

jananta

Vol. 71 No. 25
July 17, 2016

Enlightenment in education
Sandeep Pandey

Castes in India
B. R. Ambedkar

**Justifying crime,
order of the day**
Valson Thampu

Dr. Zakir Naik's "Peace TV"
On Kashmir

**Looting of public funds
in day light**

Editor :
G. G. Parikh

Managing Editor : Guddi

D-15, Ganesh Prasad,
Naushir Bharucha Marg,
Mumbai - 400 007.

Email : janataweekly@gmail.com

Death be not proud

Kuldip Nayar

As the memory of the massacre at Dhaka recedes, examples of bravery are coming to the fore. One of them is that of *Faraaz Hossain*. He was on a vacation at Dhaka from his college in the US where he was pursuing higher studies. He spent less time at home but used the opportunity to meet his friends from foreign climes at Gulshan's famous Spanish restaurant, the Holey Artisan Bakery.

When ISIS terrorists struck, Faraaz was having food with his friends at the restaurant. The ISIS killers were singling out and separating Bangladeshis from the others before using weapon. They came to the table where Faraaz was sitting. Then they asked him whether he was a Bangladeshi and, when he said yes, they pushed him aside before asking others about their nationalities.

When all except Faraaz said that they were non-Bangladeshis, they opened fire from the only gun they had among them. Faraaz protested and told them that he was a part of his friends' group and would not like to be treated separately. The terrorists then told him that he too

would be killed if he did not want to stand aside. Faraaz preferred to stand with and by his foreign friends. And he knew that the price he would pay could be his possible death. The terrorists showed no mercy and killed all of them.

Today when the massacre at Dhaka is recalled, people talk about the courage of Faraaz. Probably, this is the only compensation for his parents and grandparents whom I know well. In fact, I have had dinner at their house at Dhaka. They lead a simple and austere life.

I met Faraaz at his grandparents' house. I recall exchanging notes with him about America where I had gone to North Western University to earn an MSC in journalism. He was raw in his attitude but steadfast in his views, even though he belonged to a very wealthy family. There were no airs about him. He was curious to know about India, which he said he would visit at leisure. He was impressed by our composite culture, something which he wanted Bangladesh to cherish because it too had a large number of Hindus, nearly

12 million, making Bangladesh the third largest Hindu state in the world after India and Nepal.

I have tried to pick up every detail about the killings. There is no doubt that Faraaz sacrificed his life for his foreign friends who were the real targets of the terrorists. This does not make amends for the brutal killing, but it does tell a saga of unbelievable bravery. True, he is mentioned with great respect in every Bangladeshi home and cited as an example of courage, but distraught parents and grandparents can never be consoled. A promising child has been lost from their family.

Such examples of self-sacrifice are by no means unique in the East. They are typical of value systems in the East which do not weigh individuals on the scales of wealth as is the case in the West. Mahatma Gandhi is an example. He preferred to be called a naked *faqir*, as he was characterized by the West, rather than be known for either wealth or erudition even though he had access to both.

The West cannot understand or appreciate the non-violent movement of Gandhi. Hundreds of volunteers went to the sea at Dandi to break the law by making salt and they suffered police lathi charges but never hit back because of the ideals of their movement.

Faraaz may not have been a Gandhi follower but he did represent his spirit and discipline. In India, wherever Faraaz's name has been mentioned, people bring in Gandhi's name. Had Gandhi been living today, I have no doubt that he would have travelled to victims-stricken Dhaka,

(Continued on Page 5)

Enlightenment in education

Sandeep Pandey

Rita Kanaujia, a widowed domestic help who lives in a slum in Chembur, Mumbai, desires to have her son admitted to Junior Kindergarten class at Lokmanya Tilak High School in Tilak Nagar. Two of her daughters are already studying in Classes III and IV here. The school wanted her to make a payment of Rs. 19,500, which she was incapable of after the death of her husband due to cancer in 2014. She moved the court. Due to court's intervention the school gave a concession but still insisted on a payment of Rs. 10,500. Rita agreed to make the payment in installments to which the school didn't agree. Justice V.M. Kanade and M.S. Sonak asked the school not to deny the child education just because of the inability of mother to pay the entire sum in one go. Justice Kanade even offered to pay the child's fees.

In 2011 the District Collector of Erode in Tamil Nadu, A. Anandhakumar got his daughter A. Gopika admitted to a Tamil medium panchayat union school in Kumuilankuttai giving instructions to the headmistress that his daughter would eat the midday meal served at school along with other students and should not be given any preferential treatment. The school toilet started getting cleaned twice and extra care was taken to keep the premises clean. Most importantly the teachers became punctual. This shows what transformation can take place if children of senior government officials start attending government schools.

While I was on a fast from 6th to 15th June, 2016 at Gandhi Statue, Hazratganj, Lucknow demanding implementation of Allahabad High Court order that children of everybody receiving a government salary must attend government schools, Ramesh who pulls a rickshaw in Lucknow and hails from Village Nakki Madhia in Mishrikh area of adjacent Sitapur District used to come regularly to express his solidarity. He also sat at the fast site on some days for several hours. He recently wrote a note saying that people should consider who is more important for them - a Chief Minister who merely eats with the poor but doesn't agree to send his children to the same school where the children of poor study or a person who goes hungry so that children of poor and rich could study together? This is the best compliment I've got related to my recent movement. Ramesh has become a campaigner for the cause. He has now hung a placard from his rickshaw and distributes pamphlets demanding common school system.

Ramesh is also informing his fellow villagers about the provision of Right to Education Act, 2009 which offers admission to children belonging to disadvantaged groups and weaker sections in any nearby school of their choice up to 25 per cent strength at the entry level and subsequently free education from classes I to VIII. Two of my neighbours, one on either side, have also used this Act to submit applications on behalf of their domestic help.

61 years old Rajni Saxena is a resident of A-895 Indira Nagar in Lucknow. Her domestic help Nagma has been with her for the last 20 years. Nagma was so interested in education that with Rajni Saxena's help she slowly picked up even reading English. After getting married to Raju and birth of her first child she was worried about getting Mohammed Imran some decent education. The husband was least interested. Imran was admitted to Dabble Academy where his monthly fees is Rs. 1,250. Considering that Nagma's monthly income is mere Rs. 4,000 one can imagine how she must have been struggling to make both ends meet. Rajni Saxena decided to use the RTE Act so that Imran could get education in the same school free of cost upto Class VIII. She guided Nagma to submit her applications for getting her income and caste certificates made from the District Magistrate's office. With the receipt issued, after Nagma was made to run four times, Rajni Saxena went and personally submitted Imran's application to Basic Shiksha Adhikari (BSA) of Lucknow, Praveen Mani Tripathi, on 23 June, 2016. Gurukul Academy, St. Dominic, City Montessori School and Dabble Academy have been given as possible preferences where Imran would like to study.

Yasmin Mahmud lives in A-885, Indira Nagar. Her 27 years old domestic help for the last few years Jamrul Nisha from Baddupur in adjoining Barabanki District is separated from husband after her first child Zulekha Bano was born. Zulekha is now 7 years old and Jamrul is worried about her education. 66 years old Yasmin Mahmud, who recently lost her husband, a retired Indian Railways officer, decided to take the initiative

and get Zulekha admitted to some school in neighbourhood under the RTE Act. She asked her daughter-in-law Tasneem Mahmud, an Image and Transformation consultant and trainer of soft skills, to go with Jamrul and get her forms submitted for getting the income and residence certificates made. Zulekha's form was also submitted with the BSA on the same day, 23 June. The preferences of schools mentioned on Zulekha's form include Springdale, City Montessori School, City International and Gurukul Academy.

When the BSA takes a decision, hopefully in favour of children, they will study in the best of schools in their neighbourhood.

These are inspiring examples of several happenings from different

parts of country. It is a narration of change country in going through in its thinking towards education. While on one hand poor have become conscious of the importance of education for their children, the elite have, at last, accepted the fact that children of poor deserve the same education that their children avail of. It is heartening to note how some ordinary housewives have started taking a proactive stand in getting children of their domestic help admitted into good schools so that children of these labourers could break the vicious cycle of poverty and do something more worthwhile with their lives. It also appears that Judiciary has an important role if the Legislature or Executive will drag its feet on the issue of implementation of Common School System.

ashaashram@yahoo.com

On Kashmir

We write this in anguish at another alarming spiral of violence in Kashmir, when a discredited old playbook has yet again been deployed to wreak havoc with civilian life. Kashmir's escalating violence follows a familiar pattern: a killing, a funeral where rage is vented through slogans and stones, and volleys of lethal gunfire in response. In 2010, this cycle rolled on repeatedly through four months, claiming over 110 lives, mostly of Kashmiri youth, including a number who were too young to know.

Nothing has been learnt from that year of catastrophe. The trigger for the current surge of unrest in Kashmir was the killing on July 8 of Burhan Wani, a militant of the Hizbul Mujahedin. The

circumstances of Wani's killing are yet to be fully explained. It is nonetheless ironic that it occurred on the very day the Indian Supreme Court issued a far-reaching judgment in the context of fake encounters in the state of Manipur, emphasising the illegality of the use of excessive and retaliatory force by the army, security forces and police. These strictures apply even in disturbed areas under AFSPA. Kashmir is an arena where the Supreme Court's observations that the rule of law would apply "even when dealing with the enemy", and that indeed, whatever the challenges, "the country's commitment to the rule of law remains steadfast", are breached on a daily basis. available accounts of Burhan Wani's life in militancy

indicate that he was as a 16-year old, embittered and radicalised during the 2010 turmoil by the casual humiliations heaped on ordinary Kashmiris by the mass deployments of security personnel. He witnessed repeated violent incursions into his home and the harassment of near relations in what are called “crackdowns”, in terminology that has entered the youth argot of the valley. The death of his brother in a police encounter, when he had nothing to do with the militancy, is believed to have further hardened his resolve.

Burhan Wani’s life story should be cautionary warning that the heavy-handed, militaristic Indian approach to Kashmir, has only led to a quarter century of siege and growing alienation.

Wani’s funeral on July 9 in the southern Kashmir town of Tral witnessed a gathering of several tens of thousands. As protests broke out in this and other locations, security forces responded with maximum force. The death toll of thirty in a matter of three days, tells its own grim story.

Excessive and indiscriminate lethal force continues to be used for purposes of law enforcement. This is in brazen contempt of the U.N.

Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, which do not allow for departure even in exceptional circumstances such as internal political instability or public emergency. Pellet guns, introduced in 2010 for crowd control, purportedly on the ground that it injures and does not kill, have caused permanent injuries and irreversible loss of eyesight to at least 92 young men.

The upsurge of civil unrest comes after a long sequence of intelligence reports that flagged rising discontent at the new political arrangements in Jammu and Kashmir. The BJP’s arrival in the portals of power and its determined pursuit of a majoritarian agenda, have much to do with this.

Curiously, the intelligence warnings have focused on widening access to the internet and social media as a disruptive influence. This diagnosis which focuses on the symptoms rather than underlying realities, has fed directly into the shutdown of internet services in Kashmir, the thirteenth such closure in three years.

Certain recent observations of the Supreme Court, though made in reference to Manipur, bear repetition as general principles. Mass deployment of the army and security

forces in aid of civil authorities always is predicated on the premise that “normalcy would be restored within a reasonable period”. If normalcy is not restored for a “prolonged or indeterminate period”, it would be firm evidence of the “failure” of the civil administration or of the armed forces, or both.

Whatever the case, an unending state of unrest could not “be a fig leaf for prolonged, permanent or indefinite deployment of the armed forces as it would mock at our democratic process”.

The time is long past, if ever there was one, when a solution to the Kashmir problem could be achieved through force. Continuing recourse to this option and the prolonged and bloody stalemate that has ensued, have fuelled a mood of anger and despair in Kashmir.

–Ravi Nair and others

Looting of public funds in day light

During the Lok Sabha elections – 2014 campaign, Shri Narendra Modi, Prime Minister of India made false promises. One of the promises was that if his party is voted to power, he would bring back black money of Indians deposited in Swiss Banks and he would credit Rs. 15,00,000/- , in bank accounts of every Indian. But after BJP was voted to power, this promise lost its relevance.

I state that the government should make efforts to bring back black money in Swiss Banks which will take some more time, but the Public Sector Banks which have sanctioned huge amount by way of loans to the business community failed to recover the loans and in that

situation the government should make all out efforts to recover the loan amount from borrowers without showing any mercy to the heartless business community because it is public money.

In this connection, I wish to reproduce below relevant extracts from the article published under the title “Strategic Disinvestment of Public Sector” by Bharat Jhunjunwala in the Free Press Journal dated June 4, 2016.

The Vijay Mallya episode brought to light the deep rot in the PSBs. Mallya has accused the State Bank of India of providing loans even though the Bank was aware of the

problems being faced by the Kingfisher Airlines. 'The Bank is equally responsible', he said. The Secretary of the All India Bank Officers' Association has said that "A powerful nexus between Chairmen of Boards, auditors, Reserve Bank of India and the bank boards is behind the country's Non Performing Assets and a willful defaulter. He could not be closer to truth.

There is a fundamental difference in the attitude of top management of Public Sector and Private Sector Banks. The Chairman of the State Bank of India who granted the loan to Kingfisher Airlines did not lose a paisa from her salary and perks due to the loan having gone bad. She may have even made gains from the grease money paid by Kingfisher. The income of the top management of the PSBs is not necessarily related to profits made by the PSBs that he may be heading.

The PSBs continue to provide loans mainly to big businesses, and not the poor. Worse, the PSBs are giving bad loans and losing money. The government is imposing more taxes on the common man to raise the money to infuse more capital in the Bank. The Banks were nationalized to serve the common man, but the system has turned the policy around. Poor are being taxed to support corruption and inefficiency of the PSBs. This has happened because officials of the PSBs have much to gain by making bad loans.

It is difficult to regulate the Public Sector Banks, because the owner and the regulator coalesce into one. The Secretary of Finance is both the 'Owner' of the PSBs as well as their regulator. This has led to the PSBs wild horses without any control.

From the above facts, it is clear that the government cannot touch business community as interests of politicians are involved. By this way the public is cheated and looted in day light. This is nothing but committing of a national economic crime. The borrowers and guarantors are not sent to jail. In short, it is very easy to win elections

by defeating a particular party, but it is difficult to make India corruption free as the PSBs and the business community do not afraid of looting public funds by way of NPA or bad loans. What is expected is to take a drastic action against anti-social elements actively functioning in financial institutions. PSBs NPA or bad loans must be treated as sedition.

—R. D. Prabhu

(Continued from Page 2)

just as he went to Noakhali after the fierce riots between Hindus and Muslims in Calcutta. And he would have lauded a person like Faraaz who really represented a figure of noble ideals, decency and self sacrifice.

Just as statues of Bhagat Singh have been erected all over India, Faraaz should also be remembered in the entire subcontinent and I am confident that people would name their sons and statues after him, not only in Bangladesh but also in India and elsewhere.

At least school textbooks should have a chapter on him, not for the purpose of accelerating the idea of Hindu-Muslim unity, but for making the youth feel proud about Faraaz. They should be able to tell the elders that a person like Faraaz has given an example of the true spirit of the youth, as well as a demonstration of culture in the East and its value system.

I wonder how his non-Bangladeshi friends are recalling his memory. They should propagate the example of Faraaz in their own countries so that people of different religions and race feel proud of how an ordinary young man stood by his companions when he could have easily escaped from death.

This has nothing to do with a particular religion to which you belong, but represents the core of every religion: faith in the people to rise above parochial considerations and think of humanity as a whole. Unfortunately India, instead of rising above petty parochial appeals and serve as an example to the world, has become a prey to the propaganda of the fanatic fringe.

Since the advent of Prime Minister Narendra Modi's regime, the fringe party is trying to represent the whole. Taslima Nasrin, who was ousted from Bangladesh for having written the story of oppression of women, has asked the followers of Islam to introspect and find out how they have strayed from the real content of the religion. Faraaz would have approved such an approach.

Come to think of it, this is the only approach that is cogent, logical and human. The fanatic fringe among Hindus, Muslims, Sikhs and Christians should be made to realize that India is a tolerant country and those who are trying to disturb the equation among the communities are disfiguring India and all that it stands for.

Dr. Zakir Naik's "Peace TV"

Dr. Zakir Naik's 'Peace TV' preaches contempt, if not hatred, for other religions.

We appeal to all peace-loving Indians in general and Muslims in particular to expose Zakir Naik's real agenda and warn Muslim youth to beware of his toxic theology.

We demand that Zakir Naik and all hate-mongers, irrespective of religion, be probed and prosecuted for promoting enmity between different religious groups.

Since the July 1 terror attack in Dhaka there have been several reports in the media that security agencies in India and Bangladesh are probing the possible role of Dr. Zakir Naik in aiding and abetting terrorist acts in Islam's name.

Whether the televangelist is guilty of complicity in terrorist activity or not can only be established through an unbiased, fair investigation. But of one thing there can be little doubt. Dr. Naik is no messenger of peace. Far from promoting peace, his 'Peace TV' promotes contempt, if not hatred, for other religions and its followers.

Dr. Naik's and his benefactors' agenda is simple: To uproot the centuries-old tolerant, vibrant tradition within Islam and replace it with the rigid, supremacist, intolerant, dry-as-the-desert Saudi-promoted Wahhabism/Salafism which is hostile not only towards other religions but even towards other Islamic traditions and schools of thought.

The brand of Islam that Dr Naik promotes does violence to the clear

Quranic command to Muslims not to ridicule the beliefs of others. Nearly a millennium ago the message which the highly regarded Sufi, Ibn Arabi gave to fellow Muslims was this: "Do not praise your own faith exclusively so that you disbelieve all the rest... God, the Omniscient and the Omnipresent, cannot be confined to any one creed".

Dr Naik's Islam is contrary to the Islam preached and practiced for centuries in our subcontinent by numerous Sufi saints, including Baba Farid, Hazrat Nizamuddin, Khwaja Moinuddin Chisti ('Gharib Nawaz'). His Wahhabi fulminations are an assault on Islam's tolerant tradition; seeks to destroy India's age-old tradition of unity within diversity, its syncretic culture (*Gunga-Jamuni tehzeeb*) and shared heritage (*saajhi virasat*).

The following examples of 'Naik speak' speak for themselves.

Contempt for other religions:

- Islam is the "only true religion", only Muslims have real knowledge in this subject. Therefore, "we" have the right not only to build mosques across the globe but also to prohibit "sinful" religious practices, disallow construction of churches or temples in Islamic countries.

- Accepting prasad after Ganesh Puja offered by a Hindu is haraam (forbidden, sinful) for a Muslim; so is wishing 'Merry Christmas' to a Christian.

- Pig is the only animal where the male indulges in 'wife-sharing'.

Those who eat pigs behave like pigs.

- In demolishing the historic Bamiyan Buddhas in Afghanistan, the Taliban were "educating Buddhists". Lord Buddha never approved of statues.

A frightening flirtation with words: And at a time of global concern over spreading terror in the name of Islam, instead of warning his millions of followers in unambiguous words against extremism and terrorism he chooses to flirt with words.

- "Every Muslim should be a terrorist... for anti-social elements".

- "If he (Osama bin Laden) is fighting the enemies of Islam, I am for him... If he is terrorising America the terrorist, the biggest terrorist, he's following Islam."

Misogynist message: Zakir Naik sermonises that women who step out of their homes without being clad in a burqa have only themselves to blame for sexual violence.

Two pretty sisters are walking down the road. One is in a miniskirt or shorts, the other is fully covered in a burqa. Who do you think is asking for trouble?

Islam permits Muslim men to have sexual relations with their wives and slaves. But vice versa is not permitted. [And that's exactly what the ISIS is currently doing].

Death for a Muslim apostate: While Zakir Naik claims the right of Muslims to propagate Islam throughout the world, his prescription

(Continued from Page 13)

Castes in India: their mechanism, genesis and development -II

B. R. Ambedkar

This paper by Dr. Ambedkar was presented at an anthropology seminar taught by Dr. A. A. Goldenweizer at Columbia University on 9th May 1916 and was first published in Indian Antiquary Vo. XLI (May 1917)

[24] Imposing celibacy on the *surplus man* in the group, therefore, fails both theoretically and practically. It is in the interest of the Caste to keep him as a Grahastha (one who raises a family), to use a Sanskrit technical term. But the problem is to provide him with a wife from within the Caste. At the outset this is not possible, for the ruling ratio in a caste has to be one man to one woman and none can have two chances of marriage, for in a Caste thoroughly self-enclosed there are always just enough marriageable women to go round for the marriageable men. Under these circumstances the *surplus man* can be provided with a wife only by recruiting a bride from the ranks of those not yet marriageable in order to tie him down to the group. This is certainly the best of the possible solutions in the case of the *surplus man*. By this, he is kept within the Caste. By this means numerical depletion through constant outflow is guarded against, and by this endogamy and morals are preserved.

[25] It will now be seen that the four means by which numerical disparity between the two sexes is conveniently maintained are: (1) burning the widow with her deceased husband; (2) compulsory widowhood—a milder form of burning; (3) imposing celibacy on the

widower; and (4) wedding him to a girl not yet marriageable. Though, as I said above, burning the widow and imposing celibacy on the widower are of doubtful service to the group in its endeavour to preserve its endogamy, all of them operate as *means*. But means, as forces, when liberated or set in motion create an end. What then is the end that these means create? They create and perpetuate endogamy, while caste and endogamy, according to our analysis of the various definitions of caste, are one and the same thing. Thus the existence of these means is identical with caste and caste involves these means.

[26] This, in my opinion, is the general mechanism of a caste in a system of castes. Let us now turn from these high generalities to the castes in Hindu Society and inquire into their mechanism. I need hardly premise that there are a great many pitfalls in the path of those who try to unfold the past, and caste in India to be sure is a very ancient institution. This is especially true where there exist no authentic or written records or where the people, like the Hindus, are so constituted that to them writing history is a folly, for the world is an illusion. But institutions do live, though for a long time they may remain unrecorded and as often as

not customs and morals are like fossils that tell their own history. If this is true, our task will be amply rewarded if we scrutinize the solution the Hindus arrived at to meet the problems of the *surplus man* and *surplus woman*.

[27] Complex though it be in its general working the Hindu Society, even to a superficial observer, presents three singular uxorial customs, namely:

(i) *Sati* or the burning of the widow on the funeral pyre of her deceased husband.

(ii) Enforced widowhood by which a widow is not allowed to remarry.

(iii) Girl marriage.

In addition, one also notes a great hankering after *Sannyasa* (renunciation) on the part of the widower, but this may in some cases be due purely to psychic disposition.

[28] So far as I know, no scientific explanation of the origin of these customs is forthcoming even today. We have plenty of philosophy to tell us why these customs were honoured, but nothing to tell us the causes of their origin and existence. *Sati* has been honoured (Cf. A. K. Coomaraswamy, "*Sati*:"

A Defence of the Eastern Woman” in the **British Sociological Review**, Vol. VI, 1913) because it is a “proof of the perfect unity of body and soul” between husband and wife and of “devotion beyond the grave,” because it embodied the ideal of wifedom, which is well expressed by Uma when she said, “Devotion to her Lord is woman’s honour, it is her eternal heaven: and O Maheshvara,” she adds with a most touching human cry, “I desire not paradise itself if thou are not satisfied with me!” Why compulsory widowhood is honoured I know not, nor have I yet met with any one who sang in praise of it, though there are a great many who adhere to it. The eulogy in honour of girl marriage is reported by Dr. Ketkar to be as follows: “A really faithful man or woman ought not to feel affection for a woman or a man other than the one with whom he or she is united. Such purity is compulsory not only after marriage, but even before marriage, for that is the only correct ideal of chastity. No maiden could be considered pure if she feels love for a man other than the one to whom she might be married. As she does not know to whom she is going to be married, she must not feel affection, for any man at all before marriage. If she does so, it is a sin. So it is better for a girl to know whom she has to love before any sexual consciousness has been awakened in her” (**History of Caste in India**, 1909, pp. 2-33.). Hence girl marriage.

[29] This high-flown and ingenious sophistry indicates why these institutions were honoured, but does not tell us why they were practiced. My own interpretation is that they were honoured because they were practiced. Any one slightly acquainted with the rise of

individualism in the 18th century will appreciate my remark. At all times, it is the movement that is most important; and the philosophies grow around it long afterwards to justify it and give it a moral support. In like manner I urge that the very fact that these customs were so highly eulogized proves that they needed eulogy for their prevalence. Regarding the question as to why they arose, I submit that they were needed to create the structure of caste and the philosophies in honour of them were intended to popularise them, or to gild the pill, as we might say, for they must have been so abominable and shocking to the moral sense of the unsophisticated that they needed a great deal of sweetening. These customs are essentially of the nature of means, though they are represented as ideals. But this should not blind us from understanding the *results* that flow from them. One might safely say that idealization of means is necessary and in this particular case was perhaps motivated to endow them with greater efficacy. Calling a means an end does no harm, except that it disguises its real character; but it does not deprive it of its real nature, that of a means. You may pass a law that all cats are dogs, just as you can call a means an end. But you can no more change the nature of means thereby than you can turn cats into dogs; consequently I am justified in holding that, whether regarded as ends or as means, *Sati*, *enforced widowhood* and *girl marriage* are customs that were primarily intended to solve the problem of the *surplus man* and *surplus woman* in a caste and to maintain its endogamy. Strict endogamy could not be preserved without these customs, while caste without endogamy is a fake.

[30] Having explained the mechanism of the creation and preservation of Caste in India, the further question as to its genesis naturally arises. The question of origin is always an annoying question and in the study of Caste it is sadly neglected; some have connived at it, while others have dodged it. Some are puzzled as to whether there could be such a thing as the origin of caste and suggest that “if we cannot control our fondness for the word ‘origin,’ we should better use the plural form, viz. ‘origins of caste.’” As for myself I do not feel puzzled by the Origin of Caste in India for, as I have established before, endogamy is the only characteristic of Caste and when I say *Origin of Caste* I mean *The Origin of the Mechanism for Endogamy*.

[31] The atomistic conception of individuals in a Society so greatly popularised—I was about to say vulgarised—in political orations is the greatest humbug. To say that individuals make up society is trivial; society is always composed of classes. It may be an exaggeration to assert the theory of class-conflict, but the existence of definite classes in a society is a fact. Their basis may differ. They may be economic or intellectual or social, but an individual in a society is always a member of a class. This is a universal fact and early Hindu society could not have been an exception to this rule, and, as a matter of fact, we know it was not. If we bear this generalization in mind, our study of the genesis of caste would be very much facilitated, for we have only to determine what was the class that first made itself into a caste, for class and caste, so to say, are next door neighbours, and it is only a span that separates the two. A Caste is an Enclosed Class.

[32] The study of the origin of caste must furnish us with an answer to the question—what is the class that raised this “enclosure” around itself? The question may seem too inquisitorial, but it is pertinent, and an answer to this will serve us to elucidate the mystery of the growth and development of castes all over India. Unfortunately a direct answer to this question is not within my power. I can answer it only indirectly. I said just above that the customs in question were current in the Hindu society. To be true to facts it is necessary to qualify the statement, as it connotes universality of their prevalence. These customs in all their strictness are obtainable only in one caste, namely the Brahmins, who occupy the highest place in the social hierarchy of the Hindu society; and as their prevalence in non-Brahmin castes is derivative, their observance is neither strict nor complete. This important fact can serve as a basis of an important observation. If the prevalence of these customs in the non-Brahmin Castes is derivative, as can be shown very easily, then it needs no argument to prove what class is the father of the institution of caste. Why the Brahmin class should have enclosed itself into a caste is a different question, which may be left as an employment for another occasion. But the strict observance of these customs and the social superiority arrogated by the priestly class in all ancient civilizations are sufficient to prove that they were the originators of this “unnatural institution” founded and maintained through these unnatural means.

[33] I now come to the third part of my paper regarding the question of the growth and spread of the caste system all over India. The

question I have to answer is: How did the institution of caste spread among the rest of the non-Brahmin population of the country? The question of the spread of the castes all over India has suffered a worse fate than the question of genesis. And the main cause, as it seems to me, is that the two questions of spread and of origin are not separated. This is because of the common belief among scholars that the caste system has either been imposed upon the docile population of India by a law-giver as a divine dispensation, or that it has grown according to some law of social growth peculiar to the Indian people.

[34] I first propose to handle the law-giver of India. Every country has its law-giver, who arises as an incarnation (*avatar*) in times of emergency to set right a sinning humanity and give it the laws of justice and morality. Manu, the law-giver of India, if he did exist, was certainly an audacious person. If the story that he gave the law of caste be credited, then Manu must have been a dare-devil fellow and the humanity that accepted his dispensation must be a humanity quite different from the one we are acquainted with. It is unimaginable that the law of caste was given. It is hardly an exaggeration to say that Manu could not have outlived his law, for what is that class that can submit to be degraded to the status of brutes by the pen of a man, and suffer him to raise another class to the pinnacle? Unless he was a tyrant who held all the population in subjection it cannot be imagined that he could have been allowed to dispense his patronage in this grossly unjust manner, as may be easily seen by a mere glance at his “Institutes.” I may seem hard on Manu, but I am sure my force is not strong enough

to kill his ghost. He lives like a disembodied spirit and is appealed to, and I am afraid will yet live long. One thing I want to impress upon you is that Manu did not give the law of Caste and that he could not do so. Caste existed long before Manu. He was an upholder of it and therefore philosophised about it, but certainly he did not and could not ordain the present order of Hindu Society. His work ended with the codification of existing caste rules and the preaching of Caste Dharma. The spread and growth of the Caste system is too gigantic a task to be achieved by the power or cunning of an individual or of a class. Similar in argument is the theory that the Brahmins created the Caste. After what I have said regarding Manu, I need hardly say anything more, except to point out that it is incorrect in thought and malicious in intent. The Brahmins may have been guilty of many things, and I dare say they were, but the imposing of the caste system on the non-Brahmin population was beyond their mettle. They may have helped the process by their glib philosophy, but they certainly could not have pushed their scheme beyond their own confines. To fashion society after one’s own pattern! How glorious! How hard! One can take pleasure and eulogize its furtherance; but cannot further it very far. The vehemence of my attack may seem to be unnecessary; but I can assure you that it is not uncalled for. There is a strong belief in the mind of orthodox Hindus that the Hindu Society was somehow moulded into the framework of the Caste System and that it is an organization consciously created by the *Shastras*. Not only does this belief exist, but it is being justified on the ground that it cannot but be good, because it is ordained by the *Shastras* and the *Shastras* cannot

be wrong. I have urged so much on the adverse side of this attitude, not because the religious sanctity is grounded on scientific basis, nor to help those reformers who are preaching against it. Preaching did not make the caste system; neither will it unmake it. My aim is to show the falsity of the attitude that has exalted religious sanction to the position of a scientific explanation.

[35] Thus the great man theory does not help us very far in solving the spread of castes in India. Western scholars, probably not much given to hero-worship, have attempted other explanations. The nuclei, round which have “formed” the various castes in India, are, according to them: (1) occupation; (2) survivals of tribal organization etc.; (3) the rise of new belief; (4) cross-breeding; and (5) migration.

[36] The question may be asked whether these nuclei do not exist in other societies and whether they are peculiar to India. If they are not peculiar to India, but are common to the world, why is it that they did not “form” caste on other parts of this planet? Is it because those parts are holier than the land of the *Vedas*, or that the professors are mistaken? I am afraid that the latter is the truth.

[37] In spite of the high theoretic value claimed by the several authors for their respective theories based on one or other of the above nuclei, one regrets to say that on close examination they are nothing more than filling illustrations—what Matthew Arnold means by “the grand name without the grand thing in it.” Such are the various theories of caste advanced by Sir Denzil Ibbetson, Mr. Nesfield, Mr. Senart and Sir H. Risley. To criticise them in a lump would be to say that they

are a disguised form of the *Petition Principii* of formal logic. To illustrate: Mr. Nesfield says that “function and function only. . . was the foundation upon which the whole system of Castes in India was built up.” But he may rightly be reminded that he does not very much advance our thought by making the above statement, which practically amounts to saying that castes in India are functional or occupational, which is a very poor discovery! We have yet to know from Mr. Nesfield why is it that an occupational group turned into an occupational caste? I would very cheerfully have undertaken the task of dwelling on the theories of other ethnologists, had it not been for the fact that Mr. Nesfield’s is a typical one.

[38] Without stopping to criticize those theories that explain the caste system as a natural phenomenon occurring in obedience to the law of disintegration, as explained by Herbert Spencer in his formula of evolution; or as natural as “the structural differentiation within an organism,” to employ the phraseology of orthodox apologists; or as an early attempt to test the laws of eugenics—as all belonging to the same class of fallacy which regards the caste system as inevitable, or as being consciously imposed in anticipation of these laws on a helpless and humble population, I will now lay before you my own view on the subject.

[39] We shall be well advised to recall at the outset that the Hindu society, in common with other societies, was composed of classes and the earliest known are (1) the Brahmins or the priestly class; (2) the Kshatriya, or the military class; (3) the Vaishya, or the merchant class; and (4) the Shudra, or the

artisan and menial class. Particular attention has to be paid to the fact that this was essentially a class system, in which individuals, when qualified, could change their class, and therefore classes did change their personnel. At some time in the history of the Hindus, the priestly class socially detached itself from the rest of the body of people and through a closed-door policy became a caste by itself. The other classes being subject to the law of social division of labour underwent differentiation, some into large, others into very minute, groups. The Vaishya and Shudra classes were the original inchoate plasm, which formed the sources of the numerous castes of today. As the military occupation does not very easily lend itself to very minute sub-division, the Kshatriya class could have differentiated into soldiers and administrators.

[40] This sub-division of a society is quite natural. But the unnatural thing about these sub-divisions is that they have lost the open-door character of the class system and have become self-enclosed units called castes. The question is: were they compelled to close their doors and become endogamous, or did they close them of their own accord? I submit that there is a double line of answer: *Some closed the door: Others found it closed against them.* The one is a psychological interpretation and the other is mechanistic, but they are complementary and both are necessary to explain the phenomena of caste-formation in its entirety.

[41] I will first take up the psychological interpretation. The question we have to answer in this connection is: Why did these sub-divisions or classes, if you please,

industrial, religious or otherwise, become self-enclosed or endogamous? My answer is because the Brahmins were so. Endogamy or the closed-door system was a fashion in the Hindu society, and as it had originated from the Brahmin caste it was whole-heartedly imitated by all the non-Brahmin sub-divisions or classes, who, in their turn, became endogamous castes. It is “the infection of imitation” that caught all these sub-divisions on their onward march of differentiation and has turned them into castes. The propensity to imitate is a deep-seated one in the human mind and need not be deemed an inadequate explanation for the formation of the various castes in India. It is so deep-seated that Walter Bagehot argues that, “We must not think of . . . imitation as voluntary, or even conscious. On the contrary it has its seat mainly in very obscure parts of the mind, whose notions, so far from being consciously produced, are hardly felt to exist; so far from being conceived beforehand, are not even felt at the time. The main seat of the imitative part of our nature is our belief, and the causes predisposing us to believe this or disinclining us to believe that are among the obscurest parts of our nature. But as to the imitative nature of credulity there can be no doubt” (*Physics and Politics*, 1915, p. 60). This propensity to imitate has been made the subject of a scientific study by Gabriel Tarde, who lays down three laws of imitation. One of his three laws is that imitation flows from the higher to the lower or, to quote his own words, “Given the opportunity, a nobility will always and everywhere imitate its leaders, its kings or sovereigns, and the people likewise, given the opportunity, its nobility” (*Laws of Imitation*, tr. by E. C. Parsons, 2nd edition, p. 217).

Another of Tarde’s laws of imitation is: that the extent or intensity of imitation varies inversely in proportion to distance, or in his own words “The thing that is most imitated is the most superior one of those that are nearest. In fact, the influence of the model’s example is efficacious inversely to its distance as well as directly to its superiority. Distance is understood here in its sociological meaning. However distant in space a stranger may be, he is close by, from this point of view, if we have numerous and daily relations with him and if we have every facility to satisfy our desire to imitate him. This law of the imitation of the nearest, of the least distant, explains the gradual and consecutive character of the spread of an example that has been set by the higher social ranks” (*Ibid.*, p. 224).

[42] In order to prove my thesis—which really needs no proof—that some castes were formed by imitation, the best way, it seems to me, is to find out whether or not the vital conditions for the formation of castes by imitation exist in the Hindu Society. The conditions for imitation, according to this standard authority are: (1) that the source of imitation must enjoy prestige in the group and (2) that there must be “numerous and daily relations” among members of a group. That these conditions were present in India there is little reason to doubt. The Brahmin is a semi-god and very nearly a demi-god. He sets up a mode and moulds the rest. His prestige is unquestionable and is the fountain-head of bliss and good. Can such a being, idolised by scriptures and venerated by the priest-ridden multitude, fail to project his personality on the suppliant humanity? Why, if the story be true, he is believed to be the very end of creation. Such a creature is worthy

of more than mere imitation, but at least of imitation; and if he lives in an endogamous enclosure, should not the rest follow his example? Frail humanity! Be it embodied in a grave philosopher or a frivolous housemaid, it succumbs. It cannot be otherwise. Imitation is easy and invention is difficult.

[43] Yet another way of demonstrating the play of imitation in the formation of castes is to understand the attitude of non-Brahmin classes towards those customs which supported the structure of caste in its nascent days until, in the course of history, it became embedded in the Hindu mind and hangs there to this day without any support—for now it needs no prop but belief—like a weed on the surface of a pond. In a way, but only in a way, the status of a caste in the Hindu Society varies directly with the extent of the observance of the customs of *Sati*, enforced widowhood, and girl marriage. But observance of these customs varies directly with the distance (I am using the word in the Tardian sense) that separates the caste. Those castes that are nearest to the Brahmins have imitated all the three customs and insist on the strict observance thereof. Those that are less near have imitated enforced widowhood and girl marriage; others, a little further off, have only girl marriage; and those furthest off have imitated only the belief in the caste principle. This imperfect imitation, I dare say, is due partly to what Tarde calls “distance” and partly to the barbarous character of these customs. This phenomenon is a complete illustration of Tarde’s law and leaves no doubt that the whole process of caste-formation in India is a process of imitation of the higher by the lower. At this juncture I will turn back to support a former

conclusion of mine, which might have appeared to you as too sudden or unsupported. I said that the Brahmin class first raised the structure of caste by the help of those three customs in question. My reason for that conclusion was that their existence in other classes was derivative. After what I have said regarding the role of imitation in the spread of these customs among the non-Brahmin castes, as means or as ideals, though the imitators have not been aware of it, they exist among them as derivatives; and, if they are derived, there must have been prevalent one original caste that was high enough to have served as a pattern for the rest. But in a theocratic society, who could be the pattern but the servant of God?

[44] This completes the story of those that were weak enough to close their doors. Let us now see how others were closed in as a result of being closed out. This I call the mechanistic process of the formation of caste. It is mechanistic because it is inevitable. That this line of approach, as well as the psychological one, to the explanation of the subject has escaped my predecessors is entirely due to the fact that they have conceived caste as a unit by itself and not as one within a System of Caste. The result of this oversight or lack of sight has been very detrimental to the proper understanding of the subject matter and therefore its correct explanation. I will proceed to offer my own explanation by making one remark which I will urge you to bear constantly in mind. It is this : that *caste in the singular number is an unreality. Castes exist only in the plural number.* There is no such thing as a caste: There are always castes. To illustrate my meaning: while making themselves

into a caste, the Brahmins, by virtue of this, created non-Brahmin caste; or, to express it in my own way, while closing themselves in they closed others out. I will clear my point by taking another illustration. Take India as a whole with its various communities designated by the various creeds to which they owe allegiance, to wit, the Hindus, Mohammedans, Jews, Christians and Parsis. Now, barring the Hindus, the rest within themselves are non-caste communities. But with respect to each other they are castes. Again, if the first four enclose themselves, the Parsis are directly closed out, but are indirectly closed in. Symbolically, if Group A wants to be endogamous, Group B has to be so by sheer force of circumstances.

[45] Now apply the same logic to the Hindu society and you have another explanation of the “fissiparous” character of caste, as a consequence of the virtue of self-duplication that is inherent in it. Any innovation that seriously antagonises the ethical, religious and social code of the Caste is not likely to be tolerated by the Caste, and the recalcitrant members of a Caste are in danger of being thrown out of the Caste, and left to their own fate without having the alternative of being admitted into or absorbed by other Castes. Caste rules are inexorable and they do not wait to make nice distinctions between kinds of offence. Innovation may be of any kind, but all kinds will suffer the same penalty. A novel way of thinking will create a new Caste for the old ones will not tolerate it. The noxious thinker respectfully called Guru (Prophet) suffers the same fate as the sinners in illegitimate love. The former creates a caste of the nature of a religious sect and the latter a type of mixed caste. Castes

have no mercy for a sinner who has the courage to violate the code. The penalty is excommunication and the result is a new caste. It is not peculiar Hindu psychology that induces the excommunicated to form themselves into a caste; far from it. On the contrary, very often they have been quite willing to be humble members of some caste (higher by preference) if they could be admitted within its fold. But castes are enclosed units and it is their conspiracy with clear conscience that compels the excommunicated to make themselves into a caste. The logic of this obdurate circumstance is merciless, and it is in obedience to its force that some unfortunate groups find themselves enclosed, because others in enclosing themselves have closed them out, with the result that new groups (formed on any basis obnoxious to the caste rules) by a mechanical law are constantly being converted into castes to a bewildering multiplicity. Thus is told the second tale in the process of Caste formation in India.

[46] Now to summarise the main points of my thesis. In my opinion there have been several mistakes committed by the students of Caste, which have misled them in their investigations. European students of Caste have unduly emphasised the role of colour in the Caste system. Themselves impregnated by colour prejudices, they very readily imagined it to be the chief factor in the Caste problem. But nothing can be farther from the truth, and Dr. Ketkar is correct when he insists that “All the princes whether they belonged to the so-called Aryan race, or the so-called Dravidian race, were Aryas. Whether a tribe or a family was racially Aryan or Dravidian was a question which never troubled the people of India,

until foreign scholars came in and began to draw the line. The colour of the skin had long ceased to be a matter of importance” (*History of Caste*, p. 82). Again, they have mistaken mere descriptions for explanation and fought over them as though they were theories of origin. There are occupational, religious etc., castes, it is true, but it is by no means an explanation of the origin of Caste. We have yet to find out why occupational groups are castes; but this question has never even been raised. Lastly they have taken Caste very lightly as though a breath had made it. On the contrary. Caste, as I have explained it, is almost impossible to be sustained: for the difficulties that it involves are tremendous. It is true that Caste rests on belief, but before belief comes to be the foundation of an institution, the institution itself needs to be perpetuated and fortified. My study of the Caste problem involves four main points: (1) that in spite of the composite make-up of the Hindu population, there is a deep cultural unity; (2) that caste is a parcelling into bits of a larger cultural unit; (3) that there was one caste to start with; and (4) that classes have become Castes through imitation and excommunication.

[47] Peculiar interest attaches to the problem of Caste in India today; as persistent attempts are being made to do away with this unnatural institution. Such attempts at reform, however, have aroused a great deal of controversy regarding its origin, as to whether it is due to the conscious command of a Supreme Authority, or is an unconscious growth in the life of a human society under peculiar circumstances. Those who hold the latter view will, I hope, find some food for thought in the standpoint adopted in this paper.

Apart from its practical importance the subject of Caste is an all-absorbing problem and the interest aroused in me regarding its theoretic foundations has moved me to put before you some of the conclusions which seem to me well founded, and the grounds upon which they may be supported. I am not, however, so presumptuous as to think them in any way final, or anything more than a contribution to a discussion of the subject. It seems to me that the car has been shunted on wrong lines, and the primary object of the paper is to indicate what I regard to be the right path of investigation, with a view to

(Continued on Page 6)

for any Muslim who opts of Islam and preaches his new faith is death. His explanation: apostasy is the same as treason.

The most disturbing thing about Dr Zakir Naik and his ‘Peace TV’ is that his supremacist, exclusionary, divisive message is being lapped up by millions of gullible young Muslims well-educated in worldly subjects but with little grounding in Islam and the tolerant traditions within it.

The last thing that Indian Muslims – who are already victims of prejudice, discrimination, Islamophobia, recurring communal violence – need are the teachings of Zakir Naik. Instead of promoting communal harmony he and his ‘Peace TV’ have been promoting communal discord.

We appeal to all peace-loving Indians in general and Muslims in particular to expose Zakir Naik’s real agenda and warn Muslim youth to beware of his toxic theology.

We demand that Zakir Naik and all other hate-mongers be probed

arrive at a serviceable truth. We must, however, guard against approaching the subject with a bias. Sentiment must be outlawed from the domain of science and things should be judged from an objective standpoint. For myself I shall find as much pleasure in a positive destruction of my own ideology, as in a rational disagreement on a topic, which, notwithstanding many learned disquisitions, is likely to remain controversial forever. To conclude, while I am ambitious to advance a Theory of Caste, if it can be shown to be untenable I shall be equally willing to give it up.

and prosecuted for promoting enmity between different religious groups (Section 153-A of IPC).

Lastly, we appreciate Prime Minister Modi’s belated statement, “Preachers of hate and violence are threatening our society.” While making this statement we hope that the prime minister had not only Dr Zakir Naik in mind but also some ministers and MPs of his own party and the numerous leaders from his sangh parivar.

–Javed Anand and others

Janata Subscription

Annual Rs. : 260/-

Three Years : 750/-

Demand Draft / Cheque
on

Mumbai Bank
in favour of

JANATA TRUST

D-15, Ganesh Prasad,
Naushir Bharucha Marg,
Mumbai 400 007

Justifying crime, order of the day

Valson Thampu

It's true. Nothing afflicts us, except the ghost of our omissions and commissions. We are tormented today by the demons we let loose yesterday. This is a hoary truth. It is there in Mary Shelley's *Frankenstein*.

It is there in Shakespeare's *Macbeth* in which the eponymous hero realises, too late in the day, that the evil returns to plague its inventor. It is there in our ancient wisdom that the consequences of a person's evil deeds will plague his stock for generations. It is embedded in the doctrine of karma, with its inexorable transmission of karmic debt across births.

All this notwithstanding, we continue to pretend that we are victims of forces external to us. As flies to wanton boys, wrote Aeschylus, we are to the gods; they kill us for their sport. In the language of the common man, this delusion underlies the question, "Why me?"

The scariest thing is not that hideous acts of crime that erupt from time to time. It is that the moral discernment, the sense and sensitivity, to see crime as crime has all but vanished. Is unleashing large scale communal violence to win elections a crime? We call it strategy. Is corporate greed poisoning millions of people to slow death a crime?

No, better call it a sliver of corporate shrewdness. Is choking the spirit of a nation through mega scams, a crime? No, it's "system failure." Such loot is not real, we are told. It's only 'notional.' Is living

obscenely wasteful lives in full view of a starving, impoverished people, a crime and an insult? No, it's "India shining".

Stealing kidneys from unsuspecting patients and trucking the harvest into the megabucks organ bazaar. Is it a crime? No, it is only a stray lapse in medical ethics. When thousands of crores of rupees disappear overnight from nationalised banks, is it crime? No, it is a mystic process of creating "non-performing assets". In an incomprehensible way, our assets, though non-performing, are increasing!

Let's face it. We are infecting every particle of life with crime. This is done by those who enjoy prestige and public visibility: the 'opinion makers'. What has done maximum harm to our society in the recent years are the nationally televised news hour programmes in which party spokespersons are given an eternity of time and unfettered licence to justify the unthinkable and the abominable.

No one minds that this has the effect of socialising, legitimising and valourising crime. The BJP justifies its corruption by alleging the Congress to have been equally corrupt. The Congress returns the compliment. All other parties too are corrupt. The message that goes out to the common man is, corruption and crime are the norm. The proviso is that you can enjoy immunity only if you are in power.

We must call these party retainers, 'social climate-changers.' Like in the environmental climate change scenario, they are the unscrupulous agents of 'social warming,' who degrade our human 'environment'.

The alarming rise of crime - and its metastasis through the body-politic - is a function of this human degradation and 'social warning.' Our society today is much like the grisly Uttarakhand forests, lacking just a spark to go up in flames.

Forest fires kill. They kill the vulnerable. Those who degrade the environment and suck the last drop of moral sap from the social trunk, remain secure at a distance; whereas the Nirbhayas, the Jishas and the thousands in similar segments of vulnerability, pay with their life.

We shall not make any progress in shackling the wild beast of crime so long as we stay in denial of this reality. Legislation of more draconian laws cannot help or heal our society. It is like trying to eradicate malaria by legislating that no patient shall betray symptoms of malaria, like chill and rigor. The thing to do is to prevent the proliferation of mosquitos.

The underprivileged emulate the ways of the privileged who seem to be licensed to get away with murder. Remember, for example, the Uttarakhand MLA who broke the leg of Shaktiman, with a lathi, snatched from a policeman on duty? Nayak and khalnayak merge into one under the proscenium of power.

Amitabh Bachchan became “Big B” - a larger than life character - by splashing on the silver screen with unattached thespian skills, the lurid colours of rebellion, offering vicarious fulfilment to the masses. For the underling, to rebel is to behave like the privileged. It is to break one’s

Zanjeer and to overleap the Deewar, as the young Bachchan did.

This could happen, half a century ago, only in the akhara of art. It is this that has now changed. And it is scary. Crime has been democratised. It is on parole and now

at large in the social jungle. This social equalisation of crime should spike a chill through our souls. In all of this, let us not forget that those we deprecate today for their depravity are not the ones who let the genie out of the bottle, in the first place.

RBI's wrong advise

RBI wrongly advises banks to submit data of defaulting borrowers to Credit Information Companies rather than to RBI.

It refers to shocking response from Reserve Bank of India (RBI) revealing that RBI has advised banks/financial-institutions to submit data regarding defaulting borrowers to Credit Information Companies (CICs) and not to RBI from December 2014 onwards.

RBI-step is neither justified nor proper. It is significant to note that it has not so far complied with Supreme Court verdict dated 16.12.2015 in the matter ‘RBI vs PP Kapoor’ (Civil 94 of 2015) where RBI has not so far made public details of default in loans taken from public sector banks by industrialists, out of the list of defaulters, top 100 defaulters, names of the businessmen, firm name, principal amount, interest amount, date of default and date of availing the loan etc. RBI is rather duty-bound in larger national and public interest for getting information about loan-defaulters from banks to make it public under ‘name and shame’ policy to have an effective check on increasing loan-defaults. Banks should also be directed to put such lists on their respective websites.

Considering lots of irregularities in mode of having database of loan-seekers, it is highly improper for RBI

to encourage banks/financial-institutions to evade ‘Right of Privacy’ of loan-seekers by sharing their details (often incorrect) with Credit Information Companies (CICs) which usually form database of loan-seekers on basis of wrong-doings of Direct Sales Associates (DSAs) which lodge loan-applications with too many banks and NBFCs without knowledge of loan-takers, thus adversely affecting credit-ratings of loan-seekers.

Since credit-rating of any person/body is personal information, CICs should rather give a royalty to them on income generated by CICs on sharing their information, apart from providing copy free-of-cost to credit-rated ones. It will make credit-rated persons file corrections if so needed. Union government has also reason to intervene because even public-sector banks rely on credit-ratings provided by CICs, as also advised by RBI.

–Subhash Chandra Agrawal

After Karpoori Thakur’s successful period as Chief Minister, there was a ghastly murderous happening at Arawal in 1985. I had retired by December, 1985 Karpoori Ji asked Tarkunde Ji (PUCL leader) to ask me to come to Patna to hold an enquiry. My committee’s other member was General Sinha, I was so embarrassed when I landed at Patna to find Karpoori Ji personally there. I remonstrated with him that he has been and now again was my leader and he should not have come to the aerodrome.

But more important was that before finalizing our report I told Karpoori Ji that I would like to meet Director General Police and one or two others high officers to enquire about certain vital facts concerning the enquiry, and that he may fix my appointment with those officers and I will go to their office to meet them. But Karpoori confidently said that they will come to meet me at the guest house where I was staying. The next day those officers came the guest house – this showed the respect he enjoyed amongst public that the officers (notwithstanding that there was another government) their respect for him was continuing.

–Rajindar Sachar

Postal Registration No. MCW/275/2015-2017.

License to Post without prepayment WPP License No. MH/Tech/WPP-210/West/2016

Published on Sunday, July 17, 2016 & Posted on Wednesday July 20, 2016 at Mumbai Patrika Channel, Mumbai GPO-1



GANNON DUNKERLEY & CO., LTD.

An infrastructure company established since 1924

REGD. OFFICE :

*New Excelsior Building, (3rd Floor),
A. K. Nayak Marg, Fort, Mumbai 400 001.
Tel.: 022 2205 1231 Fax : 022-2205 1232*

Office : Ahmedabad, Hyderabad, Kolkata, Mumbai & New Delhi