chief Minister for what they considered as blasphemy against Lord Shri Ram. What will be the situation if every religion starts issuing fatwas? Or, if the religious

institutions start functioning as parallel courts, what will happen to the established legal system in the country? Like for instance, disputes between a loaner and a loanee? Some *Shariat* courts have been settling such issues. Even though such quick justice can hardly be expected from the traditional courts, it is an indication that a failing system encourages alternative means that may ultimately weaken the system further. Muslim women also protest that fatwas always favour men, saying that nothing they say seems to affect men; it is undemocratic, beyond reforms. What we really need is a fatwa against all fatwas.

The above questions apart, unfortunately now a days every Muslim 'religious leader' is busy issuing fatwas covering a wide range of subjects from matrimonial disputes to the singing of *Vande Mataram*; from the use of tooth paste to taking out an insurance policy. Here are some fatwas issued during the last few years and well publicised in the media.

- In February 2000, five Hyderabad-based Islamic seminaries held that the action of actor and social activist Shabana Azmi's shaving her head for a film role was a violation of Islamic doctrine and abominably inadmissible;

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it tantamounts to paganism and violation of the Shari'ah and Islamic doctrines. They wanted her to renew her faith.

- Fifty-four Muslims were excommunicated and their marriages nullified by a priest in Agra after they reportedly expressed the view that singing *Vande Mataram* was not un-Islamic. The Mufti declared that singing of the national song 'would lead them to hell.' He called upon the Muslims who made statements in favour of the song to offer prayers to renew their faith in Islam and remarry according to Islamic rites. Of the excommunicated, 13 asked for forgiveness.
- In August 2005, the Darul Uloom Deoband ruled that Muslim women should not contest elections, and that if do, they should do so under veil. There were widespread protests from human rights activists and liberals in the country, including some Muslim clerics. Muslim women were shocked "at the Islamic seminary's anti-women, patriarchal and biased opinion which may hamper Muslim women's participation in politics." Zeenat Shaukat Ali said: "It will seclude and segregate women and hamper their progress. There is no clear Quranic injunction about how a Muslim woman should be dressed." The seminary has now decided to impose a ban on issuing religious edicts or fatwas on political matters.
- In September 2005, a fatwa was issued against Sania Mirza over her clothing, holding that the dress she wore on the tennis courts leaves nothing to the imagination and will have

a corrupting influence. She was asked to follow the example of Iranian women who wore long tunics and headscarves to play in the Asian Badminton Championships. There were threats that she would be stopped from playing tennis if she did not wear "proper clothes".

- In November 2005, a mufti in Indore issued a fatwa over a divorce decree granted by a court, on the ground that the judge was a 'non-Muslim' and therefore the judgement was not acceptable under the *Shariat*.
- In 2006, several Hyderabad-based muftis issued a fatwa asking Muslims not to admit their children in schools where *Vande Mataram* is sung and directed that the children who were already studying in such institutions (even if they were offering quality education) be immediately shifted to other schools.
- In December 2006, the Mufti of Bhopal issued a fatwa calling for a ban on the use of any kind of contraceptive.
- On July 1, 2007, the Dar-ul-Uloom Deoband decreed that co-education is unlawful. A spokesperson of the All India Muslim Personal Law Board said: "This opinion is taking things a bit far. Of course, Islam doesn't allow co-educational institutions. But we do have such institutions in Islamic countries like Iran and Saudi Arabia."
- Recently, the Bangladesh writer Taslima Nasreen was attacked in Hyderabad by a group led by Majlis-e-Ittihadul Muslimeen's MLAs and on August 17, 2007 the Shahi

Imam of Kolkata's Tippu Sultan Shahi Mosque, issued a 'fatwa' to behead Taslima Nasreen. But, the Muftis of Deoband and some other Islamic scholars forcefully said that India being a democratic country, no proscription for beheading anyone can be issued as it is possible only in a country ruled under Islamic government. They added that any person not agreeing with Taslima Nasreen's writings could go to court.

- In September 2007, the Bareilly-based Darul-Ifta- Manjar-e-Islam issued a fatwa against Actor Salman Khan for participating in the *aarti* performed before the idol of Lord Ganesh in Mumbai. Stating that Islam prohibits idol worship, the fatwa said that unless Salman Khan reads the *kalmas* all over again, he will not be considered a Muslim.
- In the Sultanpur district of Uttar Pradesh, the Bareilly school of Muslim Thought issued a fatwa annulling the marriages of 75 Muslim couples who participated in the funeral prayer led by a mufti who, according to the edict, did not subscribe to the Sunni Muslim sect. The All India Muslim Personal Law Board termed the fatwa as uncalled for and unwarranted. "Such fatwas pollute the minds of young Muslims and they tarnish the image of the Muslim community as a whole."
- The Dar-ul-Uloom seminary issued a fatwa banning the use of Quranic verses as ring tones (in mobile phones) on the ground that Quranic verses cannot be used for entertainment.

Need to avoid contradictions, controversies and ridicule

Whenever a Muslim is in doubt over some point of conduct or when he is involved in a dispute with another person on any of life's problems. Because a fatwa is issued as an opinion and to the best of knowledge of the Mufti, a fatwa always ends with the words "Allah knows best". Hence a fatwa has to avoid contradictions, controversies and above all, ridicule.

- On the fatwa issued in the case of Salman Khan, the *Times of India* commented: "Ridiculous fatwas being passed every day do the community no good – in fact, the actions of a handful of publicity-seeking clerics unfairly make the entire community seem rigid."
- Professor Obeid Siddiqui of Jamia Millia Islamia finds that there is a lot of misconception and ignorance about fatwa. "Everybody cannot issue a fatwa and it is not a ruling, but an opinion," Siddiqui said. "Salman Khan is doing something in his personal life, you are nobody to tell him what to do," he added.
- In the incident involving Imrana, while a Maulvi decreed that Imrana shall live with the father-in-law as his wife as she had become *haram* (religiously illegal) for her husband, another Maulvi decreed that Imrana should live with her husband and her molester father-in-law should be severally punished. Assuming that her husband is humane enough to understand Imrana's plight and accepts her, how can a Maulvi decree that he shall not?
- The All India Muslim Personal Law Board completely rejected

the fatwa regarding the dress of Sania, describing it as nothing but a trifle. The Board held that every sport has its specific dress code and it does not come under the purview of the Muslim personal law.

- The Darul Uloom Deoband issued a fatwa recently banning Muslims from engaging in photography and clarified that photography is allowed only when mandatory and that the ban applies to photography during marriages and other social functions or for commercial use. It is not clear whether the ban applies to women alone or both sexes.

Conclusion

Since Salman Rushdie's *Satanic Verses* earned him a death threat, fatwa has come to symbolize the rigid face of Islam. The fatwa has increasingly become a tool for personal gains or for advancing personal, pragmatic, and political agendas, making fatwa controversial in the Muslim world. Many Muslims view them as an embarrassing violation of Islam's anti-hierarchical edicts.

Despite the clear and conceptual clarity of fatwa requirements and authority, Indian Muslim religious leaders are using Fatwa to show and establish their supremacy over the general Muslims population.

As fatwas are the "Shari'ah in action", the question is, how many of these thousands of fatwas are known (or have been made known) to an average Muslim? If not, why not? And if yes, how many of these fatwas are really put into practice? When getting admission in good schools is extremely difficult, how many Muslims have actually withdrawn

their children from such schools, if they had the practice of making the children sing *Vande Mataram*? In several parts of India, Muslims have been joining the celebration of Hindu festivals. Muslims of the Ram-Rahim Maitri Mandal of Bhivandi have been worshipping Lord Ganesh along with the Hindus for several years now. There is no fatwa against them. Fatwas on literary writings is considered a big blow to literature and the freedom of expression.

Commenting on the fatwas, Tanveer Jafri (Member, Haryana Sahitya Academy) said: "sometimes the Fatwas get an eye-catching headline in the media or gain a prominent place in newspapers. Sometimes a controversial fatwa is heard asking Muslims to favour a particular political party. In this connection, the general public forms the views that the Muslim society is fully bound to accept and act upon every Fatwa. These views regarding the Fatwas are baseless, meaningless & very far off from reality".

It is the common Muslim society that suffers as a result of fatwas issued by unauthorised and incompetent Mullahs. For, the common Muslim is not knowledgeable to understand the correctness of a given fatwa and, as such, if he is religious minded, is at the mercy of the Mullahs. A Maulvi issuing a fatwa has to take into account several things like contextual relevance, the conditions in which the present generation lives and the nuances of living in a plural society.

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the footnotes have not been printed.
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Media, Police, Politicians and Convicts

When the Four Converge...

R. V. Chari

Fourteen years ago, in 1993, Sanjay Dutt bought a 9 mm pistol and an AK 56 rifle from people, who had unleashed terror in various parts of Mumbai including the Stock Exchange and Air-India Buildings, killing 257 persons and maiming a few hundred more. That illegal act of possessing weapons recoiled on Sanjay Dutt on July 31, 2007, when the Presiding Judge of the TADA Court, Pramode Kode, found Sanjay Dutt guilty, and sentenced him to 6 years rigorous imprisonment and a fine of Rs 25,000.

Judge Pramode Kode's judgment was widely welcomed by the public and the lawyer fraternity. Public Prosecutor Rohini Salian, commenting on the judgment said: "Under the Arms Act, the minimum is 5 years and the maximum 10. The sentence of 6 years pronounced on Dutt is quite fair enough." According to a defence lawyer Majeed Memon "our excellent administration of justice is above sentiments and emotions."

Visibly shaken by the judgment, Dutt appealed to the Supreme Court and was granted bail. The *Hindustan Times'* leaderette of September 5, 2007, commented on how he wangled his way to jump the queue, his peregrination to Vaishno Devi temple to wash off his sins; of the VIP car, special security and the special arrangements made by the powers-that-be, and that too, for a convict, though this has been vehemently contested by the officials stating that the arrangements were in fact made for Priya Dutt MP and sister of Dutt. To kowtow before a convict and make arrangements for a privi-

leged darshan of the Goddess yet again exposes the utter servile nature of the bureaucracy.

Between 26/9/98 and 02/10/98, 41 year-old Salman Khan, the superstar, on a hunting trip in Rajasthan killed Chinkaras and the black buck, both endangered species. He was tried and punished for this crime by a Jodhpur sessions court and sentenced to 5 years rigorous imprisonment and fined Rs.25,000. Commenting on this judgment, Maneka Gandhi, the crusader for animal rights and a former Union minister said: "This is an excellent judgment. This man should have gone behind bars long back. I am sure he will try and get out of the jail somehow. Look at the arrogance of the man; he didn't even bother appearing in the Court." Belinda Wright, Executive Director, Wildlife Protection Society of India said: "The judiciary has sent a clear message that poaching will not be tolerated, and that no one is above the law." Some newspapers carried Salman Khan's pictures on the day the judgment was delivered in far off Jodhpur. So much for his respect for the judiciary.

Bollywood has a lot stake in both cases, as large sums, running into crores of rupees, have been invested in films under production - Rs.70 crores on films starring Sanjay Dutt and Rs.80 crores on Salman Khan.

The case of Adnan Patrawala is quite pathetic. He was an adolescent of 16 years and the son of Aslam Patrawala, a businessman, who was kidnapped and

his abductors demanded a ransom of Rs.1 crore. This was splashed by the electronic media. Panicking the abductors strangled him. Had the small screen been discreet his life could have been saved. The police came down very heavily on the telecasters, but of little use as the boy had been murdered already in cold blood.

On November 12, 2006, Alistar Pereira's Toyota Corolla, mowed down labourers sleeping on the footpath at Carter Road, Bandra, killing seven of them instantantly and injuring eight. Chief Justice Swatanter Kumar and Justice Ranjana Desai, sentenced him to 3 years R.I. and a fine of Rs.5 lakhs. Commenting about the case, the Chief Justice, said, "He is expected to be having knowledge of law, life in Mumbai, and the publicly known fact that poor labourers sleep on footpaths iri Mumbai." The judgment order said, "On facts, it can hardly be believed that a person... under the influence of liquor, driving a vehicle rashly and negligently with high speed and with high tape recorder sound, would not have knowledge, that there is likelihood of his meeting with an accident..." "The record of the case exhibits a most callous attitude on the part of the accused. He acted in a most irresponsible manner, breached not only the law but even social obligations and failed to take requisite precautions and drove the car in a rash and negligent manner. Pereira's blood report showed 0.112% alcohol, which is way above 0.52% permissible limit ... Yet .he drove an over-crowded Toyota Corolla, in a rash and negligent manner, at high

speed and blaring music from the car stereo ..."

In all these *cases* the media has blown up completely out of proportion and that too all of them convicts occupying the front page in almost all the newspapers, relegating to the inside pages other far more important news - both national and international. Such unwarranted hype by the media has emboldened these convicts to perpetrate crimes of a far more serious nature.

The police which is supposed to be the 'guardian of law' has not been playing its part in a fair manner. In almost all the states it has been very lethargic and slow in taking action. In some of the states like Bihar the action does not reflect well on the police authorities concerned. Readers may still remember the horrifying episode, a few years ago, of prisoners being blinded by police personnel in Bhagalpur in Bihar. They have not

learnt their lesson yet as in the latest instance of the case of a thief caught by the public who was tied to the rear-wheel of the motor cycle of a sub-inspector and dragged a few hundred yards as a result of which he died of skull injuries. This has generated a lot of criticism but the Bihar police is oblivious to such carping criticism and continues to indulge in the same barbaric methods to "tame" the offenders of law, which is highly reprehensible.

In a few other states the police department has shown some improvement and has been citizen-friendly. In recent times, the Maharashtra police has succeeded in adopting methods that are laudable. This year the *Ganeshotsav*, went off quite peacefully and without any incident. The credit goes to the traffic police and some of the NGOs who have been working with the police. Acting on a news report that appeared in the daily *DNA* the police took very prompt and speedy action by ar-

resting three youths under the 'Juvenile Justice Act for cruelty to two children'. The arrest of a manager of a leading Bank along with two other persons for extortion from a business executive who had been loaned Rs 5,000 and from whom Rs 46,000 had already been collected shows the swiftness with which the police had acted. Readers may remember of the suicide of one Mr Prakash Sarwankar, due to the high handed action of another bank and its goons. To mollify and pacify the family, the bank has compensated his family with Rs 15.50 lakhs. The Mumbai Police have started arresting drunker drivers and putting them behind bars for a day or two along with a fine of Rs 500 each. Such speedy action on the part of the police has instilled a sense of confidence in the public mind and they warmly welcome it.

PROFESSOR R. V. CHARI is a retired professor of commerce and management and a freelance writer.



The Real Ronald Reagan

Once, when President Nixon asked Reagan to represent him in Asia, several of us who worked for the governor (Reagan was governor of California before becoming President) got to go along for the ride. Needless to say, great shopping opportunities presented themselves. As we were heading home, we were handed U.S. Customs forms. We were told that we probably would not have to answer to Uncle Sam for the many items we'd picked up, but we were urged to fill out the forms just in case.

All this caused considerable angst. I recall consulting with my fellow travelers whether we should list the many suits and ties we had bought. In the end, we were waived through customs. Later, I came across Reagan's completed form. He had listed every single trinket, garment and souvenir he'd purchased, some of them worth pennies. It was a remarkable piece of bookkeeping. But even more impressive was its total honesty.

His roots were Irish, but Reagan wasn't an emotional man, with two exceptions: He had an unabashed love of country that often would express itself in emotional ways. And, of course his love of Nancy was unconditional too. Their relationship is one of the greatest love stories of our time.

Reagan really loathed flying. Once, I looked across the aisle to catch his lips moving silently during takeoff.

"Praying for a safe flight" I joked. "Actually, I'm saying a prayer for Nancy," he told me. "If I die today, I'm asking Him to look after her."

He would repeat this every time he flew without her. That was the real Reagan. He was most at ease when he knew Nancy was nearby.

Michael K. Deaver, Chief of Staff and Assistant to President Reagan in his book
"A Different Drummer: My 30 years with Ronald Reagan."

An Open Letter from Sharad Joshi MP to Readers of *Freedom First*



Dear Friend

Sub: Swatantra Bharat Paksha

India used to be a land of people who dared to innovate, experiment and venture. Successive invasions, colonial rule and socialistic misadventures after independence have put these qualities at a discount. Since 1991, the socialist straitjacket is being loosened and Indian entrepreneurs are once again proving that given freedom they are second to none in the world.

Even in the darkest days of socialism, people like C. Rajgopalachari and Minoo Masani dared to spell out the virtues of free enterprise. Since the 1980s, India's farmers have been agitating for the freedom of markets and of technology. These two have come together convinced that India needs a political alternative that would cast aside the anachronistic, collectivist and pastoral attitudes in politics.

I am addressing this open letter to readers of *Freedom First* as the National President of the Swatantra Bharat Paksha (SBP) to inform you that there exists a group of people who dare to dream of, and work for, a society which appreciates and promotes the finest qualities in human beings and has plans to establish a second republic in India that would be a democracy of the producers rather than a dictatorship of the proletariat or a populist dynastic or denominational State.

We, i.e the SBP is preparing our manifesto for the next General Election, probably in 2009, perhaps even earlier, and we seek the views of enlightened citizens like you on the basic issues that face our people and our country. To assist you in being able to assist us in producing a worthy public declaration of our policy and aims, we would be happy to send you a copy of our Manifesto of 2004 and certain founding documents of our Party.

I request you to spare sometime to go through this documentation carefully. I can assure you that every word and every sentence in these documents has been carefully worded with substantial insights.

After you have read them we await your comments and suggestions. If there are some issues that are not clear and you require elucidation please ask me and I shall be happy to respond.

Arising from this dialogue I am sure the SBP will be able to produce a manifesto that is current and relevant and what our country needs.

To be able to send you a copy of the SBP and its founding documents please let me have full address with pin code and phone number. Please also send me your email address for ease of communication.

I look forward to hearing from you and to the pleasure of having you on board of the SBP; but more about this after you have had a chance to read the papers I shall be sending you and your response.

Yours sincerely,

Sharad Joshi
National President

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From Our Readers

The Nuclear Deal has been Scuttled.

The two reasons put forward by itsopponents are the Hyde Act and option of thorium based technology. The previous issue of *Freedom First* had exposed the Hyde Act to be a non issue. The following two comments by two retired scientists of BARC about the thorium technology appeared in *The Times of India* of 14 October. Their comments clearly indicate that the talk of thorium based plants round the corner appears to be a hoax.

“Whatever we may say about the future, at present the fact remains that we cannot do without uranium”

– T K S Murthy, former head of the Uranium Extraction Plant in Jharkhand.

“The 123 Agreement is for 40 years. Hence it is more than a coincidence that India’s commercial deployment of thorium based nuclear programme would take 35 to 40 years.”

– Dr. Venkateshwarlu.

BRIG. S. C. SHARMA (Retd.) can be contacted at brigsc@bom9.vsnl.net.in

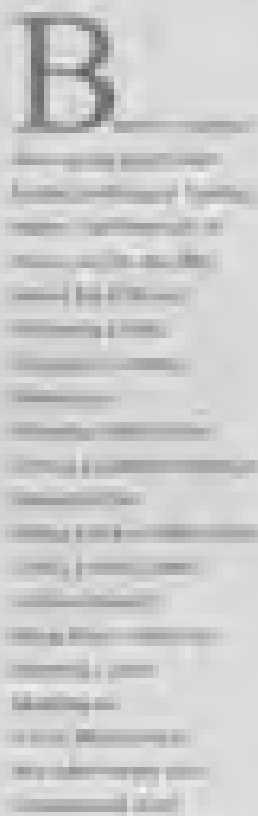
Vote And Wait!

Nowadays, when I get a fresh issue of *Freedom First*, I turn the pages to “Cornucopia”, Mr. Firoze Hirjikaka’s column, and read through it first His topics are well chosen and concise and “hit the nail on the Head.” On reading his “Mumbai will never be World Class” (June 2007) I dug out my letter of 12.8.2004 which I sent to my daily local paper. I am forwarding that letter which I am sure your readers will find of interest; Mumbai will never be World Class - nor will India!

The millions of voters who pressed the button on and around 26.4.2004, probably with the same finger, for their “right” candidate and party, hoping for better times. will continue their lives of inconvenience, hardship, misery and coping with rising prices, increased taxes and incidence of crime.

To the questions; “Will we ever see India, as a nation of law and order, clean and accountable administration, employment and food and shelter and security for all, free from drought and flood and scams and with cleanliness and civic sense all around, our roads, footpaths and so-called highways forever free from their disgusting and disgraceful state of disrepair, filth, garbage, slurps and beggars, more often fakes and urchins infesting traffic junctions, tapping on the glasses of car windows - the list can be endless - the answer is never, because those leaders and politicians in collaboration with those in power, be they in police, municipal or other government departments, whose pockets benefit from the prevailing conditions, will not permit it. Honest, capable and devoted officials will either be transferred or done away with. Corruption, greed, wasteful spending (from the taxes collected from us) and unconcern for the masses and fighting over totally unimportant issues, shameless petty mindedness, will continue while we, the citizens, senior and junior, Vote and wait ! Jai Hind - I still love India and feel that it can be made into a beautiful country if a proper government ever comes.

Dadi M. Darbari, Mumbai



Publication Note: This article is part of a Special Issue on "The Role of the Journal of Management Education in the Development of the Field of Management Education." The Special Issue is guest edited by Dr. David A. Whetten and Dr. David M. Whetten.

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BOOK REVIEWS



Welcome ASBESTOS! It has not appeared a moment too soon. The injuring and insulting of consecrated Hindu icons has reached a new high this year with the title 'Self-Surrender (Prapatti) to God in Srivaishnavism: Tamil Cats or Sanskrit Monkeys?' (Routledge). "Tamil Cats and Sanskrit Monkeys" to describe the Tenkalai and Vadakalai followers of Srivaishnavism is not funny. It appears more as a deliberate insult on the part of the writer to sound clever or attractive to the Western audience and in the process link the non-violent Vaishnavites with the Tamil Tigers of Eelam. Such a desecration of the creedal differences in a premier religion reveals how knowledge is different from wisdom, intelligence from illumination.

Invading the Sacred makes an auspicious opening to form an Archiv0es for the Study of Bias and Error in the Study and Teaching of Religions. I had criticized Raja Rao sharply in a review in *The Hindu* when his 'The Chessmaster and His Moves' appeared in 1988. I was particularly angry with his juxtaposing the portraits of Sri Ramakrishna and Mother Sarada Devi when the hero engaged himself in unabashed sex

INVADING THE SACRED: AN ANALYSIS OF HINDUISM STUDIES IN AMERICA ● Edited by Krishnan Ramaswamy, Antonio de Nicolas, Aditi Banerjee ● Published by Rupa & Co., 7/16, Ansari Road, Daryaganj, New Delhi – 110 002 ● Year of Publication : 2007 ● No. of Pages : xii +545 pages ● Price Rs.595.

Reviewed by Dr. Prema Nandakumar, author and freelance writer.
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in the opening pages. It was in ghoulish taste and the rest of the leviathanish novel was nothing but a conglomerate of erotica served up with the names of Hindu gods and goddesses sprinkled all over implanting erroneous ideas into the reader. Now we know where these Indian novelists in search of a western market scrounge for their ideas. Wendy's Litter has been having a jolly evacuation indeed.

Ignorance of the law does not make one innocent. As for a person like Wendy Doniger who is said to pack her house with religious artifacts (hopefully taken out legally) from India, she cannot plead ignorance of the firm faith Hindus have in their gods and goddesses. On the contrary, it is because she knows (and so does her brood) that these Hindus who have such firm faith in their religion are also generous and non-violent (*ahimsa paramo dharmah*, says their Mahabharata), Wendy has sought to wrap the specious void of her mind with the high appearance of academic psychoanalysis and has led her clutch through a huge run of award-winning academic successes. Ah, it is true, nothing succeeds like success, but then nothing fails like excess either. Hindus have begun to question. So these deformed intellectuals of Wendy's creation begin to roll their beads piously and see a Hindu terrorist in each one

of us who interrogates their obscurantist analyses and loathsome research.

The white racism which has been contained in the United States by an emergent Black Consciousness, must needs find a new victim now to chew. Apparently, this racism is a coward for it turns to only soft targets. Naturally, the target for Wendy and her clutch has been Hinduism. The communists with extra-territorial approbations, the pseudo secularists of India, the bogus Rationalists of Tamil Nadu, Christian proselytisers and the Islamic groups have all been trying their best to eliminate Hinduism using a variety of tricks. To their utter surprise (and obviously disgust), it continues to live. One of the reasons is that Hinduism alone among the world's religions has perfected the unique art of "nindaa stuti" which makes the devotee feel very close to his gods and goddesses, as a child feels close to its mother. But then, "nindaa stuti" is different from desecrating icons. Again, Hinduism has survived because it is no narrow "ism" but an Ancient Way, a *Sanatana Dharma* which has an all-comprehending humanist doctrine that has endured for more than two millennia. And it will continue to humanize this world for all time to come.

Meanwhile a look at how

eminent professors of religion in American universities have been invading the sacred premises of Hinduism. Much of what is contained in this volume is new to us. These expensive tomes published in the United States are not available for the common reader. Back in India, we naturally welcome foreign scholars who show interest in Hinduism. Our scripture has told us, *Athithi devo bhava!* How can we know that our hospitality is abused in a wicked manner by Professors of Religion, of all people! We have no idea of what they publish and how they make use of their power to denigrate our religion. Living in an important temple-town, I have felt it my duty and privilege to help any researcher, Indian or foreign, if he or she asks for it. As I write the review, I am also on the phone trying to assist a foreign scholar who wants to come and photograph the murals in our ancient temple for some research project. *Invading the Sacred* is a timely warning. When the pious monks of the Ramakrishna Ashram in West Bengal could be hoodwinked by a researcher from the University of Chicago, simple housewives like me must needs be wary henceforth. It is good to have now a cogent account of what exactly this new avatar of Katherine Mayo and her children of darkness (Jeffrey Kirpal, Sarah Caldwell, Paul Courtright, David Gordon White and the rest) have been up to, poisoning the minds of generations of students in prestigious American universities. Oh Harvard! Oh Chicago!

Among the cosmos-shaking discoveries of Wendy and her offsprings are: the Hindu goddesses are "a pretty bloodthirsty lot" and that "in India, the threat to democratic ideals comes not from a Muslim threat, but from Hindu groups." (Wendy); Ramakrishna

Paramahansa was a homosexual (Kirpal); Goddess Bhagavati of Kerala is "the bloodied image of the castrating and menstruating female" (Caldwell); Ganesha's broken tusk is a symbol of castration (Courtright); Hindu mothers do not love their children (Kurtz). Like Duryodhana who saw only evil persons everywhere, these scholars seem to see only erotica everywhere. Perhaps a bit of Freudian psychoanalysis conducted on them could reveal how autobiographical they have been in their explorations.

Rajiv Malhotra's 'Wendy's Child Syndrome' at last gave a voice to the shocked Hindu audience, for the Hindu could not easily believe that highly placed academicians could be so crude and rude, uninformed and uncultured, in attacking his sacred icons with impunity, "and in the process caricature and trivialize Indian personalities, practices, scriptures and deities." Even today it is hard to believe, though the volume is in our hands, and we can read it all in black and white. The academic terrorists cannot reconcile themselves to the fact that the worm in their estimation has turned and their hapless victims have dared to question. So what is the current state of the problem?

"Contrary to their scholarly commitment to intellectual freedom and openness, many academicians have responded to this investigative research with a surprising degree of intolerance and hostility, while thankfully, there were others who privately encouraged it."

Such is the style of the book. Look on this side and that! In spite of being called names by the "children of colonial psychoanalysis", the sane voices have been compiling a methodical dossier exposing

the little Sanskrit and less Indian Religion in these intellectuals of the AAR. Among the investigating scholars are Swami Tyagananda, Arvind Sharma, Sankrant Sanu, Kalavai Venkat, Pandita Indrani Rampersad and Aditi Bannerjee. It is silly to label all those who speak out against academic drivel and shallow scholarship as Hindu militants. Much is made of the solitary egg thrown at Wendy in the University of London. I can only laugh. Hindus have taken in their stride the destruction of Somnath (seventeen times), Srirangam (twice), Hampi, and all the great temples and Buddhist monasteries by iconoclasts *down the centuries*. It does not care for minor and major acts of hooliganism. The tolerance of the Hindus is proverbial, and I am happy I am a Hindu and I continue to be tolerant.

Which is why, I could not get angry at Wendy and her cohorts. Like Shakespeare's Caliban, they have been taught the language of psychoanalysis but they have only learnt to misuse it. Having been brought up in the wide spaces of Sanatana Dharma through which fresh air keeps blowing all the time, I know that Hinduism is strong enough to meet these occasional manifestations of naked Hell. To me Shiva remains Yogeshwara; Ganesha is the conqueror of obstacles; Bhagavati is the giver of self-confidence and Ramakrishna Paramahansa the Guru. Meanwhile *Invading the Sacred* is a warning that the Hindu has also to be eternally vigilant and learn to apply the correctives when needed. The Chakra hermeneutics, the meaningful comics, the detailed references to electronic mails and the sumptuous endnotes make the volume a handy reference book for the present-day scenario not only in the United States but

in India as well. For we have in our motherland even a Chief Minister in power who insolently questions the very basis of the Hindu pantheon. As Sri Aurobindo puts it in **Savitri**:

“A bull-throat bellowed with its brazen tongue;

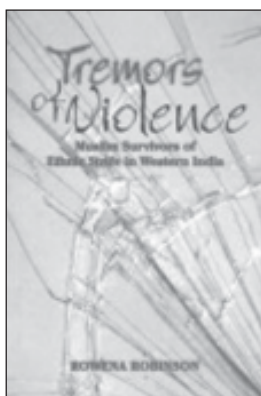
Its hard and shameless clamour filling Space

And threatening all who dared to listen to truth

Claimed the monopoly of the battered ear;

A deafened acquiescence gave its vote ...”

Fortunately, it is always darkest before dawn.



The book is an ethnographic study of the minority community survivors of communal clashes in Gujarat and Mumbai. The data was collected through interviews with the victims. The author is Assistant Professor of Sociology, IIT, Mumbai. Being a Christian; she could easily establish a rapport with the victims. She would rub off her bindi to make herself more acceptable to the Muslims. One of the victims remarked “Why should Muslims alone protect the mosques? It should be the responsibility of all to ensure the safety of religious places. Who do not defend all, defend none.” This is a welcome move.

After the 1992-93 riots in Mumbai, the police made efforts to form Mohalla Peace Committees to restore confidence. No such efforts were made in Gujarat and a feeling of insecurity even two years after the violence does not permit setting up of neighborhood peace negotiations and conflict settlement. The displacement caused by the violence has increasingly confined the Muslims to certain areas

TREMORS OF VIOLENCE by Rowena Robinson ● Published by Sage Publications India Pvt Ltd., B42 Panchsheel Enclave, New Delhi 110017 ● Year of Publication 2005 ● Pages 261 ● Price not given

Reviewed by Brig. (Retd.) S. C. Sharma, adviser to the telecom industry and a freelance writer. Email: brigsc@bom9.vsnl.net.in

of the city in Mumbai, Ahmedabad and Baroda. The civic facilities in these localities are poor. Such segregation has taken place in other towns also with a history of communal conflicts. Some of the incidents are made use of by the religious leaders to their own advantage. A member of the Raza Academy states: “the biggest enemies of Islam are the Jews...what Israel has done to Palestine, they [the attackers] are trying now to do to Muslims in Gujarat and Mumbai”.

The author deplors the fact that the marks of Muslim identity like a beard or absence of bindi attract ridicule. This happens in all organizations and groups. Display of exclusive identity alienates that group from the larger population. The Muslims are poorly represented in the various services and makes a plea for better representation in the Police and the Armed Forces. She concedes the impartial role played by the Armed Forces and comments that it is neither possible nor desirable to make representation on religious or caste considerations the critical factor for employment in every profession. Then she makes a plea for fair representation for Muslims in the security services and the judiciary. The success of these institutions in remaining

unbiased has been thrown overboard. The only sound method to ensure secularism is to ignore religion in all matters of the State. This proposal of communal reservation in the services is dangerous. The State should be blind to religion and act firmly against any violation of law and order. Why can the police also not be toned up to act fairly in communal or any type of violence? The key to the improvement in the social conditions is education and efforts in that direction are lacking.

The average rural household income for Hindus, Muslims and SC/ST is given as Rs 25,712, 22,807 and 19,556 respectively. The difference between Hindus and Muslims is not so significant as to conclude that only the Muslims are impoverished. There are large numbers of poor people all around. This is borne out by the people below the poverty line. The figures quoted by the author are 39%, 43% and 50% for Hindus, Muslims and SC/ST categories respectively. If at all there is a clear case for help it must those in the SC/ST category.

There are harrowing tales of death, mutilation and arson. The efforts for rehabilitation have to overcome the usual inertia of the bureaucracy. Commendable service has been rendered by

NGOs - comprising both Hindus and Muslims. Personal interviews reveal how in a number of cases the victims have been abandoned by their own families. One obvious reason for poverty is large families. The author comes across families with 8 or 10 children but ignores this to be the cause of the resultant poverty. She has maintained her silence on the issues of family planning and need for change in personal laws for the protection of the interests of women.

The fundamentalists who practice their religion more devoutly are different from those who want to use religion as a means of political power. She believes that use of religion for political power is not likely to succeed due to their minority status and dispersal. This is not borne out by recent developments, for example, the attempt at reservation for Muslims in Andhra Pradesh. A swing of 5% votes can make a significant impact on the results of the elections in any democracy. In India, where regional parties have sprung up and the election results are fragmented, it can be a decisive factor. The danger is that the Hindus may react.

The various sects amongst

the Muslims have reacted differently to communal riots. The Shias and Bohras blame the Sunnis for religious violence. There is a light at the end of the tunnel. The chance of rehabilitation has thrown up some leadership from the common people as distinct from religious or political leaders. "We cannot think only of the Muslims. Everything is not a community issue." Such people have helped to build up understanding between the two communities.

There is the well repeated and justified criticism of POTA. No country has been able to combat terrorism without enhanced powers to the police. We do need to arm the security services with adequate powers. The safety is to take appropriate action against their misuse. Such misuse of police powers has been occurring even without POTA. Should those laws also be scrapped? The right of the ordinary citizen for security and peace cannot be ignored.

The book deals with an account of the Muslims who suffered and survived. To that extent, it is a rather one-sided picture. The author considers secularism to mean special favours to the Muslims. This concept is erroneous.

Secularism demands a barrier between State and Religion. All citizens should be treated equally irrespective of their religion. The State has no business to interfere in the administration of temples or other religious institutions. The responsibility for the Gujarat riots has been traced to propaganda by the BJP. The question remains why such riots occurred only in Gujarat. Could there be any unusual circumstances prevalent in Gujarat that fanned these conflicts? It is not correct to put the blame for the poverty or lack of education on BJP-led governments alone, since the country was ruled by the Congress for 50 years. Even today, the situation for the minorities is no better in the non-BJP ruled states. Nor can we ignore the response of Muslims to the transnational call by various fundamentalist organizations in the Muslim world. We should be concerned with the consequences of Indo-US Joint Declaration for India and should not judge it on the basis of US policy in Afghanistan and Iraq. The recent protest against *Vande - Mataram* song is not the way to understanding. This song has a history of patriotic fervor and was even considered as the national anthem.

Why Communists Cannot be Trusted



...We cannot gamble on the reliability of obviously unreliable people. We cannot run risks in the protection of national security. There can be no clearer cause for caution than in that of a group of people in our own country wedded to the same principles of governance, and to the same claims of international revolution as China stands for. When a great communist Power attacks us without understandable reason or motive and daily mouths the principles of communist philosophy and communist methods, it is too much of a gamble to take the Communist Party of India or its members into the confidence of our defence efforts either at the Centre or elsewhere.

C. Rajagopalachari,
Swarajya, November 24 1962

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